



OWN OF NORTHBOROUGH Conservation Commission

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**Conservation Commission
Town Hall, Conference Room B
Meeting Minutes
March 9, 2020**

**Accepted
6/29/20**

Members Present: Greg Young (Chairman), Todd Helwig, Diane Guldner, Kelley Marston, Wayne Baldelli

Members Absent: Justin Dufresne, Tom Beals

Others Present: Mia McDonald (Conservation Agent), see attached Sign-In Sheet

The Chair opened the regular meeting at 7:08 p.m. and made an announcement to mute cell phones and that the meeting is being recorded for transcription purposes.

Ms. Guldner read into record the hearing notice for the Notice of Intent application for 0 West Main Street (single family home) and Request for Determination of Applicability for 44 Moore Lane (sewage disposal replacement).

Mr. Baldelli made a motion to approve the February 10, 2020 Regular Meeting Minutes; Mr. Helwig seconded; all voted in favor; motion approved.

The Chair decided to table the approval of the the February 3, 2020 Regular Meeting Minutes due to not enough people in attendance to approve.

Continued: Notice of Intent – 0 & 301 Bartlett Street, Map 51/Parcel 3 and Map66/Parcel 16

Applicant: Israel Lopez, The Gutierrez Company

Request: For proposed construction of a 150,900 s.f. warehouse/ distribution center with associated parking area, truck loading bays, access drive, grading, surface infiltration basins and drainage structures, utilities, lighting, landscaping and associated infrastructure and site work.

Jurisdiction: Riverfront area and buffer to wetland resource areas.

Israel Lopez (The Gutierrez Company) and David Robinson (Allen & Major Associates) were present. Mr. Lopez gave an overview of the project. Regarding the habitat area that is mapped on the site, they have completed their initial work with Natural Heritage, the submitted plans were reviewed and signed; and a draft Conservation Restriction (CR) document. When the remainder of the permitting is completed, it will be ready for review and final approval. The CR will preserve 13 acres of land along the northern portion of the site, bringing the total conservation area included on all of the parcels to approximately 46 acres. The MEPA certification is expected soon. The applicant commissioned and received a draft Wildlife Habitat Evaluation Study as requested by the Commission and staff; it will be provided at the next meeting.

Mr. Robinson discussed updates that were incorporated since the last meeting in January. The stormwater basin at the rear of the site has been removed, bringing the overall site disturbance further away from the resource area. The slope at the rear of the building was revised from a 1:1 slope to a 2:1 slope. The two other basins were reconfigured to make up for the removal of the basin. Stormwater test pits were done which came back with excellent results; no changes are expected to the stormwater design. Parking, access drive, truck loading area, and building size will remain as first submitted. The erosion control plan shows fencing around the site; there is a temporary construction control plan.

There will be temporary berms at low points, diversion swales; they will coordinate with staff to install additional erosion controls which are super silt fences at critical areas; there will be two phases. There is a 15'-20' access for pedestrian and emergency use; there is adequate separation from groundwater. Mr. Robinson showed the small area of disturbance within the Natural Heritage and Endangered Species area; a large area will be covered by Conservation Restrictions.

Mr. Young asked about the original basin that was needed but will no longer be there. Mr. Robinson said they redesigned the two basins (made them bigger and approximately 1-foot deeper) and were able to accommodate the storms in the same way they submitted the calculations to engineering. Mr. Young commented about the erosion control and how there were issues with the site across the street (but responded to quickly). The Commission wants to prevent that from happening on this site. Mr. Robinson said when the measures on the Erosion Control plan are implemented, such as large earthen berms at the base of slopes, diversion swales, temporary sediment basins, and additional silt fencing, it will help to prevent any of those issues; they will be implemented before construction starts. When asked about the trail that goes through the front, Mr. Robinson said there is an 8-foot wide pedestrian crossing; there will be pedestrian signs on both sides. With regards to snow storage, Mr. Robinson said there is now a snow storage plan. Mr. Young asked if there were any slopes that are 1:1; Mr. Robinson said there is one very small slope (3-feet high) that will be rip rapped shown on the grading plan. Erosion controls will be done before the phasing starts.

Mr. Baldelli asked what will dictate when the second phase is available; Mr. Robinson explained the phasing on the plan. Mr. Baldelli said the Order of Conditions should include a condition that before they can proceed with Phase 2 they need the full approval of the Commission. Ms. McDonald agreed and suggested a construction conference, an inspection at the silt fence construction entrance, and an inspection after the installation of the temporary basins before they proceed to grub the remainder of Area 1. Mr. Baldelli wants to confirm the functionality of the temporary basin, and show that it can receive rain runoff. Ms. McDonald recommended an inspection after the installation of the temporary basins, and prior to the grubbing and remainder of Area 1, and prior to Phase 2.

Mr. Young asked about the super silt fence. Mr. Robinson said they are taller and stronger with a chain-link fence behind it. Mr. Scott Goddard, and Mr. Tom Rohan from Borggaard Construction, in the audience, suggested nearby sites that utilize super silt fence. Mr. Helwig asked what is the MEPA threshold and was told disturbance of greater than 5 acres and ½ acre of disturbance of the riverfront area. He asked how many parking spaces they would have and was told 150 which is by right according to zoning.

Ms. Marston asked about the lighting since it is the riverfront. Ms. McDonald stated she spoke with the wildlife biologist at the Division of Fish and Wildlife Natural Heritage and Endangered Species Program who said the NHESP review will only comment on protected species. But that the other species such as butterflies and other fauna could be affected by the lighting and the best way to mitigate is to utilize dark sky principles. Mr. Robinson said Conservation drafted a memo to Site Plan Review; they will be addressing it then. Mr. Lopez said they are currently utilizing dark sky guidelines. Mr. Lopez said lighting on the back side of the building would be what is required for security purposes. Ms. Guldner said lighting affects almost every type of animal or insect in some way or another. A Wildlife Habitat Evaluation Study is being conducted by Goddard Consulting. Mr. Robinson suggested the Commission review it before discussing a possible peer review.

Ms. McDonald thanked them for the temporary construction plan; it addressed her concerns. She recommended that the Order include the phasing plan, the multiple inspection checkpoints, and the

plan be appended to the Order. During the MEPA process it was pointed out that this is an unnumbered flood zone with no base flood elevation documented by FEMA, unlike in many parts of town. The base flood elevation of this site is based on an overall topography. Mr. Robinson explained it on the plan. It is far away from the development; there is no area where they get close to it; it is a FEMA process; they will determine the exact base flood elevation. Ms. McDonald said the base flood elevation on the plan doesn't appear to follow the topography; it ebbs and flows. The town requires every plan has to tie into the current data; it cannot be an assumed benchmark; the flood elevation is not the most accurate depiction of the data. Mr. Robinson said it is a lengthy process and would take several months. It was noted that it was not done for the other projects; Ms. McDonald said it should have been done for Hayes G, but was not. Ms. McDonald recommended it could be a condition that they go through the process, but the hearing can be closed. It will be included as a concurrent activity. Mr. Robinson asked that it not hold up the Conservation closing. Ms. Marston said that since it was a recommendation of the DCR, the Commission should do it because it sets precedent that we are following DCR's recommendation and our own zoning bylaws. Ms. McDonald will contact the DCR for their input/advice.

The drainage plan was discussed. Because the flow to the wetland was reduced greatly, Ms. McDonald had a concern that the existing hydrologic conditions were not being maintained. Currently there is over 1,000 linear feet used to sheet flow to the upper reach of the wetland, and now all that flow is discharged via single pipe upstream, with a proposed flow of approximately 500gpm, similar to a firehose, during the 25-year storm event. She suggested a low-impact structure to mimic the existing conditions. Mr. Robinson stated there is a small grass swale which will feed to the area upper reach. It is a large wetland that is hydrologically connected around the site; there are no breaks, it is not an isolated wetland. The post-development runoff rates are very close to the existing rates; it would be difficult to achieve what is being asked for, but he will look into possibilities. Ms. McDonald would like to encourage splitting the flow, not concentrating it into one place. A geotechnical report for slopes greater than 3:1 will be submitted as well as the plan details being updated to reference straw (which was used) not hay.

Items remaining for the applicant address include the Wildlife Habitat Evaluation Study, Base Flood Elevation determination data (to be a concurrent activity), stormwater flow into the wetlands into the front of the property, receipt of the geotechnical report, and edits to the plan details. Ms. McDonald also wanted included an edit to the NOI document for work in the Riverfront Area (the NOI submitted listed buffer zone only).

Mr. Helwig made a motion to continue the hearing to April 13, 2020; Ms. Guldner seconded; all voted in favor; motion approved.

Continued Notice of Intent: 400 Cedar Hill Street, Map 67, Parcel 4

Applicant: Brian Mazar, New England F.C.
Request: Proposed construction of an indoor/outdoor soccer facility with associated offices, parking, stormwater management facilities, utilities and associated site work.
Jurisdiction: Buffer to wetland resource areas

Rick Riccio, Field Engineering was present. Plans were revised. Mr. Riccio explained where test pits were conducted (drainage basins and under the turf field) resulting in very stratified sandy material; groundwater was greater than 2-feet down in all but one test pit where they were at 60" of groundwater, the bottom of the basin is above existing grade; there is more than adequate separation from groundwater from the drainage areas. The erosion control plan was revised. A few parking spaces were relocated; nothing is within or against the 35-foot no structure; the retaining wall was eliminated.

There is a small 1.5:1 slope (7-feet high; 20-feet long) that will be stabilized. Construction phase erosion control blankets will be installed along the cross section on the slopes. An additional silt fence line is proposed upgradient of the slopes. The erosion control plan is two phases: first phase includes the installation of stone pads and pre-construction meeting. The second phase includes the installation of the erosion controls, clear and grub for the stormwater management facilities. Drainage remains as previously submitted. Roof runoff will sheet flow to crushed stone trenches on either side of the building. The field will be underlaid with 8" of crushed stone; there are perforated pipes on either side of the field. The detention areas have all been sized to accommodate it. The entrance area will be entrance only. Snow storage areas are included on the plan with the notation that snow will be stockpiled in the areas as shown and no snow shall be deposited directly into the bottom of the basins.

Ms. Marston asked what artificial turf is made of and was told rubber. She asked if there was anything to prevent leaching of rubber chemicals. Mr. Riccio said the rubber does not move; traditionally it was made from recycled tires; they are now trending towards a virgin rubber; rubber crumb.

Commission concerns have been addressed but the DEP has not issued a file number or comments as yet. Mr. Helwig made a motion to continue the hearing to April 13, 2020; Ms. Guldner seconded; all voted in favor; motion approved.

Request for Determination of Applicability: 44 Moore Lane (Map 8, Parcel 28)

Applicant: Envision Homes, Inc.
Request: Proposed replacement sewage disposal system and associated site work
Jurisdiction: Buffer to wetland resource areas

Dan Wolfe (David E. Ross & Associates) was present for the owner. It is an existing five-bedroom home with a failed septic system; a new system is proposed. Between the wetlands to the west and the work area is a driveway and berm that serves as a barrier to the proposed work area. There is another wetland to the east which is why they have overlapping 100-foot buffer zone areas. The system itself will have a very small area of fill intersecting with the buffer zone on the east side, with a small amount of fill on the west side. Very limited work within the buffer zone. The closest area of disturbance is 85-feet from the wetlands. The plan was revised 3/6/2020 to show erosion controls extending beyond the areas within the buffer zone.

Mr. Wolfe said the driveway is not in good condition (particularly in the bermed area); they would like to re-pave it; the footprint will not change. Ms. McDonald recommended that the silt fence be installed as shown on the plan and that it be inspected prior to the start of work and maintained. Mr. Helwig made a motion to close the hearing; Mr. Baldelli seconded; all voted in favor; motion approved. Mr. Helwig made a motion to issue a Negative Determination of Applicability subject to the conditions specified by Ms. McDonald; Ms. Marston seconded; all voted in favor; motion approved.

Notice of Intent: 0 West Main Street (Map 62, Parcel 51)

Applicant: John and Sandra Fouracre
Request: Proposed single family home, access drive, septic system and associated site work
Jurisdiction: Buffer to wetland resource areas

Brian Waterman (WDA Design Group) was present; green cards were received. The property is 15 acres with frontage on Pleasant Street and along West Main Street. The ANR plan has been approved and signed by the Planning Board for the 2.1-acre parcel that was broken off of the 15 acres. There is a mapped base flood elevation of 294.6 that runs across the property. The wetland boundaries were

confirmed. Most of the proposed work is outside the buffer zone; a portion of the garage touches one of the buffer zones; all proposed work is outside of the 35-foot no structure zone with the erosion controls being installed outside of the 35-foot; a 3:1 slope will be loamed and seeded after construction; there will be an area drain in the front for runoff; distance between the toe of slope and the wetlands is 35-feet. During construction, proposed erosion controls are stake and trench straw bales backed with a stake in trench silt fence. Ms. Guldner asked if they would need a stone tracking pad. Mr. Waterman said they will add one at the construction entrance.

Janet Maspero (9 Lydias Way) asked the distance between the end of the property and the back of Lydias Way and was told approximately 700-750 feet. Barb Robertson (15 Lydias Way) asked about and was shown the wetlands. Scott Peterson (27 John Edwards Drive) had concerns about the increase and the overall wetness of the wetland behind him. Mr. Waterman explained that 4-feet to groundwater is present; there are good soils; it will leach into the ground and that based on the flow pattern the water from this site will not affect John Edwards Drive.

Mr. Baldelli made a motion to close the hearing; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Baldelli made a motion to grant an Order of Conditions for 0 West Main Street; Ms. Guldner seconded; Special Conditions will include a tracking pad at the construction entrance and adhering to septic conditions; all voted in favor; motion approved.

Informal Discussion (90 West Main Street – Proposed Development) – Scott Goddard (Goddard Consulting) is working with Raven Homes. He showed the existing conditions of the property; the delineation was confirmed with Ms. McDonald in November. The proposed project will be an improvement to the resource areas with a reduction in disturbance to the Riverfront Area. The existing driveway and structures will be removed and the area restored to lawn. The new structure will have a driveway in the front, four-plex unit attached; work will be in the 100-foot buffer zone; a small triangle piece is in the riverfront area. Mr. Goddard explained where they will do a slight fill of the floodplain and cut the floodplain to balance the two areas to make the grading to work; everything is being pulled away or reducing the impervious area. There is a catch basin on Route 20 and a 24" line that runs through the property, there is no drainage easement; it appears to be a state owned drainage line. Ms. McDonald's concern is the exposed drainage pipe. Mr. Goddard said the proposal will raise the grade and reinstate an appropriate cover for the pipe. A Notice of Intent application is planned for April.

Violation: 330/350 Bartlett Street – Mark Arnold (Goddard Consulting) submitted a report. They were notified on February 19th about an erosion event on Basin C; it occurred near the outlet structure. The access road goes along the access of the basin. The pathway became flat which allowed water to pond on top; sink holes formed on the path; water went underneath the slope between the **top of slope** and the **loam** and came out at the top of the slope washing out 4-5 cubic yards down the slope. The basin did not fail; the basin was still holding water the next morning. They believe it was an isolated event. The material was pulled out (approximately 800 square feet), recompacted, backfilled, re-graded towards the basin, loam and re-seeded. They will come back to May to check the vegetation. Mr. Arnold will be on site to monitor any future 1-inch storms for erosion.

Violation: 106 Brigham Street – It was reported by a neighbor that vegetation was cleared in a wetland area. Ms. McDonald is working with the owner for a possible permit clearing and filling near the wetlands. The concern is the drainage pipe that runs from his property under the railroad tracks that empties at the 16th hole of the Juniper Hill Golf Course. If the pipe is blocked, the land will flood.

Request for Certificate of Compliance: 55 Ridge Road, Map 65, Parcel 86, DEP File #247-0995 – Ms. McDonald visited the site and confirmed the septic was constructed as approved and no violations on the sit were observed. Mr. Helwig made a motion to issue a Certificate of Compliance; Ms. Guldner seconded; all voted in favor; motion approved.

Correspondence was reviewed.

Other Business As May Legally Come Before the Commission

Mr. Helwig commented that tree cutting was done around the south view of Mt. Pisgah; Ms. McDonald will visit the site.

Ms. McDonald said the homeowner at 132 Ball Street put in a pool close to the edge of town property. He reported some of the trees as hazard trees that need to be removed; it is the town’s responsibility to remove and pay for them.

Mr. Baldelli made a motion to adjourn; Ms. Marston seconded; all voted in favor; motion approved. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary