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TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission

Zoom Meeting Minutes

January 8, 2024

APPROVED 2/12/24

Members (Remotely): Greg Young (Chair), Dan Clark, Justin Dufresne, Diane Guldner, Todd Helwig

Members Absent: Tom Beals

Staff (Remotely): Vincent Vignaly (Conservation Agent), Owen Jones

Others (Remotely): Laurie Connors (Planning Director), Johnathan Law of Weston & Sampson, Zoe Sanchez of Goddard Consulting, LLC

The Chair opened the remote meeting at 6:00 p.m. and announced that the meeting of the Northborough Conservation Commission is being conducted remotely consistent with Governor Healy's Executive Order of March 29, 2023, an Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency. All members of the Northborough Conservation Commission are allowed and encouraged to participate remotely. This Order allows the Conservation Commission to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. The public is encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream of this meeting can do so by going to Northborough remote meetings on YouTube via the link listed on the agenda. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. The process was explained.

Member & Staff Roll Call: Dan Clark, Justin Dufresne, Diane Guldner, Todd Helwig, Greg Young; Staff: Vincent Vignaly (Conservation Agent), Owen Jones (Northborough Cable)

Ms. Guldner read the legal ad posted in the Worcester Telegram & Gazette newspaper on December 29, 2023, into the record for the following public hearings:

A Notice of Intent at 10 Blueberry Lane to replace a failed septic system, a Request for a Determination of Applicability at 14 Mohawk Drive to replace a failed septic system, and a Notice of Intent at 6 Hillside Road to renovate the house and deck within the same footprint, and replace a failed septic system.

Review December 11, 2023 Meeting Minutes

Mr. Helwig made a motion to accept the minutes for the December 11, 2023, meeting; seconded by Mr. Clark. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes;

motion approved.

Public Hearings

Continued Notice of Intent and Stormwater Management and Land Disturbance Permit: 150 Boundary Street, Town Dog Park (Map 31, Parcel 9) LD Permit # 2023-09, DEP# 247-1242

Applicant: Laurie Connors, Town of Northborough Planning Director

Request: Construct a 2-acre ADA-accessible dog park with parking, utilities, and stormwater management infrastructure

Jurisdiction: 100' Buffer Zone

Mr. Vignaly noted there is a new address of 150 Boundary Street. Mr. Jonathan Law from Weston & Sampson explained the changes to the plan. They received approval from the Planning Board on December 5, 2023. The changes were: a 7' privacy wood fence has been included in the plan, the overflow parking area has been changed so that the central area is asphalt millings to access the dumpster area and the rest will be crushed stone. The snow storage area was moved. The comments from Mr. Vignaly have been addressed and incorporated into the plan. The collector drain needs to discharge to the infiltration basin on the east side. Mr. Law will check with his civil engineer to make sure this is done. Mr. Vignaly indicated that the conditions to be added will need to be approved before construction can begin. There was a comment from DEP regarding a discharge into Zone A and Weston & Sampson will resolve this with DEP. It will be included as a condition prior to the beginning of construction. There were comments circulated and included:

1. A soil deep test hole (per MA DEP Standards) will be required within the infiltration basin area and results sent to the Commission. A redesign will need to be approved if conditions indicate any differences from those indicated in the submittal package before work may commence.
2. All fill material in the compost filter tube shall be composted material.
3. The Collector Drain, if installed, shall discharge only to the infiltration basin.
4. A Long-Term Pollution Prevention Plan shall be approved before work may begin.
5. Construction may not begin until an approved Long-Term Operation and Maintenance Plan is approved by the Commission and is recorded with the Stormwater Management and Land Disturbance Permit at the Worcester Registry of Deeds.
6. Weston & Sampson will address and resolve all comments noted by DEP before construction may begin.
7. Revised stormwater calculations and responses to comments need to be stamped/certified by a Registered Professional Engineer.

Mr. Dufresne questioned the location of the collector drain and discharge. It is in the dog play area and drains into the infiltration basin. There were no further questions from the Committee. No one from the public requested to comment.

Mr. Helwig made a motion to close the hearing for 150 Boundary Street; seconded by Ms. Guldner. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Mr. Helwig made a motion to issue an Order of Conditions and a Stormwater Management and Land Disturbance Permit for 150 Boundary Street with the seven conditions as outlined in Mr.

Vignaly's note; seconded by Ms. Guldner. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Continued Stormwater Management and Land Disturbance Permit: 311 Crawford Street (Map 57, Parcel 14) Permit # 2023-04

Applicant: Bandi Chiranjivee & Manaswini Kokkula

Request: Land alteration to construct a new single-family home, well, and septic system, with associated site work.

Jurisdiction: Part of a Common Plan of Development

Mr. Vignaly indicated that the Applicants have requested a continuance to the next meeting. They are getting their paperwork together and were away. The Applicants should be ready in February. Ms. Young indicated that this has been on the agenda since May of 2023.

Ms. Guldner made a motion to continue the hearing of 311 Crawford Street to the February 2024 meeting; seconded by Mr. Helwig. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Continued Notice of Intent: 15 Prospect Street (Map 62, Parcel 61) DEP#247-1238

Applicant: Kyla and Steven White

Request: Replace an existing single-family home, retain the septic system, and raze a shed.

Jurisdiction: 25' No Disturb Zone, 35' No Structure Zone, 100' Buffer Zone.

Mr. Vignaly indicated that the Applicants have requested a continuance to the next meeting. They have yet to receive their approval from the Board of Health. The Applicants are hoping to construct the home outside of the 35' buffer zone.

Mr. Helwig made a motion to continue the hearing of 15 Prospect Street to the February 2024 meeting; seconded by Mr. Clark. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Notice of Intent: 10 Blueberry Lane (Map 47, Parcel 85) DEP#247-1243

Applicant: Winston & Morenike Soboyejo

Request: Replace a failed septic system

Jurisdiction: Leaching Area within 100' of wetland, 100' Buffer Zone

Mr. Vignaly explained the plan showing the new septic system to the Committee. Mr. Vignaly mentioned there is some yard waste on the access road at the 25' No Disturb Zone which needs to be removed from the site. This will be noted in the Order of Conditions. There were no questions from the Committee. No one from the public requested to comment.

Ms. Guldner made a motion to close the hearing for 10 Blueberry Lane; seconded by Mr. Helwig. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Ms. Guldner made a motion to issue an Order of Conditions for 10 Blueberry Lane with the usual

conditions and a condition that the yard waste be removed from the access road area at the 25' No Disturb Zone before construction can begin; seconded by Mr. Helwig. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Request for a Determination of Applicability: 14 Mohawk Drive (Map 37, Parcel 7)

Applicant: William McCarthy
Request: Replace a failed septic system
Jurisdiction: 100' Buffer Zone

Mr. Vignaly explained the septic plan and location to the Committee. The new septic system will be 102' from the wetland area. The Applicant will put up 2 signs outside the 25' No Disturb Zone. Mr. Vignaly had some comments, and they were incorporated into the plan. Ms. Guldner asked about the grading to the septic system and Mr. Vignaly indicated that very little grading was needed. There is an impermeable liner at the back of the system to protect the wetland area. There were no further questions from the Committee. No one from the public requested to comment.

Ms. Guldner made a motion to close the hearing for 14 Mohawk Drive; seconded by Mr. Dufresne. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Mr. Dufresne made a motion to issue a Negative Determination of Applicability for 14 Mohawk Drive with no special conditions and that there will be 2 signs erected at the 25' No Disturb Zone; seconded by Mr. Clark. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Notice of Intent: 6 Hillside Road (Map 105, Parcel 18) DEP#247-XXXX

Applicant: Enis Shehu – Whiteacre Properties
Request: Renovate house and deck within same footprint, replace failed septic system.
Jurisdiction: 25' No Disturb, 35' No Structures, 100' Buffer Zone

Zoe Sanchez appeared before the Committee and went over the existing conditions and explained the proposed work at the site. The whole site is within the 100' Buffer Zone, the 25' No Disturb and 35' No Structures Zone. The Applicant wants to renovate the house and deck and will maintain the same footprint. The septic will be replaced and will be moved to the front of the house farther away from the wetlands. A revised plan is being prepared to show that there will be no overhangs. The erosion controls are noted on the plan. Mr. Young asked about the area between the water's edge and the deck. The deck and patio will be rebuilt in the same footprint. Mr. Vignaly suggested adding a condition in the approval stating no alteration in the 25' No Disturb Zone. Ms. Krouner indicated that the Applicant understands there will be no activity in that area, including removal of any vegetation. The Applicant will add signs to the plan. Mr. Young asked about the embankment made from tires. Mr. Vignaly indicated that the tires are proposed to remain and he is fine with the removal of the bittersweet, but concerned that other unauthorized activities might occur. Mr. Clark asked about the ownership of the retaining wall. There was discussion regarding the ownership of the tire retaining wall and its maintenance and/or removal. Mr. Vignaly asked that the ownership of the retaining wall area be researched. The project needs a DEP number.

The Board of Health hasn't seen the septic plan yet so the Commission is waiting for them to determine if the separation to groundwater will be approved. Mr. Vignaly has left this question with the Board of Health. There were no further questions from the Committee. No one from the public requested to comment.

Mr. Helwig made a motion to continue the hearing for 6 Hillside Road to February 12, 2024; seconded by Mr. Dufresne. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Right of First Refusal Consideration: 432 Whitney St. (Map 15, Parcel 22) - 23.8 Acres, \$1.7M

Mr. Vignaly presented the background and a sketch of the property to the Commission and how it allows access to other conservation land in Northborough, Berlin, and Hudson. Mr. Clark indicated that the Open Space Committee agreed to the purchase of the property. The Planning Board has also agreed that the Town should exercise its right of first refusal. Mr. Vignaly stated that there is a large wetland area on the parcel. The potential buyer has a history with rail operations. The DEP stated that rail operations consider themselves exempt under the Wetlands Protection Act. Mr. Helwig indicated that CPC said that if the Town purchased the parcel, it could be 50% open space and 50% low-income housing. The Committee discussed the funding for the purchase. Ms. Guldner asked about the stream on the map. She suggested that there should be a path in the wetland area for people to access. Mr. Vignaly indicated that Bearfoot Brook flows under 290 and flows into Berlin. Mr. Vignaly will send a memo to the Select Board regarding the Conservation Commission's recommendation concerning the purchase of this property.

The Committee agreed that the Town of Northborough should exercise its right of first refusal and move forward with the purchase of 432 Whitney Street. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; decision approved.

Requests for Certificate of Compliance:

93 Maple Lane (Map 65 Parcel 47) Sylvia Gebo, DEP#247-756, 4/10/2002

Mr. Vignaly reviewed the plan with the Committee. The Committee approved the construction of an addition and deck onto the existing house in 2002 and a Certificate of Occupancy was received. The construction is complete, and the ground is stable with no environmental issues. The Applicant is seeking a Certificate of Compliance.

Ms. Guldner made a motion to approve the issuance of a Certificate of Compliance for 93 Maple Lane; seconded by Mr. Helwig. Roll call vote: Clark – yes; Dufresne – yes; Guldner – yes; Helwig – yes; Young – yes; motion approved.

Violations: none.

Informal Discussion:

Bartlett Pond Invasive Plant Treatment Contract – Mr. Vignaly indicated that he is in the process

of posting a request for proposals to complete the 3-year treatment program in the pond. It should go out for bid on January 15, 2024, and bids will be returned by February 1, 2024. He stated that he should have a couple of contractors to choose from at the next meeting. Mr. Clark and Ms. Guldner volunteered to review the proposals when they are received.

Forest Stewardship – Mr. Vignaly is waiting for the final contract from Wigmore Resources to present to Mr. McInerney, the Finance Director, and Town Counsel for their review and signature. Once the contract is signed, Wigmore Resources will meet with the Trails Committee and the Commission. When the contract is signed, Mr. Vignaly will be applying for a grant from the DCR for public outreach and education through a Community Implementation Grant. Mr. Clark requested that the Conservation Commission be present when the Trails Committee meets with Wigmore Forest Resources Management.

New Applications – There was nothing to report at this time.

The next meeting is scheduled for Monday February 12, 2024

Mr. Helwig motioned to adjourn; seconded by Ms. Guldner. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner – yes; Helwig-yes; Young-yes; motion approved.

The meeting was adjourned at 7:21 p.m.

Respectfully submitted,
Brenda M. DiCelie Commission Secretary