



# TOWN OF NORTHBOROUGH Conservation Commission

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## Conservation Commission

### Meeting Minutes

May 13, 2019

Approved  
6/10/19

**Members Present:** Greg Young (Chairman), Diane Guldner, Kelley Marston, Justin Dufresne, Wayne Baldelli, Tom Beals

**Members Absent:** Todd Helwig

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

The Chair opened the regular meeting at 7:00 p.m. and made an announcement to mute cell phones and that the meeting is being recorded for transcription purposes.

Mr. Baldelli made a motion to approve the Minutes of April 8, 2019; Mr. Beals seconded; all voted in favor; motion approved.

Ms. Guldner read into record the hearing notice for the Request for Determination of Applicability for 161 Church Street (construction of a stone paver patio and associated site work); Notice of Intent application for 160 Washburn Street (replacement of a failed septic system and associated site work); and Notice of Intent application for 291 Hudson Street (removal of debris, clearing land and replacing with vegetation, installation of a lawn and associated site work).

#### Notice of Intent (continued) – 5 Bearfoot Road; Map 30, Parcel 33

**Applicant:** Berlin Land Realty Trust

**Request:** Construction of a child day care facility with associated parking lot, grading, stormwater management and associated site work.

**Jurisdiction:** Buffer zone to a bordering vegetated wetland.

The applicant requested a continuance. Mr. Baldelli made a motion to grant a continuance to June 10, 2019; Ms. Guldner seconded; all voted in favor; motion approved.

#### Request for Determination of Applicability – 161 Church Street; Map 55, Parcel 48

**Applicant:** Rajalakshmi Rajan

**Request:** Construction of a stone paver patio and associated site work.

**Jurisdiction:** Buffer zone to a bordering vegetated wetland, riverfront area and floodway.

The owners, Rajalakshmi and Viswanathan Rajan were present. They would like to put a 16' x 30' paver patio where the pool used to be. It is in the floodway. Ms. Rajan said in the future they would like to construct a two-car garage; the property has been surveyed and flagged. Mr. Beals made a motion to approve a Negative Determination for the project at 161 Church Street; Mr. Dufresne seconded; all voted in favor; motion approved. There will be a condition that it has to be a permeable surface, not asphalt or paved concrete.

#### Notice of Intent – 160 Washburn Street; Map 36, Parcel 52

**Applicant:** Linda Flannigan

**Request:** Replacement of a failed septic system and associated site work.

**Jurisdiction:** Buffer zone to a bordering vegetated wetland.

Mike Sullivan (Connorstone Engineering) and Linda Flannigan were present. The property is located at the corner of Washburn and Whitney Streets with an existing four-bedroom home. There is a brook that

runs diagonally in the front of the property; Mr. Sullivan showed the area where the wetland resource areas are located and the 15', 30' and 100' offset from the resource areas. Because of the water table of 4.5', the septic system will have to be pumped; it will be a 1,500 double compartment tank; erosion controls will be on the down gradient side of the work. The new septic system will be further above ground water (approximately 3') and further away from the wetland (approximately 20'). There is a 12' x 14' shed at the wetland line. The wetland was revised to be closer to the house than what was originally determined because the original delineation was completed with 5"+ snow cover on the ground; the plan presented is correct. Mary Ann Dipinto, wetland scientist of Three Oaks Environmental, felt it would be more appropriate to take the invasives out in lieu of moving the shed. A written plan was submitted to remove the invasives with an excavator. Ms. Flannigan provided permits for the shed (1983 and 1998) from the Northborough Building Department. The septic system has been approved by the Board of Health. Mr. Young expressed concern because the Commission has a precedence of requiring the removal of sheds from the 30-foot buffer zone. Mr. Dufresne thought they could possibly get around the precedence issue because the invasives were being removed and that improves the site conditions. Mr. Beals suggested asking the homeowner to repair the footings for the existing shed and the Commission make an exception to where it is. Ms. McDonald stated that if the shed is left in the wetlands, the new owners could start cutting and clearing behind the back of the shed. Wetland signage could be included in the Order of Conditions. Mr. Baldelli made a motion to close the public hearing; Mr. Dufresne seconded; all voted in favor; motion approved. Mr. Baldelli made a motion to issue an Order of Conditions for 160 Washburn Street adding conditions to repair and stabilize the foundation of the existing shed in the existing location, install two wetland signs, remove invasive species and replant per Mary Ann DiPinto's recommendations; Ms. Marston seconded; all voted in favor; motion approved.

Notice of Intent – 291 Hudson Street; Map 35, Parcel 43

Applicant: Brian Hopkins  
Request: Removal of debris, clearing land and replacing with vegetation, installation of a lawn and associated site work.  
Jurisdiction: Buffer zone to a bordering vegetated wetland and riverfront area.

Brian and Sarah Hopkins were present. They propose to remove debris, clear land and replace with vegetation, and install a lawn, keeping it 25' away from the wetland. They will install erosion controls within 25' of the brook (woodchips, bushes, trees); they do have a wetland plant mix; there is no planting plan included in the application. The 25' buffer will be a naturalized area of shrubs and trees with a one-time application of arborist woodchips that are untreated, three wetland signs will be placed at the property line, and no additional tree cutting. Lawrence Armanini (184 Rice Ave abutter) did not have any issues. Ms. Guldner made a motion to close the public hearing; Mr. Beals seconded; all voted in favor; motion approved. Mr. Beals made a motion to issue an Order of Conditions for 291 Hudson Street adding conditions that the 25' buffer will be a naturalized area of shrubs and trees with a one-time application of arborist untreated woodchips, three wetland signs will be placed at the property line, and no additional tree cutting; Ms. Guldner seconded; all voted in favor; motion approved.

**Notice of Project Change:**

267-271 Southwest Cutoff - Map/Parcels 106/12, 109/8, 109/33 & 109/34; DEP File #247-1154 – Alex Moheban was present. Nine trees outside the limit of work on the west side of the property were administratively approved for removal. Mr. Moheban is looking to remove four additional trees at the backside of the building within the riverfront area near the erosion control barriers that are growing over the building. The Commission views photos of the site. Ms McDonald recommended that it is an insignificant project change. Ms. Guldner made a motion to approve the removal of thirteen trees; Mr. Beals seconded; all voted in favor; motion approved.

249 Green Street - Map 21, Parcel 2; DEP File #247-1126 – Ms. McDonald explained the violation on site and the construction of a retaining wall within the 100-foot buffer zone that is not currently included in the approved plan. The request for insignificant project change is not yet ready, but it has been confirmed that the request is to be provided by Connorstone Engineering for the next meeting.

#### Other Business

#### **Request for Certificates of Compliance:**

Mr. Beals made a motion to issue Certificates of Compliance for 319 Green Street (DEP File #247-0544), 459 Main Street (DEP File #247-0962), 40 Maple Lane (DEP File #247-0871) and 46 Oak Avenue (DEP File #247-1130); Mr. Baldelli seconded; all voted in favor; motion approved. 459 Main Street will be held pending receipt of the as-built plan.

#### **Emergency Certification:**

122-124 Hudson Street, Map 53, Parcel 14 – Ms. McDonald stated she observed work within the riverfront area on the property. The owner reported that the foundation was crumbling. The homeowner dug it out and placed stockpiles in the yard. Ms. McDonald told him to cover the piles and stabilize the site; tarps were placed immediately and erosion controls installed by the next day. The homeowner said it would be done in three days. The Building Inspector informed her that it has been the project would take about three weeks and requires an engineer. Ms. McDonald issued an Emergency Certification requiring an NOI. Within two days the homeowner had engineered plans completed and the site was buttoned up within a week. Mr. Beals made a motion to ratify the Emergency Certification issued for 122-124 Hudson Street and not require a Notice of Intent application; Ms. Guldner seconded; all voted in favor; motion approved. Ms. McDonald will send a follow-up letter.

#### **Violations Discussion:**

30 & 40 Maple Lane – Ms. McDonald visited the site and said trees were dead at 40 Maple Lane; Mr. Regan, the owner admits he should have contacted the office before removing the first tree. Ms. McDonald gave him an administrative approval after-the-fact for one, and gave approval to remove the other two that were dead. 30 Maple Street was unclear; she issued violation letters to both.

Ms. McDonald commented that Bartlett Pond homeowners said they were told that they can cut trees and do not have to contact the Conservation Commission; Ms. McDonald told them they did have to contact the Commission. She will send a letter to the abutters with a copy of the tree removal policy.

300 Ball Street – There is drainage from the street; a channel was cut to the house; it is all upland. Ms. McDonald wanted it noted for the minutes in the event it becomes a civil matter. She visited the site; it is not a wetland and therefore not jurisdictional to the Conservation Commission.

249 Green Street - Map 21, Parcel 2; DEP File #247-1126 – Mr. Beals reported he observed there was mud flowing down the driveway into the street. Ms. McDonald contacted the owner of record, the new owner, the contractor and their representative. The contractor reinstalled the erosion controls after many days on ongoing violation (no maintenance of erosion controls and silt and silty water migrating off the site and into the wetland resource area, no deposits observed) and buttoned up the site; a trench was dug for a retaining wall which is closer to the wetlands than was proposed. Ms. McDonald asked for a project change; Connorstone Engineering will provide one to include the wall and guardrail for next

month. The Commission decided to review the project change request and not yet issue any violations as the erosion controls have been maintained. The project shall be discussed at the June 10 meeting to determine if an enforcement order shall be issued for previous and any ongoing violations. The Commission request Ms. McDonald to visit the site to observe ongoing conditions.

300/350 Bartlett Street - Map 67, Parcel 6; DEP File #247-1088 – Ms. McDonald reported on conditions at 330 Bartlett Street; 8"-12" of silt deposits were against the siltation fence and silt was channeling out underneath; erosion controls was not significant enough for the size of the site. Ms. McDonald sent a violation letter and required a wetlands impact and restoration report. A second notification was send via email and eventually the report was received and the contractor responded by putting in a diversion trench lined with mulch along the entire top of the site, and 12"-14" mulch tube perpendicular to sheet flow, and straw cover over disturbed areas. Silt deposits were removed from a few areas in the 30-foot buffer and the resource areas. They are up-to-date with their SWPPP reports and the site is currently stable.

150 Hayes Memorial Drive - Map 51, Parcel 3; DEP File #247-1144 – On April 16<sup>th</sup> Ms. McDonald was contacted by the Contractor, Borgard Construction, that there was a breach of the erosion controls, but it was reported that nothing had reached the resource areas. She visited the site; silt deposits did get in the wetlands; she required an impact report and additional erosion controls. A second notification was send via email and eventually the report was received. Ms. McDonald received an impact report from Goddard Consultants. The contractor also created berms, which were seeded with tackifier, and added another line of erosion controls in problem areas. They are up-to-date with their SWPPP reports and the site is currently stable.

#### **Informal Discussion:**

Wetlands Bylaw & Regulations Update – The bylaws and regulations were reviewed. The fee structure has been submitted to the Board of Selectmen. The Commission plans to solicit public comment at the June meeting. It was requested that the notice of public hearing for the solicitation of public comment be advertised to reach as many people as possible.

The first Earth Day Poster Contest was held; winners received a prize. The beautiful posters are on the Conservation Commission's website and on display at the Southborough Public Library.

**Correspondence** was reviewed. The Mycological Society requested permission to host a mushroom walk on Mt. Pisgah on June 23<sup>rd</sup>. A letter was received from CSX regarding their Right-of-Way Management; Ms. McDonald requested a copy.

Mr. Baldelli asked about the Lyman Street culvert that leads into Bartlett Pond. Ms. McDonald said there was nothing recent. She had contacted the Highway Department and was told they did a spot repair for a pavement washout. Not sure why the cones/barrels are still there.

Ms. McDonald asked if the Commission would like to continue to meet informally with applicants for projects larger than a single-family house. Members felt that if they come in informally it will make the process run more smoothly. It is not required, but it would be to their benefit.

Mr. Young announced upcoming items for June.

#### **Other Business As May Legally Come Before the Commission**

The next meeting is scheduled for June 10, 2019.

Mr. Baldelli made a motion to adjourn; Ms. Guldner seconded; all voted in favor; motion approved. The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Melanie Rich  
Commission Secretary