



# TOWN OF NORTHBOROUGH Conservation Commission

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**Conservation Commission  
Remote Zoom Meeting  
Meeting Minutes  
March 23, 2023**

**APPROVED**  
**4/10/23**

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

**Members Absent:** Tom Beals, Kelley Marston

**Staff (Remotely):** Vincent Vignaly (Conservation Agent); Melanie Rich, Owen Jones

**Others (Remotely):** Vito Colonna (Connorstone Engineering), Ron Heckman, Justin Lohwater

The Chair opened the remote meeting at 6:00 p.m. and made the announcement that the open meeting of the Northborough Conservation Commission is being conducted remotely pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency signed into law on July 16, 2022. All members of the Northborough Conservation Commission are allowed and encouraged to participate remotely. The Act 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: Greg Young, Dan Clark, Todd Helwig, Diane Guldner, Justin Dufresne; Vincent Vignaly (Conservation Agent)

Ms. Guldner read into record the hearing notice for the Request for Determination of Applicability for 112 West Main Street (seeking permission to work within 25' of a wetland) and the Request for a Determination of Applicability for 76 Lincoln Street (to construct an outdoor learning space).

Review February 16, 2023 Meeting Minutes – Mr. Helwig made a motion to approve the February 16, 2023 Meeting Minutes; Mr. Clark seconded; roll call vote: Clark-yes; Helwig-yes; Young-yes; motion approved. Dufresne abstained because he was not present.

**Continued Notice of Intent: Lot 1 Buena Vista St. (Map 64, Parcel 2; and Map 73, Parcels 32 & 33) DEP 247-1225**

**Stormwater Management and Land Disturbance Permit: # 2023-02**

Applicant: Heckman Homes, LLC

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

Jurisdiction: Buffer Zone

**Continued Notice of Intent: Lot 2 Buena Vista St. (Map 64, Parcel 2; and Map 73, Parcels 32 & 33) DEP 247-1226**

**Stormwater Management and Land Disturbance Permit: # 2023-03**

Applicant: Heckman Homes, LLC

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

Jurisdiction: Buffer Zone

Vito Colonna (Connorstone Engineering) and Ron Heckman (owner/applicant) were in attendance. Mr. Vignaly received revised plans yesterday but didn't have time to review them. Mr. Young asked if Mr. Heckman had a site visit with the abutters. Mr. Heckman said he spoke with four of them and believes their concerns were addressed. The trees will be ribboned and he will walk the site with them. Mr. Helwig made a motion to continue the hearing for Lots 1 and 2 Buena Vista Street to April 10, 2023; Mr. Clark seconded; roll call vote: Clark-yes; Helwig-yes; Young-yes; motion approved.

**Request Determination of Applicability: 112 West Main Street (Map 62, Parcel 55)**

Applicant: Coleman House Ltd.

Request: Cut four pine trees and cut brush within 2' of patio fence within 25' of wetland.

Jurisdiction: Riverfront Area, Buffer Zone, 25' No Disturb Zone.

Patrick Blake (Coleman House) was present. Mr. Vignaly explained where they were approved for a patio. Along the back of the patio is a fence; Mr. Blake is asking to cut the brush so it doesn't climb on/through the fence. He is also asking to remove the four pine trees that were planted in 1996. Mr. Young said the work was started before coming before the Commission. Mr. Vignaly had them stop work and file an RDA being so close to the wetland. Mr. Coleman said the branches were touching the windows and was afraid they would damage the building; he wants to maintain a 2-foot buffer for maintenance. Mr. Clark asked if they were leaving the stumps and was told they were. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue a Negative Determination for 112 West Main Street with conditions not to exceed a 1-foot corridor, and stumps to be flush with the ground; Mr. Clark seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Kelly and Chuck Strobel, (30 John Edward Drive, abutters to 112 West Main Street) commented that the trees provided an obstruction from the building and wondered why they were taken down instead of being trimmed. The Commission did not know Mr. Blake's reasoning. Had they not started the work before coming to the Commission, the Commission could have asked that they only trim them. Ms. Strobel asked if they could have something replanted as replacements. Mr. Vignaly said Mr. Blake has been cooperative in the past and said he would suggest it.

Karen Pantazis, Bill Pantazis (10 Mulberry Lane, abutters to 112 West Main Street) commented that they can see the building; it was agreed back then to plant trees but that never happened. Mr. Young explained that the trees had been sheared off before the Commission became aware of it. Mr. Helwig explained that if you want to take down a few trees the Commission would usually give that permission. If it's a violation of the original permit from the Planning Board for the building, they need to talk to the Building Inspector. Mr. Vignaly said there were no other trees in the submittal for the Conservation Commission and there is a Certificate of Compliance based on that Order. Mr. Pantazis will contact the Building Inspector. Ms. Guldner suggested they have a conversation to see if they could have the lights lowered or dimmed and trees replaced.

**Request Determination of Applicability: 76 Lincoln Street (Map 75, Parcel 40)**

Applicant: Lincoln Street Elementary School, Town of Northborough

Request: Construct Universal Access outdoor learning space and StoryWalk program.

Jurisdiction: Riverfront Area, Buffer Zone.

Justin Lohwater (Lincoln Elementary School Counselor) was in attendance. Last spring a grant application was submitted and funded for an outdoor learning space and StoryWalk. It increases time outside and becomes a resource for the students; there are many studies about the benefits of these types of spaces. It is proposed at the east end of the parking area near the basketball courts and will be ADA compliant. Trees and bushes will be planted on the western side to block the parking lot. The StoryWalk will follow the emergency driveway to meet ADA requirements. Pete Fallon, L&S Supply, will do the construction, and they hope to purchase items for the StoryWalk and ‘outdoor’ experience. Mr. Vignaly said the Commission’s issues are that the StoryWalk will have approximately four posts within the 100’ buffer zone; and the Outdoor Learning Space will be 20’ into the 200 foot Riverfront zone and approximately 80’ from the wetland boundary at the closes points. The StoryWalk is approximately 645 feet long. Ms. Guldner asked how many posts will be needed for the StoryWalk space. Mr. Lohwater said about 30 posts made of wood. Mr. Dufresne had a concern for safety being by the driveway area. Mr. Lohwater said used of the space will not be scheduled for pick-up or drop-off times; cones will also be put out, and there is a sign for emergency vehicles only. Ms. Guldner asked what type of trees would be planted. Mr. Vignaly said something for the wildlife, with deciduous on the south side where the sun’s coming in; they want to have sun in the springtime before the leaves are out and when it gets hot the leaves will give some shade to the outdoor learning space. There will also be displays to attract birds.

The Chair asked for public comment; there was none. Mr. Helwig made a motion to close the hearing; Ms. Guldner seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue a Negative Determination of Applicability for the Lincoln Street Elementary School; Mr. Dufresne seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

**Request Time Extension of OOC: 0 Bartlett Street, Parcel H (Map/Parcel 66/16 & 51/3) #427-1176**

Applicant: The Gutierrez Company  
Request: 3-Yr extension in compliance with 2019 Northborough Regulations 25’/35’  
Jurisdiction: Riverfront Area – 32,365 SF Alteration

Scott Weiss (The Gutierrez Company) was present. Mr. Vignaly said the plan was originally approved three years ago and due to expire in July. The Chair asked for public comment; there was none. Mr. Helwig made a motion to extend the Order of Conditions for 0 Bartlett Street; Ms. Guldner seconded; roll call vote: Clark-yes; Dufresne-recused; Guldner-yes; Helwig-yes; Young-yes; motion approved.

**Informal Discussion:**

Forest Cutting Plan RFQ for Mount Pisgah and Edmund Hill Conservation Areas – Mr. Vignaly said the scope of services was sent out to 7 foresters; 2 are not interested; he will follow up with the others. Comments were received from the Trails Committee. Mr. Helwig suggested the Trails Committee attend a meeting to discuss their questions/concerns. Mr. Clark didn’t think Open Space had any issues; he would like to reassure people that there will be opportunities to provide feedback and comment. Mr. Vignaly will invite the Open Space and Trails Committees to the next meeting.

20 West Street, (Knox) (Map 43, Parcel 1) Requesting temporary lease of abutting Northborough Conservation Land that they have historically utilized – Bob Knox was present. Mr. Vignaly sent the updated wording for the potential contract lease to members. He needs feedback on what land uses are acceptable on town-owned conservation land. This location is a special case; it’s been used that way for over twenty years. The lease drafted is based on the lease that exists with Bigelow Nurseries. Ms. Guldner

asked if it included a time limit. Mr. Vignaly said it would be for two-years and would be renewable; it would have a specific area at a certain cost with certain allowed uses. Mr. Knox has an established garden and fruit trees. The questionable uses are parking for three trucks and trailers, and the use of two temporary structures. Mr. Knox is removing one of the structures, but needs access and parking space for three employees, no more.

Mr. Knox said the business is limited, no tree work, no plowing. The services are limited to grass cutting, mulching and trimming shrubs. With regard to the property, they have been working to reduce the more distant impacted areas and restore them to natural conditions and will continue to do so. It is written into the lease what has to be done and when. Mr. Vignaly asked the Commission if they wanted to move forward with allowing these uses. Mr. Helwig said he would prefer it be renewed every year. A charge has not been determined (if they plan to do that). Mr. Helwig is willing to do it limiting the uses and making it an annual renewal; he was not sure if we could charge without going through a procurement process. Mr. Clark can't support it and said it's a bad idea based on principle alone. Ms. Guldner didn't think it was unique to the Commission but wasn't sure how it was handled. Mr. Dufresne said it's been in place for 20 years and we now have the opportunity to tighten it up, have some mitigation done, and have more control over it; he also liked the idea of an annual renewal. When Mr. Knox is done with his business, the lease would terminate. Mr. Young was recused but could see both sides. Because the Commission is deadlocked, it will need to be discussed at the next meeting when all members are present. Mr. Clark commented that condition #10 said members of the public shall have access to the premises except as necessary to prevent damage to the trees, shrubs and vegetables. Mr. Vignaly said this was from the Bigelow lease and thought the intent was for people to walk around as long as they are not damaging or creating any problems Bigelow site. We don't want to prohibit the use of the public on the other portion that's not the "premises". Mr. Clark said we would be excluding the public from public property.

**Requests for Certificate of Compliance:** 156 & 162 Pleasant St. (Whitney St. Homebuilders) (Map 56, Parcels 69 & 65) DEP#247-1149 – James Tetreault was in attendance. Work was done 2-3 years ago, but not finished. Mr. Vignaly said the outstanding issues (sign, guardrail, and drainage from driveway not discharging into the wetlands) have been met according to the Order. Mr. Helwig made a motion to issue a Certificate of Compliance for 156 & 162 Pleasant Street; Ms. Guldner seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

**Correspondence:**

Mr. Clark and Mr. Young attended the MACC Conference, and thought the presentations were informative. The ones by Scott Jackson were very well done and engaging.

Mr. Dufresne and Mr. Beals are up for reappointment; both have returned papers to continue.

Eagle Scout Project – Finn Barrett was in attendance and gave a presentation for his project "Water Chestnut Awareness". Water Chestnut is an invasive species to the Assabet, Concord and Sudbury Rivers. He has partnered with OARS to make and install signs informing people about the plant which offers a QR code and app for reporting where the plant is found; they will be placed around boat launches. He would like to place a sign at the Michael P. Yellick Conservation Area. Mr. Young asked about the installation and was told a post would be hammered into the ground. Mr. Vignaly said it would be good for education and removal of the plants. Mr. Barrett said if he could raise the funds, he would place a second sign at Bartlett Pond, where there is a known infestation. He is visiting many communities. Mr. Vignaly said he is doing work within the jurisdiction of the wetlands and putting a sign up is considered 'de minimis'. Ms. Guldner

asked who he would be reporting the end results to. Sean Barrett said OARS will be able to track all three towns.

The Chair asked for public comment; there was none. Ms. Guldner made a motion to approve the placement of one sign at the Michael P. Yellick Conservation Area with the potential for a second sign at Bartlett Pond boat launch if funding allows; Mr. Helwig seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

The next meeting is scheduled for Monday, April 10, 2023.

Mr. Dufresne commented on the site at 5 Bearfoot Road that the Commission approved for a daycare. He said there's silt fence throughout the entire site and asked what they were doing. Mr. Vignaly will follow up.

Ms. Guldner asked about the 56 Hudson Street demolition. Mr. Vignaly said they were supposed to contact him before starting; he will follow up.

Mr. Helwig made a motion to adjourn; Mr. Dufresne seconded; roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Melanie Rich  
Commission Secretary