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# TOWN OF NORTHBOROUGH Conservation Commission

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Approved  
10/18/2021

**Conservation Commission  
Remote Zoom Meeting  
Meeting Minutes  
September 13, 2021**

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

**Members Absent:** None

**Staff (Remotely):** Mia McDonald (Conservation Agent), Fred Litchfield (Town Engineer)

**Others (Remotely):** Matt Marro, Rajan Viswanathan, Brian Waterman (WDA), Mitch Maslanka (Goddard Consulting), Damon Accardi, Bethany Sepe

The Chair opened the remote meeting at 6:00 p.m. and the announcement that the open meeting of the Northborough Conservation Commission is being conducted remotely consistent with Governor Baker's Executive Order of June 16, 2021, 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 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, Tom Beals, Dan Clark, Justin Dufresne; Diane Guldner; Todd Helwig; Kelley Marston; Mia McDonald (Conservation Agent), Jim DiGiulio (Host)

Ms. Guldner read into record the hearing notices for the Notice of Intent application 190 Howard Street (construct horse pasture & ring) and Request for Determination of Applicability application for 75 Otis Street (install gas connection).

Review Meeting Minutes of August 16, 2021 – Mr. Helwig made motion to approve the August 16, 2021 meeting minutes; Ms. Guldner seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-abstained; Young-yes; motion approved.

**Continued Notice of Intent: 0 Hudson Street (Map 53, Parcels 19, 20 & 21,) DEP File #247-1196**

**Applicant:** Scott Goddard, Circle Assets, LLC

**Request:** Proposed construction of two duplexes with associated appurtenances, a constructed wetland replication area, bordering land subject to flooding compensatory storage and associated site work.

**Jurisdiction:** Bordering vegetated wetlands, riverfront area, bordering land subject to flooding.

The Commission is in receipt of a request to continue the hearing to the October meeting. Ms. Guldner made a motion to continue the public hearing to the October meeting; Ms. Marston seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

**Continued Notice of Intent: 161 Church Street (Map 55, Parcel 48) DEP File #247-1201**

Applicant: Rajan Viswanathan  
Request: Proposed garage secondary to a single-family house and associated site work  
Jurisdiction: Riverfront area, bordering land subject to flooding, floodway, buffer to bordering vegetated wetlands.

Matt Marro and Rajan Viswanathan were present. Mr. Young said at the last meeting the Commission wanted the driveway to be moved out of the 35-foot no-structure. A revised plan and detail sheet was submitted. Mr. Marro said all work is proposed just outside the no-structure area by a foot. The new plan shows a retaining wall with a 9" base above the driveway that is out of the floodplain and floodway. Mr. Young asked if this plan eliminates the compensatory storage on the other side of the driveway of the house. Ms. McDonald said that as all work was moved outside of the BLSF; no compensatory storage needed. Mr. Marro said there will not be a permanent structure in the 35-foot no-structure zone. The areas would be staked out and clearly labeled prior to construction. Members agreed that the applicant did as the Commission requested.

The Chair asked for public comment; there was none. When erosion controls are being installed, the applicant will stake out the 35-foot and the BLSF prior to construction; Ms. McDonald will inspect it. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; roll call vote: Clark-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue an Order of Conditions for 161 Church Street based on the plan submitted tonight which would include the condition that it be staked out and approved prior to construction; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Because not all Commissioners were present at all the hearings, a new vote was needed. Mr. Helwig made a motion to issue an Order of Conditions for 161 Church Street based on the plan submitted tonight which would include the condition that it be staked out and approved prior to construction; Ms. Guldner seconded; roll call vote: Clark-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

**Notice of Intent for West Street (Right-of-Way)**

Applicant: Brant Viner and Margaret Harling  
Request: Proposed extension and construction of 8-inch water main and associated site work.  
Jurisdiction: Buffer to bordering vegetated wetlands

Brian Waterman (WDA) was in attendance. The existing conditions plans was shared. The Commission recently issued an Order of Conditions for the common driveway project for 85 & 95 West Street. For any common driveway that serves more than two lots and has an existing water line within 2,000-feet, the applicant is required to extend it. There is an existing 8" water line that runs from Church Street up about 770-feet within West Street; it terminates at a hydrant and stub across from 20 West Street. They propose to extend the water line 1,770-feet to the common drive. The DPW and Mr. Litchfield had requested that the water line be extended an additional 160-feet to terminate at a hydrant at the Cherry Street and West Street intersection; the project proposes this. The DPW requested that the water line be put 2-feet within the existing pavement.

The revised plan was received on Friday and staff has not had time to complete the full review. The design and calculations for the two steel culverts proposed under Cherry Street that will replace old stone box culvert were submitted with the common drive NOI. Due to cover restrictions, they used two 12-inch steel culverts with reconstructed headwalls. As part of the design, they have to do some minor alteration of

BLSF; 32-feet of wetland compensation (1.2-feet of flood storage) shall be constructed. The other culvert that was requested to be replaced, the corrugated metal pipe that's rusted out and failed, there is an existing 12-inch plastic riser in the ponds that tied into it. The section of the pipe that the riser is attached to has separated, the pipe that runs under West Street is blocked. The initial request was to put in a 12-inch RCP, but due to cover and existing utilities, a high-density polyethylene load rated pipe will be used. The water line is a limited project. It runs along the south side of the street; it is limited to one side of the street. The north side is the right-of-way for the road and street. There is an erosion control barrier between the wall and proposed water line trench within the pavement. Additional construction notes for the water line and culverts have been added to the plan as requested by Staff.

Mr. Beals asked if there was a detail for daily dewatering. Mr. Waterman said there were construction notes about it being pumped into the silt sacs. Ms. McDonald commented that there are adequate notes, and the Commission can condition that the contractor submits a dewatering plan prior to the pre-construction conference. Mr. Dufresne asked about the inlet end of the West Street culvert: what are they doing on the top of it? Elbow up and have a rack or structure over the top of it? Mr. Waterman said Mr. Litchfield asked that they do either rebar grate, 4-inch holes, or some of way to prevent anything from falling in. There is a beehive grate that can be used and locked. Mr. Litchfield requested that whatever be used that it can be taken off by lock or key in the event they need to get in for maintenance. Mr. Dufresne asked if at some time the town would be granted an easement for access. Mr. Waterman was unsure but will check. Ms. McDonald said an easement is needed for emergency purposes only, not for regular maintenance. The inlet will be on private property so maintenance shall be the responsibility of the landowner.

Ms. McDonald talked about the erosion control barriers which are only on the south side; there is a crown in the road, but the equipment is going to be travelling on both sides of the road. Erosion controls will be extended the entirety of the road and around the wetland line. Mr. Waterman will revise the plan to show the erosion controls extended on both sides of the road. Ms. McDonald recommended conditioning that mature trees are protected. Ms. McDonald recommended the Commission have the Stormwater report for the previous filing recorded as part of this Order as well.

The Chair asked for public comment; there was none. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved. Special conditions will include (1) dewatering details will be provided prior to any work; (2) need easement plan for emergency access only for the pond pipe; (3) extend the erosion controls on the north side so they cover the entire wetland area and protect it; (4) the mature trees outside the limit of work shall be protected, especially the trees at the corner of West and Cherry Street; (5) stormwater reports from the previous filing will include this activity; and (6) a pre-construction conference is required. Mr. Helwig made a motion to issue and Order of Conditions with the special conditions as discussed; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

**Continued Notice of Intent for 89 School Street (Map 73, Parcel 36)**

Applicant: Damon Accardi  
Request: Proposed addition of a patio to a single-family house within existing lawn and associated site work.  
Jurisdiction: Buffer to bordering vegetated wetlands, Riverfront Area and Bordering Land Subject to Flooding.

Mitch Maslanka (Goddard Consulting) and Damon Accardi were present. At the previous meetings, the Commission requested that the project be reduced to stay within the existing lawn and add a barrier around the edge to seal off the wetlands from the work area. Mr. Maslanka said the proposed patio has been reduced by 60 square feet in the portion of the proposed patio closest to the wetlands. The lawn closest to the work will be converted to a mulched area with two low bush blueberry shrubs. Mitigation for having structures within the 25- and 35-foot no structure zone includes two high bush blueberry shrubs in the back of the property. Green cards were provided; a document with construction sequencing notes with site plans for the contractor was provided; notes were added to the plan for the contractor that no fill is allowed and that he is not to go above the existing grade when building up the patio; the mulch sock was upgraded to staked hay bales; impervious cover calculations need to be sent to Mr. Litchfield. Mr. Young said they want to make sure the blueberry bushes are sizeable; a condition will be added that they be #3 pots or 3-gallon buckets and will require 100% success of all plants after two growing seasons. A DEP file number has not yet been issued and Ms. McDonald recommended waiting for the DEP comments.

The Chair asked for public comment; there was none. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue the Order with the following conditions: (1) 100% success of all mitigation plantings after two growing seasons with a minimum plant size of 3 gallons; (2) confirmed no fill within BLSF (to be confirmed on the as-built plan); (3) Order not to be issued until DEP file number has been issued; and (4) impervious calculations as approved by Mr. Litchfield are received. Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

**Request for Determination of Applicability for 75 Otis Street (Map 105, Parcel 45)**

Applicant: John Parks  
Request: Proposed installation of a gas connection service line and associated site work.  
Jurisdiction: Riverfront Area and buffer to bordering vegetated wetlands.

Mitch Maslanka (Goddard Consulting) was present. The proposed plan is to connect the gas main to Armeno’s Coffee Roasters building; they are proposing it within the 100-foot riverfront area to a perennial stream and within the 100-foot buffer zone to the bank of an intermittent stream and BVW; No alteration of or work within resource areas is proposed. Mr. Maslanka stated the project would be considered exempt under the Wetlands Protection Act as proposed utility underneath an existing roadway and driveway except that it is proposed within the Riverfront Area. The proposed gas line will be tied in on the opposite side of the street, go under the road, and travel alongside the building and tie into the back of the building. Straw wattles or sock mulch is proposed for erosion controls.

The Chair asked for public comment; there was none. Conditions will include (1) installing erosion controls as shown on the plan and calling for inspection prior to start; and (2) submitting a plan showing all resource areas within 100-feet. Mr. Helwig made a motion to issue a Negative Determination with conditions noted; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

**Notice of Intent for 190 Howard Street (Map 37, Parcel 88)**

Applicant: Bethany Sepe  
Request: Proposed construction of horse pasture, ring, and associated site work.  
Jurisdiction: Buffer to bordering vegetated wetlands

Mitch Maslanka (Goddard Consulting) and Bethany Sepe were present. The project proposed to clear a 1.5-acre area for proposed horse paddocks, wet paddocks and sand riding area within the buffer to wetland resource areas. There is an existing house, garage, barn, and solar panels already on the property. In the rear of the property there is a wooded upland where the proposed paddocks will go. There are two separate wetland areas with buffers extending into the work area; no work is proposed within the 25-foot no-disturb zone; the plans have been revised to remove all structures within the 35-foot no structure zone. Three pastures are proposed; each will be fenced in separately. There is also a sand riding area which is less potential mud-making in that area. There is a wet paddock proposed outside the 100-foot zone. The wet paddock will be a gravel area behind the barn for the horses to live and roam during wet times of the year. Manure storage area is next to wet paddock area.

There was concern from the Commission and abutters about potential flooding hazards. The project proposes vegetated swales around the perimeter of the fence areas where the proposed paddock slopes down to the wetland resource areas to reduce erosion, sedimentation into the wetlands and long-term flooding. Rip-rap pads are proposed at the end of each vegetated swale so flow from the vegetated swales will be dissipated on the rip-rap pads and stormwater may infiltrate and sediment can settle.

Mr. Maslanka addressed the Commission comments: (1) they have provided proof of abutter notification. (2) DEP issued a file number with a comment more directed to the Commission to prevent alteration of the wetlands with properly conditioned controls, but soil stabilization notes have been added to the plan. (4) The work is secondary to the single-family home; although they are impacting 1.5 acres of land, they are not subject to the stormwater management standards. Because they heard the concerns of the Commission and abutters about flooding, they have implemented a stormwater infrastructure (vegetated swales & riprap). Each swale will be 6-feet wide from the top and 1 1.5-feet deep. (5) There are some areas outside the fence and pasture areas that will be maintained as lawn. (6) Notes have been added for construction sequencing and erosion and sediment control methods and procedures. (7&8) Ms. Sepe is working with the Building Inspector and Health Agent to address the comments of those offices.

Ms. Guldner asked what precisely they are doing and how many horses will be kept there. Ms. Sepe said the horses are for private ownership as pets and there will be no more than 4 total. Ms. Guldner asked how often the manure is removed and was told every two weeks May-October. No more than 2 cords of manure can be stored on the property at a time, but because of the proximity of the horses it would be removed at least monthly if not every two weeks throughout the cold weather. Mr. Clark asked what the extent of the clearing was and was it the same as the tree clearing? Ms. McDonald said the tree line is the boundary and the total clearing for tree removal, lawn and pasture is 1.5 acres. Mr. Clark asked how they are removing the trees. Mr. Maslanka said they will be cut down and removed from the site without felling the trees towards the wetland resource areas; once removed the area will be grubbed; they will be pulling the stumps; there are thousands of trees.

Ms. McDonald said a Land Clearing Permit in Northborough is required for this type of work unless there is an Order of Conditions or an Earth Removal Permit. The Commission is bearing the burden of any impacts from land clearing; they are representing the town in the land clearing, so do remember that when conditioning the Order that the Commission is taking on that responsibility. The project is over one acre and therefore trigger the NPDES Permit so they will have to file SWPPP. There will have to be an environmental monitor. Mr. Helwig commented that many things are built that involve more tree cutting and land disturbance than this project. Mr. Young agreed but his concern was making sure that the buffer zone and the wetlands are protected the best they can. Mr. Helwig agreed and said we know how to control that. Mr. Dufresne said if you change the cover type from woods to a grass pasture, it will increase the stormwater runoff from the site. He said the vegetated swales follow the grading and will be sloped

down; water will not be sitting there infiltrating into the ground, it will be running along the swale. He would like to see some more grading on the swales, show the spot grades; the swale may have to go in deeper in some places and be flattened out on the bottom to provide the infiltration. He thinks what they are doing is a good approach but thinks that it is concentrating stormwater towards the back side of 87 and 93 Washburn Street. As the two swales converge there will be more flow within the swales than what they have today; it naturally sheet flows across the area. The engineer should show more data as far as the proposed elevations go. If they are going to converge there, he suggested something bigger like a plunge pool type, so it overtops back towards the wetlands and not towards the neighbors. Mr. Maslanka agreed to work with those comments. Mr. Dufresne would also like to know the number of trees that will remain in each pasture. He asked if the manure was covered or had a secondary containment. Ms. Sepe will work with the BOH on determining (possibly a concrete slab with a metal roof). Mr. Young asked how far off the 35-foot is the fence on the pastures. Mr. Maslanka said the fence is outside of the 35-foot; 65,000 square feet of land will be cleared. Ms. McDonald said to Mr. Dufresne's comments that she talked with Mr. Litchfield today and he had the same comments as Mr. Dufresne. The swales are not engineered and not sized by an engineer, so we don't know if they are going to hold the needed volume of water. She started to run some numbers but the way they are designed in this detail, this is a conveyance design, not an infiltration design. According to the stormwater handbook, this design does not provide any recharge or TSS removal; we need to see something with a sub-base like gravel and a little wider at the bottom. We would then need to see calculations showing that the swale can hold a certain size storm and recharge it before it overtops. She and Mr. Litchfield agree that the swales and the rip-rap pads are concentrating and creating a point source discharge and we need to see some calculations. Because of the change of cover type, we need pre and post drainage analysis to confirm water leaving the site doesn't increase because of the change of land use from forest to pasture. There was historical flooding down the road on the Harrington Way Development and the Commission worked with the developer to make sure the drainage and stormwater systems were adequately sized and oversized to compensate for the historical flooding; it is part of the same wetland system. Ms. McDonald also commented that in the sequence, we require the installation of the stormwater system prior to grubbing.

Public comment: Richard Rankin (77 Washburn Street) asked Ms. McDonald if the clearing and use of pasture is allowed within the 100-foot buffer and up to the 25-foot buffer and was told it was. It is an allowed use under Zoning, the Wetlands Protection Act and local bylaws. He asked if the calculations are going to be required or voted on and put into the findings and was told that was up the Commission. She said it is not required in the initial submission because this project is secondary to a single-family house so it didn't trigger the state stormwater standards, but Commission does have leeway in the local bylaws to require it. He asked if the Commission would consider limiting the number of horses to four as the applicant said they would have. Ms. McDonald said that would be under the BOH permit. Ms. Sepe said if she stays within the private stable laws of the town, she cannot have no more than four. He asked regarding the septic system, is there any concern of tree cutting in that area and infiltration into the system. Ms. McDonald had no concerns. He said the wetland that is opposite the right-of-way between 85 & 87 Washburn Street can they cross it with access road to a subdivision. Ms. McDonald said it is not proposed. He said Ms. McDonald stated that she spoke to the residents of Washburn and the mitigation at Harrington Lane has improved the situation with regard to the flooding to the rear of properties. She said yes, she spoke with Ernest Wolshen who has been there for decades. He said it floods when it rains, and the concern is that with the clearing and potential grubbing and stump removal that there will be runoff into the wetland.

Robert Marquetta (93 Washburn Street) was speaking for several residents on the street. He said before Harrington Way went in there were issues. Since then, there have been additional issues; clearing the land

will not help the situation downstream. He doesn't see the problem being solved with the swales; they have significant concerns. He would like to see as many trees as possible left within the 100-foot buffer.

Tim Cassidy (87 Washburn Street) was concerned about more flooding and the possible impact to his septic system. He would be looking for some assurance that that would be prevented, and if not, is there any recourse he has.

Melissa Kaufman (81 Washburn Street) has experienced water problems and said if they clear 1.5 acres of trees it will have an environmental impact when it rains. Anything that can be done to push the tree line back and protect their interest while still helping Ms. Sepe would be appreciated.

The Commission requested the following:

(1) engineering designs are needed on the swales, part of that would be hydraulic calculations about flows coming down, how much will come into the swales, and sized appropriately to handle them. (2) the number of trees to remain, can the tree line be pushed back. (3) the sequence of work--installing erosion control barriers, cutting the trees, installing the stormwater system, grubbing. Ms. McDonald asked for the consensus of the Commission because the hydraulic calculations are not required under the MA WPA, but can be required under the local bylaws if the Commission requests. Each Commissioner agreed to require confirmation discharge from the completed site will be equal to or less than existing conditions and engineering calculations must be submitted to prove this. The applicant requested a continuance to provide additional information. Mr. Beals made a motion to continue the hearing to October 18, 2021; Mr. Helwig seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Request for Certificate of Compliance for 47 Cherry Street (Map 57, Parcel 41) DEP File #247-1157, 12/27/2018 – Ms. McDonald visited the site and confirmed the site was constructed as proposed. Mr. Helwig made a motion to issue a Certificate of Compliance for 47 Cherry Street; Ms. Marston seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Assabet Bridge CPC Application Update – The Trails Committee would like to move forward on Phase 3 of the MWRA 8M Permit for pedestrian access across the Assabet River Aqueduct Bridge. National Grid did confirm there is room in the right-of-way to move the wires down into the ground; we are waiting for a cost estimate from Grid. It will come to the Commission at the October meeting and will be asked to vote on it. The MWRA will need to surplus the property. Depending on the cost, it may be a CPC application next year to purchase the bridge. Mr. Helwig said our state senator and state representative need to be contacted to push some of these people.

The next meeting is scheduled for October 18, 2021.

Mr. Beals asked for a trails camera update at Mt. Pisgah. Ms. McDonald went there today. After the last meeting she moved one camera to the landscape pond that someone keeps building; she destroyed it and it hasn't been rebuilt in a month. The camera at Watson Park was stolen last week; the Commission agreed to purchase a security box for another one to be placed there.

Ms. Marston asked about the pipes coming out of the ground at 158 Pleasant Street next to driveway. Is the driveway ever going to be tied into those pipes? They look like catch basins that should be attached to the driveway but not connected to anything. Mr. Dufresne said they may be using them for sonotubes for concrete to put in the guardrail. Ms. McDonald will visit the site.

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Melanie Rich  
Commission Secretary