



TOWN OF NORTHBOROUGH Conservation Commission

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**Conservation Commission
Remote Zoom Meeting
Meeting Minutes
October 18, 2021**

**Approved
11-08-2021**

Members (Remotely): Greg Young (Chairman), Diane Guldner, Todd Helwig, Justin Dufresne, Kelley Marston

Members Absent: Tom Beals, Dan Clark

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

Others (Remotely): Brian Waterman (WDA), Mr. Bleakney, Mr. Oakes, Mr. Regan, Gary Phillips, Dominic Meringolo (SOLitude)

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, Justin Dufresne; Diane Guldner; Kelley Marston; Mia McDonald (Conservation Agent), Jim DiGiulio (Host)

Review Meeting Minutes of September 13, 2021 – Ms. Guldner made a motion to accept the Meeting Minutes of September 13, 2021; Ms. Marston seconded; roll call vote: Dufresne-yes; Guldner-yes; Marston-yes; 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.

Continued 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

Mr. Dufresne made a motion to continue the public hearing for 0 Hudson Street and 190 Howard Street to the November meeting; Ms. Guldner seconded; roll call vote: Dufresne-yes; Guldner-yes; Marston-yes; Young-yes; motion approved.

Todd Helwig joined the meeting 6:05 p.m.

Request for Insignificant Project Change: 85 West Street (Map 57, Parcels 34 & 35) DEP File #247-1189: Brian Waterman (WDA) was in attendance. The project change request is for the common drive project which was issued on May 4, 2021 and pertains to the driveway to the existing house at #85.

The contractor is mobilized for the initial phase of the common drive construction. The owners, Viner & Harling were contacted by the new owners of #85 who had concerns with the large pines that are near the house as well as a stressed red maple tree. They would like to remove five trees in the buffer zone that were not approved as part of the driveway removal. They are requesting a project change to remove those trees; it will be graded as a lawn area (approximately 830 square feet within the buffer zone). The trees are approximately 70-feet adjacent to the wetland; the existing drive would be there and the restored area. The area where the proposed driveway is coming out is approximately 4,500 square feet. With the new driveway and the 830 square feet, it would be 2,200 square feet. There would still be a net increase in restored buffer directly adjacent to the wetland of approximately 2,300 square feet; flow patterns will be the same; there will still be vegetated areas; vegetated buffer zone. With a tree clearer coming in soon, they are asking the Commission if it could be done under the current Order while there is construction supervision ongoing and before everything is restored.

Ms. McDonald believed if a homeowner had come in requesting installation of a lawn 50+ feet from a wetland, the Commission would allow them to do it under an Order of Conditions. However, this site is extremely altered already and operating under a current Order; they discussed the meadows and woods that will be lost because of the development of the site and thought those must be weighed. She wanted to hear the Commission discussion and conclusion. It is a wooded area; it is more than tree removal; it is installation of a lawn. But if no new conditions are required, then this could be considered a project change under the current Order with an accepted plan revision. Mr. Waterman described the trees that will be removed and remain. Mr. Young said the restored area will be between the wetlands and the new proposed area. Mr. Waterman said the existing driveway is between 4-15 feet from the edge of the wetlands; the new drive become 15-45 feet away. Mr. Young also agreed that if the homeowner had come in with this without the larger project around it, we most likely would have allowed it with some requirements around stumping, etc. Mr. Dufresne agreed and said we just recently approved something similar with hazard trees close to a house. This project not only proposes to remove the hazard trees but add new trees closer to the wetlands to compensate for that. He would be fine with the change. Mr. Helwig agreed.

The Chair asked for public comment; there was none. Mr. Young asked if we could limit the amount of fertilizer being used to protect the wetlands. Ms. McDonald said there is a fertilizer restriction in the current Order of Conditions. Ms. McDonald spoke with the contractor and asked about his tree cutter because this is a very detailed plan and will be monitoring it closely. Ms. Marston asked about placing wetland area signs where grass clippings should and shouldn't go. The permanent markers are along the wet meadows behind the edge of the basin. Mr. Waterman suggested two more signs be added to the plan around the restored driveway area; he will add them to the plan. Mr. Helwig made a motion to approve an insignificant project change for 85 West Street subject to the plan that was shown to the Commission; Ms. Marston seconded; roll call vote: Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

On another issue that was not part of the project change, Mr. Waterman said they staked out the center line of the proposed drive up to station 3, approximately 300 feet and within the first parcel; all erosion controls are in, the contractor has started stripping the loam up to station 3. Given how wet this year has

been, they are encountering some high ground water. They are proposing to raise the road approximately from station 1 up to station 3. He met with Mr. Litchfield and Ms. McDonald today and had their engineer run a new profile. He explained the basin that will come up about a foot and the road would come up approximately two feet; it will help with grading. They are running the vertical curves to make sure there is no conflict in the curves. Ms. McDonald met with Mr. Litchfield and they felt that if the location or the layout are not changing, and they are not changing the limit of disturbance, it could be accepted as a field change. The applicants must show that the stormwater is being managed properly with the submission of a revised plan and stormwater report. The only difference on the plan would be the shifting of the two structures and the grades would be slightly different up to station 3 plus 50. Mr. Waterman said this change would help improve the stability of the road and drainage, they would be adding stone underneath the drive. Ms. McDonald asked if the Commission would allow the changes to be approved administratively and let them begin before the next meeting, or if they want to see the plans before changes are made in the field. Mr. Waterman said can this be done as a field change if the plan is revised and approved by Mr. Litchfield, Mr. Charpentier and Ms. McDonald without filing an actual project change; it's a field change plan that is submitted and inserted into the plan set. Members had no issues. They will move forward with a field change.

Requests for Certificate of Compliance:

94 Pleasant Street (Map 55, Parcel 17) DEP File #247-1158, 11/28/2018 – The Bleakneys were present. The shed has been removed as well as the debris within the 25-foot. Ms. McDonald visited the site today and observed the area adjacent to the resource areas was mostly exposed soil. Grass will need to be grown before issuing the Certificate; the area needs to be stabilized as required by the standard conditions in the Order. Ms. McDonald suggested installing a wattle on the 15-foot no-disturb with no hydroseeding within the 15-foot buffer so it can grow in naturally. In order not to hold up the sale, the Commission can write a letter to the bank stating that we met and discussed the project, we are satisfied with the removal of debris and the installation of the septic system; the outstanding item is the growth of seed over the unstabilized area. The bank would set a value on that and create a holdback. The owners should contact the Commission to re-inspect once the grass has grown in. Mr. Helwig made a motion to continue the Request for Certificate of Compliance for 120 Hudson Street until the time the grass grows in; Ms. Guldner seconded; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

120 Hudson Street (Map 53, Parcel 15) DEP File #247-1138, 10/31/2017, Amended 8/14/2020 – Mr. Oakes was present. The project was completed as approved. Mr. Helwig made a motion to issue a Certificate of Compliance for 120 Hudson Street; Ms. Guldner seconded; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Project Update Discussion: 40 Maple Lane (Map 65, Parcel 59) DEP File #247-1165 – Mr. Regan was present. Ms. McDonald explained that the previous owners had a superseding Order of Conditions for construction of the house from MassDEP in 1986 after the Commission has denied the project. Mr. Regan contacted MassDEP to request a site visit to get a Certificate of Compliance. MassDEP has a copy of the current Order, as well. MassDEP had concerns with some of the things they observed and asked Ms. McDonald to do a site visit and make sure the site is in compliance with the current Order, the MA Wetlands Protection Act, and the Town of Northborough Wetland Bylaw. Three issues were observed: 1. stockpiling of yard waste and debris within the 25-foot buffer in one area, 2. the shed that was approved with a previous Order of Conditions had been extended to within the 35-foot no structure zone without a permit, and 3. the actual 263 square foot sunroof addition with concrete pad below appears to be larger than was approved. Since meeting with Ms. McDonald, Mr. Regan is already beginning to bring the site into compliance. The stockpiling is mostly yard waste; it has been removed. Mr. Regan has removed the

extension to the shed. Ms. McDonald shared the approved plan and a picture of the concrete pad that was not in the approval. The new addition to the sunroom is 16 feet by 22 feet, or 352 square feet; the concrete pad is 12 feet by 20 feet, 240 square feet more than what was approved to be installed below the addition; there is a retaining wall to the left that goes down to the wetlands; the concrete pad is within the 35-foot buffer zone; stone is on all three sides. There was no concrete there previously, but the plan shows the stairs.

Mr. Young said the sunroom is 35% bigger than was approved, and the pad was not approved. Ms. McDonald did not think the Commission would have allowed the pad within the 35-foot. It is in Groundwater and the Town Engineer would have had to be consulted. Mr. Litchfield did tell her that a 263 square foot addition was not going to trigger a groundwater review, but the larger addition and pad are a significant increase in impervious over what was approved and also within the 35-foot buffer zone. Mr. Young said one approach was to tear it out and do it the right way. Mr. Regan said he wants to be compliant and do what's right but thought what he did was not an issue. He asked what negative the cement pad is causing. Mr. Dufresne said there is a concern for habitat loss and the 35-foot no build zone, but the retaining wall along the edge of the resource areas has been there for decades; that would prevent habitat and encroachment from the yard, so he felt like the wall is almost the limit. There is a pad now, the water is running off and it's still infiltrating into the ground. He said Mr. Regan has cleaned up the property and he should probably do an amendment to the Order of Conditions.

Ms. McDonald said the issue is that it was not included in the original scope. She suggested an amendment that showed the actual full extent of the scope. Mr. Helwig said the work was permitted prior to the expanded buffers in 2019. Ms. McDonald said the work was permitted prior to 2019 so the project was approved when we had 15- and 30-foot buffers but they don't apply because he has a retaining wall on the 5-foot that was approved in 1986. The current buffers for new projects are now 25-foot no touch and 35-foot no structure. This is a unique site because there is a retaining wall from the 1986 house construction. Mr. Helwig thought it was acceptable because of where the retaining wall is; we are not doing any more harm by doing it and based on that they should not have to do an amendment to the existing Order with conditions. Ms. McDonald said an amendment is required if the limit of work changed or any new conditions were required; the Commission could entertain it as an approved project change. The consensus was for a project change because they are not getting any closer to the wetlands/beyond the existing retaining wall, but a plan is needed showing the extent of it for our files. Mr. Regan was asked to draw up a plan with the actual square footage which will give us a new baseline. Mr. Regan will provide it. He also said he will not be doing anything additional.

The Chair asked for public comment; there was none. Mr. Dufresne made a motion to approve the project change with the submission of a revised plan; Ms. Marston seconded; roll call vote: Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Informal Discussion: Watson Park Pollinator Garden Plan – Gary Phillips was present. He was looking for an endorsement for a pollination garden and gave a PowerPoint presentation. The goal is to provide a habitat for native at-risk bees and butterflies. Workshops are planned starting in November. Mr. Young commented that it was a terrific presentation and volunteer effort on his part and asked about his workforce. Mr. Phillips said he has some people from the Garden Club working with him as well as friends. The workshops will include families. Ms. Guldner asked how much space he will be using and was told 24 feet by 24 feet. Mr. Young asked if he thought about contacting the Community Advocate to publish a story on it to generate interest. Mr. Phillips said he is using Southborough as the case study and has some good public relations. He eventually wants to do community outreach and knowledge sharing. He asked if people are allowed to park in the grassy areas at this location. Ms. McDonald said it is in Groundwater

Protection Zone 1; parking will be allowed on the pavement. Mr. Phillips asked if water cubes would be allowed in the area and was told yes. Mr. Young asked if he had any funding requirements and was told not initially; he will figure it out as he goes. Because it is conservation land, and a benefit to the town, conservation funding may be available depending on the requirements and what it's for. Ms. McDonald said they reached out to Bigelow Nurseries and asked the Commission's permission to draft a formal "ask" letter for the donation of plants. Pat Bigelow is very excited to donate plants in the spring. Ms. McDonald said they need to stay out of Zone 1 for the well which needs to be mowed flat twice/year. He was thanked for his time and effort.

Informal Discussion: Solomon Pond Vegetative Management – Dominic Meringolo (SOLitude) was present. They are looking to do vegetative management and removal around the bank areas and will be doing limited hydro-raking and limited chemical and herbicide treatment of mostly the lily pads and approximately an acre of the shoreline. Overall, the pond's ecosystem is fine, they are only trying to open up a few areas. Not only will it help the homeowners, but it will also provide some edge habitat, thinning out some of the vegetation and help prevent eutrophication in that area; it is a limited project; it will be ongoing; it will be monitored. They are currently preparing a Notice of Intent application. Ms. McDonald said it is a great pond but there is no public access; it is owned by the state but managed by the town.

Request for Letter of Support from the Trails Committee for their Community Preservation Committee Application for design of the Accessible Trail at the Senior Center/Edmund Hill – Ms. McDonald said the Trails Committee has constructed a trail behind the Senior Center. It is not ADA accessible, but it is more accessible than most trails. Volunteers removed limbs and boulders and tried to make it flatter. It does need to be walked. She showed the layout. The goal is to design it up to ADA standards, to hire a landscaper to put in the correct slopes and distances and rest areas to bring it to ADA standards. The cost is \$28K to do the design; once received, she will prepare a Notice of Intent for the work. When an Order of Conditions is issued, the project will be shovel ready. She has been looking for funding all year with no luck. Once it is shovel ready it will be much more attractive for funding programs. She will continue to look for funding and if none can be found, will prepare another application to the Community Preservation Committee next year. The cost for construction is approximately \$250,000. A vote is needed because it is on conservation land. Mr. Young commented that the Commission addressed it already and supported it, but the funding fell through. Ms. McDonald said they had applied for a DOT grant and didn't get it. Mr. Helwig made a motion to send a letter of support; Ms. Guldner seconded; roll call vote: Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Request for Letter of Support from the Trails Committee for their Community Preservation Committee Application for relocation of utilities from above to underground over the Assabet River Aqueduct Bridge – Ms. McDonald said it was posted on the agenda for relocation of utilities. There is an internal requirement at town hall that it goes to the Town Administrator for approval before going to the Community Preservation Committee. The Town Administrator decided that it should be a different scope. He modified the current scope to hire a consulting engineering firm to complete the preliminary design of the decking and railing, relocation of utilities and application to the MWRA (the owners) to modify the agreement for access over the bridge; Ms. McDonald has contacted Stantec because they completed a structural inspection of the bridge in 2017 and have the capacity and expertise needed for this project. The 8M permit requires an application to show them how we are going to prepare the bridge for a full preliminary design of the deckings, railings, and relocation of utilities. The cost is not known yet; it could be \$75K-100K. Ms. McDonald and Scott Charpentier redeveloped the scope. Mr. Helwig thought it was one of the more important projects around in his view; he would like to see it get priority. Mr. Dufresne made a motion to send a letter of support; Mr. Helwig seconded; roll call vote: Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

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Mr. Young asked for an update on the purchase of the ATV. Ms. McDonald stated that due to construction season she has not had time to compile the responses to her data requests to provide to the Town Administrator as he requested in July, but she has asked the Town Planner to provide the other responses to the TA questions and ask the TA if the purchase could proceed.

The next meeting was scheduled for November 8, 2021.

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

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary