



TOWN OF NORTHBOROUGH Conservation Commission

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**Conservation Commission
Remote Zoom Meeting
Meeting Minutes
May 16, 2022**

**APPROVED
6/15/2022**

Members (Remotely): Greg Young (Chairman), Justin Dufresne (Vice Chair), Dan Clark, Diane Guldner, Kelley Marston, Tom Beals (joined at 6:30 p.m.), Todd Helwig

Members Absent: None

Staff (Remotely): Fred Litchfield (Town Engineer)

Others (Remotely): John Grenier, Peter Cibula, Brendan Perry, Brian Hopkins

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, Fred Litchfield (Town Engineer), Jim DiGiulio (Host).

Mr. Dufresne read into record the hearing notice for the Requests for Determination of Applicability for 66 Sunset Drive (remove five dead trees from the edge of the pond); 405/421 Howard St (remove trees, bushes, dirt and stone for better visibility); and 202 Brigham Street (to clean and/or repair clogged or failed drainage pipes and catch basins).

Review Meeting Minutes of April 11, 2022 – Mr. Beals made a motion to approve the April 11, 2022 Meeting Minutes as amended; Ms. Guldner seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-abstained; 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.

Mr. Litchfield was contacted by Maureen Herald (Norse Environmental) who confirmed that the flags are still there. Because of conflicting schedules, they were unable to meet, but will meet before the June meeting.

Mr. Helwig made a motion to continue the public hearing for 0 Hudson Street to June 15, 2022; Ms. Guldner seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Continued Notice of Intent: 15 Settlers Road (Map 78, Parcel 7) Local #101

Applicant: 15 Settlers Realty Trust

Request: Proposed construction of a single-family house and associated site work.

Jurisdiction: Isolated vegetated wetlands.

John Grenier was in attendance. He submitted plans showing the location of the proposed septic as well as the previously approved site plan. It is an isolated wetland, not BVW, and is greater than 50-feet away. It meets the Board of Health Title 5 requirements for setbacks. Because of extenuating circumstances, the installation was delayed. Regulations changed in 2019 for the offsets to the isolated wetlands to be 100-feet rather than less than 50-feet or no setbacks. Mr. Grenier would like the Commission to allow the septic system to be placed in the original location under the previously approved Order of Conditions. A plastic barrier along the perimeter of the septic system will be installed; there will be no issue of grey water leaching horizontally toward the resource area; everything will leach vertically into the ground. He said the original location has the best soils and will provide the best treatment.

Ms. Marston asked if the driveway was moved to the left side of the system, could the system get further away from the resource area. Mr. Grenier said it could not because of the setbacks; the grading would be closer to the resource area. Mr. Clark said there are local bylaws in place to protect the isolated wetlands and doesn't know why the Commission would make an exception. Mr. Grenier said it would better protect the groundwater. Mr. Young asked if it could be pulled forward to the 100-foot buffer. Mr. Grenier said it could but it would be less than 25-feet to the property line; variances would be needed from the Board of Health and retaining walls would be required which would be more work and more disturbance.

Mr. Helwig commented that someone did make a significant investment in the property when it was lawful and not sure if he would be willing to reverse it now because of the change. Mr. Beals said it was previously approved and did have an Order of Conditions; he would be ok with a waiver for it to move forward.

The Chair asked for public comment; there was none. Mr. Litchfield commented that the neighbor at 11 Settlers Road was concerned about the septic system being within 25-feet of the property line, but after viewing the plan and seeing the system was more than 25-feet away was fine. Mr. Young found it bothersome because the Commission should be in sync with the BOH or vice versa which would prevent this in the future. It will be an action item for the new agent to try to resolve it going forward. Mr. Grenier said the property was purchased with approved permits and if there wasn't an issue with a neighbor, it would have been installed and built. Mr. Helwig made a motion to close the public hearing; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved. Mr. Beals motion to issue an Order of Conditions for 15 Settler Road with the details as discussed by Mr. Grenier that a polyethylene barrier will be installed along the perimeter of the septic system; Mr. Beals seconded; roll call vote: Beals-yes; Clark-no; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; voted 6-1-0; motion approved.

Continued Notice of Intent: 137 Madison Road (Map 101, Parcel 85) DEP File #247-1213

Applicant: Rony Noreldin

Request: Proposed construction of a patio, steps and associated site work.

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

The applicant requested a continuance to the June meeting. Ms. Guldner made a motion to continue the public hearing for 137 Madison Road to June 15, 2022; Mr. Dufresne seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Request for Determination of Applicability: 66 Sunset Drive (Map 93, Parcel 40)

Applicant: Peter M. Cibula
Request: Removal of five trees located approximately 40'-70' from the edge of a pond
Jurisdiction: Buffer zone

Peter Cibula was in attendance. The trees are approximately 40-feet from the edge of the pond. American Climbers will remove the trees. Mr. Beals appreciated him coming to the Commission before going forward.

The Chair asked for public comment; there was none. Mr. Helwig made a motion to close the public hearing; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue a Negative Determination of Applicability for 66 Sunset Drive with the condition that four of the five stumps shall remain; no more than one shall be ground; Ms. Marston seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Request for Determination of Applicability: 405/421 Howard Street (Map 13-1 / 13-2)

Applicant: Brendan Perry
Request: Removal of trees, bushes, dirt and stone to reduce the differential between the project site and the surrounding land for better visibility
Jurisdiction: Bordering vegetated wetlands and riverfront area.

Brendan Perry (405) and Brian Hopkins (421) were in attendance. Mr. Litchfield explained that he received a call from a neighbor that work had been done near a resource area without a permit. The applicants said they were trying to make improvements to the sight distance along the common driveway. The resource area is a riverfront area directly behind where the work was done. The area has been stabilized with wood chips. An NOI should have been filed. In speaking with the DEP, they typically request an NOI be filed and would not necessarily allow it, but since it has happened and is an after-the-fact, their recommendation is that some plantings of naturalized plants for the riverfront area should be put back, but we should limit them to some low growth plants so we don't have this situation occur in the future.

Mr. Hopkins said the corner was troublesome; it was done for visibility and safety for their families. He said they did not remove any dirt from the area. It did slant away from the water and towards the road; they did put wood chips on it immediately to stabilize it. He would like recommendations of what to put there and where to place it so as to maintain the visibility that was created. Ms. Guldner suggested they go to a nursery and ask for native plants, bushes and grass that would hold the embankment but not block the vision. Mr. Hopkins said three trees were removed; one stump remains. Mr. Young asked if there was a chance of the woodchips getting into the stream with rain; Mr. Hopkins said no; the woodchips pitch towards the road. The edge of the road appears to be 80-feet from the stream.

Mr. Litchfield said the option is to issue a Negative DOA with conditions for plantings or have them file an NOI. Mr. Young thought we should go with the RDA. Ms. Marson asked if the trees that were taken down were dead or did they provide any shade to the stream. Mr. Helwig stated that the area is the common driveway that he lives on and will recuse himself from the vote; it didn't occur to him that it was going to

be an issue and in his opinion there was only one decent tree that was there, the rest was invasive species. Mr. Beals said because it is a violation signage should be added.

The Chair asked for public comment; there was none. Mr. Clark said to let them plant something that doesn't cause a problem in the future; Mr. Dufresne agreed. Ms. Guldner asked that they send us a list of what they will plant and where so we have it on record. Mr. Litchfield said a list of the plants purchased at a nursery and photos after it has been done would suffice as part of the condition. He said the impact to the resource area is minimal given the grade is going the other way; the wood chips are not what he would consider unstable but not the best stabilization. Ms. Guldner made a motion to close the public hearing; Ms. Marston seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-recused; Marston-yes; Young-yes; motion approved. Mr. Dufresne made a motion to issue a Negative Determination of Applicability with the condition that the applicant will provide a plant list and photos of what has been installed; Mr. Clark seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-recused; Marston-yes; Young-yes; motion approved. The motion was re-voted to include the addition of a wetland sign; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-recused; Marston-yes; Young-yes; motion approved.

Request for Determination of Applicability: 202 Brigham Street (Map 84, Parcel 22)

Applicant: Juniper Hill Golf Course

Request: Clean and/or repair clogged or failed drainage pipes and catch basins.

Jurisdiction: Buffer zone to a bordering vegetated wetland, riverfront area, bordering land subject to flooding and floodplain.

Dudley Darling (VP, Juniper Hill Golf Course) was in attendance. The intent is to repair/replace drainage pipes estimated to be 30-80 years old which are causing deterioration of the playing conditions. The work area is 1,100-1,200 square feet. Some work is within the 200-foot resource area. The new piping will go into the existing trench and join with existing pipe. No fill is proposed and the grade will not change. The work will take 2-4 days. Mr. Young asked what are the chances of dirt or sod getting into the river. Mr. Darling said it was low; the contractor will begin work at the lower end closest to the river. Mr. Litchfield said it should be stabilized on a daily basis with sod, jute mesh and grass seed.

The Chair asked for public comment; there was none. Ms. Guldner made a motion to close the public hearing; Mr. Helwig seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved. Mr. Helwig made a motion to issue a Negative Determination for 202 Brigham Street subject to closing the work site every day they are working on it; Mr. Beals seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Informal Discussion:

Jim Dimaio (to discuss the Bird Assessment and Forest Stewardship Plans he is working on for the Commission at Mt Pisgah and Edmund Hill Woods) – Mr. Dimaio would like the Commission to review eth Goals and Objectives for any deviations from his recommendations. Mr. Beals would like to see open spaces on Mt. Pisgah saying we need some edge habitat. Mr. Dimaio noted a lot of invasive species at Edmund Hill. Mr. Litchfield said it required to be submitted to the state by June 15th. Mr. Dimaio asked for any guidance to prepare the plan for the Commission to approve. He said at Edmund Hill the spongy moth has killed a significant number of oak trees. Mr. Beals said salvaging to prevent hazards makes sense. Mr. Dimaio said there are too many trees that may jeopardize the forest over the long term. Mr. Beals said if we could get the plan, we would need to look at doing a cutting plan at Mr. Dimaio's recommendation.

Mr. Dimaio said there is a prior plan for both properties; Mr. Litchfield will look for it. Fish & Wildlife has to review the Mt. Pisgah Management Plan because of deed restrictions. The arrangements he made with the DCR is that there will be two reviews going on at the same time; if Fish & Wildlife want something different, he will amend the plans he sent to the DCR. Mr. Clark said one of the goals for these properties is to maintain at least the majority as forested habitat. Mr. Dimaio said the forests are older and there are many mature trees. The significant things he saw was invasive species, mortality of the oaks, and overcrowding white pine trees. On both properties he also noticed a lot of fire scars. He said there is a lot of regeneration in the understories but does not think that's an issue right now. He thinks maintaining the trails system could be challenging. Any managed activity should not interfere with the trails because they are very well used. The public is very passionate about the trails system. Fish & Wildlife have an issue with the two observation high points and the trails at Mt. Pisgah; they are eroded and would like to see the plan addressing the maintenance of those trails water barring or reducing them from erosion. The Commission will review the goals and objectives and respond the Mr. Dimaio with any comments.

Tom Reardon, Architect, for would like to discuss his client's plans for building an addition to the historic structure at 78 West Main Street – Tom Reardon (Reardon & Company) and Brian Waterman (WDA) were in attendance. The property is completely in the 100-foot buffer, outside the flood plain, and the 35-foot no build zone bisects the property from left to right. He is asking how the client can respect the architecture but also renovate and expand it.

The back northwest corner is approximately 12'-15' from the wetlands now. The client would like to preserve the look to the street. Because there is parking on the right, the only direction they can expand is to the lower left corner or the side of the upper right corner. They do have room in the front to expand, they are 40-feet back from the property line. The setback in Downtown Business is 6-feet. If they expand in the front they would lose some of the character. Design Review would like to see older structures preserved. They propose to go out 16-feet in the rear where the one-story bump out is in the same width as the main building which is 24-feet; off the west side there will be a 20'x20' addition. Brian Waterman said approximately 1,400 square feet of pavement will be removed. The back edge of the proposed basin is at the edge of the existing pavement line. They would be removing 16'-18' back from the wetland. The area will be restored with grass; it will be either a shallow rain garden or small basin. The back of the building is 12-feet off the wetland boundary; the deck is 6'-8' away. The rear addition would be over an area that is currently paved; the pavement around it would be removed. The side addition would be a little farther away than what the current deck is. A split rail fence and plantings are proposed between that. Mr. Reardon said the building footprint increase is approximately 760 total square feet; 400 square feet of pavement will be removed and approximately 100 square feet of existing concrete walk in the front; a total of 1,500 square feet of impervious that will be removed.

It is currently being used as office space; it may be converted to four apartments which is permitted by right. Ms. Marston asked if they considered putting the addition on the left on the right. Mr. Reardon said they chose to work on the left side because there is an existing 5'x20' bump out which defines the cross gable roof and extending the same dimension could keep the roof lines consistent; it would blend in with the architecture. On the right is where they need parking. Ms. Marston asked if they could put the parking in the front if they had the bump out on the right. Mr. Reardon said zoning bylaws encourage the parking to be either on the side or the rear and don't allow parking in front of buildings in Downtown Business any longer.

Mr. Young liked the work in the back getting rid of some of the pavement and putting in lawn and a rain garden. He does not like the encroachment on the left side and the waiver of the 25-foot no build. Mr. Reardon said the size of the left hand addition works with the interior planning of the building. They are

trying to keep some of the architectural components intact as a living unit. The 20x20 addition on the side allows them to have a unit by itself and not destroy some of the existing integrity. If it's not feasible they go back to the drawing board. Mr. Waterman asked if the members could visit the site. A site visit is scheduled for Monday, May 23rd at 6PM.

Requests for Certificate of Compliance: 0 West Main Street (DEP#247-700) – Rob Lowell (DCR) was in attendance. Mr. Lowell gave an overview of what had been done. He said the overall plans are to move forward with the remediation at the site and coming back to the Commission, but for the purpose of the Certificate of Compliance, the work was done 20 years ago. There are some remnants of silt fencing which will need to come out, but that will be done in the next phase of the work. The vegetation is well established; there is no erosion on the property; no site work has been done for some time. Clean-up of surface debris was done in 2002/2003 with a much more extensive effort around 2014. All the original filling work was done and basically re-established vegetation. He is hoping to get a Certificate of Compliance for the original test pit work and then refile a remedial plan with the Commission later this summer that would bring the site back into full compliance in today's standards with the DEP.

Mr. Litchfield did walk the site with Mr. Lowell; he didn't see any erosion or any reason why the Commission couldn't grant a Certificate of Compliance and clean up the outstanding Order of Conditions. Having no issues, Mr. Helwig made a motion to issue a Certificate of Compliance for 0 West Main Street; Ms. Marston seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Correspondence: Tony Pini Reappointment to the Earthwork Board. Mr. Beals made a motion to appoint Tony Pini to the Earthwork Board; Mr. Helwig seconded; roll call vote: Beals-yes; Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Marston-yes; Young-yes; motion approved.

Ms. Marston noticed a large amount of lumber at 33 Church Street and asked if they had come before the Commission for an addition, etc., because she thought their backyard is within 30-feet of a wetland. Mr. Litchfield said they did pull a permit for a Gazebo. A map was viewed; the dimensions don't make sense. Mr. Litchfield will speak with the Building Inspector tomorrow and see why we haven't heard from them yet.

The next meeting was scheduled for June 15, 2022.

Mr. Dufresne asked if there were still a number of cars parking on the street at Mt. Pisgah. The Commission had previously talked about expanding the parking lot. Mr. Beals said there were a few times on weekends where it is overflowed.

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

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary