



TOWN OF NORTHBOROUGH  
Conservation Commission  
Wednesday, October 5, 2009

Conservation  
Commission  
Approved  
11-09-09

**Present:** Wayne Baldelli, Mo Tougas, Diane Guldner, and Tom Beals (arrived 7:16 pm)

**Absent:** Greg Young, Todd Helwig, and Brian McManus

**Others Present:** Fred Litchfield – Town Engineer; Eileen Dawson – Recording Secretary; Magdalena Lofstedt – CDM; Peter Carlino – CBA; Dimitrios and Nick Voyiatzis – 73-85 West Main Street; Michael Sullivan – Connorstone Engineering; Neil Mitchell – structural engineer for 56 Hudson Street; Kara Buzanoski – Northborough DPW; Joe Horrigan and David Gillespie – AvalonBay Communities; Michael Scott and Paula Thompson – Waterman Design Associates

At 7:02 pm, Mr. Baldelli opened the Conservation Commission meeting.

• **Review Minutes of September 14, 2009 Meeting** –

Commissioners discussed the minutes and had some minor spelling changes and requested more clarification details in some sections.

*Mr. Tougas motioned, Mr. Beals seconded, and it was unanimously voted, “To accept the Minutes of September 14, 2009 as amended.”*

(Note: the minutes were approved at the end of the meeting when a quorum was available)

• **Informal discussion with the applicant and/or the engineer for 73-85 West Main Street as the applicant was requested to provide an update on his progress at the last meeting -**

Mr. Carlino, contractor for site, gave an update on the property including that Mass Highway swept Route 20, cleaned 3 catch basins, and prefers a grass swale for drainage (Mass Highway is still reviewing the application and has not made a final decision regarding the requested tie into their Route 20 sewer system). Mr. Litchfield requested that the remaining catch basins and the pipes with silt and materials inside be cleaned. Conservation Commission members discussed erosion control options such as grass swale and a stone berm. Commissioners requested that the applicant send a letter of completion when all the conservation requests have been done. Commissioners also asked who would be responsible for the clean-up and potential erosion issues in the future; Mr. Voyiatzis commented that he would be the contact and responsible party.

**Public Hearings:**

Mr. Tougas read the legal advertisement for the following public hearings:

*Notice of Intent filed by Ronald LaFreniere for 0 Boundary Street, Map 31 & 30, Parcels 6 & 67 for installation of staging area within 100’ buffer zone across Boundary Street of the Westerly Wastewater Treatment Facility for the City of Marlborough.*

*Request for Determination of Applicability filed by Maney Realty Trust (Sandra Farrell) for 247 Rear West Main Street, Map 82, Parcel 16 for installing electric/telephone/communication cables and appurtenant boxes, hand holes for upgrade of utility distribution systems to existing building.*

*Notice of Intent filed by Ken Bishop for 56 Hudson Street, Map 54, Parcel 84 for demolition of existing manufacturing building located within 200’ Riverfront Area and construction of stand alone assembly building within footprint of demolished portion of property.*

*Notice of Intent filed by David Gillespie of AvalonBay Communities for Off Southwest Cutoff, Map 108, Parcel 5 for constructing a gravity sewer main through the buffer zone of BVW.*

**7:22 pm Notice of Intent, 0 Boundary Street, Map 31 & 30, Parcels 6 & 67, DEP #247- 972**

Installation of staging area within 100' buffer zone across Boundary Street of the Westerly Wastewater Treatment Facility for the City of Marlborough.

Applicant: Ronald LaFreniere

Representative: Magdalena Lofstedt

Ms. Lofstedt, representative from CDM, gave the abutter list and signature cards to Mr. Litchfield. Ms. Lofstedt and Commissioners discussed the plans for removing trees for the staging area and the replacement of trees within the 100' buffer zone. Commissioners discussed the erosion control expectations for keeping debris from entering the wetlands.

***Mr. Beals motioned, Mr. Tougas seconded, and it was unanimously voted, "To issue an Order of Conditions to Ronald LaFreniere for property at 0 Boundary Street, Map 31 & 9, Parcels 9 & 67."***

**7:27 pm Notice of Intent, 27 Lawrence Street (continued), Map 106, Parcel 14, DEP # 247- 968**

Construction of a three-bedroom house and septic system within the 100' buffer zone of BVW.

Applicant: Steve and Kathie Swartout

Representative: Michael Sullivan, Connorstone Engineering, Inc.

Mr. Sullivan, engineer, explained the plans for the house and septic system including: more detail on the Presby Septic System plan, interest in using the town water system, and an update on information submitted to the Board of Health (applicant is waiting for approval). Mr. Baldelli and Commissioners discussed and requested that the proposed driveway widening (maximum 12' allowed) occur on the eastern side of the existing driveway. Commissioners discussed the house being grandfathered before the bylaw regulations were in place, the difficulty of the site, no sheet flow allowed onto the neighbor's property, and requested that planting of bushes occur along the 15' no disturb area. Mr. Baldelli asked for audience sharing; no one commented. Commissioners discussed and agreed to issue an Order of Conditions.

***Ms. Guldner motioned, Mr. Tougas seconded, and it was unanimously voted, "To issue an Order of Conditions to Steve and Kathie Swartout for 27 Lawrence Street, Map 106, Parcel 14, DEP # 247- 968 with the stipulation that the driveway widening be on the eastern side of the existing driveway and a maximum widening of 12', no sheet flow to occur on the neighbor's property, and bushes planted along the 15' no disturb area."***

**7:38 pm Request for Determination of Applicability, 247 Rear West Main Street, Map 82, Parcel 16**

Installation of electric/telephone/communication cables and appurtenant boxes, hand holes for upgrade of utility distribution systems to existing building.

Applicant: Maney Realty Trust (Sandra Farrell)

Representative: Michael Sullivan, Connorstone Engineering

Mr. Sullivan gave the abutter list and signature cards to Mr. Litchfield. Mr. Sullivan explained the plan for the utilities. Commissioners discussed and asked questions regarding the excavation of materials, possibility of adding metal sheet covers to the open ditches (if an inspection is not possible right away), and the expectation that materials would be removed or stored outside of the buffer zone. Mr. Sullivan agreed that materials would not be stored in the buffer zone, materials would not be left in the parking lot, and open ditches would be covered or filled back in (if an inspection is not available the same day).

Mr. Baldelli asked if any audience sharing; no one commented. Commissioners agreed to issue a negative Determination of Applicability.

***Mr. Tougas motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a negative Determination of Applicability for 247 Rear West Main Street, Map 82, Parcel 16.”***

**7:44 pm Notice of Intent, 56 Hudson Street, Map 54, Parcel 84, DEP # 247- 973**

Demolition of existing manufacturing building located within 200’ Riverfront Area and construction of stand alone assembly building within footprint of demolished portion of property.

Applicant: Ken Bishop

Representative: Michael Scott, Waterman Design Associates, Inc.

Mr. Scott gave the abutter list and signature cards to Mr. Litchfield. Mr. Scott explained the plans: demolition of the building on the southwestern area of the property, conversion of a catch basin to a man hole, roof run-off, FEMA update on flood plain (currently 1929 vertical datum and converting to 1988 vertical datum), erosion control, plans to keep debris from entering the river, and addition of a 9,600 square-foot building proposed (replacing a building over 12,000 square-feet). Mr. Mitchell, structural engineer, answered Commissioners’ questions regarding the proposed steel building.

Commissioners discussed interest in stabilizing the southeastern area near the river with berm and some plantings, cleaning up and stabilizing the bank area, and loaming and seeding the bank area.

Commissioners discussed requiring that a stabilization plan be submitted and approved before building occupancy could occur. Mr. Baldelli asked for audience sharing; no one responded. Commissioners agreed to issue an Order of Conditions.

***Mr. Tougas motioned, Mr. Beals seconded, and it was unanimously voted, “To issue an Order of Conditions to Ken Bishop for property at 56 Hudson Street, Map 54, Parcel 84, DEP # 247-973 with the contingency on submittal and approval of a stabilization plan before building occupancy.”***

**8:04 pm Notice of Intent, Off Southwest Cutoff, Map 108, Parcel 5, DEP # 247-0974**

Construction of a gravity sewer main through the buffer zone of BVW.

Applicant: David Gillespie, AvalonBay Communities

Representative: Paula Thompson, Waterman Design Associates, Inc.

Ms. Thompson gave the abutter list and signature cards to Mr. Litchfield. Ms. Thompson explained the plan for a gravity sewer system with two sewer manholes and 200’ of sewer pipe within the buffer zone (50’ away) of BVW. Commissioners discussed the site. Mr. Baldelli requested that silt be cleaned out by hand in the wetland area near the AvalonBay construction trailer, and that the area adjacent to Avalon on the Loop side be cleaned and stabilized (including the siltation fencing). Mr. Horrigan and Mr. Gillespie commented that they would double check the progress on these clean up requests made by the Commission last month.

Mr. Baldelli asked for audience sharing; no one commented. Commissioners agreed to issue an Order of Conditions with the stipulation that the wetland areas discussed would be cleaned up and stabilized.

***Ms. Guldner motioned, Mr. Tougas seconded, and it was unanimously voted, “To issue an Order of Conditions to David Gillespie for Southwest Cutoff, Map 108, Parcel 5, DEP # 247-0974 with the contingency that clean up occurs and siltation devices are properly fixed and stabilized.”***

**8:15 pm Notice of Intent, 15 Shadylane Avenue/276 & 290 – Rear West Main Street, Map 76, 82, 82, Parcel 1, 10, & 12, DEP # 247- 971**

Construction of Subdivision containing 7 lots, 14 dwelling units, roadway, storm water management, and associated site work within 200’ Riverfront area.

Applicant: Cyrus Brook Estates of Northborough, LLC

Representative: Quinn Engineering, Inc.

Mr. Litchfield explained the applicant’s working with DPW on details and the request to continue the public hearing next month. Commissioners agreed to continue the public hearing on November 9<sup>th</sup>.

*Ms. Guldner motioned, Mr. Beals seconded, and it was unanimously voted, "To continue the public hearing for Cyrus Brook Estates of Northborough, LLC for 15 Shadylane Avenue/276 & 290 – Rear West Main Street, Map 76, 82, 82, Parcel 1, 10, & 12, DEP # 247- 971 on November 9, 2009 at 7:15 pm."*

**8:17 pm Notice of Intent, 459 Main Street (continued), Map 33, Parcel 20, DEP # 247- 0962**

Replacement of the existing septic system and associated grading at 459 Main Street within the 100' buffer zone

Applicant: Donald Haistmas

Representative: Mark Santora, MSPE Inc.

Mr. Litchfield explained that several attempts were made to reach the applicant regarding this evening's public hearing continuation. Commissioners discussed and agreed to continue the Public Hearing next month.

*Ms. Guldner motioned, Mr. Beals seconded, and it was unanimously voted, "To continue the Public Hearing for the Notice of Intent filed by Donald Haistmas for property at 459 Main Street, Map 33, Parcel 20, DEP # 247-0962 on November 9, 2009 at 7:15 pm."*

**New Business:**

- The next meeting has been scheduled for Monday, November 9, 2009. Commissioners agreed to meet on November 9, 2009.

**Old Business:**

- Senior Center (Bearfoot Road) - Commissioners asked about the status of the environmental clean up at the new senior center. Mr. Litchfield agreed to follow up with Mr. Adam Last, representative for Corporate Environmental Advisors, for a status report.
- 496 West Main Street – Mr. Litchfield gave an update on his conversation with Art Allen from Ecotech regarding New England Forestry and the deed restriction issue. Mr. Litchfield informed the Commission that Mr. Vogel would be on the agenda for next month and would like to discuss the property with the Commission. Commissioners communicated that granting a variance would not be their preference and would like to look at other alternatives; Mr. Litchfield agreed to communicate this with Mr. Vogel. Mr. Litchfield and Commissioners agreed to review the property details and discuss next month.
- Lawrence Place – Commissioners asked questions about Lawrence Place. Mr. Litchfield explained that the bank owns the property. Commissioners and Mr. Litchfield discussed the proposed idea of lifting the 55 plus restriction for residents, the stabilization of the site (looks overgrown and unattractive, but no erosion control issues), ZBA involvement, and eventually a new owner's needing to file a NOI, and the bond posting status (what boards or commissions hold any money). Mr. Litchfield agreed to research any bond activity that might be active.

**Certificate of Compliance:** (none at this time)

**Adjourn**

Commissioners had no further business to discuss and agreed to adjourn the meeting.

*Mr. Tougas motioned, Ms. Guldner seconded, and it was unanimously voted, "To adjourn the Conservation Commission meeting."*

The Conservation Commission meeting ended at 8:40 pm.

Respectfully submitted,  
Eileen Dawson  
Commission Secretary