



TOWN OF NORTHBOROUGH  
Conservation Commission  
Monday, December 14, 2009

Conservation  
Commission  
Approved  
1-11-10

**Present:** Wayne Baldelli, Mo Tougas, Diane Guldner, Todd Helwig, and Greg Young

**Absent:** Tom Beals and Brian McManus

**Others Present:** Fred Litchfield – Town Engineer; Eileen Dawson – Recording Secretary; Stephen Poole – Lakeview Engineering; Dimitrios and John Voyiatzis – 73-85 West Main Street; David Coad – 113 Maple Lane; Richard Ivey – 308 Main Street; Michael Durkin – 48 Moore Lane; Kevin Warwick – 27 Richard Ave, Shrewsbury; Jeff LeLand – LeLand Law Associates; Steve Pflug – Thompson-Liston Associates; Glenn Dougherty – Tetra Tech Rizzo; Nathan Mahonen - Hannigan Engineering, Inc.; Gerald Gustafson – 73 Maple Lane; and John Fouracre – 89 West Main Street.

At 7:06 pm, Mr. Baldelli opened the Conservation Commission meeting.

- 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 the conservation related progress.

Mr. Poole gave an update on the 2 catch basins cleaned by Mass Highway and the need to flush pipes as promised to the Commission. Mr. Poole gave an update on the sites progress to include: the detention basin has been expanded to hold more water and the back slope has been half matted and needs a bit more matting (Mr. Baldelli requested that the matting be completed within the next 7 days to secure the hill for the winter). Mr. Poole asked the Commission if the pipe cleaning on Route 20 could wait until the spring. Mr. Litchfield reviewed the many promises made since the inception of this project that have not been fulfilled and led to a great deal of erosion off of the site. Mr. Litchfield commented on his desire to see the street pipes flushed and his desire to see more follow through on promises. Commissioners agreed that any sediment in the pipes would need to be flushed and cleaned out as soon as possible. Mr. Poole promised that he would have a plan, which maps out the sewer system and pipes to be flushed, to Mr. Litchfield by the beginning of next week.

Mr. Baldelli asked for audience sharing. Mr. Fouracre, abutter at 89 West Main Street, commented on the silt washing off the back hill, history of erosion on the property, agreement with Mr. Litchfield that the catch basins and pipes need to be cleaned in the street, and suggested storm drains (if needed) be cleaned to keep silt from going into wetlands. Mr. Litchfield discussed the proposed grass swale that will assist with directing the water flow to the catch basins.

**Public Hearings:**

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

*Notice of Intent filed by Richard Ivey for the replacement of the existing septic system at 308 Main Street within the 100' buffer zone.*

*Notice of Intent filed by Chris Good for proposed parking lot expansion at 1 Beeman Road within the 100' buffer zone.*

*Notice of Intent filed by Phillip Backholm for the replacement of the existing septic system at 215 Crawford Street within the 100' buffer zone.*

*Notice of Intent filed by Thomas H. Hays, III for the removal of an existing structure and construction of a new single family home at 117 Maple Lane within the 100' buffer zone.*

*Notice of Intent filed by Ruth Ellen Jones for the construction of a wetland replication area as required under an expired Conservation filing for property located at 289 Crawford Street.*

**7:27 PM Notice of Intent, 1 Beeman Road, Map 71 & Parcel 14, DEP # 247-0982**

Proposed parking expansion at the FedEx Smart Post facility within the 100' buffer zone of BVW.

Applicant: Chris Good, MM Industrial Beeman Rd., LLC c/o TA Assoc. Realty  
Representative: Glenn K. Dougherty, Tetra Tech Rizzo

Mr. Litchfield asked the Commission to allow 1 Beeman Road to be the first public hearing this evening due to the travel distance for the representative and the anticipated short public hearing. Mr. Dougherty gave the signature cards and abutter list to Mr. Litchfield. Mr. Dougherty explained the plans to include: additional 22 car parking spaces and 25 truck trailer spaces; gravel/anti-tick zone; grading; increase of 4/10 acre impervious area; collection, treatment, and recharge of 7/10 acre of storm water (through vortex water quality units), replacement of 3 catch basins, and closest disturbance of 35' to wetland area. Mr. Dougherty and Commissioners discussed snow storage (back of the property), catch basins capturing snowmelt run off, and wetland distances (54' to gravel area and 64' to pavement area).

Mr. Baldelli asked for audience sharing; no one commented.

***Mr. Helwig motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue an Order of Conditions to Mr. Good for property at 1 Beeman Road, Map 71 & Parcel 14, DEP # 247-0982."***

**7:37 pm Notice of Intent, 308 Main St., Map 47 & Parcel 94, DEP # 247-0979**

Replacement of existing septic system within the 100' buffer zone of BVW.

Applicant: Richard Ivey, Metrowest Liquor & Convenient Store  
Representative: Christopher Lawson, J.M. Grenier Associates

Mr. Ivey gave the abutter list and signature cards to Mr. Litchfield. Mr. Litchfield explained the positive determination of applicability for 308 Main Street, the Commission's request for a Notice of Intent to be filed, need for septic replacement and the tightness of the property with limited spaces for a new septic system, need for 500 yards of fill to bring up the septic system, the Board of Health approving the plan, and the Commission's request for Mr. Ivey to clean the wetland areas (Commission asked Mr. Ivey to remove remaining debris in wetlands).

Mr. Baldelli asked for audience sharing; no one responded.

*Mr. Helwig motioned, Mr. Tougas seconded, and it was unanimously voted, "To issue an Order of Conditions to Richard Ivey for 308 Main Street, Map 47 & Parcel 94, DEP # 247-0979."*

**7:40 pm Notice of Intent, 215 Crawford St., Map 60, Parcel 76, DEP # 247-0980**

Repair of Septic system within the buffer zone of BVW.

Applicant: Philip Backholm

Representative: Mark Farrell, Green Hill Engineering

Mr. Farrell gave the abutter list and signature cards to Mr. Litchfield. Mr. Farrell explained the plans for the septic system replacement 60' from an intermittent stream, need to remove silver maple trees with roots that are obstructing the septic system from functioning properly. Commissioners discussed and asked questions regarding stone, gravel, disturbed material, the need for installation of silt fence or straw wattles when stock piling materials to protect the wetlands. Mr. Farrell explained that the project would not begin until early spring.

Mr. Baldelli asked for audience sharing; no one commented.

*Mr. Tougas motioned, Mr. Young seconded, and it was unanimously voted, "To issue an Order of Conditions to Mr. Backholm for property at 215 Crawford St., Map 60, Parcel 76, DEP # 247-0980."*

**7:47 pm Notice of Intent, 117 Maple Lane, Map 65, Parcel 52, DEP # 247-0981**

Construction of part of single-family home within the 30' no-disturb buffer zone.

Applicant: Thomas H. Hays, III

Representative: Steve Pflug, Thompson Liston Associates, Inc.

Mr. LeLand gave the abutter list and signature cards to Mr. Litchfield. Mr. LeLand and Mr. Pflug explained the plans that are within 100' buffer zone and within 30' no structure bylaw to build a new home. Mr. LeLand explained that the plans would remove the existing cottage and build a 30' x 50' house (total disturbance would be less than existing cottage that has not been used for approximately 30 years). Commissioners discussed the proposed house falling within the GW2 area and the applicant's plans to go before the ZBA to request a variance.

Commissioners discussed asking the ZBA for a variance with the 15' frontage set back. Commissioners discussed the details including: the bylaw of no structure within 30' (proposal is within 8-9'), the option of creating a smaller house footprint to keep outside the no structure bylaw, a retaining wall is considered a structure, and the need for the septic system to be 20' from the house.

The applicant mentioned that the footprint of the existing cottage is 422 square feet and the proposed house would be 330 square feet. Mr. Baldelli explained the issues discussed at last year's meeting and several years ago regarding the setback issues, wetlands, placement of the septic system and options, need for a smaller footprint or more creative positioning of the house. Commissioners discussed the difficult slope of the property and the need for a ZBA variance if applicant wants to position the house closer to the road.

Mr. Baldelli asked for audience sharing; no one commented.

*Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To continue the public hearing for Thomas H. Hays III for 117 Maple Lane Map 65, Parcel 52, DEP # 247-0981 at 7:15 pm on January 11, 2010.”*

Mr. Litchfield explained to Mr. Pflug and Mr. LeLand that grading details and a completed plan are needed for the property before next month’s continued public hearing. Commissioners explained that a continued hearing does not guarantee that an Order of Conditions will be issued.

8:08 pm     **Notice of Intent, 289 Crawford St., Map 57, Parcel 12, DEP # 247-0983**

Construction of wetland replication area

Application:     Ruth Jones

Representative: Nathaniel Mahonen, Hannigan Engineering, Inc.

Mr. Mahonen gave the signature cards and abutter list to Mr. Litchfield. Mr. Mahonen explained the wetland replication needed and the history of the Order of Conditions issued and expired (proposed Order of Conditions is the same as expired one). Commissioners discussed the new owner’s obtaining an occupancy permit - how without completed replication work, and the lack of follow through from the builder on completing the Order and obtaining a Certificate of Compliance.

Commissioners asked that replication work be done before the spring or after the spring rains (before March 15th or after May 15th). Commissioners agreed that silt fencing needs to be wrapped around the replication area to protect the wetlands.

Mr. Baldelli requested audience sharing; no one commented.

*Mr. Helwig motioned, Mr. Tougas seconded, and it was unanimously voted, “To issue an Order of Conditions to Ms. Jones for property at 289 Crawford Street, Map 57, Parcel 12, and DEP # 247-0983 with the blackout period for work from March 15th through May 15th.”*

**New Business:**

- The next meeting has been scheduled for Monday, January 11, 2010. Commissioners agreed to meet on January 11, 2010.
- Review Minutes of November 9, 2009 Meeting  
Commissioners discussed the minutes and had no changes.

*Mr. Young motioned, Mr. Helwig seconded, and it was unanimously voted, “To accept the Minutes of November 9, 2009.”*

**Certificates of Compliance** (none at this time)

**Old Business:**

- **42 Whitney Street** – Commissioners discussed the abutters on Coolidge Circle asking questions regarding fill in buffer zone, agricultural use, tree clearing, and 200’ encroachment issues. Commissioners and Mr. Litchfield discussed the neighbor’s appeal

with DEP regarding the issued Order of Conditions, DEP's current involvement, Mr. Litchfield's communication with Mr. Anza to send water flow away from wetlands, and the work requested and approved in the OOC for work on the cart path being reasonable.

- **Loop** – Commissioners discussed the Loop retailers (Wegmans, Kohl's, and BJ's) to begin occupancy by spring 2011. Mr. Litchfield commented that the ZBA has received the building plans.
- **Wind Turbine** – Commissioners discussed the status of the wind turbine for Tougas Farms. Mr. Litchfield commented that the grant status should be available by the end of January.
- **Salt Shed at DPW** – Mr. Baldelli asked Mr. Litchfield to discuss a salt shed or berm type barrier around pile of material (contains salt) to protect the eroding wetland trees and other habitation from further destruction.

**Adjourn:**

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

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

The Conservation Commission meeting ended at 8:56 pm.

Respectfully submitted,

Eileen Dawson

Commission Secretary