



TOWN OF NORTHBOROUGH
Conservation Commission
Monday, October 18, 2010

Conservation
Commission
Approved
11-15-10

- Present:** Mo Tougas, Diane Guldner, Todd Helwig, and Greg Young
- Absent:** Wayne Baldelli, Tom Beals, and Brian McManus
- Others Present:** Fred Litchfield – Town Engineer; Eileen Dawson – Recording Secretary; Mohammed Nabulsi – Mass DOT; Eric Mistrett – Mass DOT; Karen and Steve Bernacki – 2 Cherlyn Drive; Emerson Cundle – 18 E Crosby Road, Berlin; Jim & Gigi Casella – 70 Coolidge Circle; J. Kelly – 22 Coolidge Circle; David Backus – 58 Coolidge Circle; Matt and Jessica Orsi – 379 Whitney Street; Jonathan and Maggie Bush – 39 Coolidge Circle; Dick Pedone – 373 Howard Street; Marilyn and Paul Benker – 375 Howard Street; Howard Stone – 257B Rice Avenue; John Harrington – 34 Cherlyn Drive; Robert Savage – 49 Cherlyn Drive; Jim and Penny black – 14 Stone Drive; Carolyn Filed – 6 Scott Lane; Donna Morris – 58 Coolidge Circle; Mary Webster – 5 Morse Circle; Nancy Anderson – 9 Morse Circle; Dan Wezniak – 30 Stone Drive; Scott Wellman – 67 Coolidge Circle; Jeff Faulconer – 82 Coolidge Circle; Elaine Longfellow – 6 Cherlyn Drive; Jodie Martinson – 50 Coolidge Circle; Brian Harris – 416 Whitney Street; Bob and Joan Frank – 420 Whitney Street; Mike Sullivan – Connorstone Engineering; David Giurleo – 324 Howard Street; and Brian Braverman – 328 Howard Street; George Connors – Connorstone Engineering; and Kevin Doherty – 144 Maple Street; Mr. Stone – 258 Rice Avenue.

At 7:04 pm, Ms. Guldner opened the Conservation Commission meeting.

Review Minutes of September 20, 2010 Meeting:

Commissioners discussed the minutes and made some corrections and clarifications.

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, “To approve the amended September 20, 2010 minutes.”

Public Hearings:

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

Notice of Intent filed by The Town of Northborough, Public Works Department, for bridge repair over the Assabet River at River Street.

Notice of Intent filed by Gerard Mazzola for property at Hudson Street for residential construction and associated grading within the 200’ riverfront area.

Notice of Intent filed by Kevin Doherty for property at 144 Maple Street for septic system replacement and associated grading within the 100’ buffer zone of BVW.

Request for Determination of Applicability filed by Wal-Mart Stores East LP to determine the limits of any resource areas at 200 Otis Street.

Request for Determination of Applicability filed by Howard E. Stone, Jr. to determine the limits of any resource areas at 432 Whitney Street.

7:10 PM Notice of Intent, River Street Bridge, DEP # 247-0999

Repair work on bridge pilings to reinforce the structural integrity of the bridge. Guardrail will be replaced and the bridge deck will be evaluated and replaced if needed.

Applicant: Town of Northborough, DPW

Representative: Kara Buzanoski

Mr. Nabulsi gave the abutter list and signature cards to Mr. Litchfield. Mr. Nabulsi and Mr. Misrella, DOT representatives, explained the proposed work on the bridge including milling and resurfacing pilings. Commissioners asked questions. Mr. Nabulsi explained that the concrete section of the bridge is in good condition, excavation would occur around the piles (12"-24" digging with hand tools), no heavy machinery would be used. Mr. Nabulsi showed pictures of the deteriorating bridge pilings and explained the timeframe for work would be the spring. Commissioners explained that the summer would be the ideal time for working on the bridge due to the low water levels. Ms. Guldner asked for audience feedback; no one responded.

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, "To issue an Order of Conditions to the Town of Northborough for River Street Bridge over the Assabet Rive, DEP # 247-0999."

7:18pm Notice of Intent (continued), 333 Howard Street, Map 27, Lot 70, DEP # 247-0996

Construction on a 767' long common driveway to serve existing buildings and 3 new house lots. Included installation of utilities such as telephone, electric, CATV, and drainage within 100' of bordering vegetated wetlands.

Applicant: Evelyn B. Silver, Trustee

Representative: Richard Mainville, Connorstone Engineering, Inc.

Mr. Sullivan, representative of Connorstone Engineering, commented on the site walk with Mr. Litchfield and discussed constructing a 2' berm along the roadside area of the property to divert water into the existing street catch basin (expect this would help solve the water issues on Howard Street). Mr. Sullivan also explained plans to dig down and clear growth in the culvert area. Commissioners asked for virburnum to be planted on the property instead of white pines that are noted on the plans. Mr. Sullivan explained that Mr. Andrew Silver has been added to the records on file with the DEP and Registry of Deeds as the property owner. Commissioners and Mr. Sullivan discussed the stonework on the property.

Ms. Guldner asked for audience sharing. Mr. Pedone, abutter at 373 Howard Street, expressed concerns with the stonewall construction and asked for copies of the Commission's decisions. Commissioners discussed that the Operation and Maintenance Plan, the annual cleaning of the culvert, and the mulching of the area would be included in the Order of Conditions. Commissioners and Mr. Sullivan

discussed and agreed that completion of the berm and mulching/clearing of the culvert area would be done by December 1st.

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, "To issue an Order of Conditions to Mr. Andrew Silver for property at 333 Howard Street, Map 27, Lot 70, DEP # 247-0996 with the contingency that berm and cleaning of culvert be done by December 1st and annual mulching/cleaning of culvert area be completed."

7:32pm **Notice of Intent, Hudson Street, Map 53, Parcel 19-21, (local Bylaw only) Construction of a duplex house within 200' Riverfront area.**

Applicant: Gerard Mazzola
Representative: Connorstone Engineering

Mr. Connors, representative of Connorstone Engineering, gave the abutter list and signature cards to Mr. Litchfield. Mr. Connors gave a history on the filings with DEP, DEP's re-evaluation and issuance of a superseding Order of Conditions (Wetlands were redefined), wetland areas being reflagged, calculations of flood storage, river zone, and the plans to build a duplex with 2 driveways, sewer lines installed, 40,000 square feet of disturbance (not over the 10% allowed for the site). Mr. Connors explained that no setback issues exist (24' setbacks in line with other houses), and no need for a variance for the 15' no disturb and 30' no structure. Mr. Litchfield explained that the Notice of Intent is only applicable to the local bylaw because the state has already issued a superseding order.

Commissioners asked for plantings or signs to delineate the wetland line (bushes, posts, or signs). Mr. Connors explained that the knotweed would be taken off the site. Mr. Litchfield recommended continuing the public hearing so the wetland delineation could be completed and inspected; Commissioners agreed with Mr. Litchfield.

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, "To continue the public hearing for Gerard Mazzola for property at Hudson Street, Map 53, Parcel 19-21 on November 15, 2010 at 7:15 pm."

7:46 pm **Notice of Intent, 144 Maple Street, Map 52, Parcel 110, DEP # 247- 0998**
Septic system replacement and associated grading within the 100' buffer zone.

Applicant: Kevin Doherty
Representative: Chris Knuth, Geo-Services

Mr. Doherty, applicant, gave the abutter list and signature cards to Mr. Litchfield. Mr. Litchfield and Commissioners discussed that no wetlands would be affected, the leach field would be partially in the buffer zone, no stock piling would be allowed, and mowing would be all right up to the wetland area. Mr. Litchfield explained the history of the Board of Health issuing an emergency permit - just before the tenants vacated the property. Commissioners requested that wetlands would be delineated with stakes or plantings and would be off the 15' wetland area.

Mr. Tougas motioned, Mr. Young seconded, and it was unanimously voted, "To issue an Order of Conditions to Kevin Doherty for property at 144 Maple Street, Map 52, Parcel 110, DEP # 247-0998."

7:55pm **Determination of Applicability, 200 Otis Street, Map 110, Parcel 3 & 4**

Determine the limits of any resource areas.

Applicant: Wal-Mart Stores East LP

Representative: John A. Kucich, Bohler Engineering

Mr. Smith, representative from Bohler Engineering, gave the abutter list and signature cards to Mr. Litchfield. Mr. Smith explained the plans to expand the building area by 50,000 square feet to add a grocery component to the business. Mr. Smith discussed the modification to the drainage system and existing groundwater area. Mr. Smith explained the plans to expand the existing catch basin in the front area outlined on the plans that would mean only a quarter of the basin would fall within the area in question. Commissioners and Mr. Litchfield requested that an as built be submitted and reviewed.

Ms. Guldner asked for audience sharing. Mr. Casella, 70 Coolidge Circle, asked questions about the plans to expand and the grocery component.

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, “To issue a Negative Determination of Applicability to Wal-Mart Stores, East L.P., 200 Otis Street, Map 110, Parcel 3 & 4.”

8:06 pm **Determination of Applicability, 432 Whitney Street, Map 15, Parcel 22**

Determine the limits of any resource areas.

Applicant: Howard E. Stone, Jr.

Howard Stone, applicant and resident at 257B Rice Avenue, explained concerns: possible violations in the wetlands, brook, livestock residency, fencing, and cattails standing water/pond. Commissioners discussed the site visit, need for wetland flagging, need for wetland scientist reviews, and agreed that a Notice of Intent would need to be filed for further work to be allowed on the property. Commissioners agreed that wetlands exist on the property and discussed issuing a positive determination.

Ms. Guldner asked for audience sharing. Mr. and Mrs. Herman, abutters, asked questions about the purpose of the property. Mr. Rosenberg, 74 Coolidge Circle, commented on the fill being dumped on 432 Whitney Street. Commissioners discussed the verbal request made to Mr. Santos to stop work within 200’ of resource areas. Mr. and Mrs. Frank, 420 Whitney Street, asked questions about timelines and quality of the fill being brought on the property. Commissioners discussed that they don’t require soil testing on fill. Mr. Stone, 258 Rice Avenue, asked about the painting on the railroad tie (Mr. Litchfield commented that the railroad ties may have painted as weed control markers).

Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, “To issue a Positive Determination of Applicability to Mr. Stone for property located at 432 Whitney Street, Map 15, Parcel 22.”

Mr. Litchfield commented to all that Mr. Santos would be notified that a positive determination has been issued and a Notice of Intent would need to be filed before any more disturbance could occur.

New Business:

- The next meeting has been tentatively scheduled for Monday, November 8th, 2010. Mr. Litchfield explained that the meetings usually occur on the 2nd Monday of the month, but due to recent holidays, the schedule has been the 3rd Monday of the month. Commissioners and Mr. Litchfield discussed and agreed to meet on Monday, November 15, 2010.

Old Business:

- **117 Maple Lane** – Mr. Litchfield and Commissioners discussed the letter from Mr. Warwick. Commissioners discussed that they were very clear with their expectations (blue spruce to be planted, not more oaks) for rectifying the wetland violation as noted in the letter sent to Mr. Warwick. Commissioners agreed that Mr. Warwick should come to the next meeting to discuss further if needed.

Certificates of Compliance:

- **Request for Certificate of Compliance**, 23 Shadylane Ave, Map 76, Parcel 3 DEP # 247-0991

Mr. Litchfield and Commissioners discussed the property including: the site has been stabilized, as built received, and ready for a certificate. Mr. Litchfield asked for permission to allow the owner to plant some shrubs where she used to mow near the wetlands. Commissioners agreed to the owner planting shrubs.

Mr. Tougas motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue a Certificate of Compliance to Adele Beatty for property at 23 Shadylane Ave, Map 76, Parcel 3 DEP # 247-0991

- **Request for Certificate of Compliance**, 23 Ball Street, Map 39, Parcel 2, DEP # 247-0828

Mr. Litchfield and Commissioners discussed the property. Mr. Litchfield explained that he needs to receive the as built for the common driveway, but the property has been stabilized, grass has grown in, and grading has been completed - no erosion issues. Mr. Litchfield explained that the applicant is trying to refinance the property and asked the Commission to sign two Certificates (one for property and one for the common driveway).

Mr. Tougas motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue Certificates of Compliance related to 23 Ball Street property.”

Adjourn:

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

Mr. Young motioned, Ms. Guldner seconded, and it was unanimously voted, “To adjourn the Conservation Commission meeting.”

The Conservation Commission meeting ended at 9:05 pm.

Respectfully submitted,

Eileen Dawson

Commission Secretary