



TOWN OF NORTHBOROUGH  
Conservation Commission  
Monday, November 14, 2011  
Northborough Free Public Library  
34 Main Street, Northborough, MA

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Conservation  
Commission  
Approved  
2-13-12

- Present:** Wayne Baldelli, Todd Helwig, Diane Guldner, Greg Young, Chelsea Christenson, and Mo Tougas
- Absent:** Tom Beals
- Others Present:** Fred Litchfield – Town Engineer; Eileen Dawson – Recording Secretary; R.E. Kane -17 Coolidge Circle; Howie Stone – 247B Rice Avenue; Jim and Gigi Casella – 70 Coolidge Circle; Lara Wallace – 42 Coolidge Circle; Michael and Sheryl Sholock – 336 Whitney Street; William Jeas – 87 Wesson Terrace; Alex Lotoski – 328 Davis Street; Charles Foster – 59 Coolidge Circle; Tracey Cammarano – 356 Whitney Street; Brian Harris – 416 Whitney Street; Lisa Oldaker – 4 Newton Street; Donna Morris – 58 Coolidge Circle; Bo Zhang – 3 Winsor Lane; Shari Spadafora – 38 Cherlyn Drive; Rob Babcock – 54 Coolidge Circle; Ragit Seth – 294 Boundary Street; Gina Babcock - 54 Coolidge Circle; Justen Richardson and Andrew Liston – Thompson and Liston Associates; Mr. Berryman – 24 Morris Circle; Kim Wezniak – 30 Stone Drive; Kevin McCormick - 17 Stone Drive; Dan Hamman – 20 Morse Circle; Jonathan Gorham – 391 Whitney Street; Jackie Wellman – 67 Coolidge circle; Jeff Faulconer – 82 Coolidge Circle; William Mason – 6 Reservoir Street; David Backus – 58 Coolidge Circle; Scott Wellman – 67 Coolidge Circle; Adam Last – CEA; Neal Swinton – 43 Coolidge Circle; Mary Ann Hamman – 20 Morse Circle; Diana Adam Woodruff – 46 Coolidge Circle; E. Thomson – Telegram and Gazette; Matt Serve – Riverbridge, Westborough; and Eileen Ward – 47 Coolidge Circle.

Mr. Baldelli opened the Conservation Commission meeting at 7:04 p.m.

**Public Hearings:**

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

*Request for Determination of Applicability filed by Richard Starzyk for the replacement of the septic system at 33St. James Drive.*

*Notice of Intent filed by James Mills of Advocates, Inc. for the construction of a new single family home at 342 Boundary Street with associated site work, grading, and utility service connections within the 100' buffer zone.*

- 7:15 PM **Notice of Intent, 342 Boundary Street, Map 33, Parcel 30, DEP # 247-1024**  
Demolition of an existing single family home and construction of a new single family home with associated grading and utilities within the 100 foot buffer zone.  
Applicant: James Mills, Advocates, Inc.

Representative: Robert Gemma, MetroWest Engineering, Inc.

Mr. Rob Gemma, representative from MetroWest Engineering, gave the abutter list and signature cards to Mr. Litchfield. Mr. Gemma explained the plans including: demolish the existing house, construct a new single family home with ADA compliance and handicap accessibility, plan for city sewer and water hook up, erosion control plans, grading and fill plans, retaining wall of 3 ½' high construction, infiltration and recharge systems, and 2' stone trench construction.

Commissioners discussed the interest in a deep sub catch basin with a hood. Mr. Gemma and Commissioners discussed and agreed to a 2' stone trench with an infiltration strip.

Mr. Baldelli asked for audience sharing; Mr. Bo Zhang, abutter on Windsor Lane, asked questions about wetlands in the back of property and if any plans to widen Boundary Street (Mr. Gemma explained that the City of Marlborough owns the street and no plans are in the works to widen). Mr. Seth Ragit, abutter at 294 Boundary Street, asked questions about privacy concerns and headlights at night shining on property. Mr. Gemma explained that trees would be planted to block headlight glare on/off property. Mr. Gemma explained that the proposed plans would be improvements to the water flow that occurs on Boundary Street currently.

Ms. Guldner asked questions about lamp posts and architectural plans. Mr. David Sorman, architect for the project, answered questions about residential lighting proposed (motion sensor near garage, lamp post near front door), no spotlights or other industrial lighting proposed. Mr. Gemma gave this fall or next spring as the proposed timeline for construction. Mr. Baldelli requested action.

***Mr. Helwig motioned, Mr. Tougas seconded, and it was unanimously voted, "To issue an Order of Conditions to Advocates Inc. for property at 342 Boundary Street, Map 33, Parcel 30, DEP # 247-1024 with the special conditions of added: catch basin, trench, and screening (trees or other barriers) to block headlights."***

7:25 pm

**Determination of Applicability, 33 St. James Drive, Map 53, Parcel 39**

Demolition of an existing single family home and construction of a new single family home with associated grading and utilities within the 100 foot buffer zone.

Applicant: Richard Starzyk

Representative: Mark Farrell, Greenhill Engineering, Inc.

Mark Farrell, representative from Green Hill Engineering, explained the plans to repair the septic system (within 200' from riverfront area) and complete associated grading. Commissioners discussed the property, site visit, flat area for construction, and recommended siltation devices. Mr. Baldelli asked for audience feedback; no one responded. Mr. Baldelli requested action.

***Mr. Helwig motioned, Mr. Young seconded, and it was unanimously voted, "To issue a negative determination for 33 St. James Drive, Map 53, Parcel 39 contingent on the siltation devices installed for erosion control."***

7:29pm

**Notice of Intent, (continued hearing) 432 Whitney Street, Map 15, parcel 22, DEP # 247-1014**

Construction of access driveway, filling portions of site for meadow and pastures for livestock, and construction of a single family house within the 100' buffer zone.

Applicant: SA Farms, LLC

Representative: Thompson-Liston Associates, Inc.

Mr. Liston, representative from Thompson-Liston Associates, gave the abutter list and signature cards to Mr. Litchfield. Commissioners, Mr. Litchfield, Mr. Liston, and Adam Last discussed the consultant's report (Adam Last, representative of CEA). Commissioners discussed the site visit Saturday 11-12-11 and their request for markings for the toe of the slope. Mr. Liston commented on the reluctance to stake the toe of slope at this point due to the cost. He explained the proposed plan including: construction of a farm house, pasture land, rip rap, drainage work, post development flow, 1:1 slope, artesian well most likely in the plans, and all work outside the 30' no disturb area.

Mr. Last expressed concerns with erosion control during the construction phase of the proposed plan (trucks on and off site, 1:1 slope). Commissioners discussed the detention basins, concerns with any of the basins being compromised during construction, need to closely monitor erosion, idea of adding elbow risers at outlets, concern with 1:1 slope and past practice of the commission and preference for a 2:1 slope, concern with ½ mile of property to be disturbed and near a water source (close monitoring needed).

Commissioners discussed the detention basins and the past practices of basins installed outside of the 30' no disturb area. Mr. Helwig commented on the need to meet the bylaw requirements, concern with slope being 1:1, and questions for such a large quantity of fill proposed for agricultural use, 4,000 cubic feet of fill proposed to be brought onto the site. Mr. Liston explained that a site inspector would be monitoring the site and erosion control needs.

Commissioners discussed the issues: 1:1 slope along major area (preferred a flatter slope), detention ponds (major fill areas) pulled back to comply with 30' no disturb bylaw, phase and monitoring of site by an inspector, GW3 area and the need for monitoring materials coming onto the site, fill is higher than the natural point and an extreme amount 10' above the existing high point. Mr. Liston explained that the 30'-40' height of fill would be used to cover up ledge and make a pasture. Commissioners asked about borings; Mr. Liston commented that soil borings have not been done nor any soil log data provided by SA Farms.

Mr. Baldelli asked for audience feedback. Mr. Stone, abutter at 43 Coolidge Circle asked questions about the quantity and quality of material being brought in – Commissioners explained that regulations need to be followed; Mr. Neil Swinson, abutter at 43 Coolidge Circle, commented on the need of the town to have access to the site and closely monitor trucks on/off site– Commissioners explained the process; Mr. Mike Sholock, abutter at 336

Whitney Street, expressed concerns with rip-rap being installed correctly and maintained – Commissioners explained that erosion control is inspected and monitored; Mr. Sholock asked about the town and if there is a licensed staff profession and inspection of materials coming onto the site– Mr. Last answered questions about testing of each truck and the 2 week time period for results; Mr. Berryman, abutter at 24 Morris Circle, asked questions about the fill and dumping (cinder blocks) already placed on 432 Whitney Street – Commissioners commented on their role to protect the resource areas and the applicant having to cease and desist bringing material on the site; Mr. David Backus, abutter at 58 Coolidge Circle, commented on his opinion that each and every truck full of material should be tested – Commissioners commented on their jurisdiction to be protecting the wetland and resource areas; Mr. Kevin McCormick, abutter at 17 Stone Drive – asked questions about the scenario of less fill allowed on the site and correlation with less wetland impact – Commissioners commented that proper erosion control measures would be needed to prevent any erosion; Ms. Diane Woodruff, abutter at 46 Coolidge Circle, expressed concerns with past history of Mr. Anza’s violations particularly in Webster, MA – Commissioners explained that their concerns and focus are the property at 432 Whitney Street; Mr. Jim Casella, abutter at 70 Coolidge Circle, asked about the fill to be brought in and if it’s appropriate for animal grazing – Commissioners explained that other Boards would oversee animal welfare; Jim Casella, abutter at 70 Coolidge Circle, explained the issues with noise, air quality, contamination of soils, the developer paid the state \$140K to certify the wells they installed, and his concern with contamination- Commissioners explained that their role is to oversee proper erosion control of the site to protect water and other resource areas. Mr. Litchfield explained that noise, air quality, groundwater, and other issues would be handled by other town boards.

Mr. Scott Wellman, abutter at 67 Coolidge Circle, commented on the Commission’s sometimes making exceptions for applicants and asked that this applicant not be granted any exceptions (be given the most stringent conditions) because of his previous dishonesty, concern with property being used as a landfill – Commissioners commented on their role to protect the wetlands; Ms. Gigi Casella, abutter at 70 Coolidge Circle, asked questions about who would be responsible for material removal from the site or wetland areas, she recommended that the town require that the applicant post a bond; Ms. Jackie Wellman, abutter at 67 Coolidge Circle, asked that the Commission require a bond for fill removal for costs to town roads and wetland damage; Ms. Eileen Ward, abutter at 47 Coolidge Circle, asked for testing and written assurances of the inspections and close monitoring controls, commented on traffic issues on Whitney Street with trucks for the 429 Whitney project; Ms. Shari Spadafora, abutter at 38 Cherlyn Drive, suggested 24 hour notice of accessing site be required as she heard equipment operations at 4:30 am; Mr. Donald Hamman, abutter at 20 Morse Circle, commented that the town did not do their job at 429 Whitney Street and the state has had to step in after 2 years with an injunction– Commissioners commented that tighter controls would be used to prevent wetland issues; Mr. Wellman, abutter, asked about storm water management requirements – Mr. Litchfield explained that Mr. Anza is proposing a single family home and the storm water management regulations do not apply; Ms. Donna Morris, abutter at 58 Coolidge Circle, asked the Commission to be

diligent and look for compliance; Ms. Tina Babcock , abutter at 54 Coolidge Circle, commented on the fill brought in on 429 Whitney and questioned the amount of fill, landfill use, building a house, and the property use – Commissioners explained that their role is to protect the wetlands; and Mr. Brian Harris, abutter at 416 Whitney Street, commented on the amount of fill proposed to be brought onto the property to cover ledge and asked the Commission to understand the use and verify the quality of every truck load – Commissioners explained that their position is to protect the resource areas.

Mr. Tougas noted the 13 complaints from the Attorney General’s office and commented on the complaints not being related to wetland concerns. Mr. Litchfield and Mr. Baldelli explained the purpose of the meeting tonight as encompassing the fill, erosion control, and stabilization of the site in relation to the wetland and resource areas. Mr. Baldelli and Mr. Litchfield discussed continuing to have Mr. Last as the licensed site professional for testing protocol and assistance in drafting an Order of Conditions. Mr. Last agreed to send an amended contract including hourly rate.

Mr. Liston asked that the public hearing be continued until next month to discuss Conservation Commission requests for 2:1 slope and catch basins out of 30’ no disturb area with the applicant. Commissioners agreed to continue the public hearing.

***Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To continue the public hearing for SA Farms for 432 Whitney Street, Map 15, Parcel 22, and DEP # 247-1014 on December 12, 2011 at 7:15 pm.”***

#### **New Business:**

- The next meeting is scheduled for Monday, December 12th, 2011. Commissioners agreed to meet on December 12<sup>th</sup>. Mr. Litchfield agreed to schedule a large room again to accommodate abutters.

#### **Old Business:**

- Update on 21 Fernbrook Road – Mr. Litchfield commented on the site visit scheduled for this Thursday, November 17<sup>th</sup> at 9:30 am and encouraged all Commissioners available to attend.

#### **Certificates of Compliance:**

- 16 Little Pond Road, Map 47, Parcel 60, DEP# 247-1010
- 5 Tri-Corner Circle, Map 55, Parcel 79, DEP # 247-0964
- 10 Chapin Court, Map 35, Parcel 27, DEP # 247-908
- 27 Brigham Street, Map 64, Parcel 65, DEP # 247-442

Commissioners and Mr. Litchfield discussed the four properties stable, complete, and ready for Certificates to be issued. Mr. Baldelli requested action.

*Mr. Tougas motioned, Mr. Young seconded, and it was unanimously voted, “To issue Certificates of Compliance to the following: 16 Little Pond Road, Map 47, Parcel 60, DEP# 247-1010; 5 Tri-Corner Circle, Map 55, Parcel 79, DEP # 247-0964; 10 Chapin Court, Map 35, Parcel 27, DEP # 247-908; 27 Brigham Street, Map 64, Parcel 65, DEP # 247- 442.”*

**Review Minutes of October 17, 2011 Meeting:**

Commissioners reviewed the minutes and had no changes. Mr. Baldelli requested action.

*Mr. Helwig motioned, Ms. Guldner seconded, and it was voted 5, 0, 1 with Ms. Christenson abstaining, “To accept the October 17, 2011 minutes of the Conservation Commission.”*

**Old Business:**

- Schunder Property – Mr. Helwig gave a brief update on the property.
- Open Space – Mr. Helwig gave an update on the Open Space Committee’s request to add \$100,000 to the Conservation budget.

**Adjourn:**

Commissioners had no further business to discuss. Mr. Baldelli requested action.

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

The Conservation Commission meeting ended at 9:35 p.m.

Respectfully submitted,  
Eileen Dawson  
Commission Secretary