



TOWN OF NORTHBOROUGH
Conservation Commission
Thursday, December 15, 2011
Northborough Free Library
34 Main Street, Northborough, MA 01532

Conservation
Commission
Approved
3/12/12

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- Present:** Wayne Baldelli, Todd Helwig (left at 7:20 pm), Diane Guldner, Greg Young, Chelsea Christenson, and Mo Tougas
- Absent:** Tom Beals
- Others Present:** Fred Litchfield – Town Engineer; Steven Sears – David E. Ross and Associates; R.E. Kane -17 Coolidge Circle; Diane Woodruff – 46 Coolidge Circle; Howie Stone – 247B Rice Avenue; Jodie Martinson – 50 Coolidge Circle; Jim and Gigi Casella – 70 Coolidge Circle; Charles Foster – 59 Coolidge Circle; Brian Harris – 416 Whitney Street; Donna Morris – 58 Coolidge Circle; Joe Kelly – 20 Coolidge Circle; Andrew Liston – Thompson and Liston Associates; Scott and Jackie Wellman – 67 Coolidge Circle; Christine Singer - 383 Whitney Street; Bill Halter – 14 Deacon Street; Joan G. Frank – 420 Whitney Street; Michael Dryden – Waterman Design Associates; David Backus – 58 Coolidge Circle; Neal Swinton – 43 Coolidge Circle; John Fouracre – 99 Pleasant Street; Attorney Christopher Senie and Matthew Senie– abutters in Berlin and Westborough residents; John Fouracre – 99 Pleasant Street; and Brad Petristen – MetroWest Daily News

Mr. Baldelli opened the Conservation Commission meeting at 7:12 p.m.

Public Hearings:

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

Notice of Intent filed by Virginia Smith for septic system repair and associated grading within the 100' buffer zone for property at 204 Whitney Street.

7:15 PM **Notice of Intent, 204 Whitney Street, Map 36, Parcel 26, DEP # 247-1025**
Repair of septic system and associated grading within the 100' buffer zone.
Applicant: Virginia Smith
Representative: Stephen Sears, David E. Ross Associates, Inc.

Mr. Sears, representative from David E. Ross Associates, gave the abutter list and signature cards to Mr. Litchfield. Mr. Sears explained the plans for repairing the septic system, erosion control measures of silt fence, and grading within the 100' buffer zone.

Commissioners commented that siltation measures would need to stay in place until grass grows in and provides stabilization. Mr. Baldelli requested action.

Mr. Tougas motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue an Order of Conditions to Virginia Smith for property at 204 Whitney Street, Map 36, Parcel 26, DEP # 247-1025 with the special condition that siltation devices must remain in place until the grass has grown and area stabilized."

7:20 pm

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. Helwig explained his need to recluse himself from this public hearing due to business relations with Attorney Christopher Senie who abuts SA Farms, LLC property; Mr. Helwig left the meeting.

Mr. Liston explained that the applicant has no new information to present at this time. Commissioners discussed the 3:1 preferred slope (proposed slope is 1:1), concern with quantity of fill proposed for a pasture, and the concern with the outlets in the 30' no structure. Mr. Liston commented on the applicant's response to the 3 issues addressed by email. Mr. Liston responded that the applicant has not authorized a change in plans or any calculations.

Ms. Christensen explained that she did not see the need for the amount of fill proposed in the buffer zone except for a small portion near Whitney Street. Mr. Liston explained that the 26' width is needed for two trucks to pass; Ms. Christenson commented that one truck could wait and the width could be reduced. Mr. Tougas expressed concerns with the land being considered agricultural use and the changes to the topography proposed. Mr. Litchfield and Mr. Liston discussed that the applicant has not asked for an agricultural exemption.

Mr. Baldelli asked for audience sharing and requested that only new information be brought forth this evening. Mr. Fouracre, resident at 99 Pleasant Street, expressed concerns with the proposal to raise the topography, potential alteration to this pasture land that dates back to his childhood over 50 years ago, and potential destruction to the wetlands – Commissioners explained that the role of the Commission is to protect resource areas; Bill Halter, resident at 14 Deacon Street, commented on the arrogance of the applicant not to make the Conservation Commission's requested changes.

Christopher Senie – property abutter in Berlin to SA Farms and Westborough resident, commented on his detailed memo of 12/9/11 which included calculations of fill quantity that would be reasonable and the memo from Waterman Design Associates, concern with protecting the wetlands and the bedrock wells that have been installed, and the concern with the quality of fill and potential erosion. Commissioners explained that they take their responsibility to protect resource areas very seriously. Michael Dryden, Waterman Design Associates, explained his property evaluation, alternative grading without rip rap and steep grading, and his assessment that only 20,000 cubic yards (230,000 cubic yards proposed) would

serve to accommodate pasture land and provide far less impact to the wetlands. Mr. Dryden submitted 11" x 17" plans to Mr. Baldelli and full size plans for the file.

Mr. Casella, abutter at 70 Coolidge Circle, commented on the purpose of the fill (most likely unclean fill to make money), Commissioners thanked Mr. Casella for his input; Ms. Frank, abutter at 420 Whitney Street, commented on not being against farms but opposed to changing the land and adding fill from unknown areas; Mr. Wellman– abutter at 67 Coolidge Circle, submitted information from Mr. Anza's interrogatory regarding the quantity of fill for 429 Whitney Street(60,000 cubic yards), but Mr. Anza told Mr. Wellman that 429 Whitney Street had 90,000 cubic yards of fill brought in on the property – Mr. Baldelli commented that the information is not related to the property being discussed; Mr. Stone – 257B Rice Avenue, asked about the quality of fill and monitoring mechanisms (manifest and baseline testing) to be proposed and asked for truck manifests. Commissioners discussed that no new information has been brought forth at this time.

Commissioners asked Mr. Liston about the fill plans. Mr. Liston explained that general non-hazardous material (only materials such as rock, clay, and soil) would be brought onto property; Joe Kelly, abutter at 20 Coolidge Circle, asked about the tires, cinder blocks and other inappropriate materials on the applicant's 429 Whitney Street; Commissioners and Mr. Litchfield explained that the wetlands and resource areas are their jurisdiction and the Commission has the authority to have conditions regarding fill monitoring.

Mr. Litchfield explained that if the Commission closed the public hearing, no new information can be presented after this point and the Commission has 21 days to issue a decision regarding the Notice of Intent and vote on issuance or denial of an Order of Conditions.

Commissioners discussed and Mr. Litchfield explained that if the Commission denies the Order, then DEP and/or the state court system would be the only organizations to then become involved. Groundwater Advisory does not make decisions, but rather recommends actions to the Zoning Board of Appeals.

Mr. Baldelli requested action.

Ms. Guldner motioned, Mr. Young seconded, and it was unanimously voted, "To close the Public Hearing for 432 Whitney Street, Map 15, Parcel 22, and DEP # 247-1014."

Mr. Litchfield and Mr. Baldelli explained that the Conservation Commission has 21 days (until January 4th, 2012) to make a decision. Once a decision has been made, the applicant would be notified of the decision, informed of the actions and paperwork filing needed, and then begin the 10-day appeal process.

Commissioners discussed concerns with the 1:1 slope, amount of fill, work proposed in the buffer zone, and potential impact to the resource areas. Commissioners discussed scheduling a special meeting to make a decision regarding the Order of Conditions. Mr. Litchfield explained that the Town Clerk's office needs to have 48 hours-notice to post a public meeting.

Commissioners and Mr. Litchfield discussed the cumbersome process of monitoring the amount of fill that has been proposed, the process of properly monitoring the soil quality, and the many conditions that would be required if an Order of Conditions is issued. Commissioners agreed to meet next Wednesday or Thursday night.

Certificates of Compliance:

- 145 Church Street, Map 55, Parcel 47, DEP# 247-1018
- 44 Lincoln Street, Map 75, Parcel 46, DEP # 247-1012

Commissioners discussed the properties; Mr. Litchfield explained that 145 Church Street and 44 Lincoln Street have been stabilized and are ready for Certificates.

Mr. Tougas motioned, Ms. Guldner seconded, and it was unanimously voted, “To issue a Certificate of Compliance to 145 Church Street, Map 55, Parcel 47, DEP # 247-1018 and a Certificate of Compliance to 44 Lincoln Street, Map 75, Parcel 46, DEP # 247-1012.”

New Business:

- The next meeting is scheduled for Monday, January 9th, 2012. Commissioners agreed to meet on January 9, 2012. Mr. Tougas commented that he would not be available on the 9th.

Old Business:

- Update on 21 Fernbrook Road – Mr. Litchfield commented on the Administrative Order issued by the DEP for Mr. Gavini’s property that was sent to Commissioners via email.
- Brigham Street – Commissioners discussed the silt erosion coming down the hill. Mr. Litchfield agreed to discuss with owner.

Review Minutes of November 14, 2011 Meeting:

Commissioners had questions regarding the minutes and agreed to vote to approve at the next meeting.

Adjourn:

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

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

The Conservation Commission meeting ended at 8:55 p.m.

Respectfully submitted,

Eileen Dawson

Commission Secretary