



TOWN OF NORTHBOROUGH  
Conservation Commission  
Wednesday, December 21, 2011  
Conference Room B  
63 Main Street  
Northborough, MA 01532

Conservation  
Commission  
Approved  
3-12-12

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- Present:** Wayne Baldelli, Diane Guldner, Chelsea Christenson, Greg Young, and Mo Tougas
- Absent:** Todd Helwig and Tom Beals
- Others Present:** Fred Litchfield – Town Engineer; R.E. Kane -17 Coolidge Circle; Brian Harris – 416 Whitney Street; David Backus – 58 Coolidge Circle; Scott Wellman – 67 Coolidge Circle; Diana Woodruff – 46 Coolidge Circle; Matt Serve – Riverbridge, Westborough; Jim Martinson – 50 Coolidge Circle; Bill Halts – 14 Deacon Street; Bob Frank – 420 Whitney Street; Joe Kelly – 22 Coolidge Circle; Jim Shore – 34 Coolidge Circle.

Mr. Baldelli opened the Conservation Commission meeting at 7:00 p.m.

**Discuss Order of Conditions for 432 Whitney Street, Map 15, parcel 22, DEP # 247-1014**

Mr. Baldelli explained to all audience members that there would not be an audience sharing this evening and that the purpose of the meeting is to discuss and make a decision regarding 432 Whitney Street's Notice of Intent and request for an Order of Conditions.

Mr. Litchfield explained that the Commission legally has to make a decision and either approve or deny the Order of Conditions within 10 days of the public hearing closing that occurred on December 15, 2011. Mr. Litchfield commented on legal counsel's involvement to draft the Order of Conditions once a decision has been made by the Commission. Mr. Litchfield commented that he also agreed with legal counsel's advice that due to the sensitivity with Groundwater issues, amount of fill being proposed, and the resource areas involved that the Commission should deny the Order.

Commissioners discussed the issues including: tow and lay of slope, quantity of fill proposed, commissions' recommendations to applicant to modify plans, agricultural concerns: less fill could be used to create pastureland (CEA consultant confirms), topography cannot be altered if agricultural use is intended, materials being testing and quality control issues, groundwater concerns, erosion concerns with steep slope and resource areas being compromised, and the applicant's unwillingness to change plans to comply with local bylaw (15' no structure) and change fill amount and reduce the slope size in the buffer zone. Commissioners discussed the property proposed for agricultural use (fill proposed would not be to scale for the size of the project), and other alternatives possible to make the property usable (fill amount needed to make farmland and process of working the soil and adding fill).

Mr. Litchfield explained that once a decision has been issued, the applicant has 10 days to appeal the decision which would escalate the decision to superior court. Commissioners discussed the buffer zone on 429 Whitney Street and violation that occurred. Commissioners

discussed the common practice of a septic system and house being built before land modifications, common practice of involving the ZBA, common practice of involving the Board of Health, and the applicant's reluctance to work with the Commission's requests and communicate back and forth with the Commission.

***Mr. Young motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue an Order of Conditions with a denial decision for SA Farms for 432 Whitney Street, Map 15, Parcel 22, and DEP # 247-1014."***

Commissioners and Mr. Litchfield discussed the applicant's violations across the street (quality of fill) and integrity, difficulty in the Commission's ability to monitor the applicant's work, unwillingness of applicant to address Commission's concerns to protect resource areas, slope of driveway, less invasive cuts and fills, and the significant disturbance and fill proposed for this project. Commissioners discussed the common practice of clearing land, building a home and utilities, and then working the grade of the land. Mr. Litchfield explained that the Order needs to be sent before January 4<sup>th</sup>, 2012 and he would work with legal counsel before sending.

**Review Minutes of November 14, 2011 Meeting:** Commissioners agreed to review and vote at the next meeting.

**New Business:**

- The next meeting is scheduled for Monday, January 9, 2011; Commissioners agreed to meet next month on January 9<sup>th</sup> if necessary.

**Old Business:**

- West Main Street (sewer remediation near Ward Hill in Shrewsbury) - Commissioners and Mr. Litchfield discussed the manhole in the middle of the stream, plans to run sturdy pipes from manhole to manhole, and bypass overland to shorten the piping length. Commissioners discussed the proposed changes and new manhole (in flood hazard area, 4 yards of fill) for pumping (temporary bypass discharge while fixing the system) that would be 300' closer (less impact to wetlands) than the proposed manhole. Commissioners agreed that an Amended Order of Conditions would not be necessary because the impact would be less to resource areas.

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

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

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

The Conservation Commission meeting ended at 8:35 p.m.

Respectfully submitted,

Eileen Dawson

Commission Secretary