



TOWN OF NORTHBOROUGH

Conservation Commission

Monday, March 12, 2012

Conference Room B

Town Offices, 63 Main Street, Northborough, MA 01532

Conservation
Commission
approved
4/19/12

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- Present:** Wayne Baldelli, Greg Young, Diane Guldner, Chelsea Christenson, and Mo Tougas
- Absent:** Todd Helwig and Tom Beals
- Others Present:** Fred Litchfield – Town Engineer; Eileen Dawson – Recording Secretary; Matthew Coutu- 431 Howard Street; Brian and Cathy Harris – 416 Whitney Street; Greg Devine – Tata and Howard Inc.; James Tetreault – Thompson-Liston Associates, Inc; Jim and Gigi Casella – 70 Coolidge Circle; Howie Stone – 257B Rice Avenue; Scott and Jackie Wellman – 67 Coolidge Circle; David DeVries – 26 Omaha Avenue; Jonathan Gorham – 391 Whitney Street; David Backus – 58 Coolidge Circle; Neil and Anne Swinton – 43 Coolidge Circle; Tei Knepper – 62 Coolidge Circle; Tracy Cammarano– 356 Whitney Street; Andrew Liston – Thompson-Liston Associates; Scott Stockin – 12 Patrick Drive; Matt Serve – Riverbridge, Berlin, MA; Jeff Faulconer – 82 Coolidge Circle; Shari Spadafora – 38 Cherlyn Drive; Lisa Maselli – 13 Maple Street, Gina Babcock – 54 Coolidge Circle, Brad Petristen- Metrowest Daily News; Arthur Morin – 5 Rooney Street

Mr. Baldelli opened the Conservation Commission meeting at 7:10 p.m.

Public Hearings:

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

Notice of Intent filed by Town of Northborough DPW for construction of chlorine injection facility and associated supporting infrastructure within the 100' buffer zone for property at 40 Lyman Street

Notice of Intent filed by Erika Rozentals for construction of a subdivision and associated work within the 100' buffer zone for property at 26 Johnson Avenue

Notice of Intent filed by Matthew Coutu for grass planting within the 100' buffer zone for property at 431 Howard Street

Notice of Intent filed by SA Farms LLC for construction of an access driveway and regrading within the 100' buffer zone for property at 432 Whitney Street

7:12 pm Notice of Intent, 431 Howard Street, Map , Parcel , DEP # 247-1029

Planting of grass within the 100' buffer zone

Applicant: Matthew Coutu

Mr. Coutu, property owner, and Commissioners began discussion about the disturbance in the buffer zone wetland area and the reason for requesting a

Notice of Intent filing. Mr. Baldelli explained that the applicant should have come before the Commission before disturbing the buffer zone and planting grass. Mr. Coutu commented that he should be able to cut and plant anywhere on his property because he pays taxes to the town. Mr. Baldelli explained that the Department of Environmental Protection governs what we as property owners can do regarding wetlands and other resource areas and the Commission's role is to support these regulations and the Town local bylaws related to resource areas.

Mr. Coutu stood up, refused to discuss further, and left the meeting at 7:20 pm.

7:20 pm

Notice of Intent, 40 Lyman Street well, Map Parcel, DEP # 247-1027

Construction of chlorine injection facility and associated supporting infrastructure within the 100' buffer zone

Applicant: Northborough DPW

Representative: Greg Devine, Tata and Howard, Inc.

Mr. Devine, representative from Tata and Howard, gave the abutter list and signature cards to Mr. Litchfield. Mr. Devine explained the proposed plans within the 100' buffer zone including: 12' x 14' facility built to house a chlorine injection system, water main built under the ground, and gravel road 10' wide installed for DPW trucks on and off the site.

Commissioners asked about the e-coli source in the well. Mr. Litchfield explained that many areas have been tested and ruled out as the sources and the chlorine injection system would kill the bacteria within the system.

Commissioners asked about the chlorine storage on site. Mr. Devine explained that liquid chlorine would be used and stored as needed, but the majority of chloride would be tablets in 5 gallon buckets stored within the facility. Mr. Devine explained that siltation devices are in place and the project would be 6-10 weeks starting after July 1st and ending in October; he anticipated the well to be on-line by the end of October.

Commissioners discussed the concern with the e-coli source and the safety of abutting residents. Mr. Litchfield explained that the Board of Health has recommended that local residents test individual wells. Ms. Guldner asked about erosion control on the side of the property; Mr. Litchfield commented that DPW would take care of stabilizing the area.

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

Mr. Young motioned, Mr. Tougas seconded, and it was unanimously voted, "To issue an Order of Conditions to the Town of Northborough for 40 Lyman Street, Map Parcel, DEP # 247-1027."

7:26 pm

Notice of Intent, 26 Johnson Avenue, Map 52, Parcel 13, DEP # 247-1026

Construction of a subdivision and associated work within the 100' buffer zone for property

Applicant: Erika Rozental

Representative: James Tetrault, Thompson-Liston Associates, Inc.

Mr. Tetreault, representative from Thompson-Liston, gave the abutter cards and signature list to Mr. Litchfield. Mr. Tetreault explained the plans including: creating one more lot with construction of a single family house, extending water line, constructing a septic system in front of the house, analysis indicates no wildlife on the site, and building a turn-around driveway area.

Commissioners requested that the 4 corners of the house be staked out, the wetland areas flagged (field area A12-A6), and the septic system outlined.

Mr. Baldelli asked for audience sharing. Mr. Morin, resident at 5 Rooney Street, asked about the grading and visibility of the proposed house. Mr. Tetreault explained the area and made reference to the submitted engineering map.

Mr. Tetreault requested a continuation of the public hearing.

Mr. Young motioned, Ms. Guldner seconded, and it was unanimously voted, "To continue the public hearing for Erika Rozental for property at 26 Johnson Avenue until April 9, 2012 at 7:15 pm."

7:50 pm Notice of Intent, 432 Whitney Street, Map 15, Parcel 22, DEP # 247-1028

Construction of an access driveway and regrading within the 100' buffer zone

Applicant: S.A.Farms, LLC

Representative: Andrew Liston, Thompson-Liston Associates, Inc.

Mr. Liston, representative from Thompson-Liston, gave the signature cards and abutter list to Mr. Litchfield. Mr. Liston explained that a new Notice of Intent has been filed for consideration on the property at 432 Whitney Street. Mr. Liston explained that the proposed project has been condensed, 30' wide gravel road proposed, entrance road within 100' buffer zone, some work proposed within the 30' wetland area, barn shelter proposed, drainage analysis, no structures or tree cutting proposed within the fence lines (near 100' buffer zone). Mr. Liston explained that 15' fill would be the maximum height proposed, no septic system, water wagon for the animals, retaining wall 2'x2'x4' proposed.

Commissioners and Mr. Litchfield discussed the property zoned for industrial use and agricultural use allowed if over 5 acres in size. Commissioners discussed the limited project access, agricultural exemption, upland fill proposed, need to stake out detention and retention areas, and the project scaling back to be outside the 100' buffer zone. Commissioners discussed possibly needing another peer review of the project, managing the sources of fill and verifying the trucks, tracking and testing the fill, and relocation of the fill on the site.

Commissioners requested the applicant mark the center of the driveway, mark the detention areas, clearly communicate agricultural use in filing, and the exact amount of filled proposed in the buffer zone. Commissioners discussed legal counsel's determination that the property was not viewed currently as agriculturally exempt.

Mr. Baldelli asked for audience sharing. Mr. Kane, abutter at 11 Coolidge Circle, commented that if the applicant has agricultural use that he would be exempt from all of the town bylaws; Mr. Litchfield and Commissioners discussed that the zoning would be decided.

Mr. Stone, resident at 257 Rice Avenue, asked questions about the length of the tracking pad; Mr. Liston commented 100' in length, Mr. Stone explained that the pad needs to be longer like 300' and commented on the mess on Whitney Street for the applicant's other property with a 100' tracking pad. Mr. Stone asked why the proposed gravel road is at 30' and not 20'; Mr. Baldelli suggested to Mr. Liston that the applicant look at 20' for the road. Mr. Stone asked why 60,000 cubic yards of filled has been proposed which is 2,000 trucks containing 30 yards each of fill to build a pasture; Mr. Stone asked for the Groundwater Advisory Commission's involvement; Mr. Litchfield explained that the agricultural use must be determined and explained the Groundwater's role in relation to the Zoning Board of Appeals.

Commissioners explained that their role is to protect the wetlands and more applicant detail or a peer review from a Site Professional would help answer questions about the quantity of fill proposed. Ms. Wellman, resident at 66 Coolidge Circle, asked about the cost of clean fill (Mr. Stone, resident, commented \$12 per cubic yard), amount of proposed fill in the buffer zone, and the impact of potentially unclean fill on resource areas; Commissioners commented that the proposed fill amount in the buffer zone would be requested from the applicant.

Mr. Caselli, resident at 70 Coolidge Circle, asked about the determination of applicability under the wetland protection act on the proposed road. Ms. Babcock, resident at 54 Coolidge Circle, asked about the fill in the buffer zone. Mr. Faulconer, resident at 82 Coolidge Circle, asked who will monitor the trucks and fill entering the site.

Ms. Marselli, resident at 13 Maple Street, asked about The Earthwork Board and their jurisdiction; Mr. Litchfield explained that the Earthwork Board would be involved if the land is not agricultural use. Ms. Marselli asked about protocols, applicant procedures to monitor and fill on/off the site operations, and topographical limits. Mr. Litchfield explained that the answers depend upon if the property is deemed agricultural use.

Mr. Stockin, resident at 12 Patrick Drive, asked the Conservation Commission to be mindful of the applicant's history of behavior when bringing fill onto this site.

Mr. Backus, resident at 58 Coolidge Circle, asked questions about cut and fill with existing fill on the site and why fill could not be moved around, asked why the applicant is proposing a 30' road, and commented on the impact on the 100' buffer zone.

Mr. Harris, resident at 416 Whitney Street, commented on the applicant's refusing access to another property owned and the implications. Commissioners commented that site visits would be a condition within an Order of Conditions.

Ms. Ward, resident at 47 Coolidge Circle, asked what controls would be in place to ensure that 60,000 cubic yards and not 80,000 cubic yards would be allowed on the site. Ms. Ward commented that she does not feel this proposed plan is scaled back from the previous Notice of Intent filed. Mr. Baldelli explained that the Commission has jurisdiction over the resource areas.

Ms. Caselli, resident at 70 Coolidge Circle, suggested that the town make the applicant post a bond in case of the need to remove fill that is undesirable. Commissioners agreed to gather information.

Ms. Wellman asked the Commission to request the applicant show proof and paperwork for fill purchased. Mr. Baldelli explained that the Commission's role is related to the wetland protection.

Mr. Wellman asked how long would it take to get onto the property if problems occurred. Mr. Litchfield explained that any violations would result in an inspection right away and routine inspections would be part of the OOC. Mr. Litchfield explained that the OOC gives the Commission permission to go onto the site as needed.

Mr. Gorham, resident at 391 Whitney Street, asked about the final coat of fill and grading. Mr. Litchfield explained that grading on the plan, monitoring during the construction, and finished grading would need final inspection before a Certificate of Compliance could be issued.

Mr. Liston asked for a continuation of the public hearing. Mr. Litchfield explained that any further extension request would need to be received in writing by the end of next week if the applicant is unable to attend the April 9th meeting.

Mr. Young motioned, Ms. Guldner seconded, and it was unanimously voted, "To continue the public hearing for SA Farms, LLC for property at 432 Whitney Street on April 9, 2012 at 7:15 pm."

New Business:

- The next meeting is scheduled for Monday, April 9, 2012; all agreed to meet.

Old Business:

- Watson Park – Commissioners discussed the continued trash issues. Mr. Litchfield explained the changes at Central Disposal and the need to find a new contact person to discuss the trash pickup.
- 432 Whitney Street – Commissioners discussed the need for more information regarding agricultural use, possibility of requiring a bond for earth filling, topography changes, and the need for a Licensed Site Professional's assessment.
- 40 Ridge Road – Mr. Litchfield explained that Mr. Cheng has been working to clean up the brush and logs in the wetland buffer zone. Commissioners discussed helping Mr. Cheng with marking the 15' no disturb area; Mr. Litchfield agreed to assist.

- 431 Howard Street – Commissioners discussed the applicant leaving the public hearing this evening before any decision was made. Commissioners discussed the wetland areas on the GIS map, possibility of requiring a botanist be hired to assess the property, and agreed to send a letter stating that the applicant left the meeting before the Commission could give guidance on what to do and would like the applicant to attend the next meeting on April 9th, 2012 at 7:15 pm to continue the hearing.

Ms. Guldner motioned, Mr. Young seconded, and it was unanimously voted, “To continue the Public hearing for 431 Howard Street on April 9, 2012 at 7:15 pm to discuss the property.”

- Schunder Property –Deed acceptance – Mr. Litchfield distributed the deed for signatures to purchase the Schunder property.
- 8 Moore Lane – Commissioners discussed the skating rink and perm benches in the wetland area. Commissioners asked Mr. Litchfield to send a letter requesting the owner attend the next CC meeting on April 9th and the Commission requests a site visit on April 6th at 8:00 am; Mr. Litchfield agreed to send.
- Town Meeting on April 23rd - Mr. Litchfield reminded all of the upcoming town meeting and encouraged all to attend.

Certificates of Compliance: (none at this time)

Minutes of meetings: December 15, 2011, December 21, 2011 Meeting, and February 13, 2012

Mr. Baldelli asked for clarification on grass and sod for Juniper Hill Golf Course to be planted after the irrigation pipe was replaced. Mr. Litchfield commented on the applicant being given a choice during the February 13, 2012 meeting. Commissioners discussed the minutes and had no changes to the minutes. Mr. Baldelli requested action.

Ms. Guldner motioned, Ms. Christenson seconded, and it was voted 4, 0, 1 with Greg Young abstaining, “To approve the February 13, 2012 minutes of the Conservation Commission.”

Ms. Guldner motioned, Ms. Christenson seconded,, and it was unanimously voted, “To approve the December 15, 2011 and December 21, 2011 minutes of the Conservation Commission.”

Adjourn:

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

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

The Conservation Commission meeting ended a 10:15 p.m.

Respectfully submitted,

Eileen Dawson
Commission Secretary