



TOWN OF NORTHBOROUGH
Conservation Commission
Monday May 13, 2013
Conference Room B
Town Offices, 63 Main Street, Northborough, MA 01532

Conservation
Commission
Approved
6/10/13

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- Present:** Greg Young, Diane Guldner, Todd Helwig, Tom Beals, Chelsea Christenson, and Wayne Baldelli
- Absent:** Mo Tougas
- Others Present:** Mia McDonald – Conservation Agent; Eileen Dawson – Recording Secretary; James Tetreault – Thompson-Liston Associates, Inc; Patricia Gallo – 7 Greenland Circle; Mark and Elizabeth Anderson – 371 Whitney Street; Jonathan Wade – 26 Alcott Drive; Rich Williams – Williams and Sparages; James Vanderpoel – 20 Potter Circle; Matt Kumor – 100 Ridge Road; and Kevin Cunningham – 18 Alcott Drive.

Mr. Young opened the Conservation Commission meeting at 7:08 p.m. Mr. Young reminded all that the meeting was being recorded.

Review Minutes of March 11, 2013

Commissioners discussed and had no changes to the minutes.

Mr. Helwig motioned, Mr. Beals seconded, and it was voted 3, 0, 1 with Ms. Christenson abstaining, “To approve the March 11, 2013 minutes of the Conservation Commission.”

Commissioners agreed to vote next month to approve when a quorum would be present.

Public Hearings:

Ms. Guldner read the legal advertisement for the following public hearing:

Request for Determination of Applicability filed by Mark Andersson for 371 Whitney St for installation of shed within 100’ buffer zone of BVW

Notice of Intent filed by Gary Dutram for 150 Church St for site work associated with construction of common driveway within Bordering Land Subject to Flooding & Riverfront Area.

Notice of Intent filed by Peter Fallon for 518 Green St for demolition of existing house & construction of new single family house with associated site work within 100’ buffer zone of BVW

Notice of Intent filed by NOR Realty Trust for 70 West Main St to modify existing parking lot, add curb cut & add drive through window to existing building within riverfront area

Notice of Intent filed by David & Therese Turpin for 394 Davis St for construction of single family home within 100’ buffer zone of BVW

Abbreviated Notice of Resource Area Delineation filed by Jonathan Wade for 22 Alcott Dr for determination of boundaries of wetlands resource areas on property

7:12 pm Request for Determination of Applicability, 371 Whitney Street, Map 19, Parcel 56

Installation of a shed within 100' buffer zone of BVW

Applicant: Mark Andersson

Mr. Anderson gave abutter cards and signature list to Ms. McDonald previously. Mr. Anderson and Commissioners discussed the flat grass area and details of the proposed shed. Commissioners requested that dirt be moved away from the 100' buffer zone and no stock piling.

Mr. Young asked for audience comment; no one responded. Mr. Young requested action.

Ms. Guldner motioned, Mr. Baldelli seconded, and it was unanimously voted, "To issue a negative Determination of Applicability to Mr. Andersson for property at 371 Whitney Street, Map 19, Parcel 56 with the special condition that dirt would not be stock piled and would be out of 100' buffer zone."

7:14 pm Notice of Intent (continued), 394 Davis Street, Map 101, Parcel 133 & 134, DEP # 247-1053

Construction of a single family home within 100 foot buffer zone of bordering vegetated wetland resource areas on the property.

Applicant: David & Therese Turpin

Representative: James Tetreault, Thompson-Liston Assoc.

Mr. Tetreault, representative for property owner, explained the details of the property including: constructing a single family home, work would be outside 15' wetland area, work would be outside the 30' no structure, noted the sharp slope off of the driveway area, and grading would be within the 100' buffer zone. Commissioners discussed; Mr. Baldelli requested that the trees to be removed be marked and inspected before removal and recommended 2 sets of erosion control (silt fences and straw bales not wattles due to heavier material). Commissioners asked about fill be to be brought in (Mr. Tetreault commented that a small amount might be brought in) and asked for permanent markers for wetland delineation (flags 1A, 2, 4, and 6 would have cement post 2-3' high installed). Commissioners discussed the grading for deck area and shed removal plans. Ms. McDonald agreed to have a site visit once the trees to be removed were marked.

Commissioners recommended waiting for a dryer time of year before beginning the work. Mr. Young asked for audience comment; no one responded. Mr. Young requested action.

Mr. Beals motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue an Order or Conditions to Mr. and Mrs. Turpin for property at 394 Davis Street with the conditions that 2 silt fences and straw bales would be installed, 4 markers added, and trees to be removed would be marked and inspected before removal."

7:30 pm **Notice of Intent – 150 Church Street, Map 55, Parcel 60, DEP File #247-1055**

Site work associated with construction of a common driveway within Bordering Land Subject to Flooding and Riverfront Area.

Applicant: Gary Dutram

Representative: J.M. Grenier Associates

John Grenier, representative from J.M. Grenier Associates, gave the abutter cards and signature list to Ms. McDonald. Mr. Grenier explained the plans including: constructing a common driveway within 100' of Howard Brook, filling in 832 yards of flood zone, need to compensate so 914 yards proposed to removed fill, flagging completed, removal of existing shed, and 2 lots proposed.

Commissioners discussed the proposed driveway, desire for the driveway to be out of the first 100' of the riverfront area, and alternative analysis plans desired for less riverfront impact. Mr. Grenier explained the reasons for the location proposed.

Mr. Young asked for audience comment; Mr. Bennett, abutter, commented on the plans. Mr. Young expressed interest in seeing plans with the driveway out of the 100' riverfront area. Commissioners discussed the plans will be before the Planning Board at the end of the month and the Zoning Board has requested the applicant appear before them.

Mr. Grenier asked for a continuation of the public hearing. Mr. Young requested action.

Mr. Beals motioned, Mr. Helwig seconded, and it was unanimously voted, "To continue the public hearing for 150 Church Street, Map 55, Parcel 60, DEP File #247-1055 until June 10th at 7:15 pm."

7:59 pm **Notice of Intent – 518 Green Street, Map10, Parcel 15, DEP File #247- 1057**

Demolition of existing house and construction of a new single family house with associated site work within 100 feet of BVW.

Applicant: Peter Fallon

Representative: J.M. Grenier Associates

John Grenier, representative from J.M. Grenier Associates, gave the abutter cards and signature list to Ms. McDonald. Mr. Grenier explained the plans including: flagging completed, house torn down previously, plans to clean up, build a new house, perc testing indicated high groundwater, plans for walk out basement, and driveway proposed outside the 30' no structure. Commissioners discussed moving the house back on the property. Commissioners discussed 15' permanent markers installed (flag 17, flag 16, flag 2, flag 3 and flag 5 areas) such as 2-3' concrete stakes.

Mr. Young asked for audience comment; no one responded. Mr. Young requested action.

Mr. Beals motioned, Mr. Baldelli seconded, and it was unanimously voted, “To issue an Order or Conditions to Mr. Peter Fallon for property at 518 Green Street, Map10, Parcel 15, DEP File #247- 1057 with the conditions that the house is moved back and the 15’ markers are installed.”

8:10 pm Notice of Intent – 70 West Main Street, Map 63, Parcel 56, DEP File #247-1056

Modify existing parking lot, add curb cut and add drive through window to existing building within the riverfront area.

Applicant: NOR Realty Trust

Representative: Chris Sparages, Williams & Sparages

Rich Williams, representative from Williams and Sparages, gave an update on the plans including: add 2nd drive through window, face lift the property inside, impact would be within the 200’ riverfront area and 100’ buffer zone to wetlands, remove parking spaces and pave with curb cut changes, removal of 393 impervious area and add 293 of impervious area, loam and seed, add silt fence and straw wattles for erosion control. Commissioners discussed; Ms. Christenson asked about improving the quality of the property on the northern side. Mr. Williams agreed to review plans (possibly add rip rap). Commissioners asked how long the project would take; Mr. Williams commented that Dunkin Donuts would shut down for a day or two and complete the work.

Mr. Young asked for audience comment; no one responded. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue an Order or Conditions to NOR Realty Trust for property at 70 West main Street, Map 63, Parcel 56, DEP File #247- 1056.”

8:25 pm Abbreviated Notice of Resource Area Delineation – 22 Alcott Drive, Map 94, Parcel 98, DEP File # 247-1054

Determination of boundaries of wetlands resource areas on the property.

Applicant: Jonathan Wade

Mr. Wade, property owner, explained the plans to sell 2/3 acre non-buildable lot property to his neighbor. Commissioners discussed the need for more flagging, deed reference put on the ORAD, and Ms. McDonald would write a letter to the Assessor’s Office that the lot is unbuildable.

Mr. Young asked for audience comment; no one responded. Mr. Young requested action.

Ms. McDonald explained the need to issue two COCs on a previous OOC before issuing an ORAD to release the property at 22 Alcott Drive and allow 26 Alcott Drive owner permission to sell the property.

Mr. Helwig motioned, Ms. Christenson seconded, and it was unanimously voted, “To issue a Certificate of Compliance to Jonathan Wade for property

at 22 Alcott Drive, Map 94, Parcel 98, DEP File #247- 769.”

Mr. Helwig motioned, Ms. Christenson seconded, and it was unanimously voted, “To issue a Certificate of Compliance to Jonathan Wade for property at 22 Alcott Drive, Map 94, Parcel 98, DEP File #247-32 .”

Mr. Helwig motioned, Ms. Christenson seconded, and it was unanimously voted, “To issue an Order of Resource Area Delineation to Jonathan Wade for property at 22 Alcott Drive, Map 94, Parcel 98, DEP File #247- 1054.”

New Business:

- Informal Discussion: 100 Ridge Road, tree removal in riverfront area/bank. Commissioners, Ms. McDonald, and Mr. Matt Kumor - property owner - discussed the stumps placed along the bank, tree that fell in the brook –on next door property owner’s property (assessor’s office cannot locate owner and back taxes owed) where the tree fell - need permission to remove the tree, and the emergency procedures that need to be followed in the future. Commissioners requested that Mr. Komar remove the stumps along the bank and leave the tree in the water to rot.
- Informal Discussion: 7 Greenland Circle, alteration of wetland resource area. Commissioners discussed that Patricia Gallo, property owner, and Brian Schlegel, friend of owner, staked the wetland area along the property installed, 9 to 10 yards of loam brought in, seeds and grass growing in wetland area, and need for area to be scraped and returned to natural state. Commissioners requested 2 permanent markers (concrete stakes 2-3’ high) be installed along the 15’ wetland area.
- Informal Discussion: 209 Pleasant Street, disturbance within riverfront area. Ms. McDonald commented on the site visit with the fill along the driveway, discussion about a NOI, and the determination that the property has wildlife habitat. Commissioners discussed the riverfront area, fill brought in and added on the side of the driveway, erosion control barrier in place (straw wattles in place), and letter needed that no further work could be done or MEPA would need to get involved due to the wildlife issues. Ms. McDonald agreed to write the letter and send to the applicant to remove fill and restore area to previous state. Commissioners discussed the shed, grading, and other disturbance in the area needs to cease or a NOI must be filed and the costs of engineers, etc. would result.
- Informal Discussion: 292 Crawford Street, disturbance within erosion & sedimentation controls. Commissioners briefly discussed the property and trees cut near brook. Ms. McDonald agree to contact the property owner, request for owner remove wood, and letter placed in file (Conservation Commission Order of Conditions supersedes).
- Henry’s Used Cars – Route 20/Main Street – Commissioners discussed the landscape debris near the wetlands. Ms. McDonald agreed to visit the site and inspect.
- Informal Discussion: Otis Street Pump Station, repair of erosion & sedimentation controls. Commissioners briefly discussed the prompt response of the property owner to repair the silt fence.

- Informal Discussion: DCR property – hand removal of miscellaneous debris. Ms. McDonald and Commissioners discussed the plans: debris removal, silt fence to be installed, and work to be done by hand. Commissioners discussed the funding that is available until June 1st; Commissioners agreed that a NOI would not be required but Ms. McDonald would visit site and send a letter of approval. Ms. McDonald discussed the work agreement proposed with TEI. Commissioners asked for timeline for start and finish of the project.
- 126 Davis Street – Mr. Beals discussed the disturbance in the 100’ buffer zone. Commissioners discussed the buffer zone, need for a letter to stop work, and the need to remove the sods near the wetlands. Ms. McDonald agreed to visit the property.
- 106 South Street - Commissioners discussed the garden planted near the brook, the firewood stacked along the brook, and the need for the property owner to be contacted. Ms. McDonald agreed to visit the property.

Old Business:

- Informal Discussion: 5 Davis Avenue. Commissioners and Ms. McDonald discussed her site visit including: silt fencing re-installed, area raked out, and straw bales added. Ms. McDonald commented on DPW’s plan to add a berm in July.
- Informal discussion: Mt. Pisgah, Ball Hill and Wrack Meadow conservation area. Ms. McDonald gave an update on the “Tri-Town Land Grant Protection Project” and landscape grant that the Sudbury Valley will write for the May 23rd meeting regarding conservation restrictions. Representative from Sudbury Valley will be putting a packet together regarding tax incentives, donating land, and other benefits for land owners to review. Ms. McDonald discussed the land owner’s meeting would be in June to discuss and encourage land owners.
- Informal Discussion: site conditions at 300 Bartlett Street. Ms. McDonald explained that as built has not been submitted yet. Northborough Land Realty Trust site cleanup has commenced, some sediment is still present, straw wattles have been put in place, catch basin needed to be jetted, swales need to be fixed and have been repaired but need more work, and remediation work will need written approval by abutting properties. Commissioners discussed that the Planning Board will not release the bond until the work has been more stabilized, swales fixed.
- 8 Moore Lane – Commissioners discussed that no activity has occurred yet on the property.

Certificates of Compliance:

- Request for Certificate of Compliance, 26 Alcott Street, Map 94, Parcel 98, DEP File # 247-769. (approved previously in meeting)
- Request for Certificates of Compliance, 144 South Street, Map 103 Parcel 76, DEP File #247-650 – original and amended Orders of Conditions.

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for 144 South Street, Map 103, Parcel 76, DEP file # 247-650.”

- Request for Certificate of Compliance, 342 Boundary Street, Map 33, Parcel 30, DEP File #247-1024.

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for 342 Boundary Street, Map 33, Parcel 30, DEP File #247-1024.”

- Request for Certificate of Compliance, Route 20 and Route 9 Intersection, Map 109, Parcel 15, DEP File #247-932.

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for Route 20 and Route 9 Intersection, Map 109, Parcel 15, DEP File #247-932.”

- Request for Certificate of Compliance, Northborough Crossing, Map 98, 107, 108, 109, 106, Parcel 2, 1, 3, 15 and (5, 6, 7), DEP File #247-884.

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for Northborough Crossing, Map 98, 107, 108, 109, 106, Parcel 2, 1, 3, 15 and (5, 6, 7), DEP File #247-884.”

- Request for Certificate of Compliance, 74 Coolidge Circle, Map 7, Lot 31, DEP File #247-1009 (Septic Repair).

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for 74 Coolidge Circle, Map 7, Lot 31, DEP File #247-1009.”

- Request for Certificate of Compliance, 74 Coolidge Circle, Map 7, Lot 31, DEP File #247-799 (Landscaping).

Ms. McDonald explained that the property has been stabilized and ready for a Certificate. Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To issue a Certificate of Compliance for 74 Coolidge Circle, Map 7, Lot 31, DEP File #247-799.”

Correspondence

- Central Mass Mosquito Control Project – 133 Church Street Routine Maintenance
- Central Mass Mosquito Control Project – Earth Day 2013 Tire Collection
- MACC – Free Unit 1 Fundamentals for Conservation Commissioners
- CSX Transportation Inc. – 2013 Yearly Operational Right-of-Way Management
- Mass DOT Beaver Permit
- Reappointment letters for Todd Helwig and Wayne Baldelli. – Commissioners discussed the need for Mr. Helwig and Mr. Baldelli to get sworn in for membership until April 13, 2016 and inability to vote this evening.
- Planning Board: Proposed Material Storage Yard – 360 Southwest Cutoff
- Planning Board: Site Plan Approval Application for 61 & 65 West Main Street – mixed use residential and commercial.
- Planning Board Special Permit Application for 150 Church Street for a common driveway.
- Earth Removal Permit Application for 9 Monroe Street – demolition of existing residence and construction of 5,700 s.f. commercial building.
- Zoning Board of Appeals: Permit Application for 15 Main Street – construction of a Cumberland Farms.

Adjourn:

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

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

The Conservation Commission meeting ended at 9:42 p.m.

Respectfully submitted,

Eileen Dawson

Commission Secretary