



TOWN OF NORTHBOROUGH  
Conservation Commission  
Monday, July 29, 2013  
Conference Room B  
Town Offices, 63 Main Street, Northborough, MA 01532

Conservation  
Commission  
Approved  
9-23-13

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- Present:** Greg Young, Diane Guldner, Todd Helwig, Wayne Baldelli, and Tom Beals
- Absent:** Mo Tougas and Chelsea Christenson
- Others Present:** Mia McDonald – Conservation Agent; Eileen Dawson – Recording Secretary; Andrew Nelson – 90 Meadow Road; Jack Maloney – Connorstone Engineering; Andrew Wolthers – Littlejohn Engineering; Jeff Pereira – 133 South Street; Steve Lapiere – Walnut Hill Landscape; Amy Fleisher – 370 South Street; Scott Risedorf – 370 South Street; Michelle Gillespie – 117 Howard Street; John Grenier – J.M. Grenier Associates; Mark Donahue – Attorney for 333 Southwest Cutoff; Paula Thompson – Waterman Design Associates; William Clougherty – DOT; and Robert Mihalek – Trails Committee

Mr. Young opened the Conservation Commission meeting at 7:05 p.m. Mr. Young reminded all that the meeting was being recorded.

Review Minutes of June 10, 2013

Commissioners reviewed the minutes and had no changes.

***Mr. Helwig motioned, Ms. Guldner seconded, and it was unanimously voted, “To approve the June 10, 2013 minutes of the Conservation Commission.”***

**Public Hearing:**

Ms. Guldner read the legal advertisement including:

*Notice of Intent filed by Chris Curtis for 175 Bearfoot Road for construction of an electronic data center facility within 100’ of BVW.*

*Notice of Intent filed by David French for 1 Lancaster Drive for repair of a soil absorption system within 100’ BVW.*

*Notice of Intent filed by Richard Ivey for 308 Main Street for septic system repair work within 100’ of BVW.*

*Request for Determination of Applicability filed by Jeff and Jenna Pereira for 133 South Street for construction of a patio within 100’ of BVW.*

*Request for Determination of Applicability filed by Andrew Nelson for 90 Meadow Road for construction of a chimney within 100’ of BVW.*

*Request for Determination of Applicability filed by Massachusetts Department of Transportation for resurfacing portions of Route 20 within 100’ of BVW.*

*Request for Determination of Applicability filed by Scott Risedorf and Amy Fleisher for the construction of an above-ground pool within 100’ of BVW.*

**7:15 pm      Notice of Intent– 333 Southwest Cutoff, Map 109, Parcel 9, 11 & 12, DEP File #247-1059 (Continued)**

Construction of baseball and retail facilities and associated stormwater controls and drainage.

Applicant:            New England Baseball

Representative:    Waterman Design Associates

Ms. Thompson, representative from Waterman Design, and Mr. Donahue, Esquire for the applicant, explained the changes including: 3:1 slope down to wetlands, 30' no structure buffer zone to be observed, storage building reviewed within 200' riverfront (options reviewed but original proposal is best option due to the elevation issues and ease of access to fields), drainage plans, storm water and drainage curbed into treatment system, 90% TSS removed. Commissioners discussed the erosion control barriers and asked that the devices be pulled out another 5' from the 30' no structure area to comply with the local bylaw. Ms. Thompson discussing the borings for groundwater and the new storm water management drainage calculations. Ms. Thompson and Commissioners discussed leaving the front area of the property alone until a later time. Additional work in this area within any jurisdictional areas will come under a separate filing.

Commissioners discussed the efforts requested at last month's meeting. Mr. Young asked for audience comment; no one responded.

***Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue an Order of Conditions for New England Baseball for 333 Southwest Cutoff, Map 109, Parcel 9, 11 & 12, DEP File #247-1059 with the special conditions to pull the erosion control barriers to 35' from the wetland resource areas and permanent markers to be placed along the 30-foot buffer line ."***

Commissioners asked when work would begin; Mr. Donahue commented late August or early September.

**7:20 pm      Notice of Intent – 175 Bearfoot Road, Map 28, Parcel 44, DEP File # 247-1062**

Construction of an electronic data center facility with associated site work within 100' of BVW

Applicant:            Chris Curtis

Representative:    Littlejohn Engineering

Mr. Wolthers, representative for applicant, explained the plans: including three 20,000 square foot buildings constructed, 3 phases planned, loop road, and buffer zone 100' away from an intermittent stream and associated bordering vegetated wetlands. Ms. Guldner asked about noise; Ms. McDonald explained that the building inspector would analyze the noise level. Commissioners asked about erosion control and Groundwater Advisory committee's requirement to install the basins before beginning work.

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

*Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue an Order of Conditions for Chris Curtis for property at 175 Bearfoot Road, Map 28, Parcel 44, DEP File # 247-1062 with the special conditions that the force sewer main is to be located within the existing roadway and erosion control barriers are to be placed along the 15-foot buffer but not within it."*

**7:35 pm**      **Notice of Intent – 1 Lancaster Drive, Map 28, Parcel 12, DEP File # 247-1060**

Repair/upgrade of a failed soil absorption system within 100' buffer of BVW

Applicant:        David French

Representative: Connorstone Engineering, Inc.

Mr. Maloney, representative from Connorstone, explained the plans including: grading within the 50' buffer zone, Board of Health approved plans, and the septic repair needed.

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

*Mr. Beals motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue an Order of Conditions to David French for property at 1 Lancaster Drive, Map 28, Parcel 12, DEP File # 247-1060."*

**7:40 pm**      **Notice of Intent – 308 Main Street, Map 47, Parcel 94, DEP File # 247-1061**

Site work associated with repair of an existing septic system within 100' buffer of BVW.

Applicant:        Richard Ivey

Representative: John Grenier, J.M. Grenier and Associates

Mr. Grenier, representative from J.M. Grenier and Associates, gave the abutter list and signature cards to Ms. McDonald. Mr. Grenier explained that the emergency repair and proposed work has been outside the 50' buffer zone, 3,000 gallon tank installed under pavement area, grease trap added, pump chambers added, Board of Health permit process completed, and the as-built submitted. Commissioners discussed the property and requested that the dumpster be relocated away from wetlands and a retaining fence added to enclose debris from entering the resource areas.

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

*Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue an Order of Conditions for Richard Ivey for property at 308 Main Street, Map 47, Parcel 94, DEP File # 247-1061 with the special condition that the dumpster be relocated away from wetlands and a retaining fence be installed around the dumpster to enclose and trap debris."*

7:46 pm

**Request for Determination of Applicability, 133 South Street, Map 74, Parcel 122**

Construction of a patio within 100' buffer of BVW

Applicant: Jeff and Jenna Pereira

Representative: Steven Lepierre, Walnut Hill Lawn Service

Mr. Lepierre, representative from Walnut Hill Lawn Service, explained the plans to build a patio within 50' of wetlands, addition of crushed stone 1-foot down, and no plans to use large equipment such as an excavator.

Commissioners discussed erosion control barriers, installing the devices properly, and Ms. McDonald plans to inspect the erosion control devices before work could begin.

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

*Mr. Beals motioned, Ms. Guldner seconded, and it was unanimously voted, "To issue a Negative Determination of Applicability to Jeff and Jenna Pereira for property at 133 South Street, Map 74, Parcel 122 with the special condition that erosion control will be properly installed and inspected by Ms. McDonald, Conservation Agent."*

7:52 pm

**Request for Determination of Applicability, 90 Meadow Road, Map 94, Parcel 220**

Construction of a chimney within 100' buffer of BVW.

Applicant: Andrew Nelson

Representative: Vito Colonna, Connorstone Engineering

Mr. Maloney, representative from Connorstone Engineering, gave the abutter list and signature cards to Ms. McDonald. Mr. Maloney explained the details including: construction of a chimney, plans to use the existing street drainage, and planned work outside the 60' wetland area. Commissioners discussed and had no comments.

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

*Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue a Negative Determination of Applicability to Andrew Nelson for property at 90 Meadow Road, Map 94, Parcel 220."*

7:56 pm

**Request for Determination of Applicability, Route 20 Resurfacing**

Resurfacing of portions of pavement along Route 20.

Applicant: Massachusetts Department of Transportation

Representative: Jonathon Gulliver, MassDOT

Mr. Clougherty, representative from DOT, explained the plans to repave existing catch basins near the river (milling) with deep catch basins and resurfacing the pavement along Route 20. Commissioners asked questions including timeframe; Mr. Clougherty commented that if all goes well the project would start in spring 2014 and end before the fall of 2014. Mr. Clougherty commented on erosion control plans for compost tubes (like straw

wattles) and skipping areas that have been resurfaced already such as the downtown light area pavement. The western part of the project starts at the pavement joint east from the intersection with Tomblin Hill Road and goes to the western limit of Project 6041156 to downtown Northborough. The eastern part of the project starts at the eastern limit of the downtown project and ends at the Marlborough Town Line. The total length is approximately 4.2 miles.

Mr. Young asked for audience comment; Mr. Mihalek, resident of Northborough, asked questions about the delay in time between paving and painting and commented on the confusion for drivers in the downtown area due to this delay.

*Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue a Negative Determination of Applicability to Massachusetts Department of Transportation for Route 20 road resurfacing."*

**8:04 pm**     **Request for Determination of Applicability, 370 South Street, Map 101, Parcel 118**

Construction of an above-ground pool within 100' buffer of BVW.

Applicant:             Scott Risedorf and Amy Fleisher

Mr. Risedorf, property owner, explained the plans including: constructing an above-ground pool, digging and installing sonotubes for the deck (hand dug), and building a deck. Commissioners discussed the work proposed within 35' of the wetlands and recommended erosion control (20' of straw wattles or 10 straw bales - staking them down). Mr. Risedorf explained that the work would take about 3 days including 1 day to install the pool and the hope to start within the next 2 weeks. Ms. McDonald agreed to visit the site and inspect the erosion control.

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

*Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue a Negative Determination of Applicability to 370 South Street, Map 101, Parcel 118 with the special conditions of straw wattles or bales staked down outside the 15' wetland area and the Conservation agent approved inspection."*

**8:12 pm**     **Request for Determination of Applicability, 81 Maple Lane, Map 65, Parcel 44**

Removal of large pine trees within the 100-foot buffer of Bartlett Pond.

Applicant:             Kathleen Porcella

Representative:     Jeff Legendre

Ms. Gillespie, realtor for applicant, explained the property details and desire to remote pines within 15' to 20' of Bartlett Pond. Ms. Gillespie explained that the septic system has failed, potential buyers may tear down house and rebuild, concerns with the large pines that are close to the existing house, and the desire to cut down a total of 12 trees. Commissioners discussed leaving stumps and having the desired trees to be cut down well marked and Ms. McDonald, Conservation Agent, would inspect before trees could be removed.

Commissioners discussed continuing the public hearing as to allow for a site inspection of the clearly marked trees - proposed for cutting down.

***Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To continue to the public hearing for Kathleen Porcella for the property at 81 Maple Lane, Map 65, Parcel 44 until August 12<sup>th</sup> at 7:15 pm.”***

**New Business:**

- Informal discussion: Bob Mihalek, Chair of Northborough Trails Committee – Commissioners had a discussion with Mr. Mihalek regarding a proposed ramp bridge above the stream at the head of the Mentzer Trail at Mt. Pisgah. Mr. Mihalek explained that a group of Eagle Scout volunteers are interested in the project and explained the plans for the bridge; Mr. Mihalek gave details of the 2 or 3 sections of 12’ each that would be altered with existing rock and added material for the bridge. Mr. Mihalek explained the need to move a portion of the Sparrow trail with brush cutting and cleaning up of the trail and addition of switchbacks. Commissioners agreed to visit the site on August 10<sup>th</sup> at 8:30 am and continue discussions at the next Conservation Commission meeting on August 12<sup>th</sup>.
- Informal discussion: 394 Davis Street – proposed revised driveway location. Commissioners discussed the new driveway proposal within 30’ of wetlands. Commissioners discussed the need for a new plan with grading details added.
- Community Preservation Committee deadline – August 15<sup>th</sup>. Commissioners discussed Aquatic Control Technology and their suggested spring treatment next year (money in the budget already, \$16K for 2014 treatment) and agreed to discuss next summer budget needed for the 2015 treatment needed.
- Asian Long-horned Beetle update – Commissioners agreed to discuss at the next meeting.

**Old Business:**

- Informal discussion: Mt. Pisgah, Ball Hill and Wrack Meadow conservation area. Ms. McDonald gave an update on the grant deadline in September and the next Open Space Committee planned on August 5<sup>th</sup>.
- Informal Discussion: site conditions at 300 Bartlett Street – Thomas Michalak, representative from Beals and Thomas gave an update on plans to correct the erosion control issues on the site. Commissioners discussed the issues, poor engineering of the site, water issues continuing to flow off the site, inadequate plans to control the water with a swale and plunge pool (only temporary fix), and need for solutions to keep the water on-site and contained. The Commission requested solutions on the property to mitigate the water leaving the site. Commissioners discussed the bond release request from Don Tuttle and agreed that the site has not been adequately handled, site does not have the capacity to handle the water, the volume of water needs to be handled to avoid erosion issues, and a bond release is not recommended at this time.

Mr. Young requested action.

***Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, “To not issue any bond release requests until engineered plans have been implemented for 300 Bartlett Street and the site stabilized.”***

Ms. McDonald agreed to draft a letter and send to Mr. Young for a signature on behalf of the Conservation Commission. Commissioners discussed an Enforcement Order with the DEP and Ms. McDonald agreed to research and follow-up with DEP for advice; Commissioners requested that the 300 Bartlett Street property owner needs to have a plan by the August 12<sup>th</sup> meeting.

- Informal discussion: 106 South Street. Disturbance within the Riverfront Area. Commissioners and Ms. McDonald discussed the garden on the riverfront areas that has been there for several years. Commissioners discussed concerns with debris entering the brook and letting the logs near the riverfront remain in place; Ms. McDonald agreed to send a letter asking the resident to leave the logs, not to disturb any further riverfront area, and any debris that enters the brook will be his/her responsibility to remove.
- Lincoln Street School – Commissioners and Ms. McDonald discussed the property and plans to rebuild/renovate the school and possible conservation concerns.

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

- Request for Certificate of Compliance, 13 River Street, Map 53, Parcel 2, DEP File #247-1039.

Ms. McDonald commented that the property has been stabilized and as-built received.

***Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue an Certificate of Compliance for 13 River Street, Map 53, Parcel 2, DEP File #247-1039.”***

- Request for Certificate of Compliance (continued), 5 Davis Avenue, Map 101, Parcel 120, DEP File # 247-1045.

Commissioners and Ms. McDonald discussed the property and agreed that the bare areas need to be fixed, 6” rip rap added, bales should be kept in place until the town puts berm in place, stone work to be done before the August meeting in order to issue a Certificate of Compliance.

- Request for Certificate of Compliance (Duplicates), 5 Tri-Corner Circle, Map 55, Parcel 79, DEP File #247-0964.

Ms. McDonald commented and asked for a duplicate signed (not photocopy) for the attorney handling the property (last month the certificate was signed).

***Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue an Certificate of Compliance to 5 Tri-Corner Circle, Map 55, Parcel 79, DEP File #247-0964.”***

- Request for Certificate of Compliance, 289 Crawford Street, Map 57, Parcel 12, DEP File #247-1046.

Commissioners and Ms. McDonald discussed that the pool has been built and the site is fully stable but the as-built has not been received yet. Commissioners agreed to issue the Certificate once the as-built has been received.

***Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue an Certificate of Compliance to 289 Crawford Street, Map 57, Parcel 12, DEP File #247-0964 once the as-built has been received.”***

- Request for **Partial** Certificate of Compliance, 216 Green Street, Map 21, Parcel 24, DEP File#247-726.  
Commissioners and Ms. McDonald discussed the property including: the 2 basins installed and the stable vegetation growing on the property.

***Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue a PARTIAL Certificate of Compliance to 216 Green Street, Map 21, Parcel 24, and DEP File # 247-726.”***

#### **Correspondence:**

- Planning Board: Special Permit Application for 150 Church Street – Common Driveway.
- Planning Board: Special Permit Application and Site Plan Approval for 333 Southwest Cutoff (N.E. Baseball) – parking and clearing/grading.
- OARS – Summer 2013 Calendar
- The Wren – Sudbury Valley Trustees Newsletter
- MACC: Fundamentals for Conservation Commissioners Brochure, Membership Renewal Forms, Winter/Spring 2013 Publications Catalog  
Commissioners discussed renewing the MACC membership. Mr. Young requested action.

***Mr. Beals motioned, Mr. Helwig seconded, and it was unanimously voted, “To renew the MACC membership.”***

- MA COLAP: Request for Volunteer Participation (in lieu of Water Wisdom)
- Presentation request for Storm water Technology, Todd Wacome – Commissioners agreed to invite Mr. Wacome to the next meeting on August 12<sup>th</sup> for a brief presentation.

#### **Adjourn:**

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

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

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

Respectfully submitted,

Eileen Dawson

Commission Secretary