



TOWN OF NORTHBOROUGH
Conservation Commission
Monday,
September 23, 2013
Conference Room B
Town Offices, 63 Main Street, Northborough, MA 01532

Conservation
Commission
Approved
11-18-13

Present: Greg Young, Diane Guldner, Wayne Baldelli, Mo Tougas, Todd Helwig, Tom Beals, and Chelsea Christenson

Others Present: Mia McDonald – Conservation Agent; Eileen Dawson – Recording Secretary; Peter Kenney – Independent Consultant; Barbara Durkin – 48 Moore Lane; JoAnn Sullivan – 103 Church Street; Alan Gustafson – 280 Newton Street; Seth Cabot Hopkins – 335 Green Street; Glenn and Judy French – 359 Newton Street; Vito Colonna – Connorstone Engineering; Leslie Harrison and Greg Roody – 28 Moore Lane; Betty King – 11 Washington Street; Claude Guertain – 320 Newton Street; Bruce Chute – 47 Carriage Hill Road; Brad Petrishan – Metrowest Daily; Bonnie McInnis– 65 Valentine Road; Jody Shumaker – 75 Cherlyn Drive; Leslie and Patrick Sullivan – 438 Howard Street; Jim Stone – 7 Newton Street; Bonnie Ryan – 24 Moore Lane; Art Duffy – 114 Hudson Street; Ziad Ramadan – 85 Newton Street; Eric Ransden – 18 Cherlyn Drive; Michele Vulcano – 57 Moore Lane; Robert Kody – 44 Moore Lane; Amy Poretsky – 47 Indian Meadow; Michael Ryan – 213 Whitney Street; Ruthann Rizzi – 160 West Street; Rob Harrington – Nexum Group; Glenn Krevosky – EBT Inc; Tom Michalak – Beals and Thomas; and Dan Feeney – Beals and Thomas

Mr. Young opened the Conservation Commission meeting at 7:04 p.m. Mr. Young reminded all that the meeting was being audio recorded for transcription purposes.

Review Minutes of July 29, 2013 and August 12, 2013:

Commissioners discussed the minutes and had some grammar changes. Mr. Young asked for action.

Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To approve the amended minutes of July 29, 2013 and August 12, 2013.”

Public Hearing:

Ms. Guldner read the legal advertisement including:

Request for Determination of Applicability filed by Northborough Trails Committee for Mt. Pisgah Trails work within 100’ of BVW.

Request for Determination of Applicability filed by Mohamad Ziad Ramadan for 85 Newton Street for proposed solar farm work within 100’ of isolated vegetated wetlands.

Notice of Intent filed by Michael Cremin of Hibernia Homes, LLC for 341 Green Street for the construction of a single family home with associated site work and grading within the 100' buffer of BVW.

7:07 pm Request for Determination of Applicability, Mt. Pisgah Trails, Map 3, Parcel 1

Trail work within the 100-foot buffer of BVW along Mentzer and Sparrow Trails on Mt. Pisgah.

Applicant: Northborough Trails Committee

Representative: Bob Mihalek, Chairperson

Mia McDonald, Conservation Agent, gave details to the plan to install a boardwalk on the Mentzer Trail with boulders added on the sides. Ms. McDonald also explained the plans to close off the Sparrow Trail (erosion on trail including water runoff, and roots and boulders exposed), create a new trail with switch backs for the trail to be 3' to 4' wide; she commented that the Trails Committee would invite the Conservation Commission for a site visit once the new trail details have been determined.

Mr. Young asked for audience comment; Ms. Guertain, resident at 320 Newton Street and member of the Trails Committee, commented on the width issues of the Mentzer Trail and the trails to be 1-person wide (3'-4' goal of each trail). Ms. Sullivan, resident at 103 Church Street, asked Ms. Guertain about all the bikes on the trails and asked about the impact; Ms. Guertain commented that the trails are mountain bike friendly but reiterated the goal of 1-person or bike at a time to keep the trail width to 4'.

Mr. Young requested action.

Mr. Helwig motioned, Mr. Beals seconded, and it was unanimously voted, "To issue a Negative Determination of Applicability to the Northborough Trails Committee for Mount Pisgah Trails with the condition that the Trails Committee come back with details of the new trail and a site visit approval."

7:14 pm Notice of Intent, 341 Green Street, Map 22, Parcel 17, DEP File # 247-1063

Construction of a single family home and associated site work and grading within the 100-foot buffer of BVW.

Applicant: Michael Cremin, Hibernia Homes, LLC

Representative: Jack Maloney, Connorstone Engineering, Inc.

Mr. Colonna, representative from Connorstone Engineering, gave an update on the proposed plans including: constructing a single-family house, septic system, and deck with the corner of the deck 65' from the wetlands (closest point). Mr. Colonna explained that the septic and well are proposed outside the 100' wetland area.

Mr. Young asked for wetland delineation and permanent markers on the property. Mr. Colonna and Commissioners discussed the silt fence and straw wattles proposed; Commissioners discussed and agreed on permanent markers (concrete bounds) installed at each end of the property line (2 markers),

between flag 2 & 3, flag 7, and flag 14 for a total of 5 markers and continuous hedging between the markers. Commissioners discussed that any additional clearing beyond the proposed plan would require a new filing. Commissioners reminded Mr. Colonna that siltation devices would need to be installed a foot or two further from the 15' no disturb area.

Mr. Young asked for audience comment; Mr. Hopkins, resident at 335 Green Street, asked about the plans for clearing the land; Mr. Colonna showed him the that the area to be cleared would not extend past the erosion control barriers on the proposed plan.

Mr. Young requested action.

Mr. Baldelli motioned, Mr. Helwig seconded, and it was unanimously voted, "To issue an Order of Conditions to Hibernia Homes, LLC for property at 341 Green Street, Map 22, Parcel 17, DEP file # 247-1063 with the conditions that the permanent bounds are added to: the property ends(2), between flag 2/3, flag 7, and flag 14; and continuous hedging added between each bound."

7:26pm Request for Determination of Applicability, 85 Newton Street, Map 7, Parcel 1

Proposed solar farm within 100-foot buffer of isolated vegetated wetlands.

Applicant: Mohamad Ziad Ramadan

Mr. Ramadan, property owner, explained the details of his solar panels on his property, cost savings, and his interest in building more solar panels on his property. Mr. Ramadan explained the plans including: tree clearing due to the sun's angle, need for 3 phase power to Newton Street from Maynard Street that would cost \$400k, no clearing needed in northern wetlands – only clearing around the isolated wetlands (not-certified vernal pool), proposed cutting of trees would be down to 10'-15' in height, and no panels within 40' of wetlands to allow access for maintenance.

Mr. Young asked for audience comment; Greg Rudy, resident at 28 Moore Lane, expressed concerns with earth movement for access, clearcutting and sedimentation, security and wiring, and underbrush (if chemical weed suppression). Mr. Kenny, representative for Michael Durkin-abutter, expressed concerns with lack of details in plan (wildlife study, power study, etc), concern with commercial use in residential area, fire, and chemical use in the event of a fire. Ms. Harrison, resident at 28 Moore Lane, commented on the land use, too dry for wetland assessments, concern with applicant disturbing more of the site than proposed, and suggested a tight reign.

Mr. Stone, resident at 7 Newton Street, asked questions about the maintenance of the solar panels, erosion, tree cutting, and water levels. Ms. Guertain, resident at 720 Newton Street, asked about commercial use in residential district. Ms. Durkin, resident at 40 Maple Lane, asked about where panels would come from (China), converter, and ownership of project (Mr. Ramadan).

Mr. Herman, resident at 10 Newton Street, asked about # of acres of clear cutting (22 acres proposed) and asked about runoff (engineered plans would deal with runoff/erosion).

Mr. Tendlak, resident at 331 Newton Street, commented on the understanding from a conversation with Mr. Ramadan a few years ago that the property would be used to build a neighborhood. Mr. Tendlak asked audience members for a show of hands who is in favor of the solar farm; no hands raised. Mr. Tendlak commented that no one wants the solar farm.

The Commission concluded that it had sufficient information to make a determination that the proposed work would require a full Notice of Intent application. Mr. Young requested action.

Mr. Tougas motioned, Ms. Christenson seconded, and it was unanimously voted, "To issue a Positive Determination of Applicability to Mohamad Ziad Ramadan for property at 85 Newton Street, Map 7, Parcel 1."

New Business:

- Laurence Place: wetland markers & tree replacement (standard permanent wetland markers) – Commissioners and Mr. Harrington discussed and agreed to leave the vegetation as is near the brook with no need for tree plantings, to install permanent markers at the 15' wetland area, the markers would be 75' apart on the property (3' high, green written signs designating wetlands), 1 description sign at each mailbox area noting the wetland areas, markers added to the as-built, and the condo association's responsibility for maintaining the wetland signs. Mr. Harrington, representative for the property, explained that the property would be under new management in October and the new management company would be notified of the wetland issues.
- Informal Discussion: 5 Coolidge Circle – Drainage channel cleanup. Commissioners discussed the drainage channel reviewed at the site visit. Ms. McDonald explained that she told the owner that he could clean out the trash and fallen limbs that would impeded flow from the drainage area.
- Informal Discussion: Lincoln Street School soil borings – Ms. McDonald gave an update on the project including: recent borings done, project in the design review stage, and a Notice of Intent would soon be filed.
- Projector used for Conservation Commission meeting – Ms. McDonald explained that the Board of Selectmen would be permanently installing the \$3,000 Canon projector that the commission has borrowed for the past few months. Commissioners discussed using the Board of Selectmen conference room next year.

Old Business:

- Informal Discussion: site conditions at 300 Bartlett Street - Mr. Feeney, representative from Beals and Thomas, Commissioners and Ms. McDonald discussed the site visit and work that has begun including outlet control added. Mr. Krevosky explained the plans including: cold tolerant seeds added, work beginning this week, and anticipated completion next week. Commissioners agreed that the applicant could

remove the straw bales along Bartlett Street, use sod to stabilize, and add sod, staple down, and add jute netting over the channel.

- Informal Discussion: Birchwood Development – walkway replacement - Ms. McDonald and Commissioners discussed the site visit including: prohibiting walkway replacement without a permit application, but the cleaning of the walkway and clearing of vegetation was allowable without a permit.

Certificates of Compliance:

- Request for Certificate of Compliance (continued), 5 Davis Avenue, Map 101, Parcel 120, DEP File # 247-1045. Ms. McDonald explained that the property is not ready for a certificate. Commissioners discussed planting a rose hedge or similar plantings for site stability.
- Request for Certificate of Compliance, 1 Belmont Street, Map 22, Parcel 86, DEP File#247-1040. Ms. McDonald explained that the septic system has been replaced and the site has been stabilized with grass growing. Mr. Young requested action.

Ms. Guldner motioned, Mr. Helwig seconded, and it was unanimously voted, “To issue a Certificate of Compliance to 1 Belmont Street, Map 22, Parcel 86, DEP File#247-1040.”

Correspondence:

- Notice to Proceed – Mr. Todd Chapin, 8 Moore Lane. Commissioners and Ms. McDonald discussed the site visit and deficiencies (multiple violations), need for a letter to applicant requesting expectations in the next 30 days, \$100/day fine thereafter, and Enforcement Order options. Ms. McDonald agreed to discuss issues with other enforcement departments including the building department and Board of Health. Ms. McDonald commented on the site visit planned with Mr. Litchfield, Town Engineer, for September 24th. Commissioners discussed the Order of Conditions and no rip rap swale - the need for back to natural connection. Commissioners and Ms. McDonald agreed to send Mr. Chapin a letter with expectations and a copy to Scott Goddard, Wetland Specialist. Commissioners requested a site visit is scheduled for October 19th.
- MassDEP – Notice of increase of appeal fees.

Next Meeting:

October 21st at 7pm. Commissioners agreed to meet.
Site visits: Saturday, October 19th at 8am.

Adjourn:

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

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

The Conservation Commission meeting ended at 10:00 p.m.

Respectfully submitted,

Eileen Dawson

Commission Secretary