



Approved 6/15/2015

**Conservation Commission
Meeting Minutes
April 13, 2015**

Members Present: Greg Young, Diane Guldner, Wayne Baldelli, Todd Helwig, Tom Beals, Maurice Tougas

Others Present: Kale Kalloch-Getman, Conservation Agent; Fred Litchfield, Town Engineer; Mark Farrell, Greenhill Engineering;

Chairman Young opened the meeting at 7pm.

Ms. Guldner read the public hearing notices into the record for the following:

- 7pm** *Notice of Intent, 247-1086, 17 Coolidge Circle – Septic Repair for Single Family Home*
Notice of Intent, 247-1089, 10 Mulberry Lane – Septic Repair for Single Family Home
Notice of Intent, 247-1090, 1 Leland Drive, Installation of Pool for Single Family Home
Continued Notice of Intent, 247-1085, Newton Street Right of Way
Continued Notice of Intent, 247-1088, 0 Bartlett Street, Stormwater Management Structures

Notice of Intent, 247-1090, 1 Leland Drive, Map 64 Parcel 67, Installation of Pool at Single Family Home

Applicant: Scott and Holly Oelkers

Representative: Glenn Odone, Odone Survey and Mapping

Request: Installation of pool within 100' buffer zone to Bordering Vegetated Wetland

Jurisdiction: Bordering Vegetated Wetland

Glenn Odone, Professional Land Surveyor, representing the Applicants and property owners Scott and Holly Oelkers, presented the project for 1 Leland Drive. The Applicants are proposing to install an in-ground pool with associated grading and related site improvements within the buffer zone of a bordering vegetated wetland. The extent of the project is within the existing lawn area of their yard. Approximately 1,700 feet of disturbance in the rear yard is proposed and no disturbance is proposed outside of the lawn area. Some minor grading is proposed to accompany the pool decking. The major part of the disturbance is outside of the 50-foot buffer required from the closest point of the septic system to the wetland line. The rear yard is enclosed within an existing fence and stone wall, which will help with any impacts to the wetlands. They are proposing to take down a few Norway Maples with poison ivy growing inside. The tree stumps will stay intact and the area will be left as is, as it is outside of the fence. The trees to be removed are 65 to 75 feet from the bordering vegetated wetland. Ms. Kalloch-Getman referred the board to the slide showing the plan for the project and the identified wetland line.

Mr. Odone stated the plan presented tonight has been revised to reflect comments from Ms. Kalloch-Getman and the Commissioners who inspected the site on Saturday, April 11, 2015.

In response to questions from Ms. Guldner and Mr. Baldelli regarding machinery and drainage on the site, Mr. Odone explained the only machinery used will be an excavator, and materials will not be

stockpiled on-site. A catch basin upgradient from the site will handle drainage in the roadway, as shown on the plan.

Mr. Beals motioned to approve an Order of Conditions for the installation of an in-ground pool within 100 feet of a bordering vegetated wetland at 1 Leland Drive, with standard erosion controls as shown on the revised plan presented, and no stockpiling of materials on the site. Mr. Helwig seconded the motion and the vote was unanimously in favor.

Notice of Intent, 247-1086, 17 Coolidge Circle, Map 14, Parcel 58, Septic Repair for Single Family Home

Applicant: Richard Kane, Jr.

Representative: Mark Farrell, Greenhill Engineering

Request: Septic Repair within 100' buffer zone to Bordering Vegetated Wetland

Jurisdiction: Bordering Vegetated Wetland

Mark Farrell, Greenhill Engineering, representing the Applicant and property owner, Richard Kane, Jr., presented the project proposed for 17 Coolidge Circle.

Ms. Kalloch-Getman noted the Applicant came to the Engineering Department several weeks ago and said he was going to remove a rotted covered porch and replace it. The Applicant talked to the Building Inspector as well, and Ms. Kalloch-Getman determined the replacement was eligible for a minor exempt activity administrative approval. She discussed this with Mr. Young and he agreed. Mr. Young and Ms. Guldner stated they saw the deck work, and the roof that was not removed, at the site inspection on April 11, 2015. Mr. Farrell stated he is not familiar with all the work that was done there.

Mr. Farrell presented the project, identifying the wetland line on the plan. He stated there may be an isolated wetland; and there definitely is standing water and wetlands. Ms. Kalloch-Getman showed the slide of the plan. Mr. Farrell stated the site plan shows the house and the screen porch as discussed, and the driveway. He identified the approximate edge of the current woods, and two existing leaching pits that did not meet Title 5 requirements. He explained perc tests were done and the proposed leach field will be located in the area of the existing leaching pits. The existing 1,000 gallon tank will be abandoned and will be replaced with a 1,500 gallon tank. He pointed out the proposed new edge of the woods and noted 3 to 4 trees will be removed. To locate the new system uphill would require a pump and removal of at least 4 or more trees. The proposed septic system has been located in the established lawn area and a little bit more of new lawn area has been added. A row of straw wattles is proposed below the construction area and the closest point of the proposed leach field is 55 feet from the wetland line. There will be some disturbance between the 50-foot buffer in the lawn area due to construction vehicles coming back and forth off the existing driveway. The grade there now will stay the same post-construction. He noted the site is all trees and steep slopes.

It was determined by the board that a tracking pad would not be needed as the driveway is approximately 75 feet long. Ms. Guldner was concerned about possible debris in the road coming off of the construction vehicles. Mr. Beals stated the erosion controls should include silt fence as well as the proposed straw wattles.

Mr. Helwig motioned to approve the Order of Conditions for the proposed septic system repair within the 100' buffer zone of a Bordering Vegetated Wetland on the property located at 17 Coolidge, with the conditions that erosion controls include silt fence as well as the proposed straw wattles, and disturbance in the street from debris related to construction vehicles will be minimal. Ms. Guldner seconded the motion and the vote was unanimously in favor.

Notice of Intent, 247-1089, 10 Mulberry Lane, Map 64, Parcel 67, Installation of Pool for Single Family Home

Applicant: William Pantazis

Representative: Mark Farrell, Greenhill Engineering

Request: Septic Repair within 100' buffer zone to Bordering Vegetated Wetland

Jurisdiction: Bordering Vegetated Wetland

Mark Farrell, Greenhill Engineering, representing the Applicant and property owner, William Pantazis, presented the project proposed for 10 Mulberry Lane. He stated the proposed work consists of replacing a failed septic system with a new system that meets Title 5 requirements. The work will occur within the buffer zone to a bordering vegetated wetland (BVW) and within the outer riparian zone of Cold Harbor Brook.

Mr. Farrell stated the existing leach field is under part of the driveway. A concrete pad next to the garage will be removed and the septic system will be located there. Behind the house is a wetland associated with Cold Harbor Brook, and there is a drainage easement from John Edward Drive that drains into the site. The original tank will be abandoned and replaced with a 1,500 gallon tank. A raised system is proposed that will be located in the same area as the concrete pad next to the garage. The proposed system is just over 50-feet from the wetland line. Erosion controls will be changed to include silt fence, as well as the proposed straw wattles, per the requirements of the Commission. Mr. Farrell noted there was a constraint due to the required 10-foot setback of the system to the house and the required 50-foot setback of the system to the wetland line. He distributed a revised plan, showing the leach field has been moved in order to get it out of the 50-foot and 100-foot required setbacks. He stated he does not want to get too close to the foundation and have it undermined. He noted impervious surface on the site will decrease post-construction.

Mr. Young asked Mr. Farrell about markings he saw that appear to be in the middle of the brook. Mr. Farrell explained he put them in and they mark the edge of the brook. He stated he did it when it was snow-covered. There is a slight change in the topography there and he thinks that is approximately the edge of the brook.

Mr. Baldelli suggested the erosion controls should be brought right up to the driveway, due to the heavy equipment that will access the site via the existing pavement. Mr. Farrell stated he will take the corner of the erosion controls and run it straight up to the driveway.

Ms. Kalloch-Getman and Ms. Guldner reported there is a pile of debris at the end of the brook near the pine trees, and inside the 15-foot buffer line, including a metal fence. Mr. Farrell suggested it might be a beaver deceiver. Ms. Kalloch-Getman stated it doesn't look like it, and noted it is 2 feet into the pond. Mr. Farrell said he didn't see it and will check it out.

Mr. Beals motioned to issue an Order of Conditions for the proposed septic repair within the 100' buffer zone to a Bordering Vegetated Wetland on the property located at 10 Mulberry Lane, with the condition that the erosion controls shall be brought up to the driveway, as discussed. Mr. Baldelli seconded the motion and the vote was unanimously in favor.

66 Coolidge Circle, Certificate of Compliance

Ms. Kalloch-Getman stated the plan submitted by Mark Farrell, Greenhill Engineering, has been revised to reflect a change in the wetland line she requested when she inspected the site. She stated the project has been done well. At this point, an as-built plan and a deed reference need to be submitted. In addition, the Applicant has requested to be able to use signs instead of concrete bounds to identify the wetland line. Mr. Farrell stated he will submit the as-built plan. The Commission discussed using signs and felt the concrete bounds were probably required for larger projects, such as subdivisions. It was noted by Fred Litchfield, Town Engineer, that the former Conservation Agent purchased "do not disturb"

signs for this reason and showed one to the members. They are available for purchase in the Engineering Department. The Commission agreed the signs may be used in replace of concrete bounds in this instance.

A discussion was held regarding the required submittal of a deed reference. Mr. Litchfield explained it is an attempt to make the homeowner aware there are wetlands on the property by adding wording as such to the deed. Mr. Helwig stated most orders of conditions have continuing obligations in them. The only way to really enforce it would be to place a conservation restriction on all of them. Mr. Farrell noted Attorney George Pember told him the requirement has been in orders of condition for a long time.

Mr. Tougas motioned to issue a Certificate of Compliance for 66 Coolidge Circle with the conditions that an as-built plan shall be submitted, and signs used to identify the wetland line (instead of concrete bounds) will be 2 feet by 2 feet in size on metal stakes. Mr. Beals seconded the motion and the vote was unanimously in favor.

Notice of Intent Continuation, 247-1085, Newton Street Right of Way , Map 7/ Parcels 1,2,35 and 36.

Applicant: Mohamed Ramadan

Representative: Vito Colonna, Connorstone Engineering

Request: Roadway improvements and associated work including widening of existing roadway; grading along the edge of the road; tree removal; wetland replication; and 18" culvert replacement along Newton Street from Cherlyn Drive to Town Line and easements on #0, 85, 325, and 331 Newton Street.

Jurisdiction: Bordering Land Subject to Flooding, Riverfront Area, Bordering Vegetated Wetlands, Buffer Zone of Bordering Vegetated Wetlands.

Ms. Kalloch-Getman stated the Applicant has requested the Commission continue the public hearing for the Newton Street road improvements.

Mr. Helwig motioned to grant a continuance of the public hearing for Newton Street, DEP #247-1085 to their May 11, 2015 meeting. Mr. Baldelli seconded the motion and the vote was unanimously in favor of the motion.

Mr. Young asked if Newton Street will be ready for the next meeting. Ms. Kalloch-Getman stated they don't have a lot of work to do, but it's significant enough to need a postponement and involves the location of the wetland replication. She stated Mr. Ramadan said there was an old septic system in the vicinity, so it could not go there. Also, the other issue is getting the wetlands flagged on the east side of the roadway on Newton Street near Cooledge Brook.

Notice of Intent Continuation, 247-1088, 0 Bartlett Street, Map 67 /Parcel 6-0

Applicant: The Gutierrez Company

Representative: Beals and Thomas, Inc.

Request: Construction of stormwater management structures associated with a commercial development

Jurisdiction: Buffer Zones of a Bordering Vegetated Wetland and an Isolated Wetland

Ms. Kalloch-Getman stated the Applicant has requested the Commission continue the public hearing for 0 Bartlett Street to the next Conservation Commission meeting on May 11, 2015.

Mr. Baldelli motioned to grant the continuance of the public hearing for 0 Bartlett Street, DEP #247-1088, to the next meeting on May 11, 2015. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

Old/New Business

Sign Deed Restriction, Eager Property: Ashley Davies, Sudbury Valley Trustees, was not in attendance. The commissioners signed the deed restriction for the Eager property.

Davidian Certificate of Approval for Labor Housing

Mr. Litchfield explained Edward and David Davidian own property on Ball Street on which there is an Agricultural Preservation Restriction (APR). The state and the Conservation Commission are co-holders of the APR. The Davidians have submitted a request for a Certificate of Approval for Labor Housing to allow them to build a 1,300 square-foot building in which to house 8 seasonal employees, as the existing trailer in which the employees live is not big enough. The proposed building will be located in the area in which the trailer is located in order to utilize the septic system and well there. All excavated material will be spread out on the restricted land. As a result of the construction of the proposed building, not more than a quarter of an acre of APR land will be lost. As the Conservation Commission is a co-holder of the APR, a vote in support of issuing the requested certificate is required.

Mr. Tougas motioned to support the request of Edward and David Davidian for a Certificate of Approval for Labor Housing to construct the proposed 1,300 square-foot building for 8 seasonal employees on their land on Ball Street, which is subject to an Agricultural Preservation Restriction (APR). Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

Hudson Street Roadway Improvements

Mr. Litchfield explained the Department of Public Works (DPW) would like to make improvements to Hudson Street from the point at which the downtown improvements left off at Trinity Church to approximately Colburn Street. The project includes the resurfacing of approximately 7,544 linear feet by cold-planning and full-depth reclamation, as well as the installation of asphalt curbing, sidewalk, concrete handicapped-accessible ramps, crosswalks with signage, line painting and guard rail replacement with loam and seed. All work will be done within the existing roadway, roadway shoulder and drainage conveyances. Mr. Litchfield stated he believes this work would be designated an "exempt minor activity" under Wetlands Protection Act revisions of October 2014. Mr. Litchfield noted the provisions made last October which were presented to the Commission are included in the plans for this project. He stated there will be no widening and no extension of the drainage system. There are a couple of drop inlets that are dangerous for bicycles and motorcycles that will be modified, Other frames and covers will be replaced as necessary. Mr. Litchfield stated the bridge work will start soon. They are hoping this project will be awarded around the end of the month and that the work will be done in May or June. Afterwards, the work will begin on the pump station. Some locations on Hudson Street may be closed for a short time for the proposed project. They will try to do one side and keep the other side open. There will be police details for traffic control and are anticipating two officers will be there every day. Ms. Guldner asked if there are any conditions for signage where people drive under the aqueduct bridge, as it is narrow in that area. Mr. Young agreed, stating the proposed is a resurfacing project so signage could be included.

Mr. Baldelli noted the members did not receive any plans for this. Ms. Kalloch-Getman stated in October 2014, the DEP issued regulation revisions on streamlining road work. They are considering it an exempt minor activity. The Commission can inspect the site and request changes, but the project does not have to go through the Notice of Intent (NOI) process. They felt it would make it possible for these project to go more quickly.

Mr. Baldelli asked about drainage structures. Ms. Kalloch-Getman and Mr. Litchfield explained they will be repairing them by replacing broken covers and bringing them up to grade. There will be no new discharge points and nothing will be extended. All the discharge points will be the same; and the frame

and cover will make it safer. Erosion controls to be used are straw wattles and silt fencing in the area where the sidewalk will be resurfaced and the river is extremely close – by Vanessa Drive and Silas Avenue.

Mr. Beals motioned to treat the proposed roadway improvements to Hudson Street as presented as an exempt minor activity, Ms. Guldner seconded the motion and the vote was all in favor of the motion.

333 SW Cutoff, New England Baseball Enterprises

Ms. Kalloch-Getman showed a slide with a picture of the area of the site (taken a week ago) for which the Commission has expressed concern. She stated the site is stable and sub-basins have been placed appropriately. They have been moving piles back and putting on the pad for the building. There was a concern about water accumulating at the base of the slope. Mr. Baldelli noted they have doubled-up and it looks good now. Mr. Kalloch-Getman stated she likes the new contractor and the new firm that is overseeing the project is great. They are easy to reach and meet with her weekly. The erosion control at the base is very solid, with just a little bit of water that's getting down there. She noted there are stakes in the back where it's steep that indicate where the 30-foot retaining wall will be going. Mr. Litchfield stated there were footings in for the wall when he drove by the other day. Ms. Kalloch-Getman stated she will be going to the site tomorrow for her weekly site visit on Tuesdays at 10am.

81 Maple Lane

Ms. Kalloch-Getman stated nothing has changed since last fall regarding the issue of relocating erosion controls that were originally placed too close to the pond. There are now 2 sets of erosion controls in the middle of the site. The contractor did a good job and was responsible. He contacted her about putting in gutters, and she discussed it with the engineer, Vito Colonna, and Mr. Litchfield. They have 172 square feet of impervious surface that they can add at this point without having to put in any kind of catchment for the gutter outflow. Mr. Litchfield talked with Mr. Colonna directly, and they don't want to put in any kind of dry wall. Mr. Baldelli stated they could mix concrete with the soil they have there. Ms. Kalloch-Getman agreed, stating it is very silty soil.

Ms. Kalloch-Getman stated the property owner, Yao Zhang, met with her and they talked at length about her project. She is very interested in hearing about the details. Ms. Kalloch-Getman explained the Commission discussed what to do with that area once the project was finished and they agreed the thing to do is to let it come back naturally. She noted Ms. Zhang is going to come to a Commission meeting sometime soon to talk about what kind of over-seeing the area will need when it comes back. In response to a question from Mr. Young, Ms. Kalloch-Getman stated the signs on the site are in good shape.

394 Davis Street

Mr. Young stated the site is not in good shape. Water running down the site has breached the erosion barriers and flowed into the wetlands about 40 feet and spread out in there. Ms. Kalloch-Getman showed slides of pictures she took at the site. She identified the water and sediment coming down the slope and showed where the pile was originally. There has been a build-up of sediment during the growing season. She stated she saw material there that the contractor had removed on her request. There is a bigger spot down by the garage where materials are puddling up. The contractor did repair it numerous times and brought erosion control barriers onto the site, but put them higher up on the slope and not in the right area, and the site is a horrible mess. The contractor had been clearing out and repairing silt fence, and also added more erosion controls. Mr. Baldelli noted contractor should have been doing it all along. There are big gullies now and an enormous amount of sediment. Ms. Kalloch-Getman stated Kathy Joubert, Town Planner, contacted the town's attorney, who said the town has the ability to issue tickets to the property owner. Ms. Kalloch-Getman stated she has a DEP Enforcement Order form for the Commission to sign and she will send a certified copy to DEP and the property owner by certified and regular mail. At the suggestion of the building inspector, Nick Antanavica, she will give the property owner 48 hours to address the issues and after that, if the property owner hasn't

responded, she will start ticketing. It will mean sending a ticket by certified mail and regular mail to the property owner every day. She met with property owner James Venincasa a while ago and, at the time, the site looked fine. But that has changed and the property owner has changed several times. She noted she will be sending tickets to Mr. Venincasa at all the addresses he has.

Regarding a timeline for this situation, Mr. Litchfield stated Ms. Kalloch-Getman will issue the letter with the enforcement order that states the owner is in violation; how he is in violation; what he has done; and that he has 48 hours to respond. After 48 hours have passed, she will start ticketing by regular and certified mail. Every day he will be ticketed and the first ticket will be for \$100; the second for \$200; and the third and for every day after, it will be \$300 per day. The property owner will know what has to be done, as it will be included in the letter from Ms. Kalloch-Getman. Ms. Kalloch-Getman stated all the specifics are included in the letter and the owner is being told he has 48 hours to stabilize the site and stop the erosion. He has to communicate what he is going to do. He can repair right away, but does need to contact her and she can work with him. Mr. Litchfield noted there is a fine line between approving what he's going to do and not telling him what to do. The responsibility is on the owner and contractor. They need to get the situation resolved and, within 5 days, they have to have a plan to repair what happened.

Mr. Dufresne stated they must get the sediment out of the wetland. Vegetation will grow up through the sediment. It would take a couple of guys with shovels, if they can get in there. There is 9 inches of muck past the erosion controls in the back. The plume does go 30 – 40 feet. Mr. Beals noted vegetation will not grow up through that sediment.

Regarding restoration and fixing silt fence, Ms. Guldner asked if there is any way to indicate they need to control sand and silt before it gets to the silt fence there. It looks like it slides down there, puddles and then goes over. She questioned if it could be redirected. Ms. Kalloch-Getman responded the Conservation Commission reserves the right to make changes to the project in order to protect the wetlands.

The members agreed there is a good change the property owner will not do the work, even at the cost of \$300 per day. Ms. Kalloch-Getman stated Mr. Antanavica will issue a cease and desist order for all building on the site after the enforcement order has been issued.

The Commissioners voted unanimously to sign the enforcement order.

Longhorn Beetle Report: Ms. Kalloch-Getman stated there is not that much going on with the Longhorn Beetle. People have been checking up on it and 2 trees have been removed, but not in Northborough. They haven't spread to other municipalities. She noted there is a project summary for members to review.

Garden in the Woods: Ms. Kalloch-Getman explained the Garden in the Woods, (a 45-acre woodland botanical garden located in Framingham) is holding workshops.

Maple Lane Clearing: Mr. Baldelli stated a lot of clearing is being done on the property at the end of Maple Lane where it meets Danforth Drive. He believes the Commission made the owner do a lot of planting there a while back.

0 Bartlett Street: Ms. Kalloch-Getman stated she was out at the site at 0 Bartlett Street for 2.5 hours with the original wetland delineator in January. There were 84 flags and 10 have been changed. There has not been a lot of change, but because they are so close to the 15-foot no disturb buffer, they will have to address it.

The meeting adjourned at 9pm.

Respectfully submitted,
Debbie Grampietro, Administrative Assistant