



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission Meeting Minutes October 19, 2015

Members Present: Greg Young, Maurice Tougas, Diane Guldner, Wayne Baldelli, and Justin Dufresne

Others Present: Kale Kalloch-Getman, Conservation Agent; Jacquie Goring, Board Secretary; Peter Bemis, Engineering Design Associates; Frank Birchieri, Bertin Engineering; Mark Farrell, Greenhill Engineering; Erynn Danhoff, Oxbow Associates

Notice of Intent, 120 West Main Street, Map 62, Parcel 54 MassDEP File #247-1101

- Applicant: First California Realty Trust
- Representative: Peter Bemis, Engineering Design Associates
- Request: Replacement of a soil adsorption system and associated grading
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland, Riverfront Area, Bordering Land Subject to Flooding

Mr. Peter Bemis, Engineering Design Associates, presented the project for 120 West Main Street for replacement of a soil adsorption system and associated grading. Mr. Bemis displayed plans and described the location of the site, Cold Harbor Brook, the 100' wetland buffer, 200' Riverfront area buffer, inner and outer riparian zones, and the 50' wetland buffer. Mr. Bemis also described the existing dwelling, driveway and failed septic system. Proposed work includes installation of a new distribution box, trenching, driveway reconstruction, installation of a filter strip at the limit of pavement, minimal grading, expansion of the roof line and a roof infiltration system. Silt fence is proposed for erosion controls. Mr. Bemis confirmed the location of the intermittent stream on the map and noted that the wetland line was completed by EcoTec. Ms. Kale Kalloch-Getman noted that water was observed in the intermittent stream identified during the site visit. Mr. Bemis noted that the Northborough Board of Health has an extensive file on the property and that the existing septic system area was covered with vines.

Ms. Kalloch-Getman displayed photos from the site visit and noted that work had already begun at the site including silt fence installation and vegetation removal. Mr. Bemis noted that he began working on the project two and half weeks ago at which time the work had already started at the site. Mr. Greg Young confirmed with Mr. Bemis that the Northborough Building Inspector has issued a cease and desist on any further work on the site. Ms. Kalloch-Getman and Mr. Wayne Baldelli noted that they confirmed the wetland line during their site visit. Mr. Bemis noted that historic fill appeared to be present on the neighbor's property. Ms. Kalloch-Getman displayed maps and photos and the Commission discussed the proposed work.

Mr. Baldelli motioned to issue an Order of Conditions for 120 West Main Street for replacement of a soil adsorption system and associated grading. Mr. Maurice Tougas seconded the motion and the vote was unanimously in favor of the motion. Mr. Young noted to Mr. Bemis that before any additional work is

completed, Ms. Kalloch-Getman must approve the erosion controls and the 10 day appeal period must pass. Ms. Kalloch-Getman confirmed she had spoken to the homeowner and they agreed that no other work would be done until the permit process was complete.

Notice of Intent, 508 Green Street, Map 10, Parcel 7 MassDEP File #247-1097

- Applicant: Jun Man and Qing Liao
- Representative: Frank Birchieri, Bertin Engineering
- Request: Installation of a pool, patio and shed and associated tree removal, grading and landscaping.
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Mr. Frank Birchieri, Bertin Engineering, presented the project for 508 Green Street for the installation of a pool, patio and shed and associated tree removal, grading and landscaping. Mr. Birchieri displayed plans and described the location of the lot and the 100' buffer to the bordering vegetated wetland. Mr. Birchieri noted that the wetland flagging was completed by EcoTec and that hay bales will be installed along the 30' buffer. Mr. Birchieri described the location of the proposed pool, grading, shed, and tree clearing. Tree clearing includes removal of a large pine and a cherry tree along the 30' buffer. Mr. Birchieri stated that the trees are proposed for removal due to safety concerns; the cherry tree has a significant lean and the pine tree requires maintenance. Mr. Baldelli confirmed the trees are located within 15' of the wetland and noted that he observed the cherry tree during the site visit and it was not healthy. Ms. Kalloch-Getman noted that during a site visit in July the homeowner stated that they would like to clear most of the property in the future. The Commission discussed the tree removal and noted that the two trees proposed for removal should not be stumped and disturbance should be minimized during their removal. Mr. Baldelli requested that the trees be marked with either ribbon or paint in the field to avoid miscommunication with the tree service company. Ms. Kalloch-Getman will confirm that the trees have been marked during the erosion control site visit.

Mr. Tougas motioned to issue an Order of Conditions for 508 Green Street for installation of a pool, patio and shed and associated tree removal, grading and landscaping. Mr. Baldelli seconded the motion and the vote was unanimously in favor of the motion.

Notice of Intent, 380 Whitney Street, Map 19, Parcel 67 MassDEP File #247-1103

- Applicant: Gordon and Diane Kruppert
- Representative: Mark Farrell, Greenhill Engineering
- Request: Repair of a septic system.
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Mr. Mark Farrell, Greenhill Engineering, presented the project for 380 Whitney Street for a repair of a septic system. Mr. Farrell noted that the residence is currently unoccupied. Mr. Farrell displayed Mass GIS maps of the property and noted that the wetland is not on the Town of Northborough data layer. Mr. Farrell described the location of the wetland that was flagged in the field on the side of the driveway. Mr. Farrell noted that the property includes a single family house and that the existing leech pit did not pass Title V inspection. The water and gas lines are proposed to be relocated to the middle of the lot during the septic system replacement. Mr. Farrell displayed plans for the proposed work and described the location of the 50' wetland buffer. Mr. Farrell noted that leech pits no longer meet Title V requirements and a larger leech field is proposed. Mr. Baldelli confirmed with Mr. Farrell that if the leech pit drained properly and the pit did not meet the groundwater level or did not fill completely with

water it would pass Title V inspection. The Commission discussed the placement of the proposed septic system and possible alternatives which none were identified.

Ms. Diane Guldner motioned to issue an Order of Conditions for 380 Whitney Street for repair of a septic system. Mr. Justin Dufresne seconded the motion and the vote was unanimously in favor of the motion.

Notice of Intent, 57 Oak Avenue, Map 76, Parcel 21 MassDEP File #247-1098

- Applicant: Samuel Richesson
- Representative: Mark Farrell, Greenhill Engineering
- Request: Repair of a septic system.
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Mr. Mark Farrell, Greenhill Engineering, presented the project for 57 Oak Avenue for a repair of a septic system. Mr. Farrell noted that the residence is currently unoccupied. Mr. Farrell displayed plans and described the location of the property. The property is a triangular lot and includes a driveway with a driveway under garage. All proposed work is located in the front yard where the existing leach field which failed Title V inspection is located. The proposed work includes replacing the leach field with Title V sand and rebuilding the system. Mr. Farrell showed the location of the existing drinking water well and noted that straw wattles will be installed for erosion control. Mr. Farrell clarified that the far side of the yard slopes to the wetland behind the house.

Mr. Farrell noted that the proposed septic system was placed as far from the wetland as possible and that half of the system is located outside of the 100' wetland buffer. Mr. Baldelli noted that during the site visit it was discussed that a tracking pad should be installed to protect the existing crushed rock apron along the side of the road which likely keeps sheet flow from the road from entering the wetland. Mr. Baldelli recommended a berm or raised tracking pad to keep the integrity of the crushed rock apron and to keep mud or silt out of the roadway. Mr. Farrell proposed putting tracking rock 10 to 20' off of the road and to remove it when the project has been completed. Mr. Farrell also noted that the soils on the site are sandy which should help prevent siltation of the apron. Mr. Baldelli recommended that the apron be washed down to keep the apron functional and that the tracking rock be mounded. Mr. Farrell described the area and confirmed with the Commission the location of the tracking pad and the use of 1 ½ inch rock and that the apron will be cleaned out and maintained throughout the project. Ms. Kalloch-Getman requested that the detail of the tracking pad be included on the plan.

Mr. Tougas motioned to issue an Order of Conditions for 57 Oak Avenue for repair of a septic system. Mr. Dufresne seconded the motion and the vote was unanimously in favor of the motion.

Notice of Intent, 18 Hillside Road, Map 105, Parcel 12 MassDEP File #247-1102

- Applicant: Edward Cleary
- Representative: Mark Farrell, Greenhill Engineering
- Request: Repair of a septic system.
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Mr. Mark Farrell, Greenhill Engineering, presented the project for 18 Hillside Road for a repair of a septic system. Mr. Farrell displayed maps and described the site including the existing single family house, drinking water well and cesspool. Mr. Farrell noted that the Town of Northborough extended the town

waterline and left a stub for the property to be connected to in the future. As part of the septic replacement, the property owner would like to connect to Town water and abandon the existing drinking water well. The existing cesspool will be replaced with a septic tank, pump and leach field which will be installed across the road. Mr. Farrell noted that the entire septic system could not fit on the property, requiring the leach field to be constructed across the street. Mr. Farrell stated that the property owner owns two water front lots and two lots across the street. Mr. Farrell also noted that the site has a steep slope and hay bales and silt fence will be used along the slope as identified during the site visit. The proposed leach field will be located 105' from Smith Pond. Mr. Young confirmed with Mr. Farrell that the low area behind the property is not wetlands. Mr. Farrell noted that site soils are well drained sand and that the well pump house will be removed. The Commission discussed the proposed work and agreed that it will be beneficial to complete the septic system and water hookup at the same time. Mr. Farrell noted that the water hook up will be completed prior to the septic replacement. The Commission noted that the septic system upgrade will be better for the health of the Pond and noted that the other properties in the area likely have cesspools and will require upgrades in the future. Ms. Guldner confirmed with Mr. Farrell that the driveway will be used to get construction material and equipment in and out of the property.

Mr. Baldelli motioned to issue an Order of Conditions for 18 Hillside Road for repair of a septic system. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

Notice of Intent, 125 and 129 Madison Street, Map 101, Parcels 82 and 83 MassDEP File #247-1100

- Applicant: Harris MacNeill
- Representative: Erynn Dayhoff, Oxbow Associates
- Request: Reconstruction of an existing retaining wall.
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Ms. Erynn Dayhoff, Oxbow Associates, presented the project for 125 and 129 Madison Street for reconstruction of an existing retaining wall. Ms. Dayhoff provided hard copies of the details of the retaining wall repair. Ms. Kalloch-Getman displayed photos for the Commission. Mr. Baldelli noted that he thinks the retaining wall is located within a drainage easement. Ms. Kalloch-Getman stated that she spoke with the Building Inspector and confirmed that the applicant has not applied for a building permit and that the retaining wall is proposed to be more than 4' high which must be reviewed by the Building Inspector. Ms. Dayhoff noted that the wetland line was flagged by Scott Smyers in August and a site visit was conducted the prior Saturday. The existing timber retaining wall is proposed to be removed and replaced with a cement block wall. The retaining wall is located within an easement with a culvert below grade. The proposed wall is 63' long and is proposed to be moved towards the resource area and located approximately 27' from the wetland. Ms. Dayhoff stated that the proposed wall is being moved three feet into the 30' buffer to reduce the amount of excavation required to reconstruct the wall and prevent potential damage to the existing pool house. The proposed retaining wall will be built around the existing retaining wall which will be removed once the new wall is completed. The existing retaining wall is 33' from the wetland boundary. The Commission inquired if it was necessary for the proposed retaining wall to be moved out 6' from the existing wall rather than 3'. Ms. Dayhoff noted that the project team will discuss the details of the proposed retaining wall and confirm the 6' requirement. Ms. Dayhoff also noted that the area will be loamed and seeded outside of the wall to match existing conditions; plantings are proposed on the top of the retaining wall and that erosion controls will not be removed until significant growth has been established.

The Commission discussed the proposed retaining wall and the lack of a building permit. Ms. Dayhoff confirmed that the proposed retaining wall is 63' long and ranges from 19.7 inches high to 6.3 feet high.

The Commission also discussed if the retaining wall will be allowed inside the drainage easement. Ms. Dayhoff noted that there seemed to be a sequencing issue with the permitting process and was not sure the timeframe for the project but assumed the homeowner would like the work to occur before winter to avoid additional freeze and thaw which could cause more damage to the existing wall. The Commission requested that the hearing be continued and that the applicant return with a justification as to why the proposed retaining wall must be completed within the 30' buffer. Ms. Kalloch-Getman noted that the wetland delineation looked good but she will consult with the Building Inspector for his opinion on the proposed retaining wall.

Mr. Baldelli motioned to continue the hearing for the Notice of Intent for 125 and 129 Madison Street for reconstruction of an existing retaining wall to November 16, 2015. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

17 Coolidge Street, 247-1086, Certificate of Compliance

Ms. Kalloch-Getman and Mr. Young conducted a site visit and noted that the site is stable and that the wetland signs were posted.

Ms. Guldner motioned to issue a Certificate of Compliance for 17 Coolidge Street. Mr. Tougas seconded the motion and the vote was unanimously in favor.

12 Mill Street, 247-1047, Order of Conditions

Ms. Kalloch-Getman noted that the Order of Conditions for 12 Mill Street was filed under the wrong address and the Registry of Deeds required a revised Order with original signatures. The Commission signed the revised Order of Conditions.

Approval of Minutes: Mr. Tougas motioned to approve the minutes of September 14, 2015. Ms. Guldner seconded the motion and the vote was unanimously in favor of approval.

Mr. Tougas left the meeting at 8:15 PM.

Lincoln Street School: Ms. Kalloch-Getman noted that Mr. Dufresne brought to her attention that the drainage basin at the Lincoln Street School closest to Lincoln Street is not draining properly. Mr. Dufresne noted that he was there the following Thursday and there was water still in the basin after it hadn't rained for a week and a half. Mr. Dufresne also noted that he is there on a daily basis and has observed all of the basins draining properly with the exception of the one closest to Lincoln Street. Mr. Dufresne also noted that the basin must drain properly for the plantings to survive and that MassDEP requires that it drain within 72 hours.

The Commission discussed the drainage basin which was specified to be one foot deep but appears to have been constructed approximately two to three feet deep. Mr. Dufresne stated that he thinks that the soils at the bottom of the basin may not be allowing it to drain. Ms. Kalloch-Getman noted that she has requested the construction supervisor attend the November Commission meeting. Ms. Kalloch-Getman also noted concerns about the safety of the school children including standing water, steep slopes and additional concerns about mosquitos. The Commission discussed the concerns about the drainage basin and safety issues. Potential repairs discussed include filling or installing an underdrain.

Ms. Kalloch-Getman will request that a solution be brought to the Commission during the November meeting and that a fence be put up in the interim by the end of the week. Ms. Dufresne added that he has not observed any other issues at the site.

Discussion Items:

Newton Street: Ms. Kalloch-Getman noted that the project is stagnated. During the wetland replication work, ledge was encountered and only 200 square feet of the 580 square feet requested has been completed. Due to the location of the nearby septic system the wetland replication area cannot be expanded elsewhere. Ms. Kalloch-Getman advised Mr. Ramadan to provide a plan for the replication area which will be completed by Mr. Glenn Krevosky, wetland scientist for the project. Ms. Kalloch-Getman also noted that Mr. Dan Nason, Northborough Public Works Director, revoked Mr. Ramadan's trench permit and is no longer able to complete the culvert work. Another contractor has not been found to complete the work to date.

Ms. Kalloch-Getman reviewed the common drive project and noted that she has been conducting site visits frequently. Ms. Kalloch-Getman has observed housekeeping issues throughout the site visits and requested clean up and erosion control barrier repairs. The requests made by Ms. Kalloch-Getman have not been addressed completely. Mr. Dufresne confirmed that a stormwater pollution prevention plan (SWPPP) was filed as part of the common drive project. Ms. Kalloch-Getman has walked the site with Mr. Ramadan. Mr. Ramadan has requested to remove a few additional trees and that the mulch wattles be moved with large equipment which Ms. Kalloch-Getman confirmed to be a reasonable request.

Ms. Kalloch-Getman noted that Ms. Kathy Joubert, Town Planner, and Mr. Fred Litchfield, Town Engineer, has expressed concerns about the access road. Only the common drive has been approved and there are several resource areas including an isolated wetland surrounded by proposed homes. Ms. Kalloch-Getman will be conducting a site visit to review the area. Ms. Goring confirmed that Mr. Ramadan had provided the \$17,000 bond for the Earthwork permit for the project. The Commission discussed the house lot approvals which will be required to be permitted by the Commission. Ms. Guldner noted that it appears that logs are leaving the site and material is being brought in. Ms. Kalloch-Getman is conducting weekly site visits on the road and noted that there was a potential vernal pool identified approximately seven to eight years ago on the site. Mr. Dufresne noted he would like to review the proposed plan for the project.

432 Whitney Street: Ms. Kalloch-Getman informed the Commission that the Request for Determination of Applicability (RDA) for 432 Whitney Street was not included in the Commission meeting agenda because the applicant had not notified the abutters. Ms. Kalloch-Getman and Mr. Litchfield conducted a site visit with the property owner, Mr. Santo Anza, when logging trucks were identified at the site. Ms. Kalloch-Getman was contacted by Ms. Denise Child of MassDEP regarding the reported logging. Ms. Kalloch-Getman communicated with Ms. Judy Schmidt of MassDEP and confirmed with the Service Forester District Office that a forest cutting plan should be submitted for the project. Ms. Kalloch-Getman and Mr. Litchfield observed the existing cart path during the site visit which is proposed for tree clearing. Ms. Kalloch-Getman noted that the largest tree in the cart path was eight inches in diameter and that the goal for clearing the cart path is to access the upland portion of the property for additional tree clearing. Ms. Kalloch-Getman noted that she is awaiting response from Ms. Laura Dooley, Northeast Region Service Forester, who has not been able to speak with Mr. Anza regarding filing a forest cutting plan. Ms. Kalloch-Getman also noted that Mr. Anza has indicated that he does not want to file a forest cutting plan and would like to file with the Commission.

The RDA submitted for the project included culvert work which was not discussed onsite. Two culverts are shown on the plan provided with the RDA which connects the drainage from Whitney Street to the additional wetland area. Ms. Kalloch-Getman noted that she had last spoke with Mr. Anza's assistant that they would file for the November Commission meeting following the notification of the abutters. The Commission discussed the proposed logging and abutters and would like to recommend that Mr. Anza file for a Notice of Intent (NOI) for the tree removal and culvert work.

Shops at 920- Ms. Kalloch-Getman noted that the project at the Shops at 920 is going well and will be conducting a site visit the following day. Ms. Kalloch-Getman also noted that the site had no issues during the recent heavy rains. Ms. Guldner confirmed that the medical building across the street is planning to file a Certificate of Compliance (COC). Mr. Young noted that the parking lot appears to be sloped at a steeper grade than proposed. The Commission discussed the drainage for the site and the slope of the parking lot. Ms. Kalloch-Getman noted that the construction supervisor is willing to provide site visits for Commission members.

394 Davis Street: Ms. Kalloch-Getman and Mr. Baldelli noted that the site looks stable and grass is growing well. Ms. Kalloch-Getman noted that the new property owner has not submitted a restoration plan for the wetland and significant work is required to remove the sediment and erosion control barriers. Ms. Kalloch-Getman will contact the property owner to follow up.

Otis Street Culvert Replacement: Ms. Kalloch-Getman noted that Mr. Dan Nason, Northborough Public Works Director, contacted the owner of Armeno Coffee and confirmed they are not interested in doing road run off mitigation at the Otis Street culvert. Ms. Kalloch-Getman has a meeting scheduled with Mr. Nason to discuss upcoming DPW projects for this year and next year and will confirm the schedule for the stream bed work. The Commission discussed the field changes and the possibility to request the engineering firm to come up with an alternative.

Church Street Bridge: Ms. Kalloch-Getman noted that she has been collecting information on the stream bed and water quality reports prior to the Church Street Bridge replacement.

Bartlett Pond: Ms. Kalloch-Getman reviewed the file for Bartlett Pond regarding invasive weed treatment as requested by Mr. Baldelli. Ms. Kalloch-Getman noted that the last report included in the file was submitted in 2012 by Aquatic Technologies and included information on the last treatment, pre and post water quality data, and a suggestion that the treatment should be revisited in a few years. The Commission discussed the Bartlett Pond invasive weed treatment. Mr. Baldelli noted that the cobomba and fanwort appear to be returning. Ms. Kalloch-Getman will contact Aquatic Technologies regarding future treatment.

Administrative Matters

Next Meeting Date: The November meeting date is 11/16/15 with site visits on the 14th. The filing deadline is 11/2/15. Ms. Kalloch-Getman noted that she is expecting a filing from 432 Whitney Street and will have a continued hearing for 125 and 129 Madison Street.

Zero Phosphorus Act: Ms. Kalloch-Getman provided a Zero Phosphorous Act flyer to the Commission and noted that as of June 15, 2015 phosphorus is not permitted to be used by homeowners unless soil testing has been completed. Additional restrictions on using phosphorus on agricultural land began on

September 15, 2015. Ms. Kalloch-Getman noted that the flyer is required to be posted in stores selling fertilizer.

Ethics and Open Meeting Law Training session: Mr. Young stated that he attended the October 15, 2015 Ethics and Open Meeting Law Training session in Southborough and noted that the open meeting law only applies when a quorum is present.

The meeting adjourned at 9:00PM

Respectively submitted,

Jacquie Goring