



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission Meeting Minutes February 22, 2016

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

Others Present: Kale Kalloch-Getman, Conservation Agent; Jacquie Goring, Board Secretary; Kathy Joubert, Town Planner; Peter Bemis, Engineering Design Consultants, Inc.; Brian Harris, resident of 416 Whitney Street; Alan Gustafson, resident of 280 Newton Street; and Mark Arnold, Goddard Consulting.

Approval of Minutes: Ms. Diane Guldner motioned to approve the minutes of January 11, 2016 as annotated. Mr. Todd Helwig seconded the motion and the vote was unanimously in favor of approval.

Abbreviated Notice of Resource Area Delineation, 280 Newton Street, Map 7, Parcel 8, MassDEP File #247-1109

- Applicant: Alan and Judith Gustafson
- Representative: Peter Bemis, Engineering Design Consultants, Inc.
- Request: Review resource delineations
- Jurisdiction: Bordering Vegetated Wetland and River Front Area

Mr. Peter Bemis of Engineering Design Consultants, Inc. and Mr. Alan Gustafson and Mrs. Judith Gustafson were present. Ms. Kalloch-Getman displayed plans for the Commission. Mr. Bemis described the location of the site which has frontage on Newton Street. Mr. Bemis noted the location of Coolidge Brook, a Bordering Vegetated Wetland (BVW), the 30' and 100' buffers, 200' inner riparian zone and existing site features. Mr. Bemis added that there is an intermittent stream and associated BVW at the adjacent property owned by Mr. Mohamad Ramadan. A cart path and twelve inch corrugated metal culvert is located on the site. The cart path was used as a construction road during gravel removal activities to avoid travel on Newton Street. Mr. Bemis also noted that there is a wetland located on Coolidge Circle within the development in an area deeded to the Town for conservation. A 50 foot wide easement services the property which Mr. Bemis noted does not seem logical with the abutting area now set aside for conservation land. The wetlands were delineated by Ecotech and a site visit was conducted with Ms. Kalloch-Getman. Revisions to the delineation were made in the field in two areas and included on the plan dated February 8, 2016 which Mr. Bemis requested be referenced in the Order of Area Resource Delineation (ORAD). Mr. Bemis noted that there is no activity proposed within the Land Subject to Flooding zone or the outer riparian zone. There is buffer zone activity proposed in two areas.

Mr. Bemis added that the 10.5 acres parcel has 1,215 feet of frontage and is allowed up to 5.7 lots and four are proposed. Mr. Bemis stated that due to the limited setbacks for septic systems to the resource areas only four lots will be proposed. Mr. Bemis displayed a plan which included lot lines for the four properties and noted that Lot 1 will wrap around the back of the other three lots. Mr. Bemis stated that there is a provision in the Zoning bylaw which allows the configuration of Lot 1 and when walking the site it is clearer that Lot 1 allows connection along the entire river front. Mr. Bemis added that one of the four proposed lots has an existing single family home. Mr. Bemis also added that traffic on Newton

Street is very fast and that the back of Lot 1 could be used for walking. Mr. Bemis noted that they hope not to use the easement because it is close to the resource areas and the applicant will likely apply for waivers to install a driveway and eliminate the culvert. Mr. Bemis added that the property owner would waive the right for the easement and leave the wooded area as is. Mr. Bemis also added that the current hearing is only for the Abbreviated Notice of Resource Area Delineation (ANRAD) and that the property owners are trying to make retirement decisions and would like the delineation approved by the Commission before going before other Town Boards for permitting.

Mr. Bemis confirmed that he will mark the corners of the proposed buildings and septic systems for visual reference for the Commission prior to filing a Notice of Intent (NOI). Ms. Guldner noted that she walked down Coolidge Circle to try to identify the easement and identified a drain cover on the side of the street where the easement may be located. Mr. Bemis added that the adjacent homeowner likely believes that the easement is town owned land and it would be best to leave the area alone. The Commission reviewed the ANRAD plans. Mr. Tougas also visited the site and described a gully which Mr. Bemis stated was likely created to drain the area. The Commission discussed the wetland delineation and Mr. Bemis noted the drainage issues on Mr. Ramadan's property which has very shallow bedrock. Mr. Bemis described the soils on the site as well drained and noted that there was very little water in the channel during his visits to the site but wetland vegetation is present.

Mr. Bemis confirmed that the wetland delineation was completed in November 2015. Ms. Kalloch-Getman stated she conducted a site visit on December 5, 2015 and walked the site with Ecotech the prior week. Ms. Kalloch-Getman noted that she had concerns about the delineation when reviewing the plan but made sense after completing the site visit. No abutters were present. The Commission discussed the timing of the delineation and Ms. Kalloch-Getman confirmed there was little snow on the ground during her site visits and the ground was not frozen and she had no trouble collecting soil samples. Mr. Bemis added that the cart road on the property was used to access the gravel and that there is a significant amount left on the site unlike Mr. Ramadan's property which has difficult excavating conditions.

Ms. Guldner motioned to issue an Order of Resource Area Delineation for 280 Newton Street. Mr. Helwig seconded the motion and the vote was in favor of the motion.

Mr. Bemis confirmed he is going to apply for permits with the Planning Board and Board of Health and hopes to submit an NOI in April. Mr. Baldelli recommended that the proposed lots should be configured to avoid the need for special conditions. Mr. Bemis stated that they are currently proposing an encroachment of the 30' buffer to avoid going through a wetland and they would like to respect the riparian zone of which there are 4.5 acres on the site. Mr. Bemis also stated that they would only be permitted to have activity in 10% of the riparian zone. Mr. Baldelli noted that he would rather activity in the outer riparian zone than within the 30' buffer. Mr. Bemis stated that they could use the easement but the homeowner on Coolidge Circle has lived there for many years with no development. Mr. Bemis confirmed he would provide different options for development. Mr. Bemis also confirmed that the road is proposed partially in the 15' buffer and could come to the next Commission meeting to discuss the proposed plans.

Request for Certificate of Compliance, 31A Solomon Pond Road, Map 30, Parcel 30-1, MassDEP File #247-906

- Applicant: Kevin Keiler

Ms. Kalloch-Getman provided an approved plan and displayed a GIS map for the Commission. A gravel driveway was completed under an Order of Conditions (OOC) and Ms. Kalloch-Getman confirmed that

the work was completed as approved. No as-built was required for a Certificate of Compliance (COC) to be issued. Ms. Kalloch-Getman conducted a site visit and confirmed the site is stable.

Mr. Tougas motioned to issue a Certificate of Compliance for 31A Solomon Pond Road. Mr. Baldelli seconded the motion and the vote was in favor of the motion.

Consultant for 0 Church Street Notice of Intent Review and Approval

Mr. Young noted that Ms. Kalloch-Getman sent out three requests for estimates with two responding with estimates and one that did not respond with an estimate due to a conflict of interest. Estimates were received from Mr. Glenn Krevosky and Oxbow Associates. Ms. Kalloch-Getman provided the Commission with copies of the estimates and recommended Mr. Krevosky for the project because she feels he would do an excellent job and his costs are less. The Commission discussed both estimates and Mr. Baldelli noted that the Commission has had good experiences with Mr. Krevosky. The Commission clarified that the cost is a price and not an estimate and requested that Mr. Krevosky provide a written memo with his findings. Ms. Kalloch-Getman confirmed she will expect a description of the soils and vegetation at the site as well as additional narrative as to why he has given his selected designation in a summary.

Mr. Baldelli suggested that Mr. Krevosky is shown the sample location where the area may or may not connect to the offsite wetland. Mr. Baldelli added that the property is a former construction site and has likely been filled. Ms. Kalloch-Getman noted that the last time she visited the site she found wetland soils in the area. Mr. Helwig inquired why Mr. Krevosky costs were 1/3 of the price of Oxbow Associates. Ms. Kathy Joubert, Town Planner, stated that she had spoken to Mr. Krevosky when the proposals came in and Mr. Goddard confirmed there was no conflict. Ms. Joubert also noted that she clarified the cost with Mr. Krevosky he stated that the work was straight forward and that other estimates may have come in higher because they were unsure of the extent of the project. Ms. Joubert recommended that the Commission receive a minimum of \$1,000 from the applicant if Mr. Krevosky is selected.

Mr. Mark Arnold, Goddard Consulting, was present and stated that Mr. Goddard does not have an opinion on which proposal is chosen but the property owner would prefer the less expensive option and requesting additional funds is acceptable. Mr. Arnold noted that the property owner has requested that someone be onsite with anyone on the property and that Mr. Goddard must be contacted prior to anyone visiting the site. Ms. Kalloch-Getman added that Mr. Goddard requested she or any other non-Commission member not go on the site which she noted is very unusual. Ms. Kalloch-Getman also noted that she may request Mr. Krevosky increase his pricing because she feels that by having others onsite during his review it may take him additional time to complete his review. Ms. Joubert added that she has exchanged emails with Mr. Goddard and he now understands that the applicant does not choose the reviewer and that the funds are placed in a separate account for consulting fees and he was very understanding of the process. Mr. Young recommended that Ms. Kalloch-Getman be onsite as the communication liaison between Mr. Goddard and Mr. Krevosky. Ms. Kalloch-Getman stated that she expected Mr. Krevosky to be able to complete the work on this site on his own but she could do so. The Commission discussed the issue and expressed concerns that Mr. Krevosky could be influenced and that review could take longer when other parties are onsite. Ms. Kalloch-Getman will update Mr. Krevosky on the Commission's concerns and adding costs to the estimate. Mr. Arnold reiterated that the property owner is fine with either quote and the price increasing.

Mr. Baldelli motioned to select Mr. Glenn Krevosky as the consultant for the 0 Church Street Notice of Intent review. Mr. Tougas seconded the motion and the vote was in favor of the motion with Mr. Helwig abstaining.

Ms. Kalloch-Getman noted that she will contact Mr. Krevosky tomorrow to get a signed contract, contact Mr. Goddard for a check from the property owner for \$1,000 and anticipates to have the review completed by the March 14, 2016 meeting, weather permitting.

370 Southwest Cutoff – Project Update – Ms. Kalloch-Getman displayed photos of the site and informed the Commission that the site is looking good and moving forward. The bare slope of the retention basin was covered with jute and grass is growing. Ms. Kalloch-Getman observed a small amount of sediment coming through the outflow and requested that extra filters be installed and the sediment is removed using hand tools and wheelbarrows. Ms. Kalloch-Getman also noted that they are still moving material around the site but the site is stable and erosion control barriers are being kept secure. Ms. Kalloch-Getman also informed the Commission that she had received a call about sediment along the driveway and she requested that check dams be installed and confirmed that housekeeping was being completed adequately.

154 Rive Avenue – Ms. Kalloch-Getman displayed plans for 154 Rice Avenue and informed the Commission that she had received a call about the site during a large storm event the previous week. Ms. Kalloch-Getman displayed photos of a very steep stockpile which was not stabilized and water and sediment going down the street onto the 163 Rice Street property. Ms. Kalloch-Getman reviewed the GIS data layer and confirmed the location of a wetland on the 163 Rice Street property and River Front Area and noted the issue may be within the Commission’s jurisdiction. Ms. Kalloch-Getman met with the contractor for the 154 Rive Avenue project and requested that the top eight feet of the pile be moved back, the slope be secured with woodchips and an area be dug out at the base of driveway. The drainage area was completed with rip rap and hay bales to prevent water and sediment from leaving the property and flowing down the street. Check dams were also added to the slope but Ms. Kalloch-Getman noted that the site is still very messy but in better shape than before. Ms. Kalloch-Getman confirmed that regrading was recently completed at Rice Avenue and that there are no catch basins in the area. Ms. Joubert noted that the building department is aware of the issue as well. The Commission discussed the issue and their jurisdiction and will request that the contractor attend the next meeting and provide a design for a berm to prevent further issues.

394 Davis Street – Ms. Kalloch-Getman noted that the site was sold at auction to Mr. Randy Boyle this fall and that the site is in better condition and is stable. Ms. Kalloch-Getman also noted that the erosion controls were removed when the sediment was cleared from the wetland. Ms. Kalloch-Getman added that the area was very mucky during her previous site visit and was collecting a lot of water and Mr. Boyle dug out an area and added a few feet of gravel which was moved around by plows close to the wetland. Ms. Kalloch-Getman also noted that the sediment was removed as a result of a violation and that there is more work to be done but Mr. Boyle will meet with her first to discuss the removal. The Commission inquired as to why the sediment removal was completed without a plan being provided as previously discussed and Ms. Kalloch-Getman stated that Mr. Boyle had contractors available on the property and was in communication throughout the work. The sediment removal was completed by hand using hand tools and buckets. The Commission discussed their concerns about the gravel and sediment removal and Ms. Kalloch-Getman confirmed that Mr. Boyle is aware that he is required to get a Certificate of Compliance before he is able to sell the property. Ms. Kalloch-Getman noted that once the snow has melted she will confirm how much more sediment removal is necessary and Mr. Boyle would like to attend the next Commission meeting to discuss his plan. Ms. Kalloch-Getman clarified that

all other erosion controls are still in place including around the area of violation. Ms. Kalloch-Getman added that the previous property owner was fined for the violation and that all work completed by Mr. Boyle has been within compliance. The Commission expressed concerns that the erosion controls were removed and would like the area to be completely cleaned up. Ms. Kalloch-Getman clarified that the erosion controls came up when the sediment was being removed and putting in new erosion controls could cause more damage. Ms. Kalloch-Getman also noted that Mr. Boyle would like to clean up the area and receive a Certificate of Compliance as soon as possible. The Commission discussed the restoration of the area and will request that Mr. Boyle attend the next Commission meeting with a plan. Ms. Kalloch-Getman and Mr. Young confirmed that the shed is still in place. Ms. Kalloch-Getman added that the area of gravel is being used as a turn around and is right up to the 15' buffer and slope. Ms. Kalloch-Getman recommended to Mr. Boyle that a barrier be put in place at the edge of the slope such as a wooden guardrail. The Commission discussed the barrier and concerns about snow removal and the pitch of the driveway. Ms. Kalloch-Getman will provide Mr. Boyle with options for a barrier including a wooden guardrail, large boulder, plantings or fence and will request a sketch to be reviewed by the Commission.

Bartlett Pond Dam – Ms. Kalloch-Getman informed the Commission that she is in the process of reviewing the report on the Bartlett Pond Dam provided by Public Works Director Mr. Dan Nason which was forwarded to the Office of Dam Safety. Ms. Kalloch-Getman stated that Mr. Nason suggested that the Commission begin to look into maintenance of the dam because the abutting land is owned by the Commission. The Commission discussed the report and the roles of the Commission and Department of Public Works in maintenance of the dam. Mr. Baldelli inquired about the existing gate valve and noted that it was not included in the report and expressed concerns about the valve failing and increasing the water level of the pond. Ms. Joubert clarified the statements in the report regarding maintenance of the dam and stated that Conservation and Public Works staff need to discuss dam maintenance and funding with the Town Manager. Mr. Baldelli recommended a low level draw down of the pond and noted that the dam is likely leaking by the concrete patch that was used as a repair to the gate valve and expressed concerns that the leak could get worse. Ms. Kalloch-Getman will continue to update the Commission.

Assabet Dam – Ms. Kalloch-Getman informed the Commission that the owner of the Assabet dam on Hudson Street has contacted the office and will be submitting a Notice of Intent for a small amount of work on the dam. The Commission confirmed that the owner has a completed Phase I report which is a State requirement.

Forest Cutting Plan – Ms. Kalloch-Getman provided a Forest Cutting Plan for a property on Mentzer Avenue for the Commission to review.

Commission Member Re-appointments – Ms. Kalloch-Getman informed that Commission that she had received a memo from the Board of Selectmen that Mr. Baldelli and Mr. Helwig are up for re-appointment at the end of April 2016. Ms. Joubert added that Mr. Baldelli and Mr. Helwig should let Ms. Kalloch-Getman know if they wish to be re-appointed and will update the Board of Selectmen.

Massachusetts Association of Conservation Commissions (MACC) Annual Meeting – Ms. Kalloch-Getman noted that the MACC Annual Meeting is March 5, 2016. Mr. Young and Ms. Guldner will be attending.

Massachusetts Land Trust Coalition Annual Meeting – Ms. Kalloch-Getman noted that the Massachusetts Land Trust Coalition Annual Meeting is April 2, 2016.

Mail: Ms. Kalloch-Getman noted that the Commission received a newsletter from OARS and a Pinelands catalog.

SA Farms – Mr. Young inquired about an update on the tree cutting on the SA Farms property. Ms. Kalloch-Getman noted that she will be conducting a site visit with Mr. Santo Anza to review the work and be sure it is acceptable with the Commission's requests. Ms. Kalloch-Getman has reviewed the plans for the project and noted that the Commission was specific about what they were comfortable with and requested that all work stay out of the wetland resource area. Ms. Kalloch-Getman added that Mr. Anza was clear that he was only removing trees on the cart road to get equipment to the upland area. Ms. Kalloch-Getman reminded the Commission that at the time of the discussion they felt it was unnecessary for Mr. Anza to file for a permit for the proposed work and the work he was proposing was acceptable.

Policy Updates – Mr. Young noted that several discussions about the Commission's policies have occurred during the previous hearing including a winter delineation policy. Additionally, Mr. Young noted that there are ambiguities with the regulations and by law which were identified during the recent hearings. Mr. Young suggested that a small subcommittee of the Commission work on tightening up the regulations and present the information to the rest of the Commission. Ms. Kalloch-Getman added that changes to the regulations can be made during a public hearing but changes to the by law require a vote at Town Meeting. Mr. Young will coordinate the subcommittee and Ms. Kalloch-Getman will help gather other local communities' regulations on Isolated Lands Subject to Flooding (ISLF) and winter delineation policies. The Commission discussed the current regulations and bylaws and making updates to them to provide clarification.

Northborough Junior Women's Club – Mr. Young informed the Commission that he and Ms. Kalloch-Getman will be speaking with the Northborough Junior Women's Club Conservation group about the Conservation Commission's role and responsibilities and encouraged other Commission members to attend.

5 Bearfoot Road – Mr. Arnold confirmed with Ms. Kalloch-Getman that the ORAD had been signed by the Commission and issued. Mr. Arnold inquired if the ORAD clarified the bordering vegetated wetland and not isolated vegetated wetland and Ms. Kalloch-Getman stated that the plan submitted with the ANRAD was approved by the Commission.

March Meeting – The next Commission meeting is scheduled for March 14, 2016.

The meeting adjourned at 8:38 PM

Respectively submitted,

Jacquie Goring