



## **TOWN OF NORTHBOROUGH Conservation Commission**

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Approved January 9, 2017

### **Meeting Minutes**

**Date: November 14, 2016**

**Time : 7:00 pm**

**Location: Town Hall, Conference Room B**

Commissioners in attendance: Commission Chairman Mr. Greg Young, Ms. Diane Guldner, Mr. Wayne Baldelli, Mr. Mo Tougas, Mr. Todd Helwig, Mr. Justin Dufresne. Conservation Agent Kale Kalloch-Getman

Others in attendance: Mr. Vito Colonna, Mr. Mark Lanza, Mr. Bob Gleeson, Ms. Julianne Hirsh, Ms. Kathy Joubert

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

### **Public Hearings:**

**Notice of Intent Continued, 110 Howard Street Continued, Lot 3, Map 44, Parcel 30, DEP file# 247-1124**

- Representative: Vito Colonna, Connorstone Engineering
- Applicant: John Maynard
- Request: Proposed Sewage Disposal System
- Jurisdiction: Buffer Zone to a Vegetated Wetland

Mr. Young asked Ms. Kalloch-Getman to introduce the project. Ms. Kalloch-Getman stated that at the previous hearing there were concerns about the wetland delineation, that there were some wetland flags missing and the required bordering vegetated wetland data sheets had not been submitted. Ms. Kalloch-Getman stated that Mr. Dufresne had requested that the grading along driveway be adjusted to improve the direction of stormwater runoff. Ms. Kalloch-Getman asked for data to support the Isolated Land Subject to Flooding determination.

Mr. Colonna stated calculations had been done and that the area held less than 1/8 acre foot. He stated that the wetland delineation was reviewed, flags re-hung and stated that data sheets would be forthcoming. Ms. Kalloch-Getman stated that she had received the upland data sheets but not the wetland data sheets and that an updated plan had been submitted 2 business days prior to meeting. Mr. Dufresne was satisfied with changes. Mr. Colonna asked that the project be voted on with the understanding that Ms. Kalloch-Getman could verify the wetland line. Ms. Guldner asked if the flags could be verified later. Mr. Baldelli stated it needed to be on the plan but shouldn't hold up the Commission's vote. Ms. Guldner asked if fertilizer impacts would be addressed. Ms. Kalloch-Getman stated that there is a standard condition regarding the use of fertilizers. Mr. Baldelli stated that that is why there is a 15 and 30 foot buffer in the wetlands bylaw. Ms. Kalloch-Getman asked if the Commissioners were satisfied with the erosion control barrier that had been proposed. Mr. Young said that he was comfortable with it. Mr. Colonna pointed out the location of the driveway in response to a question from an abutter who stated that she had concerns about stormwater run-off and the speed of cars using the road. Mr. Young stated that that is outside the Commission's jurisdiction and suggested that she bring her question to the Planning Department. Mr. Young requested action.

***Mr. Tougas motioned, Mr. Baldelli seconded, and it was unanimously voted, , “To issue an Order of Conditions to Mr. John Maynard for property located at 110 Howard Street, Lot #3, Map 44, Lot 30, DEP File #247-1124.”***

**Request for Determination of Applicability Continued, 0 Green Street**

- Representative: Mark Lanza
- Applicant: Julianne Hirsh

Mr. Young gave a report on the site visit to 0 Green Street. He stated that a number of individuals had been in attendance including himself, Mr. Ed Davidian, Mr. Mike Davidian, Ms. Kalloch-Getman, Mr. Todd Helwig and Mr. Mo Tougas. Mr. Young stated that he would summarize the site visit findings. Referring to a map of the area projected on a screen, he stated the attendees has reviewed the farm pond, walked to the north of it, crossed all 3 intermittent streams, proceeded down gradient and located the area closest to the tree cutting. Ms. Kalloch-Getman showed a United States Geographical Service (USGS) map and stated that she had spoken to USGS staff scientists who confirmed that they are intermittent streams. Ms. Kalloch-Getman stated that under the Agricultural Exemptions to the Massachusetts Wetlands Protection Act (WPA), the Riverfront Area is 100' rather than 200' and that there was discussion during the site visit regarding which was applicable to the project.

Mr. Dufresne asked Ms. Kalloch-Getman to clarify whether the streams were perennial or intermittent. Ms. Kalloch-Getman stated that USGS has confirmed that they are intermittent. She stated there is no Riverfront Area associated with an intermittent stream, instead there is a 100' buffer zone for bank. Mr. Young stated that Mr. Davidian and his son were at the site visit and described the locations that the attendees had walked. He stated that he stood at the top of a ridge and did not see any wetlands. He estimated that the area where trees had been cut was well beyond the buffer zone. He stated the cutting has been completed and Mr. Davidian had told him that if he decides to do any additional work that he will contact the Commission prior to commencing said work. Mr. Young asked if any of the Commissioners had any questions.

Mr. Baldelli asked how far the cutting was from the farm pond. Mr. Young said it was at least 100 feet. Mr. Helwig stated that the Request for Determination of Applicability (RDA) had been continued at the applicant's request and asked if Mr. Lanza was present. Mr. Helwig asked if there were individuals not present who had intended to be at the meeting. An unidentified attendee stated that he thought so.

**Request for Certificate of Compliance, 380 Whitney Street, Map 19, Parcel 69, DEP file # 247-1103**

- Applicant: Mejo George
- Request: Certification that the work regulated by the above referenced Order of Conditions has been satisfactorily completed

Mr. Young asked Ms. Kalloch-Getman to provide a report. Ms. Kalloch-Getman stated that the project was a septic system repair and that the project was complete. Mr. Young requested action.

***Mr. Baldelli motioned, Ms. Guldner seconded and it was unanimously voted, “To issue a Certificate of Compliance to 380 Whitney Street, Map 19, Parcel 69, DEP File #247-1103”***

**Request for Certificate of Compliance, 8 Smith Road , Map 10, Parcel 26 , DEP file # 247-0976**

- Applicant: Jon and Kate Sullivan
- Request: Certification that the work regulated by the above referenced Amended Order of Conditions has been satisfactorily completed

Ms. Kalloch-Getman stated that a project at 8 Smith Road had been approved by the Commission several years ago. The installation of a pool and patio had been approved. An amended order of conditions had been issued recently. She stated that the project has not yet been completed. Mr. Sullivan stated that he was confused and that he would come back in the spring. Mr. Baldelli stated that the grass should be grown in.

**Request for Certificate of Compliance, 24 Morse Circle, Map 7, Parcel 15, DEP file #247-1115**

- Applicant: Mark Berryman
- Request: Certification that the work regulated by the above referenced Order of Conditions has been satisfactorily completed

Ms. Kalloch-Getman stated that the project was a septic repair and the resource area was in the rear of the property. She presented a photo of the site taken that day. Mr. Young stated that he understood that a landscaper had been hired to stabilize the site. Ms. Kalloch-Getman stated that grass seed and straw had been placed throughout the area that had been disturbed. Mr. Baldelli stated that they usually require the area to be stabilized in order to approve the issuance of a Certificate of Compliance. Mr. Tougas stated there won't be much growth throughout the winter and alternative would be to stabilize it with mulch. Mr. Tougas suggested stabilizing it with a couple inches of straw. Ms. Kalloch-Getman stated that had been done. Mr. Helwig suggested that the Certificate be issued as long as Ms. Kalloch-Getman felt that the area was adequately stabilized. The Commissioners discussed ways to stabilize the site. Ms. Joubert asked who would require corrections if the stabilization was not adequate and asked if a bank could hold back money. Mr. Helwig stated that not all banks will do that. The Commissioners discussed voting to issue the COC pending Ms. Kalloch-Getman finding the site to be adequately stabilized. Ms. Kalloch-Getman asked that the landscaper contact her prior to the stabilization work. The Commissioners agreed the Certificate of Compliance should include that the erosion control barriers must remain in place until July 1<sup>st</sup>. Mr. Young requested action.

***Mr. Helwig motioned, Ms. Guldner seconded and it was unanimously voted, "To issue a Certificate of Compliance to 24 Morse Circle, Map 7, Parcel 15, DEP File #247-1115 with that erosion control barriers remain in place until July 1, 2017."***

**Request for Certificate of Compliance, 190 Main Street, Map 53, Parcel 136, DEP file #247- 1075**

- Applicant: Town of Northborough Department of Public Works
- Request: Certification that the work regulated by the above referenced Order of Conditions has been satisfactorily completed

Ms. Kalloch-Getman stated that is the Department of Public Works yard and that DEP had issued a Superseding Order and upon review found that the work had been satisfactorily completely. Ms. Kalloch-Getman stated the site was stabilized and had been completed according to the approved plan. Mr. Young requested action.

***Mr. Helwig motioned, Ms. Guldner seconded and it was unanimously voted, "To issue a Certificate of Compliance to 190 Main Street, Map 53, Parcel 15, DEP File #247-1075"***

**Request for Determination of Applicability Continued, 0 Green Street, Map 11, Parcel 7**

- Representative: Mark Lanza
- Applicant: Julianne Hirsh

Mr. Lanza stated that they had no new information other than that Mr. Davidian had stated that he was still planning on removing trees and that he had told Mr. Fred Litchfield (Town Engineer) that he was only going to thin them .

Mr. Young stated that he would update Mr. Lanza on what the Commission had done. He stated that some Commissioners had walked the site. He described the area that had been reviewed as well as the findings. Mr. Young stated that the work was outside the resource area and buffer zone and that the cutting that has been done outside the 100' buffer. Mr. Young stated that the Commission's job was to determine if the work was within the Commission's jurisdiction and that the Commission would vote on the Request for Determination of Applicability. Mr. Young asked if any of the abutters had any questions. Ms. Kalloch-Getman referred to the language in the Request for Determination and described the types of requests for review that can be made. She stated that the Commission would not be able to review two of them due to lack of information and that a third requires approval from the Commission prior to review. She stated that the approval had not been requested by the applicant. Ms. Kalloch-Getman stated the Commission could only act on the request to identify whether there are resource areas on the property.

Mr. Helwig asked if there was any indication that there had been work done since the site visit. Mr. Young stated that Mr. Davidian had asked if he could do work outside of the resource area and that Mr. Davidian stated he would file a Notice of Intent prior to doing work anywhere near the resource area.

Mr. Lanza stated that it would be hard to argue with that. Mr. Young asked if there were any more questions. An unidentified individual stated that the streams were dried up due to drought and that during a normal year there would be water. Mr. Young said that water had been seen running in one of the streams and Ms. Kalloch-Getman stated that it was the second stream they had encountered. Mr. Young said the other two streams were dry. Mr. Young asked if there were any more questions. Mr. Young requested action.

***Mr. Helwig motioned, Mr. Tougas seconded, and it was voted, "To issue a Negative Determination of Applicability for 0 Green Street, Map 11 , Parcel 7" Mr. Tougas and Ms. Guldner abstained***

## **Informal Discussions**

### **40 Lydia's Way**

Mr. Bob Gleason introduced himself. He stated that the proposed work consisted of building an addition to the home, described as a breakfast nook in the footprint of an existing deck. Mr. Young asked if there had been an Order of Conditions on the property previously and if a Certificate of Compliance had been received. He showed the existing footprint and stated a 10 foot by 11 foot deck would be added. He stated that existing sonotubes would be used and 8 more would be added using a techno post which would require no digging and that there would be no disturbance. He asked if he would need to file for a permit. He stated that he would be staying 30 feet away from the wetlands. Ms. Kalloch-Getman stated that he would be working in the Riverfront Area. Mr. Young asked if the commission should request a request for Determination of Applicability. Mr. Helwig stated they may need to file a Notice of Intent. Mr. Baldelli asked how the roof runoff is collected. Mr. Gleason stated that there were Cultec units and said that they couldn't tie in to those but that the water would run into a pipe that drains into the wetlands. The as-built plan was reviewed. Mr. Baldelli suggested tying into the existing pipe and that they should file.

Mr. Young asked if there were project updates. Two eagle scouts in the audience stated that they were attending the meeting to fulfill the requirements of a merit badge and would like to interview the chairman after the meeting.

#### 432 Whitney Street

Mr. Young asked Ms. Kalloch-Getman for an update on 432 Whitney Street. Ms. Kalloch-Getman stated that the Department of Environmental Protection had issued a finding in response to the owners appeal of the Commission's Positive Determination of Applicability that concurred with the Commission request for a permit would be required if any activity were to occur. Mr. Anza's attorney notified the Department and the Commission that he would not be appealing depts decision. She stated that the Northborough Town Attorney had drafted a follow-up letter to Mr. Anza which Ms. Kalloch-Getman had issued. Ms. Kalloch-Getman stated that the letter did not refer to work that has been done or work that may currently be happening. Mr. Dufresne asked if the Department's finding referred to the request to move the road. Ms. Kalloch-Getman confirmed. And stated that Ms. Kalloch-Getman agreed that the Commission was correct in determining that that project required a Notice of Intent. The commission discussed requirements for a forest cutting plan and possible enforcement. Mr. Helwig stated that a Notice of Intent needed to be received for the work that has been done prior to the deadline and the Commission should review all the work that had been done. Ms. Joubert stated that she and Ms. Kalloch-Getman would let Town Council know if we received a filing.

#### 39 and 40 King Street

Ms. Kalloch-Getman stated that abutters to the property had appealed the Order of Conditions to the Department. She stated that she had spoken to the Department's representative, Mr. Gary Dulmaine, who stated that he had been informed that the owner is submitting new plan accommodating requirements to install a well and septic system. Mr. Dulmaine stated he wanted to look at the new plan and wanted the parties appealing the Commission's Order to see it before deciding how to proceed with the appeal. Ms. Joubert said the owner submitted a plan to the Zoning Board of Appeals which splits the lot into two parcels with same number of units and a retaining wall.

#### 518 Green Street

Ms. Kalloch-Getman stated that the owner had not responded to her request to follow-up file a request for certificate of compliance.

#### 200 Bartlett Street

Ms. Kalloch-Getman stated that there was no apparent violations of the Wetlands Protection Act or town Bylaw and Joe Atchue, the Building Inspector is following up on issuing permits.

#### 1 Lyman Street

Ms. Kalloch-Getman stated that Department has issued a finding affirming the Commission's Negative Order of Resource Area Delineation due to lack of information.

#### Church Street Bridge

Ms. Kalloch-Getman stated that the project is going well and is in complete compliance with the Order of Conditions.

#### Lincoln Street School

Ms. Kalloch-Getman stated that the Lincoln Street School basin appears to be functioning adequately.

#### Howard Stone Farm

Ms. Kalloch-Getman found that the maintenance work planned for the farm pond is an exempt activity under the Wetlands Protection Act Agricultural Exemptions and that the work is necessary in order for the pond to function adequately.

**Next Meeting:**

December 12<sup>th</sup> at 7pm. Site visits: Saturday, December 10<sup>th</sup> at 8am; Commissioners discussed and agreed to meet on the site visit and meeting dates.

**Adjourn:**

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

***Mr. Helwig motioned, Mr. Baldelli seconded, and it was unanimously voted, "To adjourn the Conservation Commission meeting."***

The Conservation Commission meeting ended at 8:51 p.m.

Respectfully submitted,

Kale Kalloch-Getman  
Conservation Agent