



# TOWN OF NORTHBOROUGH Conservation Commission

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## Conservation Commission Meeting Minutes August 8, 2016

**Members Present:** Greg Young, Todd Helwig, Maurice Tougas, Tom Beals

**Others Present:** Kale Kalloch-Getman, Conservation Agent; Kathy Joubert, Town Planner; Ernest Wholshin, 69 Washburn Street; Bruce Goldsmith, 63 Washburn Street; Lisa Ludwig, 51 Smith Road; Susan Stasaitis, 318 Green Street; Bonnie Ryan, 77 Maple Lane; Joseph Kowalski, Arborist; Zach Ferguson, Goddard Construction; Craig Callahan, 172 Howard Street; Gerald P. Cestaro, Ce-Star Homes; Frank Bicchieri, Bertin Engineering; Nancy Lepore, 388 Whitney Street; Julianne Hirsh, 19 Smith Road

Chairman Young opened the meeting at 7pm.

### Public Hearings

Mr. Tougas read the legal advertisement for the public hearings, as follows:

#### **Notice of Intent, 77 Maple Lane, Map 65, Parcel 43, DEP file# 247-1113**

- *Applicant: Thomas and Bonnie Ryan*
- *Representative: Frank Bicchieri*
- *Request: Removal of existing 2 bedroom home, construction of 3 bedroom home on existing foundation, construction of a garage, driveway expansion, new septic system, tree removal*
- *Jurisdiction: Buffer Zone to a Vegetated Wetland*

#### **Notice of Intent, 39 & 43 King Street, Map 82, Parcel 30 and 31, DEP file# 247-1117**

- *Applicant: ZHS Realty Trust*
- *Property owner: Z&J Realty, LLC*
- *Representative: John Grenier, J.M. Grenier Associates*
- *Request: Construction of two multifamily dwellings with a total of 16 dwellings units with associated driveways and stormwater management facilities*
- *Jurisdiction: Buffer Zone to a Freshwater Wetland, Riverfront Area*

#### **Notice of Intent Continuation, Clark Woods, off Washburn and Howard Streets, Map 37, Parcel 93, and 94, DEP file# 247-1116**

- *Applicant: Daniel Benway*
- *Representative: Mark Arnold, Goddard Consulting*
- *Request: Common driveway for residential subdivision, wetland fill and replication. bank alteration and restoration.*  
*Jurisdiction: Freshwater Wetland, Bank*

### **Approval of June 13, 2016 Minutes**

The members reviewed the minutes and Mr. Young noted only the minutes of the hearing for 432 Whitney Street were included. The commission voted to approve the minutes of the first part of the hearing and the minutes of the second part of the meeting will be reviewed at the next meeting.

Mr. Helwig motioned to approve the first part of the June 13, 2016 minutes, Mr. Tougas seconded the motion and the vote was unanimously in favor of the motion.

### **Notice of Intent, 77 Maple Lane, Map 65 , Parcel 43 , DEP file# 247—1113**

Frank Bicchieri, Engineer, Bertin Engineering, Inc., representing the Applicant, Gerald Cestaro, Ce-Star Homes; property owners Thomas and Bonnie Ryan; and Joseph Kowalski, Arborist, presented the project.

Mr. Bicchieri explained the Applicant is requesting to demolish an existing 2-bedroom single-family home down to the foundation and construct a new 3-bedroom single-family home. The work proposed will be within the buffer zones of a Bordering Vegetated Wetland (BVW). In addition to the proposed building work, the existing driveway will be expanded to provide access to a proposed garage. The project also proposes a new septic system to replace an existing cesspool for the increase in bedroom count from two to three bedrooms.

In response to a question from Mr. Young regarding expansion of the existing home, Mr. Bicchieri responded the footprint of the original 2-bedroom home will be expanded to a 3-bedroom home.

Mr. Bicchieri stated the site is in a groundwater protection district and is 26,136 square feet in area. The lot is non-conforming as it does not meet the required lot area of 40,000 square feet in the groundwater district. Mr. Bicchieri explained the Groundwater Advisory Committee (GAC) voted to support approval of the project, as it will be an improvement over the existing cesspool. The project has also been before the Zoning Board of Appeals and the Applicant was granted a Special Permit to allow the expansion of a 2-bedroom home to a 3-bedroom home; and to allow a proposed septic system to replace the existing cesspool on the pre-existing non-conforming lot located in Groundwater Protection Overlay District Area 2. In addition, the ZBA granted a Variance to allow the 3-bedroom home to be less than the required 15 feet from the southwest side property line.

Regarding the proposed septic system, Mr. Bicchieri explained they are proposing to use a Fixed Activated Sludge Treatment (FAST) for advanced nitrogen removal due to the size of the lot on well water. They are requesting a waiver from the town's wetland regulations to allow the proposed septic system to be located 50 feet from the buffer zone of a vegetated wetland when the minimum required distance from the buffer zone of a vegetated wetland is 100 feet. In addition, they are requesting a waiver from the Board of Health to allow the proposed septic system to be less than the required distance from a property line. The existing leach pit and septic tank will be abandoned per Title V requirements.

Mr. Bicchieri noted the location of the on-site septic system, wetland setbacks and the location of the well on the property, limit the area on which the proposed 3-bedroom house could be located. He stated they believe the proposed septic system will result in better water quality than that of the existing conditions. Redevelopment of the existing single-family home, with its structural issues, would be more expensive than the proposed expansion and some of the existing structural issues would not be able to be fixed, such as sagging floors.

Mr. Young asked how far the existing cesspool is to the wetland line and Mr. Bicchieri responded it runs through the wetlands. He stated the proposed system is 50 feet from the wetland buffer.

Mr. Bicchieri explained they are going to remove some existing trees, including six trees that have been numbered on the plan and present safety concerns because of their size. Mr. Young stated he walked the site several times and was not in favor of cutting down the trees by the pond. Mr. Bicchieri stated those trees are no longer going to be removed. The trees to be cut are shown on the plan as #s 1, 2, 3, 4, 5 & 6. One to be removed is near the proposed septic system and one is in the area of the proposed construction. He noted the plans show proposed landscaping areas but the types of plantings have not been decided yet.

Mr. Young confirmed with Mr. Bicchieri that the GAC supported the project and the ZBA approved it. Mr. Bicchieri added they will be going before the Board of Health next and the proposed septic system passed Title V.

Mr. Beals asked why the septic system has to be located 50 feet within the wetland line and what is holding them back from locating it between the wetland setback. Mr. Bicchieri replied it was less problematic than the well setback. He stated there are several setbacks they have to deal with and they felt the well setbacks were more important, due to requirements of the Board of Health. Mr. Beals stated he doesn't understand why the garage and the house could not be moved to keep them out of the wetland buffer. Mr. Bicchieri explained the foundation isn't going to be demolished and they are working with that. Mr. Beals suggested they could demolish everything and start from scratch to make it conform. The homeowner, Bonnie Ryan, stated it's because of how the lot is situated. The new house will be built on the existing foundation. It will be in exactly the same footprint as the existing house. Mr. Beals asked Ms. Ryan if they are doing it that way because of some kind of legalities regarding property rights, and she replied they are not. She stated the foundation is the only part of the existing house that is in good shape.

Mr. Young asked if it would be acceptable to use the existing cesspool with a 3-bedroom house, and Mr. Bicchieri stated it would not; it will have to be a new system. He added there would be more earthwork involved if the foundation was demolished and the house was built from scratch.

Mr. Tougas asked Mr. Beals what he would suggest to do to keep the project out of the wetland buffer. Mr. Beals stated he agrees that the new septic system is an improvement. He suggested if the house was back a little further the septic system could be moved closer to where the cesspool is to get it out of the 100-foot buffer and it would still be outside the 100-foot well buffer. Mr. Bicchieri noted they would still need a variance from the Board of Health. The primary system is outside the 50-foot area. The area shown inside the 50 feet is pretty sandy so it won't fail, especially with the FAST system.

Mr. Tougas stated the use of the existing foundation and the proposed new septic system are both a plus. Mr. Young agreed.

Mr. Beals stated the site is already too dense.

Mr. Tougas state that, at some point, the cesspool will fail and they'll end up with a new system anyway.

Mr. Young asked if the septic system could be located anywhere else on the site. Mr. Bicchieri replied there is no other place for it. Mr. Young confirmed with Ms. Kalloch-Getman that the town's wetland bylaw requires a 100-foot buffer and the state regulations require a 50-foot buffer. He noted it's a tough area.

There were no comments from abutters or others present.

Mr. Tougas motioned to issue an Order of Conditions for 77 Maple Lane, DEP #247-1113, to allow a proposed septic system to be 50 feet within the buffer of a bordering vegetated wetland, and to allow the removal of 6 pine trees on the site as shown on the plan presented. The trees by the pond, originally proposed to be removed, will stay. Mr. Beals seconded the motion and the vote was unanimously in favor of the motion.

Mr. Young confirmed with Ms. Kalloch-Getman that there will be erosion control inspections, as usual. He also asked Mr. Bicchieri when the work will begin, and he replied they will have to wait until the 10-day appeal period is over for this board and after they have been to the Board of Health.

**Notice of Intent, 39 & 43 King Street, Map 82 , Parcel 30 and 31 , DEP file# 247- 1117**

Developer Rashid Shaikh, ZHD Realty Trust, Applicant, and John Grenier, Engineer, J.M. Grenier & Associates, Inc., presented the project. Mr. Grenier stated they are proposing work in the 100 foot buffer for redevelopment of property on King Street. Mr. Grenier explained the Applicant had originally planned to construct two multi-family buildings, each with 8 dwelling units, for a total of 16 dwelling units, along with driveways, parking areas and stormwater management facilities on the properties located at 39 and 43 King Street. These properties are about one acre each in area, and are located in the Business West zoning district which allows up to 8 dwelling units in a multi-family dwelling on a lot.

Mr. Grenier explained where the properties are located on King Street and noted there is an abandoned house and shed on 43 King Street, which will be removed. There are no structures on 39 King Street.

Mr. Grenier stated there are no sewer or water services in King Street but the Applicant is proposing to bring municipal water service to the site from the Southwest Cutoff end of King Street, as well as municipal sewer and gas service from West Main Street. He stated having municipal sewer and water will be a benefit to all on King Street and for the Conservation Commission, as well.

Mr. Grenier presented revised plans and explained that, as a result of discussions with the Design Review Committee (DRC) and town staff, the Applicant made changes to the original layout of the proposed multi-family development. The revised plan shows the two properties have been combined into one lot so the buildings may be situation without the constraint of the side yard setback of the interior property line. The revised plans now show four proposed multi-family buildings, each with 4 dwelling units. Access to all units will be via a 24-foot wide horseshoe driveway. The project is before the ZBA right now for their review of the revised proposal. Mr. Grenier noted the revised plans have also been reviewed by the Police and Fire Chiefs regarding access safety concerns and both of them are on board, as the design of the revised plans will allow for a site layout with improved vehicular access. The original plan had driveways backing out onto King Street and garages in the front of the site.

Mr. Grenier explained there is a lot of fill in the front of the site. The existing soils in testing areas show it is loamy sand that will drain well and will be good for infiltration. All impervious areas of the driveway will be captured through catch basins and a proprietary storm septon for treatment, and green space will be added, as opposed to the originally planned open-air retention basin. Drainage area sub-surfaces will be recharged through recharge chambers. Wetland flags are shown on the eastern side of the site and interim flags have been suggested, as the vegetation is very thick in that area. Mr. Grenier stated the revised plan respects the 15-foot no disturb zone and the 30-foot no build zone. Balconies off the back of the proposed units in that area will be cantilevered, with no sonotubes to disturb the wetlands.

Mr. Young asked about the retaining walls. Mr. Grenier explained the retaining wall on the northern portion of the property is for the purpose of transitioning the grade between the building units. He noted the walls will be reinforced with steel. Mr. Shaikh noted a lot of the retaining wall has been removed with the revised plans and the remaining retaining wall is for the existing grade in the back and

a small area of steep slope. Mr. Beals asked if it is a 2:1 slope. Mr. Grenier confirmed it is and Mr. Beals noted they've had nothing but problems with 2:1 slopes, as they usually don't hold up unless they're rip-rapped. Mr. Grenier stated it depends on what is upgradient from it that could wash it out. As an example, he noted the newest building at Northborough Crossing on Route 20 has a nice retaining wall that is fabricated and there is no tributary that would flow into it.

Mr. Young asked about Building #5 on the plan. Mr. Grenier explained it is a community center for residents to use for private functions. Mr. Shaikh noted he will be setting up a condo association for the development.

Mr. Grenier explained they will be staking out and flagging any trees to be saved and what they will be cutting. In addition, they will be working on construction protocols for erosion control. He noted it is a rather tight site that will require heavy excavation. He stated Mr. Shaikh wants a nice community and has proposed 6-foot high fenced screening on both sides of the site on King Street for the neighborhood.

Mr. Young asked if the residents will be able to walk from the balcony to the 15-foot no disturb buffer. Mr. Grenier stated they would be, however a commercial landscaper will be taking care of the yard waste.

Mr. Beals asked about the height of the retaining walls. Mr. Grenier responded the highest one will be a maximum of 14 feet and the other two will be 8 feet and 6 feet, maximum.

Mr. Grenier stated the worst part of the construction is going to be with Building #4, as they will have to work from the back of the site to the street. He noted a good site contractor will be needed for the development. If the fill is decent, they could use it, however once they see what material it is, they will know better.

Ms. Kalloch-Getman stated they will need to submit a construction sequencing. Mr. Grenier stated he would like to talk to the contractors and come up with a sequencing. He noted he has found that every site is a little different. Mr. Shaikh stated he worked with a construction sequencing plan for a recent development and there was no problem.

Ms. Kalloch-Getman stated she also needs an Operation and Maintenance Plan and details for the retaining walls.

Mr. Beals noted the signage will be needed and Mr. Young stated signs should be put up along the 15-foot no disturb buffer so residents will know not to put anything in that area. Mr. Shaikh stated the condo association will keep track of that, too.

Mr. Tougas motioned to grant an Order of Conditions for 39-43 King Street, DEP file #247-1117, for the construction of 4 multi-family dwellings with a total of 16 dwellings units, (4 units per building) and associated driveways and stormwater management facilities, within the Buffer Zone to a Freshwater Wetland and a Riverfront Area, with the following conditions:

- *Submittal of a construction sequencing plan*
- *Submittal of an Operation and Maintenance Plan*
- *Signage using the Commission's "Wetlands Area-Do Not Disturb" signs*
- *Submittal of interim plans with details on the 15-foot buffer*
- *Tree markings – which trees will go and which will stay*
- *Wetland flagging with 2 different colored flags*
- *2 pre-construction meetings – one at the town hall and one at the site*
- *Periodic site visits in line with the phasing of the work*
- *Submittal of Stormwater Management reports to the Commission*

Mr. Beals seconded the motion and the vote was unanimously in favor of the motion.

Ms. Kalloch-Getman noted there are a number of mature trees along the 15-foot no disturb buffer and they haven't decided which will be removed. Mr. Grenier stated some are 20-inches in diameter.

Mr. Young asked Ms. Joubert about the addition of more vehicles coming and going on King Street. She responded trucks have no trouble going back and forth, and emergency vehicles have no problems, either. It's a regular town street.

***Continued Notice of Intent, Clark Woods, off Washburn and Howard Streets, Map 37, Parcel 93, and 94, DEP file# 247-1116***

Zach Ferguson, Goddard Construction, representing the Applicant, Daniel Benway, presented two plan revision options that were reviewed by the Planning Board at their meeting on July 19, 2016. He noted both plans significantly reduce the wetland impact and allow for resource replications.

He explained Option 1 includes a 40-foot right-of-way for the entire length of the cul-de-sac. The slope to the detention pond is 2:1 and there could be a grassy covering there. Option 2 includes a 40-foot right-of-way past the wetlands that widens to a 50-foot right-of-way and that is at a 1:1 slope.

Mr. Beals asked who requested it go to 50 feet and Mr. Ferguson responded it was the Planning Board.

Mr. Young confirmed the slope in Option 1 is 2:1 and 1:1 along the edge of the right-of-way.

Mr. Beals stated they still need information on the restoration area. Mr. Ferguson stated there is a restoration plan worked out and he could send it to them tomorrow.

Mr. Beals stated Option 1 is a definite improvement but it still has a spot that needs to be restored.

Ms. Kalloch-Getman stated Mr. Ferguson is here tonight to let the commission know about the two options the Planning Board reviewed. He noted the Planning Board members preferred Option 2.

Kathy Joubert, Town Planner, stated the options were reviewed at the last Planning Board meeting after Mr. Beals had a conversation with Mr. Litchfield, although he was just back in the office today from his vacation and he looked at it quickly. Mr. Litchfield is going to recommend Option 1 with the 40-foot right-of-way, although the 50 foot right of way is required in the Subdivision Rules and Regulations. She stated she and Mr. Litchfield had talked about the Applicant coming to the Conservation Commission with Options 1 & 2 before they go back to the Planning Board.

Mr. Beals asked what the status is on the increase to the culvert and Mr. Ferguson said it's still a no. He also mentioned the DPW wanting the retaining wall outside the right-of-way, which would push the wall further into the wetlands. Granting a waiver to 40 feet will allow the wall to be out of the wetlands.

Ernest Wholshin, 69 Washburn Street, asked where the site is in relation to his property and Mr. Ferguson showed him.

The members agreed they preferred Option 1 with the replication area included on the plan.

Mr. Tougas motioned to continue the hearing to their September meeting, Mr. Beals seconded the motion and the vote was unanimously in favor of the motion.

Mr. Young asked Ms. Kalloch-Getman about the DEP comments on 3 swales and whether or not they are in resource areas. Ms. Kalloch-Getman stated she has not received a report and she will be addressing it when the Applicant provides information on the replication areas.

## Informal Discussions

**Davidian Logging:** Mr. Young stated he went to the site with other members about 2 weeks ago to look at the tree cutting situation only, not the composting. They walked part of the property and met with the Davidians and some loggers. They found there are some streams there and told the Davidians that the commission has jurisdiction over areas that are within 200 feet of a river/stream.

Mr. Young explained to the Davidians that they have the option of continuing to work no closer than 200 feet from the streams and suggested they mark that area. He noted the Davidians have told them they believe they may have a farming exemption, and until they know one way or the other, they could either continue with what they are doing right now and respect the 200-foot boundary, or file with the commission if they want to work beyond the 200-foot boundary.

Mr. Tougas stated Ed Davidian called him this morning and said the Natural Resources Conservation Service (NRCS) in Holden is doing a plan for them, which he imagines is a farm plan. If so, the plan would have to identify any wetland resource areas. He stated he and Mr. Davidian agreed that cutting of a wood lot, to come up with a different use within a resource area, is not an exempt activity. Clearing an area that is not in agricultural use is not exempt. They could not do a forestry management plan within the 200 foot buffer. They can't do a Forest Cutting Plan if it is a change of use.

Julianne Hirsh, 19 Smith Road, stated she thought they would have to file with the commission if they're going to do tree cutting. She asked if it's the Davidian's responsibility to flag the wetlands or the town's.

Mr. Young replied it is the Davidian's responsibility if they are going to work closer than 200 feet from the boundary. He stated they are not doing anything there right now, so they're all just waiting. Mr. Beals noted that is a good thing.

Mr. Tougas explained part of the commission's advice to the Davidians was to hire a botanist to walk their site and identify the resource areas.

Ms. Hirsh asked if a person in town can cut down trees at will. Mr. Young responded they can if it's on their own property unless there are wetlands on the site. Ms. Hirsh asked who has jurisdiction over tree cutting in town. Ms. Joubert explained there is a land-clearing section of the bylaw, but it refers to a site that is under construction and only a certain number of trees can be cut within a certain time frame. It doesn't pertain to someone who is cutting on their own personal property. She noted the bylaw came about because of an incident on a site on Bartlett Street. Ms. Joubert stated Ed Davidian talked to the Town Engineer this morning, as well as Mr. Tougas, and told him they are working with a natural resource council. Mr. Tougas noted the Davidian's could not get a forestry plan if they were working in the wetlands.

Ms. Hirsh asked if the NRCS has authority over the Conservation Commission and asked what it does. Mr. Tougas responded they have no say over the Commission's decisions, and they would be hired, just like someone would hire an engineer.

Mr. Young stated as long as the Davidian's continue working outside of the 200-foot boundary, they don't have to do anything with the Commission. Mr. Beals agreed, stating it would be the responsibility of the Davidians to flag the wetlands, however they have stopped what they were doing and there hasn't been any wetland impact as of right now.

Nancy Lepore, 388 Whitney Street, asked about the Notice of Intent (NOI) and if there is a time frame for that. Mr. Beals stated before they do any work, they would have to file an NOI. Mr. Tougas stated the Davidian's would be filing it and they would have to notify abutters. They would have to have a plan, get on the Conservation meeting agenda and present their NOI at a meeting. The commission reviews it

at the meeting and votes one way or the other. Once the NOI has been approved, there is a 21-day period in which the NOI has to be written (issued), and then there is a 10-day appeal period. The notice of intent would be good for three years. Ms. Kalloch-Getman stated if they want to be on the agenda for September, they would have to file by August 29<sup>th</sup>. The legal notice for the hearing would be advertised in the Telegram & Gazette.

The members agreed they have done everything they can up to this point.

### **Review of Mail**

Ms. Kalloch-Getman noted mail received included:

- A document from the Assessor's office with Davidian contact people for the commission;
- A Sudbury Valley Trustees flyer with information on upcoming activities; and
- A document with information from Central Mass Mosquito Control to let them know they are doing at least one project in town on Church Street

**1 Lyman Street:** Ms. Kalloch-Getman confirmed the Applicant for 1 Lyman Street has appealed their decision on the ANRAD and she has received no updates on it. She noted the Applicant had filed an NOI and an ANRAD, withdrew the NOI and continued with the ANRAD. The owner did not like the commission's decision on the ANRAD, as they didn't agree with his wetland line, and the Applicant appealed it to DEP. She noted the Applicant will need to go back to square one if he wants to do anything, but first he is going to see if DEP agrees with commissions review of the ANRAD.

Mr. Young stated the owner's engineer said he wants a peer review and agreed that the commission would hire another appraiser. However, the next month the owner came in himself and didn't want to have the peer review after all.

Mr. Tougas asked if they're decision could be over-ridden by DEP. Ms. Kalloch-Getman replied it could be. Mr. Young asked if information from the hearings goes to DEP. Ms. Kalloch-Getman responded all of the information is available to DEP, as she has sent them copies.

Ms. Joubert note the Applicant withdrew from the Zoning Board of Appeals. Ms. Kalloch-Getman stated he was having problems with all the boards and withdrew from all of them.

**DEP Appeal, 432 Whitney Street:** Ms. Kalloch-Getman stated the Applicant has appealed their decision because he doesn't think the commission has jurisdiction. Mr. Tougas stated the Applicant has to study the forestry section, which is a whole second section of the exemption. It's spelled right out. Ms. Kalloch-Getman stated the commission was sent a copy of the appeal by DEP, which asked them for proof that the property has been in agricultural use and had some comments regarding that. She noted she received a reply document from the Applicant's attorney.

Mr. Young asked what was going on there. Ms. Lepore stated her house, at 388 Whitney Street, is 6 driveways away from the site and they still hear trucks.

Ms. Joubert stated they have had a few calls about the site as to if the town can take action during DEP's appeal. In addition, the acting section chief worded it very broadly, but with all the work the commission has done, it needs to be more narrowed in the finding and she has requested information on how they would approach DEP.

**Little Chauncey:** Ms. Kalloch-Getman stated she was contacted by DCR because they have found water chestnut in Little Chauncey Pond and would like to do some hand removal. She told them it sounded like



a good idea and that she thought the Conservation Commission would be in favor of it. The commissioners agreed.

**Community Preservation Commission:** Mr. Helwig asked Ms. Joubert what the deadline is for submitting their CPC application. Ms. Joubert responded August 18<sup>th</sup> is the deadline and she knows Mr. Baldelli is working on it.

**Birch Hill Road:** Ms. Kalloch-Getman stated she take a look at this property with the Joe Atchue, Building Inspector, and Steph Bacon, Board of Health Agent, because a neighbor called about commercial-looking activities on the site. Mr. Atchue has been in contact with the owner, who has agreed to cease and desist his activities within the week. Ms. Kalloch-Getman reported she did not see anything that was a problem when she was looking at the site from the abutter's property, and she is not overly concerned about it.

**Lincoln Street School:** Ms. Kalloch-Getman stated she reviewed the erosion control barriers at the request of the Applicant, as they would like to remove them. She said the site looked very stable. She had been there to review the remediation with the detention basin in the front, and it looks great. All the material has been raked up. The person they hired to do it did it very well and she doesn't expect any problems with it. She noted there was a new pipe at the close end corner of the parking lot that looked like a direct discharge into the buffer. Mr. Beals asked if they changed the elevation of the retention basin. Ms. Kalloch-Getman responded it appears to be corrected according to the specifications. She noted there is no barrier around it that would keep the children away, but they feel the vegetation around it will grow and take care of it.

**U-Haul, 40 Bearfoot Road:** The board asked for an update on this project and Ms. Kalloch-Getman stated they are in a holding pattern. She stated the last she had heard, they were still waiting to get information about the sewer, and may be coming to their September meeting. They haven't been moving forward with other boards, either. Ms. Joubert noted they are supposed to be coming to the ZBA's August 23<sup>rd</sup> meeting.

**172 Bartlett Street:** Mr. Beals stated there is a landscaping company that is occupying space in the back of the property at 172-174 Bartlett Street. He has not had a chance to go there, but he saw it when he went by the property. Mr. Young asked him if there may be clearing in the buffer, and Mr. Beals stated he didn't know, but will go to the site to see what's going on.

**8 Smith Road:** Ms. Kalloch-Getman stated she went by the site today but there was no one there. Mr. Young noted he took a look at the back of the site. Ms. Kalloch-Getman will send the resident a letter if she can't get in touch with him.

**Next meeting:** It was noted all the members plan to attend the next meeting.

**37 St. James Drive:** Ms. Kalloch-Getman reminded the members that a Certificate of Compliance was just recently issued for the construction of a pool. She stated she has been receiving more calls regarding the tree in the Assabet River and when it is going to be removed. She talked with the new owners of the property and they are trying to hire an arborist. The new owners asked her if she would approach the person who's been calling her about it.

Mr. Beals asked why the tree in the river is a problem. It's not the town's issue, it's the owner's issue. Ms. Kalloch-Getman stated the commission in the beginning, wanted to have the tree removed. Mr. Young note a tree came down by the aqueduct a few years ago and our suggestion was to leave it alone. Mr. Tougas stated there could be a risk of mosquitos if they don't remove it. Ms. Kalloch-Getman explained the water is catching debris – a lot of trash – and it's becoming significant. If there was a storm, it might move all the debris downstream. Mr. Tougas suggested they could notify someone that a

tree has fallen and may cause a problem in a storm – perhaps the Executive Office of Environmental Affairs. Ms. Kalloch-Getman stated it's very difficult to get the right contact person in that office.

Ms. Joubert noted the DCR made the trails committee go through hoops when they put a foot bridge over the Assabet River to ensure it would not get loose. Ms. Kalloch-Getman stated the new owner and the seller have made a deal to pay for removal of the tree and they're asking the Commission for guidance. Mr. Beals stated when they get their contractor/arborist, they should come to the commission and let them know how the removal will be done. Ms. Kalloch-Getman stated the new owner will contact her next week and when the arborist has been hired.

**394 Davis Street:** Ms. Kalloch-Getman showed a slide of the property. She noted the house has been for sale but has not been sold yet. She stated there has been no removal of debris. The last time it was discussed, there was not a consensus as to the correct way to deal with the debris and the commission said to wait and see. Mr. Beals stated Mr. Baldelli wanted to leave it as is, but others disagreed. Ms. Kalloch-Getman stated the owner, Randy Boyle, has complied with everything they've ask and has made good choices. She stated she expects he will do anything they request of him in a timely manner. She noted he is gravely ill, but is doing his best.

#### **Adjournment**

Mr. Tougas motioned to close the meeting, Mr. Beals seconded the motion and the vote was unanimously in favor of the motion. The meeting adjourned at 9pm.

Respectfully Submitted,

Debbie Grampietro

Administrative Assistant

Conservation/Planning/ZBA