



**Conservation Commission
Meeting Minutes
May 8, 2017**

Members Present: Greg Young, Diane Guldner, Maurice Tougas, Tom Beals

Others Present: Kale Kalloch-Getman, Conservation Agent; Ziad Ramadan, 85 Newton Street; Eli & Monte Becker, 335 Crawford Street; Darren Grant, 156 Rice Avenue; Vincent Ricciardi, 164 Rice Avenue; Mark Arnold, Goddard Consulting; Chris & Ruthellen Perry, 42 Milk Porridge Circle; Scot Morrison, EcoTec, Inc., Laura Mattei, Sudbury Valley Trustees; Mitch Cohen, 12 Whitney Street

Approval of Minutes: The commissioners present reviewed the minutes of March 13, 2017 & April 10, 2017. Ms. Guldner had a change to the minutes of March 13th and Mr. Tougas had a change to the minutes of April 10th. The Commission agreed to approve the minutes as amended.

Abbreviated Notice of Resource Area Delineation, 39 and 43 King Street, Map 82, Parcels 30 and 31, DEP file# 247-1135

- Representative: Mark Arnold, Goddard Consulting
- Applicant: Rashid Shaikh
- Request: Review Wetland Delineation
- Jurisdiction: Bordering Vegetated Wetland

Mr. Arnold stated the wetland resource areas were delineated on February 2, 2017 during no snow and unfrozen conditions. The bordering vegetated boundaries were flagged using the criteria in the most recent addition of MA Wetland Protection Act (WPA) and the Town of Northborough Wetland Protection Bylaw. Hydric vegetation, hydric soils, indicators of hydrology and topography were considered for delineation purposes. The project proposed on the site, which was never constructed, consisted of two multi-family building units with associated appurtenances. Work that was formerly proposed through the Notice of Intent needs to be closed by the issuance of a Certificate of Compliance so that a new filing, with the needed project changes, can be re-filed.

Mr. Beals motioned to continue the hearing for the requested Abbreviated Notice of Resource Area Delineation, Ms. Guldner seconded the motion and the vote was unanimously approved in favor of the motion.

Notice of Intent 160 Rice Avenue, Map 35, Parcel 53, DEP file# 247–1134

- Representative: Vito Colonna, Connorstone Engineering
- Applicant: James Venincasa, Whitney Street Home Builders, LLC
- Request: Construction of a new single family home and septic system
- Jurisdiction: Riverfront Area, Buffer Zone to a Bordering Vegetated Wetland

Neither Mr. Venincasa nor Mr. Colonna were present for this hearing. Chairman Young opened the hearing and the Commissioners voted to continue the public hearing to their June meeting.

Notice of Intent, 0 and 16 Whitney Street, Map 54, Parcel 38, DEP file# 247–1133

- Representative: Scott Morrison, EcoTec, Inc.
- Applicant: Mark Tomiallo, CLT Park, LLC
- Request: Grading and associated site work
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland and Bank

Mr. Morrison presented the project, stating the site is currently undeveloped but was previously disturbed at some point as fill was observed in test holes. Wetland resource areas include a Cold Harbor Brook, bordering vegetated wetlands and flood plain. Cold Harbor Brook flows in a northeasterly direction toward the Assabet River. The limits of the flood plain area are contained to the west side of Rice Avenue and do not extend beyond the bordering vegetated wetland (BVW) line.

Mr. Morrison explained the site consists of two lots identified as Lot 2 and Lot 3. The Applicant is proposing to construct a 4-bedroom single-family home with a garage on Lot 2; and a duplex with garages on Lot 3. Both houses will be walk-outs with a relatively level backyard. They are not planning to bring in fill.

Mr. Young asked about runoff. Mr. Morrison replied roof drain infiltration systems are proposed to mitigate the stormwater runoff from each lot to ensure the runoff volume does not exceed fifteen percent (15%) as required by zoning from that of the existing conditions. Wastewater is proposed to discharge into the municipal wastewater collection system so that nitrogen loading is not a concern. Ms. Kalloch-Getman pointed out the drywells.

Abutter Mitch Cohen, 12 Whitney Street, expressed concerns regarding his trees and Mr. Morrison assured him his trees will not be disturbed. Mr. Cohen requested the Commission look at the site plan and the tree locations. He does not believe the locations of the trees are accurate on the plan. Mr. Cohen stated he was fine with the plan after reviewing it with the Commission.

Ms. Guldner asked about the dam. Mr. Beals stated the dam ownership was determined during the condominium development. Mr. Tougas noted Lawrence Falls stated they would maintain the dam.

Mr. Tougas motioned to issue an Order of Conditions for 0 and 16 Whitney Street, DEP file# 247 –1133, for grading and associated site work relating to the proposed construction of a 4-bedroom single-family home with a garage on Lot 2; and a duplex with garages on Lot 3; with the conditions that wildflower mix shall be used on the slope, rather than grass seed; and the plan shall be updated to show embedded strawbales on the north and east sides of the

erosion control barriers prior to the start of work. Mr. Beals seconded the motion and the vote was unanimously in favor of the motion.

Request for Determination of Applicability, 0 Bartlett Street, Map 87, Parcels 1 and 2

- Representative: Laura Mattei
- Applicant: Sudbury Valley Trustees
- Request: Determine whether a temporary stream crossing and proposed brush clearing is subject to the Wetlands Protection Act
- Jurisdiction: Bordering Vegetated Wetland, Bank, Riverfront Area

Ms. Mattei reviewed the project she had presented informally at the last Conservation Commission meeting on April 10, 2017. Sudbury Valley Trustees (SVT) wants to construct a temporary stream crossing for the purpose of creating a habitat management access, including tree removal. The work is funded by a grant and will take two days. They will be entering the site via Lyman Street in Westborough and have a permit from the Division of Conservation and Recreation for the water supply. Bill Davis, Mass Wildlife, will issue permission to go through the property. They are planning to use a skid steer with rubber tracks and plastic mats across the ditch. The length of the area will be 1600 feet. Ms. Mattei said they are hoping to do some cleanup of downed trees, along with the construction of temporary stream crossing work; and are planning to start the work as soon as possible.

Mr. Beals motioned to issue a Negative Determination of Applicability for 0 Bartlett Street, Map 87, Parcels 1 and 2, with the condition that the ramps will be used as proposed. Mr. Tougas seconded the motion and the vote was unanimously in favor of the motion.

Abbreviated Notice of Resource Area Delineation continuation, 1 Lyman Street, Map 66, Parcels 9, 10,11, DEP file# 247 – 1112

- Representative: Scott Goddard, Goddard Consulting
- Applicant: Ian Gow, Mayfare Properties
- Request: Review Wetland Delineation
- Jurisdiction: Bordering Vegetated Wetland

Mark Arnold, Goddard Consulting, was present. He referred to an email sent to Ms. Kalloch-Getman from Consultant Patrick Garner regarding Mr. Garner's Peer Review Costs for the wetland delineation of 1 Lyman Street. Mr. Arnold read the second item listed in the email message, as follows: *"Survey locate all new points and indicate modified BVW line on NOI plan. Note that any new line that I may map will be for discussion purposes only during the hearing process. A new BVW line that is determined to be accurate by the Commission should be located and certified independently by the applicant's Professional Land Surveyor. Cost \$800"*

Mr. Arnold stated he and the Applicant, Ian Gow, believe this is not needed and out of Mr. Garner's scope. He requested the board put the plan on hold until Mr. Garner has done his review and the Commission has reviewed it. He noted Connorstone Engineering will be doing this work anyway, as they know the site and are reputable; and the \$800 cost to the Applicant is not necessary. He stated if Connorstone does it and there are issues, he will come back to the Commission to talk about it.

Ms. Kalloch-Getman stated she talked with Mr. Garner about this and he thought the request was reasonable. She requested the Applicant submit a check for the \$800 and Mr. Young confirmed the \$800 check will not be cashed.

Mr. Arnold asked to be notified when site visits are scheduled so they can go out and see how things are proceeding. Then they will request to visit the site with the Commissioners.

Ms. Kalloch-Getman noted she thinks Mr. Garner has already gone out to the site and she should be getting a report from him soon.

Mr. Tougas motioned to continue the hearing for 1 Lyman Street to their next meeting. Ms. Guldner seconded the motion and the vote was unanimously in favor of the motion.

Request for Certificate of Compliance, 39 and 43 King Street, Map 82 , Parcels 30, 31, DEP File #247-1117

- Representative: Scott Goddard, Goddard Consulting
- Applicant: Rashid Shaikh
- Request: Review Wetland Delineation
- Jurisdiction: Bordering Vegetated Wetland

Mr. Beals motioned to issue a Certificate of Compliance for 39 and 43 King Street, Mr. Tougas seconded the motion and the vote was unanimously in favor of the motion.

Request for Project Change, 388 Crawford Street, Map 42, Parcel 27, DEP File#247-1114

- Representative: Vito Colonna
- Applicant: Jonathan Barcelos
- Request: Determine whether the proposed project change will require the filing of a Request for Amended Order of Conditions
- Jurisdiction: Bordering Vegetated Wetland, Bank, Riverfront Area

Neither Mr. Barcelos nor Mr. Colonna were present for this hearing, but Ms. Kalloch-Getman stated they do not have to be in attendance for this project. It is a project that came before the Commission last fall for the rehabilitation of an old small house. There are two driveways on the site off Crawford Street; one goes to a garage under the house and the other ends a distance from the house, in a portion of the front yard. The Applicant is proposing to extend the driveway in the front portion of the lot and connect it to the driveway that goes to the garage under the house, for safety reasons. The driveway will be extended approximately 80 feet. Ms. Kalloch-Getman noted the subject area is flat; there will be no impact to the resource area and she thinks it is a good idea. She stated the Applicant has come before the Commission to ask if this proposal would require an amended Order of Conditions.

Mr. Beals stated an amended Order of Conditions is not necessary, as the subject area is only 20 feet within the 100-foot buffer and the change to the project is minor.

The members agreed with Mr. Beals that an amended Order of Conditions is not necessary, and Mr. Beals reminded the Applicant that the driveway as proposed shall be added to the as-built plan.

Discussions

Coyote Trail Restoration Project

Eagle Scout Eli Becker, from Troop 1, is proposing to do some trail maintenance at a point at which 200 feet of the trail is getting very thin and almost impassable. He noted it is steeper than it looks and is treacherous because it's so steep. His plan includes widening it and making it flatter. Ms. Guldner suggested adding a post along the way would be helpful for people to hold onto when going up an incline. Mr. Becker stated Bob Mihalek, Chairman of the Northborough Trails Committee, suggested adding rail spikes along the edge of the trail to help it last longer.

Mr. Young inquired as to how soon the work will start and how long it will take to finish. Mr. Becker stated he would like to start as soon as possible and anticipates it will take approximately 3 weekends to finish. He plans to make announcements at scout meetings about the project in order to get volunteers.

Ms. Kalloch-Getman asked Mr. Becker if he has a detail of the plan, including how wide it will be, the material to be used and where water is going to go. Mr. Becker replied the trail will be 2 feet wide for safety and they will be packing the soil. The hill has already made some good runway areas for water and he will keep those.

Ms. Kalloch-Getman asked the Commissioners if Mr. Becker needs to file for this project. Mr. Beals stated it is trails maintenance and doesn't need an Order of Conditions, since they didn't issue one for the trail itself. The other members agreed with Mr. Beals.

Mr. Becker noted he will be submitting an Eagle Scout application to the council and once they approve it, he can start the trail maintenance.

Canoe Launch Project at Ellsworth-McAfee Park

Eagle Scout Kevin Tucker proposed a 300-foot trail to a canoe launch. He spoke with Kathy Joubert, Town Planner; Allison Lane, Recreation Director; and Scott Charpentier, Director of Public Works; about his proposal. Mr. Charpentier informed Mr. Tucker that any new trail to access any site has to be compliant with the Americans with Disabilities Act (ADA) regulations. Ms. Kalloch-Getman stated she talked to Mr. Tucker and he told her they are going to approach a private property owner to see if they could do it there, because that property would not be subject to ADA regulations. The Commissioners will contact Mr. Tucker if they know of any other site that might work for his project.

160 Rice Avenue

The abutter to 160 Rice Avenue, Vincent Ricciardi at 164 Rice Avenue, asked for, and received, a copy of the plan. The Commission informed Mr. Ricciardi that the public hearing has been continued to their meeting on June 12, 2017.

Newton Street Roadway Improvements site stabilization, Ziad Ramadan

Mr. Ramadan was present, as the Commission requested at their last meeting. Ms. Kalloch-Getman explained the problem in general is runoff, and the need for check dams, along Cooledge Brook. The whole slope has been de-vegetated and runoff is flowing; and it is covered with jute, rather than erosion control barriers. Riprap has been placed along the edge of the

road. Mr. Beals suggested the additional matting could wait until the new survey is done. Mr. Ramadan described the change to riprap, and stated the road near Cooledge Brook will be surveyed to determine if riprap should be required on the slope due to the increased grade. Ms. Kalloch-Getman stated she would like to see the slope covered. Mr. Ramadan stated he has done everything Ms. Kalloch-Getman has asked him to do, which included the erosion control barriers to be placed as specified, including erosion control blankets; silt to be removed; Connorstone to survey the work and present a narrative with a plan for stabilization; and Mr. Ramadan to contact Fred Litchfield, Town Engineer, regarding the crumbling pavement near Cooledge Brook. Ms. Kalloch-Getman agreed Mr. Ramadan had done what she asked him to do. Mr. Ramadan said Connorstone is backed-up and Mr. Colonna has not surveyed that work yet.

Newton Street replication: Ms. Kalloch-Getman stated she is waiting for a report from Glenn Krevosky on this.

429 Whitney Street: Ms. Kalloch-Getman stated she hadn't hear anything from the Town's attorney. She heard there were some comments about what is going on with the animals on the property and she thinks there was a stop order. She added she hasn't heard anything regarding 432 Whitney Street.

0 Green Street, Davidian Farm: Ms. Kalloch-Getman stated the DEP is taking a long time to review the appeal. It's been several months, she has heard nothing, and does not know if there is a deadline or not.

Stone Drive dam, off Coolidge Circle: Ms. Guldner stated she thinks the owner of the property may have felt the need to take the restrainer out of there because he's hoping by doing so, he won't have to put in a new septic system. Ms. Kalloch-Getman stated resident Rose Herrman reported the dam water level is very low and has been for a few weeks. The Town has an access easement to the dam and there is a drainage easement there to keep the water flowing. Ms. Guldner was concerned about the wild-life habitat because of the low water level.

Ms. Kalloch-Getman discussed her investigation into the dam's ownership. She stated she confirmed the Massachusetts Office of Dam Safety does not review dams of this size due to its size. She stated she went to the site on May 26th and spoke to Dan Wezniak, the new owner of 30 Stone Drive, who is new in the area and was not sure if the dam was on his property. He told her he had not done any work on it, but wanted to be sure he was doing everything he's required to do to maintain it if it is on his property. Ms. Kalloch-Getman checked with the Assessors' Office and was told the best information they have indicates the dam is on the property at 30 Stone Drive; and they have not found any laws or regulations that require an owner of a dam this size to maintain it. Ms. Kalloch-Getman concluded the dam is non-jurisdictional. She noted she suggested Mr. Wezniak call Mosquito Control. Mr. Beals stated it is up to the owner to do what he wants with it and being open is probably better than impoundment. Ms. Kalloch-Getman noted guidance provided by the Office of Ecological Restoration, as well as the DEP and the DCR, is that removal is the best case scenario in every instance from an ecological perspective, in general.

Bartlett Pond Treatment and Dam Repair: Ms. Kalloch-Getman informed the commission that the Community Preservation Commission's funds requested for the pond treatment passed at Town Meeting. She noted there is already a maintenance plan for the pond.

Oberg Property on Lincoln Street Tree Cutting: This is Bruce Oberg's property across from Lydia's Way. Ms. Kalloch-Getman explained the cutting of trees ends about 90 feet from a wetland flag on the right side of the property and about 20 feet from the wetlands in the back. A tree that he cut down fell on cables in the street, but was out of the Conservation Commissions jurisdiction. Ms. Kalloch-Getman stated she told Mr. Oberg that, if he wanted to do anything else, he will need to file a Request for Determination of Applicability. She noted he may want to put in a garden, but it would have to stay out of the buffer zone.

Lincoln Street School: Ms. Kalloch-Getman stated there is growth in the front detention basins, but not so much in the rear ones. She noted she hasn't received any reports from Phil Palumbo.

Resignation of Ms. Kalloch-Getman: Ms. Kalloch-Getman informed the commissioners that she has resigned her position as Conservation Agent and her last day will be May 11th. She thanked them for their support, stating it was an honor to work with them. She noted Fred Litchfield, Town Engineer, will be covering Conservation until a new agent has been hired. The commissioners wished her well.

Next Meeting: The next meeting is scheduled for June 12, 2017.

Respectfully Submitted,

Debbie Grampietro
Administrative Assistant
Conservation/Planning/ZBA