



TOWN OF NORTHBOROUGH Conservation Commission

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Approved
10-16-2017

Conservation Commission

Meeting Minutes

July 10, 2017

Members Present: Wayne Baldelli, Diane Guldner, Maurice Tougas, Todd Helwig, Tom Beals, Justin Dufresne

Others Present: Fred Litchfield, Town Engineer; Amy Poretsky, Planning Board, Jon Hanna and James Tetreault

Members Absent: Greg Young

Mr. Baldelli opened the meeting at 7pm and Ms. Guldner read the public hearing notices, as follows:

Notice of Intent Lot 1, 181 East Main Street, Map 47, Parcel 65 DEP file# 247-1136

- * Representative: James Tetreault, Thompson-Liston Associates, Inc.
- * Applicant: John Hanna, Hannaco, LLC
- * Request: Construction of a new single family home and septic system
- * Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Notice of Intent Lot 6, 181 East Main Street, Map 47, Parcel 65 DEP file# 247-1137

- * Representative: James Tetreault, Thompson-Liston Associates, Inc.
- * Applicant: John Hanna, Hannaco, LLC
- * Request: Construction of a new single family home and septic system
- * Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Lot 1 – Mr. Tetreault said frontage for Lot 1 is on the east end of Main Street. The reason for the filing of the NOI is that the pond is partially on this lot and partially on the adjacent open space parcel that was created at the time the Tall Pines subdivision it was created. There is a BVW outside of that. Mr. Tetreault explained what the wetlands looked like at the time the Tall Pines subdivision was done in the 90's. Wetlands were flagged by David Burke. The wetland line is very close (within a foot or two) from what it was in the 90s; he explained the new area. Wetlands were also flagged at the site of the detention basin. There is a pond, a BVW associated with it which extends onto the adjacent property. The lot is 40,000± square feet. It is the only lot that has a septic system and a well because it is considered to be in a nitrogen sensitive area which needs 40,000 square feet for a 4-bedroom home. It is the only lot that will not have town water from Little Pond Road. Soil testing was done, the materials are good; the septic system will be in the front yard; in the back there will be two 6' diameter dry wells to receive roof runoff; a well will be more than 100' from both; the closest approach to work in the wetlands is 56' and the house is 90' from the wetlands. All the property is in the Groundwater Protection Overlay District 3 which requires that if you do infiltration to get the impervious percentage down to 15% or lower (and they were on both of these lots because five total lots are being created in the category of DEP stormwater management review) you have to meet the stormwater management standards to the maximum percent practical. In this case where they are not creating a drainage system to achieve that, they can do infiltration of roof runoff. Before work begins they will install erosion control barriers consisting of silt fence backed by staked straw bales. The steeper slope on the side will be stabilized with an erosion control mat made for 1:1 slopes. DEP file numbers were issued with no comments.

Mr. Beals noted the Board of Health Regulations state that there must be a 100' separation between the well and the septic system and the well and the wetlands, as well as the system and the wetlands. Mr. Tetreault will make the revision as there is flexibility with the property lines. Mr. Tetreault was asked if it is a balanced cut and fills on each of the lots or all the lots together. He believed all total they need to import of material because of the front yard of Lots 3-6, there is some backyard filling on Lot 6; they will not export from the site, material will have to be brought in. Ms. Guldner asked if the well would have any effect on the pond. Mr. Tetreault said the well will not affect the wetlands because it is drawing water from a different source. Ms. Guldner said the backyards of Lots 1 and 6 look very steep. Mr. Tetreault said they are 3:1 slopes with 1:1 coming around the corner; it flattens out. Mr. Dufresne asked if there is a way to incorporate a turnaround on Lot 1 in the driveway because of people backing out into East Main Street. Mr. Tetreault will include one. Mr. Litchfield asked how firm are the boxes. Mr. Tetreault said the only firm one is #4. Mr. Hannaco said there were options for the others. It was suggested to try to get a little more room to the property line to incorporate a turnaround; Mr. Hannaco agreed. There is a new septic system going in with the existing house. They propose to clean the roads from any hauling process; tracking pads are proposed. Mr. Beals said to add silt sacks in the catch basins.

Mr. Helwig made a motion to issue Orders of Conditions for DEP #247-1136 and DEP #247-1137 contingent upon the well location for Lot 1 being located 100' from the septic system and the wetland. Mr. Baldelli seconded; all voted in favor; motion approved.

Old Business:

Lincoln Street School – Mr. Litchfield met with Phil Palumbo. Mr. Palumbo sent an email with a proposal of what they would like to do about the three retention ponds at the elementary school. The middle pond was not draining and there was some concern that it was similar to the previous issue with pond #1 which was Mr. Young's concern. Mr. Litchfield said the engineer for the school talked to the development team and felt it wasn't exactly the same situation, but similar. Silt has gotten into the basin, and everything is collecting there; the plants in the middle are suffering. They would like to clean it out (the first few inches off the top), reestablish the plants and then work on the swale (or something between the parking lot and the basin) getting the water pointed to two locations as opposed to sheet flow. They are looking to do that within the next month or so. The parking lot will not be changed; only the edge of the parking lot and the flat granite and 4'-5' strip of grass and the wetland plants. They are talking about possibly creating a channel where the water can get into the basin; a more defined location. The description sent was to hand excavate a few inches of the surface material where vegetation has not thrived (extent to be field determined), import a sand compost mix without loam, and hand rake the mix into the reserve area to bring the center area somewhat level with the undisturbed portions of the basin and grade it more flat than it was, replant the grasses in the center unless the existing surrounding grasses will populate the base over time. They are looking to have some plants put in the middle and potentially lay a riprap gravel path from the parking lot to the basin at the areas that appear to be providing runoff to the basin. There are a couple more spots where more water flows right into the pond than all over the area. The plan is to have the issue resolved as soon as possible. They would like to get the Order of Conditions released tonight if the Commission is amenable to that. Mr. Litchfield told him he would follow up with the Commission tonight, but did not know if the Commission would be comfortable issuing a full Certificate of Compliance given that the work has to happen and time is needed to see the results. Mr. Palumbo said the plan is to resolve the issue ASAP within the next month, but understands if the Commission chooses not to issue a Certificate because they want to see how the swale performs during the upcoming fall growing season. There was some concern that not closing the project might jeopardize funding. The Commission would like some

assurance that we are not accepting it as is requiring the Town having to do unexpected maintenance measures to keep it from backing up again. Mr. Litchfield suggested giving them more time and discuss it at the next meeting. The swale is up for discussion between the engineer, architect and the maintenance group at the school; it may that less frequent mowing will provide a little better filtration between the parking lot and the pond. The part in the middle where the plants are dead and the water is deep was cupped more than they originally designed. The engineer indicated that the basins were built early in the process and silt may have gotten in there before the pavement was put down in the parking lot.

83 Maple Street (Arthur Butt) – Mr. Litchfield was unable to contact Mr. Butt. There is a small footbridge in the back and it looks like fill was placed. There is a plan in the file that shows that silt fence was to be put at the limit of work; it appears he ignored that and filled down to the edge of the wetland. We need to find out if Mr. Butts is putting anything at the slope. There is grass growing now; it is stabilized. The fact that it is up to the edge of the wetland is the concern. The Commission could require a plan and decide whether he can leave it there or take it out and respect the 15' no disturb by putting in a wildflower mix and signage. Mr. Baldelli said this is the second time we've had to deal with him. Mr. Litchfield will send him a letter telling him he needs to appear before the Commission at the next meeting to explain exactly what he did in relation to what was on the plan that was approved. The footbridge is not shown on any plans; there is work cutting and filling around the back of the house towards snowmobile area that you can't see from the street. There was an Order and an amended Order in 1999; it was never closed out. It is clearly defined what he was supposed to do and not to do. It is clear that he did not respect the line and erosion control and filled down more. Seems like a clear case of take it out and restore it the way it used to be, and given a time frame to accomplish it.

175 Rice Avenue (Matt Stone) – Mr. Litchfield received a call today about a swimming pool being put in without a permit. He visited the site with the building inspector. The swimming pool is in the buffer zone. Mr. Stone thought he could replace it without filing a permit with the building department or Conservation; he has been told he needs to file. There is a backhoe between the pool and pond and the whole area around the pond has been disturbed. It is in the buffer zone and uphill from the resource area. Mr. Litchfield will tell him to put in silt fencing immediately; he can continue with his construction while filing with the Commission.

7 Elmwood Drive (Shannon Burns) – Mr. Liberis came in the office and once again wants to subdivide his land; there is a cul-de-sac and a wetland; he thinks he should be able subdivide it and build a house in the wetlands. He said his neighbor (Shannon Burns) is building a wall. Mr. Litchfield and the building inspector visited the site. The woman said she looked it up on the GIS online viewer and the wetland was 100' away so she thought she was safe. Mr. Litchfield thinks it is closer; he will do more research. He may have her file an RDA and put up erosion controls.

Update on the Eagle Scout Candidate working on the canoe launch project at Ellsworth-McAfee Park – Mr. Tucker did go to the Recreation Department and has received permission to move forward with the project. The DPW will provide some materials. Ms. Guldner said there were trees and branches in the river and wanted to know if there someone we can get a ruling from that they can be cut up or cut out. Mr. Litchfield has no problem taking them out. Ms. Guldner said it has been argued that it has become part of the stream and is food and shelter, etc. Mr. Baldelli said it depends on the use of the river; we want it a recreational area, so for the safety and to define the channel of the river he thinks it is a good idea to get them out of there. Mr. Litchfield will talk with the scouts; they can remove branches/trees that have fallen, or branches that overhang.

Whitney Street – Mr. Litchfield said there was a meeting earlier in the week with himself, the Town Administrator, Kathy Joubert and Joe Atchue, the Building Inspector. Town Counsel as well as the Town Administrator are frustrated. Town Counsel said he needs information about what’s going on up there now and asked if there is any violation currently happening. Ms. Joubert reached out to some neighbors who had had concerns with fill being brought in over the last year or two. She is gathering information and documentation for Town Counsel. Mr. Litchfield will call Mr. Anza for a status report. The DEP is reaching out to the Attorney General’s Office because they are extremely frustrated with the lack of cooperation and urgency that the Probation Officer is showing. A Cease and Desist has been issued. Town Counsel is working with DEP; it is moving in the right direction.

Bartlett Pond – Ms. Joubert is handling that. Mr. Litchfield believes they lined up the company that bought Gerry Smith’s company, Aquatic Control Technologies; it is moving forward. Continuing maintenance was part of the Order.

Interviews have been set up for the Board Secretary position. Interviews for the Conservation Agent position will follow. It is hoped that both positions will be filled by September.

Mr. Helwig talked about Newton Street and the quarter-to half-mile of asphalt sealing. Mr. Litchfield said the DPW is doing a number of things around town. Cracked sealing is one of them, which they typically do on low volume roads to increase the life of the roadway without having to repave.

Mr. Beals made a motion to adjourn; Mr. Helwig seconded; all voted in favor; motion approved. The meeting was adjourned at 8:10 p.m.

The next meeting will be held August 14, 2017 with Site Visits tentatively scheduled for August 11, 2017.

Approval of Minutes – Tabled to August.

Request for Certificates of Compliance – 76 Lincoln Street, Map 75, Parcel 40, DEP file # 247-1078 (on hold).

Respectfully submitted,

Melanie Rich
Commission Secretary