



# TOWN OF NORTHBOROUGH Conservation Commission

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APPROVED  
3-12-2018

## Conservation Commission

### Meeting Minutes

February 12, 2018

**Members Present:** Greg Young (Chairman), Diane Guldner, Wayne Baldelli, Todd Helwig

**Members Absent:** Tom Beals, Justin Dufresne, Maurice Tougas

**Others Present:** Fred Litchfield (Town Engineer), see attached Sign-In Sheet

The Chair opened the meeting at 7:02 p.m. and made an announcement that the meeting is being recorded and also to mute cell phones.

Ms. Guldner read into record the hearing notices for the Notice of Intent applications for 39 & 43 King Street (construction of a 66 bed assisted living facility) and Bartlett Pond (continued control of non-native aquatic plants).

Approval of Minutes – Mr. Helwig made a motion to approve the Meeting Minutes dated October 16, 2017 and December 11, 2017; Mr. Baldelli seconded; all voted in favor; motion approved.

### Old Business:

65 Cheryln Drive – Ms. Guldner commented that she did not see any ongoing construction. Mr. Litchfield said Mr. RajGuru is continuing to work with the Building Inspector on the sonotubes.

0 Church Street – It has been assigned a street number of 287 Church Street. The issue was the location of the house in relation to the compensatory flood storage. Mr. Litchfield has seen the as-built plan and it was located in the field and built as designed.

Jay Christopher's Salon – The Commission approved the Order of Conditions contingent on receiving a plan for the removal of the Japanese knotweed. Mr. Litchfield said the plan has been received.

83 Maple Street – The site visit scheduled for December 22<sup>nd</sup> did not take place because of a storm and there was no January meeting. The site visit will now take place in March/April.

### Notice of Intent Application (39 & 43 King Street; Map 82, Parcels 30 & 31) – DEP #247-1141:

Applicant: Rashid Shaikh

Request: Proposed construction of a 66 bed assisted living facility

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

John Grenier (Grenier Associates) and Rashid Shaikh (Owner) were present. Mr. Grenier stated that the project previously received permits from the Conservation Commission for townhouse style condos. Mr. Young said an Order was issued and appealed to the DEP; the DEP sided with the Commission. Mr. Shaikh said they then made a request to relocate the lines and the Commission issued an ORAD for the delineation of the wetlands only. The original Order was closed. Mr. Litchfield reminded Mr. Shaikh that the ORAD was never recorded pending the recording fee. Mr. Shaikh will pay it tonight.

Mr. Grenier said they are working on a Special Permit for an assisted living facility on the same parcel. They met with Design Review and Mr. Grenier explained the changes that resulted from that meeting. He showed the plan view and said the building has a slight angle. There will be parking in the front, landscaping in the front island and in front of the building. It will be an “L” shaped building, there will be a driveway to access a garage level (subsurface garage for additional parking). They have a 15’ no-disturb and 30’ no-build with fill. They are completely outside of the 30’ no-build. One modification they made was to provide more pavement on the southerly side which gained two extra parking spaces that provides access around the building. They are making up grade between the 15’ no-disturb and 30’ no-build. There will be a walking area around the rear of the building (10’ flat area); the depth of the building was reduced from 62’ to 57’ which provided a flatter rear portion of the building, similar to the previous filing. At the end of the stairwells there will be an area of refuge if it is needed to reach people in the event of a fire. The runoff for all paved surfaces will be captured through a series of catch basins, there will be a strip drain going to a drain manhole, eventually going to a recharge chamber. There will be an overflow for the recharge that goes to the wetlands.

They may add a paver patio that would be within the 100’ buffer but outside of the 30’ no-build. Mr. Young asked about the slope in the back. Mr. Shaikh said they wanted to make a flat area in the back so it would be useful. They made a lot of grade between the 15’ no-disturb and 30’ no-build. The steepest grade change is 324 in the center and 348 in the front. He said they are building several access points from the basement. Mr. Grenier showed the area where the side slope is 2:1. Directly behind the building between the 15’ and 30’ there is a 1:1 slope. Mr. Grenier said the only thing that would hit it is raindrops, there is no upland area that is washing through it. He said jute netting and hydroseeding should stabilize the area. Mr. Baldelli asked why not capture the roof runoff. Mr. Grenier said they may not be able to catch the whole building. The recharge system was not designed to capture roof runoff; they only had to capture the front paved portions and treat and route that through the recharge system in order to offset the pre- and post-drainage. Mr. Grenier said it is possible to do it. Mr. Baldelli would like it to be included on the plan. Mr. Grenier will discuss where the roof drains and down spouts are going to be with the architects.

Ms. Guldner felt there should be some type of fencing for the walking space for the residents. Mr. Shaikh said the business will not offer memory care; it will be more independent living, but said they could possibly put up a 4’ fence. Mr. Young commented that the back of the building abuts the 30’ no-build and said if they are going 10’ in, they are 10’ into the 30’ no-build area. Mr. Grenier explained that they are making up the grade. He showed the 15’ and the 30’ and said it will be a flat grassed area inside the 30’ but not built on; no pavement. Mr. Litchfield wants to see the revised plans; the plans submitted do not show the leveling area. The Commission considers a paved walking area a structure; it cannot be within the 30’ no-build. Ms. Guldner suggested contacting the Building Inspector for ADA compliance and the Fire Department regarding access around the back of the building. Mr. Shaikh said there will also be four refuge areas.

Mr. Helwig commented that it looks massive for the site; they are filling every inch and it looks aggressive. The entire back will be up against the line and he felt that was a problem; he does not think it will not be done correctly. He was surprised to hear that with a building of that size and height in the back it doesn’t need a fire access road access around the back. He asked was a permit needed from the Department of Public Health and do they review the plans; what other permits are required permits for the project. Mr. Helwig feels it will change from what is being presented as to what we are going to see. Mr. Shaikh said as far as the size, the previous building proposed was 4 blocks with each block having 4 bedroom units and it was on the 30’ no-build; this building is approximately 10’ shorter. They are not asking for a variance. Mr. Helwig thinks he will need one and said the concern is the size of the building in proximity to the wetlands. Mr. Shaikh said they are 40’ away and it is properly sized. Regarding the

fire department, he explained that 90% of assisted living facilities have no truck access all the way back. It was also not required by the Building Code to put in an area for refuge. As far as the permits, assisted living requires a special license from the Executive Office of Elder Affairs and he has been in discussions with them. Independent living only requires a building permit and approval from the Zoning Board of Appeals.

Mr. Shaikh said it is shorter than the building originally proposed. He will have a landscaping plan soon. The septic plan is similar to the original design; there is adequate area in front. Ms. Guldner thought it would be confusing for someone coming to it because of the King Street cutoff. Dealing with older people, prominent signs that can be seen from a distance are needed. She also mentioned the road runoff from King Street and the concern for icing. Mr. Shaikh does not believe there will be much walking since there will be many amenities and also a shuttle. Regarding the signs, he doesn't want to hinder the view.

Mr. Young asked if they are taking dirt out and bringing in more. Mr. Grenier said there was approximately four feet of fill before reaching good gravel; they will not be bringing in new fill. Mr. Litchfield is concerned with the 1:1 slope which is very aggressive and the ability to stabilize it during construction and beyond. He also said to contact the Town Planner to clarify the placement of landscaping and the walking path. Mr. Shaikh said they did not change the grade in the back, the only difference is the building is 5' feet shorter, leaving 10' before reaching the 30' no-disturb. He asked if the Commission would consider a variance to build a retaining wall within the 30' no-structure if they are not comfortable with the 1:1 slope. Mr. Helwig commented that it is a tough site for a building that big and said they could have a smaller building and not need a variance. Mr. Shaikh said they looked into that but the depth would not allow it to be a useful building. The current depth is 57'. Mr. Grenier said if it was narrower, it would not be functional. Mr. Helwig said they could have other uses on that property. Mr. Shaikh said this is a better building with a smaller footprint and less impact on town resources than the original building. Mr. Litchfield recommended to the Commission that the applicant request a continuance to March 12<sup>th</sup>. Mr. Baldelli reminded Mr. Shaikh that the Commission is reluctant to have a 1:1 slope in proximity to the wetlands. Issues of concern are (1) the roof drainage, (2) walking area inside the 30' no-build, and (3) the 1:1 slope. Mr. Shaikh requested a continuance. Mr. Helwig made a motion to accept the request for continuance; Ms. Guldner seconded; all voted in favor; motion approved. It was scheduled to March 12<sup>th</sup>.

Notice of Intent Application (40 Lyman Street); Map/Parcels 66/1 and 65/99):

Applicant: Town of Northborough  
Request: Continued control of non-native aquatic plants  
Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Mr. Litchfield explained that an NOI is being filed for the continued control of non-native aquatic plants. Having no issues or concerns, Mr. Helwig made a motion to issue an Order of Conditions for Bartlett Pond; Ms. Guldner seconded; all voted in favor; motion approved.

**Old Business (continued):**

Mr. Young asked the status of the following past items: (1) Fisher Street Culvert Bridge – Mr. Litchfield has not received information as to whether the road/bridge has been closed. Funding for the installation will be included in the budget for the town meeting. (2) Conservation Agent – Mr. Litchfield said that Mia McDonald has starting working for the City of Worcester as their full-time Conservation Agent. (3) 429-431 Whitney Street – No recent update. (4) Green Street (Davidians) – No recent update.

Mr. Baldelli said the Fed-Ex site appeared not to be draining at the bottom by Duie Pyle's driveway; it is running across the driveway rather than under it. Mr. Litchfield will follow up.

Ms. Guldner inquired about (1) the new home on Rice Ave – There is a lot of drainage on the road and puddling on the side. Mr. Litchfield will follow up. (2) U-Haul project on Bearfoot Road – Mr. Litchfield said it is close to being completed, but they have not yet finalized the as-built plan and submitted it for completion of the project.

Mr. Litchfield received an email from a resident on Washburn Street regarding a large puddle. There are some houses being built on the corner of Washburn and Howard Street. He will work with the DPW to see about putting in a catch basin to drain it in the area.

Upcoming Projects: (1) 172 Bearfoot Road – Looking to build contractor condos; and (2) 89 West Main Street – To build six apartments and a commercial building with a hair salon on the first floor.

Dave Maily (404 Howard Street) will be filing an RDA with the Commission next month to replace his barn.

Mr. Young asked if there was activity at the New England Baseball complex. Mr. Litchfield said there are still some buildings to be built in the front. Mr. Young said the Order that was approved excluded a portion of the overall land. Mr. Litchfield will check.

**Informal Discussion:**

MACC Annual Environmental Conference March 3, 2018 at the College of the Holy Cross – Mr. Young and Ms. Guldner will be attending; Mr. Litchfield will attend if available.

**Request for Certificates of Compliance:**

76 Lincoln Street, Map 75, Parcel 40, DEP file # 247-1078 – On hold.

8 Smith Road, Map 10, Parcel 26, DEP file #247-976 – On hold.

238 Hudson Street, Map 46 Parcel 91, DEP file #247-1131 – Approved. Mr. Litchfield received the Deed Restriction but it needs to be recorded.

The next meeting was confirmed for March 12, 2018.

Mr. Baldelli made a motion to adjourn; Ms. Guldner seconded; all voted in favor; motion approved. The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Melanie Rich  
Commission Secretary