



TOWN OF NORTHBOROUGH Conservation Commission

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APPROVED
7/9/2018

Conservation Commission

Meeting Minutes

June 11, 2018

Members Present: Greg Young (Chairman), Wayne Baldelli, Diane Guldner, Tom Beals, Justin Dufresne

Members Absent: Todd Helwig

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

The Chair opened the meeting at 7:00 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 notice for the Notice of Intent applications for 5 Davis Avenue (install above ground swimming pool), 17 Fay Lane (construct pool and deck), 407 Whitney Street (site work), and Request for Determination of Applicability application for 122 Church Street (construct shed).

Approval of Minutes – Ms. Guldner made a motion to approve the Meeting Minutes dated May 14, 2018; Mr. Beals seconded; all voted in favor; motion approved.

Notice of Intent (continued) – 0 Bartlett Street; Map 51, Parcel 3 (DEP #247-1144)

Applicant: Northborough Land Realty Trust

Request: Proposed 167,400 s.f. warehouse/distribution center

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

The applicant requested a continuance to July 9th. A site visit will take place on July 2nd at 9:00 a.m.

Notice of Intent – 5 Davis Avenue; Map 101, Parcel 120 (DEP #247-1147)

Applicant: Roberto Lucchese

Request: Install above ground swimming pool

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Members visited the site. Mr. Litchfield said the property is almost entirely within the riverfront area. It is pre-existing to the adoption of the Rivers Act. The house has been there; the yard is just short of the river. They were informed that the pool must be outside the first 100-foot no touch area. DEP said there is a little flexibility since the lot has been in existence prior to 1996. They are prevented from moving the pool closer to the river because there is a floodplain that crosses the property. Ms. Lucchese sketched some additional work they would like to include since an Order is valid for three years (construct a small retaining wall, regrade the yard in the floodplain but not adding fill [only leveling the yard]), and build a deck further away from the floodplain. Only the pool will be done this year. The retaining wall if more than 4-feet would require a design by a structural engineer. Mr. Litchfield said there are “radiant pools” that hold back dirt like a retaining wall. She can have the original location between the 100-foot mark and the river (278 contour), but not in the floodplain. Mr. Baldelli made a motion to issue an Order of Conditions for 5 Davis Street with the stipulation that the pool be outside the floodplain and above the 278 contour; the deck and grading can be done after the pool but within the timeframe allowed by the Order; Mr. Beals seconded; all voted in favor; motion approved.

Notice of Intent – 17 Fay Lane; Map 44, Parcel 02 (DEP #247-1146)

Applicant: Kathleen & Thomas Cunniffe
Request: Construct pool and deck
Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Mark Arnold (Goddard Consulting) was present. Mr. Young said members visited the site, but he did not see any delineation. Mr. Arnold was not aware of how old the flagging was. He said the wetland report was done late last fall. Mr. Young said flagging is needed before proceeding. Mr. Arnold said the proposal is to install an in-ground pool in the front of the property with a concrete patio and extend a second level of deck below the existing deck. No work is proposed within the 15-foot no disturb area. The trees being removed are marked on the plan. They will ribbon the trees. Mr. Litchfield said the town's GIS shows the floodplain significantly different as it affects the lot. Mr. Arnold said there was an on-ground survey done by Odone Survey and Mapping in February 2018; the elevation is 293 (Zone AE). Mr. Baldelli said part of the driveway is in the no-disturb area and the deck is in the 30-foot no-structure. Brian Finnegan (25 Fay Lane) asked about the fence and was told it will be 4-feet high; the distance from Fay Lane to the edge of pool is 30-feet. Mr. Arnold will confirm if it has a sand filter and the type of cover that will be used. The filter is jurisdictional to the Commission. The wetlands and potential discharge of water are of concern to the members. Mr. Beals made a motion to continue the public hearing to July 9th; Ms. Guldner seconded; all voted in favor; motion approved. The site walk will be on July 2nd.

Notice of Intent – 407 Whitney Street; Map 15, Parcel 3 (DEP #247-1145)

Applicant: Peter Simoneau, Trustee (53 Houghton Street Realty Trust)
Request: Site work (repave driveway, site grading/stabilization, install deck and retaining walls)
Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Peter Simoneau and George Connors (Connorstone Engineering) was present. Members visited the site today. Mr. Connors explained the location of the common driveway, the house, and the concrete slab that will be installed. There will be wetland planting shrubs within the 15-foot no disturb zone; there is a stone wall outside the 15-foot no disturb area; it will be loamed and seeded to prevent erosion; the driveway will be repaved; some walls and steps will be removed. Mr. Baldelli asked if the erosion and sediment controls could be pulled back. The Commission doesn't like to have them installed on the 15-foot no disturb. Mr. Litchfield explained the history of the project. The original Order was issued for the septic and a Certificate of Compliance issued. The winter after the Certificate was issued, the tank became exposed due to erosion around it. While doing landscaping work, Mr. Simoneau found that his foundation was compromised and had to be replaced. He was asked to place erosion controls at the limit of what disturbed. Mr. Connors explained the area that would be restored. Mr. Young observed skunk cabbage in that area. Mr. Litchfield believed that to be to the west of the wetland line. He asked when the wetlands were flagged; Mr. Connors replied slightly before May 18th. Mr. Litchfield said it looked like there was some skunk cabbage outside the wetland line where the flags were (between Flag 7 and the 15-foot no disturb). He suggested someone look at it to see if it has changed. Mr. Young said the existing erosion control barriers need to be tightened up. Mr. Simoneau said some soil will be brought in. He would like to start with the masonry work for the replacement stone wall and with enlarging the deck. Mr. Beals did not have a problem doing the masonry work because it is on the opposite side of the driveway. Regarding the deck, Mr. Young said as long as he stayed within those two areas. Mr. Dufresne asked about the drainage easement. Mr. Litchfield said it needs to be verified as to whether it is a town easement or private easement. Mr. Simoneau was told to do only the masonry work in the event there is an issue with the drainage easement. Mr. Dufresne made a motion to continue the public hearing to July 9th; Ms. Guldner seconded; all voted in favor; motion approved.

Request for Determination of Applicability – 122 Church Street; Map 55, Parcel 62

Applicant: Christopher Biuso

Request: Construct shed

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Mr. Biuso said there are two sheds located at the end of the driveway; he would like to remove them and build one shed in the backyard. Mr. Young said the shed will be outside the 100-foot buffer. Mr. Litchfield said there is a floodplain associated with the brook in the yard where Mr. Biuso wants to put the shed. It is possible to do as long as there is an as-built plan that verifies that the sonotubes are above the top of the floodplain and that it is located off the property sufficient to meet the side setbacks. Mr. Baldelli made a motion to issue a Negative Determination of Applicability with the stipulation that the shed is above the floodplain and an as-built plan is provided verifying the elevation and location that it meets all zoning requirements; Ms. Guldner seconded; all voted in favor; motion approved.

Old Business:

Conservation Agent – Interviews are still being conducted. The hope is to have someone hired by July or August.

Open Conservation Seat – There was one applicant. The BOS have not held the interview yet. The information will be provided to Mr. Young.

Mr. Beals asked if there was any update from Mr. Ramadan (Newton Street project). Mr. Litchfield said a lot of work has been done but is not complete; the top coat is still needed. Regarding 429 & 432 Whitney Street, there was interest in 432 Whitney Street, but nothing transpired. Residents from Coolidge Circle have complained about the odor and numerous trucks bringing material in at 429 Whitney Street. DEP has taken it over; it is a DEP/BOH issue. There have been no recent updates concerning Davidians.

Election of Clerk – Officers were designated as follows: Mr. Young, Chair; Mr. Baldelli, Vice Chair; and Ms. Guldner, Clerk. Representatives were designated as follows: Mr. Young, Open Space Committee; Mr. Helwig, Community Preservation Committee; Mr. Dufresne, Master Plan Steering Committee; and Ms. Guldner, Groundwater Advisory Committee.

Request for Certificates of Compliance:

76 Lincoln Street; Map 75, Parcel 40, DEP File # 247-1078 – Mr. Litchfield said there is a commitment from the contractor to come back and fix the bioretention area in late June. He will be notified when it will be done.

388 Crawford Street; Map 42, Parcel 27, DEP File #247-1114 – The address is now 379 Church Street. There was a request months ago; the erosion controls were fine, but the lawn had not taken; it is now satisfactorily stabilized. Mr. Litchfield has received the as-built plan. Mr. Beals made a motion to issue a Certificate of Compliance for 379 Church Street (formerly 388 Crawford Street), DEP File#247-1114; Mr. Baldelli seconded; all voted in favor; motion approved.

8 Smith Road; Map 10, Parcel 26, DEP File #247-0976 – Mr. Young visited the site. Having no issues, Mr. Beals made a motion to issue a Certificate of Compliance for 8 Smith Road, DEP File #247-0976; Ms. Guldner seconded; all voted in favor; motion approved.

Other Business As May Legally Come Before the Commission

Request to Extend Order of Conditions DEP File #247-859 (301 Bartlett Street; Map 66, Parcel 5) – Mr. Baldelli had concerns with the amount of material being moved. There are two entrances; one past Fed-Ex on the left, and one between Duie Pyle and Fed-Ex (which is closest to the wetlands). Material is piled 30-feet high and he wants to make sure the siltation devices are strong enough to handle it. Mr. Litchfield walked the entire site before work started and follow up tomorrow. Mr. Dufresne asked about the SWPPP reports. Mr. Litchfield said they are supposed to be on site and will ask for them. Mr. Beals made a motion to extend Order of Conditions DEP File #247-859 for 301 Bartlett Street for two years; Mr. Baldelli seconded; all voted in favor; motion approved. The motion was rescinded. Mr. Beals made a motion to extend Order of Conditions DEP File #247-859 for 301 Bartlett Street for three years to 7/15/2021; Mr. Baldelli seconded; all voted in favor; motion approved.

Patricia Kress (60 Old Colonial Road) attended to ask if the Commission could give an opinion regarding the upcoming Board of Health Public Hearing for Tradebe Treatment and Recycling (345 West Main Street). The project it is not jurisdictional to the Commission and they cannot make any opinion because there is no filing before them.

The next meeting was confirmed for July 9, 2018.

Ms. Guldner made a motion to adjourn; Mr. Beals seconded; all voted in favor; motion approved. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary