



TOWN OF NORTHBOROUGH Conservation Commission

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Approved
9/24/18

Conservation Commission Meeting Minutes September 10, 2018

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

Members Absent: None

Others Present: Mia McDonald (Conservation Agent), 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 to mute cell phones.

Mr. Young told those present that there was a change to the agenda tonight. The following Notice of Intent applications and Request for Determination of Applicability application have been postponed due to the Telegram & Gazette not advertising in a timely manner: Lot 2 Whitney Street (#96), 71 Whitney Street, 23 Leland Drive, 267-281 Southwest Cutoff and Request for Determination of Applicability for 329 West Main Street. A Special Meeting will be held on Monday, September 24th at 7PM.

Approval of Minutes – Mr. Baldelli made a motion to approve the Meeting Minutes dated August 13, 2018; Mr. Dufresne 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

Scott Weiss (The Gutierrez Company) and David Robinson (Allen & Major) were present. Mr. Weiss said 0 Bartlett Street is an area of land on the north side of Bartlett Street (across the Aqueduct behind the building being constructed [301 Bartlett]). It is accessed off Hayes Memorial Drive. Not much has changed since the last meeting. The Gutierrez Company are close to completing their review with the Marlborough Conservation Commission. The driveway and detention area are in Marlborough; the building, parking and loading are in Northborough.

Mr. Young and Mr. Litchfield walked the site; the limits of the wetland resource areas have been confirmed. The Gutierrez Company have responded to DEP comments which included some riverfront area assessment and additional plantings out of the limit of work to help restore habitat area (a portion of the southwesterly corner of property was in the priority habitat area). The Gutierrez Company reduced the parking count to 168 parking spaces, adjusted some grading to limit and remove some retaining walls. The limit of work around the edge where the silt fence and erosion controls would go has not been changed from when they first presented. Mr. Weiss showed the priority habitat area where there is some disturbance. The Natural Heritage and Endangered Species Program (NHESP) and Mass Wildlife review what the project is disturbing and figure out the requirement for how much acreage would be protected. Mr. Weiss showed the area at 301 Bartlett where they put a Conservation Restriction (CR). Natural Heritage has asked for the CT to be expanded; he also stated that the previous

CR was never recorded. He showed another habitat area outlined on the plan. NHESP asked to provide a permanent connection between the two habitat areas. The town has to accept the CR and hold it. Mr. Young asked if the applicant had received a written management plan or similar statement from NHESP. Mr. Weiss said they are in the process of getting it. The draft plan has been sent to NHESP and informal approval has been granted for providing enough ratio of replication area. The applicant needs to send a formal submission with the recordable CR Plan, Declaration of Restrictions and the CR document. Before they fully close out with Natural Heritage, they wanted to come before the Commission and confirm that everyone is in agreement, finalize the plan with Natural Heritage, and come back to the Commission for approval. Ms. Guldner asked if they would demarcate the area that comes up close the building so people are not walking on it. Mr. Weiss said they will put signs up. Ms. Guldner would like to make sure the signs are visible. Mr. Dufresne asked when the CR is created, does the property get deeded to the town. Mr. Weiss said the property stays in the ownership of Gutierrez Company as land, but the rights to do anything with it are limited by the restriction. The total CR area proposed for Area 3 is 9.95 acres (only the new piece). The entire acreage of restricted area is approximately 20 acres.

Mr. Young said there was still a question about the sewer connection. Mr. Weiss said the City of Marlborough is not quick to move forward to agree that they will allow them to connect to the sewer. It is still an unresolved issue. They have completed their Conservation and City Engineer review. They have a Site Plan Review process just for driveways. If they get that approval, they will be able to connect. They should have a definitive answer for the Commission at the next meeting.

Mr. Beals made a motion to continue the hearing to October 15, 2018; Mr. Helwig seconded; all voted in favor; motion approved.

Notice of Intent (continued) – Cedar Hill Street & Bartlett Street Right-of-Way (DEP #247-1152)

Applicant: The Gutierrez Company
Request: Road widening and intersection improvements
Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Scott Weiss (The Gutierrez Company), Margot Schoenfelder and Gene Crouch (VHB) were in attendance. Mr. Dufresne recused himself from the matter. Mr. Weiss said that as part of approval by the Planning Board in 2005 for the 301 Bartlett Street building that is under construction, there was a requirement for mitigation to complete safety improvements at the intersection of Bartlett Street and Cedar Hill Street. The requirement is detailed in the Planning Board's decision. The intent is to put in some traffic management islands to separate turning movement and create a right turn lane to turn on to Cedar Hill Street. There will be two separate lanes. There will be better lane definitions and striping throughout the intersection. The intersection is also being altered to better accommodate the increase in commercial truck traffic.

There was some discussion at the last meeting about drainage and the impact of the added pavement. Mr. Weiss has worked with Mr. Crouch and Ms. Schoenfelder to eliminate all of the widening on Bartlett Street in the right turn lane. There will be no widening; no further buffer zone impacts; all work is now proposed within the limits of the pavement that already exists. Mr. Crouch said the widening was removed as well as the stone trench. Since there is no widening, the road edge will remain the same, the shoulder will remain the same, the wood fence will remain the same. There is a small amount added pavement at the eastern side of Cedar Hill Street. The existing catch basin will be converted to a manhole and a new catch basin will be added to catch the drainage. It is a reduced project footprint from the last meeting. The only comment they received from DEP was to put erosion controls on the north side; they have added them; there are now erosion controls on both sides. Mr. Baldelli asked if there were accommodations for pedestrians and was told no additional accommodations were made.

Mr. Baldelli said with the increased amount of truck traffic, he would like to see something done. Mr. Crouch said the town and a private entity would have to work cooperatively on that and Mr. Weiss said he would be happy to work with the Town for a MassWorks grant application. Mr. Litchfield said the condition for the traffic improvement plan came from a Planning Board Decision from 2005 and not sure what the foot traffic was at that time. There are businesses now that were not there then. The whole scope of the request of the Commission from the Planning Board was traffic improvement of the road in terms of the drainage and sidewalk; that is something the DPW can look into. The problem with sidewalks is if you build them properly you have to change the drainage for that area by putting in curbs and capturing the water; that is a much more involved project than was anticipated in 2005. Mr. Baldelli said there is a catch basin on the corner. Mr. Helwig said we are mitigating the traffic to increase truck traffic because of all the businesses that are being created, but we are doing nothing to increase pedestrian safety. He stated that the Town is making it easier for trucks, worse for everybody else. Mr. Litchfield said easier for trucks, but safer for vehicles. The intent was to make it safer for all vehicles. Ms. Guldner asked if there could be some warning that there are pedestrians. Mr. Litchfield said they could get some signage from the DPW. Ms. Guldner made a motion to close the Public Hearing; Mr. Beals seconded; all voted in favor; motion approved. Mr. Beals made a motion to issue an Order of Conditions for Cedar Hill Street and Bartlett Street; Ms. Guldner seconded; Young/Baldelli/Guldner/Beals voted in favor; Dufresne abstained; motion approved.

Other Business

Stormwater Management Plan Discussion with Town Engineer & Consultant – Emily Scerbo and Cassandra LaRochelle (Tighe & Bond) were present. They are assisting the town with the filing of the next Notice of Intent with the EPA for the Phase II Massachusetts Separate Storm Sewer System (MS4) permit. It has to be filed by October 1st. They have to meet with the Board of Selectmen to certify the program on September 24th. The draft Stormwater Management Plan and Notice of Intent has been posted on the town's website. Tonight's meeting is to inform residents and receive comments on the plan.

Ms. Scerbo said there is a public participation portion of this program to solicit input from the public. She explained that the program is about water quality; it is not as much about drainage. Stormwater becomes polluted as it runs off the land surface. The more impervious covered added, the more polluted the water becomes. EPA promulgated Phase 2 Small MS4 Stormwater Program. EPA and DEP jointly administer the program (there are approximately 216 municipalities that are required to do this). Northborough's MS4 includes all drainage within the urbanized area. There are six minimum control measures everyone in the country has to follow: (1) public education and outreach, (2) public involvement and participation, (3) illicit discharge detection and elimination [most important and costly], (4) construction site stormwater water runoff control, (5) post-construction, and (6) good housekeeping and pollution prevention in municipal operations. Mr. Young asked how the IDDE is administered and what to do if they see it. There are a few businesses where they have heard water running when doing site visits; it seems to be coming out possibly into a storm drain. Ms. Scerbo said uncontaminated water from sump pumps can be a gray area. As long as it is clean water it can go into it. If the sump pumps become contaminated, the Town will be at the end of the pipes taking samples and track it down. Towns are expected to do more to make sure water bodies are meeting their Clean Water Act designated uses for fishing, swimming, drinking for the total maximum daily loads and impaired water body requirements.

Mr. Litchfield said the program started in 2003 with the first permit (that was supposed to run for five years), but wasn't updated until this past year. The DPW Director and himself are working with Tighe & Bond to map the outfalls and increase the street sweeping. The DPW did make a change from sand and

salt to all salt (which has cut down the amount of sand produced); the disposal of the street sweepings and catch basin cleanings are very costly. They are very close to being 100% done with the mapping. The town also participates in the Central MA Regional Stormwater Coalition.

Ms. Scerbo said in 2003, the permit was more open-ended; the new permit is more specific. They are seeking authorization to discharge under the MS4 Permit. The NOI and the application have to be submitted by October 1st. The public can view the draft documents and give feedback. They are posted on the DPW webpage under the DPW News.

Mr. Dufrense asked what the implementation is for the Stormwater Plan. Ms. Scerbo said it is technically a five year permit, but they have deadlines out to twenty years. Mr. Baldelli asked what dictates whether or not sampling is required. Ms. Scerbo said if the outfall is visited during dry weather, it has to be at least 24 hours without a 0.10" of rain. If it is flowing during dry weather, it has to be sampled.

Informal Discussion:

161 Church Street (proposed deck replacement in the floodway) – Mark Johnson (Mr. Handyman Central Metro) said there was an existing deck that once surrounded a swimming pool on the property. The homeowner has removed the swimming pool and wants to frame it in and make a bigger deck. He proposes five sonotubes to be put in. Mrs. McDonald said it is very close to the wetland; it is in the floodway. It is not known if the pool was in before the floodway regulations. Mr. Dufresne said the volume of the floodway has been increased by removing the pool. Mr. Johnson said from where the pool sat and the grade that came up against the pool, was approximately 8"-10". It is not allowed in the flood zone, but there was something there for twenty years. Work in the floodway also falls under the jurisdiction of the Building Inspector; even if the Commission allows it, the Building Inspector may not. The impact to the wetlands now is better than it was before. The floodway is 293 and the town's GIS is showing it as 291 (a difference of 2-feet). The Commission has no opposition, but it has to go before the Building Inspector. If the Building Department allows it, an RDA will be required to be filed with the Commission.

81 Maple Lane (proposed dock in Bartlett Pond) – Yao Zhang was present. Mr. Baldelli had some conversations with Ms. Zhang on what options were available for different types of docks. He suggested a floating-type dock that could easily be removed. The area she has in mind is not very accessible. She will do more research on the types of docks. When she decides on the dock, she was told to contact Mrs. McDonald and Mr. Litchfield.

Request for Certificates of Compliance:

76 Lincoln Street; Map 75, Parcel 40; DEP File # 247-1078 (hold) – Mr. Young said it appears what they have done has taken; looks good. Ms. McDonald will provide photos for the next meeting.

5 Cyrus Way; Map 82, Parcel 117; DEP File #247-971 (Partial) – Mrs. McDonald said the applicant requested a continuance. Ms. Guldner made a motion to accept the request for continuance to October 15th; Mr. Beals seconded; all voted in favor; motion approved.

26 Colburn Street, Map 29, Parcel 50; DEP File #247-967 – Mrs. McDonald visited the site. It was a septic repair; it is completed and stabilized. Mr. Helwig made a motion to issue a Certificate of Compliance for 26 Colburn Street; Mrs. Guldner seconded; all voted in favor; motion approved.

287 Church Street, Map 43, Parcel 8; DEP File #247-1104 – Ted Gowdy (Gowdy Group) purchased the lot and built a house. Tom Rebula (Goddard Consulting) said it was a single-family home. Compensatory storage for loss of bordering land subject to flooding (BLSF) was required and constructed. As part of the BLSF area, there was a planting plan proposed within that area to help naturalize the area that was excavated. He said the parcel was built with substantial compliance and they are looking for a Certificate of Compliance. Mr. Rebula cited his report from Goddard Consulting stating that there is an unstable slope within the compensatory area, as well as the need for reseeding within the compensatory area. While they did feel in general the area meets 75% coverage of vegetation, there are a few areas that could look a little better.

There were other deviations which Mrs. McDonald brought up during the site walk. The largest being the difference in loaming and seeding which occurred around surrounding portions of the lawn. Originally the slope surrounding the current lawn was to be loamed and seeded; instead there is a thick layer of mulch. The applicant stated this was done in order to stabilize the site during construction. The site was cleared and graded and they had to stabilize it quickly. The mulch was laid in a very thick mat; it is large pieces of material/stump grindings. For that reason, the applicant feels it would be a suitable form of stabilization. An added benefit is that the lawn is now smaller. Mrs. McDonald also noted some spots on the lawn that were missing grass. Mr. Rebula did not see them as extremely significant. Mr. Rebula stated he believes the mulch does perform an adequate form of stabilization.

The Commission received an as-built plan with grades as well as a statement from Connorstone with the numbers for the compensatory storage: approved volume lost is 2,430 cubic feet; approved compensatory storage was supposed to be 2,480 cubic feet; the as-built is 2,840 cubic, an additional 400± cubic feet was constructed. The precedent of the Commission has been to not approve mulched slopes as stable. The Goddard report states that the shrub survival rate is 84% with an overall vegetated coverage of 75%. Mr. Young said there are two issues: (1) the lawn being stabilized with mulch instead of loam and seed, and (2) additional unstable areas listed in the Goddard report and by Mrs. McDonald.

There was confusion from the Commission as to whether the applicant was looking for a partial or complete Certificate of Compliance. Mr. Gowdy said he would like a full certificate of compliance with an administrative approval to complete the items listed in the Goddard report and for the mulch to remain in place. Mr. Gowdy stated it is 120 yards of stump grindings, it's not loose material, an excavator would have to be used to remove it and put a dump truck on the grass.

Mr. Baldelli would like to see the plan reflect what is there. Mrs. McDonald stated the as-built reflects what is there, but the as-built does not reflect what was approved. Mr. Baldelli is concerned with someone in the future loaming and seeding as shown on the approved plan. Ms. McDonald said the as-built plan has mulch; if you accept the as-built, you accept the mulch. Mrs. McDonald said once the Certificate of Compliance is issued, the Order is closed and if the homeowner wants to put in a lawn, then they would have to come back before the Commission.

Mr. Dufresne suggested selective plantings to help reinforce the mulched areas and stabilize it. Mr. Young stated that the applicant should have notified the Commission and acknowledged the deviation from the plan at the time it was happening. Mr. Young feels that taking the mulch out would do more damage than leaving it there. He feels there should be some plantings put in it as recommended by the Commissioners and before a certificate of compliance is issued, the applicant first needs to address the lawn, mulch and the state of the basin. Mr. Dufresne would like to see it fixed before issuing a Certificate of Compliance. The Commission decided the mulch can remain as long as the area is stabilized with ground cover and bushes, shrubs, etc.. The Commission required that a planting plan is submitted prior to the work, as well as the completion of all the recommendations that were stated in

the Goddard Consulting report and all the bare spots in the lawn are to be reseeded. They will be back at the September 24th meeting.

Other Business As May Legally Come Before the Commission:

The NOI checklist was reviewed and will be posted on the website.

Mr. Dufresne said there was a Master Plan meeting last Thursday. They are trying to get all the goals ironed out; it will be the next topic at the next public meeting which will be October 4th. It will be held at Algonquin from 6PM-8PM.

Mr. Young made a recommendation for a new Conservation Commissioner to the Board of Selectmen. Her name is Kelly Marston. She is on the Westborough Conservation (allowed because she has a business in Westborough), lives in Northborough and has significant wetlands experience.

The next meetings were confirmed for September 24 and October 15, 2018.

Ms. Guldner made a motion to adjourn; Mr. Dufresne seconded; all voted in favor; motion approved. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary