



TOWN OF WESTBOROUGH MASSACHUSETTS

Conservation Commission

Town Hall, West Main
Westborough, MA 01581

DATE: January 25, 2013
RE: Minutes of Meeting of January 8, 2013

Members Present: Chairman Koenigsberg, Member Buckalew, Member Lundberg, Member Kimball, Member Donley, Member Cushing, Member Kessler

Agenda Items:

7:00 PM - Hearing - Notice of Intent – Town of Westborough, Flanders Road
Materials submitted as part of this application include a Notice of Intent, dated December 26, 2012 and an accompanying Plan entitled "Town of Westborough Massachusetts Flanders Road Sewer Rehabilitation", dated December 26, 2012.

Jami Walsh, from AECOM was present to represent the proposed project of replacing approximately 1200 linear ft. of sewer main with HDEP 15" pipe and replacing 8 manholes that have deteriorated. About 300' feet of work will be done in increments to allow the use of one street lane at all times. All work will take place in the right of way of the road, straw wattles and silt fence will be placed to protect the wetlands. The proposed sewer rehabilitation methods will include "Pipe Bursting" to reduce the amount of excavation within Flanders Road. The Town Engineer and the Conservation Officer will work out the methods of dewatering with the awarded Contractor as the project nears commencement. The design has not been done yet and Ms. Walsh is taking this opportunity to have the Commission discuss any requirements or preferences at this time.

Commission Members questions were answered.

Member Buckalew made a motion to approve the Order of Conditions as written for DEP File 332-839, Member Cushing seconded, unanimously voted.

7:10 PM - Hearing – ANDRAD – Beals & Thomas, 29 Research Drive

Materials submitted as part of this application include an Abbreviated Notice of Resource Area Delineation, dated December 24, 2012 and an accompanying Plan entitled "Wetland Resource Area Plan, Sheet C1", dated December 12, 2012.

John Thomas Jr., Beals & Thomas was present to discuss the filed ANRAD. The Conservation Officer has performed stormwater inspections for years and states if any future development were to take place on this site there would be substantial improvement regarding the treatment of stormwater. The Conservation Officer agrees with Beals & Thomas that the wetlands have been accurately delineated. Of the two parcels at this location, Beals & Thomas has been contracted for the work only on 29 Research Drive. The wetlands were delineated in 2005 and after several studies, results have shown little change.

The Conservation Officer has prepared the Order of Resource Area Delineation that demonstrates that the site contains three separate Bordering Vegetated Wetland systems, one Isolated Vegetated Wetland that also contains one Potential Vernal Pool. No other jurisdictional resource areas are located on 29 Research Drive.

Chairman Koenigsberg made a motion to approve the Order of Resource Delineation for 29 Research Drive for DEP File 332-840, Member Buckalew seconded, unanimously voted.

7:20 PM - Discussion – Danis Estates, Conceptual Three-Lot Residential Sub-Division off Mt. Pleasant Street

Materials submitted as part of this application include a plan entitled "Danis Estates Open Space Subdivision Conceptual Plan", dated 10/18/12, plan entitled "Danis Estates Construction Waiver Subdivision Conceptual Plan", dated 10/18/12 and a plan entitled "Danis Estates Conventional Subdivision Conceptual Plan", dated 10/18/12 with revisions through 10/31/12.

Andrew Liston and James Tetreault from Thompson & Liston, as well as, Joe Jenkins, Esq. were present on behalf of the Applicant. After several Planning Board discussions, Mr. Tetreault is presenting the proposed Plans to the Conservation Commission so that they may write a letter of advisement to the Planning Board. The Conservation Officer notified Thompson & Liston of this requirement pursuant to the local Wetland Bylaw Regulations. The project is on the easterly side of Mt. Pleasant Street and consists of 3 lots on a total of 28 acres that are along the boundaries of the Old Connecticut Path and Old Meetinghouse Road subdivisions. In 2004 an ANRAD was filed and issued by the Conservation Commission.

The Conservation Office suggested to the Commission that a letter of recommendation be submitted to the Planning Board favoring the Plan entitled "Danis Estates Construction

Waivers Subdivision Conceptual Plan", dated 10/18/12 and revised 10/31/12. This Plan allows for greater flexibility from the Westborough Subdivision Rules and Regulations, would possibly eliminate any Bordering Vegetated Wetland fill, and would not congregate these small lots (up to 15, 000 square feet) adjacent to wetland resource areas especially when served by onsite septic systems. The Conservation Officer also will recommend no sidewalks on Danis Way because it is proposed to be a private way and moreover there are no sidewalks on Mt. Pleasant Street. This will allot an additional 5' near the wetland resource areas. The Conservation Officer's letter will recommend that the lawn areas as shown on the preferred Plan be reduced in order to preserve as much existing woodland as possible. In addition, the Conservation Officer suggested that the Applicant speak with the adjacent subdivision owners to determine if a possible linkage to their open space parcels is in fact legally viable.

Member Buckalew made a motion to have the Conservation Officer write a letter favoring the Construction Waiver Sub-division Conceptual Plan to the Planning Board for their next scheduled hearing, Member Lundberg seconded, unanimously voted.

7:30PM - Discussion – 346 Turnpike Road, Comprehensive Permit

The Conservation Officer presented an update regarding the current Comprehensive Permit Application filed with the Zoning Board of Appeals. Because the Town does not see many Comprehensive Permits, it is important to note that the local Wetlands Bylaw and Regulations are in fact not applicable during these types of permit proceedings. But in reality, because this site was issued an Order of Conditions in 2004 and the trees have been cut to that previously approved limit of work, this activity qualifies as lawfully Existing under the Regulation definitions. In addition, the Planning Board issued an Earth Moving Special Permit in 2005 which also has been exercised and closed out.

The new plan does not change the previously approved limit of work boundary, does not increase impervious area, does eliminate the need for the 340 square foot Bordering Vegetated Wetland fill, treats stormwater runoff from Rte. 9 in accordance with Mass DOT permits, stormwater will meet DEP's most current stormwater standards, and the previously planted shrubs as part of the Riverfront restoration pursuant to the 2004 Order of Conditions will not be infringed upon.

The Conservation Officer will write a letter to the Zoning Board of Appeals explaining the relevant history and provide commentary on the newly submitted plan. A new Notice of Intent submitted solely under the Wetlands Protection Act will be submitted in the very near future.

7:40PM - Discussion – Annual Town Report

A draft copy was emailed to all Members to review prior to the meeting, no additional edits were made and a vote was taken to accept the draft as written.

Chairman Koenigsberg made a motion to approve the Annual Town Report as written, Member Donley seconded, unanimously voted.

7:50PM- Discussion – 2nd January Meeting to discuss Commission Goals

The Commission will hold a second meeting this month to review the Commission Goals, set for January 22, 2013, Room 23, 6:30. A reminder along with the Commission Goals will be sent via email to the Members.

Other Business:

The Conservation Officer provided an Issue Update dated January 4, 2013 to review items associated with the Commissions January 8, 2013 Meeting.

Member Buckalew made a motion to approve the meeting minutes of November 13, 2012, Member Cushing seconded, unanimously voted.

Member Buckalew made a motion to approve the meeting minutes of December 11, 2012, Member Kimball seconded, unanimously voted.

Member Kessler made a motion to approve the minutes from the Property Inventory Subcommittee meetings of August 22, 2012, October 3, 2012, October 17, 2012, November 7, 2012 and December 19, 2012, Member Buckalew seconded, unanimously voted.

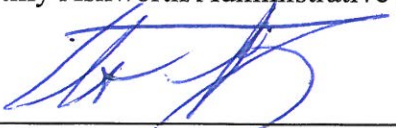
The Land Stewardship Committee is looking to acquire a new member, the next meeting is scheduled for January 16, 2013 at 7:00pm in Room 24, Chairman Koenigsberg will attend.

Chairman Koenigsberg asked the Conservation Officer to reschedule the Site Walk with the Selectman soon.

Chairman Koenigsberg will reach out to Town Counsel asking for written confirmation regarding the Bylaw question the Commission has reviewed repeatedly.

Member Lundberg made a motion to adjourn the meeting, Member Kessler seconded, unanimously voted.

Respectfully Submitted,
Destiny Ashworth/Administrative Assistant



Andrew Koenigsberg
Chairman Conservation Commission