



TOWN OF WESTBOROUGH
MASSACHUSETTS
Conservation Commission

Forbes Municipal Building
45 West Main St.
Westborough, MA 01581
(508) 366-3014

DATE: August 3, 2016

RE: Minutes of Meeting of July 12, 2016

Members Present: Chairman Koenigsberg, Member Buckalew, Member Cushing, Member Kelley

Absent Members: Member Donley, Member Lundberg, Member Kessler

7:00pm – Discussion- Enforcement Order and mitigation/restoration plan for 29 Research Drive and 300 Friberg Parkway.

Randy Miron from Bohler Engineering presented the Commission with a plan displaying the area that was cleared of all vegetation at 29 Research and 300 Friberg Parkway. Mr. Miron stated that the property owner is going to place erosion control along the wetland on both properties and they will be placing a mix of trees that resemble what was taken down.

Member Koenigsberg asked Mr. Miron why the language on the plans submitted to the Commission had language about construction, side preparation, finished grading and top soils. Mr. Miron stated that they have a new plan for the Commission without those statements.

Member Koenigsberg asked about the different labels of the trees from the plan Mr. Miron stated that there's only 4 types of trees being placed in the area and they will be about 3in diameter.

Member Koenigsberg asked about soils and site stabilization before the work. Mr. Miron stated that they have spoken with the property owners about erosion control. Mr. Miron stated they will not be hydro seeding the site before they plant trees. Although, straw wattles will be placed as soon as possible.

The Commission decided that this planting should take place no later than September 1st.

Member Buckalew asked about survival rate of the new plantings, the Conservation Officer stated that there is a clause in the Plans about survival rate.

Member Buckalew asked about invasive species management as well considering there is now an open and disturbed area. The Conservation Officer will monitor the areas.

Member Buckalew motioned to approve the Planting and Soil Erosion & Sediment Control Plans, Sheets 1-3 for Ferris Development Group, LLC. All work to be located upon both 29 Research Drive and 300 Friberg Parkway seconded by Member Kelley motion passes 4-0.

Member Buckalew motioned to put on the record that the Conservation Commission is not bounded by any private agreements or easements as they may pertain to any future wetland filings or the necessity to request Waivers from the local Wetland Bylaw Regulations for any work associated with the proposed driveway/roadway over 29 Research Drive and 300 Friberg Parkway. The Commission also requests that in the event a wetland filing is submitted for this potential future project that a letter be submitted to the Commission from the owner of Friberg Parkway allowing this driveway/roadway the right to connect and utilize Friberg Parkway as part of the application seconded by Member Kelley motion passes 4-0.

7:15pm – Hearing – Abbreviated Notice of Resource Area Delineation – Five Tech, LLC c/o Carruth Capital located at 5 Technology Drive.

Member Koenigsberg read the legal ad for Five Tech, LLC c/o Carruth Capital located at 5 Technology Drive.

Stacy Minihane from Beals and Thomas, Inc. presented the Commission with a map showing 5 Technology Drive displaying the wetland and vernal pool. Mrs. Minihane is looking for the Commission to approve the proposed wetlands as flagged on the submitted plan. This will allow the applicant to access what could be built on the property. Mrs. Minihane asked that the Commission exclude floodplain for this ANRAD. The entire property was not delineated.

Member Cushing asked about elevations on site Mrs. Minihane stated the lowest elevation is 436. Mrs. Minihane stated that they also outlined the setbacks to vernal pool Member Koenigsberg asked where the vernal pool was on the Plan Mrs. Minihane showed him and explained why they didn't feel it was necessary to delineate the back side of the vernal pool.

The Conservation Officer talked about 9 Technology Drive's stormwater and then Technology Drive's stormwater he added that there are drainage easements and if a future project is approved then the drainage should be fully addressed and cleaned.

Member Buckalew Motioned to issue an Order of Resource Area Delineation for DEP File# 332-872 to Five Tech, LLC c/o Carruth Capital confirming that the wetland resource areas have been accurately delineated at 5 Technology Drive seconded by Member Kelley motion passes 5-0.

Attorney Brian Charville from Ferris Development asked if he could address the Commission regarding the second motion that the Commission voted upon for the Enforcement Orders. Attorney Charville stated that he was unhappy with the Commission adding the burden of getting a letter from the property owner to tie into Friberg Parkway.

Member Koenigsberg stated that the board does not want to hear an application when there are no approvals and that the board is in charge of making sure that all the parts are in place before hearing a NOI. Member Koenigsberg stated that this letter will be part of the application and the project will not be advertised unless submitted.

7:30pm – Vote – Chairman and Vice-Chairman

Member Buckalew motioned to nominate Member Koenigsberg as Chairman for the next two years seconded by Member Kelley motion passes 5-0.

Member Cushing motioned to nominate Member Buckalew as Vice-Chairman for the next two years seconded by Member Kelley motion passes 5-0.

7:35pm – Discussion – Mid-year review of the Conservation Officer's 2016 Goals

The Conservation Officer went over the progress of the goals that were set January 12, 2016 for the Conservation Officer and Administrative Assistant. So far this year the progress of closing out all open and or non-recorded DEP files is going well with only 54 left that need to be administratively closed.

The Conservation Officer stated that he has fostered a new relationship with MassDOT and Susan McArthur which has assisted in closing out numerous old recorded Orders of Conditions. In addition, MassDOT seems more willing to assist in addressing the numerous documented stormwater violations. Hopefully, this relationship will continue to strengthen.

The Conservation Officer talked about the Open Space Plan and specifically the new Arch Street subdivision. The Commission will be receiving an additional 15 acres of Open Space and the Conservation Officer has been working with the developers to create a separate ANR plan that only shows the open space parcel being conveyed to the Commission.

The Conservation Officer would like to start having regular meetings with Veolia water in order to do more for the Town and to comply with DEP regulations throughout the town. In addition, many of our Town well Zone 1 areas need to be surveyed with proper posting to educate the public about these critical resources.

The Conservation Officer discussed the survey work that we have been doing at the reservoir. He told the Commission that the bike trail section from East Main St. to Lyman St. has been cleared of trees.

The Conservation Officer stated that he would like to begin looking at changing the Aquifer Protection Bylaw and to eliminate Zone III and allow for a special permit instead of an absolute no for some uses. This would also bring the Bylaw in line with DEP's current model.

The Conservation Officer discussed that the stormwater program and how some of this work load has been shifted to the Administrative Assistant. The Conservation Officer also would like to entertain the possibility of restoring the 32 hour Administrative Assistant position. The current 19 hours is not adequate to serve the Commission's goals and workload. The Conservation Officer would like to ask the Commission if they would be in favor of assisting him and getting the Administrative Assistant more hours. The Commission was more that receptive to this idea and they discussed when and how to do so.

Member Kelley motioned to approve the Conservation Officer's 2016 mid-year of goals seconded by Member Buckalew, motion passes 4-0.

Member Koenigsberg discussed the memo titled Fireworks Display Planned for the 300th Anniversary Dated July 12, 2016. The Commission discussed the memo and the firework repercussions.

Member Koenigsberg stated that the Commission may have an opinion therefore suggesting this memo to the Board of selectman would be within their rights.

Member Cushing asked that we add this to be on the selectman's agenda soon.

Member Buckalew motioned to approve the memo to the Board of Selectmen regarding the Commission's concerns about fireworks on Lake Chauncy seconded by Member Cushing, motion passes 4-0.

Member Buckalew motioned to issue a Complete Certificate of Compliance for DEP File# 332-19 seconded by Member Kelley motion passes 4-0.

Member Buckalew motioned to issue an Administrative Certificate of Compliance's for the following unrecorded Order of Conditions associated with the following: DEP File# 332-301, 332-305, 332-311, 332-326, 332-332, 332-392, 332-424, 332-452, 332-480 seconded by Member Kelley motion passes 4-0.

Member Buckalew motioned to approve the meeting minutes of May 10, 2016 seconded by Member Kelley motion passes 4-0.

Member Kelley motioned to adjourn seconded by Member Cushing, motion passes 4-0.
Time of Adjournment_____8:46 pm_____

Respectfully Submitted,
Sheri Rullie, Administrative Assistant

Chairman Koenigsberg