TOWN OF WESTBOROUGH
MASSACHUSETTS
Conservation Commission

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

DATE: June 13, 2023
RE: Minutes of Meeting of May 9, 2023

Members Present: Chairman Koenigsberg, Member Buckalew, Member Cushing, Member Henry, Member Kessler, Member Kelley, Member Lundberg
Members Absent:
Conservation Staff Present: Jennifer Miller; Conservation Director

Administrative Items & Updates
Bylaw & Regulation Codification: Schedule Bylaw Revision Hearing

Director Miller and Chairman Koenigsberg reviewed progress made at work group sessions. The Commission voted to schedule the Bylaw review hearing for Tuesday, June 6th at 7:00pm.

DPW Stormwater Bylaw & Regulation: Update

Director Miller reviewed email from DPW outlining review timeline and requested comment windows.

Discussion & Vote: Accept Care & Custody of Open Space Parcels at 0 Harvest Way

This item was tabled to the June 13, 2023 hearing as conditions required in the Site Plan Approval stating that trails on the gifted parcels will be constructed prior to the conveyance of the parcels has not yet been satisfied.

Approval of Minutes: April 11th & April 25th, 2023

There were no comments on the minutes. Chairman Koenigsberg signed them.

Public Hearings and Meetings
Certificate of Compliance Request, File #332-790 (238 Turnpike Rd, Assessor ID 26-42-0)

Member Buckalew made a motion to issue a Certificate of Compliance to the Westborough Wastewater Treatment Plant Board for work completed under the Order of Conditions File #332-790 located at 238 Turnpike Road Assessor ID 26-42-0. Member Kelley seconded the motion and it passed with a 7-0 vote.

Continued Hearing, NOI File #332-932 (245 Turnpike Road, Assessor ID 26-43A-0)

Member Buckalew made a motion to continue the Notice of Intent hearing for Ron DiVencenzo for work located at 245 Turnpike Road, at the Applicant's request to the June 13, 2023 meeting. Member Henry seconded the motion and it passed with a 7-0 vote.

Continued Hearing, NOI File #332-0937 (165 Flanders Rd, Assessor ID 31-7-0)

Member Buckalew made a motion to continue the Notice of Intent hearing for Robert Schuler for work located at 165 Flanders Road, at the Applicant's request to the June 13, 2023 hearing. Member Kelley seconded the motion and it passed with a 7-0.

New Hearing, RDA File #208 (Various Locations)

Chairman Koenigsberg read the legal advertisement for this project.

Derek Saari from the Town of Westborough DPW was present to represent the project.

Member Kessler asked if the Commission would want to approve the DOA for one year and revisit next year for evaluation. Member Buckalew added that this may not be feasible as the DPW plans their work out one year in advanced. Member Kessler asked if the Commission could revoke the permit if necessary. Director Miller answered that the condition exists in the stormwater-related DOA, and it can be added to this one as well. Member Kelley stated that she thinks this condition should be added to all of the permits the Commission issues. Member Lundberg expressed concerns with the legality of pulling a permit due to a violation, and if a violation occurs, a Notice of Violation or Enforcement Order should be issued separately.

Member Buckalew made a motion to close the Request for Determination of Applicability hearing under both the Wetlands Protection Act and the Westborough Wetlands Protection Bylaw for RDA File 208 and issue a Negative #2, #3, & #6 Determinations with Special Conditions 1-2 to the Town of Westborough DPW for work at various locations across town. Member Henry seconded the motion and it passed with a 7-0 vote.

New Hearing, RDA File #209 (Various Locations)

Chairman Koenigsberg read the legal advertisement for this project.

Derek Saari from the Town of Westborough DPW was present to represent the project.

Director Miller explained that the DPW submitted to the Department a list areas that are frequented by the DPW for beaver debris removal. She and the Conservation Assistant visited a few sites on the list and for the most part the areas contained culverts with an understandable need for intervention but there were a few areas that did not appear to have beaver activity or need management.

Saari elaborated that 12 Baker Way has always had issues and residents in this area frequently call the Conservation Department due to high water levels. Member Kessler explained that he understands the need for removal at road or culvert crossings and asked how the DOA would be applied at this site where there is not a specific location is called out. Saari answered that the DPW focuses on the specific channel. Member Kessler asked if the language in the DOA allows for this activity. Director Miller answered that it covers up gradient & down gradient of crossings/culverts or locations defined on the attached list by 25'. Member Kessler explained that he is still not sure how this site would be covered under the DOA as 12 Baker Way is a lot. Member Cushing asked if the work here is routine or is only done as a response to a call or complaint. Saari answered that the DPW is constantly monitoring the locations on the list as pre-flood mitigation and work has been done as needed based on what has been observed.

Saari continued with the list by stating the Assabet River crossing at Route 9 has backed up in the past and the DPW has received property owner permission to clear this out before. Director Miller explained that this area was questioned because the area is not a culvert and there is not favorable beaver habitat in this area; it is mainly grassy vegetation like phragmites. Saari raised that this location could have issues due to issues encountered in the past.

Member Kessler asked what the protocol would be if a site is not on the attached list but required attention. Saari answered that he would contact the Conservation Director. Member Kessler added that this may require additional administrative work depending on the intensity of the work. He added that if entering private property was required to access any of the locations, the property owner should be notified. Saari answered that the DPW has long-standing relationships with the neighboring property owners and they have never had an issue on any of the sites. Member Lundberg brought to the Commission's attention the verbiage that explains additional sites can be reviewed at the discretion of the Conservation Director.

Wetlands Protection Act and the Westborough Wetlands Protection Bylaw for RDA File 209 and issue a Negative #2, #3, & #6 Determinations with attached Special Conditions & sector maps to the Town of Westborough DPW for work at various locations across town as revised on May 9, 2023. Member Henry seconded the motion and it passed with a 7-0 vote.

New Hearing, RDA File #210 (Various Locations)

Chairman Koenigsberg read the legal advertisement for this project.

Derek Saari from the Town of Westborough DPW was present to represent the project.

Director Miller reminded the Commission about site visits between the DPW and Conservation Department from early April which were to help iron out any discrepancies. Director Miller asked if the condition to revoke the permit should be removed from the Special Conditions. Chairman Koenigsberg answered that it may not be necessary to include based off of previous discussion.

Director Miller presented all three of the categories outlined in the DOA to the Commission.

Member Kessler asked if any of the categories are not to supersede state or federal laws. He feels that all of the categories should comply with state and federal regulation. Director Miller added this condition to the general conditions for the 3 categories.

The Commission showed confusion on the magnitude of work with category 2 & 3, and if old and new work is differentiated in the permit. Member Buckalew asked for clarification on the difference between the two categories. Director Miller explained that 2 covers maintenance that does not include earthwork or soil disturbance. Director Miller also explained that the categories are more tailored toward scope of work, and not location of work.

Member Cushing stated that though there may be points of confusion between the categories in the beginning, the communication between the two departments seems to be getting much better and this will continue. He further stated that it is unrealistic to try and cover every project in one permit and they will get ironed out over time. Member Buckalew explained his concerns of the DPW's inherited projects of failing infrastructure that they maintain, when in reality the infrastructure needs to be repaired or replaced rather than maintained. Member Kessler still felt that category 1 & 2 needed further differentiation. Member Kelley explained that there will be a grey area no matter what between the two. Director Miller explained that her intention is that the Commission trusts her to make discretionary decisions on if a project is covered under the DOA or not. Member Lundberg explained that this is already done by the Conservation Director for building permits and other incoming permits, and does not see a difference between that and this DOA.

Wetlands Protection Act and the Westborough Wetlands Protection Bylaw for RDA File 210 and issue a Negative #2, #3, & #6 Determinations with Special Conditions 1-2 to the Town of Westborough DPW for work at various locations across town. Member Henry seconded the motion and it passed with a 7-0 vote.

<u>New Hearing, Amendment File #332-0915 (West Park Drive Ext., Assessor IDs 29/30-107B/1,3,4,49,50)</u>

Chairman Koenigsberg read the legal advertisement for this project.

Daniel Feeney from Beals & Thomas Inc. was present to represent the project. The proposed plans[1] and changes were presented.

Member Buckalew made a motion to close the Request to Amend the Order of Conditions hearing under both the Wetlands Protection Act and Westborough Wetlands Protection Bylaw for DEP File #332-915 and issue an Amended Order of Conditions with Special Conditions 1-26 to 2100 West Park LLC for work located at 200, 2100, 2200, & 2300 West Park Drive and 118 & 134 Flanders Road, Assessor IDs 30-49-0, 30-50-0, 30-3-0, 30-1-0, 29-107B-0, & 30-4-0 respectively. Member Henry seconded the motion and it passed with a 7-0 vote.

<u>Discussion, De Minimis Changes File #332-0929 (54 Otis St., Assessor ID 25-1-0)</u>

Will Park from SMMA and Grady Capobianco from Atlantic Management were present to represent the project. The proposed plans[2] and changes were presented. The changes will result in a net decrease of impervious surface by 40 s.f. across the site. The Engineering Department in November noted that the changes to the stormwater system will be negligible. The Planning Board in December approved the changes as a De Minimis change to the existing Site Plan Approval.

Member Buckalew made a motion to approve the De Minimis change request for DEP File #332-929 to Atlantic-Westboro Realty, LLC (c/o Atlantic Management Corporation) for work located at 54 Otis Street, Assessor ID 25-1-0. Member Kelley seconded the motion and it passed with a 7-0 vote.

Other Business/Pending Matters *cont.*
Resident Project: Pollinator Garden @ Bowman Conservation Area

Rupali Srivastava, resident, was present to represent the project. Srivastava explained that she is constantly walking at Bowman Conservation Area and noticed that the entrance constantly gets overgrown with weeds and grasses, and she felt that this location would be beneficial for a pollinator community project. Srivastava and her children would be responsible for stewarding the garden. If there is success and interest, the goal is to create more garden patches. Srivastava met with the Conservation Assistant and Member Kessler to discuss location and species type that would make for a successful pollinator garden.

Chairman Koenigsberg was concerned about the future use of the area and if the intention is for the garden to be self-sustaining. Srivastava explained that she is not intending to leave Westborough, and the intent is for her daughters to create a resident/student club with a local science teacher which would be carried forward by the teacher. Director Miller added that the area is mowed grass/turf currently, and hopefully the area would seed and become stable operation as a small meadow garden. She continued by saying the DPW has agreed to scrape up the grass in this area, then making them aware of this project so they know to not mow it over.

Member Buckalew made a motion to approve the pollinator garden installation project at Bowman Conservation Area under the supervision of the Conservation Director. Member Henry seconded the motion and it passed with a 7-0 vote.

Conservation Department Updates

Director Miller updated the commission on the Bowman Bridge project. She explained that the bridge is going to be lowered to become ADA compliant, the path will be asphalted with grade changes to be ADA compliant, and the ADA parking spot will be revived and striped. This work will be starting next week and signs will be put out notifying residents of intermittent trail closure in this area. Chairman Koenigsberg asked if the bridge that was installed is ADA compliant. Director Miller said no, that the deck needs to be straight rather than arched, and the handrails need adjusting. Chairman Koenigsberg asked what the effort is to make these adjustments. Director Miller answered that the bridge framework is structurally sturdy and sound, so that will remain and the floorboards will be modified around it.

Director Miller updated the Commission on the 0 Ruggles property. She reached out to WCLT to ask for assistance with constructing the trail on the property, and has reached out to Minuteman Press to start creating signage for this property. These are the final outstanding items for the LAND Grant.

Director Miller updated the Commission on the Mill Pond 6th grade sign project. She explained that she walked the trails with Member Kessler to become more familiar with the trail system. She found that the trail junction points have their own posts and installing the students' signs to these posts would be the best idea.

Director Miller added that the Youth & Family Services Department has asked Conservation to participate in Mental Health Awareness Month. The Conservation Department agreed to lead a nature walk which will be co-led by the two departments at one of our conservation areas.

Committee Updates

N/A

Other Business

N/A

Adjourn

Member Kessler made a motion to adjourn the meeting. Member Buckalew seconded the motion and it passed with a 7-0 vote.

The meeting was adjourned at 9:04 PM.

Respectfully Submitted,
Leah Grigorov, Conservation Assistant

Chairman Koenigsberg

Materials submitted for and referenced in this meeting:

1. **"Amended Definitive Plan West Park Drive Extension Westborough, Massachusetts (Worcester County)" with final revisions dated April 24, 2023, & "Post-Development Conditions Hydrologic Areas Map Figure Number 002" with final revisions dated April 24, 2023.**
2. **"Layout and Materials Plan" sheet C-121 with final revisions dated November 17, 2022.**