

**CITY OF FITCHBURG
CONSERVATION COMMISSION**

Feb 08 2024 12:21 pm

**MEETING MINUTES
WEDNESDAY, JANUARY 3, 2024**

NOTE: This was a Hybrid meeting in the Legislative Building, 700 Main St.
Unless otherwise noted, persons listed below were in person.

To view the full video of the meeting please visit: [FATV link to Conservation Commission meeting](#)

COMMISSIONERS IN ATTENDANCE: Tracey Sarefield, Mike Donnelly, Joyce Jacobs, Mark Christian, Sean-Michael Tantinawat, (5)

STAFF IN ATTENDANCE: Nick Erickson, Herlin Jaime

CALL TO ORDER: Meeting called to order at 6:04 p.m. in the Legislative Building, 700 Main St. Ms. Sarefield read an introduction stating the mission statement of the Commission, the role & responsibilities of the Conservation Commission and offered suggestions on participating remotely.

PUBLIC HEARINGS:

Modification of Order of Conditions- Final Touch Contractor, Inc, DEP 155-689 122 Old Princeton Rd
Hearing opened.

Present: William Hannigan (Hannigan Engineering, Inc.)

Scope of work with erosion control is basically the same as the plan approved years prior. There is an addition of a trail through the property to navigate around the drainage system. As well as a new outfall for the drainage system, the previous location was not practical. This plan reduces the impervious area and upgrades to the drainage system to abide current storm water management standards by DEP and City Ordinance. The previous plan had a lot of unnecessary pavement that was eliminated and resulting in less impervious area.

Erosion control in the current plan peaks out in the Northeast corner of the property for the outfall of the detention drainage system. A discharge pipe is proposed in this corner with rip wrap that goes to the flood plain at existing grade. They needed to extend the NE corner in order to do the work at existing grade with no fill.

Public Comment: None

Department Comment: None

Commission Comment:

Joyce: Are these rentals or condos? Mr. Hannigan did not know, they are individual units but he didn't know if the owner was going to rent or sell. Reason for Joyce asking is because there is a sub-drain that needs to be closed during tropical storm events, and she would like to know who would be responsible for this. The intent is the manager of the property, assigned by the property owner, would be responsible for this. However, the basin is fully functional without the drain being opened. The drainage system is not reliant on the sub-drain system as part of peak rate and ground water recharge feature.

Mike: There's about a 10 foot difference between the highest elevation (near the street) and edge of the wetlands. Have any test wells been done to find a water table? No. Mike is worried that they will find they are unable to build on the elevation it currently holds and bring in a large amount of fill to elevate those structures due to wet basements. There are foundation drains connected to perimeter drains that go below the detention basin.

Tracey: Is there a dewatering plan for the construction period? The plan is to not get into the ground water, even basements are at grade or just a little below. Nick has not had a chance to review. Mr. Hannigan stated that per the Water Department a new water main is going to be installed at Fifth Mass Turnpike to run to the property and provide a binder coat (22 feet wide) on Old Princeton Rd.

Hearing closed.

Motion made (Mike) & seconded (Joyce) to approve the amended Order of Conditions with conditions listed below.

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

Conditions:

Any changes to the plan need to be brought to the Commission before work is completed, also any conditions that were on the original OOC.

Notice of Intent- Oakhill Country Club Solar LLC, Oakhill Country Club, Shea St. (continued from 12/06/23)

Asked for a continuance. Peer review has been completed, they are awaiting the report to see if they need to make any changes to the plans.

Motion made (Joyce) & seconded (Mike) to continue to the February 7th meeting

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

Notice of Intent- City of Leominster, Water main replacement, Cross Country Main (continued from 12/06/23)

Hearing re-opened

Public Comment: None

Department Comment: None

Commission Comment: None

Hearing closed.

Motion made (Joyce) & seconded (Mike) to approve the Order of Conditions with standard conditions.

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

Notice of Intent- Aaron Seppala, Re-submittal- Construction of single family home, 182 Sheldon Road (continued from 12/06/23)

They have chosen an engineering firm, EcoTech, and they are awaiting a proposal.

Mike wanted to note that there was a Christmas party at 182 Sheldon Rd since they have been issued a Certificate of Occupancy already.

Motion made (Joyce) & seconded (Sean-Michael) to continue to February 7th meeting
Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantarawat: Aye
Vote 5-0 in favor.

Notice of Intent- Barkley Enterprises, LLC. Re-submittal- Construction of single family home, 196 Sheldon Road

It was recommended by Mass DEP and Wetlands Act to not open the hearing since they do not have a complete filing.

Mike Couture (528 Sheldon Rd)- Mr. Couture wanted to voice his disappointment in these two houses being approved to be built as close as they are. It has given the neighborhood a lot of water problems and has been a detriment to the esthetic of the neighborhood.

Mark visited the site the beginning of December and then again mid-December and there was water covering the entire road in mid-December. He has pictures, but wasn't sure if it should be discussed now or when the hearing is opened. Mike did state that the contractor was made aware of the flooding and they did state they would look into fixing it.

Notice of Intent- City of Fitchburg, City of Fitchburg CSO 032 045 083 Separation Rehabilitation Project (continued from 12/06/23)

Hearing re-opened

DEP had responded at 3 pm that afternoon, so Nick Erickson is asking for a continuance to February so he has time to review DEP comments and formally respond.

Motion made (Joyce) & seconded (Mike) to continue to February 7th meeting
Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantarawat: Aye
Vote 5-0 in favor.

Notice of Intent- Robert Lamoureux, Outdoor recreational facility, 299 Lunenburg Street
Hearing opened

Present: Justin Leclair (McCarty Engineering), Robert Lamoureux

Proposing to pulverize the existing pavement and repave the area as a parking field. There is an existing mound of material that will be removed and an 18 hole mini golf course will be constructed. A 1000 sq ft operating building is being proposed, it will be the customer service area of the golfcourse, and serve beer and ice cream. Outside the building there is a pavilion area that will include outdoor lawn games. Looking at a decrease of area that the Thunderbird Motel consumed. About 25,000 sq feet of previous impervious area will no longer will be used—20,000 sq ft being riverfront area. Area will be filled with pervious material and will improve the current storm water conditions.

DEP suggested additional features, such as infiltration trenches and vegetation filter strips to reduce peak flows. They are already reducing peak flows and they did consider this, but there are flood plain limits. They will be providing the flood plain storage as required, but no drastic changes to the grade.

Public Comment:

Unnamed woman: Wanted to know if a building was on their lot and whether it would be demolished. Unfortunately it will be staying.

Department Comment:

Nick Erickson: Sewer and water hook ups are existing and there isn't a lot of excavation required for this plan, so he didn't have many concerns. They are taking advantage of the current storm water system on site, which includes a few catch basins that collect runoff from impervious areas and tie into a Mass DOT drain line that discharges into the brook.

Commission Comment:

Mike: The 25,000 sq ft area reduction of impervious area, is that current condition or former condition? Former conditions from 2005. On the east side where parking will be, is that currently paved? Yes, it will be repaved. You can't logistically meet DEP's recommendation for flood plain storage? They are meeting requirements for flood plain storage, their comments were regarding storm water quality (LID's, BMP's, etc). The issue is the current parking lot is located is within the flood plain. If an infiltration trench is installed it is adding more flood plain storage but during the high rain events the LID feature that you're putting in becomes useless since it will be filled.

Mike: On the west side, you own the land to the brook and across the brook. Is it reasonable to ask for the pavement to be removed to allow for additional infiltration? It was not in the plans to remove the pavement because they may need it in the future for additional parking, especially with the hopes that the vacant building in the next lot can be obtained and demolished to extend their business offerings. Mike's concerns are the 10 feet of fill that was added to the area that has caused some water concern. During the recent rain events that area was dry.

Tracey: Would like more details on the planting and are they going to be able to withstand if the area does happen to flood. Mr. Lamoureux did work with a nursery to choose appropriate vegetation for our area that would also make it look more natural and last since it was a big investment.

Joyce: In the previous Order of Conditions for the Self-Storage unit, there was a riverfront restoration area that was to be reestablished with native species, is that still the plan today? In the previous plan there was a lot less vegetative land so they were planting by the riverfront to offset that. This plan includes many more plantings and there are no plans for the riverfront area at this time.

Hearing closed.

Motion made (Joyce) & seconded (Mike) to accept the plan as submitted with the conditions below.

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinawat: Aye

Vote 5-0 in favor.

Conditions:

Standard conditions plus a special condition of a storm water system be captured with CCTV inspected and reported back to engineering.

Joyce has recused herself from the meeting

Notice of Intent- Mad River Solar Holdings LLC, Ground Mounted Solar Array, 0 Ashburnham Street
Hearing opened

Present: Becky Koze (Convergent Energy and Power), Matt Bombaci (Bohler Engineering), Josh Farkes (Professional Electrical Contractors)

Convergent Energy and Power and Professional Electrical Contractors purchased the project in September 2023. Improved the storm water basins from what was previously proposed. Added grass swales, conveyance systems, and culverts. Reduced the fenced in area of the solar array, resulting in a reduced amount of clearing necessary. There is about 2 acres reduction in the area for the solar array, allowing more of a buffer in between residential lots.

Brand new drainage calculations were run and found a few areas that could use some improvements. The new calculations went beyond the property lines to the water shed areas that would drain to the basins and swales on the property. Catch basins were redesigned and will provide 126% more storage. Studies were completed on existing water drainage to track where water was currently flowing which was mainly to the wetlands, but also to the abutter's properties. Previous plans proposed a basin to have a piped outlet directing water to the abutters that they found to be a huge red flag. Instead they are proposing a series of swales and conveyances with check dams throughout the site and away from abutting properties to a culvert.

Public Comment:

Counselor Andrew Couture (64 Farmer Ave) - Considering the disaster that the project was he is happy to see they are cutting back, but he is still concerned about water. Water is already spilling onto Ashburnham St. Residents on Stickney Rd were told there would be a buffer zone but the prior contractor cut into the buffer zone, he would like to know if there is a restoration plan. Yes, there is a restoration plan in place to fix what was done, but most cannot be done until planting season. Counselor Couture also requests a third party review of the project.

Joyce Jacobs (recused and speaking as an abutter at 778 Ashburnham St) – The concerns about this project have always been the water, the runoff particularly. Disruptions from unplanned logging operations have confirmed those concerns with much more water coming off the hill. Ms. Jacobs would like the Commission to request an outside review of a drainage report (storm water management plan). She also suggests the plan to be reviewed to conditions in 2019 before the logging operation. Also requested is a green infrastructure element to be installed within the residential buffer and a plan to assist storm water management and control run off. This would include planting trees and shrubs, native grasses, wildflowers, etc. and would be a natural solution to run off mitigation.

Katherine Hoss (680 Ashburnham St) - She has been experiencing extreme water on her property and in her home the last 2 years. Her property has a lot of erosion damage from the previous project managers. She is pleased to see there are plans to remedy this, but she is scared to enter another winter under the current conditions.

Deborah Garcia (660 Ashburnham St) – Purchased her home August 2022 and the water intruding her basement has been horrible. There is now a stream at the bottom of her stone walls which now has erosion damage. She has had to dig a trench to avoid her backyard from becoming a swamp. The past rainstorm resulted in piles of mud on the street in front of her driveway and DPW had to clean the drains because they completely clogged with sediment from the runoff. She would like confirmation that these conditions will be resolved and before her driveway is damaged from erosion and she has to put money into it.

Department Comment:

Nick Erickson- Is pleased the Cornell precipitation data is being used vs. TP40 data that was used in the last analysis. It was brought to his attention that the solar panel location was not considered impervious area in the plans. This is typical, but they are impervious in a sense. He recommends Bohler use the approach that the area the panels are installed are impervious area, but the ground underneath be pervious. Mr. Erickson also suggests a performance bond requirement, so if there are problems after construction is done then the city can fix the problem.

Commission Comment:

Mark: Would like to know who the land owner is, since he has four pages of owners and names over the years and it is unclear who owns the land. Bohler leases the land and could not remember the land owner's name. Mark agrees with everyone that there should be a third-party review and with the 2019 baseline, but as a whole there should be a timeline in place since it has been ongoing for many years. He could not park to take pictures of the site because there was too much water rushing in. Construction is set to start in Spring.

Mike: States drainage infrastructure needs to be complete before installation of the panels. Mike would like to see firs, spruce, and maples planted since the area was considered a forest area before cutting. He is looking for some plantings with higher caliper and some lower to stagger the growth but offer immediate relief.

Sean-Michael did visit the site on the 18th of December and did take a video of Deborah's wall breaking apart and would like to know if there any relief to assist the residents with the damage made to their property? Ms. Koze stated they can certainly work with residents to offer some assistance.

Motion made (Mark) & seconded (Mike) to require a third-party review with the 2019 baseline.
Roll Call: Christian: Aye. Donnelly: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 4-0 in favor.

Motion made (Mark) & seconded (Mike) to require a performance bond with an amount to be determined after the third-party review.
Roll Call: Christian: Aye. Donnelly: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 4-0 in favor.

Hearing closed.

Motion made (Sean-Michael) & seconded (Mike) to continue to February 7th meeting.
Roll Call: Christian: Aye. Donnelly: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 4-0 in favor.

Joyce Jacobs rejoins the meeting.

OTHER BUSINESS:

UPDATES

Mark Christian recuses himself from the meeting

Woodland Estates- Parks & Rec Easement- Parks and Rec have voted to accept the Conservation easement. Mike mentions that it should be directed to Zoning since it was one of their requirements. Nick Erickson has reviewed the easement language and have provided feedback. There was some ponding around the culvert inlet during a December storm and Mr. Erickson is preparing an email to the property owner to ask if there will be additional work completed to avoid future ponding.

Joanne Hamburg stated the water dissipated very quickly after the storm and that the culvert did exactly what it was supposed to and rip wrap was installed. Their engineer did visit the site and is drafting a letter to the ZBA to let them know they have completed all the tasks they requested. Nick Erickson noticed some hay bales were installed before the inlet to stop some sediment from flowing into it, he wants to make sure when the work is completed there is no ponding at all.

FOREST CUTTING PLANS: None

VIOLATIONS & ENFORCEMENT ORDERS

Mark has rejoined the meeting

Violation Sub-Committee Outline- An Organizational and Procedures Outline has been submitted outlining the process for Violations and Enforcements taken by the Committee and Sub-Committee.

Motion made (Joyce) & seconded (Mike) to approve the outline of how violations would come before the Committee.

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

CERTIFICATES OF COMPLIANCE

155-422 277 Tibbett Circle (partial)- An old development that needed a Certificate of Compliance so 277 Tibbett can be sold.

Motion made (Joyce) & seconded (Mike) to approve a Certificate of Compliance for 277 Tibbett Circle
Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

155-726 299 Lunenburg Street, City Line, LLC- Have to eliminate the old Order of Conditions so they can issue the New Order of Conditions.

Motion made (Joyce) & seconded (Sean-Michael) to issue a Certificate of Compliance for the old OOC for 299 Lunenburg St
Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantinarawat: Aye
Vote 5-0 in favor.

EXTENSION PERMITS: None

EMERGENCY CERTIFICATIONS: None

MISCELLANEOUS

Would like business cards ordered for the Commission so when they need to go on site and speak with people they can be identified. A badge might be acceptable as well.

Abutters had spoken with Mike about a large area that had been excavated on lot for the new home being built on Sheldon Rd. Joyce believes it may have been dug for a septic system but it is filled with water, this is odd for its location on a hill. The property is out of Conservation Commission's jurisdiction.

NRWA- Riparian Restoration Opportunity- There is a lot of invasive species growing on River St that Mike would love to treat and try to get rid of. Marisa Browning-Kamins (NRWA) informed the Commission that the grant is restricted to manual invasive species removal. Mark notes that Knotweed cannot be eliminated by manual removal, so what should the focus be to get more bang for their buck. Marisa noted

buckthorn, bittersweet, Japanese barberry would be targeted if the grant was approved. This would include private and public property.

Mark would like to speak with Herlin and Marisa about areas that he would like to see part of this opportunity.

Unitil Cutting Request- Unitil used to come once a year to let them know their cutting plans, with covid that fell by the wayside. Communications should be starting again. Mr. Clapham stated he will submit cut plans to Herlin in advance to see if they have any objections.

Chris Moultroup (Manager of Forestry for Unitil) – Visited the proposed solar site on Ashburnham Rd and noticed the poor debris removal, happy to see it is now clean. 5 trees towards the back will be left and 10 Alpines are going to be removed via bucket truck. Mr. Moultroup does apologize for their contractors doing a poor job on cleanup. Joyce wanted him to know that the major problem was that the contractor left stumps and debris directly in the stream channel and clogging the drainage basins. Even the logs that were moved out of the stream were placed on a hill that could easily roll back into the stream.

Finance Report YR23- Revenue received from collecting fees, including public hearing notice fees. Joyce suggests that a flat rate of \$130 should be charged to the applicant in advance for the public hearing notice. This would ensure everyone would pay the fee without being chased.

Motion made (Joyce) & seconded (Mark) to charge a flat rate of \$130 upfront for public hearing notice fees.

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantarawat: Aye
Vote 5-0 in favor.

CORRESPONDENCE

Resident of Stickney Rd had a man-made pond on the property, but it was cut out by a farm. He is curious if it is possible for him to clean it out and make it swimmable. It is spring fed but there is also storm water that runs into the area. The resident was instructed to work with Herlin and it may be a Request of Determination filed so the Conservation can review where the water is coming from and analyze the situation.

MINUTES

3/01/23

Motion made (Joyce) & seconded (Mark) to approve 03/01/23 minutes

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantarawat: Aye
Vote 5-0 in favor.

12/06/23

Motion made (Joyce) & seconded (Sean-Michael) to approve 12/06/23 minutes

Roll Call: Christian: Aye. Donnelly: Aye Jacobs: Aye. Ms. Sarefield: Aye Mr. Tantarawat: Aye
Vote 5-0 in favor.

It was discussed in length how amazing Melissa Richard is.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned 8:45 pm

Next regular meeting: Wednesday, February 7, 2024