

**CITY OF FITCHBURG
CONSERVATION COMMISSION**

**MEETING MINUTES
TUESDAY, JANUARY 31, 2017**

COMMISSIONERS IN ATTENDANCE: Tracey Sarefield, chair, Dennis DeGara, Mike Donnelly, Harry Karis, John Koutonen, David Streb, John Cordio (assoc. member) (7)

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:07 p.m. at Fitchburg Fire Headquarters, Community Room, 33 North St.

Ms. Sarefield read an introduction stating the mission statement of the Commission, and the role & responsibilities of the Conservation Commission and the eight interests of the Wetlands Protection Act.

She asked that receipts of abutter's notices for tonight's hearing be submitted. Return receipts for the first three hearings were submitted.

Minutes

Minutes of the Dec. 8th Game On meeting were read aloud.

PUBLIC HEARINGS

Notice of Intent - Fitchburg Sports Complex Property Management, LLC, off Westminster Hill Road
(Re-hearing due to inadequate notice of 12/8/16 hearing)

Ms. Sarefield read the hearing notice for the Notice of Intent submitted by Fitchburg Sports Complex Property Management, LLC.

Present for applicant: Steve Marsden, property owner, Peter Sangamano, Game On, Greg Roy, P.E., Ducharme & Dillis, Maryanne DiPinto, Three Oaks Environmental, Atty. Tom Bovenzi.

Ms. Sarefield re-capped the December 10th site walk on the site of the proposed Game On site, which was not a public meeting.

Ms. Sarefield invited the applicant's engineer Greg Roy to give presentation.

Greg Roy, briefly recapped the applicant's PowerPoint presentation

He reviewed the application process so far, & existing site conditions & resource area locations on the site. Layout plan reviewed: Building will be 100,000 sq. ft. with four indoor playing surfaces. Ten outdoor playing fields, two of them (9 & 10) are natural grass, 8 Turf fields.

260 sq. ft. of wetlands filling to widen a portion of Westminster Hill Rd. There will be wetland replication at 3:1 ratio. Plant list was described. Replication to be done in accordance with Mass DEP standards for wetlands replication

Slopes 2:1 or shallower will be vegetated. Loam & seed and erosion control blanket w/ intermittent straw wattles.

Infiltration basins will be placed in areas that have been filled with Class A & B soils. Infiltration basins will be above existing grade in well-draining soils.

Third party peer review letter received from Weston & Sampson rec'd that afternoon briefly reviewed.

Comment letter from NRWA dated 1/31/17 reviewed.

Ms. Sarefield asked if there was anyone who wanted to speak in favor of the application:
Pat Lawlor, Chamber of Commerce, 860 South St. was in favor.

Ms. Sarefield asked if there was anyone who was opposed to the proposed project, or wanted more information:

Joseph Fournier, 1264 Westminster Hill Rd. – His pump in cellar is currently running now, is concerned that project will worsen his flooding problem.

Paul Gagne, 245 Central Ave. – Concerned with effect on streams downgradient of site. His stream has brook trout, shown in 1996 survey by Mass Fisheries & Wildlife. He's afraid his spring will be affected by the project's clearing & digging & blasting.

Kim Handler, 1296 Westminster Hill Rd. What guarantee is there that erosion control measure will work?
G. Roy: There will be a SWPPP filed for project; it has an O&M plan.

Tim Smith: The project is subject to several regulations: local & state wetland ordinances, federal regulations. The SWPPP requires an inspection of stormwater mgmt. system after a rainfall of ½ or more inches and to document findings.

Roger Diedrich, 1297 Westminster Hill Rd. – Not enough study has been done on the effect on offsite streams. Someone needs to be concerned about effects offsite.

G. Roy: They can't control what they don't own off-site, but their stormwater design is to not increase rate of runoff off the site.

G. Roy: After hearing Mr. Donnelly's concerns about the slope adjacent to fields 9 & 10, plan has been revised to a 1.5: 1 slope, with rip-rap on the steeper slope, to pull the disturbed area back from the abutter's property and the buffer zone.

Cassandra Cushing, 150 Victoria Lane: What about the perennial stream mentioned in Mass DEP's comment letter?

Martha Morgan, Nashua R. Watershed Assoc. – Perennial streams should be afforded a higher level of protection.

Greg: StreamStats analysis shows that drainage area is not large enough to be perennial.
Commission agreed to have that issue reviewed by Weston & Sampson.

Martha Morgan, NRWA - Will there be a natural bottom culvert under Westminster Hill Rd.?

Greg: Yes, in two places.

Mr. Fournier – Concerned with drainage off the proposed fields behind him.

Greg Roy: That is one of their drainage design points. The project will not increase the rate of runoff compared to the existing rate.

Mr. Streb suggested continuing hearing to the Commission's next regular meeting Feb 28th.

Atty. Tom Bovenzi requested that the Commission schedule a meeting sooner than a month from now.

Mr. Donnelly: Re: the revised slope next to fields 9 & 10 – he had wanted a natural slope, not rip-rap. The worst slope treatment possible would be rip-rap. It is not appropriate to the area. He had wanted a root system to take & hold down the banking. Could it be vegetated w/ junipers?

Mr. Koutonen asked for a construction schedule. He feels Commission should require a site restoration bond, in case developer doesn't finish project.

Mr. Streb: Does infiltration underneath fields eventually feeds streams? Yes.

Greg Roy: They have done some additional soil borings. Ledge is deeper than they had thought.

Motion made & seconded to continue hearing to Thursday, February 16th at 6:00 p.m. Meeting space TBD, but will see if Community Room at Fire is available.

Vote in favor.

Notice of Intent - Gionet, 479 South St., mixed-use development in buffer zone

Mark Gionet and Chris Anderson, Hannigan Engineering present.

Ms. Sarefield read the hearing notice. This was a re-hearing on an NOI submitted several months ago.

Not all abutters were properly notified of the initial public hearing.

Chris gave overview of the project, and changes to the plan since last reviewed by the Commission.

The size of the office building has been decreased, the location of the building and parking area has been switched. The density of the apartment building had been reduced to 20 units. The buildings are outside of the wetlands buffer, the stormwater basin is in the buffer zone. The closest disturbance to the wetlands is about the same, approx. 20 feet.

The Planning Board has approved a Special Permit for the development

Ms. Sarefield asked if there was anyone who wanted to speak in favor of the application: None

Ms. Sarefield asked if there was anyone who was opposed to the proposed project, or wanted more information:

Beth Holland, 21 Norval Ave. was concerned in general with effect of the project on the area (traffic, noise, etc.).

Mr. Donnelly: The Commission has done a site walk and is reasonably satisfied with the plan.

Tim Corbett, 21 Norval Ave. asked about subsurface on the site. Any test borings done? Not yet.

Chris: Site has been designed w/ the slope of the land in mind. Most of the ledge is on the rear untouched portion of the parcel.

Mark Gionet: Both buildings will be on slab. Water & sewer connections will be installed on the lower side of the parcel.

Ms. Sarefield asked if there were questions from the Commission. Mr. Koutonen suggested that the applicant have a forester look the rear of parcel to thin out the growth and improve the health of the forest. Newer growth should be encouraged.

Q: When plan on starting project? Mark: As soon as possible

Q: Elevation of bottom of the stormwater basin? 580 feet. Contour of edge of nearest Wetland? 578 feet.

Tim: Good, because then the stormwater basin will feed the wetland.

Tim suggested requiring a pre-construction meeting with the contractor, engineer and representative of the Commission to go over the site, limit of work, and OOC conditions. Commission agreed.

Motion made & seconded to close hearing. Vote in favor.

Motion made & seconded to approve OOC with discussed special conditions. Vote 7-0 in favor.

Notice of Intent - Radewitz, 20 Damon Rd., septic repair

Chris Anderson, Hannigan Engineering presented plan. Septic is failing, the new system is proposed on right side of parcel, within the Riverfront Area and wetlands buffer. Will need waiver of setbacks in Wetlands Regs.

Q: Why can't new system be on opposite side of house, outside of buffer zone?

Chris: They tried, but could not get a perc there. Prior to meeting, Health Director had confirmed by phone that perc had failed on that side.

Area is listed on Natural Heritage Program maps as priority habitat. Letter dated 1/31/17 from Mass Fisheries & Wildlife stated that the proposed work would not adversely affect the habitat area. Project is also exempt from Mass. Endangered Species Act review.

Ms. Sarefield asked if there was anyone who wanted to speak in favor of the application: None

Ms. Sarefield asked if there was anyone who was opposed to the proposed project, or wanted more information: None.

Motion made & seconded to close hearing. Vote in favor.

Motion made (Mr. Donnelly) & seconded (Mr. Karis) to issue Order of Conditions with boilerplate conditions and condition that Bd. of Health document that the portion of the parcel outside of the buffer zone is unsuitable for septic. Vote in favor.

Notice of Intent - Durling, 900 Fisher Rd., new single family dwelling

Chris McKenzie, Whitman & Bingham presented plan.

Return receipts for the abutter's notices were submitted. Driveway, house & septic proposed on a 7+ acre lot. Portion of driveway will be in buffer zone. Building is just 50 feet from wetland boundary.

The closest area of grading around house will be approx. 40 feet away from wetland. Wetland is actually upgradient of the buffer zone.

Discussion about whether house could be located outside of buffer zone altogether.

Chris: That's the high point of a cleared area, owner would like dwelling at that location, with room to add onto the side further away from wetlands.

Mr. Donnelly concerned with potential future encroachment by homeowner to expand yard, etc.

Mr. Koutonen: Possible to place deed restriction: Any further expansion to dwelling shall be to the east side, opposite the wetland.

Agreed: Have Tim take a look in field with Chris. Hearing continued to Feb. 16.

OTHER BUSINESS:

Proposed Falulah Brook trail near McKay School

Stacey Chilcoat, NRWA present to discuss project to encourage students to use trail from McKay along Faluluah Brook. It will involve a bridging a wet area w/ donated materials. Property along brook is owned by Fitchburg State, DCAM & Conservation Commission. Commission in favor of project. Will need to submit a Request for Determination of Applicability. Commission agreed no NOI needed.

Certificates of Compliance:

#155-537, Seney, 1108 Ashby State Rd.

Chris McKenzie had submitted request for Certificate of Compliance, accompanied by a P.E.'s certification that work was done in accordance w/ plan with one exception: Due to ledge, the proposed settling basin off the end of the driveway was unable to be installed per plan. That area was excavated to a depth below the adjacent driveway & roadway and it prevents water runoff from entering the road. Motion made & seconded to issue Cert. of Compliance. Vote in favor.

Informal - Cumberland Farms, 550 Kimball St., redevelopment - waivers of setbacks in regs?

Chris Tymula, MHF Design. Mike Howard, Epsilon Assocs. and Atty. Tom Reidy present.

Chris went thru proposed design. They plan to file NOI for hearing in Feb. but wanted to get some feedback from Commission since several waivers of setbacks in local wetlands regs are needed:

- 50-foot "no build" area.
- 75-foot "no USTs" area.

Plan is to demolish former McDonald's & build new Cumberland Farms on site. Existing Cumberland's at 376 River St. will then close & move across street to that location. USTs & gas canopy to be removed at River St. site.

Impervious area decreases by 5,000 sq. ft. from existing. Will use deep sump hooded catchbasins. Clean roof runoff will be infiltrated to groundwater but unable to infiltrate rest of runoff due to fuel islands. Entire Kimball St. site is in 100-year floodplain, also Riverfront Area, except a small wedge near intersection. Since they need to not decrease flood storage capacity, need to raise building pad to one foot above flood elevation. Proposed floor level will be 6 inches above present level. To compensate for flood storage, they need to clear & regrade portion of rear of site & cut into tree line. The area will be re-graded & levelled, loamed & seeded with a wetland mix. Closest disturbance to wetland about 60 feet.

Q: Can USTs be relocated so that they do comply w/ setbacks in wetlands regs?

They could, but they want to have tanker trucks refueling outside of the high traffic areas.

Mr. Donnelly: How can they improve the public resource they have - the riverfront. Cumberland's is willing to clean up riverfront & remove rubbish.
Ms. Sarefield asked them to think about view of site from the river.
Tim: Be sure to submit O & M plan, maintenance is very important

2017 Meeting schedule

Last month the Commission agreed to keep last Tuesday of the month as meeting date, and switch to Central Fire Station if Community Room is available. The Community Room is available only on 7 of the 12 proposed meeting dates. However, the new administration bldg. at Fitchburg Airport has a meeting room for 30-35 people. Commission agreed to split meetings between Fire Community Room when available & Fitchburg Airport.

Encroachments

Commission discussed encroachment onto ConCom parcel by Golden Living Center on John Fitch Hwy. Motion made (Mr. Karis) & seconded to send a letter to the property owner notifying them of the encroachment, and give three options: buy the area of the encroachment, remove the encroachment & restore the site, be subject to fine if not encroachment not removed within 30 days of receipt of letter
Vote in favor.

Also discussed was encroachment of ConCom parcel near airport. To be looked into again & update at next meeting.

Minutes

Minutes of the December 8th Game On hearing and the Dec. 27th regular meeting were approved.

Motion made & seconded to adjourn. Vote in favor.
Meeting adjourned: 8:54 p.m.

Next regular meeting: 1/31/2017
Minutes approved: 3/28/2017