

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, AUGUST 2, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, August 2, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

Members present: Rhonda Russian, Richard Upjohn, Mark Possemato, Ann Leavitt and Phil Bevins.

Absent: Louis Bartolini and John Leeds.

The meeting commenced at 7:30 p.m. with Rhonda Russian acting as chairperson.

CONTINUED ADMINISTRATIVE ENFORCEMENT HEARING – 2 WOODLAND ROAD, ASSESSORS MAP 38, LOT 12:

Ms. Russian opened the hearing at 7:35 p.m. Mr. Bevins recused himself as an abutter to the property. Ms. Russian read into the record a memo from Conservation Administrator Beth Rosenblum dated 7/24/07 that stated that Chairman Leeds and Ms. Rosenblum had visited the site and taken measurements and found the vehicles on the property to be parked greater than 20' away from the edge of the wetland boundary line. Mr. Upjohn stated he also measured and concurs with the findings. The Commission agreed that this was the remaining item on the Enforcement Order that required compliance. Mr. Upjohn made a motion to lift all existing Enforcement Orders on this property provided that all vehicles park outside of the 20' No Disturb Zone. Ms. Leavitt seconded the motion, and the Commission voted (4-0) to accept it. Ms. Rosenblum pointed out that to lift Enforcement Orders recorded at the Registry of Deeds, a Certificate of Compliance must be completed and signed by the Commission. Upon motion by Mr. Possemato, seconded by Mr. Upjohn, the Commission voted (4-0) to approve a Certificate of Compliance solely for the purpose of lifting the Enforcement Orders.

Mr. Heavey then shared a preliminary proposal to exchange (by donation or through a Conservation Restriction) some of the rear land on the property in order for him to be allowed to fill in some wetlands. Mr. Heavey said this land could be tied into existing conservation land to create linkages. Mr. Possemato said the Commission would require a replication area if wetlands were allowed to be filled. Ms. Russian stated negative impacts to wetlands must be avoided, the Commission would need to know the exact square footage of the proposed fill area, and any replication area must be hydrologically connected. Mr. Heavey said the quality of the wetland proposed for filling is already degraded with Route 9 runoff. The Commission asked for more details of the proposed plan, including; an explanation why alternative access to the property was needed, mitigation details, the scope of the project, and why it is necessary to fill wetlands.

CONTINUED NOTICE OF INTENT – 27 PRESIDENTIAL DRIVE, ASSESSORS MAP 82, LOT 10:

Ms. Russian opened the hearing at 7:55 p.m. Representing the applicant was Mark Houle of Connorstone Engineering. Mr. Houle presented the new plans that now include Cultec Chambers as requested by the Commission at the last public hearing. The Commissioners all expressed satisfaction with the new plan design. Ms. Russian closed the hearing. Mr. Upjohn made a motion to approve a standard Order of Conditions (+38h). Mr. Bevins made an amendment to the motion for special conditions to include: having the pool equipment plumbed into the drywell chambers; a date stamped photo presented to the Commission showing the chambers; the chambers should not be covered until the Commission inspects and approves; and standard construction practices must be followed. This amended motion was seconded by Mr. Possemato. The Commission voted (5-0) to approve an Order of Conditions with the amended special conditions.

CONTINUED NOTICE OF INTENT – 244 AND 252 BOSTON ROAD, ASSESSORS MAP 48, LOTS 18 & 20:

Ms. Russian opened the hearing at 8 p.m. Per the request of the applicant, the two Notice of Intent hearings were combined into one. Present was property owner Matt Jackson and wetlands scientist Bob Murphy. The hearing had been continued to allow the Commission to walk the site. The Commission had done so, and agreed the plans are designed with the least amount of impact. There were no further comments. Ms. Russian closed the hearing. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (5-0) to approve standard Orders of Conditions (+38h) for both DEP File numbers provided that the plans are followed as presented.

CONTINUED NOTICE OF INTENT – 8 SEARS ROAD, ASSESSORS MAP 52, LOT 7B:

Ms. Russian opened the hearing at 8:15 p.m. Present were property owners Tom and Emily Piovoso. The hearing had been continued to allow Commissioner Upjohn to walk the site. Mr. Upjohn stated he had walked the site, and found the wetland line to be within an area previously mowed. Mr. and Mrs. Piovoso said that mowing in that area had ceased and will not continue. Mr. Upjohn inquired whether gravel will be maintained on the driveway and was answered in the affirmative by the property owners. Ms. Russian closed the hearing. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (5-0) to approve a standard Order of Conditions (+38h).

NOTICE OF INTENT – 16 WOOD STREET, ASSESSORS MAP 1, LOT 22:

Ms. Russian opened the hearing at 8:30 p.m. Present for the hearing was Peter Bemis of Engineering Design Consultants, homeowner Hazel Watkinson, and the contractor, Capobianco Construction. Mr. Bemis described the project to construct a 3-season porch placed on sonatubes, and stating that almost the entire lot is within the inner riparian zone and outside of the flood zone. Mr. Upjohn pointed out that this is the first time the Commission is considering a project within the inner riparian zone. Ms. Russian said that technically, the lot is considered grandfathered since it was created prior to the Rivers Protection Act. Mr. Bemis stated that an Alternatives Analysis demonstrated the only option for the homeowner is to construct the porch or not, given the limitations of the lot. Mr. Bevins suggested that Findings be included in the Order of Conditions that state: 1) the lot is pre-existing since it was created prior to the 1996 enactment of the Rivers Protection Act; 2) all of the proposed construction will be within previously disturbed lawn area; 3) Sonatubes will be used for footings; 4) the proposal falls outside of the 100 year floodplain; 5) water infiltration via a gravel drip edge will be included; and 6) no viable alternatives exist. Ms. Russian closed the hearing. Upon motion by Ms. Leavitt, seconded by Mr. Upjohn, the Commission voted (5-0) to approve a standard Order of Conditions (-38h) that include the Findings suggested by Mr. Bevins.

REQUEST FOR DETERMINATION OF APPLICABILITY – 18 GILMORE ROAD, ASSESSORS MAP 45, LOT 13:

Ms. Russian opened the hearing at 8:50 p.m. Present for the hearing was applicant Mrs. Rae Kay and her representative, Peter Bemis of Engineering Design Consultants. Mr. Bemis described the project to replace a failed septic system, and stated the Board of Health has already approved the permit. Ms. Rosenblum affirmed this by showing the Commission a copy of the Permit given to her by Health Director Paul Pisinski. Mr. Upjohn confirmed that one tree would need to be removed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (5-0) to issue a Negative Determination that the plans presented must be strictly adhered to.

Other Business:

1. Meeting Minutes:

- a. Minutes from 5/10/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (3-0-2 with Mr. Possemato and Ms. Leavitt abstaining) to approve the minutes as amended.
- b. Minutes from 6/21/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (4-0-1 with Mr. Possemato abstaining) to approved the minutes as amended.
- c. Minutes from 7/12/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (4-0-1 with Ms. Leavitt abstaining) to approve the minutes as written.

2. **Breakneck Hill Conservation Land update:** Mr. Bemis brought the Commission up to date on the plan changes as well as the progress of the roadway and stream crossing. He said a piped crossing rather than the arched one previously proposed would be needed due to the width of the crossing, with headwalls on each side. He said the gravel roadway will be worked on next week.

3. Requests for Certificates of Compliance:

- a. **5 Nichols Street:** Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (5-0) to approve a Certificate of Compliance.
 - b. **155 Northboro Road:** The Commission reviewed the request for a pro-forma Certificate of Compliance as the work approved under the Order of Conditions was never actually done. Upon motion by Mr. Possemato, seconded by Ms. Leavitt, the Commission voted to approve a Certificate of Compliance.
4. **Next Meeting:** Mr. Upjohn and Mr. Possemato informed the chair that they would likely not be in attendance at the next Commission meeting on August 23, 2007.

Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (5-0) to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator