

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JANUARY 14, 2010
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

 APPROVED

The Conservation Commission of the Town of Southborough held a meeting on Thursday, January 14, 2010 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

Members Present: John Leeds, Dick Upjohn, A.J. Purcell, Russ Gregory, Chris Molinaro, Mark Possemato and Rhonda Russian.

Also Present: Ellen Chagnon, Conservation Scientist Consultant

The meeting commenced at 7:30 p.m. with Mr. Leeds as chairperson.

CONTINUED NOTICE OF INTENT – CHARLES SCOTT, 1 LINCOLN LANE, ASSESSORS MAP 23, LOT 5:

Mr. Leeds opened the hearing at 7:30 p.m. Present were property owners Charles and Melody Scott, and environmental consultant Robert Murphy. Mr. Murphy stated that additional information had been submitted as requested regarding the portion of the lot area proposed for development relative to the SMP requirements. Mr. Murphy confirmed that development is proposed for 42% of the lot (which is less than the 50% threshold). Mr. Murphy said that drywells have been added to the plans for drainage, soil stockpiles will be outside of the wetland buffer zone, and a rain garden will be installed as the soils are good for recharge. Seeing no further questions or comments from Commissioners or the audience, Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (7-0) to approve a standard Order of Conditions (+38h) along with Ms. Chagnon's special conditions recommendations regarding street sweeping and soil stockpiling.

CONTINUED STORMWATER MANAGEMENT PERMIT AND CONTINUED NOTICE OF INTENT – WILLIAM DEPIETRI, CAPITAL GROUP PROPERTIES, 0 OREGON ROAD (STONEBROOK VILLAGE) ASSESSORS MAP 15, and LOT 16:

Mr. Leeds opened both hearings concurrently at 7:45 p.m. Present for the hearing were William Depietri and Martin Loisselle of Capital Group Properties, and Mike Sullivan and Rich Mainville of Connorstone Engineering. Mr. Sullivan gave an update on a meeting he held with Mr. Woodsmall to iron out the issues raised in the Town Engineer's comment letter. Mr. Mainville detailed the revisions made to the plans: snow storage areas have been moved; detention basin has been changed to a bio-retention basin; additional snow areas have been created; a grass swale is proposed to contain snow along property line; an extended detention basin is being created at rear; proposed stockpile areas have been moved; temporary siltation basins have been identified; a wetlands consultant has been hired to devise a mitigation plan for working within the 20' No Touch Area; the poly barrier around the septic system has been extended; and a rip-rap pad has been designed at the entrance to the bio-retention basin.

Mr. Upjohn reiterated his opinion that this plan is very ambitious and too dense for the site. Mr. Molinaro questioned the dimensions of the septic field and the number of cubic yards of fill that will be needed. Mr. Sullivan did some quick calculations and replied the dimensions are 150x120x8; about 8' of material; roughly 5,555 cubic yards with an additional 20% on top. Mr. Molinaro estimated that would be about 200 truckloads, and asked about truck access and wants to see more detail on construction of the septic field. Mr. Depietri said the septic system will be constructed once the road is

in and the gravel is laid. Mr. Purcell said there is still no open space or child play areas on the site, and it is not kid-friendly. Mr. Possemato asked if the grass strip along the roadway will be mowed and who will mow it, and if it will be fertilized. Mr. Depietri replied the homeowners association will be responsible for maintenance. Mr. Mainville said it will need to be fertilized to keep the grass thick. Ms. Russian asked who was hired as their wetlands consultant. Mr. Sullivan replied Scott Goddard from Carr Research. Ms. Russian asked about snow storage near wetlands and suggested that the wetland consultant document the previously requested wetland delineation on the adjoining SOLF property. Ms. Russian asked for the number of trees proposed to be removed. Mr. Sullivan said the entire site will be cleared. Ms. Russian asked, aside from the septic system, how much fill is being proposed? Mr. Sullivan replied there will be 4' for the driveway and a minimum elsewhere.

Mr. Leeds opened the hearing to audience members. Lisa Braccio of 13 Oregon Road showed a map of the area and said it is a sensitive area and a wildlife corridor that is adjacent to protected open space and wetlands. Ms. Braccio questioned what impacts may occur to the resource area if the septic system were to fail. Ms. Braccio said the stream is tributary to the Sudbury River, and although it is presently designated as intermittent, that determination expires in August. Ms. Braccio added that the new FIRM maps change the current flood zone area. Leo Buck of 7 Oregon Road expressed concerns about the septic system and potential failures, and asked if the poly barrier was sufficient to contain the effluent. Mr. Sullivan replied that septic failure is in an upward not downward motion, and the O&M Plan requires regular inspections and pumping. Mr. Sullivan does not feel effluent could get into the wetlands and said the poly barrier would outlast the septic system. Ms. Braccio asked for a copy of the plan revisions and said she is concerned about her property flooding from the roadway grading and the denuding of the site since the topography drains onto her property. Ms. Chagnon asked when the Goddard report would be available. Mr. Loiselle replied next week. Mr. Depietri asked for a continuance until April. At 8:15 p.m., Mr. Leeds continued the hearing to 4/8/10.

STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – HARVEY INDUSTRIES, ONE WILLOW STREET, ASSESSORS MAP 38, LOT 1:

Mr. Leeds opened both hearings concurrently at 8:20 p.m. Mr. Gregory recused himself from the hearing. Present for the hearings were Mike Sullivan and Rich Mainville from Connorstone Engineering and Robert Dion, architect with Dion & Sokol. The application is for the construction of a 2,250 square foot addition and a 1.1 acre outside storage area within the buffer zone. Mr. Sullivan gave an overview of the wetland resources on the site, and the plans for Harvey to lease a portion of the property. Mr. Sullivan said the outside storage area will be paved, catch basins and Stormceptors are proposed, a 45'x110' detention basin will mitigate storm events, a waiver for an increase in volume of runoff is being requested, and only a 3/8" raise in water depth in the wetland is anticipated if the culvert was blocked and not flowing. Mr. Sullivan said the existing septic is adequate, Harvey will occupy 50,000 square feet of the building plus the outside storage area, and comments on the proposal had been received from the Fire Chief, Fuss & O'Neill, the Town Engineer, and the Conservation Scientist. Based on the comments received, Mr. Sullivan said that redevelopment provides the opportunity for LID improvements, and proposed plan revisions to relocate the Stormceptors to the parking lot and to create a bio-retention area.

Mr. Dion gave details of the construction, layout and design. Mr. Sullivan said the ledge on the site will require blasting, and the Planning Board raised concerns about blasting proximity to the New England Center for Children. Mr. Possemato asked if there are any options to not increase the volume of flow from the site. Mr. Mainville replied the options are limited due to the fill and the location of water mains so the basin can not be made any larger. Ms. Russian asked whether any zoning issues existed. Mr. Sullivan said the attorneys are reviewing that. At 8:55 p.m., Mr. Leeds continued the hearing to 2/4/10. Mr. Gregory rejoined the Commission.

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – WILLIAM ZIELINSKI, SKW PARTNERS, INC., CRYSTAL POND ROAD/TURNPIKE ROAD, PUBLIC ROADWAY:

Mr. Leeds opened the hearing at 8:55 p.m. Present on behalf of the applicant was Matt Varrell, Senior Environmental Scientist from VHB. Mr. Varrell said his office has researched the history of conservation permits issued for the site area and found: 1) wetland 6 was previously considered to be BVW rather than Intermittent Bank; and 2) Drainage ditch 5 is regulated under the local bylaw and not the WPA. Mr. Varrell said he was unable to soil test the soccer field as requested by the Commission due to snowfall, and asked the Commission to exclude this resource area delineation from their decision. Mr. Possemato asked that a revised plan be submitted that shows the soccer field area removed from the delineation. Mr. Varrell agreed to submit a revised plan. The Commission said they would vote to issue the Order of Resource Area Delineation at the next meeting after receiving the plan revision. Mr. Leeds continued the hearing to 2/4/10.

NOTICE OF INTENT – KAREN GALLIGAN, TOWN OF SOUTHBOROUGH, SOUTHVILLE ROAD SIDEWALK, ASSESSORS MAP 5, PUBLIC ROADWAY:

Mr. Leeds opened the hearing at 9:00 p.m. Present for the hearing were Matt Varrell and Steve Chouinard (civil engineer) of VHB, and John Woodsmall, Southborough Town Engineer. The application is for the construction of a sidewalk on Southville Road between Liberty Drive and Constitution Drive within the wetland buffer zone. Mr. Woodsmall said this section of Southville Road is controlled by Mass Highway and that residents petitioned and secured funding from the legislature for an extension of the sidewalk to connect with the existing sidewalk to the train station. Mr. Woodsmall introduced the VHB consultants hired by the town to design the project. Mr. Varrell gave an overview of the project, the drainage structures being proposed, and the resource areas on the site. Mr. Chouinard provided design details of the sidewalk and the stormwater structures, and said there will be disturbance within the 20-foot No Touch Area at the west end of the project and a waiver is being requested. Mr. Upjohn asked about the watershed size and how silt will be kept out of the wetlands during construction. The VHB representatives replied the watershed is less than 1 square mile, and the embankment will be stabilized with erosion controls. Ms. Chagnon asked about catch basin cleaning. Mr. Woodsmall replied that Mass Highway will be maintaining them. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (7-0) to approve a standard Order of Conditions (-38h) with Special Conditions to: grant a waiver of the local bylaw 20-foot No Touch Area due to public safety reasons as the sidewalk cannot be constructed elsewhere; annual inspection and cleaning of catch basins and infiltration trenches by the Town or by Mass Highway; the submittal of an annual report indicating the status of the catch basins; daily roadway sweeping during course of construction as needed; and the submittal of a soil stockpile plan if the need arises.

NOTICE OF INTENT –MARILYN GREEN, DEERFOOT REALTY TRUST, 75 DEERFOOT ROAD, ASSESSORS MAP 34, LOT 55:

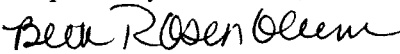
Mr. Leeds opened the hearing at 9:25 p.m. Present for the hearing were Marilyn Green, attorney Robert Dionisi, and Tom DiPersio, Jr. of Thomas Land Surveying. The application is for the construction of a single family home within the Riverfront Area. Mr. DiPersio stated the Commission had previously approved a single family house on this site in 2002 that has expired. Mr. DiPersio said this filing is essentially the identical footprint; the wetlands, stream and bank have been reflagged; the septic design is the same and has been approved by the BOH; all disturbance is outside the 100-foot inner riparian zone; and a narrative of potential impacts to resource areas has been submitted with the application. Mr. Upjohn recalled being concerned more about the development of the adjacent house lots, and added that the house, driveway and septic have not been staked in the field and they need to

be. Mr. Upjohn asked whether the stone wall will be torn down for the driveway and will fill be brought in? Mr. DiPersio replied fill will be used needed for the septic and for grading the property. Ms. Russian said the inner 100-foot riparian area is considered to be a resource area and suggested adding a line of boulders along it so the open field is maintained as is. Ms. Green objected to that as too restrictive and would like the Commission to consider limiting the use of the backyard instead. Mr. Molinaro indicated he wants to see the Orders of Conditions for the adjacent properties along the riverfront area. Abutters Linda Burton of 4 Orchard and Joan Arnold of 70 Deerfoot asked the applicant to supply them with copies of the plans. Mr. Leeds continued the hearing to 2/4/10.

OTHER BUSINESS:

1. **Meeting Minutes:**
 - a. Minutes from 12/3/09 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (7-0) to accept the minutes as amended.
 - b. Minutes from 12/17/09 were reviewed. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0-1 with Mr. Possemato abstaining) to accept the minutes as amended.
2. **Chestnut Hill Farm Use Approval Form:** The Commission accepted the request of Southborough Open Land Foundation to hold snowshoe clinics, and signed the approval form.
3. **Certificates of Compliance:**
 - a. 75 Deerfoot Road (File #290-696): Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (7-0) to approve a Certificate of Compliance for the original order, indicating it is invalid as no work was ever done and it has expired. This will clear the encumbrance off the title and allow the new application to move forward.
 - b. Wells Lane Roadway: Since some members were unable to visit the site, the Commission agreed to table this item until the next meeting.
4. **Annual Report:** The Commission reviewed and approved the draft Ms. Rosenblum had prepared.
5. **Enforcement Discussion – 154 Main Street:** The Commission considered the issuance of an Enforcement Order given the known violations of the Order of Conditions. Commissioners debated their options for compromise, restoration, enforcement and fines. Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (7-0) to issue an Enforcement Order against the property developers for violating the local bylaw and the Special Conditions imposed in the Order of Conditions. An enforcement hearing will be scheduled for next meeting.
6. **Budget:** The Conservation Administrator and Commissioners Possemato, Upjohn and Purcell updated the rest of the Commission on the outcome of the budget summit with the Board of Selectmen. A level funded budget was approved. The Advisory Committee must also be presented with and vote on the budget at a date yet to be determined.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (7-0) to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator