

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, MARCH 18, 2010
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

A rectangular stamp with a checkmark in a box on the left and the word "APPROVED" in bold, slanted capital letters to its right.

The Conservation Commission of the Town of Southborough held a meeting on Thursday, March 18, 2010 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

Members Present: Dick Upjohn, Mark Possemato, Russ Gregory, Chris Molinaro and Rhonda Russian.

Absent: A.J. Purcell and John Leeds

Also Present: Ellen Chagnon, Conservation Scientist Consultant

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

CONTINUED NOTICE OF INTENT AND CONTINUED STORMWATER MANAGEMENT PERMIT, NU-YANKEE, LLC, 0 NORTHBOROUGH ROAD, ASSESSORS MAP 70, LOT 2:

Ms. Russian opened the continued hearings concurrently at 7:45 p.m. Present on behalf of the applicant was Mike Sullivan from Connorstone Engineering. Mr. Sullivan brought the Commission up to date since his last appearance before them. Mr. Sullivan stated that the ZBA approval expired on 3/15/10, and there is disagreement between the property owner and town counsel (asked by the Planning Board to look into the matter) whether the permit is still in place. Mr. Sullivan said that the discussion at the last Planning Board meeting centered on the legal rather than the technical issues of the proposal. Mr. Sullivan added that the requested drainage easements are also under review by the town engineer and town counsel, and that several of the variances approved by ZBA have expired and may not be renewed.

Several Commissioners do not feel the hearings should continue since it is possible the project could substantially change if the permits are not renewed. Ms. Russian stated that an extension of the SMP deadline should be requested for at a minimum, an additional 60 days given the uncertainties, and asked Mr. Sullivan for the dates of his next appearances at both ZBA and Planning Board meetings. Ms. Russian asked about the interior floor drains and the concerns raised by Commissioners in previous hearings. Mr. Sullivan said they have been eliminated from the plans. Ms. Chagnon spoke to the proposed increase in stormwater volume, and suggested adding additional subsurface infiltration. Mr. Sullivan asked that the hearings be left open until the ZBA issues are revisited and resolved. The Commission agreed. At 8:00 p.m., Ms. Russian continued both hearings to a future date unknown at present.

CONTINUED NOTICE OF INTENT – ANUPAMA SEHGAL, 9 RED GATE LANE, ASSESSORS MAP 42, LOT 23:

Ms. Russian opened the hearing at 8:03 p.m. The Commission confirmed that the required DEP File # had been received. Seeing no questions from the Commission or the audience, Ms. Russian closed the hearing. Upon motion by Mr. Upjohn, seconded by Mr. Gregory, the Commission voted (5-0) to approve a standard Order of Conditions (+38h) with Special Conditions.

REQUEST FOR DETERMINATION OF APPLICABILITY – SCOTT MALCOLM, 25 SOUTHWOOD DRIVE, ASSESSORS MAP 6, LOT 27:

Ms. Russian opened the hearing at 8:05 p.m. Present were property owner Scott Malcolm and landscape designer Maria Von Brincken. Ms. Von Brincken described the project details, grading, plantings and retaining wall. Mr. Upjohn suggested additional haybales extending to the street, and pointed out that some of the proposed work is not on the Malcolm property but in the right of way.

Mr. Molinaro said it must be determined who the property owner is (homeowner association or DPW), and would like to see the original Order of Conditions for the construction of the house. Ms. Russian said the hearing can not be closed until approval is received allowing the homeowner to work on property not belonging to him, and continued the hearing to 3/18/10.

REQUEST FOR DETERMINATION OF APPLICABILITY – RENZO BARDETTI, 3 SADDLE HILL LANE, ASSESSORS MAP 51, LOT 26:

Ms. Russian opened the hearing at 8:25 p.m. Present was property owner Renzo Bardetti, who described the proposal to construct a sunroom where an existing deck is and a new deck where a patio exists. Mr. Molinaro questioned the lack of wetland delineation and why the No Disturb Area was lawn. Ms. Chagnon explained the site was developed prior to the enactment of the local bylaw. Mr. Upjohn suggested that a line of haybales mid-way up the slope would be appropriate erosion control. Ms. Russian explained the Determination of Applicability process and the meaning of a Negative versus Positive Determination to the applicant. Ms. Russian closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to issue a Negative Determination provided that haybales are installed approximately mid-way up the slope to allow adequate room for excavating equipment to move during construction.

CONTINUED NOTICE OF INTENT – CHARLES BLACK, KENDALL HOMES, 7 WILLIAM COLLEARY LANE (LOT 4), ASSESSORS MAP 46, LOT 18:

CONTINUED NOTICE OF INTENT – CHARLES BLACK, KENDALL HOMES, 4 WILLIAM COLLEARY LANE (LOT 2), ASSESSORS MAP 46, LOT 1:

Ms. Russian opened both hearings concurrently at 8:40 p.m. Representing the applicant was Michael Sullivan of Connorstone Engineering. Mr. Sullivan said that #7 has been staked as requested, #4 has also been staked and the double row of haybales is now shown on the plans, and the subdivision plans are before the Planning Board on 3/22/10 for signing in order for them to be recorded with the Registry. Mr. Sullivan said the septic plans are now approved by the Board of Health, and suggested installing monuments to delineate the open space easement. Seeing no further questions, Ms. Russian closed both hearings. The Commission agreed to wait the 21 days allowed by statute before voting on and issuing the Order of Conditions. The Commission wants to receive confirmation that the subdivision plans have been recorded in the Worcester Registry of Deeds.

CONTINUED ADMINISTRATIVE ENFORCEMENT HEARING – SAGE INVESTORS, 154 MAIN STREET, ASSESSORS MAP 51, LOT 30:

Ms. Russian opened the continued hearing at 8:50 p.m. Mr. Gregory recused himself. Present was Chris Christopher of Sage Investors. Mr. Upjohn and Mr. Molinaro confirmed that the plan and letter submitted by Mr. Bemis was acceptable. Upon motion by Mr. Molinaro, seconded by Mr. Upjohn, the Commission voted 3-0 with Mr. Possemato abstaining) to approve the restoration plan submitted and to lift the Enforcement Order to allow the work to commence. Ms. Russian closed the hearing, and Mr. Gregory returned to the table.

OTHER BUSINESS:

1. **Certificates of Compliance:**

- a. DEP File # 290-205 – Parkerville Road (Mooney Lane roadway): Upon motion by Mr. Upjohn, seconded by Mr. Molinaro, the Commission voted (5-0) to approve a Certificate of Compliance.
- b. DEP File # 290-361 – 9 Mooney Lane: Upon motion by Mr. Upjohn, seconded by Mr. Molinaro, the Commission voted (5-0) to approve a Certificate of Compliance. The

Commission did observe that leaves were being dumped in the wetlands across from the house, and wanted this to be noted with a request to remove them.

2. **Breakneck Hill Conservation Land use request:** The Commission discussed an email received from Will Cote asking for permission to relocate 2 bee hives from Martha's Vineyard to the conservation land. Commissioner Chris Molinaro, who maintains hives on the land, raised some concerns that were shared by other Commission members. Introducing new hives could potentially introduce disease, so it is important to have the new hives inspected and certified (by the MA Dept of Agricultural Resources) as disease free before relocating them to Southborough. Secondly, Mr. Molinaro said the existing bees may have become territorial and may rob the new hives. Thirdly, the Commission expressed concern about relocating hives during their active season, and what harm that may cause. Ms. Rosenblum will ask Mr. Cote to provide responses to the issues raised by the Commission before a decision can be made.
3. **Fay School update:** Ms. Chagnon and Ms. Rosenblum brought the Commission up to date with the repeated erosion control failures at the Fay construction site, and considered whether an Enforcement Action might be the appropriate next step. It was decided that Commissioner Russ Gregory would accompany Ms. Chagnon and Ms. Rosenblum to their site visit the following Wednesday, and following a thorough review of the runoff and erosion issues, the group would make a determination of whether the continued failures warranted Enforcement action.

Upon motion by Mr. Possemato, seconded by Mr. Molinaro, the Commission voted (5-0) to adjourn the meeting at 9:15 p.m.

Respectfully submitted,



Beth Rosenblum
Conservation Administrator