

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, MAY 20, 2010
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

 APPROVED

The Conservation Commission of the Town of Southborough held a meeting on Thursday, May 20, 2010 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

Members Present: Dick Upjohn, Russ Gregory, Chris Molinaro (arrived at 8 p.m.), Rhonda Russian, A.J. Purcell, Mark Possemato and John Leeds

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

NOTICE OF INTENT - JOSEPH AND NANCY BAPTISTE, 58 DEERFOOT ROAD, ASSESSORS MAP 43, LOT 26:

Mr. Leeds opened the public hearing at 7:30 p.m. The application was filed for the construction of a single family home with associated site improvements within the buffer zone to bordering vegetated wetland. The original Order of Conditions issued in 2006 for the same project had expired so a new filing was required. Mr. Upjohn recused himself from the hearing as an abutter to the project. Mr. Gregory disclosed for the record that his company had rented equipment to the property owner, and offered to recuse himself. Representing the property owner, Peter Bemis of Engineering Design Consultants declined Mr. Gregory's offer.

Mr. Bemis stated the original Order of Conditions for the same project had expired and the Board of Health has re-approved the septic permit. Mr. Bemis said the plans have not changed and asked the Commission to approve the project exactly as they did previously. Mr. Purcell pointed to comments received from Conservation Scientist Ellen Chagnon that stated wetland flags were missing. Mr. Purcell asked Mr., Bemis if he had planned to re-flag the site. Mr. Bemis stated he did not as he saw no need to. Ms. Russian said there are three members who were not seated on the Commission at the time the original project was presented, so the project is a new filing they are seeing for the first time and should review as such. Mr. Bemis agreed it was a fair request, and said he was trying to save the applicant additional costs. Mr. Possemato concurred that the site needed to be re-flagged. Ms. Russian referenced Ms. Chagnon's other comments; the signature of the actual property owner is not on the application as required, and a suggestion that the erosion control line be extended.

Mr. Leeds acknowledged a question from the audience. Beverly Anderson of 56 Deerfoot Road said she is concerned that her backyard is much wetter than before the fill was stockpiled on the site, and she stated that the prior owner had given her verbal permission 20 years ago to use the roadway on the site in order to access her septic system in the rear for maintenance. Ms. Anderson said the fill pile is unsightly, is blocking the roadway so she cannot gain access to her septic, and that the pile has added to water flooding in her backyard by changing the drainage pattern.

Mr. Bemis replied the stockpile came from the replacement septic system at 60 Deerfoot Road, and he was not aware of the prior access agreement with the previous owner. Ms. Russian explained that a verbal agreement between property owners is not under the Conservation Commission's jurisdiction. From the audience, Mr. Upjohn said the 4 corners of the house should be staked in the field as well as the center of the driveway. Mr. Upjohn felt the proposed house is very close to the road, and asked if the lot line needed to be changed. Mr. Bemis said the Planning Board had approved the lot change. Mr. Possemato suggested that Ms. Anderson contact the Baptistes to work out an agreement for access to her septic system in the rear of her house if it is important to preserve. Mr. Bemis asked the Commission to waive the local filing fee, and said he will contact the Baptiste's to discuss the house

location. The Commission replied that the applicant would need to demonstrate or prove a hardship for them to consider the waiver request.

Mr. Leeds continued the hearing to June 10, 2010 at 7:30 p.m.

NOTICE OF INTENT – ESTATE OF ELINOR GARFIELD, 84 MAIN STREET, ASSESSORS MAP 53, LOT 1:

Mr. Leeds opened the public hearing at 8:05 p.m. The application was filed for the construction of a replacement soil absorption system with associated appurtenances and site improvements within the buffer zones of Outstanding Resource Waters and an isolated wetland. Representing the applicant was Peter Bemis of Engineering Design Consultants.

Mr. Bemis said the proposal is to replace a septic system for the 11-bedroom home; the resource areas on the site are the Sudbury Reservoir, an intermittent stream, and an isolated wetland. Mr. Bemis described the location proposed for the system and the leaching field, and said the isolated wetland is adversely affecting the property. Mr. Bemis said stormwater had been directed onto the property during the Route 30 expansion and he showed the Commissioners proposed town plans to upgrade Route 30 and redirect stormwater to a different location other than the Garfield property. Mr. Bemis said Frederick Law Olmstead was the original landscape architect for the site, and stated his intention is to eliminate the isolated wetland from the property as it is not protected under the Wetlands Protection Act and only under the local wetlands bylaw. Mr. Bemis said the area was lawn, and became wetlands only as a result of drainage issues. Mr. Bemis said hydric soils are evident.

Ms. Russian asked Mr. Bemis if he was asking the Commission to declare the isolated wetland as non-jurisdictional. Mr. Bemis replied he wished to talk about this issue further. Mr. Possemato said it is clear that water flows from the roadway on to the site. Mr. Bemis said he wants to protect the trees on the property from being destroyed by further flooding. Mr. Upjohn asked what the 2-different color flags indicated. Mr. Bemis replied the red were the soil probes and the blue were the wetland flags. Mr. Upjohn said the septic tanks are proposed to be located near the isolated wetland and the pipe will cross under the driveway. Mr. Molinaro suggested the septic replacement approval not include a decision on the isolated wetland. Ms. Russian suggested continuing the hearing to the next meeting so Mr. Bemis can review Ms. Chagnon's comments and the Commission can further consider the isolated wetland issue. Mr. Bemis suggested scheduling a visit with the Commission on site.

Mr. Leeds continued the hearing to June 10, 2010 at 7:45 p.m.

NOTICE OF INTENT – LUC AND HESTER SCHEPENS, 9 PARKERVILLE ROAD, ASSESSORS MAP 53, LOT 1A:

Mr. Leeds opened the public hearing at 8:30 p.m. The application was filed for the construction of a replacement soil absorption system with associated appurtenances and site improvements within the buffer zone of an Outstanding Resource Water.

Representing the applicant was Peter Bemis of Engineering Design Consultants. Mr. Bemis said the entire property is located within resource areas, and there is nowhere on the site to place the system. Mr. Bemis said a signed and executed Legal Easement with the adjacent 84 Main Street property allows for the system to be installed there, using directional drilling underneath the stream and the pipe will follow the line in between the trees on the property. Mr. Bemis also said the home is being sold. Ms. Russian asked if an alternative method to directional drilling was being considered in the circumstance that the drill encounters obstacles, as Ms. Chagnon stated in her comments on the project. The Commission agreed that a special condition should be included that covers this situation. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (7-0) to approve a standard Order of Conditions (-38h) with Special Conditions to include that if any circumstance develops where the proposed construction method is impeded, the applicant will notify the Conservation Commission to discuss alternative methods at a public meeting before proceeding any further.

REQUEST FOR DETERMINATION OF APPLICABILITY – FAY SCHOOL, 48 MAIN STREET, ASSESSORS MAP 53, LOTS 17, 19, 20 & 25:

Mr. Leeds opened the public hearing at 8:45 p.m. Mr. Purcell and Mr. Upjohn recused themselves from the hearing as employees of the Fay School. Representing the applicant was David LaPointe of Beals and Thomas.

Mr. LaPointe described the proposal to connect the homes at 74 and 76 Main Street to the Waste Water Treatment Facility (WWTF) on the school campus. Mr. LaPointe stated that a requirement of the state-issued Groundwater Discharge Permit was to connect all of the Fay School properties to the WWTF within 5 years. Mr. LaPointe said that all of the work would occur within lawn area with a small portion of the work within the flood plain and another portion within the flood plain buffer zone recognized under the local bylaw. Mr. LaPointe detailed the work to be performed as part of the WWTF connections, as well as the landscaping improvements and walking path construction. Mr. LaPointe said the lawn area would be fully restored. Mr. Possemato asked about the duration of construction as he was concerned about erosion while the trench is left open.

Upon motion by Ms. Russian, seconded by Mr. Molinaro, the Commission agreed to issue a Negative Determination of Applicability provided that the applicant adheres to the plans as submitted.

OTHER BUSINESS:

1. **Request by Peter Maloney of 101 Main Street for an Administrative Update to approved Order of Conditions:** Mr. Maloney explained the plan revisions to increase the patio size to 30' x 30' and to eliminate the second retaining wall. The Commission unanimously approved the submitted plan revisions as an Administrative Update to the existing permit, with the exception of the 2nd retaining wall, which is not to be constructed but is shown on the plans.
2. **Request by Mo Haghighi of 5 Wells Lane for an Administrative Update to approved Order of Conditions:** Mr. Haghighi asked the Commission to allow a change to the retaining wall from a vertical wall to a sloped rip-rap wall for improved safety for his children. The Commission unanimously approved the submitted plan revisions as an Administrative Update to the existing permit.
3. **Request by Connorstone Engineering to approve a plan revision for the One Willow Street, Harvey site:** Revised plans were reviewed by the Commission that was updated to include the Planning Board's landscaping requirements. The Commission unanimously approved to accept the revised plan revisions and to require that they be recorded at the Registry against the approved permit.
4. **Discussion with resident Karen White:** Ms. White provided the commission with a chronological and photo history of illegal dumping into the wetlands on Valley Road as well as many other areas in town. Ms. White expressed annoyance at the lack of environmental awareness or concern on the part of residents who either dump their yard waste into wetlands or who allow their hired landscapers to. Ms. White wants to work with the Commission on an educational awareness program, possibly with the assistance of the Southborough Open Land Foundation (SOLF) who has also experienced dumping on their properties throughout town. The Commission considered some opportunities to explore, such as speaking with the

Southborough Police Department regarding the illegal dumping and requesting extra vigilance of area landscapers if found to be dumping illegally; and preparing some educational materials that could be sent out to all residents with the tax and /or water bills. Further discussion on this matter will need to occur.

5. **Follow up to letter from Vine Street residents**: The Commission reviewed and discussed the issues outlined in the letter received from the Triompos and agreed that the majority of claims being raised are not responsibilities for the town to resolve, since many were existing conditions before the house was constructed. The Commission agreed to draft a response letter.

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

Respectfully submitted,



Beth Rosenblum
Conservation Administrator