

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JULY 1, 2010
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

APPROVED

The Conservation Commission of the Town of Southborough held a meeting on Thursday, July 1, 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 7:40 p.m.), Rhonda Russian, A.J. Purcell and John Leeds
Absent: Mark Possemato

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

Mr. Leeds opened the public meeting at 7:30 p.m. In that a public discussion would adversely affect the Conservation Commission's legal decision, by roll call vote, the Commission adjourned into Executive Session with Town Counsel to discuss pending litigation. At 8:05 p.m., by roll call vote, the Commission exited Executive Session and re-entered into public session.

**STORMWATER MANAGEMENT PERMIT – NEW ENGLAND PRIMATE CENTER,
HARVARD UNIVERSITY, ONE PINE HILL DRIVE, ASSESSORS MAP 95, LOT 1:**

Mr. Leeds opened the public hearing at 8:05 p.m. Present on behalf of the applicant were Vivienne Esrig and Michael Nazzaro of Harvard Medical School, civil engineer Matt Brassard, and architect George Berg.

Mr. Berg described the Pine Hill campus and the project proposal to construct an addition (Research Building 7) on an existing building to replace Research Building 2 which will be demolished. The Commission asked about the clear-cutting that had occurred on the site prior to Harvard receiving their approvals from Conservation and Planning. Mr. Berg replied that approximately 7.8 acres were cut, although some was for test pit access, but acknowledged that the applicant did not realize that permits from the Planning Board and Conservation Commission would be required until the building inspector informed them. Mr. Berg said that all activity on the site has since ceased.

Mr. Brassard detailed the new parking area and the building addition, stating that the existing parking lot drainage will be re-routed through a new stormwater system and into a bio-retention basin out back. Mr. Brassard said that some plan changes have been made following a meeting with town engineer John Woodsmall and reviewing his comments. Mr. Upjohn followed up on the issue of where the site drains to, and said it drains into Angelica Brook which is tributary to the Foss Reservoir in Framingham, an outstanding resource water. Mr. Upjohn wants to see the boundaries of the retention basin staked in the field, and asked whether the erosion controls installed presently on site are in the correct location for the retention basin. Mr. Brassard indicated they probably need to be moved back in order to accommodate the basin. Mr. Upjohn felt that the grading shown on the plans would go right up to the edge of the silt fence, and said this is difficult to do without breaching the erosion controls and suggested instead moving the erosion controls back an additional 10-feet from the edge of grading, and added that the haybales are not installed as the Commission requires and will need to be flipped so that the string is not touching the ground. Mr. Purcell asked whether the erosion controls that have been installed on the site match the location shown on the plans, and asked how water from the site would be treated. Mr. Brassard replied that deep sump hooded catch basins would be installed that will flow into the sediment forebay before entering the bio-retention basin, and that roof drain runoff discharges to the infiltration system. Mr. Purcell asked whether there are any water re-use plans. Mr. Berg replied that although the building will be LEEDS certified, after exploring the

feasibility, it was determined that there is no water re-use opportunity. The Commission asked where the applicant stood in the process before the Planning Board. Mr. Berg replied they have a continued Site Plan and LID hearing on July 12, 2010. Ms. Russian referred to Mr. Woodsmall's written comments and informed the applicant that clarification regarding whether a waiver of the water volume was needed, and that evidence of the submittal of the NPDES SWPPP and EPA NOI must be provided. Mr. Berg replied that the plans will be revised and the site will be staked.

At 8:35 p.m., Mr. Leeds continued the SMP hearing to 7/22/10 at 9 p.m.

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

Mr. Leeds opened the public hearing at 8:35 p.m. Representing the applicant was Peter Bemis of Engineering Design Consultants. Mr. Bemis again showed the Commission historic aerial photos of the site and surrounds and spoke about the street drainage emptying onto the property through pipes installed in the stone wall. Mr. Bemis asked the Commission to consider how the property will benefit if the isolated wetland created from the street drainage were to be considered a non-jurisdictional area? Mr. Bemis said the historic trees are at great risk from the surface water that is being trapped and held and that it can be similarly compared to a detention basin created solely by street runoff. Mr. Bemis said the isolated wet area can be placed under permanent restriction if the Commission requires it.

Mr. Upjohn would like to see the presentation of a concrete proposal for the elimination of the water problem. Mr. Molinaro believes the wetland is jurisdictional under the local bylaw, and this can not be ignored. Mr. Gregory would like the English Beech tree saved. Mr. Leeds agreed the tree is important and would also like to see a formal proposal presented that details how the area will be altered and the street drainage permanently eliminated. Ms. Russian said the Commission's mission is to protect all wetland resources, and it is unfortunate that this has occurred given the acknowledged value of the tree however, as one member of the Commission she is not willing to overlook the local bylaw and alter a wetland in order to save a tree. Ms. Russian said there is also a case of personal responsibility here, and if you see something that may be damaging your property, you can take action. Ms. Russian said she is not willing to give up jurisdiction of the isolated wetland, and noted that without the 7th member present the Commission was still divided and she suggested that Mr. Bemis submit the proposal as requested by Mr. Upjohn and Mr. Leeds for the entire Commission to consider. Mr. Bemis replied that the wetland is only jurisdictional under the local bylaw, and he asserted it is a stormwater collection area versus a wetland, and asked that the Order of Conditions for the septic system be issued with a reservation for the isolated wetland area. Dr. Deshang Wang of 151A Main Street suggested the Commission consider the 8 Interests of the Wetlands Protection Act in their decision and whether altering the isolated wetland will affect any of the 8 Interests. Mr. Leeds continued the hearing to 7/22/10.

CONTINUED NOTICE OF INTENT AND CONTINUED STORMWATER MANAGEMENT PERMIT - NU-YANKEE, LLC, 0 NORTHBOROUGH ROAD, ASSESSORS MAP 7, LOT 2:

The Applicant submitted a formal request to postpone this hearing until August.

NOTICE OF INTENT – STEPHANIE SLACK AND KATHLEEN RALICKI, 227 PARKERVILLE ROAD, ASSESSORS MAP 7, LOT 16:

Mr. Leeds opened the public hearing at 9:20 p.m. The application was filed for the construction of a building addition, a septic system, and associated site improvements within the buffer zone to bordering vegetated wetland. Present for the hearing was Peter Bemis of Engineering Design Consultants and property owners Stephanie Slack and Kathleen Ralicki. Mr. Bemis outlined the proposal to eliminate the cesspool and install a new septic system, an addition, and a continuation of

the stone retaining wall in order to contain the newly raised grading. Mr. Bemis said the septic permit has been approved by the Board of Health.

Mr. Upjohn said the proposed erosion controls are right at the 20-foot No Disturb Area, shrubs have been planted within the 20-foot No Disturb Area, and debris that is being stored in the wetland must be removed. Mr. Molinaro suggested having permanent markers installed at the 20-foot No Disturb Area. The Commission agreed that the debris must be moved from the wetland and markers need to be installed. Seeing no further questions, Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to approve a standard Order of Conditions (-38h) with additional special conditions: 1) Install permanent markers at the 20-foot No Disturb Area, 2) No activity is allowed within the 20-foot No Disturb Area, that includes no gardening and no mowing, and 3) All debris presently being stored in the wetlands must be removed.

NOTICE OF INTENT – STEPHANIE SLACK AND KATHLEEN RALICKI, 229 PARKERVILLE ROAD, ASSESSORS MAP 7, LOT :

Mr. Leeds opened the public hearing at 9:40 p.m. The application was filed for the construction of a new dwelling, septic system and associated site improvements within the buffer zone to bordering vegetated wetland. Present for the hearing was Peter Bemis of Engineering Design Consultants and property owners Stephanie Slack and Kathleen Ralicki. Mr. Bemis outlined the proposed plans for a new house and septic, and added that the Board of Health had approved the septic permit.

Mr. Upjohn said the 20-foot No Disturb Area is being mowed and suggested installing markers installed at the 20-foot line. The Commission concurred. Ms. Russian noted that the lot has not been created by the Planning Board under an ANR yet, so no lot number has been assigned. With that information, the Commission felt it premature to close the hearing and Mr. Leeds continued the hearing to 7/22/10.

OTHER BUSINESS:

1. **Request for Extension of Order of Conditions – 40 Southville Road (DEP File # 290-801):** Present was William Depietri of Capital Group Properties. Mr. Depietri stated he expected completion of the site by the end of this year and asked the Commission to approve a one-year extension. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to approve a one-year extension to the Order of Conditions for 40 Southville Road.
2. **Discussion with Desheng Wang regarding proposed plan changes at 28 Newton Street and amendments to approved Order of Conditions and Stormwater Management Permit:** Present was Dr. Desheng Wang of Carr Research Labs. Dr. Wang outlined the revisions being made to the approved plans and asked whether these changes required a formal amendment to the approved permits for the site. The changes include: a) the # of catch basins, b) the oil/grit separator being installed in a different location, c) change to the snow storage area, d) a retaining wall has been added, and e) a fence around the retention basin has been added. Dr. Wang stated he felt the changes are within the limits of the approved permits and therefore, do not require a formal amendment. Dr. Wang said that all the changes make improvements to the water quality management of the site. Ms. Russian said the proposed changes are more than mere administrative updates and believes that formal engineered plans, along with a narrative outlining the changes and the reasons for them, along with calculations and a formal request for an amendment to the Order of Conditions and the Stormwater Management Permit is required

in this case. Mr. Upjohn and the rest of the Commission agreed, and expressed concern about the location of the snow storage area and its proximity to the wetlands.

3. **Write Special Conditions and Vote to Approve Order of Conditions for 130 Main Street:**
The Commission reviewed the draft Special Conditions as written by Ms. Rosenblum as well as the comments received from Dan Feeney, the applicant's engineer. The Commission proposed a few amendments. Upon motion by Mr. Purcell, seconded by Mr. Molinaro, the Commission voted (5-0-1 with Ms. Russian abstaining) to approve a standard Order of Conditions (-38h) with special conditions as detailed in the amended draft approved.
4. **Meeting Minutes:**
 - a. The Commission reviewed the meeting minutes from 5/20/10. Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to accept as written.
 - b. The Commission reviewed the meeting minutes from 6/10/10. Upon motion by Mr. Upjohn, seconded by Mr. Molinaro, the Commission voted (4-0-2 with Mr. Purcell and Ms. Russian both abstaining) to accept the minutes as amended.

Upon motion by Mr. Purcell, seconded by Mr. Gregory, the Commission voted (6-0) to adjourn the meeting at 10:10 p.m.

Respectfully submitted,



Beth Rosenblum
Conservation Administrator