

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, DECEMBER 17, 2009
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

 APPROVED

The Conservation Commission of the Town of Southborough held a meeting on Thursday, December 17, 2009 at 6:00 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 (arrived at 6:30 p.m.) and Rhonda Russian.

Also Present: Ellen Chagnon, Conservation Scientist Consultant

The meeting commenced at 6:00 p.m. with Mr. Leeds as chairperson.

**STORMWATER MANAGEMENT PERMIT AND CONTINUED NOTICE OF INTENT:
NEVIO CASTELLI, 5 BURNETT ROAD, ASSESSORS MAP 40, LOT 47:**

Mr. Leeds opened the public hearings concurrently 6:00 p.m. Present was Michael Sullivan of Connorstone Engineering and property owner, Nick Castelli. Mr. Sullivan summarized the latest plan revisions as had been requested by Mr. Woodsmall and Ms. Chagnon. Mr. Molinaro asked whether the waiver requested by the applicant for increased runoff volume had been evaluated. Ms. Russian referred to Mr. Woodsmall's comment memo where he states his reasons for the Commission to accept the requested waiver. Mr. Leeds closed the Notice of Intent hearing and the Stormwater Management Permit hearing at 6:10 p.m.

The Commission brought Mr. Possemato up to speed on tonight's hearing discussion. The Commission reviewed the draft Stormwater Management Permit prepared by Ms. Rosenblum, and discussed a few amendments. Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (7-0) to approve the Stormwater Management Permit as amended.

The Commission discussed the Order of Conditions. Upon motion by Mr. Purcell, seconded by Mr. Gregory, the Commission voted (6-1-0 with Mr. Upjohn abstaining), to approve a standard Order of Conditions (+38h) with Special Conditions as detailed in Ms. Chagnon's and Mr. Woodsmall's review letters with an additional condition for street sweeping as needed.

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

Mr. Leeds opened the hearings concurrently at 6:15 p.m. Present for the hearing was Mike Sullivan of Connorstone Engineering. Mr. Sullivan said that the drainage issues raised in prior hearings have been addressed in the plan revisions distributed today. Mr. Sullivan asked for a continuance until the February 4, 2010 meeting, so as to start the approval process with the Planning Board and Board of Health. Mr. Leeds continued the hearing(s) until 2/4/10.

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

Mr. Leeds opened the hearing at 7:05 p.m. Present were property owners Charles and Melody Scott, and environmental consultant Robert Murphy. Mr. Murphy summarized the history of prior applications on the site (formerly Vine Street), and stated the wetland line was reflagged and the septic permit has been approved. Mr. Upjohn thanked the applicant for showing the areas of ledge on the plans, and added that the stakes he saw in the field were not marked. The Commission reviewed the

comment letter from Ms. Chagnon, and asked the applicant to provide evidence as to whether the Stormwater Management Permit applicability is triggered by this application. Mr. Leeds continued the hearing to 1/14/10.

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

Mr. Leeds opened the hearing at 7:20 p.m. Present on behalf of the applicant was Matt Varrell, Senior Environmental Scientist from VHB. The applicant is the owner of the Verizon property on Turnpike Road. Mr. Varrell said that a roadway improvement project is being contemplated and designs are being worked on. Mr. Varrell said following the site visit with Ms. Chagnon and based on her comments, he will revisit the soils on the soccer field. Mr. Varrell proceeded to give an overview and a definition of each resource area shown on the plans, and acknowledged that he needed to revise a stream shown as perennial to intermittent based on the Commission's approvals of the Bartolini Business Park. Commissioners offered additional comments from previous permit approvals in the same vicinity; Crystal Pond drains to a culvert under Route 9; outlet to Crystal Pond is intermittent; ORAD issued to EMC may be still in effect; drainage ditch along Route 9 may be shown in a past gas line installation filing. Mr. Varrell said since the project is considered to be redevelopment, all previously degraded Riverfront areas will be defined for confirmation by the Commission. Mr. Leeds continued the hearing to 1/14/10.

CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY – CSX TRANSPORTATION, INC., CSX RIGHT-OF-WAY (FITCBURG LINE AND BOSTON LINE):

Applicant requested a continuance in writing to March 18, 2010.

OTHER BUSINESS:

1. **Continued Request for Certificate of Compliance, 154 Main Street:** Present for the discussion was Peter Bemis of Engineering Design Consultants. Mr. Bemis said the property developer hired Wetland Scientist Desheng Wang to re-evaluate the wetland delineation since the wetland line used for the Notice of Intent was based on the old "Murphy" line. Mr. Wang's delineation moved the wetland line further away from the house, providing additional lawn area. Mr. Bemis admitted that adherence with the Order of Conditions was not fully done, and as an alternative, suggested installing a fence along the newly delineated wetland line or filing for an Amended Order of Conditions to acknowledge the new delineation. Mr. Upjohn stated the new line is at a location most convenient for the property owners; he is not willing to accept the new line without a 3rd party review; and he expects the 20' No Touch Zone to be adhered to and not be mowed lawn. Mr. Molinaro asked why the line was being reinterpreted if the "Murphy" line was already approved by the Commission, and asked why the fence was not being proposed along the original 20' No Touch Zone line as was approved.. Commissioners expressed interest that Mr. Wang is a neighbor to the property in question, and some agreed that a 3rd party review was warranted before being willing to reconsider the delineation. Mr. Possemato disagreed, feeling that a 3rd opinion may present a 3rd wetland line and reiterated that the line the Commission approved was the "Murphy" line. Mr. Upjohn pointed out that since the Order of Conditions was not followed, this is now an Enforcement issue. Ms. Russian said the issue will not be resolved tonight, and expressed concern that the plans were not adhered to. Ms. Russian does not believe a request for an Amended Order of Conditions is appropriate in this case since this is now an Enforcement action. Mr. Bemis replied he may submit a request for the Commission to consider a waiver of the 20' No Touch Zone.

2. **Update on the status of 136 Main Street:** Present for the discussion was Dan Feeney of Beals and Thomas, and property owner Ralph Ellis. Mr. Ellis stated that Mass Highway has cleaned the culvert and the flow has improved, although some stones remain in the culvert that can not be removed until Mass Highway installs the manhole they have promised. Mr. Feeney said he has looked at the drainage and hydrology of the area and at design calculations for various storm events and feels that a 24" pipe will be adequate to handle the flows and will be an appropriate replacement for the current 15" x 9" one. Mr. Feeney said Mass Highway has agreed to install the manhole on the roadway shoulder, and asked the Commission to accept a Sketch Plan for approval instead of filing a Notice of Intent or a Request for Determination. The Commission agreed that an engineering plan and a Notice of Intent filing was needed due to the complexity of the project and the resource impacts. Mr. Ellis asked the Commission for permission to cover the 6' deep, 18" wide open hole for safety purposes. The Commission agreed it must be covered for safety reasons, and suggested either installing a fence around it or covering the top.
3. **Tree Removal Request at 225 Parkerville Road:** The Commission discussed the request to remove a dying poplar tree. Given the tree's girdling and proximity to the street, the majority of Commissioners agreed (with Mr. Upjohn voting against) to allow the property owner to remove the tree, with the proviso that between 6' – 8' of stump be left in place for wildlife habitat.
4. **Meeting Minutes:** Tabled until the next meeting.

Upon motion by Ms. Russian, seconded by Mr. Molinaro, the Commission voted (7-0) to adjourn the meeting at 8:00 p.m.

Respectfully submitted,



Beth Rosenblum
Conservation Administrator