

SOUTHBOROUGH CONSERVATION COMMISSION  
THURSDAY, NOVEMBER 19, 2009  
TOWN HOUSE MEETING ROOM, 2<sup>nd</sup> fl.  
MEETING MINUTES

 APPROVED

The Conservation Commission of the Town of Southborough held a meeting on Thursday, November 19, 2009 at 7:30 p.m. at the Southborough Town House, 2<sup>nd</sup> floor meeting room.

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

Absent: Mark Possemato

Also Present: Ellen Chagnon, Conservation Scientist Consultant

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

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

Mr. Leeds opened the public hearing at 7:45 p.m. Present was Michael Sullivan of Connorstone Engineering and property owner, Nick Castelli. Mr. Sullivan acknowledged receiving a copy of Ms. Chagnon's written comments and spoke to the issues she raised regarding dewatering, sedimentation basin, data sheets, flagging of wetlands, retaining wall details, fill details and construction sequence. Mr. Sullivan said the Stormwater Management Permit filing has been completed and is scheduled for the next meeting and revised plans will be submitted. Mr. Upjohn said careful monitoring during construction will be essential, and asked when construction is expected to commence. Mr. Sullivan replied the property sale is under a deadline for the end of the year with permits in place, and added that Special Conditions should include a pre-construction on-site meeting and a sequence of construction that requires special attention to certain items.

Mr. Leeds continued the hearing to 12/3/09.

**ENFORCEMENT DISCUSSION: RALPH ELLIS, 136 MAIN STREET, ASSESSORS MAP 52, LOT 5.A:**

Mr. Leeds opened the discussion at 8 p.m. Present was property owner Ralph Ellis. Ms. Russian read into the record the Notice of Violation that was issued on 10/4/09 for land disturbance from a backhoe near an underground stream culvert and within "land under water" without prior notification or a permit filing to the Commission. The Commission observed that the backhoe was now gone and that one hole had been filled in. Ed Pisinski of 107 Main Street showed the Commission a drawing he had done that detailed the pipe and culvert sizes, and explained the flooding that occurs in his basement when the pipe on the Ellis property is restricted. Mr. Pisinski said the flooding problems have been occurring for many years and he believes it to be caused by the narrowing of the pipe beyond the culvert on the Ellis property. Mr. Ellis explained he had Beals and Thomas look at his flooding issues after the July rainfall when his driveway flooded out. Mr. Ellis said that water was sheeting down from Route 30, across his neighbors' property and down his driveway. Mr. Ellis said Beals and Thomas suggested stopping the water before it got to his house by the construction of a ditch and the installation of a pipe, and that he had unearthed the area adjacent to the culvert on his property in order to inspect the condition of the pipe. Mr. Ellis stated he had spoken to Mass Highway who made a recommendation to increase the underground pipe size running through his property and they would install a manhole on his property in order to access the culvert to perform cleaning and maintenance operations.

The Commission agreed they had jurisdiction over any work proposed in this area, and said a Notice of Intent needs to be submitted in short order to schedule the public hearing before year end. The Commission stated that the Notice of Intent needs to be filed for both the pipe and manhole installations, requested that an engineer be utilized to design the plans and ensure the adequacy of the pipe sizing, and suggested that Mr. Ellis and Mass Highway coordinate under one filing. Mr. Pisinski stated that time is of the essence with winter coming and he wants to see a resolution quickly. Mr. Gregory asked whether the filing could be done under an Emergency Certificate. The Commission determined it was not an emergency situation.

**CONTINUED NOTICE OF INTENT: WILLIAM AND JANET DEWOLF, 12 LATISQUAMA ROAD, ASSESSORS MAP 54, LOT 75:**

Mr. Leeds opened the public hearing at 8:30 p.m. Present were property owners William and Janet Dewolf and Mike Sullivan of Connorstone Engineering. Mr. Sullivan stated that the revisions have been made to the plans as requested. The Commission had no further comments and Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0) to approve a standard Order of Conditions (+38h) with Special Conditions as outlined in Ms. Chagnon's review comments.

**CONTINUED NOTICE OF INTENT: ANTHONY MAFFEI, 6 MITCHELL STREET, ASSESSORS MAP 47, LOT 17:**

Mr. Leeds opened the public hearing at 8:33 p.m. Present was applicant Tony Maffei and Mike Sullivan of Connorstone Engineering. Mr. Sullivan stated that revisions have been made to the plans as requested. Mr. Upjohn asked if the clump of trees would be avoided. Mr. Maffei replied yes. Mr. Leeds closed the hearing.

Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (5-0) to approve a standard Order of Conditions (+38h) with Special Conditions as outlined in Ms. Chagnon's review comments. Ms. Russian offered an additional condition, seconded by Mr. Gregory and approved by the Commission (5-0), to require an on-site pre-construction meeting and sequencing of work for the protection of the slope.

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

Mr. Leeds opened the hearing at 8:45 p.m. Ms. Russian read into the record the comments received from DEP. Present for the hearing was Mike Sullivan of Connorstone Engineering. Mr. Sullivan gave an overview of the proposal, and said the entrance and a portion of one building unit are in the buffer zone. Mr. Sullivan said the total project will consist of 21 contractor condo units with garages, the entrance will be located across the street from the Maggiore building driveway per Planning Board regulations, 73 outside parking spaces, drainage in 3 different areas, front roof will drain to detention basins large enough to accommodate existing flow from street, a series of Cultec systems with Stormceptor in the rear, one septic system for entire site based on 15 gallons per person per day. Mr. Sullivan said a substantial retaining wall (structurally designed) and fill for grading will be required due to the slope of the property, gutters are mandated out front but are only proposed for the rear, only three areas for snow storage have been identified but if a large storm occurs the snow must be removed from the site.

Mr. Leeds stated that if floor drains are included, you must have a tight tank. Mr. Sullivan said the plans are very preliminary at this point, and all the final details have not been ironed out. Mr. Upjohn

said he was unable to locate any wetland flags, and mentioned there is ledge in the middle of the property near the proposed sediment basin that will need to be blasted. Mr. Upjohn asked whether the drains crossing from across the street will be used, and added the area of the proposed septic system will require more tree removal and the snow storage is not adequate. Ms. Chagnon asked if the infiltration basin will hold during heavy rain events. Mr. Sullivan replied it is designed for the 100 year storm only. Mr. Leeds continued the hearing to 12/3/09.

**NOTICE OF INTENT – JOHN HENNESSEY, ONE HARVEST LANE, ASSESSORS MAP 48, LOT 1:**

Mr. Leeds opened the hearing at 9:25 p.m. Ms. Russian read into the record the comments received from DEP. Present for the hearing was Mike Sullivan of Connorstone Engineering. Mr. Sullivan stated that debris will be cleared from the stream channel, riprap will be installed along the eroding bank to improve stabilization, all work will be done by hand and haybales will be used for erosion controls. Mr. Upjohn asked whether equipment would be needed to install the riprap slope. Mr. Sullivan replied that it was likely it would. Mr. Gregory suggested bending the corrugated metal culvert to allow a clearer flow through. The Commission reviewed Ms. Chagnon's comments about the proposal and agreed that those relating to the lack of completeness of the Notice of Intent application (Form 3) needed to be resolved before the hearing could be closed. The other items listed by Ms. Chagnon can be included under Special Conditions.

Mr. Leeds continued the hearing to 12/3/09.

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

Applicant has requested a continuance to address the commission earlier request. Hearing was continued to 12/3/09.

**OTHER BUSINESS:**

1. **Informal Discussion with Recreation Director about Choate Field Skate Park proposal:** Present for the discussion was Doreen Ferguson, who presented the Commission with an overview of the skate park proposal at the former volleyball court at Woodward School's Choate Field for their comments. Ms. Ferguson said there will be some digging and leveling within the court area, and the stream along the roadway is approximately 65' from the limit of work. Ms. Chagnon performed a site visit and said that at a minimum, the Commission should require erosion controls around the drop inlet and at the stream across from the golf course driveway. The Commission asked whether any drainage structures are being considered. Ms. Ferguson said the Town Engineer recommended using grading only, sloping runoff towards the road. The Commission said that a Request for Determination will need to be filed for approval of the project. Ms. Ferguson said she has much fundraising to do before the skate park will be built, but wants to line up all the necessary approvals in advance.
2. **Tree Removal Request at 1 Andrews Way:** The Commission reviewed the request to remove 2 dead trees in the side yard at 1 Andrews Way. Based on Ms. Chagnon's recommendation, the Commission agreed to allow their removal on the condition that the stumps are left in place and only the tops are cut, leaving an 8-foot stump.
3. **Request for Certificate of Compliance, 3 Wolfpen Lane:** Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (5-0) to approve a Certificate of Compliance.

4. The Commission reviewed the letter of interest and Town Volunteer Form received from Chris Molinaro for the open position to replace former commission Phil Bevins. The Commission agreed to write a letter to the Board of Selectmen in support of Chris' appointment.
5. **Meeting Minutes:**
  - a. Minutes from the 10/29/09 meeting were reviewed. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (5-0) to approve the minutes as amended.

Upon motion by Mr. Purcell, seconded by Ms. Russian, the Commission voted (5-0) to adjourn the meeting at 9:40 p.m.

Respectfully submitted,



Beth Rosenblum  
Conservation Administrator