

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, AUGUST 27, 2009
TOWN HOUSE MEETING ROOM, 2ND FLOOR
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, August 27, 2009 at 7:30P.M. at the Southborough Town House, 2nd floor meeting room.

Members Present: John Leeds, Rhonda Russian, A.J. Purcell, Russ Gregory and Dick Upjohn.
Absent: Mark Possemato and Phil Bevins
Others Present: Ellen Chagnon, Conservation Scientist

Jeanne Survell acted as recording secretary in Beth Rosenblum's absence.

The meeting commenced at 7:30 P.M. with John Leeds as Chairperson.

CONTINUED NOTICE OF INTENT – THOMAS LITTLE, 147 SOUTHVILLE ROAD, MAP 2, LOT 58:

Mr. Leeds opened the hearing at 7:40 P.M. Present was Green Hill Engineer, Mark Farrell. Ms. Russian read the Board of Health email letter addressed to Beth Rosenblum, Conservation Commission Administrator, and dated August 20, 2009 into the record. Mr. Farrell updated the Board that they have received approval from the Board of Health to install a septic system within the 100' buffer zone with one condition imposed by the Board of Health. He submitted a proposed septic system plan dated as revised on August 25, 2009 for the Commission's files. Ms. Russian requested that the street be swept as needed at the end of each work day. If a construction entrance other than the existing driveway is used, a stone entrance pad should be constructed. Mr. Farrell stated there is a permanent shed in the center of the driveway but will work around it. Mr. Farrell stated he will notify the Commission before installing the stone entrance pad before construction of it begins. The Commission discussed approving the Notice of Intent with the following conditions:

1. The street is swept as needed at the end of each work day.
2. If a construction entrance other than the existing driveway is used, a stone entrance pad should be constructed but the Commission will be notified about it before hand.

Mr. Upjohn motioned to approve the Notice of Intent (+38H) with the above stated conditions. The motion was seconded by Mr. Gregory and the motion passed with a unanimous vote of 5-0.

NOTICE OF INTENT HEARING – DEPARTMENT OF PUBLIC WORKS – CULVERT UNDER WHITE BAGLEY ROAD – JOHN WOODSMALL, MAP 45, RIGHT OF WAY:

Mr. Leeds opened the hearing at 7:50 P.M. Mr. John Woodsmall, Town Engineer, gave a brief history of the drainage problems with the property. There is an intermittent stream between 41 White Bagley and 13 MacNeil Drive. The owner of 13 MacNeil Drive, Jack Bartolini, has been experiencing flooding in his basement. To alleviate the problem the DPW plans on installing a 24-inch diameter high density polyethylene culvert to mitigate upstream flooding during heavy rains; such as we had in July, 2009. Mr. Woodsmall requested a waiver of the 20' No Disturb setback since some of the work will be performed within the 20' No Disturb Zone. During the October installation, the road will be shut down for a week.

The Commission discussed approving the Notice of Intent with the following conditions:

1. Grant a waiver of the local 20' No Disturb setback
2. No need to alter the location of the culvert due to the vegetation

Mr. Upjohn motioned to approve the Notice of Intent (-38H) with the above stated conditions. The motion was seconded by Mr. Purcell and the motion passed with a unanimous vote of 5-0.

**NOTICE OF INTENT HEARING -- DEPARTMENT OF PUBLIC WORKS --
CULVERT UNDER WOODBURY ROAD -- JOHN WOODSMALL, MAP 9, RIGHT OF
WAY:**

Mr. Leeds opened the hearing at 8:06 P.M. Mr. John Woodsmall, Town Engineer, updated the Commission on the follow up to the emergency flooding on July 7, 2009. The pipe in the culvert collapsed during the flooding. The DPW proposes to install two, 30 inch diameter high density polyethylene (HDPE) pipes to replace an existing 36 inch and an existing 24 inch diameter corrugated metal pipe at the Woodbury Road stream crossing, to install new precast concrete headwalls at the stream crossing, and to replace an existing 18 inch diameter CMP drain line with an 18 inch HDPE pipe. The Commission has already approved the project under an Emergency Certification and had required a Notice of Intent to also be filed per the local Wetlands Regulations. Mr. Woodsmall said they would need to slow down and divert the stream during construction. Ms. Chagnon, Conservation Scientist, asked how long it would take and he responded about one to two weeks. Mr. Woodsmall went on to ask for a waiver of the 20' No Disturb setback due to the need to perform work within the 20' No Disturb Zone.

The Commission discussed approving the Notice of Intent with the following conditions:

1. Grant a waiver of the local 20' No Disturb setback

Ms. Russian motioned to approve the Notice of Intent (-38H) with the above stated conditions. The motion was seconded by Mr. Gregory and the motion passed with a unanimous vote of 5-0.

**REQUEST FOR DETERMINATION OF APPLICABILITY -- QI JIN AND PENG ZHOU,
183 PARKERVILLE ROAD, MAP 12 LOT 6A:**

Mr. Leeds opened the hearing at 8:15 P.M. Homeowner, Qi Jin, would like to remove two large trees in the rear of the house and a clump of red maples to the rear of the garage. Mrs. Jin explained there are large insect holes in the trees and she is concerned they may fall on her home or garage. There are some larger limbs hanging over the garage that she would like to trim up but not take the entire tree down. Mr. Upjohn commented he was fine if the limbs were trimmed but wanted the stumps of any trees cut to remain in the ground. Mrs. Jin agreed to leave the stumps because it costs more to remove them. Mr. Purcell asked if she had plans to replace any of the plantings. Mrs. Jin plans on adding some shrubs perhaps in an island planting.

The Commission discussed approving a negative request for Determination of Applicability with the following conditions:

1. The stumps are not to be removed
2. All work is to be conducted from the existing lawn, with no disturbance to occur within the wetland
3. No machinery to be used in the back yard

Ms. Russian motioned to approve the Negative Determination of Applicability with the above stated conditions. The motion was seconded by Mr. Gregory and the motion passed with a unanimous vote of 5-0.

CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY – GOKULAN THIAGARAJAH, 140 MAIN STREET, MAP 52 LOTS 5.B:

Mr. Leeds opened the hearing at 8:29 P.M. Mr. Thiagarajah was present to explain that he had relocated the wetland flag to its proper location and included a row of haybales between the proposed work and the swale running parallel to the driveway. The Commission had expected the engineer, Peter Bemis to be present to provide an explanation but Ms. Russian and Ms. Chagnon agreed that the homeowner had complied with the Commission's requests from the last meeting. The Commission approved the work as no impact but not the wetland delineation of the site.

The Commission discussed approving a Negative Determination of Applicability with the following conditions:

1. Sweep the driveway as needed
2. Stockpiles to be surrounded with haybales
3. Expressly not a delineation of wetlands due to the fact that the wetland was delineated using vegetation only

Ms. Russian motioned to approve the Negative Determination of Applicability with the above stated conditions. The motion was seconded by Mr. Upjohn and the motion passed with a unanimous vote of 5-0.

CONTINUED ENFORCEMENT DISCUSSION – PAUL PIETRO, 12 SEARS ROAD, MAP 63, LOTS 12:

Mr. Leeds opened the hearing at 8:34 P.M. Homeowner, Paul Pietro, explained that he has been removing walnut trees on his property because of his son's allergies to nuts. Mr. Pietro brought in receipts for a brush hog from November 19, 2008. He doesn't know how many trees he's removed but stated he wasn't aware it was an issue with the Town. Ms. Russian expressed great concern for the type and size of trees removed over the years and their location within and near the wetlands. Mr. Purcell visited the site with Ellen Chagnon, Conservation Scientist, and noted that the tree stumps were removed. Mr. Pietro did not intend to remove the stumps and said it was the company he hired that removed them on their own. Mr. Purcell and then Mr. Gregory commented on how aggressively rutted the soil was when they last observed the property. Ms. Russian emphatically stated that the restoration of the area is number one priority. She went on to inform Mr. Pietro that through the Southborough Wetlands By-law the Commission has the authority to make the homeowner replace all trees that he removed with those of a similar diameter. Mr. Pietro went on to state that he was confused why the farm next to him was not required to follow the same regulations he was as a homeowner. Ms. Russian explained that a working farm has certain waivers from the Wetlands By-laws. Ms. Russian went on to say that due to the substantial disturbance Mr. Pietro will need to hire an engineer to create a restoration plan. The engineer will need to ensure the area is stabilized and design a plan to replace the trees removed. The replacement trees do not need to be walnut trees but something indigenous to wetlands. Mr. Upjohn wants the homeowner to flag the south side of the wetland line and the intermittent stream (Wolfpen stream). Ms. Russian added that the unpermitted activities were done in the buffer zone of the wetlands and a wetland specialist will need to mark the borders so the Commission can view the flags. The Commission wants this work completed in the next two weeks and then to call the office so Beth Rosenblum, Conservation Administrator and Ellen Chagnon, Conservation Scientist can review their work.

Mr. Leeds continued the hearing to September 17, 2009 at 7:30 P.M.

CONTINUED ADMINISTRATIVE ENFORCEMENT – CAPITAL GROUP PROPERTIES, 134 TURNPIKE ROAD, MAP 29, LOTS 47

John Leeds opened the hearing at 8:59 P.M. Agents for Capital Group, Marty Loiselle and Tom Lyons, were present to update the Commission on their recent work. Mr. Lyons stated they have raised the manhole covers, added rip rap where instructed and cleaned the parking lot as needed. Mr. Loiselle submitted photos from today as proof of their work. Mr. Gregory commented that the culvert is still flooding at the entrance. Ms. Russian instructed them to pour cement around the drains and catch basins and to replace filter fabric with silt sacks and call the Conservation Commission's office when the work is complete. The Commission was concerned with the approaching tropical storm "Danny" that was expected to hit the area in the next two days.

Mr. Purcell commented that the drain in the east corner of the back parking lot may have been clogged due to concrete that was washed into it. Mr. Lyons was surprised to hear that but promised to clean it up the next day. Ms. Russian stated that they have made some improvements but the catch basin needs to be fixed and hydroseeding needs to take place after this wet weekend. Mr. Purcell offered to check the clogged concrete drain tomorrow. Mr. Lyons said they would be ready by noon.

After some discussion amongst the Commissioners it was decided to continue the enforcement hearing to Thursday, September 17, 2009 at 8:00 P.M.

STORMWATER MANAGEMENT PERMIT – ADMINISTRATIVE ENFORCEMENT – JOSHAR PROPERTY MANAGEMENT, 78 DEERFOOT ROAD, MAP 34, LOTS 50

John Leeds opened the hearing at 9:13 P.M. Mr. Tim Hamilton from Adams Enterprises was present to give an update of the work performed in response to an administrative enforcement letter received from the Commission. He stated they had:

1. Cleaned the stone entrance
2. Installed haybales at the driveway entrance
3. Hasn't had a need to clean the street but does occasionally sweep it.
4. Cleaned silt out of grass swale and the rip rap
5. Still waiting for National Grid for overhead easement before laying a layer of binder cover

Ms. Russian asked for the revised plans. Mr. Hamilton said he was waiting for Mike Sullivan to complete them and thought he would be available tonight to answer the Commission's questions. Mr. Gregory said there are still problems with the sub-drains at the catch basin. Mr. Purcell was concerned with the new haybales being mixed in with the old haybales. Mr. Purcell also wanted to know if the water runoff calculations included the water runoff from the roof.

Mr. Hamilton stated he was still waiting for the revised plans from Mike Sullivan but would inform the Commission as soon as the information was available.

Mr. Gregory wanted to know what precautionary measures were being taken from the impending tropical storm "Danny". Mr. Hamilton stated they would add additional haybales and redirect the runoff as best they could.

Ms. Russian expressed her concern about the uncontrolled erosion and that it must be corrected immediately. The Commission would prefer to work with the contractors and not be forced to subject the owner to fines and penalties. Mrs. Josephine Colleary Shea, property manager, stated she would comply with everything the Commission wanted and would have a binder coat on the driveway within one week with or without the consent of National Grid for an overhead easement. The Commission asked that photographic evidence of the binder coat installation within one week's time be submitted to the Conservation office, as well as a written response to the letter dated 8/12/09 detailing the violations observed at the site. Mrs. Shea was instructed to keep Beth Rosenblum, Conservation Administrator, advised of her progress.

After a brief discussion, the Commission continued the Administrative Enforcement to Thursday, September 17, 2009 at 8:15 P.M.

OTHER BUSINESS:

1. **Conservation Scientist:** Ms. Ellen Chagnon directed the Commission to her previously submitted report.
2. **Meeting Minutes** – The Commission decided to wait until the September 17th meeting to review the August 6, 2009 meeting minutes when Beth Rosenblum is available for comment.
3. **101 Main Street: Administrative Review of Proposed Plan Revisions with Mike Sullivan:** Ms. Russian motioned to approve the revised plans as submitted by Mike Sullivan. Mr. Upjohn seconded the motion and it carried with a unanimous vote of 5-0.
4. **Request for Certificate of Compliance – 23 Richards Road – Map 8, Lot 15:** Ms. Russian motioned to approve a Certificate of Compliance. Mr. Purcell seconded the motion and it carried with a unanimous vote of 5-0.

Upon motion by Ms. Russian, seconded by Mr. Upjohn, the commission voted (5-0) to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

Jeanne Survell
Administrative Secretary,
Building and Zoning Board of Appeals