

SOUTHBOROUGH CONSERVATION COMMISSION
TUESDAY, MARCH 4, 2008
CORDAVILLE HALL, 9 CORDAVILLE ROAD
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Tuesday, March 4, 2008 at 7:30 p.m. at Cordaville Hall (upper hall), 9 Cordaville Road.

Members Present: John Leeds Rhonda Russian, Phil Bevins, Mark Possemato, Ann Leavitt and Richard Upjohn*.

* Mr. Upjohn arrived at 8:30 p.m.

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

CONTINUED NOTICE OF INTENT – KRISTIN LUDWIG, 7 HICKORY ROAD, ASSESSORS MAP 42, LOT 21:

Mr. Leeds read into the record a letter from the applicant's engineer requesting a continuance since the ground was still snow covered. Mr. Leeds continued the hearing to March 27, 2008.

NOTICE(S) OF INTENT – TRASK DEVELOPMENT CORP., # 6, 7, 8, 9 & 10 METCALF LANE, ASSESSORS MAP 96, LOT 1:

Mr. Leeds opened the hearing at 8 p.m. The application(s) were submitted to construct 5 single family homes with associated grading and driveways within the 100' buffer zone. The subdivision will have a total of 7 house lots, 5 within the Commission's jurisdiction. Present for the hearing was Ben Stevens of Trask Development, who presented an overview of the plans and distributed additional data demonstrating how the project is in compliance with the new revisions to the DEP Stormwater Regulations. Mr. Stevens spoke about the infiltration and recharge plans, the site grading, roadway construction, the grading and the haybale installation. The Commission informed Mr. Stevens the site needs to be completely staked in the field, and inquired whether the Board of Health (BOH) had granted septic approval yet. Mr. Stevens replied he had not yet filed the permit request. Mr. Possemato noted on the plans it appears the runoff is being split between both DA1 and DA2 systems. Mr. Stevens confirmed this. No Commissioners had the opportunity to perform a site visit, and indicated their intention to do so prior to the next hearing.

Mr. Leeds opened up questions to the audience. Karen Muggeridge, a direct abutter at 15 Parmenter Road asked about the impacts to bordering vegetated wetlands; the volume capacity of the underground stormwater system; if she could receive a copy of the stormwater management report and other permits or comments received from the Board of Health related to wells, septic and irrigation. Ms. Muggeridge asked about jurisdiction over environmental issues on the site, claiming that the roadway construction and curb cut had created a mud hole near her mailbox as well as runoff into Angelica Brook. Kerry Kimball of 17 Parmenter Road questioned whether the location of the proposed house sites being presented were the same as had been approved by the Planning Board. Mr. Kimball asked if the Planning Board would have approved the project had they known the houses would be sited in the wetlands. The Commission said the burden is on the applicant to demonstrate that project will meet all of the standards and regulations of the Wetlands Protection Act and the municipal wetlands bylaw; the proposed shrubs and swales will aid in absorbing lawn herbicides and driveway runoff; the proposed house lots are not in the wetlands, but will be in the wetland "buffer zone". Celeste Kimball of 17 Parmenter Road asked whether the houses could be sited outside of the Commission's jurisdiction. The Commission explained what their jurisdiction is, and that several designs were reviewed by the Planning Board before this one was approved. Ms. Muggeridge asked whether the Commission could deny a project within the buffer zone. The Commission explained the

differences between bordering vegetated wetlands, the 100' buffer zone around them, the Interests of the Wetlands Protection Act, due diligence and BMP's. Ms. Muggeridge stated that several of the proposals the Planning Board reviewed did not meet the open space set-aside requirements, and asked if the developer should be entitled to this number of house lots. Mr. Kimball stated the haybale line was clear cut to the tree line, and asked if the developer would be allowed to clear cut additional area, or if the haybale line is the limit of work. The Commission indicated the haybales were installed under the Order of Conditions for the underground stormwater system and roadway approval, and reiterated their jurisdiction is to verify that (all aspects of) the project meets the WPA standards. Ms. Muggeridge asked if the ecological impacts of the project are being considered. The Commission replied if they feel it is a concern, they would require additional data be presented by the applicant.

Mr. Leeds continued the hearing to March 27, 2008 at 8:30 p.m.

NOTICE OF INTENT – ROBERT HEAVEY, 84 TURNPIKE ROAD (WOODLAND MEADOWS), MAP 38, LOT 10:

Mr. Leeds opened the hearing at 8:55 p.m. Mr. Bevins recused himself from the hearing as an abutter to the project. The application is to construct a 40 unit apartment building (under a Comprehensive Permit) with associated parking and utilities, with a wetland crossing within the Riverfront Area. Present for the hearing was property owner Robert Heavey and engineer Tim Paris from Connorstone Engineering.

Mr. Paris gave an overview of the project site and proposal that included: some parking will be under the building; the septic system will be upland on the east side of the site; some wetland filling is necessary; emergency access to Woodland Road will be from the north; stormwater management systems will include runoff being collected and directed to wetlands; details of the detention basin(s) and retaining wall; details of the 22' wide driveway crossing; wetland replication at 2:1 ratio; wetland filling amount is 3,158 sq. ft. and replication proposed is 6,340 sq. ft; other resource areas on the site are Land Under Water and Bank. Mr. Paris stated that COIR logs would be used to stabilize the stream bank, and he provided a construction sequence for the culvert and the replication areas. Mr. Paris said the stream and the slope runoff would be diverted for the culvert construction during low flow conditions. Mr. Paris said the Board of Health permit application for the septic had not been submitted yet.

Commissioners questioned the proposed septic area and asked about the removal of trees required for grading of the replication areas adjacent to Woodland Road. Commissioners asked about wetland filling, and whether the retaining wall construction will impinge further on the wetlands. Mr. Paris said a structural engineer will need to design the wall, and the disturbance would be limited to 5' which would be restored. Mr. Paris presented an Alternatives Analysis that was limited only to another 40B project on the site. Commissioners expressed concern about filling of wetlands to construct the building, and questioned whether the replication areas are hydraulically connected to wetlands. Mr. Paris stated the new DEP Stormwater standards will be met and described the infiltration systems and rain gardens proposed. The Commission inquired how the runoff from the adjacent Walgreens site will be handled, about the primary and expansion leach areas, and how the replication areas proposed on slopes will thrive. One Commissioner asked about requiring a waiver request from the applicant for work within the 20' No Touch Area. Ms. Russian explained that since this project is being proposed under a Comprehensive Permit application, The Zoning Board of Appeals has the major role in the approval process, and the Commission's jurisdiction is limited to the provisions of the Wetlands Protection Act only, and not the local wetlands bylaw, unless the ZBA requires otherwise. Ms. Russian confirmed the requirement that the new DEP Stormwater Regulations need to be complied with, and that supplemental information needed to be presented. Ms. Russian stated the Commission had received an opinion from Town Counsel that 40B projects must comply with the Stormwater and Erosion Control Bylaw regulations under the Federal Clean Water Act

regulations and a SMP application would need to be filed. Ms. Russian also said that a 401 Water Quality Certification was needed as the stream on the site is tributary to an Outstanding Resource Water (ORW). Ms. Russian stated a peer review of the project was needed that included compliance with WPA performance standards and a review of the proposed septic system. Ms. Russian said the Alternatives Analysis presented was not comprehensive, and disputed that a 40B project is the only viable option for the site. Ms. Russian pointed out the dates on the Affidavit of Service is inconsistent. The Commission asked for details about the location of the Conservation Restriction on the site, and asked how much of the total site is wetlands.

Mr. Leeds opened up questions to the audience. Ben Stevens of 4 Bay Path Lane questioned the grading at the site entrance, asked if Woodland Road runoff was taken into consideration for the stormwater calculations, and indicated that sand and salt from the roadway will end up in the proposed replication area. Mr. Stevens also asked whether the setback required by Title V can be met by filling in wetlands. Mr. Bevins of 29 Woodland Road referred to comments made by town engineer John Woodsmall in a memo dated March 4, 2008 that referenced the size of the culvert. Mr. Bevins asked whether flood storage calculations were done, and said the increased size of the culvert may increase the amount of runoff onto Woodland Road and may cause problems down below. Mr. Bevins said a huge volume of water would be coming down Woodland Road, and the quality of that water is an issue of concern. Mr. Paris said that stream crossing standards prefer larger box culverts, and that protocol was being followed. Roger Challen of 29 Oak Hill Road, a direct abutter to the proposed reserve leach field, said there is a significant grade from the secondary leach field to the site, and inquired how it would be reached. Mr. Paris responded it would need to be pumped up and may vary depending on the type of system that was chosen for the site. Karen Challen of 29 Oak Hill Road asked whether mounding would compromise the adjacent properties. Ben Stevens pointed out the emergency access was over a different property. Peter Bemis of 9 Wolfpen Lane asked for results of the soil testing, specifically the types on the hill. Mr. Bemis asked about the flood plain, and what percentage of activity is proposed for the inner versus outer riparian zone.

Mr. Leeds continued the hearing to March 27, 2008 at 9 p.m.

OTHER BUSINESS:

1. Meeting Minutes:

Minutes of February 13, 2008 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to approve the minutes as amended.

2. Certificate of Compliance – DEP File # 290-385, Fay School, 45 Main Street:

Mr. Upjohn recused himself from the vote. Upon motion by Ms. Leavitt, seconded by Mr. Possemato, the Commission voted (5-0) to approve a Certificate of Compliance.

3. Conservation Restriction at 134 Turnpike Road:

The Commission reviewed the Conservation Restriction for land owned by William Depietri behind 134 Turnpike Road and adjacent to the Breakneck Hill Conservation Land. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to accept the Conservation Restriction and signed the required forms.

4. Budget Discussion:

The Commission discussed the comments made by the Advisory Committee at a budget summit attended by Mr. Leeds and Ms. Rosenblum. The Advisory Committee would like the wetlands filing fee account to be depleted over the next few years, by using a substantial portion of it to fund the salary of the Conservation Administrator. The Commission agreed that

a major portion of the Administrator's time is now being spent on Stormwater Management Permit issues, and less time on Wetlands Protection Act items. The Commission discussed revising the budget to use 25% of the Administrator's salary from the wetlands filing fee account, rather than the 50% proposed by Advisory. The Commission also discussed the need for an additional part time staff person who possesses technical expertise in stormwater and wetlands science and to review and interpret complex stormwater management issues, perform oversight and follow up on enforcement issues, review and oversee complicated O&M plans and site visits. The Commission would like to discuss these issues with the Board of Selectmen, and expressed strong opposition to the Advisory Committee's recommendations.

5. **Bartolini Business Park - Decision and Vote on Stormwater Management Permit, Order of Conditions and Special Conditions:**

The Commission reviewed the SMP. Upon motion by Ms. Russian, seconded by Mr. Bevins, the Commission voted (5-0-1, with Mr. Upjohn abstaining), to approve the SMP as amended.

The Commission reviewed the Order of Conditions (+38h) and Special Conditions under the Municipal Bylaw. Upon motion by Ms. Russian, seconded by Ms. Leavitt, the Commission voted (5-1, with Mr. Upjohn voting nay) to approve as amended.

The Commission reviewed the Special Conditions under the Order of Conditions. Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (5-1, with Mr. Upjohn voting nay) to approve as written.

Upon motion by Mr. Possemato, seconded by Ms. Leavitt, the Commission voted (6-0) to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator