

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

The Conservation Commission of the Town of Southborough held a meeting on Thursday, April 2, 2009 at 7:15 p.m. at the Southborough Town House, 2nd floor meeting room.

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

Members Absent: Phil Bevins.

The meeting commenced at 7:15 p.m. with Mr. Leeds as chairperson.

EXECUTIVE SESSION WITH TOWN COUNSEL TO DISCUSS PENDING LITIGATION:

Mr. Leeds opened the public meeting at 7:15 p.m. By roll call vote, the Commission moved to enter into Executive Session with Town Counsel Aldo Cipriano at 7:15 p.m. By roll call vote, the Commission moved to exit Executive Session and re-enter into public session at 7:50 p.m.

CONTINUED NOTICE OF INTENT, EMC CORPORATION, CRYSTAL POND ROAD AND COSLIN DRIVE, ASSESSORS MAPS 6, 11, 11, 11, 11, 24, 24, 25, 26, LOTS 3, 1, 2, 3, 4, 1, 2, 4A, 9 RESPECTIVELY:

Mr. Leeds opened the public hearing at 7:50 p.m. Present for the hearing was Dan Feeney of Beals and Thomas, Lisa Ferdenzi of EMC Corporation and Leigh Gilligan of McCarter & English.

Mr. Feeney stated the revised plan sets dated 3/31/09 and distributed incorporate all of the comments received from Fuss & O'Neill and the Westborough Conservation Commission. The Commission had no further questions.

Mr. Leeds closed the hearing.

ADMINISTRATIVE ENFORCEMENT HEARING, CAPITAL GROUP PROPERTIES, 134 TURNPIKE ROAD, ASSESSORS MAP 29, LOT 47:

The applicant failed to show for the scheduled hearing. The Commission discussed the possibility of ratifying the Enforcement Order given the severity of the observed violations. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to ratify the Enforcement Order and have it recorded at the Worcester Registry of Deeds. Each Commission member present signed the Enforcement Order. The Commission discussed the Extension Request received from Martin Loiselle of Capital Group Properties for the expiring Order of Conditions for this site. The Commission agreed to wait until the meeting and for the applicant to be present before considering this request.

CONTINUED STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT, ST. MARK'S SCHOOL, 30 MARLBORO ROAD, ASSESSORS MAPS 74 & 53, LOTS 6 & 9:

Mr. Leeds opened the hearing(s) simultaneously at 8:15 p.m. Present for the hearing(s) were Bob Meyer of St. Marks' School, Lee Sollenberger of Design Technologies, and Rebecca Bachand and Megan Buczynski of Stantec.

Ms. Russian read into the record a comment memo from Town Engineer John Woodsmall dated April 1, 2009.

Ms. Buczynski addressed the issues outstanding. Ms. Buczynski said the field outlet and treatment of stormwater has been modified per comments received from Fuss & O'Neill; the 15' grass channel will be pitched and flow into a level spreader before discharging down the slope and into the wetlands; and construction access will be within the 20' No Disturb Zone, requiring a formal request for a waiver.

The Commission asked whether the construction access will need filling and grading, and whether those changes will remain after construction is completed. Ms. Buczynski replied in the affirmative. The Commission acknowledged they had received materials from Frederica Gillespie representing the Sudbury River Watershed Organization at the last minute, adding a further delay to the closure of the public hearing. The Commission asked Ms. Gillespie to submit any materials she wished the Commission to consider one week in advance of the scheduled meeting, and asked for her comments. Ms. Gillespie said she was concerned about the leaching of heavy metals into the wetlands and the potential vernal pool, in particular zinc. Ms. Gillespie acknowledged this was an emerging science and that EPA and DEP had not ruled definitively on this issue. Ms. Buczynski stated that EPA water quality standards were now being used for the project, and both she and Ms. Bachand asked the Commission to close the hearing this evening.

Mr. Upjohn asked for confirmation that the fields will only be used during the spring and fall, and not during the summer. Mr. Meyer replied this has not been addressed yet, and that summer camps may request use of these fields. Mr. Meyer added that St. Mark's might be willing to consider limited use if the Commission stipulated it.

At 8:40 p.m. Mr. Leeds continued the hearing(s) to April 23, 2009 at 7:45 p.m.

AMEND SOUTHBOROUGH WETLANDS REGULATIONS, CREATE LOCAL FILING FEE SCHEDULE:

Mr. Leeds opened the public hearing at 9:30 p.m. The Commission reviewed the fee schedules from nearby towns, and agreed that their preferred fee schedule was Option 2, which was approved unanimously with the proviso that the discussion on choosing the best method of the type of fund to set up for the collections be continued,

OTHER BUSINESS:

1. **Meeting Minutes:** Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to approve the minutes of 3/12/09 as amended.
2. **Request for an Extension of Order of Conditions:** Mike Lane of Edgewood Construction, LLC requested an Extension Permit for the construction of the last remaining lot located at 5 Wells Lane (Lot 4). Mr. Lane informed the Commission that the location of the house, driveway and septic system has changed since originally approved. The Commission denied the extension request, stating they want to see a new Notice of Intent and they want abutters to be notified. Mr. Lane will need to submit a new filing for construction of the lot.
3. **Informal Discussion with Southborough Stewardship Committee:** Present for the discussion was chair Jim Gorss, members Frederica Gillespie and Laurie Bourdon and resident Chris Molinaro. Mr. Gorss submitted a formal request in writing for the Commission to recommend the appointment of resident Tomasz Kierul to one of the open spots on the committee to the Board of Selectmen. The Commission agreed. Mr. Gorss gave an update on the ongoing attempts to eradicate the invasive multi flora rose from the Breakneck Hill Conservation Land, and suggested the hiring of a contractor to remove it from the wetlands.

The Commission replied that further discussion would need to take place and a Notice of Intent filed for work within wetland areas. Mr. Gorss informed the Commission that Chris Molinaro of 85 Woodland Road had asked for permission to keep 3 beehives on the conservation land near the stone wall and newly constructed wetland and using a 4' high wire fence around the hives to protect them from curiosity seekers. Mr. Gorss said the Stewardship Committee had endorsed the suggestion. Ms. Gillespie said that bees on the conservation land will demonstrate to the state that the town is pursuing agricultural and ecologically friendly local food production. Mr. Possemato expressed concerns that visitors to the site may have bee allergies and signs alerting them to the presence of bees should be installed. Mr. Molinaro said he will put up signs that read "Caution: Working Bees". The Commission unanimously approved Mr. Molinaro's request to keep 3 beehives at Breakneck Hill Conservation Land. The final item to be discussed was whether horses would be allowed limited use of the trails at Breakneck Hill. Both the pros and cons were considered, as well as the past history of horse-related issues and controversies. One Commissioner suggested trying a probationary period. The other Commissioners asked for more time to consider the request, and agreed to revisit at a later date.

4. Write Orders of Conditions for 101 Main Street and 11 Cordaville Road:

- a. 11 Cordaville Road (Cemetery Building): Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (6-0) to approve an Order of Conditions with Special Conditions as drafted by Ms. Rosenblum.
- b. 101 Main Street: Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (6-0) to approve an Order of Conditions with Special Conditions as drafted by Ms. Rosenblum.

5. **Request for Certificate of Compliance – 41 Oregon Road:** Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to approve a Certificate of Compliance.

Upon motion by seconded by Ms. Russian, seconded by Mr. Purcell, the Commission voted (6-0) to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator