

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, APRIL 23, 2009
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, April 23, 2009 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

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

Members Absent: Mark Possemato.

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

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

Mr. Leeds opened the hearing at 7:30 p.m. Present for the hearing was William Depietri of Capital Group Properties. Mr. Depietri apologized for missing the prior meeting and detailed how the violations listed in the Enforcement Order will be addressed. Mr. Depietri said the 2 washouts will be repaired in May using either jute matting with loam or rip rap. Mr. Depietri expressed surprise they had let go. Mr. Depietri said silt fencing and haybales have been replaced and re-staked, the equipment has been removed, the area over the septic system will be reseeded, the rear slope grading will change to a 4:1 slope, the detention basins should have between 6"-8" of water in them and remain dry in summer and he will keep an eye on them for any changes to this, signs will be installed in the parking area nearest to the wetlands that say "No Dumping of Snow", and the catch basin covers will be removed and the silt sacks replaced.

The Commission was concerned that the violations showed negligence over a long period of time since the problems did not happen overnight. The Commission reiterated that the haybales were not being maintained as required and there was unnecessary stockpiling of loam in a sloped area. The Commission would like to see a timetable showing the schedule of work for the restoration being proposed by Mr. Depietri that covers the next 3 months, and to include an action plan for storm events. The Commission also discussed the status of the ratified Enforcement Order and whether it should be lifted so the restoration work can occur, and stated they reserved the right to assess fines if necessary. Mr. Depietri said the action plan will show the work will all be done by June, and it will be delivered to the Commission office on Monday.

Mr. Purcell proposed a motion to lift the Enforcement Order. Mr. Upjohn proposed an amendment that the Enforcement Order will be lifted contingent upon the receipt of the schedule of work action plan at the Commission office, seconded by Mr. Gregory. The Commission voted (5-0-1 with Ms. Russian abstaining) to accept this amended motion.

The Commission then discussed the request for an Extension of the expiring Order of Conditions for the same site, and asked Mr. Depietri how much time he needs for the extension. Mr. Depietri replied he needed one year. Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (6-0) to extend the Order of Conditions 134 Turnpike Road for one year.

CONTINUED STORMWATER MANAGEMENT PERMIT AND CONTINUED 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 7:50 p.m. Present for the hearing(s) were Bob Meyer of St. Marks' School, Lee Sollenberger of Design Technologies, Rebecca Bachand and Megan Buczynski of Stantec, and Frederica Gillespie of Sudbury River Watershed Organization (SWRO).

Ms. Buczynski said Stantec disagrees with the SRWO's contention regarding impacts of the artificial turf materials to the wetlands, and is instead proposing that annual water testing be done and compared to EPA standards for zinc and lead, and that the testing be done at the outfall prior to the water reaching the swale and level spreader. Ms. Buczynski said Stantec is opposed to testing the soil since it is difficult to confirm whether the results are from the playing field or from environmental factors. Ms. Buczynski spoke about snow removal, said the fields may be plowed and whoever is responsible will be shown the proper techniques for snow removal, and said the snow will remain within the fenced line of the field. Some Commissioners felt that an independent scientist should do the water testing and not employees of St. Mark's School, and the timing of catching the water is important; it should be the first flush. Ms. Buczynski said that defining the storm for the collection may be difficult to do. The Commission asked Stantec to draft some special conditions for the snow removal techniques to be followed, the water testing protocols, and for an action plan for dealing with unforeseen circumstances. Ms. Buczynski said some of this will be in the Stormwater Pollution Prevention Plan (SWPPP). One Commissioner felt the testing results should be available to the public and published on the St. Mark's School website.

Ms. Gillespie said the issue of snow removal was discussed at the Planning Board meeting, and it was stated that the playing schedule could be extended with the construction of these fields. Ms. Gillespie asked Stantec to provide a plan of action for plowing if it does end up occurring. Ms. Gillespie spoke to the issue of water testing and the collection of samples; she feels that certain standards and protocols must be followed and she wants an independent scientist to collect the samples and suggested using the Southborough Conservation Scientist. Ms. Gillespie spoke about the dates for the sampling and testing, and indicated that results can change depending on when the sampling is done. Ms. Gillespie asked for soil testing to be done since zinc can get into groundwater and suggested the soil be tested prior to the field installations and when the field is removed. Ms. Buczynski responded there are too many outside factors that can influence the soil testing results that can't be quantified, to which members of the Commission agreed would be problematic. One Commissioner said he didn't see any harm in having a soil baseline test done since environmental safety is part of a Commission's responsibility. A discussion continued about groundwater and soil testing and which standards should be followed. Ms. Russian pointed out the Wetlands Protection Act performance standards do not address or regulate artificial turf standards or testing, and that water quality aspects are not specifically addressed in the MA DEP Stormwater Policy standards or Wetlands Protection Act. Ms. Russian asked all parties to submit draft special conditions for review and consideration by the Commission, and asked St. Mark's School for an extension until the end of May of the 90 day deadline to issue a Stormwater Management Permit Decision. Mr. Meyer agreed to the extension request. Mr. Upjohn said he feels the hearing should be closed and concurred that the parties should submit their suggested special conditions.

Mr. Leeds closed the Notice of Intent hearing and the Stormwater Management Permit hearing at 8:25 p.m.

NOTICE OF INTENT: DEPARTMENT OF PUBLIC WORKS, FISHER ROAD SIDEWALK EXTENSION, ASSESSORS MAPS 71 & 72, RIGHT-OF-WAY:

Mr. Leeds opened the hearing at 8:25 p.m. Present for the hearing was town engineer John Woodsmall. Mr. Woodsmall stated the Notice of Intent application is for a 5.5' wide sidewalk extension between Jericho Hill Road and Andrews Way and the wetlands were flagged last fall by Carr Research. Mr. Woodsmall gave an overview of the proposal, said there will be an asphalt berm, the project is considered to be redevelopment under the Wetlands Protection Act but must still meet DEP Stormwater Management Policy Standards, most of which have been met thoroughly and the rest are met to the maximum extent practicable. Mr. Woodsmall described the infiltration system that will achieve the 85% TSS removal requirement, said erosion control matting will be used instead of a headwall, and said a portion of the project will need a waiver from the local bylaw 20' No Disturb Zone for the installation of the sidewalk and shoulder at the following areas (STA 55+70 and STA 58+00) and for erosion controls during construction.

Upon motion by Mr. Upjohn to approve a standard Order of Conditions (-38h), with an amendment by Ms. Russian to grant a waiver of the 20' No Disturb Zone as there is no other practical location to place the sidewalk and given the fact that the wetland resource area will be adequately protected by erosion controls, seconded by Mr. Gregory, the Commission voted (6-0) to approve an Order of Conditions and waiver of the local bylaw as requested.

REQUEST FOR DETERMINATION OF APPLICABILITY: TOWN OF SOUTHBOROUGH, CORDAVILLE ROAD, MBTA TRIANGLE COMMITTEE, ASSESSORS MAP 4, LOT 1:

Mr. Leeds opened the hearing at 8:40 p.m. The application is to determine whether proposed improvements to the existing triangle site are subject to the Wetlands Protection Act of the Southborough Wetlands Bylaw. Present for the hearing was Nancy Vargas, chair of the MBTA Triangle Committee. Ms. Vargas gave an overview of the proposed project to install plantings, pathways and seating. Commissioners asked about the historic foundation that was on the site. Ms. Vargas does not believe it still exists on the site. Ms. Vargas said the light stanchions will remain, and the trees will either remain or be relocated on the site. The Commission confirmed that the haybales will be installed along the grass near Route 85 rather than on the sidewalk.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to issue a Negative Determination with the condition that the haybales are installed as shown on the approved plans.

NOTICE OF INTENT: MIKE FUCE, 225 PARKERVILLE ROAD, ASSESSORS MAP 7, LOT 86:

Mr. Leeds opened the hearing at 8:55 p.m. Seeing that neither the applicant nor his representative was present, Mr. Leeds continued the hearing to the next meeting, 5/14/09.

NOTICE OF INTENT: MICHAEL LANE, 5 WELLS LANE (LOT 4), ASSESSORS MAP 15, LOT 66:

Mr. Leeds opened the hearing at 8:56 p.m. The application is for the construction of a single family home, driveway, septic, grading and landscaping within the 100' buffer zone. Present for the hearing was property owner Mike Lane and engineer Tom Dipersio, Jr.

Mr. Dipersio gave an overview of the proposal and stated that the Board of Health had approved a Presby (septic) system and the site will require fill and re-grading for stabilizing the rear slope. The Commission complained the site was not staked and they had no concept of where the structures were going, and that the contours on the plans did not appear to match the site conditions. Mr. Upjohn said the rear of the house and the septic will be floating on air if the fill is not clearly shown on the plans, and asked about the boxes on the site that appear to be in the location of the proposed driveway. Mr.

Dipersio said the boxes shown on the plans are property bounds, and are not the electrical boxes that are on the site. Mr. Bevins said the retaining wall appeared to be up to 12' high in some areas, and felt the rain garden should be tied into the corner with a swale leading in and that the base of the retaining wall should be vegetated. Mr. Bevins said the down spouts should be connected to French drains to catch the runoff. The Commission asked what the volume of fill will be. Mr. Dipersio replied it will be a couple of thousand cubic yards at the least. The Commission stated the catch basins along the roadway needed cleaning.

Frederica Gillespie of the Open Space Preservation Commission praised the use of a rain garden on the site but wants to ensure there is no disturbance of the dedicated open space on the property, and said the stone wall must be kept away from the open space and the open space needs to be protected.

Mr. Leeds continued the hearing to 5/14/09.

CONTINUED PUBLIC HEARING TO AMEND SOUTHBOROUGH WETLANDS REGULATIONS AND CREATE LOCAL FILING FEE SCHEDULE:

At the request of the Conservation Administrator, Mr. Leeds continued the public hearing to 5/14/09 so that additional information can be gathered.

OTHER BUSINESS:

1. **Meeting Minutes:** Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to approve the minutes of 4/2/09 as amended.
2. **Write Orders of Conditions for EMC Corporation:** Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to accept the proposed Order of Conditions with Special Conditions as drafted by the Conservation Administrator.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (6-0) to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator