

SOUTHBOROUGH CONSERVATION COMMISSION  
THURSDAY, MAY 14, 2009  
TOWN HOUSE MEETING ROOM, 2<sup>nd</sup> fl.  
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, May 14, 2009 at 7:00 p.m. at the Southborough Town House, 2<sup>nd</sup> floor meeting room.

Members Present: John Leeds, Mark Possemato, A.J. Purcell, Dick Upjohn and Rhonda Russian  
Members Absent: Phil Bevins and Russ Gregory  
Mr. Possemato left the meeting at 9:25 p.m.

The meeting commenced at 7:00 p.m. with Mr. Leeds as chairperson.

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**EXECUTIVE SESSION WITH TOWN COUNSEL TO DISCUSS PENDING LITIGATION:**

Mr. Leeds opened the public meeting at 7:00 p.m. By roll call vote, the Commission moved to enter into Executive Session with Town Counsel Aldo Cipriano at 7:00 p.m. By roll call vote, the Commission moved to exit Executive Session and re-enter into public session at 7:35 p.m.

**REQUEST FOR DETERMINATION OF APPLICABILITY: FARBORO REALTY TRUST, 251 TURNPIKE ROAD, ASSESSORS MAP 27, LOTS 8 & 9:**

Mr. Leeds opened the hearing at 7:35 p.m. Present for the hearing was engineer Bruce Saluk. The Request for Determination was filed to determine whether the work proposed is subject to the Wetlands Protection Act. Mr. Saluk stated that 2 lots (#241 and #245 Turnpike Rd.) have been purchased by Jim Farrell of Farrell Volvo in order to park cars. Mr. Saluk said 1,500 sq. ft. of existing pavement will be removed and trees and shrubs will be planted, an old foundation will be removed, and a landscaped island will be created. Mr. Saluk said that an intermittent stream is adjacent to the property and the only activity being proposed within the buffer zone to the stream is the planting of shrubs and the installation of mulch and soil. Mr. Saluk said erosion controls will be installed in one location only at the lower area between the 2 properties.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0) to issue a Negative Determination provided that haybales of roughly 50' in length are installed along the area defined at the meeting.

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

Mr. Leeds opened the hearing at 7:50 p.m. Present for the hearing was property owner Mike Lane and engineer Tom Dipersio, Jr. Mr. Dipersio gave an overview of the plan revisions that were made based on the comments by the Commission at the prior hearing. The Commission asked about the types of plantings being proposed. Mr. Dipersio said that had not been decided yet and may wait for a buyer for the property before making the final choices. The Commissioners expressed concerns about the large volume of fill that will be brought in to develop the site, and reiterated that the efficiency of erosion controls is of paramount importance given the quantity of fill. The Commission asked about emergency response preparedness if 3 days of rain occurs. The Commission said that careful monitoring of the site during construction is essential, and asked the applicant to submit a bi-weekly progress report during development of the site and until the project is completed. Mr. Upjohn is concerned that fill may erode onto the protected open space area. The Commission informed the

applicant that a Request for Determination will need to be filed in order to complete the roadway work approved under a now-expired Order of Conditions. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (4-1 with Mr. Upjohn voting nay), to approve a standard Order of Conditions (-38h) with Special Conditions to include a bi-weekly inspection report as agreed to by the applicant at the public hearing and copied to the Planning Board that provides an overview of the progress of construction on the site; in the event of a significant rain event, the status of the erosion controls will be provided to the Conservation Commission within 24 hours; both silt fencing and haybales will be required for the erosion controls.

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

Mr. Leeds opened the hearing at 8:05 p.m. Present for the hearing was Peter Bemis of Engineering Design Consultants. The application is for the construction of a swimming pool and associated site improvements within the 100' buffer zone to BVW. Mr. Bemis gave an overview of the property and admitted to the Commission that activities had occurred in and around the resource area previously. Mr. Bemis said the proposal is to install a small in ground swimming pool tucked into the corner of the lot. Mr. Bemis stated a permanent barrier of large boulders will be installed at the 20' No Disturb Zone line and mulched with compost from the edge of BVW to the 20' line to clearly delineate the No Touch Area. Mr. Bemis said the shed will be relocated to the driveway area, a retaining wall will be constructed, the pool deck will be constructed with permeable pavers, the pool will be raised 2' and have a liner and filter system with no backwash. The Commission asked about the effects of the high groundwater. Mr. Bemis said the proposed pool style is the only type appropriate for the site. Mr. Bemis offered to remove the tree-house from the resource area. The Commission approved leaving it intact, and for a path to access it. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to approve a standard Order of Conditions (-38h) with Special Conditions to include that the shed must be moved as shown on the plans and as agreed to by the applicant; the 20' No Disturb Area buffer shall be restored as described on the approved plans; and a cartridge, filtered-base pool system (and not sand-based) will be installed as indicated by the applicant at the public hearing.

**NOTICE OF INTENT: PETER KWAN, 28 NEWTON STREET, ASSESSORS MAP 65, LOTS 13 & 15:**

Mr. Leeds opened the hearing at 8:15 p.m. Present for the hearing was Tony Kwan, Desheng Wang of Carr Research Laboratory, and engineer Bruce Saluk. The application was filed for the Phase II expansion of the northern parking lot, drainage system and stormwater detention basin within the 100' buffer zone to BVW at Southborough Medical Center.

Mr. Kwan gave the Commission an update on the status of the project and the parking requirements for the site, and a history of the former use of the site. Mr. Wang gave an overview of the proposed work, and said that all of the work is in the buffer zone, the work will meet the new 5 acre stormwater standards for a general construction permit, the street catch basins will be tied into the new system and all water will be treated to 80% TSS removal through the detention pond and into the wetlands. Mr. Wang summarized the comments made by the Town Engineer, and offered responses to the issues raised by Mr. Woodsmall. Mr. Wang said the recharge has been designed for 5.9 acres (the entire site) and will be treated to the highest standard since eventual discharge is to the Sudbury Reservoir, an outstanding resource water. Mr. Wang said a Stormwater Management Permit is being requested as well, and that hearing will be held at the next meeting. Mr. Wang said a Stormwater Pollution Prevention Plan and an Operations and Maintenance Plan have been submitted. Mr. Wang offered

thanks and acknowledged Mr. Woodsmall's thorough and professional review of the plans and the entire proposal. Mr. Upjohn said that many of the wetland flags are missing or illegible, and asked for flags 37 – 50 to be re-flagged so the line can be confirmed. It was pointed out that the Commission approved an Order of Resource Area Delineation in September of 2008. Mr. Saluk spoke about the change in impervious area since 1987 and the proposed conditions. Ms. Russian asked whether any portion of the project is within the 20' No Disturb Zone. Mr. Saluk and Mr. Wang said it was, but added that the riprap can be moved to outside the 20' area.

Mr. Leeds continued the hearing to 6/4/09 at 8 p.m.

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

The Commission reviewed the revised language and proposed changes to Section 5.3 of the Regulations. Upon motion by Ms. Russian, seconded by Mr. Purcell, the Commission voted (5-0) to approve the revisions to the Southborough Wetlands Regulations as amended.

**OTHER BUSINESS:**

1. **Meeting Minutes:** Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0-1 with Mr. Possemato abstaining) to approve the minutes of 4/23/09 as amended.
2. **Request for Letter of Partial Compliance for 59 Boston Road (DEP File # 290-867):** Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (5-0) to approve a Letter of Partial Compliance.
3. **Review Contract for Conservation Scientist Consultant:** The Commission reviewed the revisions to the contract as suggested by Town Counsel and Town Administrator. Mr. Possemato suggested an additional revision. Upon motion by Mr. Purcell and seconded by Ms. Russian, the Commission voted (5-0) to accept the contract as amended.
4. **Write and Approve Orders of Conditions and Stormwater Management Permit for St. Mark's School:** The Commission discussed the proposed Special Conditions as offered by Stantec and Ms. Gillespie, and reviewed the draft Stormwater Management Permit Decision and Order of Conditions as written by the Conservation Administrator. After a discussion of the merits of each, upon motion by Mr. Purcell and seconded by Ms. Russian, the Commission voted (4-0) to accept the Special Conditions written by Stantec and the Order of Conditions (+38h) with Special Conditions as drafted by the Conservation Administrator.

Upon motion by Mr. Purcell, seconded by Ms. Russian, the Commission voted (4-0) to approve the Stormwater Management Permit as drafted by the Conservation Administrator and to include the relevant portions of the Order of Conditions Special Conditions as part of the Decision.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (4-0) to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Beth Rosenblum  
Conservation Administrator