

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, MAY 31, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, May 31, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

Members present: John Leeds, Rhonda Russian, Richard Upjohn, Louis Bartolini and Phil Bevins.

Absent: Ann Leavitt and Mark Possemato.

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

CONTINUED NOTICE OF INTENT – 40 SOUTHVILLE ROAD (SOUTHVILLE BUSINESS PARK), ASSESSORS MAP 4, LOT 30:

Mr. Leeds opened the hearing at 7:30 p.m. Present for the hearing on behalf of the property owner was Tim Paris of Connorstone Engineering, Bill Depietri and Martin Loiselle of Capital Group Properties, and Scott Goddard of Carr Research. Ms. Russian made a statement announcing that her husband is no longer a member of the ZBA and is now currently a member of the Board of Selectman; that she had assented to a recusal previously, but feels it is no longer relevant due to her husband's new position. Mr. Depietri did not agree to reverse his request for her recusal, and stated that he is suing her husband for a decision made while he was chair of the ZBA. Ms. Russian stated that she is recusing herself under protest, and will contact the State Ethics Committee for an opinion.

Mr. Leeds stated he had received several letters from abutters who wished to read them into the record. Mr. Leeds recognized those abutters. Joe Maiello of 26 Constitution Drive read a statement into the record. Ken Kahn of 15 Liberty Drive read a statement into the record. Frederica Gillespie of 78 Southville Road read a statement into the record. Linda Shaffer of 21 Southville Road read a statement into the record. Mr. Bartolini told the abutters that the property owner was within his rights by zoning to build on his property. Ms. Gillespie stated the abutters were concerned about the project meeting the requirements of the Rivers Protection Act and the Wetlands Protection Act, and their concerns were mainly environmental related.

Mr. Goddard asked the Commission to provide a summary as to whether or not any performance standards have not been met so they can be addressed by the applicant. Mr. Bevins stated he had serious reservations about the land being filled previously, and that it was an issue for him. Mr. Upjohn, Mr. Bartolini and Mr. Leeds stated they had none. Mr. Leeds closed the hearing and thanked all present for their continued attendance and patience during the course of this process.

CONTINUED ADMINISTRATIVE ENFORCEMENT ORDER – 2 WOODLAND ROAD, ASSESSORS MAP 38, LOT 12:

Mr. Leeds opened the hearing at 8:20 p.m. Mr. Bevins recused himself as an abutter. Present was property owner Robert Heavey. Mr. Leeds asked Mr. Heavey for a status update on the tight tank installation. Mr. Heavey said the septic has been installed, and he has complied with all of the Commissions requests. Ms. Russian read a letter from Health Director Paul Pisinski dated 4/26/07 into the record, summarizing the remaining Board of Health issues dealing with the septic installation. Mr. Heavey stated that recording with the Registry of Deeds is all that remains. Ms. Russian said there

were still outstanding enforcement issues. The Commission asked Ms. Rosenblum to check with the Board of Health on the status. Mr. Leeds continued the hearing pending Board of Health approval.

CONTINUED NOTICE OF INTENT – 2 WOODLAND ROAD, ASSESSORS MAP 38, LOT 12:

Mr. Leeds read into the record an email received from applicant Al Peel of Iron Horse Tractor requesting that his application be withdrawn.

REQUEST FOR DETERMINATION OF APPLICABILITY – MASSACHUSETTS TURNPIKE

AUTHORITY:

Mr. Leeds opened the hearing at 8:45 p.m. Present on behalf of the Mass. Turnpike Authority was Rick McCullough, Director of Environmental Engineering. Mr. McCullough described the proposed spraying process, and said that the yearly operation and vegetative management plan had been filed and the town should have received a copy. Mr. McCullough pointed out the two no-spray areas in the western portion are due to the proximity of private wells and wetlands. Ms. Russian asked what the standards were for spraying near open bodies of water. Mr. McCullough said they are allowed to spray within 10' of open water and wetlands per the Regulations (310 CMR 11). The Commission asked for more detail to be provided that would answer why the swamp/open water areas that is near Oregon Road and Route 85 are not areas exempted from spraying as shown on the map presented. Mr. McCullough said it was likely that the culverts were greater than 10' wide, hence, spraying would be allowed under the Regulations. The Commission asked to see greater detailed maps and Mr. Leeds continued the hearing to 7/12/07 per the applicant's request.

CONTINUED NOTICE OF INTENT – RICHARDS ROAD AT CORDAVILLE ROAD (DPW), ASSESSORS MAP 8, ROADWAY RIGHT OF WAY:

Mr. Leeds opened the hearing at 9 pm. Mr. Leeds read into the record a letter from town engineer John Woodsmall asking for a waiver of the 20' No Disturb area as requested by the Commission at the previous hearing. Mr. Leeds closed the hearing. Upon motion by Mr. Upjohn, seconded by Mr. Bartolini, the Commission voted (5-0) to approve a standard Order of Conditions (+38h). The Commission asked that Mr. Woodsmall be informed of their concerns that tree cutting and pole relocation by Verizon along the roadway was still occurring prior to erosion controls being put in place, and asked Mr. Woodsmall to monitor and supervise the project.

NOTICE OF INTENT – BOSTON ROAD (GENZYME PARKING AREA), ASSESSORS MAP 48, LOTS 21A AND 21B):

Mr. Leeds opened the hearing at 9:05 p.m. and disclosed that his wife works for Genzyme and offers to recuse himself. Dave Pellegrini, an engineer with Tetra Tech Rizzo and representing the applicant, declined the offer. Mr. Pellegrini reviewed the former proposal and approval with the Commission, and explained why the new Notice of Intent was filed rather than amending the original one. Mr. Pellegrini informed the Commission that per request of the Southborough Fire Department, the address of the project will now be known as 57 New York Avenue. Mr. Pellegrini said the amount of impervious surface was being reduced in all resource areas, and explained the proposal to construct a parking garage rather than the originally approved parking lot. Ms. Russian asked whether an Alternatives Analysis had been done given the proximity to Riverfront Area. Mr. Pellegrini said that one was done for the town of Framingham for construction of the Science Building. Ms. Russian asked if the project met MEPA thresholds. Mr. Pellegrini said the Environmental Notification Form had been submitted today as the number of parking spaces required it. Mr. Upjohn asked for clarification of where the Riverfront Area was on the plans presented. Mr. Pellegrini showed the Commission where it was and indicated that the headwalls cut off the Riverfront Area at a 90 degree angle (when river runs through a pipe, it is no longer considered "Riverfront Area"). Mr. Bevens asked if the straw wattles are being replaced for the new proposal. Mr. Pellegrini said it should be a condition included in the Order of Conditions. Mr. Bevens indicated that although the finished garage is outside the Riverfront Area,

construction and footings will likely cross over onto it. Ms. Russian said an Alternatives Analysis is needed and asked to have the Notice of Intent application be supplemented with this additional data. Mr. Leeds continued the hearing to 6/21/07.

Other Business:

- 1. Update by Tom Donnelly on planting and remediation progress at 136 Marlboro Road:** Property owner Tom Donnelly updated the Commission on the process undertaken and the status of the re-vegetation planting.
- 2. Discussion with Facilities Director Basilio Diaz and Boy Scout Phil Kachajian on his proposed Eagle Scout project at the Neary School skating pond:** Ms. Russian read into the record an email received from Recreation Director Doreen Ferguson in support of the project. Phil Kachajian of Troop 92 and his father Peter introduced themselves and Phil described the project to the Commission. Phil stated the pond was constructed for ice skating and has become completely overgrown with weeds, brush and overhanging trees. He proposes to make the pond useable for skating again. His Eagle Scout proposal includes the installation of benches, adding a gravel area, clearing vegetation from within and around the perimeter of the pond, and installing birdhouses.

Mr. Upjohn asked whether the wetland plants would be eliminated, to which Mr. Diaz replied no; they would be trimmed only. Linda Hubley, former chair of the Winter Neary Carnival, stated the pond hasn't been used since early 2000 due to its condition and expressed her support. Selectman chair Bonnie Phaneuf stated it is a great project, and reminded all that there is no funding in place to clear the snow from the pond in the winter or for upkeep and this is one of the reasons why it became unusable. Mr. Kachajian said he was soon to become scout master of Troop 92, and he intends to institute a maintenance schedule for Eagle Scout projects town-wide. The Commission approved of the concept of including a maintenance plan alongside with the Eagle Scout projects, but expressed worries about the reality of initial and long term maintenance costs. Mr. Kachajian said that fundraising is part of the Eagle Scout process, and he agreed to create and distribute a master list of all the projects in town. The Commission asked about the timing of the project. Phil said it had to be done before he turned 18, so he has 1 ½ years to go, and he intends to start in the fall. Upon motion by Mr. Upjohn, seconded by Mr. Bartolini, the Commission voted (5-0) to approve the Eagle Scout project.

- 3. Informal Discussion with Matt Jackson regarding secondary access to his proposed Boston Road subdivision:** Mr. Jackson informed the Commission that in order to avoid a wetland crossing to access the homes he is proposing to build off Boston Road, he was asked by the Planning Board to receive permission from the Commission that they approved of the secondary access route across an easement. The Commission stated that in those situations where wetland crossing is inevitable, if an alternative access exists that does not require restoration, remediation or an alternatives analysis, the Commission chooses the alternative access route to be pursued to prevent tremendous wetland impacts. The Commission agreed to send a letter to the Planning Board and the Building Inspector stating same and told Mr. Jackson that if the original wetland crossing were to be pursued, he would need to request a variance of the local wetlands bylaw.
- 4. Request by John Gingrich to remove trees at 6 Wells Lane:** Mr. Upjohn and Ms. Rosenblum visited the site to inspect the trees requested to be removed. Five trees were marked for removal; four appeared to be healthy and one was either dead or dying and was

right on the 20' No Disturb line. Ms. Rosenblum shared her conversation with Mrs. Gingrich about their plans to eventually re-grade and level the rear yard to give their children a larger play area, and the tree removal was the first step towards that goal. Given the proximity to the 20' No Disturb area, the BVW and open space subdivision set-aside, and the slope of the rear yard, the Commission determined that a Notice of Intent would need to be filed before any work could proceed, and denied the request to remove trees.

- 5. Breakneck Hill Conservation Land:** Mr. Leeds was appointed as the point person to sign all invoices for payments for materials and contracted services pertaining to the improvements approved in the Order of Conditions for Breakneck Hill Conservation Land in order to expedite payments. The Commission agreed to send a letter to Town Accountant Dorothy Phaneuf stating same.

Upon motion by Mr. Upjohn, seconded by Mr. Bartolini, the Commission voted (5-0) to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator