

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JUNE 4, 2009
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, June 4, 2009 at 7:00 p.m. at the Southborough Town House, 2nd floor meeting room.

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

Members Absent: John Leeds

Mr. Bevins arrived at 7:30 p.m. and Mr. Possemato arrived at 7:40 p.m.

The meeting commenced at 7:00 p.m. with Ms. Russian acting as chairperson.

EXECUTIVE SESSION WITH TOWN COUNSEL TO DISCUSS PENDING LITIGATION:

Ms. Russian 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.

NOTICE OF INTENT: JAMES BARRETT, 12 GENERAL HENRY KNOX ROAD, ASSESSORS MAP 35, LOT 19:

Ms. Russian opened the hearing at 7:50 p.m. The application was filed for the installation of a new sewage disposal system, with piping and leach field partially within the 100' buffer zone to isolated wetlands. Present for the hearing was Mike Sullivan of Connorstone Engineering and homeowner Jim Barrett. Mr. Sullivan described the project; the existing septic system has failed and a replacement system will be installed in the front yard with piping connecting from the rear of the house and around to perimeter. Mr. Sullivan said the existing cesspool will be decommissioned, and utilities will need to be relocated around the side from their present location in the front yard.

The Commission asked if the system will be gravity fed. Mr. Sullivan replied it would, the system starts at 108' grade and will go down to 102'. Several Commissioners agreed the isolated wetland adjacent to the proposed work is of little significant value as a resource area, and felt that haybales only should be adequate for erosion controls. Mr. Gregory stated the piping fittings must be glued and the clean-out screw caps must be threaded to ensure a tight seal. Mr. Upjohn suggested relocating a portion of the pipe to the area underneath the deck stairs to move any impacts farther away from the resource area. Mr. Bevins stated that if the deck was built to code, then sonatubes or concrete may be below the stairs and could make the suggested pipe relocation more difficult. Some Commissioners felt this request would place an unnecessary hardship on the homeowner particularly given the low value of this wetland.

Mr. Sullivan stated the Board of Health (BOH) septic permit has been requested but has not been issued yet. Mr. Sullivan said that Dennis Costello of the BOH has walked the site and given verbal approval of the proposed plans. Ms. Russian said she preferred to have the BOH permit approved before closing the hearing. Mr. Possemato asked about the location of the nearest catch basin since he is concerned about water and mud entering the roadway during construction and added a request for haybales along the street.

Upon motion by Mr. Bevins, seconded by Mr. Purcell, the Commission voted (4-2 with Mr. Upjohn and Ms. Russian voting no) to close the hearing contingent upon BOH approval with the proviso that if the BOH changes the scope, the hearing will be reopened. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (6-0) to approve a standard Order of Conditions (-38h) with additional special conditions that a line of haybales be installed along the roadway to prevent erosion onto the street, that the fittings must be glued and the clean-out screw caps must be threaded, and the approval is contingent upon the BOH approval of the septic permit. Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (6-0) to issue a waiver of the 20' No Disturb Zone of the Southborough Wetlands Bylaw.

NOTICE OF INTENT: DAVID BAKER, 2 WOOD STREET, ASSESSORS MAP 2, LOT 34:

Ms. Russian opened the hearing at 8:15 p.m. The application was filed for the construction of a one-car garage with bedroom above within the Riverfront Area. Present for the hearing were homeowners David and Jill Baker. Mr. Baker said he and his wife have lived in Southborough for 4 years in an 1860 home with small bedrooms and they need additional space to raise a family. Mr. Baker said the addition will add approximately 600 square feet of additional living space. Mr. Baker said that Thomas Land Surveyors prepared the Notice of Intent plans, the proposed work is outside the 100 year flood plain, as a contractor, he will be doing the work himself so construction vehicle traffic will be minimized except for sub-contractors. Mr. Baker said he has received a Variance and Special Permit from the Zoning Board of Appeals.

Mr. Upjohn inquired whether the rear yard has ever flooded. Mr. Baker replied it sometimes does, but not up to the area being proposed for the garage. Mr. Purcell asked what the length of time projected for construction is. Mr. Baker estimated between 3-4 months starting in the fall. Mr. Possemato asked if the septic system was adequately sized for the addition. Mr. Baker replied it was, since one existing bedroom will become an office so the house will remain a 2 bedroom. Ms. Russian acknowledged the time sensitivity due to the ZBA approval and that the homeowner needed to move quickly to obtain a building permit. Ms. Russian closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (6-0) to approve a standard Order of Conditions (-38h).

**STORMWATER MANAGEMENT PERMIT AND CONTINUED NOTICE OF INTENT:
PETER KWAN, 28 NEWTON STREET, ASSESSORS MAP 65, LOTS 13 & 15:**

Ms. Russian opened the hearing(s) at 8:35 p.m. Present for the hearing was Tony Kwan, Desheng Wang of Carr Research Laboratory, and engineer Bruce Saluk. Mr. Wang spoke about the plan revisions made since the last meeting. Mr. Wang said the riprap has been removed from the 20' No Disturb Area, new wetland flags have been installed where they were missing and the legal easement between the town and the property owner is being work on. Mr. Saluk added: the access road has been extended to the outfall, the aquatic bench has been increased from 6' up to 10' wide, a permanent drain down pipe has been added and tied into standpipe, the drain easement with the town is being worked on, the planting scheme is now included on the landscape plan, the riprap level spreader is now out of the 20' No Disturb Zone. Mr. Upjohn said he needed to re-visit the site to re-check the new wetland flags. Ms. Russian raised the outstanding issues relating to some legal and technical items that John Woodsmall commented on and added she feels the hearing can not be closed until these issues are resolved and proposed continuing the hearing to the next meeting on 6/25/09. All of the Commissioners concurred.

Ms. Russian continued the hearing to 6/25/09 at 7:30 p.m.

NOTICE OF INTENT: TOM AND KAREN FINELLI, 172 MIDDLE ROAD, ASSESSORS MAP 19, LOT 24:

Ms. Russian opened the hearing at 8:50 p.m. The application was filed for the demolition of an existing house and the construction of a new single family home with driveway and septic system within the 100' buffer zone to BVW. Present for the hearing were property owners Tom and Karen Finelli. Mr. Finelli stated his plans are to demolish the existing house and leave the existing garage, construct a new home with garage under and septic system, and the closest limit of the work to the wetlands is 76'. Mr. Upjohn asked for the silt fence to be removed from the plans as an erosion control as this Commission prefers using haybales only. Mr. Finelli said the old cesspool on the property will be filled in, and the septic permit has been submitted but not yet issued by the BOH. Mr. Possemato asked if the existing driveway will remain with a second one added? Mr. Finelli replied it will; the existing garage will become a one-door garage and a new 2-car garage will be constructed below the house. Ms. Russian said that only the BOH permit remains open, and closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Gregory, the Commission voted (6-0) to approve a standard Order of Conditions (+38h) with special conditions that only haybales are to be used for erosion control and the approval is contingent upon the BOH approval of the septic system.

OTHER BUSINESS:

1. **Discussion with Ellen Chagnon about contract:** Ms. Chagnon said she understood that insurance coverage is necessary and she can easily obtain coverage at the cost of \$2,300 per year. The \$85 per hour rate for Hopkinton does not require that she carry individual insurance and that contract contains an indemnification clause. Ms. Chagnon asked the Commission to consider the following contract change requests: 1) change "tortious" to "negligent", 2) increase hourly rate by \$5, and 3) add mileage and other expenses to contract. The Commission expressed their surprise that Ellen did not already have personal liability coverage and felt that if the town requires all consultants to carry it, she should bear the full costs. Commissioners felt the town would bear the entire cost of her insurance if they agreed to the extra \$5/ hour. The consensus of the Commission was that the contract terms stay at the present rate, that the consultant shall bear the cost of insurance, and that mileage not be included. The Commission agreed to consult Town Counsel on the requested language change and to review the indemnity clause contained in the Hopkinton contract only.
2. **Request for Extension of Order of Conditions for 97 Mt. Vickery Road (DEP File # 290-809):** Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (6-0) to approve a one year extension permit.
3. **Request for Certificate of Compliance for 5 Wells Lane (DEP File # 290-761):** Upon motion by Mr. Bevins, seconded by Mr. Purcell, the Commission voted (6-0) to approve a Certificate of Compliance for the expired and never completed Order. A new Order of Conditions (DEP File # 290-879) was recently approved for the site development.
4. **Member appointment to Community Preservation Committee:** Upon motion by Mr. Gregory, seconded by Mr. Bevins, the Commission voted (6-0) to reappoint Mr. Upjohn as the Commission's representative.

5. **Stewardship Committee appointment:** Mr. Bevins informed the Commission that he will not be seeking reappointment since he is planning on moving out of state and has placed his house up for sale. Mr. Bevins was unable to give a firm date on his departure. Ms. Russian postponed a vote on the appointment to the next meeting.

6. **Sale of Chapter 61A land on Deerfoot Road:** Frederica Gillespie of the Open Space Preservation Commission joined in the discussion on the property coming out of Chapter 61A and the right of first refusal option that the town may choose to exercise. Ms. Gillespie asked the Commission to consider working with the Board of Selectmen, the Planning Board and other relevant town departments and committees to develop a process on how to handle these cases and how to determine the value of these properties to the town.

Upon motion by Mr. Purcell, seconded by Mr. Bevins, the Commission voted (5-0) to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator