

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JUNE 19, 2008
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, June 19, 2008 at 7:15 p.m. at the Southborough Town House, 2nd floor meeting room.

Members Present: John Leeds, Rhonda Russian, Phil Bevins, Mark Possemato, Russ Gregory and Richard Upjohn.

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

ADMINISTRATIVE ENFORCEMENT HEARING – 20 LEARNED STREET, MAP 47, LOT 54:

Mr. Leeds opened the hearing at 7:15 p.m. The Enforcement Order was issued because some of the Special Conditions imposed under the Order of Conditions were not being adhered to. Present for the hearing was Matt Jackson of Boston Road Realty Trust. Mr. Jackson acknowledged the site had gotten out of control and that he was not accustomed to working with sloped sites. The Commission expressed concern about the silt running from the site onto the road and into catch basins, and indicated that is exactly why special conditions are imposed and need to be followed. The Commission said there is a large amount of water leaking out of the hillside in a few places that did not appear to be clean. Mr. Leeds commented it might be iron ore. Mr. Jackson said he installed a trench in the backyard to capture the runoff. Ms. Russian stated Mr. Jackson has other problematic properties (slopes, wetlands) he is developing, but indicated her willingness to give him a second chance this time only and not impose fines. Some of the other Commissioners felt the imposition of fines were in order. Mr. Gregory said there was no reason for the delay in completing the finish landscaping of the site. Mr. Leeds expressed disappointment that the work took so long to get started, and moved to ratify the Enforcement Order but to hold on recording it or on imposing fines until the next meeting three weeks from now, when Mr. Jackson was asked to reappear. The motion was seconded by Mr. Upjohn. The Commission voted (5-0-1 with Ms. Russian abstaining).

OVERVIEW OF NEWLY REVISED DEP STORMWATER REGULATIONS:

Jennifer Gensel of the central region MA DEP office gave a presentation on the new revisions to the DEP stormwater regulations.

STORMWATER MANAGEMENT PERMIT – HARVARD DEPOSITORY, ONE PINE HILL ROAD, MAP 95, LOT 1:

Mr. Leeds opened the hearing at 8:30 p.m. Present was Cecelia Wan of Harvard, Steve Bernstein and Rebecca Bachand of Stantec, and RSSC architect Jim Steedle. Ms. Wan explained the Depository was running out of room for additional book storage and currently houses 7 million books. Ms. Wan said the expansion would allow for additional storage for 3.5 million volumes as well as films. Mr. Steedle gave an overview of the building plans, highlighting the storage modules where the books are kept and detailing the central chiller plant and air handling system for climate control. Mr. Steedle explained the roof drainage systems. Ms. Bachand described how the impervious area will be reduced and a drainage swale will be constructed. The Commission inquired about the status of the project with the Planning Board, and was informed that one meeting had occurred thus far. The Commission asked about water recharge and the detention basin. Mr. Bernstein said the new design will reduce peak flows from running off and will include a spillway where the current basin does not recharge and a pipe discharges flows down the hill.

The Commission expressed their pleasure that the project would comply with the newly revised DEP Stormwater Regulations despite not having to file under the Wetlands Protection Act, and reminded the applicant that the town engineer's comments needed to be addressed. Ms. Bachand said the calculations have been changed per the comments received; the basin has been changed to be a "wet" basin, and TSS removal calculations will be submitted, along with new plans. At 8:55 p.m., Mr. Leeds continued the hearing to July 10, 2008 at 8:30 p.m.

**REQUEST FOR DETERMINATION OF APPLICABILITY – CUMBERLAND FARMS, INC.,
344 TURNPIKE ROAD, MAP 25, LOT 1:**

Mr. Leeds opened the hearing at 8:55 p.m. Present were Manny Paiva of Cumberland Farms and Matt Lyne of Environmental Compliance Services. Mr. Paiva said the two (2) underground storage tanks (UST's) installed in 1974 and the one (1) in 1981 are single wall fiberglass, and there are 2 dispensers with 6 hoses each and 1 diesel dispenser with 2 hoses. Mr. Paiva said there would be no change in pervious/impervious area, and the proposal is for a full change-out and removal of 4 UST's and replacement with 2 UST's within 100' buffer zone in a location nearer to the wetlands. Mr. Paiva said the new dispensers would be fitted with alarms, the pavement would be replaced, the capacity would be increased from 26,000 gals presently to 33,000 gals, and he stated the Board of Selectmen and the Fire Chief have conditionally approved the project pending Conservation permitting.

Mr. Lyne explained the dewatering process being proposed and the EPA approvals needed. Mr. Possemato asked why the applicant had submitted a Request for Determination of Applicability (RDA) rather than a Notice of Intent (NOI). Mr. Paiva replied his engineer had advised him that an RDA was suitable. Ms. Russian said the proposed discharges into the wetlands and the work proposed within the 20' No Touch Area should trigger the NOI process. Mr. Upjohn concurred, and added the project needs to comply with the local wetlands bylaw. Mr. Upjohn also suggested relocating the USTS completely outside the 20' No Touch Area. Ms. Russian disclosed her relationship with selectman Sal Giorlandino for the record.

Upon motion by Mr. Bevins, seconded by Mr. Upjohn, the Commission voted (6-0) to issue a Positive Determination and to require the filing of a Notice of Intent by the applicant. Mr. Leeds closed the hearing.

**NOTICE OF INTENT – ROLAND CHENARD, 10 MITCHELL STREET, ASSESSORS MAP
47, LOT 18:**

Mr. Leeds opened the hearing at 9:15 p.m. The application was submitted to replace a septic system within the 100' buffer zone. Present for the hearing was Liz Dupre of Clearwater Environmental Engineering. Ms. Dupre gave an overview of the proposal to replace the former decommissioned cesspool with a new septic system, and explained the challenges posed by the site. The Commission had many concerns given the steep slope and wanted reassurances about slope stabilization, and asked about the trees and vegetation that had already been cut and piled on the site. Ms. Dupre said the site was disturbed during testing and apologized for any miscommunication that occurred. The Commission insisted that erosion controls must be installed immediately since the site had already been disturbed, and given the steepness of the slope and the amount of fill needed, both haybales and silt fence were necessary. Ms. Dupre agreed to have them installed the next day.

The Commission discussed the logs and trees being removed and how they should be handled. Mr. Possemato said they can't be buried as they will decay and cause sinkholes. Ms. Dupre suggested placing them at the toe of slope to decay naturally. The Commission stated this needs to be shown on the plans and suggested the erosion controls be placed at the very edge along where the tree debris will be placed. The Commission also stated that new plans must be submitted that show existing and proposed conditions, erosion controls are needed now, no trees will be buried on the site, and asked about the amount of fill brought in.

Lisa Maselli of 8 Mitchell Street said the lot line shown on the plans does not agree with what she claims is the property line. Mr. Bevins said a severe cut was made along the property line in order to do the test pits, and the remedy and repair of this cut is not shown on the plans. Mr. Bevins added an erosion control blanket needs to be installed on the slope as further protection. Ms. Dupre was informed to contact the office when the erosion controls are in place. Mr. Leeds continued the hearing to July 10, 2008.

NOTICE OF INTENT – PHILIP HARTIGAN, 8 ANDREWS WAY, ASSESSORS MAP 72, LOT 18:

Mr. Leeds opened the hearing at 9:40 p.m. The application was submitted for the construction of an in-ground pool and associated grading within the 100' buffer zone. Present for the hearing was Glenn Odone, professional surveyor. Mr. Odone gave an overview of the proposal, a 21' x 38' in ground pool with decking and shed. Mr. Odone said there would be minor grading with the expansion of the existing deck and expanded lawn area. Mr. Odone said the wetlands are located off the site and the 20' No Touch area was nearly in line with the stone wall shown on the plans. Mr. Odone said the closest point of work to the wetlands is 68' away. Mr. Upjohn said only a haybale barrier was needed for erosion control and asked they be moved back a bit from that shown on the plans. Ms. Russian asked where the pool runoff was being directed. Mr. Odone replied that McCarthy Pools would be installing a non back-washing system and no water will be removed. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0-1 with Mr. Possemato abstaining), to approve a standard Order of Conditions (-38h) with additional Special Condition; as agreed to by the applicant that haybales be moved back 6' towards the stone wall around the pool deck area.

NOTICE OF INTENT – WEDGEWOOD CONDOMINIUM TRUST, 1 SOUTHWOOD DRIVE, ASSESSORS MAP 7, LOT 85:

Mr. Leeds opened the hearing at 9:50 p.m. The application was submitted to restore tree plantings within the 100' buffer zone to a pond that had been removed without permission. Present for the hearing and representing the Condominium Trust were Scott Weiss, a professional engineer and resident of Wedgewood Condominiums, Jeff Rosen, president of the Condo Trust, and engineers Matt Varrell and Steve Derdiarian of VHB. Mr. Weiss gave an overview of the proposed recommendations for planting which consisted of a total of 18 native trees of 3 varieties. Mr. Weiss said the stumps would be ground in place, all work will be within the disturbed area and outside the 20' No Touch area, erosion control would consist of a mulch-filled filter sock, and 6 bird boxes will be placed at edge of pond. Mr. Weiss asked the Commission to agree to a fall planting schedule. The Commission commended the applicant's plans, and asked about maintenance of the area and whether that would include mowing within the 20' No Touch area. Mr. Weiss said they would prefer to continue to maintain the area as they presently do. Mr. Bevins said the area is moist and asked how the white pine would tolerate the soil type. Ms. Russian suggested having an arborist oversee the restoration and maintenance of the new plantings. Mr. Weiss said they expect to have a 1 year warranty on the plantings. Ms. Russian recommended adding a special condition for an annual report on the growing status. Mr. Leeds closed the hearing.

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 stating for a period of 3 growing seasons, the Commission requires a yearly report be filed by a certified arborist identifying the status and health of the replacement tree plantings. In the event of any failures, the applicant must appear before the Commission with an alternative plan for restoration.

OTHER BUSINESS:

1. **Request to Extend Order of Resource Area Delineation (DEP File # 290-730), EMC Corporation:** The Commission reviewed the letter received from Beals & Thomas on behalf of EMC. The letter sought a 2nd extension of the ORAD and acknowledged that 4 vernal pools have been identified on the site. The original ORAD had been extended previously for one year, which has since expired. After discussion and upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (5-0-1 with Mr. Upjohn abstaining) to deny the request to extend the ORAD for the following reasons: 1) the ORAD expired as of January 8, 2008, and according to WPA regulations, this necessitates a new filing; 2) the new resource areas presented, namely the four vernal pools, require a new permit filing since they are not shown on the original ORAD and have a significant potential impact for EMC's proposed future uses for the property. The Commission concluded that EMC must submit a new ANRAD filing.
2. **Request for Certificate of Compliance and Release from Enforcement Order (DEP File # 290-755), 106 Southville Road:** The Commission reviewed the request filed by Bill Pezzoni on behalf of the property owner. The Commissioners who had performed site visits made the following findings: 1) a railroad tie was present in the stream that should have been removed, 2) the manhole cover was full of sediment and grass is growing out of it, 3) trees are blown over on the site, 4) plants are missing that were listed on the planting plan, 5) some plants are dead, 6) other plants are not thriving, and 7) of particular concern are those that were planted to stabilize the stream bank and have not taken hold. The site does not pass the 3-growing season test, and haybales are all that is stabilizing the bank in some spots. The Commission unanimously agreed to deny a Certificate of Compliance and stated it will not be issued until these issues are addressed and resolved.
3. **Breakneck Hill Conservation Land:** Ms. Rosenblum informed the Commission about the planned herbicide spraying schedule and stated all notifications had been completed as required.
4. **Tree Removal Request – 33 Vine Street:** The Commission considered the request of the Triompo's asking the town to remove diseased trees on conservation land across from their property. The Commission agreed the trees marked did not appear to be diseased and branches are likely falling due to the heavy rainfall. The request was denied.
5. **Woodland Meadows – Peer Engineering Review:** The Commission discussed the complexities of the Woodland Meadows proposal and the benefits of having a peer engineering review... The Commission acknowledged that the applicant has requested the ZBA to waive the local wetlands regulations, which allows the Commission to require compensation for peer reviews. Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (5-0-1 Mr. Bevins abstained since he is recused from the proceedings) to hire Fuss & O'Neill to perform a full and independent review at the Commission's expense from the wetlands filing fee account.
6. **Resignation of Commissioner:** Chairman Leeds informed the Commission that John Maciolek had resigned on June 17, 2008. Mr. Maciolek indicated in his resignation letter that he was moving out of town. The Selectmen have been notified.

Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to adjourn the meeting at 10:45 p.m.

Respectfully submitted,

Beth Rosenblum