

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JULY 12, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, July 12, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

Members present: John Leeds, Rhonda Russian, Richard Upjohn, Mark Possemato and Phil Bevins.

Absent: Louis Bartolini and Ann Leavitt.

The meeting commenced at 7:30 p.m. with John Leeds as chairperson. Ms. Russian left the meeting at 9:40 p.m.

**CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY –
MASSACHUSETTS TURNPIKE AUTHORITY:**

Mr. Leeds opened the hearing at 7:30 p.m. Present was Rick McCullough of the Massachusetts Turnpike Authority. Mr. McCullough stated a Landscape Foreman had traversed the Pike from east to westbound and confirmed two (2) No Spray locations. He presented new maps showing the Right of Way (ROW) line, guardrails, wetlands and culverts. He said the regulations allow spraying up to 10' from wetlands and the closest in Southborough is between 25-35' westbound and 40-60' eastbound, and the Route 85 crossing is no closer than 20'. He agreed to add a No Spray area where the Commission requested one at the Route 85 crossing. When asked about the type of herbicides to be used, Mr. McCullough said it was similar to Roundup.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0-1 with Mr. Possemato abstaining) to issue a Negative Determination provided that the plans as presented at the hearing are strictly adhered to.

**CONTINUED NOTICE OF INTENT – 27 PRESIDENTIAL DRIVE, ASSESSORS MAP 82,
LOT 10:**

Mr. Leeds opened the hearing at 7:45 p.m. Representing the applicant was Mark Houle of Connorstone Engineering who stated revised plans have been issued addressing the Commission's concerns about drainage issues and including construction procedures and the addition of concrete bounds at the 20' No Disturb Zone. Mr. Upjohn inquired if the second bound from the house was to be installed in the area where the leaves and clippings are currently being dumped. Mr. Houle replied yes. The Commission discussed the number of trees marked for removal and whether the fence will be replaced around the western part of the property. The Commission expressed doubts about the drywell calculations presented, and the unrealistic expectation that pool maintenance drainage would occur exactly as the plan indicates it should so as not to flood chlorinated water into the adjacent wetlands. A Commissioner suggested using Cultec chambers instead of the proposed pump and siphon system over a multi-day period, and indicated some possible locations on the site where it could be installed. The Commission asked that an infiltration standard be set, and suggested this warrants further engineering study and calculations. The Commission stated the plans presented were not realistic, since pool companies do not work in that way and asked that more infiltration options be explored. Mr. Leeds continued the hearing to 8/2/07.

NOTICE OF INTENT – 199 CORDAVILLE ROAD, ASSESSORS MAP 20, LOT 4:

Mr. Leeds opened the hearing at 8:05 p.m. Mr. Leeds read an email from Mark Farrell of Green Hill Engineering, the applicant's representative, stating he was unable to attend due to a conflict and asked

the Commission to consider holding the hearing in his absence. Mr. Leeds read a statement from the Board of Health approving the septic permit, into the record. The Commission agreed the proposal was very cut and dry; the property is flat and the septic system has failed and needs replacing. The Commission asked that the silt fencing proposed for erosion control be replaced with haybales, and agreed to include this amendment in the Order of Conditions. Mr. Leeds closed the hearing. Upon motion by Mr. Bevins, seconded by Ms. Russian, the Commission voted (5-0) to approve a standard Order of Conditions (-38h) with a Special Condition to replace the silt fence with haybales.

NOTICE OF INTENT – 244 AND 252 BOSTON ROAD, ASSESSORS MAP 48, LOTS 18 & 20:

Mr. Leeds opened the hearing at 8:30 p.m. Per request of the applicant, the two Notice of Intent hearings were combined into one. Present was property owner Matt Jackson and wetlands scientist Bob Murphy. Mr. Murphy detailed the history of the project and where it presently stands. He stated Mr. Jackson has an easement thru the Hart property at 252 Boston Road to develop a common driveway in the outer riparian zone and approximately 150' away from the edge of the Riverfront Area, and that he had prepared an Alternatives Analysis per the Commission's request. Mr. Murphy said the driveway would be at an 8-10% grade; the 2 house lots and associated utilities construction will be outside the Commission's jurisdiction; the project meets the 10% Riverfront Area requirements; a portion of the area proposed for the driveway is considered previously disturbed as it contains a lawn and garden; and included in the proposal is a riprap drainage swale for recharge. Since some of the Commissioners did not have the opportunity to perform a site visit in advance of this hearing and wished to before rendering a decision, Mr. Leeds continued the hearing to 8/2/07.

NOTICE OF INTENT – 8 SEARS ROAD, ASSESSORS MAP 52, LOT 7B:

Mr. Leeds opened the hearing at 8:45 p.m. Present were property owners Tom and Emily Piovoso and engineer Bruce Saluk. Mr. Saluk presented the proposal for 3 house additions to the existing house, all within the buffer zone: 1) 65 sq. ft. addition, 2) 12x13 ft. deck, 3) 9x20 ft. addition. Mr. Saluk proposed using both haybales and silt fencing for erosion control and at the low point of the driveway, and silt sack in the catch basin, and said there are markers at the 20' No Touch area. Mr. Bevins walked the site and has no issues. Ms. Russian indicated that no DEP File number has been issued yet. Mr. Leeds continued the hearing to 8/2/07 so more members could visit the site.

Other Business:

1. **Request to Amend an Order of Conditions:** The property owners of 16 & 18 Mount Vickery Road had submitted a letter addressing some issues of concern the Commission has raised that included a request for amending one of the Special Conditions of the Order of Conditions approved for the development of these sites. Present for the discussion was Donald Croatti and Jeff Bishop, and abutter John Gulbankian of 15 Mount Vickery Road. Ms. Russian summarized the amendment request for a waiver of the erosion control blanket installation. Mr. Bishop displayed photos of the site showing the condition of the rear slopes and the grass cover. The Commission asked when the Cultec system would be installed, to which Mr. Bishop replied the site was recently hydro-seeded and when that starts to germinate, the installation will occur. Mr. Leeds asked the Commissioners if they had any comments regarding the amendment request. Mr. Bevins stated the bank was stable and it doesn't make sense to install the blanket at this point. Ms. Russian agreed to the waiver request since the slope is stabilized. Mr. Bishop said the bare spots showing are ledge, and not from run-off. Mr. Gulbankian said there is loose dirt and no haybales at the entrance to 18 Mount Vickery. Mr. Bishop said hydro-seeding was done where it could be except for the septic system location and is starting to grow. He agreed that some dirt is on site but is unable to remove it yet as it may be needed for the septic. Mr. Bevins said haybales must be placed across the entrance at the end of the day and for weekends. Upon motion by Mr. Bevins to amend the Order of

Conditions by waiving the requirement to install an erosion control blanket on the rear slope, seconded by Mr. Possemato, the Commission voted (4-0-1 with Mr. Upjohn abstaining) to approve the amendment request.

Mr. Bishop asked when the haybales could be removed from the site, and was informed by the Commission that all construction must be completed first and the lot fully stabilized before a Request for Certificate of Compliance could be submitted that would consider removal of erosion controls.

2. **Informal Discussion:** Beth Harding, owner of Harding Botanicals at 66 Breakneck Hill Road spoke to the Commission about her concerns regarding the work being done on the adjacent Breakneck Hill conservation land. She said a fleet of trucks had started appearing on 7/5/07 without her being informed in advance, and they had used her access road to gain access to the conservation land where they were working. She asked for the Commission to: 1) write a letter of recognition thanking her for allowing previous access through her property; 2) repair the damaged gatepost on her property; 3) inspect her septic system for damage from the truck traffic; 4) issue a permit to allow the spreading of soil removed from the conservation land for spreading in the area of her septic system.

Peter Bemis, who has volunteered his expertise to the Commission for the waterline, access and culvert improvement project, explained his involvement with the project and indicated that he had spoken to Ms. Harding on several occasions to discuss the options for access to the conservation land. Mr. Bemis stated a Right of Way formerly existed through the Harding property, but since it has been landscaped and is no longer useable, only one option existed for access to the rear. Mr. Bemis said he met with Ms. Harding last week and agreed to assist with spreading fill outside the buffer zone. He said that more rock than anticipated was encountered on the north side of the brook, and the work there was taking longer as a result.

Ms. Russian summarized the issues voiced by Ms. Harding. Access through the Harding property will no longer be needed once the new access road is complete. Any soil Ms. Harding wishes to place within the buffer zone will need a permit. The Conservation Commission did not agree to inspect the septic system, but recognized Ms. Harding's efforts and thanked her for allowing access through her property. The Commission agreed to write a thank you letter to Ms. Harding and confirmed that Peter Bemis has agreed to look into the gatepost issue.

3. **Stormwater Regulations:** The Commission reviewed the latest edition and made one minor revision. Peter Bemis expressed concern about the proposed fee schedule, preferring instead one commensurate with activity and alteration rather than a flat fee. Jack Bartolini expressed the opposite opinion. The Commission feels that the Regulations allow them to waive parts of the fee if warranted, and said there may be additional costs for processing and reviewing applications. Mr. Bemis asked the Commission to reconsider the fee schedule at a later date, to which the Commission agreed. Linda Hubley offered to assist with the promulgation of the Regulations on her new website of local news. Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to accept the Stormwater Regulations as amended.
4. **40 Southville Road:** Mr. Leeds opened the Order of Conditions deliberations for discussion. Ms. Russian recused herself and left the meeting. The Commission agreed that due to their suggestions, Mr. Depietri had cut the project in half and eliminated the proposal for the undeveloped parcel of land. The building that remains is on land previously disturbed and filled in. While the filling was done without notification to the Commission, none had been placed in wetlands, although it was in the buffer zone. Mr. Upjohn said the proposal meets every criteria that the Commission is bound to deal with, and made a motion to approve an

Order of Conditions (+38h) with special conditions as recommended by the members. Mr. Possemato agreed with Mr. Upjohn, and said in hindsight, he would have liked to have asked Mr. Depietri to place a Conservation Restriction (CR) on the parcel that is not being developed and asked the other members to consider making this request of Mr. Depietri. Mr. Upjohn suggested that Mr. Depietri might see more benefits if the parcel was donated to the town rather than a CR placed on it, and he would agree to suggest both options to Mr. Depietri. Mr. Bevins said he does not disagree with previous statements made by members and admitted the applicant had withdrawn half of the original proposal and the run-off from the site would be responsibly taken care of. However, he doesn't support the proposal as he feels the property is significant for wildlife habitat and as a greenway corridor to the Sudbury River. Mr. Leeds asked the members to vote on the proposal. Mr. Upjohn restated his original motion, which was seconded by Mr. Possemato. The Commission voted (3-1 with Mr. Bevins voting nay) to approve an Order of Conditions (+38h). The Commission agreed to include a letter to Mr. Depietri with their suggestions on permanently protecting the undeveloped parcel of land.

Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (4-0) to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator