

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, AUGUST 6, 2009
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, August 6, 2009 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

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

Members Absent: John Leeds, Mark Possemato.

Also Present: Ellen Chagnon, Conservation Scientist Consultant

The meeting commenced at 7:30 p.m. with Ms. Russian as acting chairperson.

CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY, NSTAR ELECTRIC & GAS CORPORATION, PORTIONS OF BOSTON ROAD, WILLOW STREET AND HARVEST LANE, ASSESSORS MAP 48, LOT 1 (AND ROADWAYS RIGHT OF WAY):

Ms. Russian opened the continued hearing at 7:35 p.m. Present for the hearing was Brad Holmes of ECR; John Hennessey, representative for the property owner; and Paul Gedutis of NSTAR. Mr. Holmes reviewed the NSTAR gas line installation scope of work being proposed and the status of the culvert that was discussed at the prior hearing. Ms. Chagnon gave an update of her site visits and informed the Commission about the opinion of the Town Engineer, John Woodsmall, regarding the condition of the culvert. Ms. Chagnon said the culvert was operating properly and also commented on the straw wattles that are proposed for the erosion controls on the project.

Mr. Hennessey detailed the proposed culvert repairs and ongoing maintenance being considered by the property owner. Mr. Hennessey said a Notice of Intent will be filed in order to perform the culvert work. Mr. Upjohn said he feels the culvert is not in as bad a state of disrepair as Mr. Gregory had indicated. Ms. Russian stated that all issues appear to be resolved, and closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (5-0) to issue a Negative Determination.

REQUEST FOR DETERMINATION OF APPLICABILITY, GOKULAN THIAGARAJAH, 140 MAIN STREET, ASSESSORS MAP 52, LOT 5.B:

Ms. Russian opened the hearing at 7:45 p.m. Mr. Bevins recused himself from the hearing due to his connection with engineer Peter Bemis who prepared the plan being reviewed. Mr. Thiagarajah, the property owner, gave a summary of the renovations being proposed. Ms. Chagnon suggested extending the haybale line along the property line to protect the wetlands during the driveway grading. Mr. Thiagarajah indicated there was to be no driveway grading. The Conservation Commission and the property owner expressed confusion about the clarity of the plans. Ms. Russian stated the Commission will need a revised plan that eliminates the driveway grading and shows the haybale line. Ms. Chagnon stated the wetland delineation shown on the plans was not necessarily accurate because soils were not used, only vegetation, and suggested the Commission indicate on the Determination of Applicability permit that the delineation cannot be verified using the field data received with the RDA application.

Ms. Russian continued the hearing to the next meeting on August 27, 2009 and asked the property owner to have Mr. Bemis attend and prepare revised plans based on the comments received.

**REQUEST FOR CERTIFICATE OF COMPLIANCE & INFORMAL DISCUSSION
REGARDING ADDITIONAL SITE WORK AT CUMBERLAND FARMS, 344 TURNPIKE
ROAD:**

Present for the meeting was Matt Lyne, engineer with ECS, and Manny Paiva, Cumberland Farms Planning Department. Mr. Lyne distributed a new As-Built plan of the site, and said it was recently discovered that the building was actually 1,370 square feet, and not 1,212 sq. ft. as previously thought. Mr. Upjohn said grass clippings are still being dumped in the wetlands behind the fence and asked for them to be removed and a new location for discarding them must be found.

Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (5-0) to approve a Certificate of Compliance provided that the silt fence is removed immediately and the grass clippings find a new permanent home.

Informal Discussion:

Mr. Paiva discussed the plans being considered for the Phase II development of the site. Mr. Paiva said the dispensers are too close together to allow 2 cars to fuel at the same time. Mr. Paiva wants to move the dispensers so there will be 18' between them, and to eliminate the diesel tank completely. Mr. Paiva said the building footprint would be expanded into the existing 2 garage bays. Mr. Paiva said there will be no additional impervious area, the work will include piping and jack hammering, and he asked what type of permit the Commission wished him to file. The Commissioners discussed the merits of both the Request for Determination and the Notice of Intent permits, with the majority of Commissioners leaning strongly towards the NOI being the most appropriate given the strong special conditions that are needed to protect the site's wetlands. The Commission agreed that the applicant will file a Notice of Intent. Ms. Chagnon said since this is considered a redevelopment project, the Stormwater requirements must be met to the maximum extent practicable.

OTHER BUSINESS:

- 1. Unauthorized Tree Removal at 12 Sears Road:** Present for the discussion was property owner Paul Pietro. Ms. Chagnon had received a complaint and had investigated work being done on the property near a stream and wetlands without a permit. Ms. Chagnon had ordered work to cease until the Commission was able to discuss the matter with the property owner. Several trees had been removed, all of the stumps were ground and a large area was disturbed. Ms. Chagnon felt the buffer zone had been altered, and that work may have encroached onto the adjacent property. Ms. Russian informed the property owner that work may have been done in the buffer zone to a wetland and stream without a permit, and asked the Commissioners to perform a site visit to determine the extent of the work. Ms. Russian said the Conservation office would inform the abutters of the situation and seek their comments, and asked the property owner to bring in his invoices from the landscaping companies who performed the work so the Commission can learn how long it has been going on. Ms. Russian continued the discussion to August 27, 2009.
- 2. 101 Main Street – Discuss plan revision:** Present for the discussion was property owner Peter Maloney, who said that revised plans from Connorstone Engineering had been distributed to the Commission for their review and approval. Ms. Chagnon said the erosion controls are working better. The Commission asked for engineer Mike Sullivan to appear at the next meeting to make a formal presentation of the plan revisions and submit a letter request for an administrative update to the approved Order of Conditions.

3. **Certificate of Compliance:** 10 Presidential Drive, Assessors Map 82, Lot 25. Upon motion by Mr. Upjohn, seconded by Mr. Gregory, the Commission voted (5-0) to approve a Certificate of Compliance.
4. **Conservation Scientist Report:** Ms. Chagnon reported on her ongoing monitoring activities and the sites that are of concern:
 - a. **134 Turnpike Road:** Erosion controls that were requested have not been installed, and erosion is continuing on the site without stabilization. The Commission discussed whether a new Enforcement Order is needed for the additional slope washouts. The Commission asked for a letter to be sent to Capital Group Properties detailing the site inspections and the findings.
 - b. **78 Deerfoot Road:** Continuing problems with slope stabilization, detention swale not being cleaned out, driveway and shoulder erosion, lack of pavement, and plan revisions never received. The Commission may wish to consider an Enforcement Order. The Commission asked the applicant to come in to the next meeting to discuss enforcement actions and possible restoration.
 - c. Ms. Chagnon gave updates on her inspections at: 12 General Henry Knox, 28 Newton Street (pre construction meeting and erosion control inspection), and Fay School. Regarding 12 General Henry Knox, she stated the work was complete and the grass is growing well. Regarding 28 Newton, she said the erosion controls were not adequate in several areas and needed to be improved. Regarding the Fay School, Phase I, she expressed concerns about the stability of the subsurface infiltration Stormceptor units and will follow up with Fay about this issue. Regarding Fay School, Phase II, she said the stockpiles were now adequately being protected.
 - d. Ms. Chagnon updated the Commission on recent meetings she attended about upcoming permit applications for 1) Stonebrook Village (a Comprehensive Permit application for Oregon Road) and 2) the Verizon site (an ANRAD will be filed shortly).
5. **Meeting Minutes:**
 - a. The minutes of July 16, 2009 were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Purcell, the Commission voted (5-0) to accept the minutes as written.

Upon motion by Mr. Upjohn, seconded by Mr. Gregory, the Commission voted (5-0) to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator