

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, SEPTEMBER 13, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, September 13, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

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

The meeting commenced at 7:30 p.m. with John Leeds as chairperson.
Mr. Bartolini left the meeting at 9:25 p.m.

NOTICE OF INTENT – 17 ROCKPOINT ROAD, ASSESSORS MAP 13, LOT 21:

Mr. Leeds opened the hearing at 7:30 p.m. Present was property owner Lee Tibbert, and Mark Farrell of Green Hill Engineering. A Notice of Intent was filed to repair a septic system within the 100' buffer of bordering vegetated wetland. Mr. Farrell gave an overview of the septic replacement proposal, and indicated the Board of Health has approved the project. Mr. Upjohn praised the engineer for the location of the haybales on the plan. There were no other comments from the Commission. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Bartolini, the Commission voted (7-0) to approve a standard Order of Conditions (-38h).

CONTINUED STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – FAY SCHOOL, ASSESSORS MAP 53, LOTS 10, 11, 12, 13, 14, 16, 17 AND 25 AND MAP 54, LOTS 2, 14 AND 16:

Mr. Leeds opened the hearing at 7:45 p.m. Mr. Upjohn recused himself from the hearing. The applications for a Stormwater Management Permit (SMP) and Notice of Intent were filed for the removal of trees, grading for athletic fields, construction of a wastewater treatment facility, dormitories and associated parking areas, and appurtenant landscaping within Bordering Land Subject to Flooding and the buffer zone to Bordering Vegetated Wetland. Present for the hearing was Steven White, head of the Fay School, who stated the improvements to the campus are part of the Master Plan Implementation, Phase 1. Mr. White indicated the proposal was before the Planning Board earlier in the week and that green/sustainable concepts were being used. Mr. White introduced the engineers from Beals and Thomas working for Fay School on this project: Dave Lapointe, landscape architect, and Eric Las, professional engineer (P.E).

Mr. Lapointe gave an overview of the proposed improvements; the first phase addresses immediate needs and includes the construction of 2 village dorms, circulation and parking improvements, wastewater treatment facility for the entire campus, maintenance facility and athletic field improvements. Mr. Lapointe stated that infrastructure improvements including sewer and drainage improvements that will alleviate flooding, and water treatment are included in this phase.

Mr. Las spoke about the proposed Letter of Map Revision (LOMR) submitted to the federal government (FEMA) and requesting a change in the flood plain. Mr. Las described the issues FEMA has raised and stated their review is still underway, and also that the Southborough Board of Selectmen had given approval of the FEMA review process. Mr. Las discussed the impacts to Resource Areas and Stormwater Management of the site. Mr. Las said they are proposing 7,000 square feet of work within BLSF, and will provide 2,200 cubic yards in additional storage as mitigation. Mr. Las said some work will be within the 100' buffer zone, with no new impervious area and mostly grading

changes. Regarding Stormwater Management, Mr. Las said there is currently no system in place to treat or control the flows. LID techniques are proposed such as bio-retention areas, swales, numerous sub-basins and 80% TSS removal. Mr. Las acknowledged the critical resource area of the adjacent Sudbury Reservoir.

Mr. Leeds introduced Town Engineer John Woodsmall, who detailed his comments on the overall project proposal and the responses by Beals and Thomas to those comments that were received earlier in the day by hand delivery.

The Commission asked whether the applicant had received a groundwater discharge permit. Mr. Lapointe indicated it had been submitted to DEP, but not received yet and mentioned that reclaimed water would be used for toilet flushing. The Commission asked whether drainage would be upgraded for the entire campus, to which Mr. Las replied no, only for the new portions for the time being. The Commission inquired whether many plan changes were expected from the Planning Board's review. Mr. Lapointe stated he is not expecting any but the project is still under review by the town's on-call engineer, Fuss & O'Neill. The Commission asked about the existing leach field. Mr. Las said it will remain in use and effluent from the new facility will be pumped there. The Commission asked about inspection protocol Section 5.3, and who will be the qualified professional. Mr. Las replied that the facilities manager at Fay School will need to be trained. The Commission agreed to consider changing the language of "should" to "will" for the inspection schedule in order to ensure a committed schedule of inspections. Mr. Leeds continued the hearing to 10/4/07.

STORMWATER MANAGEMENT PERMIT – ST. MARK'S SCHOOL, ASSESSORS MAP 65, LOT 3:

Mr. Leeds opened the hearing 8:40 p.m. A SMP was filed in order to construct multi-unit faculty housing. Present for the hearing was Bob Meyer, Business Manager for St. Mark's School. Mr. Meyer said the proposal is to construct 6 units in 3 buildings. Mr. Meyer introduced the engineers from Stantec Planning and Landscape Architecture, Jim Devellis, civil P.E. and Rebecca Bachand, landscape architect and civil engineer. Ms. Bachand said LID techniques would be used, only 2 acres of the 4 acre parcel would be disturbed, and the Planning Board has been asked to waive some of the parking requirements. Ms. Bachand indicated the Stormwater now is sheet flow that will be collected from roof drains through swales and sub-surface drains into an existing detention area. She said an infiltration trench will replace existing catch basins and all sewage will be treated in on site treatment plant.

Town Engineer John Woodsmall reviewed his comments on the plans, and identified the items that were missing. Mr. Woodsmall expressed his satisfaction with the plan revisions. Mr. Upjohn stated that unlike regular conservation filings, nothing has been staked or marked in the field, making it more difficult to determine where the proposed buildings will be placed. He also said he wants the trees saved. Dick Cruciani of 4 Ted Lane said his mother lives at 4 School Street and a nearby catch basin is not draining water properly. Mr. Cruciani thanked St. Mark's for their proposed improvements to the drainage systems. Cindy Lagis of 55 School Street asked about water flooding on the street and how this project would impact that. Mr. Leeds told the applicant that the Commission needs to have the SWPPP signed and stamped prior to closing the hearing.

Ms. Bachand asked the Commission to reconsider closing the hearing tonight, and gave an overview of the plan revisions based on the Planning Board comments. The Commission agreed to close the hearing pending receipt of stamped and signed plans and SWPPP the following day.

Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (6-0) to approve a SMP pursuant to the Stormwater and Erosion Control Bylaw and Regulations. The Commission agreed the applicant has complied with all the Stormwater Rules and Regulations of the Town of Southborough as

they pertain to the application for a SMP. The Commission agreed the applicant has met the standards set forth in Stormwater and Erosion Control Bylaw and Regulations, and the project as proposed will adequately safeguard the health, safety and welfare of the general public and protect the natural resources of the Town by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development. The issuance of a SMP is contingent upon receipt of signed and stamped SWPPP. The Commission agreed to note that as indicated in the plans and submission, the placement of erosion and sedimentation controls should precede construction and the Commission should be given at least 48 hours notice prior to construction so that the control measures can be checked.

STORMWATER MANAGEMENT PERMIT – DEPARTMENT OF PUBLIC WORKS, 147 CORDAVILLE ROAD, ASSESSORS MAP 28, LOT 20:

Mr. Leeds opened the hearing at 9:05 p.m. The SMP application was filed to construct a salt storage shed on the DPW site. Present for the hearing was Town Engineer John Woodsmall, who distributed a revised application with previously missing components. Mr. Woodsmall said the Town DPW is proposing to construct a new 60' x 90' fabric covered salt structure with pre-cast concrete walls in the existing location. He said site plan approval and a variance are needed from the Planning Board, as well as a variance from the ZBA. Mr. Woodsmall said an extended detention pond will be used in order to meet 80% TSS removal, and he will have the NOI application ready for the next meeting. Mr. Woodsmall asked for the hearing to be continued in order to respond to comments from Fuss & O'Neill, and stated Sheets 4 and 6 will be revised. Mr. Leeds continued the hearing to 10/4/07.

STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – BARTOLINI BUSINESS PARK, 276, 278 AND 280 TURNPIKE ROAD, ASSESSORS MAP 26, LOTS 12, 13 AND 14:

Mr. Leeds opened the hearing at 9:30 p.m. The SMP and Notice of Intent were filed for the construction of three (3) office buildings with associated site improvements within the buffer zone to bordering vegetated wetlands. Present for the hearing were David Bartolini, Michael Bartolini, Anthony Bartolini and Peter Bemis of Engineering Design Consultants. Mr. Bemis presented the plans and gave a history of the site. He stated that in 1985, DEP issued a Superseding Order of Conditions which has been extended every 3 years. Mr. Bemis said some work was performed under that Superseding Order including the culvert and roadway construction. The Commission inquired as to the present status of the Superseding Order. Mr. Bemis replied he submitted a Request for Certificate of Compliance from DEP, and he expects to receive it shortly. Mr. Bemis said the wetland replication area has been constructed. He said the proposed buildings are each a total of 26,400 square feet, with 26% impervious area. The Commission asked if any variances were needed. Mr. Bemis replied that none were anticipated. Mr. Bemis stated erosion controls are proposed at the 20' no touch zone, 100% of stormwater will be infiltrated, and there will be a temporary alteration of 1,500 feet through the wetlands for the gas and water line installation connecting from Deerfoot Road. He stated further that all other utilities will be accessed from Route 9, Board of Health has approved the proposed PRESBY septic system design, the project meets all nine (9) DEP Stormwater standards, and has accountability built in to the proposed O&M Plan.

Town Engineer John Woodsmall informed the Commission that there was duplicate data filing requirements in both the SMP and NOI applications, and they may need to revise the Regulations so that when both hearings are held simultaneously (as is the case here), duplication of data provided is not required. Mr. Woodsmall also commented on the other items that were missing from the application. The Commission expressed concerns that the site is jam-packed, with a lot of pavement and no green space, and development is planned very close to the 20' no touch zone. The Commission indicated that the new submittal must now meet the latest Wetlands Protection Act and local bylaw requirements. The Commission said they are concerned about the temporary wetland crossing, and that the proposed snow storage areas are close to sensitive resources and salt and sand need to be

considered. The Commission raised the issue of the stream status and asked for evidence that it was intermittent as indicated on the plans and not perennial as listed on the USGS maps. The Commission stated firmly the stream across Route 9 is perennial. The Commission stated since the replication area is now considered wetlands, the buffer zone needs to be measured from the new line rather than the 1985 line, and asked for the wetland crossing to be marked in the field. The Commission asked about the perc tests for the water recharge area, and how high above groundwater it is. The Commission asked whether all the parking spaces were needed.

Abutter Peter Dowd of 135 Deerfoot Road and his engineer, Larry Beals, were recognized by the chairman. Mr. Beals had several questions and concerns: are the square feet of wetlands previously filled in on the site shown on the original plans? (he said this would put the current plan in the correct context), which buffer zone is being used, current or past?, who will identify the stream status?, since there is an existing Superseding Order of Conditions from DEP, that work will need to be confirmed that it is completed, were the perc tests done in detention basins and infiltration basins?, groundwater elevations?, lot is completely developed out – there is no green space, is the buildable portion of the lot accessible from the lot frontage? Mr. Leeds asked Mr. Beals to submit all of his questions in writing. Mr. Leeds continued the hearing to 10/4/07.

OTHER BUSINESS:

1. Meeting Minutes:

- a. Minutes of 8/2/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (6-0-1, Ms. Russian recused herself) to approve the minutes as written.
- b. Minutes of 8/23/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (3-0-4, Mr. Leeds, Mr. Possemato, Ms. Russian and Mr. Bartolini recused themselves) to approve the minutes as written.

2. The Commission reviewed a letter written by Michael Gulbankian of 25 Mount Vickery Road. The letter informed the Commission that dredging of an agricultural farm pond would be occurring. The Commission concurred that the pond in question qualifies for an agricultural exemption under the Wetlands Protection Act, and agreed to write a letter to Mr. Gulbankian verifying this.

3. Request for Extensions of Order of Conditions:

- a. DEP File # 290-761, Lot 4 Wells Lane. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (7-0) to approve a one (1) year extension.
- b. DEP File # 290-747, Wells Lane Roadway Construction. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (7-0) to approve a one (1) extension.

4. The Commission discussed a letter received from Beals and Thomas regarding the replacement of a culvert on the EMC property that is used by Shell Oil. The Commission asked for additional information to be provided in order to confirm that the project qualifies as a utility exemption as the letter implies. Beals and Thomas agreed to provide the data requested. The Commission stood firm and stated that if the work was to proceed without their prior consent and approval, an Enforcement Order will be issued and the project would be halted.

5. **Continued Informal Discussion with Robert Heavey:** The Commission reviewed the new plans proposed for his property (Turnpike Road and Woodland Road). Mr. Heavey described the changes to the plan; he proposes to fill in 26,000 square feet of wetlands near Route 9 and Woodland Road and to replicate 57,596 square feet in the rear of the property, as well as place 6 acres into a Conservation Restriction, for the purpose of improving access and egress for the

40B project he has proposed. Mr. Upjohn pointed out that the filling being proposed is greater than that allowed under the Wetlands Protection Act Limited Project scope. In addition, Mr. Upjohn stated there is ledge in the area where the replication is being proposed, the replication area is a wooded swamp, and the proposed fill area is a cattail swamp. The Commission thanked Mr. Heavey for illustrating his concepts for the property within the new plans. The Commission expressed reservations about the viability of the project and does not want to proceed any further.

6. **Request for Continuance by EMC**: Mr. Leeds read into the record a letter received from Beals and Thomas on behalf of their client, EMC Corporation, dated 7/13/07 and seeking a continuance of the Notice of Intent hearing until new plans are filed with the Commission. Upon motion by Mr. Upjohn, seconded by Mr. Bartolini, the Commission voted (5-0, both Ms. Russian and Mr. Possemato were not present for the vote) to accept the continuance request to an unspecified date per the Southborough Wetlands Bylaw (Chapter 170).

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (6-0) to adjourn the meeting at 10:50 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator