

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, NOVEMBER 1, 2007
CORDAVILLE HALL, UPPER LEVEL, 9 CORDAVILLE ROAD
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, November 1, 2007 at 7:30 p.m. at Cordaville Hall.

Members Present: John Leeds, Richard Upjohn, Ann Leavitt, Phil Bevins and Mark Possemato.

Members Absent: Louis Bartolini and Rhonda Russian.

The meeting commenced at 7:30 p.m. with John Leeds as chairperson.

Mr. Upjohn arrived at 7:50 p.m.

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 7:30 p.m. and read into the record an email from Mary McCrann of Beals & Thomas dated 10/29/07 requesting a continuance to 11/15/07 since the Planning Board hearing had not yet concluded. Mr. Leeds continued the hearing to 11/15/07 at 7:30 p.m. per the applicant's request.

CONTINUED 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 7:45 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 Jack Bartolini, David Bartolini, Michael Bartolini, Anthony Bartolini and Peter Bemis of Engineering Design Consultants. Mr. Bemis reviewed the revised plans and stated that parking spaces had been reduced by 10, compact spaces have been added, utility easement had been flagged as requested, and stream information was reviewed. Mr. Bemis addressed the issues raised by Town Engineer John Woodsmall and engineer Larry Beals, hired by abutter Peter Dowd. Mr. Bemis said he had received a partial Certificate of Compliance from DEP since the replication area did not have adequate hydrology. Mr. Bemis said it can't be altered until a new Order of Conditions is issued. Mr. Upjohn asked about the replication area for the wetland displacement. Mr. Bemis said since it is only a temporary disturbance, he did not include a replication area on the plans unless and until the Commission imposes one. Mr. Bevins asked if the declared drought advisory had any relevance on the status of the stream on the site. Mr. Bemis said it actually confirms the status as intermittent. Mr. Leeds queried the Commission members about the hiring of a peer wetlands scientist based on previous comments and suggestion by the town engineer. The Commission did not come to a consensus, and agreed to reconsider the issue at the following hearing. Mr. Leeds read into the record a memo written by Conservation Administrator Beth Rosenblum dated 11/1/07 addressed to Peter Johnson seeking clarification of the frontage access required by the town's zoning code.

Larry Beals, an engineer hired by abutter Peter Dowd, reiterated his previous statement about access issues for the three lots and suggested the applicant consider consolidating them into one lot. Mr. Beals stated he and Mr. Dowd were denied permission by Mr. Bartolini to access the land as requested. Mr. Beals concurred with the town engineer and repeated his request for the Commission to require a 3rd party wetland scientist to review the entire project, stating that boundaries and resource areas, soil samples, DEP Data Forms, sewage disposal impacts and a record of who and when the work on the site

was performed was unclear or missing and this data is necessary for a thorough and qualitative analysis of the whole project. Mr. Beals said soil assessment and permeability data is needed since prior tests have inconsistencies. Mr. Beals said test pit locations were not clear on the plans, there was inconsistency about the wetland delineation flagging statements, and the proposed septic system is under the parking lot with a light pole in the center. Mr. Beals distributed an overlay drawing he had done that highlighted some of the delineation inconsistencies. Mr. Bevens commented on the varying perc rates, asked what the system was designed to, and whether the septic and recharge systems were adequately separated.

Mr. Leeds ended the discussion at 8:45 p.m. in order to move on to the other agenda items, and continued the hearing to 11/15/07 at 7:45 p.m.

CONTINUED NOTICE OF INTENT – WARREN AND DEBORAH ISABELLE, 22 PRESIDENTIAL DRIVE, ASSESSORS MAP 82, LOT 18:

Mr. Leeds opened the hearing at 8:45 p.m. The NOI was filed to construct a 26x26 addition and a driveway addition within the 100' buffer zone. Present for the hearing was Mike Sullivan of Connorstone Engineering. Mr. Upjohn commented the house was constructed prior to the local wetlands bylaw passage, so the 20' No touch Zone is lawn, and said the retaining wall will act as erosion control.

Mr. Leeds closed the hearing. Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (4-0-1 with Mr. Bevens abstaining) to approve a standard Order of Conditions (-38h).

NOTICE OF INTENT – SAGE INVESTORS, 154 MAIN STREET, ASSESSORS MAP 51, LOTS 36, 38 AND PORTION OF LOT 1:

Mr. Leeds opened the hearing at 8:50 p.m. The NOI was filed to construct a single family residence with associated site improvements within the buffer zone and the limits of a bordering vegetated wetland. Present for the hearing was Peter Bemis of Engineering Design Consultants. Mr. Bemis gave an overview of the project and the site location. Mr. Bemis said the site consists of 3 parcels, and that Board of Health will not approve the septic until the lots are combined. Mr. Bemis said the frontage is on Main Street, that 1,820 square feet of wetlands would be displaced by the septic leaching system and restored and constructed via Lynbrook Road. Mr. Upjohn provided a summary of the site and its prior history with the Commission, and expressed concern about the house site and its proximity to wetlands to the east and south, and to groundwater. Mr. Upjohn said the house would be sited on a very small lot, with a small lawn, which would have to be raised due to the groundwater. Ms. Leavitt said the site was subject to flooding, and felt it was risky to propose to build there. There were questions raised about the plan revision date, and Mr. Bemis distributed new plans dated 8/25/07 to Commission members. Mr. Bevens inquired about the depth of the pipe and if it was frost free. Mr. Bemis replied it would never hold water so does not need to be frost free. Mr. Bevens asked if a raised septic system was an option. Mr. Bemis replied that a tributary to a reservoir has wider setback requirements so is not an alternative for this site.

Richard Araujo of 156 Main Street, a plumber by trade, has concerns about flooding and the forced main system O&M. Mr. Bemis said he was using a special pipe that has no joints in it, and a sleeve could be added if requested. Mr. Araujo questioned where the measurement of the 200' septic setback was taken from. Mr. Possemato asked for this measurement to be included on the plans.

Mr. Leeds ended the discussion at 9:15 p.m. and continued the hearing to 11/15/07 at 8:15 p.m.

**ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION – BOB CROATI,
DEROSA CONSTRUCTION, 41 WHITE BAGLEY ROAD, ASSESSORS MAP 46, LOT 01:**

Mr. Leeds opened the hearing at 9:15 p.m. The application was filed to confirm the boundary of bordering vegetated wetlands and the status of the stream. Present for the hearing was Bob Croati of DeRosa Construction and Scott Goddard of Carr Research Labs. Mr. Goddard provided an overview of the site, the BVW flagging, and said the big issue needing resolution is the stream status. Mr. Goddard stated that USGS shows it to be intermittent, the watershed size is .23 square miles, and although it is clearly running during a drought advisory, it does not meet the Rivers Protection Act criteria for it to be called perennial. Mr. Upjohn agreed there was no real challenge on the wetland lines, to which Ms. Leavitt concurred. Mr. Possemato said the ANRAD is for the wetland line plus the stream determination. Mr. Goddard read the preface to the 2002 DEP revision to the Riverfront Protection Act, section 4, into the record, which described the definitions for stream status determination.

Roger Rosenquist of 8 Birchwood Drive, said he has been an abutter for 40 years, and the stream has always been wet. Mr. Rosenquist asked the Commission to clarify the distinction between stream classifications. Mike Sullivan of Connorstone Engineering explained the Board of Health septic setbacks.

Mr. Leeds closed the hearing at 9:40 p.m. Mr. Upjohn made a motion to accept the stream as intermittent. No member seconded the motion, therefore, the motion failed. The Commission decided to continue the discussion and the decision to the next meeting date after performing more research on the Rivers Protection Act statute.

**STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – RASIAH
SELVAAYAGAN, 43 & 45 TURNPIKE ROAD, ASSESSORS MAP 39, LOTS 16 & 17:**

Mr. Leeds opened the hearing at 9:45 p.m. The SMP and NOI applications were filed to reconstruct and expand 2 existing buildings including driveway, utilities and drainage. Present for the hearing was property owner Rasiah Sevaayagan and Peter Bemis of Engineering Design Consultants. Mr. Bemis presented an overview of the proposal and the site: 5 buildings are to be removed, 2 buildings will be reconstructed, 56 parking spaces, closed drainage system, and will need a waiver of the 20' No Touch Zone for the outlet control structure. Mr. Upjohn expressed some concerns about the detention basin. Mr. Bemis asked for permission to clean up the debris on the site and perform restoration. Mr. Bevins said there was no open space remaining, the site is built out. Mr. Leeds read into the record the comments made by Town Engineer John Woodsmall. Mr. Bemis agreed to provide all of the data requested.

Mr. Leeds ended the discussion at 10:05 p.m. and continued the hearing to 11/15/07 at 8:30 p.m.

OTHER BUSINESS:

1. **Review, Accept and Sign Findings & Decision for Department of Public Works Salt Shed SMP:** The Commission reviewed the SMP Findings and Decision. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (5-0) to accept the Findings and Decision for a Stormwater Management Permit for the salt shed construction. The Commissioners signed the SMP.
2. **Certificates of Compliance:** Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (4-0-1 with Mr. Bevins abstaining) to approve a Certificate of Compliance for DEP File # 290-576, Johnson and Northboro Roads. The Commission agreed to revisit the 6 Wells Lane site before taking a vote on that request.

3. **197 Main Street Tree Removal Request:** As only one Commissioner was able to gain access to the site, this item was tabled until next meeting.
4. The Commission agreed to hold its annual Holiday Party after the meeting on 12/6/07, and asked to cancel the meeting scheduled for 12/27/07.
5. The Commission agreed to the request by the Open Space Preservation Commission for a slot on the next meeting agenda to discuss revisions to the local wetlands bylaw.

Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator