

**SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, FEBRUARY 16, 2023
VIRTUAL ZOOM MEETING
MEETING MINUTES**

The Conservation Commission of the Town of Southborough held a meeting on Thursday, February 16, 2023 at 7:00pm via an online Zoom meeting.

Members Present: Mark Possemato (Chair), Russell Gregory, Elizabeth Zulick, Kevin Farrington

Members Absent: Benjamin Smith

Others Present: Melissa Danza (Conservation Agent), Joe Orzel (Lucas Environmental)

The meeting being duly posted, the chair opened the meeting at 7:00pm.

APPROVAL OF MINUTES

1/5/23

MOTION: Ms. Zulick made a motion to approve the minutes as drafted. Seconded by Mr. Farrington, the motion carried 3-0-1 by roll call vote: Zulick- aye; Farrington- aye; Gregory- abstain; Possemato- aye.

1/26/23

MOTION: Ms. Zulick made a motion to approve the minutes as drafted. Seconded by Mr. Farrington, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Gregory- aye; Possemato- aye.

PUBLIC HEARINGS

AMENDED ORDER OF CONDITIONS – 325 TURNPIKE ROAD (MAP 26, LOTS 10 AND 2), DEP#290-1083 – MODIFICATION TO CURRENT ORDER OF CONDITIONS TO CONSTRUCT A 714-FOOT-LONG SOUND BARRIER FENCE

Mr. Farrington recused himself from the hearing.

Scott Doty (John G. Crowe Associates) was present on behalf of the applicant. Mr. Doty explained the applicant is looking to install a sound barrier in response to concerns about noise from the truck yard.

Mr. Doty reviewed the proposed project and site plan, describing the location of the proposed 16-foot-high sound barrier wall and necessary construction. Mr. Doty noted they are asking for a waiver for work that would take place within the 20 ft no-disturb zone. Mr. Doty noted all the areas where the sound barrier would cross or impact the wetlands on the property. Mr. Doty described the erosion control barriers, which include a sediment fence secured with straw wattles,

extra excavating to contain any soil spilled from auger excavation, and the existing grade would be reestablished with washed stone. Mr. Doty also noted that they would be reducing the impervious area by approximately 500 sq ft. The drains will continue to head towards the drainage channel, but it will be filtered by the gravel. Mr. Doty stated they are proposing tree plantings in areas where some existing trees will need to be pruned and/or removed. Mr. Doty stated he believes this is the best option out of all the alternatives and asked that the Commission approve the plan.

Mr. Possemato asked if an official waiver request had been submitted. Ms. Danza confirmed that it had.

Mr. Orzel stated he did visit the site, and noted the swale along the proposed wall is a shallow drainage, not a high quality wetland. Mr. Orzel was unsure if snow was allowed to be plowed to that area. With regards to the crossing area, it is more of a shallow ditch, but he did not have issues with it. Mr. Orzel asked why the wall was angled in the southwest corner through the 20 ft no-disturb zone, but it was explained within the waiver. Mr. Orzel had requested that the previously submitted table be updated with the new impact area numbers, which has been submitted. Mr. Orzel stated that the proposed plantings are adequate for where trees may be pruned or removed. Mr. Doty stated that there is snow management as part of the plan. Mr. Doty stated the sound engineers stated the wall needed to be angled as shown in the southwest corner.

Mr. Gregory asked about the angle of the sound wall in the southwest corner, and asked if they could make a short 90 degree run with one panel, before going into the proposed angle to stay out of the 20 ft no-disturb zone. Mr. Doty stated he will ask to see if it's possible.

Mr. Gregory stated they need to start the installation for the wall where it crosses the low-laying wetland. Mr. Doty stated that is their point of origin.

Ms. Zulick stated she did like Mr. Gregory's idea to change the layout of the sound barrier.

Ms. Danza asked Mr. Doty if he was in front of any other permitting boards. Mr. Doty stated they have a hearing scheduled with the Planning Board.

Ms. Danza stated that the Planning Board did have an independent sound engineer review the plans and found it to be appropriate.

Ms. Danza asked if the resource area impact table would change with the change in the alignment of the sound barrier in the southwest corner. Mr. Doty stated it would not.

Mr. Possemato opened the hearing to the public. There were no comments or questions.

MOTION: Ms. Zulick made a motion to close the hearing. Seconded by Mr. Gregory, the motion carried 3-0-0 by roll call vote: Zulick- aye; Gregory- aye; Possemato- aye.

**STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – 241-245
TURNPIKE ROAD (MAP 27, LOTS 8 AND 9) – DEMOLITION OF EXISTING
BUILDINGS AND DEVELOPMENT OF A TWO-STORY MEMBERSHIP CLUB AND
CAR STORAGE BUILDING**

David LaPointe and Nathaniel Bautz (Beals and Thomas) were present on behalf of the applicant. Mr. LaPointe provided an overview of the proposed project. Mr. Possemato asked how many automobiles could be housed in the proposed project. Mr. LaPointe stated the units have been described as potentially holding four to six cars. Mr. Possemato asked if there would be drains in the floors in case of any vehicle leaks. Mr. LaPointe stated it would be similar to parking garages, with the use of floor drains, the runoff from which would flow to a tight tank which will then be pumped out and disposed of off-site. Mr. Possemato asked who would be responsible for that. Mr. LaPointe stated that Parkhaus 241 LLC would manage the overall property. Mr. Possemato asked if there are bathrooms in the units. Mr. LaPointe stated that some may include bathrooms, in addition to a clubhouse area in the building for members to gather, as well as small kitchenettes.

Mr. Bautz gave an overview of the site plan and proposed work, noting that they intend to demolish the existing buildings and build a single, two-story building. Mr. Bautz reviewed the location of the wetlands and buffer zones on the property, noting that impacts to the buffer zone. The project will result in a net decrease of impervious areas, but they are proposing two stormwater infiltration systems. Mr. Bautz stated they are currently working on responses to peer review comments.

Mr. Possemato asked how the vehicles would get to the second floor. Mr. Bautz explained the two entrances to the building, one of which would go to the first floor and the other to the second floor.

Mr. Orzel did visit the site, noting that a few wetland flags were missing but they were in the area of a very steep slope with a clearly defined edge of wetland. Mr. Orzel had a difference of opinion on flags A5, A2 and A3. Mr. Orzel felt the wetland edge is approximately 25 ft upgradient of flag A5. Mr. Orzel noted there is a fair amount of invasive species present and he recommends a construction-phase invasive species management plan, especially for the back of the property. Mr. Orzel noted that there is a small amount of work within the 20 ft no-disturb zone along Parkerville Road, and he is unsure if alternatives were looked at regarding that work. Mr. Orzel stated that part of the stream does occur on the property, which is a correction to the initial narrative. Mr. Orzel suggested the Commission discuss the planting of straight species within the buffer zone, as the proposed plantings are not straight species. There is no construction entrance on the site plan, and he recommends it be shown on the plan.

Mr. Possemato asked where the septic system will be located. Mr. Bautz stated that is still being decided with the Board of Health but showed the proposed location on the site plan.

Mr. Possemato asked to clarify why the retaining wall had a rectangular shape to it. Mr. Bautz stated it is for parking spaces.

Mr. Possemato asked if a DEP number had been issued. Ms. Danza stated it has not.

Mr. LaPointe stated they are still in the process of a public hearing with the Planning Board. Ms. Danza stated there are still outstanding comments from Fuss & O'Neill.

Mr. Possemato opened the hearing to the public. There were no comments or questions.

Mr. LaPointe asked about wetland flag A5, stating that moving the flag would also move the 20 ft no-disturb zone, which would put the outfall from the sub-surface stormwater system into the 20 ft no-disturb zone. Mr. Possemato asked if it was just flag A5 that would need to move. Mr. Orzel confirmed, stating there is natural drainage in that area. Mr. Possemato asked if the stormwater structure is underground. Mr. LaPointe confirmed, stating they cannot place it further south because of the location of the retaining wall. Mr. Orzel asked if they could change the chamber to be wider and less length. Ms. Danza asked Mr. LaPointe to outline alternatives.

MOTION: Mr. Farrington made a motion to continue the hearing to March 9, 2023 at 7:10 PM. Seconded by Ms. Zulick, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Gregory- aye; Possemato- aye.

NEW AND/OR CONTINUED BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – DEP#290-745 – 22A LOVERS LANE

Ms. Danza reviewed the history of the project, noting that a prior request was made in 2022 and that the Commission had asked for an updated as-built plan. Since then, the new owners have resubmitted the request for CoC, and the washout areas and trash have since been removed.

Mr. Orzel stated he visited the site, and it is generally well-stabilized but noted one area near the retaining wall near the 100 ft buffer had thin grass and minor erosion. There was no encroachment beyond the retaining wall, the driveway is not located within the buffer zone, the deck looks as though it is slightly closer than what was approved but not a significant difference. The updated as-built plan includes all requested information.

MOTION: Ms. Zulick made a motion to issue the Certificate of Compliance. Seconded by Mr. Farrington the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Gregory- aye; Possemato- aye.

SMP BYLAW & REGULATIONS UPDATE/CHANGES & TOWN MEETING WARRANT

Ms. Danza stated that she and Mr. Smith attended the Planning Board hearing to review the bylaw changes, noting there was overall positive feedback. The Planning Board has continued the hearing, which is typical for these hearings. Ms. Danza stated that there were questions from Jack Bartolini, and Ms. Danza met with him to review the changes and help clarify. Ms. Danza is putting together materials to post on the Conservation website for public information, in addition to have a PowerPoint presentation ready for Town Meeting. The Planning Board suggested putting together information of instances when issues arose from the Building Commissioner waiving the Stormwater Bylaw.

OTHER BUSINESS

CONSERVATION SCIENTIST/AGENT REPORT

UPDATE ON OPEN AND ACTIVE SITES

Ms. Danza is following up on a few sites, checking erosion controls in various locations, and noted that she believes the landscaping at 151 Middle Road has been rectified and she is hopeful they will be on the agenda for the next meeting and will follow up. Ms. Danza is still trying to determine the final plan for Fayville Hall, but nothing has been formally submitted.

BREAKNECK HILL DUMP

Ms. Danza stated they have submitted revised assessment materials to DEP to take the abutter's property off those assessments, and the final cost estimate should be received next week so it will be on the warrant for Town Meeting. Ms. Danza stated they did get confirmation from DEP that they will strictly be doing a dig and haul, noting that the proposed cost will be worst-case scenario because it may not be feasible to separate out the solid waste because of the comingling. The cost will also include prevailing wage and other factors. Ms. Danza also stated that they have received the revised ACO to take the abutter off that as well.

Mr. Gregory asked how the cleanup crew will access the dump. Ms. Danza explained the most likely path. Mr. Gregory stated he was concerned about the weight rating of the bridge. Ms. Danza stated she will discuss it with the cleanup crew.

Mr. Possemato asked if they are going to excavate and haul up to the point of the property line with the abutter. Ms. Danza confirmed. Ms. Danza stated that it would be a good idea to have the representative from TRC available at Town Meeting to answer questions.

UPDATES FROM TOWN COUNSEL – 84 MAIN STREET

Ms. Danza stated that she received a legal opinion from Town Counsel, which is still covered under attorney client privilege. Ms. Danza stated that on the surface there may be a path forward, but she is going to follow up with Town Counsel further about options. Mr. Possemato asked if Ms. Danza will ask Town Counsel if they need to have an executive session.

35 PINE HILL ROAD

Ms. Danza stated there is a building permit application for 35 Pine Hill Road, and voiced her concern that construction would enter the buffer zone. Ms. Danza stated that the Commission can either require the applicant to file an RDA or work with some erosion control conditions with inspection prior to construction. Mr. Possemato stated he could go either way since it is a temporary disturbance, and also noted that they typically request RDAs so it would be consistent with prior projects. Mr. Farrington asked if there was a benefit of having the paper trail of the RDA. Mr. Possemato responded that there would be only if they were asking for the wetland line. Ms. Danza stated that typically if a determination that a permit is not needed, she will make a note within a file for property justifications and could upload it to the online permitting software. Mr. Farrington asked how far they would be going into the buffer zone. Mr. Gregory stated it is typically 5 feet over, and as long as they keep the construction traffic out of there it is minor. Mr. Possemato stated that it is a single-story garage so construction traffic should not be high. Mr.

Gregory agreed. Ms. Danza asked for feedback on a condition for the building permit that included installing and inspecting erosion controls, not going further than 5 feet, and any construction equipment must stay on the upland side, or if the Commission should ask for an RDA. Mr. Orzel asked if the wetland line was clear. Ms. Danza confirmed. Ms. Danza stated she will approve the building permit with conditions of erosion controls.

OTHER BUSINESS AS MAY ARISE

Order of Conditions – 325 Turnpike Road

Ms. Danza reviewed the proposed conditions.

MOTION: Ms. Zulick made a motion to issue the amendment for the OoC as drafted. Seconded by Mr. Gregory, the motion carried 3-0-0 by roll call vote: Zulick- aye; Gregory- aye; Possemato- aye.

MOTION: Mr. Farrington made a motion to adjourn the meeting. Seconded by Ms. Zulick, the motion carried 4-0-0 by roll call vote: Zulick- aye; Farrington- aye; Gregory- aye; Possemato- aye.

Respectfully Submitted,

Lara Davis

Principal Assistant

Documents Used:

1. Site Plan – 325 Turnpike Road
2. Site Plan – 241-245 Turnpike Road