

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, MAY 8, 2008
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, May 8, 2008 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

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

Absent: John Maciolek and Ann Leavitt.

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

CONTINUED NOTICE OF INTENT – KRISTIN LUDWIG, 7 HICKORY ROAD, ASSESSORS MAP 42, LOT 21:

Mr. Leeds opened the hearing at 7:55 p.m. Present was property owner Kristin Ludwig and engineer Tom Dipersio, Jr. Mr. Dipersio asked the Commissioners if they had any further questions about the most recent plan revisions. Mr. Upjohn stated he had doubts about the viability of constructing a house in the proposed location due to the steep slopes and abundant wetlands. Mr. Possemato said there is a fire hydrant in front of the proposed driveway entrance off Hickory, and commented that he observed very little water in the brook running through the site. Mr. Dipersio replied he will need to move the driveway slightly to avoid the hydrant. Mr. Bevins asked about the cross section and depth of the Cultec system. Dan Kerner of 5 Hickory Road said 3 trees have fallen in the wetlands due to the high groundwater and expressed concern that the water problem will worsen with the house construction. Other Commissioners agreed Mr. Dipersio had provided all of the data asked for and had revised the plans as requested. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (2-3) against denying an Order of Conditions on the grounds that the project could not be conditioned to meet the WPA standards due to the steepness of slopes and the volume of wetlands. Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (3-2) to approve an Order of Conditions (+38h) with the following special conditions: 1) the applicant must submit dated photos of the gravel installation; 2) in order to accommodate the fire hydrant, the driveway can not be moved any closer to the wetlands. Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (3-2) to grant a waiver of the local wetlands bylaw 20' No Touch Area as necessary since it provides the only access to the site for the purposes of building.

NOTICE OF INTENT – BETTY YUEN, 2 ASAREE DRIVE, ASSESSORS MAP 31, LOT 48:

Mr. Leeds opened the hearing at 8:07 p.m. Present was Shawn Hardy, engineer, and Frank Chan, contractor. Mr. Hardy presented the proposal to construct a deck and perform selective tree clearing and grading within the 100' buffer zone. Mr. Hardy said the plan is to increase the sun exposure and add more usable space at the rear of the property. Mr. Hardy said the property owner would be willing to include ongoing conditions regarding the use of organic fertilizers only.

Mr. Upjohn expressed concerns about the yard expansion and the amount of fill needed to grade the yard evenly. He asked whether there was adequate room for the haybales and if as proposed, they might be too close to the fill which may top over onto the haybales. Mr. Upjohn suggested moving the haybales back a few feet to avoid this potential problem, and also asked whether the large pine tree that houses a tree-house could be saved. Mr. Hardy replied it was planned to be removed, but it can be saved if the Commission desires. Ms. Russian asked how the slope would be stabilized once the fill was brought in. Mr. Hardy said it was a 5:1 slope that would be hydro-seeded. Mr. Bevins prefers that

vegetation not be removed in order to create lawn, and asked for significant shrub planting and a swale at the base of the hill to catch runoff. Mr. Bevins asked the applicant to provide a planting plan. The Commission summarized the issues needing resolution: 1) save large pine tree, 2) move haybale barrier back an additional 5 feet, 3) a landscaping plan and sequence of activities needs to be presented (with standard 2 year cycle for re vegetation), 4) include a berm at the base of the hill for shrub planting, and 5) specify that no inorganic fertilizers to be used on lawn in perpetuity.

Mr. Leeds continued the hearing to May 29, 2008.

NOTICE OF INTENT – LLEWELLYN ROGERS, 41 OREGON ROAD, ASSESSORS MAP 16, LOT 12:

Mr. Leeds opened the hearing at 8:25 p.m. Present was Mark Farrell of Green Hill Engineering. Ms. Russian read a statement from the Board of Health regarding the status of the septic system into the record. Mr. Farrell described the proposal to install a Presby system to replace a failed system for an existing single family home situated on an island of wetlands. Mr. Farrell said the Board of Health is requiring the system replacement, and that Title V allows it to be 25' from the edge of wetlands only in the case of repair. Mr. Farrell said there is no other suitable location on the site. The Commission agreed, and asked only when Board of Health approval was expected. Mr. Farrell stated the application was submitted and expected approval prior to the next Commission meeting.

Mr. Leeds continued the hearing to May 29, 2008 pending Board of Health approval.

NOTICE OF INTENT – JOHN HUEBER, 0 FIRMIN AVENUE, ASSESSORS MAP 48, LOT 27:

Mr. Leeds opened the hearing at 8:40 p.m. Present was John Kelly of Kelly Engineering. Mr. Kelly presented an overview of the plans, described the area and offered historical data of how the stream channel was created. Mr. Kelly said Mass Highway owns an easement where the channel is located and it is not being well maintained. Mr. Kelly said the goal is to restore the stream bank from the present condition which shows signs of erosion, with tree limbs blocking the flow, broken banks that have created a new channel that has deposited debris into the Sudbury Reservoir. Mr. Kelly said the plan is to use COIR Logs 1 foot in diameter, pre-vegetated and seeded with saplings that match the natural vegetation. Mr. Kelly said a narrow channel will be excavated at the edge of existing channel, a line of COIR Logs will be staked in place, then a 2nd line of COIR Logs will be staked above it. Mr. Kelly also said that due to the velocity during large storm events, an additional stone armament will be used in front of COIR Logs, and the work will be done during dry conditions only, probably in August over a very short period of time. Mr. Kelly said the work will be done by hand possibly with the use of a Bobcat, and a haybale check dam will also be used in strategic locations. Mr. Kelly acknowledged the project does cross into Framingham and a Notice of Intent will be filed there as well.

Mr. Upjohn said the Framingham section is critical since that is where the curve is and sand had obviously been deposited by the brook overflowing. Mr. Upjohn noted some logs are imbedded across the stream and should be removed to correct the stream flow. Mr. Possemato inquired how long it was anticipated to do the work. Mr. Kelly replied no more than 2 days. Mr. Possemato asked if the stream dries up. Mr. Kelly said it is intermittent in this area, and it dries up completely. Ms. Russian introduced the comments made by the Town Engineer where he raised the issue of the accuracy of the wetlands delineation and the possible need to have it reflagged. Mr. Upjohn stated he felt the delineation was accurate.

Mr. Leeds continued the hearing (to a date uncertain at this time,) after the Framingham Notice of Intent filing is done.

CONTINUED NOTICE OF INTENT – ROBERT HEAVEY, 84 TURNPIKE ROAD (WOODLAND MEADOWS), MAP 38, LOT 10:

Mr. Leeds read into the record the applicants request to continue the hearing until May 29, 2008 in order to make changes to plans. The Commission agreed to allow the continuance.

OTHER BUSINESS:

1. **Beachwood Lane Enforcement Discussion:** The Commission met with representatives from the Wedgewood Condominium Trust including President Jeff Rosen and resident Scott Weiss to discuss the 38 trees that were removed from an area near the Wastewater Treatment Plant (WWTP) and adjacent to the pond. Mr. Weiss introduced himself and stated he is an engineer by profession. Mr. Weiss spoke on behalf of the condo association, stated the action was maintenance-related, poplar trees are prone to disease and infestation due to shallow root system, several trees had fallen and they did not realize the buffer zone/conservation commission jurisdiction. Mr. Weiss said the association fully understands the jurisdictional issues now and will have a planting plan developed for commission approval. Mr. Upjohn noticed the trees would not have fallen on the WWTP building. Mr. Weiss replied that about ½ of the trees were close to the building and the rest were near the roadway. Mr. Bevins said a professional engineer should be hired and a Notice of Intent needs to be filed for commission approval. Ms. Russian said typically an Enforcement Order would have been issued before requiring a full Notice of Intent. In this case, a letter was sent by the Commission to the condo association regarding the violation. Ms. Russian stated a Notice of Intent with a bona fide restoration plan will be required to be submitted as soon as possible. Mr. Bevins said the plans need to include the size, quantity and spacing of the replacement plants, a plan for the stumps, and protection of the resource area for the restoration work. The Commission agreed this area is now under the microscope and it was fortunate the tree cutter did clean work. The Commission reserved the right to convene an administrative hearing to consider punitive action for the tree removal and to impose fines. Mr. Weiss asked if the Commission had any recommendations for the stumps, stated the plantings will likely occur during the fall, and asked for additional time to submit the permit request. The Commission expects to have the filing for their June 19 meeting.
2. **Meeting Minutes:** Minutes of the March 27, 2008 meeting were reviewed. Upon motion by Ms. Russian seconded by Mr. Upjohn,, the Commission voted (5-0) to approve the minutes as amended.
3. **20 Learned – Matt Jackson Request:** The Commission reviewed the request by Matt Jackson asking for a sign-off on the division of Parcel C so as not to be encumbered by DEP # 290-823 Order of Conditions. The Commission agreed, and Chairman John Leeds signed the letter.
4. **Tree Removal Requests:**
 - a. **22 Richards Road:** The Commission discussed the request to remove a large pine tree leaning over the house and reviewed photos of the site. The Commission asked to invite the property owners in to discuss their removal plans.
 - b. **5 Candlewood:** The Commission discussed the request to remove a rotting red maple in the rear yard on a stream bank and reviewed photos of the site. The Commission denied the request, stating that the tree is helping to stabilize the bank.
5. **Request for Certificate of Compliance:** DEP File #290-837, 17 Rockpoint Road – Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to approve a Certificate of Compliance.

6. **MEPA Comments regarding Woodland Meadows:** The Commission reviewed the draft comments prepared by the Conservation Administrator and approved the letter as amended.
7. **Sandy's School Playground – 200 Turnpike Road:** The Commission reviewed the hand drawn plans for a playground installation within the 100' buffer zone to a wetlands resource area, and discussed the appropriate course of action to move forward. The Commission agreed that due to the proposed location's proximity to resource areas, a permit request would need to be filed.
8. **Request to Amend Order of Conditions. 27 Presidential Drive:** One Commissioner made a motion to approve the proposed amendment that would eliminate the requirement to install a Cultec system since the homeowner would install an Ecosmarte Pool that eliminated the need for chlorine or chemical. Some of the other Commissioners asked to delay the vote as they wished to do more research on the product. Mr. Leeds agreed to take the item under advisement until the next meeting.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0) to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator