

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JUNE 21, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, June 21, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

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

Absent: Louis Bartolini and Mark Possemato.

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

NOTICE OF INTENT – WILLOW STREET (DPW), ASSESSORS MAP 39, ROAD RIGHT OF WAY:

Mr. Leeds opened the hearing at 7:30 p.m. Present was Town Engineer John Woodsmall, who stated the Notice of Intent was the follow-up to the Emergency Certification already issued by the Commission in April for repairs to the bank and road shoulder caused by erosion. Crushed stone and vertical granite curbing have been used to stabilize. The DPW also dug out the outlet from the NECC parking lot to help control the water flow. Mr. Woodsmall indicated that the last heavy rain caused some additional erosion to occur that will be repaired shortly. Mr. Woodsmall presented the Alternatives Analysis required for Riverfront Area projects and asked for a waiver of the 20' No Disturb Zone as requested by the Commission at their last meeting. Mr. Upjohn stated he noticed the curbing installed has restricted the channel, and said it may erode the opposite bank. Mr. Woodsmall replied it was due to sloughing, and said it would be corrected. Mr. Leeds closed the hearing.

Upon motion by Ms. Russian, seconded by Mr. Upjohn, the Commission voted (5-0) to approve an Order of Conditions for the work granted by the Emergency Certification with the following Special Conditions: The applicant is granted the approval to complete the work authorized by the Emergency Certification and required to correct the situation in the bank area where the installed curbing has fallen so as not to impact the stream flow. The repair work is to be performed during low flow conditions and the Commission must be notified when the work begins. No sedimentation should be discharged or run into the stream and erosion controls should be installed during construction in accordance with Special Condition requirements. These are to be removed upon completion. The applicant is hereby granted a waiver from the 20' No Disturb Zone given the lack of alternatives and the further erosion of the bank/shoulder that would occur if this waiver were not granted.

CONTINUED NOTICE OF INTENT – 57 NEW YORK AVENUE (FORMERLY BOSTON ROAD), GENZYME PARKING GARAGE, ASSESSORS MAP 48, LOTS 21A AND 21B:

Mr. Leeds opened the hearing at 7:45 p.m. Present for the hearing representing the applicant were Dave Pellegrini of Tetra Tech Rizzo and Peter Barbieri, attorney for Genzyme. Mr. Pellegrini stated that a DEP File Number was issued, an Alternatives Analysis distributed, the MEPA site visit occurred the previous day, and the project does not trigger EIR thresholds. Mr. Leeds closed the hearing.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0) to approve a standard Order of Conditions (-38h).

REQUEST FOR DETERMINATION OF APPLICABILITY – 8 ANDREWS WAY, ASSESSORS MAP 72, LOT 18:

Mr. Leeds opened the hearing at 8:05 p.m. Present was property owner Philip Hartigan, who is proposing to construct an in-ground pool, shed and retaining wall. Mr. Upjohn said the property is bounded by a stone wall, and the area where the pool is proposed is lower than the stone wall and

appeared damp. Mr. Bevins expressed concerns about post construction issues and wanted more details about pool drainage, grading and topography. Seeing the applicant's confusion over the questions being asked, Ms. Russian reviewed the permitting process. Mr. Bevins described the reason why engineered construction plans and details were necessary and the next steps in the process.

Upon motion by Mr. Bevins, seconded by Ms. Leavitt, the Commission voted (5-0) to issue a Positive Determination and require a Notice of Intent be filed in order for the Commission to obtain specific engineering details of the proposal and the pool drainage and proposed grading. The Commission would like to see plans that show Existing Conditions, topography, drainage and final grading.

REQUEST FOR DETERMINATION OF APPLICABILITY – 8 JERICHO HILL ROAD, ASSESSORS MAP 7 1, LOT 14:

Mr. Leeds opened the hearing at 8:20 p.m. Present was property owner Judith Crowley, who proposes to extend an existing deck; no backhoe will be used, and the Sonatubes will be dug by hand.

Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (5-0) to issue a Negative Determination provided the plan is followed as presented. The Commission asked that any debris from the dug holes not be disposed of over the wall.

CONTINUED ADMINISTRATIVE ENFORCEMENT HEARING – 2 WOODLAND ROAD, ASSESSORS MAP 38, LOT 12:

Mr. Leeds opened the hearing at 8:30 p.m. Mr. Bevins recused himself as an abutter. Present for the hearing was property owner Bob Heavey. Mr. Heavey stated that tenant Al Peel has been evicted, and he has posted a sign that says it is illegal to park vehicles. Mr. Leeds said vehicles still remain on site and are parked in the buffer zone. Mr. Heavey said the vehicles were parked in existing paved area and are grandfathered. Ms. Russian said the Special Conditions does not allow vehicles within the 50' boundary. Mr. Upjohn said the edge of parking area is more than 20' from wetland edge. Ms. Russian stated a measurement needs to be taken from where equipment is parked to the wetland line in order to determine if the vehicles are outside the 20' No Touch Zone. Mr. Leeds continued the hearing.

NOTICE OF INTENT – 27 PRESIDENTIAL DRIVE, ASSESSORS MAP 82, LOT 10:

Mr. Leeds opened the hearing at 8:50 p.m. Representing the applicant was Mike Sullivan of Connorstone Engineering. Mr. Sullivan described the proposal to construct an in-ground pool, pool house and shed, and said that due to the location of the septic system and the wetlands, the pool could not be located anywhere else on the property. He stated a poly barrier would be used; haybales will be installed, and detailed the drainage system and said some fill will be brought in. Mr. Upjohn stated the area is staked. Mr. Bevins asked that the trees proposed for removal be marked on the site, and said the rear fence will need to be removed since the pool house is proposed for beyond it. He wants the pool winterized so that water drawn in will be run through French drains to prevent chlorinated water from running into the adjacent wetlands. Mr. Sullivan said that could be included within the Order of Conditions. Ms. Russian asked for an amended narrative with discharge details shown on plans; said she was concerned about excavation and impacts to the wetlands; and asked for bounds to be installed at the 20' No Touch Zone buffer. Mr. Bevins asked if the new pool fence would be installed beyond the 20' line, and indicated the trees to be removed need to be taped and the new proposed fence shown on the plans. Ms. Russian asked where the excavated materials would be stockpiled. Mr. Leeds continued the hearing to 7/12/07 at 7:45 p.m.

Other Business:

1. **Informal Discussion:** Proposal by Paul Bourdon to construct a fence around 2 sides of the Community Gardens for added protection. With the exception of Mr. Bevins, who expressed reservations about the conspicuousness of the fence style, the Commission approved of the

proposal. Upon motion by Ms. Russian and seconded by Mr. Upjohn, the Commission voted (4-1 with Mr. Bevins voting nay), to allow Paul Bourdon to construct a fence along 2 sides of the Community Gardens at Breakneck Hill Conservation Land as presented and at no cost to the town.

2. **Informal Discussion:** The Commission reviewed the 2 memos from Building Inspector Peter Johnson regarding frontage issues and wetland crossings at 2 projects: 150 Parkerville Road and Boston Road. Ms. Russian read the memos into the record. Adam Phaneuf of 150 Parkerville Road was present and explained his situation and the reason why a request was being made for the Commission to write a response. The Commission instructed Ms. Rosenblum to draft memos to the Building Inspector in response to his requests and stating that wetland crossings are allowed under the Wetlands Protection Act and the local Bylaw if no other access is available, etc.
3. **Meeting Minutes:**
Ms. Russian was not present for the vote.
 - a. Minutes of 5/17/07 meeting were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (4-0) to accept the minutes as written.
 - b. Minutes of 5/31/07 meeting were reviewed. Upon motion by Mr. Upjohn, seconded by Mr. Bevins, the Commission voted (4-0) to accept the minutes as amended.
 - c. Minutes of 6/6/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (4-0) to accept the minutes as written.
4. **Tree Removal Request:** 6 Wells Lane. The Commission agreed to allow the property owners to remove one dead tree from the rear of the property.
5. **Payables:** The Commission approved and signed the payable for 2008 dues to MACC.
6. **Informal Discussion:** The Commission reviewed the 5/23/07 letter from Beals & Thomas regarding peer review of the EMC Notice of Intent filing. Ms. Russian read the Beals & Thomas letter into the record and summarized the outstanding issues. The Commission agreed to revise their requested scope of work to remove some items, but insisted on a review of the wetland impacts by a wetland scientist. A letter detailing these changes will be drafted.
7. **40 Southville Road:** Mr. Leeds made a statement that Mr. Possemato was unable to attend the meeting tonight due to a family emergency, and without him in attendance, the Commission does not have the required quorum to be able to vote on the Order of Conditions. Mr. Leeds indicated that Capital Group Properties had been notified earlier in the day and had agreed to waive the 21-day requirement for issuing an Order of Conditions. Mr. Leeds stated the decision will be continued to the 7/12/07 meeting. Ms. Russian read a disclosure statement she had filed into the record, and agreed to continue to recuse herself from this matter.

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