

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, JULY 31, 2008
TOWN HOUSE MEETING ROOM, 2nd fl.
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, July 31, 2008 at 7:30 p.m. at the Southborough Town House, 2nd floor meeting room.

Members Present: John Leeds, Rhonda Russian, Mark Possemato, A.J. Purcell and Russ Gregory.

Absent: Phil Bevins and Dick Upjohn.

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

CONTINUED ADMINISTRATIVE ENFORCEMENT HEARING – 20 LEARNED STREET, ASSESSORS MAP 47, LOT 54:

Mr. Leeds opened the hearing at 7:30 p.m. Present for the hearing was Matt Jackson of Boston Road Realty Trust and the property owners, Ellen and Yongxu Wang. Ms. Rosenblum showed photos she had taken during a site visit on 7/23/08 that showed the continuing erosion and runoff problems. Mr. Gregory stated he visited the site on 7/28/08 and feels the property at the top on John Street is contributing to the problem and the haybales are not tight enough together to stop the runoff. Mr. Possemato and the other commissioners agreed Mr. Jackson needs to do better with stabilizing the site, and some suggestions were offered.

Mr. Leeds continued the hearing to August 21, 2008 at 7 p.m.

CONTINUED NOTICE OF INTENT – CUMBERLAND FARMS, 344 TURNPIKE ROAD, ASSESSORS MAP 25, LOT 01:

Mr. Leeds opened the hearing at 7:45 p.m. Present for the hearing were Manny Paiva of Cumberland Farms, and Matt Lyne of Environmental Compliance Services (ECS). The application is for the replacement of underground storage tanks, dispensers and ancillary piping, dewatering of excavation area and removal of contaminated soil.

Mr. Paiva stated a continuance had been requested at the last hearing in order to give him ample time to address the issues raised by the Town Engineer. Ms. Russian read the most recent comments submitted by Mr. Woodsmall on July 30, 2008. In his memo, Mr. Woodsmall stated he had no further comments to offer. Mr. Paiva compared the RDA application and plans to the current NOI and listed revisions made since the process began. Among them are: 1) the USTS were moved further away from the wetlands, 2) an oil/water separator (Stormceptor) was added, 3) erosion controls have been extended and placed at limit of work.

Mr. Purcell inquired whether groundwater had been tested. Mr. Lyne replied a sampling was done in 2003 and no level of contamination requiring cleanup was found. Mr. Possemato asked about truck access onto the site from Route 9, and if there are any safety concerns. Mr. Paiva said he did not consider it an issue. Mr. Possemato asked about the monitoring wells on the site and if they are still being used and will they remain. Mr. Lyne replied new wells will be re-drilled and tested after the tank installation, and he was unsure if the existing wells would remain. Mr. Possemato asked how the excavated soils will be handled, stored, and/or removed from the site. Mr. Lyne said if they are contaminated, they will be hauled off site, otherwise, re-used. He added if the soil is to be stored on-site, a tarp will be placed over, weighted down, and surrounded with a haybale barrier. Mr. Gregory suggested using the area nearest the building and farthest from the wetlands, for storage. The Commission asked if any upgrades to the final drainage are proposed. Mr. Paiva said no. Mr. Gregory

said the pavement should be repaved and regraded along Route 9 to improve the drainage and solve the flooding problems. Mr. Leeds referred to photos taken by Ms. Rosenblum on 7/23/08 after a rain event that showed pavement flooding and dumping of grass in the wetlands. Ms. Russian asked the Applicant to alert the Commission when a decision is made regarding the monitoring wells, and added surface water from the site must not run into the wetlands and work within the 20' No Touch Zone is allowed only within existing pavement. Mr. Possemato agreed the site needs to drain onto Route 9 to prevent unforeseen spills from leaking into the wetlands. Mr. Paiva agreed to all of the requests, and informed the Commission of the process currently before the Board of Selectmen (BOS) and the need for the Commission to inform the BOS of their approval of the project. The Commission expressed their satisfaction with the revisions and informed the Applicant that a DEP File Number was not yet issued so were unable to close the hearing. The Commission asked Ms. Rosenblum to write a memo to the BOS stating that the Commission will approve an Order of Conditions at the next meeting once a DEP File Number is issued and the plan revisions are received.

Mr. Leeds continued the hearing to August 21, 2008 to conclude the hearing and vote on the project.

NOTICE OF INTENT – BRIAN BURNS, 3 WATKINS LANE, ASSESSORS MAP 14, LOT 45:

Mr. Leeds opened the hearing at 8:15 p.m. The application is for the construction of a garage within the Riverfront Area on a single family house lot. Present for the hearing were Heather Blakely of Bertin Engineering, Robert Nolette of RAN Woodworking and homeowner Brian Burns.

Ms. Blakely stated the USGS maps show the stream as perennial, but the STREAMSTATS data she compiled indicate it does not meet the river criteria and is intermittent. Ms. Blakely said the proposed garage will be square with the back of the house at the rear of the driveway, is located at the 50' buffer and within existing previously disturbed lawn area, is proposed to be 24' x 30', and that a nicely vegetated buffer exists between the stream and the site.

Ms. Russian pointed out an Alternatives Analysis was included in the application. Mr. Possemato asked if there is any garage drainage proposed. Ms. Blakely replied no. Mr. Purcell said that due to the slope of the site, he would like the haybales to be extended, and they must all be staked and bound the same way, horizontally (there is an inconsistency on the plans presented). In his absence, Mr. Upjohn had submitted comments on this project which Ms. Russian read: 1) haybales should be placed at the edge of the lawn, and 2) in his opinion, the stream is intermittent. Ms. Russian asked about the construction process proposed. Mr. Nolette replied it will be a slab with 4' frost walls. Mr. Purcell asked for the stockpile to be covered with plastic during construction. Mr. Gregory added the soil pile should be kept away from the haybales and suggested placing it on the current playground site. The applicant agreed. Ms. Russian stated a DEP File Number had not yet been issued, and recommended continuing the hearing to the next meeting.

Mr. Leeds continued the hearing to August 21, 2008 to conclude the hearing and vote on the project.

NOTICE OF INTENT – ENRICO CORSETTI, DEROSA CONSTRUCTION, LLC, 35 & 41 WHITE BAGLEY ROAD, MAP 46, LOTS 1 & 16:

Mr. Leeds opened the hearing at 8:30 p.m. The application is to construct a 365 foot long road with associated drainage to provide access to four new homes within the buffer zone to bordering vegetated wetland and Outstanding Resource Water (Sudbury Reservoir). Present for the hearing were Scott Goddard of Carr Research Labs and Bob Croatti of DeRosa Construction.

Mr. Goddard stated the engineering was done by Connorstone Engineering, and gave the Commission a history of the project. He spoke about the ORAD appeal, and the DEP affirmation of the stream being intermittent. Mr. Goddard said the application is for roadway work, infiltration basin and drainage; the house lots will be created separately and all but one are outside the Commission

jurisdiction. Mr. Goddard said Lot 2 will have a separate NOI filed. Mr. Goddard said the current design does not comply with the Town Engineer's comments and plans are being reworked by Connorstone. Ms. Russian stated the project will require a Stormwater Management Permit (SMP) as well, and the applicant has chosen not to file for both permits concurrently, as is common practice. Mr. Goddard agreed, and indicated if the proposal meets the revised DEP Stormwater Regulations, he felt it would also meet the SMP requirements. Ms. Russian asked if any hearings had been scheduled with the Planning Board yet. Mr. Croatti replied no. Mr. Purcell said that based on the Town Engineer's comments, the plan could change dramatically. Mr. Goddard affirmed that comment. Mr. Possemato would like to see on the plans the distance of the property to the reservoir, and the 100' and 200' buffers to the reservoir. Mr. Possemato asked if the location of the septic systems is likely to change. Mr. Goddard replied it shouldn't.

Roger Rosenquist of 8 Birchwood Drive asked whether the site has been revisited since the last filing, and if anyone had witnessed any changes to the stream after rainfall. Mr. Goddard replied the delineation issued by DEP is valid for a period of 3 years. Isabelle Murphy of 11 MacNeill Drive asked about the methods used to make the stream determination; she said in the 19 years of living there it has never dried up. Mr. Possemato said the state made the determination it is intermittent in March 2008. Ms. Russian explained the differences between a perennial and intermittent designation. John Bartolini, Jr. of 4 Wyeth Circle said he owns property on MacNeill Drive and spoke about flooding issues by the culvert under White Bagley Road. Mr. Bartolini showed pictures taken on 6/23/08, when the culvert backed up and major flooding occurred. He said the water drains from the center of town to this area, and suggested installing an overflow pipe to alleviate the situation. Mr. Bartolini said he is uncertain of jurisdiction (DCR, MWRA or DPW) and added he felt the discharge from this proposed project would exacerbate the situation. Mr. Goddard replied the water flowing from the project site into the stream will be reduced. Mark Murphy of 11 MacNeill Drive asked whether any more than 4 houses would be built on the site. Mr. Goddard said they were limited to 4 in order to comply with the DEP Stormwater Standards, and explained that existing houses on the site will be demolished. Grace Borelli of 25 White Bagley Road asked whether an easement will be needed for the septic systems. Mr. Murphy confirmed there was only one access proposed to the site. Ms. Russian asked if the Board of Health had issued permits for the septic. Mr. Goddard said Paul Pisinski witnessed the testing, but permits have not been applied for yet.

Mr. Leeds continued the hearing to August 21, 2008 at 7:15 p.m.

OTHER BUSINESS:

- 1. Water Main Installation on Parkerville Road:** Some Commissioners expressed concern that DPW was beginning work close to resource areas without 1) prior notification to the Commission, and 2) without erosion controls on the site. Ms. Rosenblum said she had been informed earlier in the day by Mr. Woodsmall about the work being started. The Commission insisted erosion controls are necessary, and that no materials are to be placed in the wetlands or streams. Ms. Rosenblum will notify DPW of these requirements.
- 2. Review and Approval of SMP Decision for Harvard Depository:** The Commission reviewed the draft decision and made several revisions. Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (5-0) to approve the SMP Decision as amended.
- 3. Fuss & O'Neill Task Authorization:** The Commission reviewed the scope of work for peer engineering review of the Woodland Meadows project. Upon motion by Ms. Russian,

seconded by Mr. Gregory, the Commission voted (5-0) to accept the Task Authorization and to authorize the expenditure of \$6,500 from the Wetlands Filing Fee account for the work.

4. Meeting Minutes:

- a.** Minutes of 5/29/08 were reviewed. Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (5-0) to accept the minutes as amended.
- b.** Minutes of 6/19/08 were reviewed. Upon motion by Ms. Russian, seconded by Mr. Gregory, the Commission voted (5-0) to accept the minutes as amended.

Upon motion by Ms. Russian, seconded by Mr. Gregory, the Commission voted (5-0) to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Beth Rosenblum