

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, OCTOBER 4, 2007
TOWN HOUSE 2nd FLOOR MEETING ROOM
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, October 4, 2007 at 7:30 p.m. at the Town House 2nd floor meeting room.

Members Present: John Leeds, Richard Upjohn, Ann Leavitt, Rhonda Russian and Mark Possemato.

Members Absent: Louis Bartolini and Phil Bevins.

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

Ms. Russian left the meeting at 9:05 p.m.

Mr. Possemato left the meeting at 10:05 p.m.

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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 7:33 p.m. Mr. Upjohn recused himself from the hearing. The applications for a Stormwater Management Permit (SMP) and Notice of Intent were filed for the removal of trees, grading for athletic fields, construction of a wastewater treatment facility, dormitories and associated parking areas, and appurtenant landscaping within Bordering Land Subject to Flooding and the buffer zone to Bordering Vegetated Wetland. Present for the hearing was Gary Reed, Fay School Business Manager, and David LaPointe and Eric Las of Beals and Thomas. Mr. LaPointe reviewed the plans with the Commission, and clarified the questions that arose at last meeting in regards to the O&M Plan language, and groundwater elevation levels. Mr. Las distributed a revised O&M Plan and other documents included with the DEP Groundwater Discharge Permit specific to groundwater elevation.

The Commission inquired as to the status of the application with the Planning Board, and was informed the next hearing was scheduled for 10/15/07, and comments from the town's on-call engineer, Fuss & O'Neill were being reviewed. Mr. Leeds asked for all new data to be passed in at least one week prior to the next meeting, and suggested continuing the hearing until the Planning Board process has concluded. Ms. Russian stated that the FEMA decision, the DEP Discharge Permit, and Planning Board approval were all still outstanding. She also disclosed that she is employed by DEP, and asked about a start date for the construction. Mr. LaPointe stated construction would start in early 2008.

Mr. Leeds continued the hearing to 11/1/07 at 7:30 p.m.

CONTINUED STORMWATER MANAGEMENT PERMIT – DEPARTMENT OF PUBLIC WORKS, 147 CORDAVILLE ROAD, ASSESSORS MAP 28, LOT 20:

Mr. Leeds opened the hearing at 7:55 p.m. The SMP application was filed to construct a salt storage shed on the DPW site. Present for the hearing was Town Engineer John Woodsmall, who gave an overview of the plans. He stated the shed is outside of the 100' buffer zone, but the drainage and riprap emergency apron are within the 100' buffer with a portion within the 20' No Touch Zone for which he was asking for a waiver. The Commission asked what protection is around the basin. Mr. Woodsmall replied there was none since it is only a pit. Mr. Woodsmall would consider placing reflectors if needed, and said there is a defined pathway around the building. Ms. Russian asked why it was necessary to work within the 20' No Touch Zone. Mr. Woodsmall replied the slopes on the site

may create erosion, and the calculations show the detention basin will hold up to the 100 year flood. Mr. Woodsmall stated the ZBA had approved all variance requests, the Planning Board approval was conditional on Fuss & O'Neill comments, and that Conservation was the last approval needed for the project to move forward. Mr. Woodsmall stated there would be a greater than 80% TSS removal rate, and a waiver of the 20' No Touch Zone was necessary due to the topography of the site. Mr. Upjohn said the Commission prefers using only haybales for erosion control.

Mr. Leeds closed both hearings at 8:10 p.m. Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (5-0) to approve an Order of Conditions (+38h) in addition to approving the request for a waiver of the 20' No Touch Zone for reasons set forth in the application. A vote on the SMP was delayed to the next meeting due to a lack of a quorum later on during the meeting.

**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 8:18 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 discussed the time frame for receiving comments from abutter Peter Dowd and his engineer, Larry Beals, and attempted to address the issues that were raised. Mr. Leeds restated the 1 week time frame required for submittals to the Commission. Mr. Upjohn pointed out that a decision would not be made this evening as a result of the time delays in receiving new information.

Mr. Bemis described the plan revisions: impervious surface has been reduced to less than 25%; 10 parking spaces have been eliminated and compact spaces have been added; 2/3 of the 100 parking spaces are outside of the buffer zone, 1/3 are within it; the driveway was readjusted to eliminate some pavement. Mr. Bemis then addressed some of the comments made by Larry Beals. Mr. Bemis said he expects to receive a partial Certificate of Compliance from DEP shortly; on Rivers Protection and the question of intermittent versus perennial, Mr. Bemis discussed the drought warning and how it related to the stream in question and stated that although USGS shows it to be perennial, there is no hydraulic connection to Crystal Pond and he showed GIS maps of area indicating same. Mr. Bemis spoke about the frontage issues on Route 9, saying the single curb cut was approved by Mass Highway and that he feels the Planning Board will approve a single driveway to access all 3 lots. Mr. Bemis said he will share soil testing data, and the landscaping plan complies with Planning Board requirements. Mr. Bemis said he wants to close the hearing at the next meeting.

Mr. Upjohn said he wants the proposed utility lines staked in the field, and asked about plans for replicating the area of temporary disturbance. Mr. Possemato walked the entire site in search of water sources and hydrological connections. Ms. Russian said a formal request for a waiver of the 20' No Touch Zone is needed. The Commission asked about the construction sequence, and whether the temporary wetlands disturbance is early on in the process. Mr. Bemis said dry conditions were needed, and he had not filed an application with the Planning Board yet. Ms. Russian said further justification would be needed for building within 7 ½' of a Resource Area, and asked for options. Mr. Bemis said he is discussing alternatives with Jack Bartolini.

Mr. Beals asked the applicant for permission to enter the property on behalf of his client, Mr. Dowd. Mr. Beals concurs that further evidence regarding the stream delineation needs to be collected as photos and StreamStats are not quantitative. Mr. Beals spoke of the ANR requirement for access frontage, and that none existed on 2 lots without crossing wetlands. Mr. Beals said the common drive as the only alternative needs confirmation from Planning Board and/or ZBA. Mr. Beals said soil test

results were needed to confirm drainage issues presented, and he distributed soil survey maps to the Commission. Mr. Beals asked for less build-out of the site, with more trees and shrubs.

Mr. Leeds continued the hearing to 11/1/07 at 7:45 p.m.

REQUEST FOR DETERMINATION OF APPLICABILITY – TRASK DEVELOPMENT CORPORATION, PINE HILL ROAD AND PARMENTER ROAD, MAP 96, LOT 1 AND MAP 87, LOT 1:

Mr. Leeds opened the hearing at 9:25 p.m. The RDA was filed to determine whether the area depicted on the Assessors Maps submitted is an area subject to jurisdiction under the Wetlands Protection Act or the Southborough Wetlands Bylaw. Present for the hearing was Ben Stevens of Trask Development Corp. and Brian Butler of Oxbow Associates. Mr. Butler asked the Commission to verify the stream status of Angelica Brook within 2 Assessors Maps presented via the RDA process. Mr. Butler reviewed the history of filings and said that EOEA has not officially declared a drought advisory. Mr. Leeds and Ms. Leavitt confirm that they witnessed the stream dry up in August and September. Ms. Leavitt made a motion for a Positive Determination that the stream is not Riverfront Area and is intermittent from 77 Pine Hill Road to Parmenter Road as presented on the Assessors Maps. Mr. Upjohn seconded the motion. The Commission voted 3-0-1 (Mr. Possemato abstained).

A member of the audience and abutter Karen Muggeridge of 15 Parmenter Road objected that public comment was not solicited by the chair prior to the vote being taken. Mr. Leeds apologized, rescinded the vote due to the oversight, and re-opened the hearing to take questions and comments from the audience. Ms. Muggeridge presented data that water levels in streams are low and at near drought conditions. She showed information that August had the second lowest rainfall since data was first recorded. Mr. Butler said the data he presented is not from today's conditions, but from August and September conditions. Ms. Muggeridge questioned whether a decision can be made given the current conditions.

Upon motion by Ms. Leavitt, seconded by Mr. Upjohn, the Commission voted (3-0-1 with Mr. Possemato abstaining) to issue a Positive Determination that the stream is not Riverfront Area but is intermittent from 77 Pine Hill Road to Parmenter Road as presented on the Assessors Maps.

Ed Estella of 21 Woodland Road questioned whether the Commission was following the correct process since the original ORAD has not expired yet. Mr. Possemato explained that this filing was for a larger portion of the stream than the ORAD contained. Mr. Estella questioned whether a filing or permit can be reapplied for before the 3 year expiration period had ended.

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

Mr. Leeds opened the hearing at 9:55 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. Sullivan said the property consists of a single family dwelling on 6 acres. Mr. Sullivan said the project is to construct a 26x26 2-car garage off the existing driveway, there is currently a 3-bay garage there already. Mr. Sullivan said 2,500 square feet of impervious surface will be added, infiltrating 25 cubic feet. Mr. Sullivan said he is proposing 3 bounds to be installed at the 20' No Touch Zone and one tree will need to be removed. Mr. Sullivan said the retaining wall will be 5' high at the 20' No Touch Zone. Mr. Possemato asked where snow placement would be. Mr. Sullivan replied it would be pushed up to the retaining wall. No members of the Commission have had the opportunity to visit the site, and wish to before making a decision.

Mr. Leeds continued the hearing to 11/1/07 at 8:15 p.m.

OTHER BUSINESS:

1. **Meeting Minutes:** Meeting Minutes of 9/13/07 were reviewed. Upon motion by Mr. Upjohn, seconded Ms. Russian, the Commission voted (5-0) to accept them as written.
2. **Review and Sign Findings & Decision for St. Mark's School SMP:** The Commission unanimously accepted the Findings & Decision language as written and Mr. Leeds signed the SMP on behalf of the Commission.
3. **Request to Amend Order of Conditions:** Donald Croatti, property owner of 16 Mt. Vickery Road, asked the Commission for permission to eliminate the Cultec System in order to tie into new drainage basins being installed on Mt. Vickery Rd. by Jack Bartolini for stormwater management of his proposed subdivision Rossi Estates. Also present on behalf of the applicant were Jeff Bishop and Casey Collins. Town Engineer John Woodsmall stated that discussions had taken place between DPW Superintendent Karen Galligan and Casey Collins, however, the proposal now being presented was not what had been discussed and this was the first time hearing it. Mr. Woodsmall stated DPW does not want to take over responsibility of private underground chambers, although new catch basin piping into the new system being installed is okay. Mr. Woodsmall said once completed, the drain system will be town-owned and DPW would need assurances about potential impacts. Mr. Woodsmall stated if the original plan is followed, the town would need an agreement from property owners for perpetual maintenance of systems. Mr. Croatti expressed surprise at the additional problems, and said he may need to withdraw his request for an Amendment. Mr. Possemato said there is sheet flow down Mt. Vickery Rd. and summarized all the concerns and issues raised. Mr. Possemato said additional drainage calculations would be needed for the additional flow. Mr. Leeds said the property owner needs to make a decision which avenue to pursue. The discussion was closed.

Upon motion by Mr. Upjohn, seconded by Ms. Leavitt, the Commission voted (3-0) to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator