

SOUTHBOROUGH CONSERVATION COMMISSION
THURSDAY, DECEMBER 6, 2007
TOWN HOUSE MEETING ROOM, 2ND FLOOR
MEETING MINUTES

The Conservation Commission of the Town of Southborough held a meeting on Thursday, December 6 2007 at 6:00 p.m. at the 2nd floor Town House Meeting Room.

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

Members Absent: Ann Leavitt.

Mr. Bevins arrived at 6:15 p.m.

Mr. Bartolini left at 6:25 p.m.

The meeting commenced at 6:00 p.m. with John Leeds as chairperson.

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 6:05 p.m. Mr. Upjohn recused himself from the hearing. Present were Gary Reed, Business Manager of Fay School, and David LaPointe from Beals and Thomas. Ms. Russian stated the Planning Board has approved the project. Mr. LaPointe confirmed the Site Plan and LID special permit had been approved. No other issues were raised by the Commission. Mr. Leeds closed the hearings.

Upon motion by Ms. Russian, seconded by Mr. Bartolini, the Commission voted (4-0) to approve a standard Order of Conditions (+38h). Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (4-0) to approve a Stormwater Management Permit as requested.

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 6:15 p.m. Mr. Louis Bartolini recused himself from the hearing. Present was Peter Bemis of Engineering Design Consultants, and Jack, David, Michael and Anthony Bartolini. Mr. Bemis reviewed the 11/7/07 plan sets and clarified the wetland flagging done by David Burke and the soils data compiled by Connorstone Engineering and Bruce Saluk. Mr. Bemis restated the reasons why the brook on the site should be considered intermittent, and discussed the frontage/access issues raised at prior hearings and in the memo from Building Inspector Peter Johnson. Mr. Bemis stated an alternative access plan was presented to the Commission demonstrating a wetlands crossing was possible if necessary, and this issue would be resolved through the Planning Board and building permit processes. Ms. Russian read into the record the aforementioned memo from Peter Johnson. Mr. Bemis referred to other projects the Commission approved alternative access for rather than crossing a wetland, and asked the same pattern to be followed in this instance.

Ms. Russian observed the unique circumstances of these lots as they have Route 9 frontage, are not single family lots, and this project is commercial rather than residential. Ms. Russian said the other instances where alternative access was approved were all residential projects. Mr. Possemato inquired as to the amount of filling needed for the alternative wetland crossing. Mr. Bemis replied that coupled with the existing filling, the alternative access filling would put the number over 5,000 square feet (the WPA Limited Project threshold), and does not want to alter more resource area than necessary.

Ms. Russian asked for a summary of the variance requests needed. Mr. Bemis said there are (3) three: 1) at site entrance, the 20' No Touch Zone will be paved; he stated that in 2 areas, he is hoping to remove some pavement; 2) a temporary crossing through wetlands for water and gas line installation; he stated no replication area was planned unless required by the Commission; 3) emergency overflow and outlet structure are within the 20' No Touch Zone in 2 areas.

Ms. Russian asked if the drought advisory issued by DEP impacted the designation of the stream. Mr. Bemis said the documentation (Stream Stats and photos) he provided proves the stream is intermittent. Mr. Leeds acknowledged Larry Beals (an engineer hired by abutter Peter Dowd) in the audience and offered him the floor. Mr. Beals said he was glad to see the recent plan changes and clarifications, however, he still found a disconnect regarding the soils data contained in the original application and the soils data included in the new application by Soils Conservation Service and suggested this discrepancy be analyzed. Mr. Beals said he overlaid the original plan with the current plan and found work being proposed beyond the limit of work. Mr. Beals said the proposed detention pond is placed on illegal fill, his observations of slopes are different from the topographic lines on the plans, and important wetland data sheets are missing from application. Mr. Beals said his interpretation of the Building Inspector's memo is different from that of Mr. Bemis; in his view, access to the lots from the frontage is to the buildable portion of the lot and not to the existing driveway, and would have impacts greater than 14,000 square feet of resource area.

Ms. Russian stated when extending the SMP deadline an additional 60 days, the Commission determined that peer review would be decided at a public hearing. Since many issues remain difficult and unresolved, Ms. Russian wants an independent analysis of the proposal done. Mr. Upjohn has doubts about the impervious surfaces and vertical-related concerns about the proposal. Ms. Russian feels the project is over-extending and over-building the site, and that LID designs should be further explored. Mr. Upjohn agreed with peer review for those items below the surface. Mr. Bevins says there is heavy dependency on recharge areas underneath impervious surfaces, and wants perc test data verified.

Ms. Russian made a motion to require peer review of the SMP and NOI regarding issues raised during the public hearing process particularly regarding stormwater issues and ability of land to handle water. Mr. Upjohn seconded the motion. Prior to the vote, Mr. Possemato stated he wanted to move beyond the evidence presented and to bridge the gaps raised by all of the questions. Mr. Possemato asked for a precise scope of work. Mr. Upjohn said the wetland line or status of stream is not in question; the sole issue is stormwater, groundwater, and subsurface impacts. Ms. Russian amended her motion; pursuant to SMP and the local Wetlands Bylaw, a peer review will be required to evaluate stormwater impacts in conjunction with SMP and NOI. Seconded by Mr. Upjohn, the Commission voted (5-0) to approve a peer review as indicated. Ms. Russian said a scope of work will be drafted for approval. Mr. Bemis said Fuss & O'Neill (the town's on-call engineer) would be acceptable, and it was expected a report would be ready for the next meeting. Mr. Leeds continued the hearing to 1/3/08.

CONTINUED NOTICE OF INTENT – SAGE INVESTORS, 154 MAIN STREET, ASSESSORS MAP 51, LOTS 36, 38 AND PORTION OF LOT 1:

Mr. Leeds opened the hearing at 7:15 p.m. Present was property owner Mrs. Jacobs and Peter Bemis of Engineering Design Consultants. Mr. Bemis referenced the plans dated 11/7/07 and highlighted the changes. Mr. Upjohn questioned the drainage direction. Mr. Possemato asked about the sewer pipe material. Mr. Bemis said the pipe is contiguous with no seams and rated higher than needed. Mr. Bemis said the Board of Health has conditionally approved but will not issue permit until the lots are combined. Richard Araujo of 156 Main Street questioned the pumping of effluent out of and into the system, and asked if it was realistic for the wetland lines to take 90 degree turns, as indicated by the flagging. Mr. Araujo repeated a conversation he had with a botanist doing work on the site a few years ago who told him the soils would not allow a house to be built there. Mr. Bemis said the project then

was different from what is now proposed, and those same soil samples were used for this project. Issues were raised about the nearby brook and its water source. Mr. Leeds closed the hearing.

CONTINUED STORMWATER MANAGEMENT PERMIT AND NOTICE OF INTENT – RASIAH SELVAAYAGAN, 43 & 45 TURNPIKE ROAD, ASSESSORS MAP 39, LOTS 16 & 17:

Mr. Leeds opened the hearing at 7:30 p.m. Present was property owner Rasiah Selvaayagan and Peter Bemis of Engineering Design Consultants. Mr. Bemis referenced plan revision of 11/8/07. Ms. Russian summarized the 11/8/07 comments made by the Town Engineer and suggested the hearing be continued to the 12/13/07 meeting so the applicant can submit additional information. Mr. Leeds waived the 1 week rule for submitting new information, and continued the hearing to 12/13/07.

OTHER BUSINESS:

1. Meeting Minutes:

- Minutes of 10/4/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0) to approve the minutes as revised.
- Minutes of 11/1/07 were reviewed. Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0) to approve the minutes as written.

2. Certificates of Compliance:

- a. **290-760 - 6 Wells Lane:** Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0) to approve a Certificate of Compliance.
- b. **290-808 – 31 Sears Road:** Upon motion by Mr. Upjohn, seconded by Mr. Possemato, the Commission voted (4-0) to approve a Certificate of Compliance.
- c. **290-316 – 30 Sears Road:** Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (4-0) to approve a Certificate of Compliance.

3. Decision and Vote on Order of Resource Area Delineation for 41 White Bagley Road:

The Commission discussed the application in regards to the wetland delineation, the watershed and the brook designation. Mr. Upjohn made a motion to accept the wetland boundary as accurate as depicted. Mr. Possemato felt the watershed was not depicted properly; that after walking the length of the stream channel, he felt East Main Street and Latisquama Road should be included in the watershed, and given the larger watershed and the fact the brook was flowing during a drought advisory, that the brook is perennial. Mr. Possemato made a motion that the watershed as depicted by the applicant is not accurate, and the brook is perennial with a larger watershed. Ms. Russian seconded both motions. The Commission voted (4-1 with Mr. Upjohn voting no) to accept the wetland boundary as accurate and to reject the watershed size and the depiction of the brook as intermittent.

4. Extension Request by EMC Corporation for expiring Order of Resource Area Delineation (ORAD):

The Commission reviewed the request. Upon motion by Ms. Russian, seconded by Mr. Possemato, the Commission voted (5-0) to deny EMC's request for an additional Extension of the ORAD due to the possibility of vernal pools on the site and the Commission's wish to see them documented and certified.

Upon motion by Mr. Upjohn, seconded by Ms. Russian, the Commission voted (5-0) to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Beth Rosenblum
Conservation Administrator