

**SOUTHBOROUGH CONSERVATION COMMISSION  
THURSDAY, JANUARY 4, 2024  
VIRTUAL ZOOM MEETING  
MEETING MINUTES**

The Conservation Commission of the Town of Southborough held a meeting on Thursday, January 4, 2024, at 7:00pm via an online Zoom meeting.

Members Present: Mark Possemato (Chair), Benjamin Smith (Vice Chair), Elizabeth Zulick, Kevin Farrington, Melinda Upton

Members Absent:

Others Present: Melissa Danza (Conservation Agent)

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The meeting being duly posted, the chair opened the meeting at 7:01pm.

**APPROVAL OF MINUTES**

**12/7/23**

**MOTION:** Ms. Zulick made a motion to approve the minutes as drafted. Seconded by Mr. Farrington, the motion carried 3-0-1 by roll call vote: Zulick- aye; Farrington- aye; Smith- abstain; Possemato- aye.

Ms. Upton joined the meeting at 7:03.

**PUBLIC HEARINGS**

**REQUEST FOR DETERMINATION OF APPLICABILITY – 36 CORDAVILLE ROAD  
(MAP 45, LOT 2) – HOLE 1 DRAINAGE IMPROVEMENTS AND HOLE 3 CART PATH  
IMPROVEMENTS AT THE SOUTHBOROUGH GOLF COURSE**

John Allen (Golf Course Management Company) was present. Ms. Danza reviewed the proposed project, noting drainage at Hole 1 and improvements to the cart path at Hole 3. Mr. Allen stated there is an ongoing drainage issue at Hole 1, and they are looking to resolve it. He stated he believes it is a minimal project. Mr. Possemato stated he understands the area is wet and difficult to mow. Mr. Allen stated it impacts play, and it has historically been an area that never dries out. Mr. Possemato asked if people walk in the area when their balls go into it. Mr. Allen confirmed, noting that some carts also go through and cause more damage. Mr. Possemato asked if the proposed drainage would dry out the area. Mr. Allen confirmed, noting it was suggested by golf course architects. Mr. Possemato asked if there are plans to mark any of that area out of bounds. Mr. Allen stated it would be a local rule, and that the area is a good part of the landing area for many people so it would be tough to make it out of play. Mr. Allen stated the soil is a type of soil that does not drain, and water has no place to go. Mr. Possemato asked if the drainage pipes would go north and drain into the nearby brook. Mr. Allen stated its more of a drainage ditch as it pulls surface water off the street. Mr. Possemato asked about the drainage pipes. Mr. Allen stated it is a “herringbone” drainage system and would be very effective. Mr. Possemato asked if

equipment would be used to dig. Mr. Allen stated they would use an excavator with a trenching bucket, and they would try to do it when the ground is frozen so there would be no concern about rutting.

Mr. Smith asked if they could use some erosion controls around the existing ditch while the work is being done. He stated that since the area does not support any wetland vegetation, he is okay with it. Mr. Allen asked if compost socks would be sufficient. Mr. Smith stated either those or straw wattles.

Mr. Farrington asked if it would need a waiver within the bylaw. Ms. Danza stated there was a waiver request as part of the application, with the proposed mitigation as the 10' wide no-cut zone. Mr. Farrington asked if this would be draining the wetland. Ms. Danza stated this area has previously been delineated as a wetland, but this project has been discussed previously and they are trying to find a way forward with the historic use of the property. Mr. Farrington asked what was at the end of the pipe. Mr. Allen stated it would feed directly into the drainage ditch (stream).

Mr. Smith stated that adding the no-cut area to the area immediately adjacent to the wetland will add value to the wetland itself and will more than mitigate the proposed drainage in an area that is previously degraded and supports no wetland vegetation. Mr. Possemato stated where the proposed drainage is shown has been mowed for many years. Mr. Allen confirmed, noting an area of distinction between the course itself and the edge of the wetland. Mr. Possemato stated that it's making a mud pit when people walk and drive through the area to retrieve golf balls, so he sees this as an improvement.

Ms. Danza reminded the Commission there is a second part of the application for the paving of an existing path at Hole 3. Mr. Possemato asked if the first bend is after the crest of the hill. Mr. Allen stated that what has happened without a path is people have started making their own path and his feeling is they might as well put the path where people want to go. He stated he feels it is not close enough to the wetlands. Mr. Possemato stated if they were proposing paving due to erosion, they should include the part of the path in the photograph not highlighted in yellow. Ms. Danza stated if that little section is new, it comes back to what her and Mr. Allen discussed regarding the Conservation Restriction. Mr. Allen stated there is an existing path there, and that the path is "y" shaped.

Mr. Smith suggested a small section of fence to keep people on the path. Mr. Allen suggested a berm, especially to stop the water from running down as well. He stated he can also put up stakes and ropes. Mr. Possemato stated people will go straight ahead. Mr. Allen stated that golf cart paths should have multiple ways for carts to exit depending on where players' land. Mr. Possemato stated there could be erosion if the extra part of the path is not addressed. Mr. Allen agreed.

Mr. Farrington stated that paving is not allowed in the CR, and he is wondering how that happened. Ms. Danza stated she spoke with SVT, and there was no concern about paving paths as the CR discussed paved and unpaved pathways, but it cannot be wider than 6' and any new paths need to have written permission. She stated if the Commission is okay with the pavement, there is no CR concern. Mr. Smith asked if SVT is comfortable issuing written permission. Ms. Danza confirmed.

Mr. Possemato opened the hearing to the public. There were no comments or questions.

Ms. Danza asked if the Commission would like a straw wattle at the downhill portion of the path during paving as well. The Commission and Mr. Allen agreed.

Mr. Smith suggested adding a finding that the mitigation offered for the drainage work offsets the impact.

**MOTION:** Mr. Smith made a motion to issue a negative Determination of Applicability and grant a waiver to the 20' no touch bylaw for the drainage. Seconded by Ms. Zulick, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

**REQUEST FOR DETERMINATION OF APPLICABILITY – 30 PRESIDENTIAL DRIVE (MAP 82, LOT 21) – INVASIVE PLANT MANAGEMENT**

Andrew Whittaker (Green Abundance by Design) was present on behalf of the applicant. Mr. Whittaker reviewed the overall plan, stating the main invasive species is Asiatic Bittersweet, pointing out the most troublesome areas. He stated the second most predominant species is invasive honeysuckle, along with glossy buckthorn and multiflora rose. He stated they are focused on freeing up the tree layer, noting there is a tree that has already fallen that is ensnared in Asiatic Bittersweet, and they want to restore the landscape. Mr. Whittaker stated they are looking to use a cut stump approach so as not to dig up roots or disturb the earth, and they would apply an aquatic formulation of glyphosate to the cut stumps. He stated the goal is to use a woodchipper from the street and put the material in a section closest to the street but furthest from the wetland so they can better manage it in the future.

Ms. Upton asked what the vision is for replacing vegetation in areas where the invasives will be eradicated. Mr. Whittaker stated the long-term vision is allowing the area to maintain the native balance that is already present there, so he would like to wait a year and see what emerges before having a set species list for the site. He stated they are not looking to landscape the area; the goal is to mitigate and preserve the natural area.

Mr. Possemato opened the hearing to the public. There were no comments or questions.

Mr. Whittaker stated any machines will be on the road, any work in the wetland area is with hand tools and battery powered chainsaws.

**MOTION:** Mr. Smith made a motion to issue a negative determination of applicability. Seconded by Ms. Zulick, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

**NOTICE OF INTENT – 20 SEARS ROAD (MAP 64, LOT 2) – DAYLIGHT OF STREAM CHANNEL BY REMOVING EXISTING PIPE AND CREATING A NATURALIZED CHANNEL**

The applicant has requested a continuance to February 15, 2024.

**MOTION:** Mr. Farrington made a motion to accept the request to continue the hearing to February 15, 2024 at 7:00. Seconded by Ms. Zulick, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

**NEW AND/OR CONTINUED BUSINESS**

**REQUEST FOR EXTENSION – 117 FRAMINGHAM ROAD, DEP #290-1066**

Ms. Danza stated the work has not yet been started.

**MOTION:** Mr. Farrington made a motion to issue a 3-year extension. Seconded by Mr. Smith, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

**REQUEST FOR EXTENSION – 0 CHESTNUT HILL ROAD, DEP #290-1003 & SMP FY17-6**

Ms. Danza stated they requested a 2-year extension to finish up the subdivision. Vito Colonna (Connorstone Engineering) was present and stated they just have some final aspects of work such as paving, cleanup, and basins.

**MOTION:** Mr. Smith made a motion to issue a 2-year extension. Seconded by Mr. Farrington, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 5 NATHAN STONE LANE – DEP #290-1073**

The applicant requested the request be moved to the next meeting. Ms. Danza reviewed some concerns raised by Lucas Environmental, and stated the applicant will be working on addressing those comments.

**MITIGATION PLAN – 90 DEERFOOT ROAD, ENCROACHMENT INTO 20’ NO TOUCH**

Mitch Maslanka (Goddard Consulting) and Justin Depietri (Capital Group Properties) were present. Ms. Danza reviewed the history of the project, noting the deviations. Mr. Maslanka stated that a bulkhead was constructed within the 20ft no touch zone. He stated he was asked to evaluate the situation to look at mitigation for the disturbance. Mr. Maslanka stated the bulkhead is a sound foundational part of the structure, so he is suggesting mitigation plantings to ensure access around the bulkhead is restricted and to prevent any homeowners from disturbing close to the wetland.

Mr. Maslanka reviewed the mitigation plan. He stated there were plantings approved during the permitting process, which have been planted, and they added more in addition to American Holly and Highbush Blueberry demarcating the area where homeowners should not have access. Mr. Maslanka stated they considered mitigation towards Deerfoot Road itself, noting that while the area

is outside the 20' no disturb area, they felt it would better protect the wetland before it crosses underneath Deerfoot Road.

Mr. Possemato asked why the bulkhead access area is so big. Mr. Maslanka stated they can shrink it, but it was how he figured any homeowner would access the bulkhead. He stated he can tighten up the area and add plantings, but he planned for a way that homeowners would likely use the area. Mr. Possemato suggested a blueberry bush. Mr. Maslanka stated he could add plantings.

Ms. Danza asked about the sales order included in the packet, and if it was for the plants already planted. Mr. Maslanka confirmed. Ms. Danza stated they are cultivars and not straight natives. Mr. Maslanka stated he could look into it. Ms. Danza suggested that if the Commission is okay with plantings, they should make sure they are the correct ones. Mr. Depietri stated some of the plantings on the order were for landscaping for the front of the house. Ms. Danza stated it could be something the Commission thinks about, along with access to the bulkhead. She stated leaving the area open with plantings could lead to it becoming more of a grassy lawn area, and that the Commission has required things like boulders in the past. She noted there is a good amount of lawn area currently. Mr. Maslanka stated they could tighten up the access area. Mr. Depietri stated he has no problem with boulders.

Mr. Possemato asked if the bulkhead is a typical bulkhead door. Mr. Depietri confirmed. Mr. Possemato stated someone would need to be directly in front of the bulkhead to access it. Mr. Smith stated that he only needs 4-5 ft for access to the bulkhead. Mr. Maslanka suggested an area of bulkhead access to remove.

Mr. Smith asked if the Commission would be issuing a retroactive waiver for the 20' no touch. Ms. Danza stated they could give an approval similar to an administrative amendment, and they could do an approval that outlines conditions that would be included in the CoC.

Mr. Possemato asked how the bulkhead fit neatly between the two bounds. Mr. Depietri stated it was by luck. Ms. Danza stated the applicant did bring it up as soon as they realized.

Mr. Possemato asked about the timing. Mr. Depietri stated the house is built and they were looking to go for a CoC soon. Mr. Possemato stated he would like to see an updated plan before issuing anything. Mr. Smith and Ms. Upton agreed.

### **APPROVAL OF ANNUAL REPORT**

Ms. Danza stated she removed the listing of the addresses for the violations and added the bylaw updates and changes to Commission members. Ms. Danza stated the Community Garden Coordinator resigned, so she included a thank you to her. She also included updates about the Breakneck Hill Farm Dump.

Mr. Possemato stated he thinks the testing results for the farm dump should be included. The Commission discussed language for the testing results.

Mr. Possemato asked to include that there are two openings on the Commission.

### **PARK CENTRAL – ZBA COMMENTS FOR 40B COMPREHENSIVE PERMIT**

Ms. Davis stated there are no updates and listed the upcoming hearing dates.

## **120 TURNPIKE – ZBA COMMENTS FOR 40B COMPREHENSIVE PERMIT**

Ms. Danza stated there has been discussion about whether the Commission wanted to take more of a stance on being the abutting property owner, and if they should include comments both from rules and regulations but also as the property owner of Breakneck Hill.

Ms. Upton stated she read the letter from Stewardship, and that she thought it represented a lot of the interests of the Commission. Ms. Danza agreed, and stated that Stewardship works under Conservation, so it might be good to issue support or add alternate comments of necessary.

Mr. Possemato stated he agreed with Ms. Upton, and he thinks it is good to support Stewardship as they do the day-to-day work. Mr. Smith stated Stewardship are the experts, and they have the best perspective.

Ms. Danza asked if the Commission would like to reach out to either Stewardship or ZBA stating that the comments from Stewardship are representative of the property owner. Mr. Possemato suggested having Stewardship bring their input to the Commission, and then bring it forward to ensure the Commission is supportive of those comments, noting he does not want to add oversight and diminish what they are saying. Ms. Danza stated Stewardship is looking to make sure the Commission supports their comments as well, and suggested she and Mr. Farrington bring this back to Stewardship, noting she is willing to help. She suggested a potential joint meeting to discuss Breakneck Hill in general. Ms. Upton stated she thought that was a really good idea, that Stewardship's comments were really well thought out and she thinks it would be great to hear from them directly.

## **VIOLATION – 38 PRESIDENTIAL DRIVE, MITIGATION UPDATES**

Ms. Danza stated she will have more information for the next meeting.

## **RESTRICTIVE COVENANT – 84 MAIN STREET DISCUSSION**

Ms. Danza stated they are still working on the comprehensive plan and will send it over when it is complete.

## **CHESTNUT HILL FARM MANAGEMENT PLAN UPDATES**

Ms. Danza stated she has not received any additional draft and noted it might be because they are trying to get a forestry plan together.

## **REVIEW OF STANDARD CONDITIONS FOR OOC & SMPS**

Ms. Danza discussed how to keep builders accountable for new construction that has been sold, and asked if the Commission would be okay with her reaching out to Town Counsel to see if they could condition that the builder be responsible for closing out permits if the property was sold within one year or so. Mr. Possemato stated it goes with the deed. Mr. Smith stated it sounds like something would have to be recorded against the deed with the issuance of the order, but he was unsure if they had the authority to do that. Ms. Danza stated if it was a condition of the order or permit it would be recorded, and she was trying to explore a better avenue for holding builders accountable. Mr. Possemato stated that the teeth is in the fact that the title is dirty, but that sometimes they still fall through the cracks.

The Commission discussed possibilities for new builds that have been sold without permits being

closed out.

## **OTHER BUSINESS**

### **CONSERVATION SCIENTIST/AGENT REPORT**

#### **UPDATE ON OPEN AND ACTIVE SITES**

**5 Cordaville Road:** Ms. Danza stated the construction entrance is good, and they will be doing the test pit for infiltration units Tuesday at 9 am.

**200 Turnpike:** Ms. Danza stated there were breaches after the storm, which they fixed. She noted they still have ruts and erosion along the slope but not finished grading so to be expected.

**Granuaile & Brigham:** Ms. Danza stated she requested the builder to do additional stabilization for where the contractors were parking, and they will have the engineer do spot checks of the limit of work close to the 20' buffer zone.

**250 Turnpike:** Ms. Danza stated she is meeting with the applicant at 10 am tomorrow to look at the detention basin, noting they are going to start asking for bids to do the work.

**Northboro Rd:** Ms. Danza explained there was a utility pole on the side of the road related to a project in Marlboro, and they are tracking down the company and getting it fixed.

Ms. Danza stated that during the storm many properties flooded, noting some were discussed previously but the Commission did not have jurisdiction. Ms. Danza told all the residents she spoke with the Commission doesn't have enforcement jurisdiction to move downspouts or other similar things. She stated she would like to write general letters to property owners as a reminder to not negatively impact abutting neighbors, especially if they are adding impervious area. She asked if the Commission would be agreeable to that.

Ms. Upton asked if homeowners would know it is an issue when the letter is sent. Ms. Danza stated there are some that she followed up with because they know their neighbors came to discuss it with her. Ms. Danza explained that many properties were affected which normally wouldn't be, but she is looking at this as more of an educational opportunity regarding stormwater. She noted that many are projects that are not jurisdictional but still caused unstable soil and issues to neighbors. Mr. Possemato stated in his neighborhood many storm drains are clogged which leads water to go where it typically doesn't. He stated these storms were out of the ordinary, and he was unsure about sending letters because there were many abnormal things that happened.

Mr. Smith stated they spend effort trying to educate the public about jurisdiction, and he is curious if they send the letters if they will end up with people asking to come before the Commission with a muddy jurisdictional issue. Ms. Danza suggested working on educational material regarding what the Commission does and its jurisdiction. Ms. Upton stated she liked that approach.

Ms. Danza discussed the homeowner letters sent out by the Conservation office.

Mr. Possemato stated there was an unprecedented amount of water coming off the driveways onto

Route 9 in the area of 250 Turnpike Road. Ms. Danza stated nothing has changed with the drainage that she knows of. Mr. Possemato stated they have done some maintenance work on the bridge that goes from the building to the parking lot, and that they had an open house where they opened the parking lot up to utilize it. He stated he is unsure if anything has changed with respect to running water into the basins. Ms. Danza stated they do not yet have their occupancy permit. Mr. Possemato stated that when the building was empty over the summer there was not this much water coming out of the parking lot. Ms. Danza stated she will look into it.

Ms. Upton asked for an update on the Willow Street culvert. Ms. Danza stated they secured it as much as possible and are still working on the survey and engineering.

### **BREAKNECK HILL – FARM DUMP PROGRESS**

Ms. Danza stated the contract was awarded to Strategic Environmental Services, who has a long history of doing this kind of work and great references and recommendations. She stated they sent over the signed contract to the Select Board, so the next step is for the Select Board to sign the contract. She stated that after that they can start pre-construction meetings, involve Stewardship, and begin staking out work, and that she will have a better timeline by the next meeting. Ms. Danza noted there have not been any appeals to AG's office, and that even if something is filed, it does not necessarily mean the project must be put on hold.

Ms. Danza stated that the Golf Course Committee is looking into an irrigation system for the course, and they asked her and SVT to attend the meeting on 1/11 at 9 am to talk about the CR. Mr. Smith stated they applied to CPC for funding for the irrigation system, and asked if it is allowed. Ms. Danza confirmed that it is. The Commission discussed if the proposal was an irrigation well or water from MWRA. Mr. Smith stated he thought it would be metered water.

Ms. Danza stated that DEP released proposed revisions to the WPA regulations, noting that most of it seems to be updates to coastal regulations, along with some stormwater updates consistent with the Town's SMP bylaw, and some things to address climate resiliency.

Ms. Danza noted that Fire Chief Achilles retiring in February.

Ms. Danza stated that warrant articles are due by 1/26, and asked if the Commission is interested in submitting a warrant article for a revolving fund for the SMP bylaw. She stated they currently have no source of funding for enforcement, noting they previously discussed using the money for mitigation. She stated if the Commission was interested, she can submit a placeholder. Mr. Smith stated he felt there is not enough lead time. Ms. Danza stated it would just be a sentence stating the purpose would be to create a revolving fund for the SMP Bylaw, but that the Commission can think about it and raise it for the next round of Town Meeting. Mr. Possemato stated they need more lead time. Ms. Danza stated she will start compiling information.

Ms. Danza stated the Assessor notified her about drum barrels at 154-156 Northboro, which appear to be barrels of liquid of spray foam insulation. Ms. Danza stated she thinks tenants that rented one of the bays is an insulation company, and they seem to be putting the barrels out to dispose of them as there are piles next to the dumpsters. She noted some did not have caps, and they seemed to be empty. Ms. Danza noted they are just outside of the wetland buffer, but having open barrels is a concern.

### **2023 GOALS OVERVIEW**



Ms. Danza stated that the Commission completed about half of what they were responsible for, noting that the goals that were not met are multiyear goals. She reviewed the goals the Commission achieved. Ms. Danza stated she will go through and put together another list for 2024, and that the Commission can add to it as they see fit.

#### **OTHER BUSINESS AS MAY ARISE**

**MOTION:** Mr. Smith made a motion to adjourn the meeting. Seconded by Ms. Zulick, the motion carried 5-0-0 by roll call vote: Zulick- aye; Farrington- aye; Upton- aye; Smith- aye; Possemato- aye.

Respectfully Submitted,

Lara Davis

Administrative Assistant

Documents Used:

1. Locus Plans – 36 Cordaville Road
2. Locus Plan – 30 Presidential Drive
3. Mitigation Plan – 90 Deerfoot Road