

Conservation Commission
Minutes of March 21, 2024 Approved April 18, 2024
140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

Members Present: Edward Clancy-Chairman, Allan White, John Skarin, William Dunbar, Dennis Demers, Dave Williams, Liz Austin; also present, Priscilla Ryder-Conservation Officer

Members Absent: None

The hearing was recorded using Microsoft Teams

Minutes: The minutes of March 7, 2024, were reviewed and on a motion by Mr. White, seconded by Chair to approve the Commission voted 7-0 to approve.

Public hearings: Request for Determination of Applicability

173 Lakeshore Dr. – JoAnn Brady owner

Proposal to install a stone walkway and expand a patio at her home near Ft. Meadow Reservoir.

JoAnn Brady explained that she would like to build a stone walkway that is wheelchair accessible from the front of her house, down the side of her house to an expanded patio she would like to have built. There is already a patio there, but she would like to have it larger. Part of the lawn will have to be removed for the enlarged patio. The patio is not going to go to the water. The Commission noted there is a 30' setback policy from the waters edge. After some discussion about what is existing and what is proposed and how much it encroaches into the 30' buffer zone, the Conservation Commission requested pictures to help visualize what they are looking at. Also requesting to have the area staked out as well. After some discussion it was agreed to continue this hearing to the April 4, 2024 Conservation Committee meeting.

Notice of Intent

900 Nickerson Rd. The Gutierrez Company

Proposal to construct a new 2-story building with office, lab/R&D, and warehouse use with associated access, parking, utilities and stormwater management. Property is near wetlands.

Dan Dedinsky from Gutierrez Co, Will Park P.E. from SMMA, Nicole Hayes wetland consultant from Goddard Consulting were all present. Mr. Dedinsky explained the project for a proposed 70,000 sq foot. Advanced Manufacturing. R+D, Clean Tech. building and amenities.

Ms. Hayes Explained the two wetland locations that have been delineated on the site. One is a small wetland along the roadway which is infested with Phragmites. The second is an altered wetland that is bound by a ledge out crop and contains Red Maple, European buckthorn and appears to have been altered to create a detention basin.

Mr. Park explained drainage design for the site. Sanborn Head did the geological study for the site and found bed rock and soils not suitable for ground water recharge. There exists a box culvert which is to be replaced with open bottom culvert with the same dimensions to enter site, and propose another crossing as shown. No blasting anticipated as the rock found is breakable with excavator. Water and sewer will connect on Hayes Memorial Dr. through a series of drop sewer manholes. Chairman Clancy expressed concern that the wetland could be perched on bedrock and whether this excavation would dry up the wetlands. Also

discussed were sewer line seepage collar to prevent the migration of ground water away from the wetland. No sidewalk is proposed. Several parking spots are encroaching on the 30' no disturbance zone, the Commission asked that these be moved outside the no disturb zone and far enough away so there is no disturbance of this zone during construction. There was discussion about the invasive plants in the wetland and the stand of Japanese knotweed on the site. Where invasive plants are in the upland a plan to properly dispose of the plant material, so it doesn't spread is required. The commission inquired as to the size of the pipe out of wetland basin which drains under Hayes Memorial to ensure it can handle the current increased flows of recent weather this past year. The applicant will provide details on these noted items.

The site is a balanced site, but they will need to export the unsuitable materials. Mr. Dedinsky estimated 20,000 cubic yards of export. Erosion controls and construction sequencing as shown on the plan were outlined and discussed. They will add stockpile locations and confirmation that the subsurface detention systems will work – the drainage design will be reviewed by the City Engineer.

The abutter who owns the business at 422 Northborough Rd. Central asked if blasting would be required, as he had a difficult time with 1000 Nickerson Rd. when they blasted and had no warning, he wants to be sure he's notified and to be sure his property is protected. Mr. Dedinsky noted that they didn't anticipate blasting and that the Fire Department has blasting protocol for notification etc.

After some discussion, it was determined that the Hearing would be continued on April 4, 2024 to allow for additional information to be provided.

Abbreviated Notice of Resource Area Delineation

Robin Hill St. assessors Map parcels ID's 39-5 and 39-26B- Pulte Homes of New England, LLC

Requests the Conservation Commission review and verify the wetland resource areas delineated on the property at Robin Hill Street including. (This property is opposite the Jacobs Rd. & Robin Hill St. intersection).

Jim Bolduc – VHB – Wetland scientist was present on behalf of Pulte Homes. He noted that on March 14, 2024 the Commission met on site for a site walk to review the wetland lines, and he passed out a revised plan showing the new flags on the Hillside School property, which were checked during the walk. The delineation around the vernal pond was completed which had a very vocal wood frog chorus during the site visit. A request was made to have the plans be color coded for easier viewing. Photos and recordings taken were requested of the vernal pool for the Commission's records as it is certainly a certifiable vernal pool. The Commission discussed the land between the vernal pool W3 flag series and wetland series W2 – which appears hydraulically connected. Mr. Skarin and Ms. Ryder noted that on the Dec. site walk the soils did not reveal a hydraulic connection. Mr. Bolduc noted that the soil in this location was chroma 6, wetlands need to be 2 or less so he did not connect them. He also noted that the vernal pool wetland drains in the opposite direction. The Commission discussed ways to make a note about this "wildlife corridor" connection, even if it can't officially be protected under the WPA. Ms. Ryder asked if the vernal pool would be certified? The applicant noted that they could do this as part of an NOI request in the future. Mr. Bolduc also noted that the vernal pool area does have a different outlet to the east (not west). There was discussion about future NOI filings and items the commission would want to see regarding removal of junk cars etc.

A note from a citizen with concerns about the historic value of the Stone Shelter and the wildlife in this area was distributed. Because a DEP # has not yet been assigned the hearing was continued to April 4, 2024.

Correspondence/Other Business

The Commission received correspondence from the John Vieira who has been performing the turtle monitoring along the Eversource utility construction next to the Desert Natural Area. As part of this project, they are asking for permission to do another year of monitoring. As this has been useful information for the logging operation underway, on a motion from Mr. White second by Chair to continue The Turtle Survey project, the commission voted unanimously 7-0 to approve.

Wetland Determination- 41 Boivin Dr: Wetland area restoration update:

Ms. Ryder shared an e-mail from the current owners who have removed the invasive plants and planted trees, shrubs, and some ground cover per the permit they received. As they are moving soon, they wanted to be sure all the items needed have been addressed and requested a site visit. It was agreed that several commission members would visit the site mid/late April to do an inspection. As this was the Commission's "experimental" permit for invasive infestation habitat restoration, it will be good to determine what worked, what didn't and what to request next time.

Letter: DCR Certificate of Non-compliance and Dam Safety Order Feb. 12, 2024. - Chairman Clancy noted that this letter cc'd to the Commission outlines some steps the city must take to come into compliance with the Office of Dam Safety. This includes hiring a consultant to evaluate and recommend repairs, the removal of trees along the dam including those along the shoreline. So, the Commission will be asked to review any proposals through a wetland permit, presumably in the not to distant future.

The Beaver Solutions Annual Report. The Commission reviewed the annual report from Beaver Solutions regarding the beaver deceivers at Cider Knoll. The commission agreed to continue with another year of monitoring and on a motion by Mr. White second by Chair, to approve the continuation of monitoring and maintenance of the beaver deceivers for 2024, the commission voted unanimously 7-0.

Next Conservation Commission meetings, April 4 & April 18, 2024

Adjournment, there being no further business on a motion by Mr. White second by Mr. Clancy to adjourn, the Commission voted unanimously to approve 7-0. The meeting was adjourned at 8:58pm.

Respectfully submitted.

Priscilla Ryder
Conservation/ Sustainability Officer
PR/cs