

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES
December 18, 2014 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Members Present: Edward Clancy-Chairman, Allan White, John Skarin, and David Williams. Also present was: Priscilla Ryder-Conservation Officer.

Absent: Lawrence Roy, Dennis Demers, and Karin Paquin

Minutes: The minutes of November 20, 2014 were reviewed and unanimously approved 4-0.

Public Hearings:

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 7) - Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates was present. He explained that at the last meeting the Commission had discussed the need for a deed restriction on the Riverfront Area. Mr. Smyers had a letter dated 12-18-14 explaining some restriction language that could be used. The Commission reviewed this language and also discussed the permanent markers to be used to demarcate the Riverfront Area boundary that is to be left undisturbed. The Commission noted that this lot will essentially have no useable yard except the small area that will be cleared as part of this plan. A new plan dated Nov. 18, 2014 was also provided which shows the foundation drain as requested at the last meeting. After further discussion the Commission closed the hearing and reviewed the draft Order of Conditions (after discussions on Lot 8 below) and voted unanimously 4-0 to approve the draft conditions as written and amended.

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 8) - Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates was present representing the owner. Lot 8 has less Riverfront Area than Lot 7. No work is proposed in the Riverfront Area. Some clearing is proposed in the 100' buffer zone which includes the house and the grading. They will use similar permanent markers as will be used on Lot 7. The Commission asked that the markers be approved by the Conservation Officer. They also noted that it may be best to install permanent fencing i.e. split rail fence or other demarcation to mark the boundary between the lawn and the area that is to be left natural. After further discussion about the deed language which will be similar to that of Lot 7, the Commission voted to close the hearing. They reviewed a set of draft conditions which they unanimously approved 4-0 as written and amended. These plans were also revised with a date of Nov. 18, 2014.

93 Framingham Rd. (Lot 6) - Scott Smyers asked how they should deal with Lot 6. No work is proposed in the Riverfront or Buffer Zone area, all work is outside of jurisdiction. However, half of Lot 6 does remain in the Riverfront area and should receive similar deed restriction language. After some discussion the Commission determined that the applicant should file a Request for Determination of Applicability for Lot 6, so this condition can be added and tracked.

Notice of Intent

Lot 13 Donald Lynch Blvd. – Quad Rink Limited Partnership

Chip Orcutt and Wes Tuttle from the New England Sports Center and Robert Truax P.E. from GLM engineering were present. Mr. Orcutt explained that the big plan for the lot next to the existing skating rink is to expand the rink and add some other building, yet to be determined. A few months ago they cleared the lot outside any wetland resource areas and did some soil exploration to determine what had been buried there over the years. Most of the materials can be reused on the site. While they are working on the design for the site, they would like to get a jump start on leveling off the property in preparation for future development. Tonight they are just seeking permission to table the lot and add some temporary drainage basins. This tabled situation would be stabilized once grading is complete. Mr. Truax explained the plan and noted the 200' Riverfront area, the mean annual high water line locations, the Bordering Vegetated wetland location and the bank. The site is 21 acres in size. 400,000 s.f. of which are within the Riverfront area. The regulations allow the Commission to approve up to 10% of the Riverfront area for alteration which would be 40,000 s.f. They have designed this filling and tabling operation to meet this requirement. No work is proposed in the first 100' of the riverfront area. 5 acres of the site is fill material which is not good for structural fill, but can be used to create the slope. The tabled area will have a 5% slope. They are proposing to install temporary drainage basins what will remain on site until another plan is presented with a building. The detention basins have been designed for 9 acres of runoff and have been designed to be 3 xs larger than that required under the EPA storm water standards. They anticipate that the bottom of the basins will be gravel and will infiltrate, but the design at this point isn't taking credit for that. Both basins are designed with emergency outlets in case they get significant storm events. They also provided a planting plan for the back slope which will mimic the slope behind the existing skating rink.

Mr. Truax provided a copy of the EPA Storm Water Pollution Prevention Plan as required. He indicated that the test pits which were 24' deep revealed that below the fill are all gravel and some boulders. They provided an erosion control plan with hay bales and silt socks and stump grindings. They will be installing jute matting along the slope and proposed a temporary swale to direct runoff to the basins. Mr. Tuttle, the rink manager, explained that he wants to get the site prepared in anticipation of future expansion, so that if they do move forward a new rink would be available within a year. There was some discussion about having a construction sequencing plan and phasing plan and the need for a pre-construction meeting. The Commission determined that these items are still required and a DEP # is still needed, so the hearing was continued to the January 8, 2015 meeting.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

Jonathan Novak from Coneco Engineers and Scientist and Andrea Kendall of LEC Environmental were both present. Also present were Mr. Fossile and Ms. Linda DiLiddo (Linda Fossile) of South Street Realty Trust. Mr. Novak explained that after the last meeting, they had made some plan changes and submitted them to DEP and the City Engineer. They received a response from both indicating the changes were satisfactory. He provided a memo which provided their responses to the list of items outlined by Evan Pilachowski, city engineer (check

file for date of memo). Ms. Ryder also received an e-mail from Mr. Pilachowski indicating that the plans were all set with him. The Commission asked what the purpose of the bridge was. Mr. Fossile indicated it was just to provide access to the back side of the property. They are hoping to get access for utilities from the other side of the brook, so will not be including utilities under the bridge. One comment from the engineering department was to replace the ash trees with red or sugar maple or other native plant that is not known to have a persistent pest like the Ash tree. After some discussion, the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants request by e-mail, this item was continued to the January 22, 2015 meeting.

Draft Order of Conditions:

- DEP 212-1136 Hudson St. - Howe's Landing - The Commission reviewed the draft Order of Conditions provided and voted unanimously 4-0 to issue the Order as drafted.

Certificate of Compliance:

- DEP 212-1131 330 Berlin Rd. - Ms. Ryder indicated she is waiting for the deed language which is required. This was continued to the next meeting.

Project Updates/Discussion:

- Community Garden - Ms. Ryder showed the choices of location for a new community garden to be located at the Felton Conservation Land. The Commission agreed and asked Ms. Ryder to discuss with the farmer Mr. Wright to discuss the location and feasibility. Ms. Ryder will also look at the raised beds in Hudson to see if that would work.
- Changes made to DEP regulations - Ms. Ryder noted that there are some regulation changes that are now in effect. She went to a workshop that explained the changes and will provide a summary for review and discussion at the next meeting.
- Yearly Operation Plan 2015 – Review and provide approval - The Commission reviewed the YOP and voted unanimously 4-0 to approve the plan.

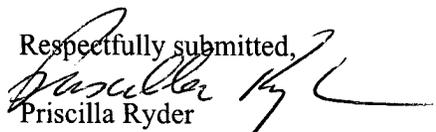
Correspondence/Other Business:

- Residents at Assabet Ridge- DEP 212-997 Ms. Ryder explained that Toll Brothers has indicated they are almost done and have stabilized the site. They don't anticipate any further muddy water discharges. The Commission said they'd take a look after the next few storm events to confirm before giving any signoff's on the project.

Meetings:

- Next Conservation Commission meetings: January 8th and 22nd, 2015 (Thursdays)

Adjournment: There being no further business, the meeting was adjourned at 8:35 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer