

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

November 20, 2014 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

Members Present: Edward Clancy-Chairman, David Williams, John Skarin, and Lawrence Roy, Dennis Demers and Karin Paquin. Also present was Priscilla Ryder-Conservation Officer.

Members Absent: Allan White

Minutes: The Commission voted 6-0 to accept the minutes of Oct. 16, 2014 and Nov. 6, 2014 as written.

Public Hearings:

Notice of Intent

75 Lakeshore Dr. - Peter Sharon- Owner

Tom Dipersio PE from Thomas Land Surveyors and Peter Sharon- owner were both present. Mr. Dipersio explained that they want to remove the existing house and replace it with a new house. Work will be done within 35+ feet of Ft. Meadow Reservoir. The existing house which was in terrible shape has already been removed as it was a hazard. Mr. Dipersio showed the new house layout on the plan and explained that the trees on either side of the lot they would like to remove since the root system will likely be impacted when excavating for the foundation etc. The fences will need to be removed and replaced as well. There also exists an old concrete boat ramp which is in disrepair that they would like to remove and replace with a wall and add some new steps. They will not extend any further into the lake. As the land slopes to the water, there should be minimal cuts and fills as the new house will have a walk out basement. The deck will not have steps outside, because they couldn't make them fit. After some discussion, the Commission asked that the wall near the lake be staked out for inspection before it is removed to be sure it is replaced in kind. Mr. Sharon asked if he could cut the trees this winter, but not do work on house and foundation until the spring. This was acceptable to the Commission. The Commission then closed the hearing and voted 6-0 unanimously to issue an Order of Conditions with standard conditions including dewatering standards, requiring stump removal and staking of the retaining wall before removal.

Request for Determination of Applicability

849 Boston Post Rd. – Bldg. #5 – Grounds Management- (John Skarin abstained due to a conflict of interest)

David Skarin was present and represented the Village at Hagar Meadow. He explained that his company does maintenance on these buildings and they are having trouble accessing behind Building #5, because the grassed area is all soft and mossy. They would like to install a stone rip-rap apron around the building corner in this soft area to allow equipment access to the rear of Building #5 for tree cuttings and future building maintenance. The stone rip rap would only be on the lawn area and would not extend farther towards the wetland which is adjacent to the lawn area. The Commission agreed that this would be more protective of the wetland to have this stable surface. They Commission voted 5-0 to issue a Negative Determination of Applicability to allow for the riprap to be added and stabilize this corner.

Notice of Intent

1 D'Angelo Dr. - Ken's Foods, Inc.

Mike Dean from Guerrier and Halnon and Dave Muskopf from Kens Foods were present. Mr. Dean explained that Ken's Foods is expanding again and proposes to construct a three level addition at 1 D'Angelo Dr. and install an underground bio-gas line with associated underground utilities from 150 Cedar Hill St. to 1 D'Angelo Dr. He showed plans depicting the work area and it's relation to the wetland boundary. All work on the addition is proposed in the 100' buffer zone and will have minimal impact. Impervious surface is reduced, so no new drainage systems are necessary. Edge of pavement and work is within the existing disturbed areas, so there should be no more impact on existing conditions. In fact the green space is increased by 500 sq. ft. The water and sewer utilities must be relocated as shown on the plans. The second part of the project is the capturing of the methane from the treatment facility at 150 Cedar Hill St. and piping it to the 1 D'Angelo Dr. building to be converted to electricity. Currently, the methane from the treatment plant is being flared off. This new system will capture the methane, compress it and send it to the generator. 60% of the electricity used in the plant will now be supplied through the methane gas generated at the treatment plant. There is already a conduit under the bridge through which the piping can be threaded. Minimal excavation on either side of the bridge is needed to install the remaining lengths of pipe from the treatment plant to the top of the building to the generator. The Commission reviewed the plans and commended Ken's Foods for capturing and reusing the methane and investing in this "green" project. As there will be no impacts to the wetlands based on the plans, the Commission closed the hearing. They requested that Ms. Ryder draft a set of conditions for review at the next meeting on Dec. 4th.

Notice of Intent (Continuation)

Off Hudson St. - Sage Investors Inc. (Howe's Landing)

Tom Dipersio P.E. from Thomas Land Surveyors and Engineering Inc. and Sandra Austin Esq. were both present. Mr. Dipersio explained that he had revised the plans from the previous meeting to address the storm water items raised by the City Engineer, Evan Pilachowski. The underground infiltration systems have been changed to a small detention basin. He has provided these changes to the city engineer, but still needs to provide the revised report that goes with the design. He reviewed the construction sequencing plan shown on sheet 5 of 6 and outlines the stockpile locations and limits of work. The project before the Commission right now is simply to do the roadway and utility work. No work is proposed on the lots. Several lots will need to come back for a wetland permits before they can be cleared or constructed. They are working on final approval with the city's Planning Board now. After some discussion, the Commission agreed to continue the hearing to allow for information to be provided as noted above. Ms. Ryder was asked to draft a set of conditions for review at the next meeting as well

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

At the applicants request to give them time to respond to the city engineers comments, this item was continued to the Dec. 4, 2014 meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicant's request, this item was continued to the Dec. 4, 2014 meeting.

Notice of Intent (Continuation)

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

At the applicants request in order to gather additional information, this hearing was continued to Dec. 4, 2014

Notice of Intent (Continuation)

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

At the applicants request in order to gather additional information this hearing was continued to Dec. 4, 2014

Draft Order of Conditions:

- DEP 212- 1140 93 Framingham Rd. (Lot 9) - The Commission reviewed a draft Order of Conditions for this lot and made some changes to #32. Then the Commission voted unanimously 6-0 to issue the Order of Conditions as written and amended.
- DEP 212- 1141 215 Fitchburg St. - The Commission reviewed a draft Order of Conditions for this lot and added a condition to allow for the removal of invasive species. Then the Commission voted unanimously 6-0 to issue the Order of Conditions as written and amended.

Certificates of Compliance: The following Orders of Conditions are still open although the work has been completed on all these projects related to Donald Lynch Blvd. No as-built-plans had been generated when these projects were built, however, the owners have had surveys done of each of these projects and have submitted a letter from a registered engineer verifying that the work was completed in substantial conformance with the approved plans. These properties are in the process of being sold and the owners would like to clear the titles of each of them. Ms. Ryder indicated she'd reviewed all the files and documents submitted and found that they all meet the requirements and would recommend the Commission to issue Certificates of Compliance for all of them. The commission voted as follows:

- DEP 212-688 Donald Lynch Blvd. – Solomon Pond Park, the Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-764 Donald Lynch Blvd. – sidewalk. The Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-765 Donald Lynch Blvd. – jogging path. The Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-883 400 Donald Lynch Blvd. – repair retaining wall. The Commission voted 6-0 to issue a Certificate of Compliance for this project.

Project Updates/Discussion:

- Easterly Waste Water Treatment Facility – Greg Galbraith – Methuen Construction Co., Inc. Greg Galbraith and Matthew Munzing were both present representing Methuen Construction Co. Inc. They explained that they are near the end of the project. They have come to ask the Commission if they can appeal the violation notice issued to them regarding the October 23, 2014 rain incident. They explained that the water from their site had traveled down the access road, ponded in the roadway and

because of the water buildup at the low point it washed out under the hay bales. It was brought to their attention the first thing when they arrived that morning and they added check dams and stone to control the runoff. The site had received 2” of rain over night, but had held up well during the rain event the day before. They asked the Commission, since they had reacted so well and timely whether they could have the fine and violation rescinded. Mr. Clancy explained that this is the second violation notice they received. The first violation was due to a pipe no one knew about and it made sense not to penalize Methuen Const. for something that was an unknown. In this current case the muddy water leaving the site into the access road was predictable and should have either been diverted into the large detention area or contained and treated before being discharged. After some discussion about the transfer station configuration and current drainage conditions, Mr. Clancy did give Methuen Construction Co. praise for a job well done. The fact that on this very tight site, with all of its complicated processes, they only had two violations in all the time they’ve been working, they should feel proud of a job well done. However, the consensus of the Commission was that muddy water left the site in violation of the Order of Conditions, so the violation notice and fine should stay in play. However, Mr. Clancy suggested that a letter commending Methuen on a good job would be ok to send.

Correspondence/Other Business:

- Felton Conservation Land – Community Garden ideas - Ms. Ryder will share some ideas on a raised bed community garden at the next meeting.

Meetings:

- Next Conservation Commission meetings: December 4th and December 18th, 2014 (Thursdays)

Adjournment:

There being no further business, the meeting was adjourned at 8:30 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer