

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

November 6, 2014 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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

Members Absent: None

Minutes: The minutes of October 2, 2014 were unanimously approved 7-0 as written.

Public Hearings:

Notice of Intent

215 Fitchburg St. - Assabet Valley Regional Technical School

Tyson Catlett from Gail Associates was present and explained that the Assabet Valley Regional Technical School District proposes to re-construct the existing tennis courts and add additional paved pathway for better access to the tennis courts. The proposal is to mill and repave the 5 tennis courts in their current location and to convert the 6th tennis court into a basketball court and change the configuration slightly. Over all, there will be 3,000 sq. ft. more impervious surface than current conditions. He pointed out the wetland areas which include Bordering Vegetated Wetland and Riverfront area. As shown on the plan, the river goes into a culvert behind the tennis courts and opens up again past the tennis courts. A small amount of the work is within the buffer zone and some in the riverfront area, but all on previously disturbed areas. The Commission asked about the existing drainage swales now directing water around the courts and how these would be protected to convey water during construction. Mr. Catlett explained that they could add stone or drain pipe during construction and would look into that. The Commission noted this could be a condition of the Order of Conditions. The Commission also asked about access and getting construction equipment onto the site. Mr. Catlett explained that a construction entrance that will be covered with trap rock is shown on the plans as are the filter sock and erosion control fencing. After further discussion about the milling and repaving operation, the Commission had no further questions and the hearing was closed. Ms. Ryder was asked to draft a set of conditions for the next meeting for review.

Request for Determination of Applicability

117 Wayside Inn Rd. - Joaquim and Karen Bento

Jack Bento was present and explained that he wanted to add a shed to his back yard within 3' of the 20' buffer zone. The shed would straddle the retaining wall for the septic system and would be supported by 6 sono-tube footings. Three in the back which will be quite tall and three in the front near the septic system, but outside the system. A few trees will need to be removed and trimmed to allow for this to be installed. He provided a foundation plan as well. The footings will be dug by hand since there is no way to get a

machine over the wall. After some discussion, the Commission closed the hearing and voted unanimously 7-0 to issue a standard Negative Determination of Applicability.

Request for Determination of Applicability

1001 Boston Post Rd. – Raytheon

Scott Doty of John Crow Associates and Dan Thompson facilities engineer for Raytheon were both present. Mr. Doty explained that after some routine maintenance and testing of the fire hydrants around the Raytheon facility they found one near the wetlands that was functioning and needs to be replaced. The work will take about a day to isolate the water line, add a new gate and replace the fire hydrant. Groundwater is from 3- 7' deep, so they may need to do some dewatering which will be into a sediment trap on the paved area to capture and filter any dewatering water pumped as necessary. After further discussion about the proximity to wetlands and erosion controls to be used, the Commission closed the hearing. They voted unanimously 7-0 to issue a negative determination with standard conditions.

Notice of Intent

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

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained that this lot 7 is part of a larger subdivision which received an Abbreviated Notice of Resource Area Delineation (ANRAD) several years ago, noting that the site contains Riverfront Area and Bordering Vegetated wetland to Walker Brook. An Order of Conditions for the subdivision roadway and utilities has also been issued. Tonight they have submitted plans for three house lots within the subdivision. He discussed Lot 7 house which lies within the Riverfront Area and Buffer Zone. A portion of the driveway and house fall within the Riverfront area. The remainder of the Riverfront Area is to be left undisturbed. The Commission asked how this will be demarcated for future owners since half of the lot is in the Riverfront and not to be disturbed since this lot coverage maximizes the disturbance allowed. Mr. Smyers provided draft deed language that could be used to restrict further disturbance. The Commission suggested some permanent markers be installed similar to 20 foot buffer zone makings required on other projects. Ms. Ryder noted that they should look more closely at this area to determine if there are invasive plant species that should be removed and to determine what can and cannot be allowed as far as any maintenance of this riverfront “back yard” area. After some discussion, the Commission continued the hearing to the Nov. 20th meeting to allow time for the applicant and Commission to determine how best to address the remaining undisturbed riverfront area, so it is protected adequately in the future from the first to all subsequent owners. Ms. Ryder will work on something and seek input from the city solicitor on the language to be used.

Notice of Intent

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

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained this is the lot next to #7 as discussed above.

However, this lot only has a smaller portion of Riverfront area which is not going to be impacted. Work associated with the house and grading of the yard will be within the buffer zone to Walker Brook about 30+ feet from the BVW. The Commission discussed the foundation drain and also then need to address the undisturbed Riverfront Area from alterations in the future, similar to Lot 7 noted above. After further discussion, the Commission voted to continue the hearing to the Nov. 20th meeting to provide time to address the Riverfront Area issues and deed language etc.

Notice of Intent

93 Framingham Rd. (Lot 9) - : Melanson Development Corp. Inc.

Scott Smyers from Oxbow Associates and Bruce Saluk from Bruce Saluk Associates were present. Mr. Smyers explained this is the lot next to #8 as discussed above, however this lot only has Bordering Vegetated Wetland Buffer zone and no Riverfront Area, so is more straight forward. The Commission discussed the house and foundation drains. Mr. Saluk confirmed that the sewer line shown on the plans was being installed now as part of the subdivision and the detention basin was already in place. Much of this lot is already disturbed from the subdivision construction. Erosion controls are already in place along the back edge as shown on the plans. 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, this item was continued to the Nov. 20th meeting to allow them to gather some additional information needed.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

Shane Oates from Coneco Engineers and Scientist and Andrea Kendell from LEC Environmental were both present representing Linda DiLiddo and Neil Fossile, the owners, who were also present.

Mr. Oates explained that after the last hearing they have revised the plans and provided a comment letter to the Commission answering the questions raised by DEP and the Commission. The wetland lines have been revised based on site visits with wetland consultant and Ms. Ryder. He noted that the D series wetland has not been verified as it won't affect the property, if necessary this can be reviewed again. Mr. Oates went through his letter dated Nov. 3, 2014 to Ms. Ryder outlining DEP's comments and providing answers, these were read into the record. It covered the following: confirmation that there was to be no filling of wetland; drainage calculations were provided - the Commission asked that the City Engineer review these; no Bordering Land

Subject to flooding impacts; all work is above the 314.5' FEMA flood elevations; summarized impacts to the Riverfront Area which is shown on sheet #6 of the plans, total disturbance is less than the 10% which can be permitted. They provided a simplified Wildlife Habitat Evaluation. The last question was what was planned for the area beyond the bridge. At this time, the owners are not sure, they just want to put the bridge in, because they own one and would like to provide future access to the land across the bridge.

The Commission asked when this work would be done. Mr. Oates and Mr. Fossile suggested that they would do the work during times of low flow July-August to make it easier to build. It will likely take about two weeks to install the footings and place the bridge, drainage and roadway. After some further discussion, the Commission with the applicants consent continued the hearing to the Nov. 20th meeting to allow time for the City Engineer to review the drainage calculations and the Commission members to review the documents provided at the meeting.

Notice of Intent (Continuation)

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

Prior to the meeting the applicant notified the Conservation Office that they still needed time to revise the plans. This item was continued to the Nov. 20th meeting.

Draft Order of Conditions

- I-290 – Mass. Dept. of Transportation Highway Division - The Commission reviewed the draft Order of Conditions for the drainage improvements and resurfacing project reviewed at the last meeting. The Commission voted unanimously 7-0 to accept the draft as written and amended.

Certificate of Compliance:

- DEP 212-581 24 Gregoire Dr. - Millham Woods Subdivision- Dennis Demers abstained from this discussion due to a conflict of interest.

This is an old subdivision and this house is being sold and they discovered that the full Certificate of Compliance had not been recorded. The Commission voted 6-0 to issue a full Certificate of Compliance for the entire subdivision and also one for Lot 24 in an attempt to clear the title.

Violation notices: The Commission reviewed the following notices and voted unanimously to accept them all.

- Letter to Atlantic Management, dated Oct. 29, 2014 RE: Wetland violations – 200 Forest St. Two soil stockpile locations - \$200 fine issued.
- Letter to Avalon Bay Communities, Inc. dated Oct. 29, 2014 RE: Joint violation notice – Avalon Bay Marlborough – Simarano Dr. – Wetland violations – DEP 212-1115 - \$200
- Letter to Methuen Construction Co., Inc. dated Oct. 29, 2014 RE: DEP 212-1086 Wetland violation notice – Fine \$100; Easterly Waste Water Treatment Plan improvements

Project Updates/Discussion:

- Emergency Certificate –2- Minehan Lane. Ms. Ryder explained that the pond at 2 Minehan Lane had drained again through a break in the drainage pipe and was empty several weeks ago. She reminded the Commission that this occurred once before and the DPW went to fix it. The pipe seems to break, release water and then get clogged back again. As of today the pond is full again, however, the DPW would like to fix it before the winter to avoid further damage downstream or washouts in the winter. The Commission agreed this needs to be done ASAP to avoid further problems to the downstream wetland and voted 7-0 unanimously to issue an Emergency Certificate for the replacement of this pipe.
- Ft. Meadow Association/Westernview Association/ Lakeshore Dr. Association - Gail Barbera who lives at 111 Cullinane Dr. on the lake was present along with several other interested residents including Matt Jones who lives on the lake in Hudson. Ms. Barbera explained that the residents around the lake are concerned about the algae blooms that occurred this past summer making the lake unsafe. They wanted to talk to the Commission to ask some questions and see if anything can be done to prevent further algae blooms in the future. Chairman Clancy explained that the Commission doesn't have any answers at this time and that a joint meeting with the Hudson ConCom, Hudson and Marlborough BOH, and someone from DEP Fish and Wildlife and State Dept. of Public Health will be held in January, where he hoped many of the questions raised could be addressed. Ms. Barbera noted that she would continue to forward questions in writing to the Commissions, but the group wanted to meet the Commission and ask a few questions this evening, knowing the Commission would not have answers yet. She asked about the process of getting a Total Maximum Daily Load (TMDL) report done for the lake, Ms. Ryder indicated that this was an EPA study and is directed by them. She explained that they had observed the blooms from several locations around the lake and wondered if this indicated a cause. Mr. Clancy indicated that in his opinion the bloom happened on many lakes this summer, the combination of a long dry and hot spell, followed by some heavy rains created the bloom condition. The group asked if additional education about lawn fertilizers, and storm drain markings etc. could be done and what else regular citizens could do to help improve the lake's health. After further discussion, the groups thanked the Commission for listening and look forward to the meeting to be scheduled in January.

Correspondence/Other Business:

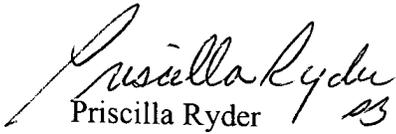
- Cider Knoll Community Garden – James Read an Eagle Scout candidate just built a shed for the Community Garden. He has asked to be reimbursed for some of the cost. There is money in the garden budget for this. The Commission voted to approve the payment of \$550 for some of the materials used. It is a very nice shed.
- New Wetland Protection Act regulations – Ms. Ryder was notified by DEP that new regulations have been promulgated to help streamline utility and roadway maintenance project permitting and some other administrative changes to help streamline the process. Ms. Ryder will attend a workshop on this and report back to the Commission at the next meeting on the changes that came into play on 10-24-2014.

Meetings:

- Next Conservation Commission meetings: November 20th and December 4th, 2014
(Thursdays)

Adjournment - There being no further business the meeting was adjourned at 9:17 PM

Respectfully submitted,


Priscilla Ryder
Conservation officer