

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**Minutes**

**December 3, 2015 (Thursday)**

**Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

**Present:** John Skarin - Acting Chairman, David Williams, Lawrence Roy, Karin Paquin, and Allan White. Priscilla Ryder – Conservation Officer.

**Absent:** Edward Clancy and Dennis Demers

**Discussion**

- 329 Maple St. – Violation – All Star Auto Sales

Attorney Arthur Bergeron and his clients Benjamin Donnaruma owner of All Star Auto Sales were present along with Chris who works with Mr. Donnaruma. Mr. Bergeron showed a power point presentation of the property as it exists today and a proposed plan with the brook covered. He noted that per the violation notice his client received in October, they have moved the large storage bins off the stream. However, they have not moved anything else away from the edge of the stream. Attorney Bergeron's interpretation of the regulations is that the Floodplain and Wetlands (sec. 650-23 of city code) protection district 30' set back requirement is only for permanent structures, not for cars. The building is pre-existing. Ms. Ryder will look into this and get an opinion from the City Solicitor.

Mr. Bergeron explained that his client would like to expand his business and as a car dealer would like to have full visibility from the street, his idea is to propose a zoning change to eliminate the green space requirements along the roadway in this automotive zone. His wish is to cover the brook and compensate for the flood storage lost on his lot. The stream is a three sided open culvert now, so the only wetland values he sees is that of flood storage. He has advised his clients to hire a wetland consultant/engineering firm that can analyze the floodplain and floodway regulations to see how to design the property to meet the wetland regulations. Ms. Ryder noted that the Commission is only permitted to consider the alteration of up to 5,000 sq. ft. of any wetland type with restoration/compensation. Any alteration above that threshold will require the DEP Commissioners approval. The Commission expressed concern with this idea of covering the brook and noted that trees were taken down recently as well removing lots of green space and that snow was seen last winter being dumped in the brook, which is not permitted. They expressed concern that a proposal to cover the brook is not favorable to them. Mr. Bergeron indicated once his client has discussed this with their engineer and

come up with a design that can meet the wetland regulations, they would be back to discuss with the Commission.

**Public Hearings:**

Notice of Intent

225 Boundary St., Millham Dam Maintenance– City of Marlborough DPW

Michele Higgins, Assistant Commissioner of Utilities at the DPW was present and explained that in order to better maintain the face of the Millham Dam, they need to create a dam face they can mow. The downstream face of the dam is now a rip rap slope. Over the years shrubs and brushes and small trees have grown on the dam which the Office of Dam safety has said is not safe for the dam structure. Therefore, the DPW plans to fill in the voids with rock and soil and then loam and seed the outside slope of the dam, so it can be mowed to keep the woody material out. She also mentioned that the toe drain/under drain was mostly closed by the MWRA, so is not likely to need repair. It is 25' deep and required a special tool that the MWRA had to close this drain which has apparently been open for years and letting out water. The plan is to bring in the fill material, spread it across the stone in sections and loam and seed each section as soon as possible to prevent any washout. The work will be done in controlled phases. The soil is coming from the DPW yard which has been tested and is clean. The Commission asked to have copies of the test result to examine, to confirm the soil is clean enough to place next to the city's water supply. The long term maintenance schedule will be to mow the slope twice a year to keep the woody materials off the slope face of the dam. After some discussion, the Commission voted unanimously 5-0 to issue a standard order of conditions. Ms. Ryder is to hold the permit until the soil test results are provided for review and approval.

**Discussion/Correspondence/Other Business:**

Beacon – North Final Environmental Impact Report EPA # 13755 - Ms. Ryder noted that the FEIR for the future development of the parcel between Rte. 20, Glen St. and Ames St. has been submitted. Comments are due on or before Dec. 23, 2015. She will draft comments for review at the next meeting.

**Certificate of Compliance** - Ms. Ryder indicated that she had done site visits at both projects requesting Certificates and there were still outstanding items still to be met. The Commission continued these items to the next meeting.

- DEP 212-997 Residence @ Assabet Ridge – Tolls Brothers
- DEP 212-998 714 Farm Rd. – Full

**Extension Permits**

- DEP 212-1104 Sudbury Street Area Sewer Project – The DPW has requested an extension since all the work associate with this permit has not yet been completed. The Commission voted 5-0 to issue a 3 year extension for this project. (Note: after the meeting it was discovered that this permit was issued initially as a 5 year permit (not the usual 3 years), so does not expire until 2018, therefore the extension permit is not necessary at this time and was not issued.)

**Project Updates:** None

**Meetings** – Next Conservation meetings – December 17, 2015 and January 7, 2016 (Thursdays)

**Adjournment**

There being no further business the meeting was adjourned at 7:54 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer