

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

## Minutes

September 3, 2015 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM

**Present:** Edward Clancy- Chairman, John Skarin, Dennis Demers, Karin Paquin, Larry Roy.  
Also present was Priscilla Ryder- Conservation Officer

**Absent:** David Williams and Allan White

**Minutes:** The minutes of August 20, 2015 were reviewed and unanimously approved by a vote of 5-0.

**Discussion:**

**DEP 212-1158- 135 Neil St. – DPW yard improvement**

Evan Pilachowski, City Engineer, explained that as a requirement of the Order of Conditions, they needed to come back to provide some details on the construction sequencing and waterline installation for the project. He explained, as shown on the plan provided, that the waterline will need to be placed under the brook. They will be diverting the water from the brook into three bypass pipes- directing the water with sandbags. This will allow them to work in a dry stream bed. They expect the work to take two days. They will install a sump behind the sandbags and pump the excess water through a filter bag. They will check the weather forecast to be sure they have a 3 day window of dry weather to do the work. The bottom of the channel is rocky, so they will restore that when done. They expect work to begin within the next week or so. After some discussion about the diversion channel and bank stabilization, the Commission voted unanimously to approve the sequencing plan and indicated they could proceed.

**Public Hearings:**

**Request for Determination of Applicability**

**174 Sudbury St. – Rustin & Laura Kyle**

Mr. & Mrs. Kyle were present and indicated that they are proposing to install a sewer connection from the new sewer line in the street to the house. The new sewer line will come down their driveway which has wetlands on both sides. A plan showing the location of the pipe and the adjacent wetlands was reviewed. The contractor who is going to do the work was not present, however Ms. Ryder had met with him and he had indicated that the pipe was 11 feet deep at the street connection and therefore the pipe would be below the existing driveway. Mr. Demers, commission member, indicated that he had been out to the site and also spoken with the contractor, he had conflicting information about the depth of the sewer in the street, and DPW told him it was 9 feet deep which changes the ground cover location. He explained to the Commission that the pipe needs to be at an at least 2% grade in order for the gravity to work and it requires at least a 3' cover, so

it won't freeze. It was clear that some additional information is needed by the contractor to meet these grades. Therefore, after some discussion, the Commission determined that the following would be required as conditions in the determination in order for this to be a successful project. The conditions are as follows: 1) Erosion controls along wetlands must be installed – straw wattles and silt fencing or equivalent must be used; 2) clean outs will need to be installed every 100', this should be provided on the plan prior to construction; 3) If the driveway is to be raised to provide adequate cover, then gravel should be added, the culvert may need to be extended and the grades changed; this information on a plan shall be provided to the Conservation Officer for review prior to construction; 4) The contractor will need to determine the depth of the sewer at the street to determine the proper design; 5) If fill is required, slope stabilization will need to be provided, either through some type of fabric matting, hydro seed and tack or other means acceptable to the Conservation Officer to ensure bank stabilization above the wetlands; 6) The commission agreed that if the pipe needs to shift to one side of the driveway to only require the extension of the culvert on one side that is acceptable; 7) No filling within the wetlands is permitted. After additional discussion, the Commission voted 5-0 to issue a Negative Determination of Applicability with the conditions as noted above.

#### **Request for Determination of Applicability**

##### **158 Sudbury St. – Joseph & Ann Meany**

Mr. & Mrs. Meany were present and explained that they also want to install a sewer connection from the street to the house which will also cross near wetlands and over the culvert in their driveway. The Commission noted that this item was almost identical to the previous discussion with the same contractor and same issues raised. Therefore, after a brief discussion and since all the questions had been addressed in the previous hearing which are exactly the same, the Commission closed the hearing and voted unanimously 5-0 to issue a Negative Determination with conditions as noted for 174 Sudbury St. above.

#### **Request for Determination of Applicability**

##### **Mass. Dept. of Transportation – I-495 Advanced Transportation Management System (ATMS)**

Henry Barbaro, MassDOT Wetlands Division was present along with Michael Turgeon and Jared Durante both of Jacobs Engineering, and Al Kopech with McCourt Construction who will be performing the work. Mr. Barbaro explained the overall project is to install conduits in the ground and some cameras on poles to help with traffic management. Many years ago some sections of the highway received these, now the rest of the highway from Hopkinton to Andover will be getting these systems. Some work is within the buffer zone to adjacent wetlands which is why they are before the Commission. Mr. Clancy noted that the City Council may have some jurisdiction over the poles and Mr. Barbaro should check. Mr. Turgeon showed on the plans where the wetland buffer zone was to be impacted. Erosion controls consisting of compost socks are to be used as well as silt sacks in the catch basins. All the conduit work will be just off the pavement where they hope not to

hit boulders or ledge. Conduit will be 36" deep. The Commission expressed concern that the erosion controls be removed when the project is complete since this is not always done. They also noted that there is a culvert across Millham Brook the city's water supply, which will be crossed. Mr. Kopek explained that he would be doing ground trothing of all utility and culvert locations. The conduit should easily fit over these structures without issue, but he will confirm in the field before construction. They described the spider plow to be used to install the conduit. The machine creates the trench, installs the conduit and backfills the trench all together with this machine. Trenches will be open for a very short period of time and the areas will be stabilized. After some discussion, the Commission closed the hearing and voted unanimously 5-0 to issue a Negative determination with standard conditions and a condition that the erosion controls will be removed when the project is complete, and all utilities and culverts, especially Millham Brook, shall be checked prior to doing work.

#### **Request for Determination of Applicability**

**25 Dufresne Dr. (Lot 3D); 43 Dufresne Dr. (Lot 4H); 53 Dufresne Dr. (Lot 4G); 71 Dufresne Dr. (Lot 9C) - West Hill LLC**

Scott Goddard from Goddard Consulting provided an overall plan for the site development including all the lots on the east side of Dufresne Dr. He noted that based on the previous meeting where the wetland behind 4 of the lots was determined to be Isolated Land Subject to Flooding (ILSF) his client West Hill LLC (aka Fafard Development) has decided to withdraw the Notices of Intent (subject of next hearing) for these lots and instead file an RDA since technically there is no buffer zone to ILSF and they are not impacting this resource area. He presented a plan dated 9-3-15 for these 4 lots showing the location in relation to the ILSF and also showing a 20' buffer zone to provide protection to this ILSF. The Commission reviewed each house lot and determined that wetland boundary markers, deed language and notification to the new owners will all be required (similar to conditions in the Orders of Conditions for such lots). Ms. Ryder also noted that sediment shall be removed from the drainage area between house #43 and #25 Dufresne Dr. and old erosion controls should be removed. After some discussion about protecting the ILSF and providing some markers to delineate the buffer zone, the Commission closed the hearing and voted 5-0 to issue a negative Determination with conditions – standard conditions and those noted above.

#### **Notices of Intent - Continuation**

**25, 43, 53, 71, 81 and 85 Dufresne Dr. - West Hill LLC**

Scott Goddard of Goddard Consulting was present and represented West Hill LLC (aka Fafard Construction) As noted above, now that the Request for Determination of Applicability (RDA) has been approved, he asked that the Commission formally accept the "withdrawal" of the Notices of Intents (NOI's) for 4 lots: 25 Dufresne Dr. (Lot 3D); 43 Dufresne Dr. (Lot 4H); 53 Dufresne Dr. (Lot 4G); and 71 Dufresne Dr. (Lot 9C). The Commission voted unanimously 5-0 to accept the withdrawal of these lots. The two remaining lots within the subdivision, which are near the wetlands,

are house #81 and #85 Dufresne Dr. The Commission reviewed each of these individually:

**81 Dufresne Dr. (Lot 10D)** - Mr. Goddard provided a revised plan dated 9-1-15 which showed a number of changes as required at the last meeting including wetland markers, cleanouts for roof drains as well as a condition that the house lot shown is the largest house that could be built. After some discussion, the Commission closed the hearing. As the conditions for this lot and the next lot were almost the same, the Commission waited to review the draft order until after the next lot review.

**85 Dufresne Dr. (Lot 12C)** - Mr. Goddard provided a revised plan dated 9-1-15 which again showed the changes as discussed at the last meeting as noted above. It also included a discussion about the small detention basin on this lot to ensure it will function. After some discussion about the water and sewer line location, the Commission closed the hearing. The Commission reviewed a set of draft conditions, one for house #81 Dufresne Dr. and one for house #85 Dufresne Dr. The Commission voted unanimously 5-0 to approve each of the orders as drafted and amended.

#### **Notices of Intent - Continuation**

##### **Lots 5, 6, 7, 8, 9, and 10 Gikas Ln. - Howe's Landing Developers, LLC**

Mr. Steve Dexter of Colonial Engineering was present. He apologized that Mr. DeSimone could not attend, but he is out sick. Mr. Dexter reviewed the changes on each plot plan, dated revised August 25, 2015, that had been made as requested at the last meeting. He started with Lot #10, he noted that the new design includes a 1000 gallon septic tank with pumps, the foundation drain, inspection ports in roof drain infiltration system, DEP #s, erosion control detail, deck, basement elevation, fencing and revised dates. He then reviewed the plans for Lots 9, 8, 7, 6, and 5, all which had similar changes made to the plans. Each lot had a list of items added which is outlined in the file. The size of the house is the biggest house box that can be fit on the lot under current zoning; the likely hood is that the house will actually be smaller. The Commission noted that none of the roof drainage systems were shown as connecting to the infiltrators, this will need to be added to the plans before construction. After some discussion, the Commission agreed that these revised plans met their requirements. There being no further discussion, the Commission closed the hearing. The Commission reviewed the draft Orders of Conditions for each of these lots. Lot 5 is only in the outer buffer zone, so the conditions were different. The Commission reviewed the draft Order for Lot 5 and voted unanimously to approve as written and amended. Then the Commission reviewed the Draft Orders of Conditions for each of Lots 6 through 10 and voted to approve the Orders for each of these lots individually. The Commission voted unanimously 5-0 to issue the Orders as drafted and amended individually for Lots 6, 7, 8, 9 and 10.

### **Certificate of Compliance**

- DEP 212-313 612 Hemenway St. – re-issue Certificate of Compliance e- Ms. Ryder indicated this was a reissuance, so it can be recorded. The Commission voted 5-0 to reissue this Certificate of Compliance.

### **Discussion/Correspondence/Other Business:**

- City of Marlborough, Household Hazardous Waste Collection Day – Oct. 3<sup>rd</sup>, 2015 (Saturday) 9-1 PM – Easterly Water Pollution Control Facility- The Commission reviewed this and made note.
- Howe St. /Valley St. – preliminary subdivision plan - The planning Board is in the process of reviewing a preliminary subdivision plan which will be duplex houses along the old railroad bed just above the Design Pack building. A small portion of which is in the buffer zone. The plans were not available, so the Commission will review at a later date.

### **Project Updates:**

#### **Ms. Ryder provided the following updates:**

- Wetland Violation – 329 Maple St. has metal storage containers located OVER the brook and adjacent to the brook. The Commission agreed that the cars and storage containers would need to be moved outside of the floodplain and floodway for this brook. Ms. Ryder will issue a violation notice.
- Wetland violation – 811 Pleasant St. The Commission has not received any response from the violation notice issued a month ago on this property. The Commission asked Ms. Ryder to send another letter.
- Wetland violation – Overlook at Lake Williams –Ms. Ryder noted she had issued a violation notice because they had cleared more wetland than permitted when installing the gas line. The applicant is required to submit a restoration plan at the next meeting. The Commission will ratify the enforcement order at that meeting as well.
- Property of interest- Ms. Ryder has received two calls regarding two separate properties that may have conservation interest. The first is next to Cider Knoll, the second is on Robin Hill St. which is mostly wetland. Chairman Clancy indicated there isn't much funding available for purchase. Ms. Ryder will provide more details for the Commission to consider and determine if either parcel is worth pursuing.
- Conservation Land Management- Ms. Ryder reported that Ms. Paquin and a volunteer Betty Wright have been pulling a new invasive plant called "Stilt Grass" on the Sudbury side of the Desert Conservation Land. They will continue to monitor areas along all the trails. If necessary next summer, additional help may be needed to keep it under control. It is easily spread by wheel tires.

- 175 Lakeside Ave. – Ms. Ryder indicated that a Licensed Site Professional has discovered an old leak at the 175 Lakeside Ave property right across from Lake Williams. They will need to install some monitoring wells across the street from the station on city land within the buffer zone. Once she gets more details, she asked if the Commission would be amenable to the issuance of an Emergency Certificate to install the wells for monitoring and/or cleanup purposes. The Commission indicated that would be fine.

**Meetings** – Next Conservation meetings – Sept. 17<sup>th</sup> and Oct. 1<sup>st</sup>, 2015 (Thursdays).

**Adjournment**

There being no further business the meeting was adjourned at 9:09 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer