

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

Amended - Page 4

May 19, 2016 (Thursday)

**Marlborough City Hall - 3rd Floor, Memorial Hall
7:00 PM**

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

Absent: none

Minutes: The minutes of April 7, 2016 were reviewed and unanimously approved.

Public Hearings:

Request for Determination of Applicability
53 Bergeron Rd. - Mr. & Ms. Farrell

Mr. Farrell was present and explained that he proposes to add a patio and above ground pool to the back of the home which abuts a small intermittent stream in his back yard. The property falls within the city's Water Supply Protection District, so the pool is located 50' away from the wetland area. The yard is gently sloping to the back. They will need to remove a small amount of material to flatten out the above ground pool area. The stone patio and hot tub will be added next which are further away from the wetland nearer to the house. The Commission discussed the need to remove excess material to the front of the house or off site. The standard conditions for notification and inspection were discussed. There being no further questions, the Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination with standard conditions.

Request for Determination of Applicability
223 Vega Rd. - Mr. & Ms. Meyers

Mike Myers was present and stated that he proposes to add fill and regrade their backyard, add a gravel foot path and remove some leaning trees near wetlands. His house abuts the pond at Cider Knoll. He discussed the trees he would like to remove. The Commission noted that the trees would need to be marked and approved by the conservation officer before they are removed. Ms. Ryder noted that the slope behind the existing shed is quite steep and erosion controls will be needed. Mr. Myers indicated he would use staked compost socks or equivalent as his erosion controls. After some discussion about the limits of work, the Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination of

Applicability with standard conditions and the need to mark trees and get approval before removal.

Request for Determination of Applicability

185 Cullinane Dr. - Shawn McCarthy

Karen Keegan from Guaranteed Builders was present and explained that the owners propose to build an attached garage and breezeway with associated grading next to Ft. Meadow Reservoir. The garage will be 67.8' away from the wetland. 5-7 trees will need to be removed to make room for the garage. The garage will be built in the already flat area so not much excavation is necessary, although they agreed to remove all excess materials from the site. It was also discussed that the tree stumps should be removed from the site. Erosion controls of straw waddles and silt fence will be used to prevent silt from washing into the lake. After some discussion, the Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination of Applicability with standard conditions and those noted above.

Request for Determination of Applicability

40 Anderson Rd. - Jeff Kavaleski

Mr. Kavaleski was present and explained that he proposes to add a detached garage near wetlands. Ms. Ryder noted that the wetlands were 30+ feet away and beyond the stone wall from the location of the proposed garage. There is quite a steep drop from the existing driveway, they will build the foundation and then fill the area which will protect the wetlands even more. There were questions about the location in relation to the property line which should be discussed with the Building Dept. After further discussion, the Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination of Applicability with standard conditions regarding notification and erosion controls.

Request for Determination of Applicability

135 Cullinane Dr. - Jeff Hedderig -

No one was present to represent the owner. Ms. Ryder noted that she had visited the site and the work proposed is to remove and replace the existing porch with a slightly larger porch next to Ft. Meadow Reservoir. The porch is in disrepair. The addition only adds a few more supports and is more than 30' away from the water. Only work is putting in the sona tubes and to remove any excess materials. Being a small project with limited impact, the Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination of Applicability with standard conditions including the removal of any excess aluminum rods on the shoreline.

Notice of Intent

Due to a conflict of interest Commissioner Dennis Demers recused himself from this discussion.

215 Cullinane Dr. - Amanda Morse

Amanda Morse was present and is the owner of the house, she proposes to remove and replace the existing boathouse on Ft. Meadow Reservoir. Ms. Ryder did an inspection of the site and noted that one of the trees is growing into the side of the building. The building is set back from the water. Ms. Morse explained that she is planning to replace in kind or a little smaller since she does not want to take down the tree. They will replace the slab and footing as required by the building code. There was discussion of the impact of excavation on the tree roots. This will be evaluated during construction and after excavation to determine if the tree can be saved. Access for construction will be from Red Spring Rd. She explained that she uses it more as a shed. After further discussion, the Commission voted unanimously 6-0 (Dennis Demers abstained) to issue a standard Order of Conditions for the project; noting the tree inspection after excavation and removal of all excess materials from the site.

Notices of Intent - (Continuation)

Slocumb Ln. – Slocumb Realty LLC - #69, 79, 78 and 90

Peter Lavoie from Guerriere and Halnon, Inc. was present representing Fafard Real Estate Developers. He has presented four separate Notices of Intent (NOIs) for each of the house lots to be discussed this evening, but it was easier to show all the lots together on one plan. The wetland surrounds this peninsula of land at the end of Slocumb Lane. All slopes will be rip rap 2:1 slopes. The toe of the slope does cross through the 100' buffer zone on a few lots as previously discussed. The revised plans showed a fence on top of the rip rap slope, the construction sequencing is also included on the plan and includes that the slopes will be monitored and certified by a geotech engineer. Mr. Lavoie acknowledged that the current fill will need to be removed, screened and then reused to build the slope. Mr. Lavoie also noted that the vernal pool certification was submitted to NHESP on April 24th, a copy will be submitted to the Commission shortly. After some discussion, the Commission reviewed the draft Order of Conditions for each lot separately

Notice of Intent – 69 Slocumb Ln. - The Commission noted that the grading for lot 69 blends into that of Lot 90 which will need to be noted on the Order of Conditions. The Commission reviewed the draft order and voted 5-yes (Clancy, Williams, Skarin, Roy, Paquin) 2 opposed (Demers and White) to approve the Order as drafted and amended.

Notice of Intent – 79 Slocumb Ln.- The Commission reviewed the draft Order of Conditions and voted 5-yes (Clancy, Williams, Skarin, Roy, Paquin) 2 opposed (Demers and White) to approve the Order as drafted and amended.

Notice of Intent – 78 Slocumb Ln. The Commission reviewed the draft order and voted 5-yes (Clancy, Williams, Skarin, Roy, Paquin) 2 opposed (Demers and White) to approve the Order as drafted and amended.

Notice of Intent – 90 Slocumb Ln. The Commission discussed the vernal pool which is on the edge of this property and required a conditions that this documentation be provided. Also to note the grading that is shared with lot 69. The Commission reviewed the draft Order of Conditions and voted (vote should read) 4-yes (Clancy, Williams, Skarin, and Roy) 3 opposed (Demers, White and Paquin) to approve the Order as drafted and amended.

Certificate of Compliance:

- DEP 212-1109 379 South St. – Patrick Mauro - Ms. Ryder has received the as-built plan and preformed a site inspection and reported that all conditions have been met. The Commission voted unanimously 7-0 to issue a full Certificate of Compliance for this project.

Discussion/Correspondence/Other Business:

- DEP 212-1117 Preserve at Ames (Brookview Village) Week 55 Inspection Report – Minor changes to wetland replication area. Mark Arnold of Goddard Consulting Inc. and Kevin Malley of Fairfield Development were present. Mr. Arnold wanted to talk about two items. The Phase 2 foundation shift and the Wetland replication area change requests:
 1. Phase 2 foundations: During construction the foundations were inadvertently shifted 6' closer to the wetland areas. However, the parking lot location and edge of work did not change. This was a mistake in the field, but overall the lot has the same lot coverage, the same greenspace etc., but in a slightly different configuration due to the foundation shift. The Commission reviewed the change and determined it was minor in nature and did not require any change to the permit.
 2. Wetland Replication Area – Mr. Arnold explained that he had walked the site with Ms. Ryder and Ms. Paquin to discuss the approved wetland replication location and a new location that will better meet the hydrology and make for a more successful replication area. As previously approved, the wetland would need to be excavated more deeply and the adjacent hydrology would not likely work. The new proposal is to adjust the wetland replication location which will be 400 sq. ft. larger than originally shown. It will allow for more gentle slopes and better hydrology and wetland connectivity. The planting plan has also been adjusted to better meet the needs of the area. In addition to the replication area below the first buildings in

phase 1, the approved plans also show plantings in the stream channel at the stream crossing. The revised plans show the plants outside the stream channel on the bank. After some discussion about the changes, the Commission voted unanimously 7-0 to approve the changes presented as minor changes, not requiring a formal amendment. Ms. Ryder will follow up with a letter stating same.

3. The Commission noted that there is quite a bit of dust generated along Ames St. because the roadway has not been swept. Mr. Malley will follow up to ensure this gets done.
- 329 Maple St. – violation follow-up - The Commission reviewed a letter dated May 18th to Benjamin Donnarumma from Priscilla Ryder indicated they will attend the meeting in June. The Commission discussed the site and noted that the Google maps do indicate that some trees used to be on the property and discussed the need to address this. If the brook walls are 4' high this would mandate some type of fence for safety reasons. Ms. Ryder will inquire about the rules from the Building Dept. The owner will attend the next meeting.
 - Tree cutting policy - The Commission reviewed a draft tree cutting policy near wetlands that Ms. Ryder drafted to clarify the process by which a tree can be removed from a wetland area if it is a hazard. The Commission voted unanimously 7-0 to approve the policy as written.
 - Felton Conservation Land – mowing/license - The annual renewal of the license to mow the Felton Conservation Land by Adda Farm- Donald Wright was reviewed by the commission. There was discussion about ground nesting birds and the ability to cut the haying from two or three cuts to one cut late in the season. The Commission determined they would need additional information before rendering this decision and would like to have a discussion with Mr. Wright before making that change. Ms. Ryder will gather information on field management for ground nesting birds to discuss this fall before renewal spring of 2017. The Commission voted unanimously 7-0 to approve the license agreement for 2016 and signed two copies of the agreement.
 - Letter to Mayor Vigeant, dated May 10, 2016 - Acceptance of gift of \$1,000 to Conservation Maintenance Fund – Dow Chemical Co.- The Commission reviewed this correspondence and placed it on file.
 - Cider Knoll – beaver dam- the trapper hired trapped three beavers. The Commission discussed the need to put in a beaver pipe. Ms. Ryder will investigate and report back.

- Panther Trail – options - Ms. Ryder noted she has a few more areas where potential trails will go that are wet and wanted some opinions from the Commission on trail options.
- Dog edicate at the Desert Natural Area -The Sudbury Valley Trustees is posting dog rules at their property at Memorial Forest to 3 dogs mas per 1 walker. Ms. Ryder asked if the Commission had any thoughts on this. She will provide information to the Commission on SVT's efforts.
- Ft. Meadow Reservoir – pre-treatment weed survey is scheduled for Friday at 9:00 AM meet at the boat house. Ms. Ryder and the new conservation agent in Hudson will attend.

Meetings – Next Conservation meetings – June 2nd and June 16th, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 9:16 PM.

Respectfully submitted,


Priscilla Ryder *PR*
Conservation Officer