

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

October 21, 2010

Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

Members Present: Edward Clancy-Chairman, David Williams, Lawrence Roy, John Skarin, Allan White, and Priscilla Ryder-Conservation Officer;

Absent: Michele Higgins and Dennis Demers

Public Hearing(s)

- Notice of Intent: 24 Hager St. - Kelly Fitzgerald (DEP 212-1078)
Proposes to replace a failed soil absorption system near a brook.

Mr. DiModica of M.J. DiModica, Exc. was present representing the owner. He described the property. The current septic system has failed, the house is up for sale and part of the agreement for the closing is that the new system be installed. They have provided the plan to the city's Board of Health who has looked at the plan, but hasn't provided final approval yet. They aren't asking for any variances and the perk test meets the code. They will be installing a 1,000 gallon pump chamber which will pump up to the front leaching field. The work falls in the Riverfront area, but most of the work is outside of the jurisdictional area of the Commission. There is a wetland in the back of the house near the above ground pool. The existing system will be abandoned in place or removed depending on what the Board of Health requires. The Commission noted any approval will be conditioned on the Board of Health's approval of the system. Ms. Ryder noted that only a small section of the wetland line is shown on the plan, so any approval should note this limited delineation, so it is not confused in the future. The applicants were anxious for a decision. The Commission closed the hearing and after the other hearings and discussions, the Commission reviewed a Draft Order of Conditions and made some revisions including prohibiting further leaf dumping in the wetland behind the pool. The Commission voted unanimously 5-0 to issue the draft Order of Conditions as written and amended.

- Request for Determination of Applicability
84 D'Angelo Dr. - The Mass. Water Resources Authority
Proposes to install ultraviolet disinfection equipment. A small amount of grading in the wetland buffer zone is required for this project.

William Sullivan from the MWRA and Jamie Maughan AECOM a consultant with AECOM were present. Bill Sullivan explained that there are new regulations that will be in effect April 2014 which will require more disinfection processes to the water and therefore, they will be including a new Ozonation chamber for the water to pass through before going to storage and distribution. The new facility will be located on top and near the huge storage tank on the site. They will be removing the sod and soil from the top of the storage tank roof and install the UV reactor. It is a 10' pipe and will treat 405 million gallons of water a day. He showed a plan of the new system and its location in relation to the wetland and buffer zone. Only 2,200 sq ft are within the 100' buffer zone. They are proposing a stormwater treatment system in the

stockpile area next to the adjacent building to control any silty runoff from the site. The site is also separated from the wetland by a roadway. The existing detention basin can be used during construction as a back up since the drainage from the construction site ultimately reaches the detention basin. All work as proposed will be at least 80' from the wetlands and river bank boundaries. The Commission requested information on the stormwater controls to be used, noted that a pre-construction meeting would be required and noted that the standard conditions should be enough to permit this project. Anticipated start date was expected to begin in 2011, but they will need to apply for their other permits in February. It is a \$35 million project.

After some additional discussion, the Commission voted unanimously 5-0 to issue a Negative Determination of Applicability with conditions, because all work was being done well outside of the wetland. Conditions as noted above including stormwater control, standard erosion control conditions and the requirements for a pre-construction meeting are to be included.

- Notice of Intent (DEP 212-1076) – Continuation
358 Berlin Rd. - New Hope Church of the Assembly of God
Proposes to repair drainage and provide scour protection for brook flow (Millham Brook).

At the applicant's request prior to the meeting, this item was continued to the Nov. 4th meeting agenda.

Discussion:

- 212-1049 279 Maple St. - Request for additional minor work.
Ian Reed and Jim Dick of Roux Assoc. Inc. were present. They are working on cleaning up the site at 279 Maple St. They had come in last year to do some soil removal hoping that would be the last; however some additional monitoring wells have revealed the need for some additional soil excavation approximately 300 yards of soil near the brook/drainage area at the back of the property and onto the adjacent DCR property. They presented a plan showing the area to be excavated. They explained that they would follow the same procedures as previously outlined and permitted by the current Order of Conditions. They may have to dewater in which case, it will be pumped into a closed container for proper disposal. All contaminated soils will be placed on a tarp and then trucked away. They would like to do the work in November if possible. Once the site has been excavated and restored, they will cover it with coconut matting. In the spring, they will return and plant some trees and shrubs to re-establish the vegetated slopes of this area. Currently there are small trees and shrubs, most of the trees to be removed are dead or dying. Mr. White asked where the soil was to be stockpiled, the response was that it will be over 500' away from the wetland and will be trucked off quickly, so soil piles should not be there for more than a day or two.

The Commission determined that this additional work was covered by the Order of Conditions and as proposed seemed reasonable and if performed as described should not impact the adjacent wetland; therefore they voted unanimously 5-0 to accept the additional work as a minor change not requiring further review. This additional work shall be allowed under the existing Order of Conditions DEP 212-1049.

- Desert Natural Area Conservation Land – Cooperative Management Plan ideas – Laura Mattei (SVT)

Laura Mattei from the Sudbury Valley Trustees was present and introduced herself. She is the Director of Stewardship and has been doing land management for some time now. She has been working with the Memorial Forest Land which abuts the Desert Natural Area Conservation Land. Recently Sudbury Valley Trustees (SVT), Sudbury Conservation Commission and the Marlborough Conservation Commission had separate Forest Stewardship Plans developed. She is also working with the Southern unit of the Assabet River National Wildlife Refuge (ARNWR) and the Women's Federation land. All landowners have been looking at the whole area collaboratively over the years. Now that three Forest Stewardship plans have been done, she combined all the maps together to see what collective or cooperative land management might be needed to help preserve the biodiversity of the area and help all parties better manage their properties. She presented this plan and explained what forest types and habitat areas were identified by the forester with assistance from the Division of Fish and Wildlife. Of note are the "pitch pine scrub oak" habitat which is growing into a white pine forest and shading out the scrub oaks. The area also supports lots of diversity including whippoorwill, eastern towhee, and several vernal pools. Box turtles and wood turtles are also abundant.

SVT's goals are to look at the diversity and determine what needs to be managed to preserve the diversity of the area. The Marlborough and SVT reports talk about active tree harvesting, to improve habitat and generate some income and prescribe fire (control burn) of the scrub oak pitch pine forest to restore this habitat value that is slowly diminishing. She and Ms. Ryder met with a prescribed burn fire boss out on the site to determine if it was a suitable area to have a successful restoration project. He acknowledged that the 10 acres, some in Marlborough and some in Sudbury divided by the pipe line would be a prime prescribed burn area and would likely be successful in habitat restoration. Ms. Mattei explained that tonight she just wanted to meet the Commission, review the plans, have the Commission think about what they wanted to do and whether they wanted to participate in any of these management opportunities. The Commission noted that there is no funding for these types of projects, but if funding is found they would consider some of these options in the future. Ms. Ryder said she would follow up on some funding sources that have been noted previously to see what might be available.

The Commission thanked Ms. Mattei for all her work and for coming in to review the plans with them. They will be in touch.

Certificates of Compliance

- DEP 212-839 Danjour Dr. – Crystal Ridge Estates Subdivision - Continue to the next meeting waiting for input from DPW.
- DEP 212-952 Davis Estates Subdivision - Ms. Ryder indicated she has done a site inspection of the area and noted that everything is complete except for the removal of the erosion control fence and the installation of the fencing around the detention basin. The applicant has promised to do both and the fence contractor has been hired and will be doing the work in the next few days. After some discussion the Commission voted 5-0 to issue a full certificate of compliance for this project and asked Ms. Ryder to hold it until the above two items have been completed.
- DEP 212-1038 9 Boivin Dr. (Lot 15) – Full Ms. Ryder noted that this property is for sale, she has inspected the back of the lot and noted some plantings to mark the 20 foot buffer zone

location. The builder Patrick Mauro has assured her that this no-disturb buffer zone area has been explained to the prospective new owner. Acknowledgement from the owner and deed language has been provided. All conditions of the Order of Conditions have been met. The fencing around the detention basin is to be installed as noted in the item above. The Commission voted 5-0 to issue a Full Certificate of Compliance for this property and to have Ms. Ryder hold it until the fence has been installed.

Draft Order of Conditions

- DEP 212-1077 652 Stow Rd.- foundation drain repair - The Commission reviewed a draft Order of Conditions for this project. The Commission voted unanimously 5-0 to accept and issue the Order of Conditions as written.

Project Updates - None`

Correspondence/Other Business

The following correspondence was reviewed and the Commission voted unanimously to accept and place on file.

- Letter to Capital Group Properties LLC, dated October 13, 2010, RE: Wetland Violation – DEP 212-1016, Fine \$50 - 150 Cook Lane-Subdivision-Mauro Farm
- Hazardous Waste Day – October 30, 2010 9:00-12:00

Meetings – The next scheduled Conservation Commission meetings were scheduled for November 4, 2010 (Thursday) and December 2nd and 16th, 2010 (Thursdays). However, since the Evening of Giving is on December 2nd the Commission decided to hold a meeting on November 18th instead. The Commission agreed.

Adjournment

There being no further business the meeting was adjourned at 8:36 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer