

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
August 16, 2018 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Present: Ed Clancy-Chairman, Allan White, Dennis Demers, Karin Paquin, Bill Dunbar, and John Skarin. Also present was Priscilla Ryder - Conservation Officer.

Absent: Dave Williams

Public Hearings

Notice of Intent (Continuation)

186 Reservoir St. - Fabriana Menezes

Proposes to construct an addition with a two-car garage under, a new driveway and a new deck at the rear of the house near Ft. Meadow Reservoir. At the applicant's request (by e-mail) the hearing was continued to September 6th.

Request for Determination of Applicability (Continuation)

10 Rose Point - Giselle Araujo

Mr. Araujo was present and explained that they haven't done anything with the fence yet. Ms. Ryder noted that she had met the homeowners and someone from Northborough Properties who is the management company working for the condo association. The management company had provided e-mail documentation that they had notified the homeowners to get permits and to meet with the Conservation Commission, they are not taking responsibility for the fence being in the wrong location.

After some discussion, the Commission agreed to have Ms. Ryder go out and measure the 20' buffer zone from the existing markers in the field and mark this boundary for the homeowner to determine where the fence can be moved to. They also noted that the area behind the fence with where the stones had been moved would need to be restored and re-vegetated to naturalize this area. The homeowner agreed to meet on Tuesday the 21st at 2:00. Mr. Dunbar said he could attend as well.

The hearing was closed, and the commission voted unanimously 6-0 to issue a negative Determination with conditions as noted above.

Request for Determination of Applicability

Howe and Valley Streets - Marlborough Hub, LLC

Jacob Lemieux from Hancock Associates was present, he explained that the proposal is to build an 8-town house development with associated roadway, utilities and drainage. The drainage is designed to infiltrate into the ground. A portion of the lot is encumbered by the 100' buffer zone to a wetland on the adjacent property and is shown on the plan.

The Commission asked what is to happen to the old railroad bed. Mr. Lemieux indicated they were not going to build on it, but some grading would occur on it and it would be the back yards of the homes. The Commission asked if they had done any testing of the soils within the railroad ROW as this was a concern during the construction of the ARRT trail, where contamination was found in some sections of the trail soil which needed to be removed to meet health standards. Mr. Lemieux indicated they had

not done a 21E site assessment. The Commission said since they are doing grading work, and lead and arsenic could be present, this would be a health concern. Mr. Lemieux said he would ask his client to do same and come back to the Commission with information.

The hearing was continued, with the applicants consent to the September 20th meeting.

Notice of Intent - Draft Order of Conditions (Continuation)

Hayes Memorial Drive (Map 99 Parcel 4) - The Gutierrez Company

David Robinson of Allen and Major Associates was present. He explained that since the last meeting, he has responded to Tom DiPersio's comments and has produced a revised plan dated 8-15-2018. He reviewed the changes with the Commission including: alternatives analyses done for the town of Northborough, which indicated that the access through Marlborough has the least wetland impact, stream stats did not apply as there is no channel on the USGS maps- they have determined the stream in Marlborough is intermittent., included flatter maintenance area around detention basin, test borings indicate there is a 4' separation from the bottom of the detention basin and the water table. The fence around the basin will be gated, the Commission noted that the fence could have critter holes to allow movement through the basin.

Mr. DiPersio noted that they have adjusted their stormwater calculations to address DEP's concerns and will make the construction tracking pad longer per the City Engineer.

Also discussed were the construction sequencing plan, SWPPP, snow storage on pavement only and how much export or import there would be on the site. Chairman Clancy asked about whether they have received permission to tie into the city's water and sewer system. Mr. Robinson explained that he thought they were close, if for any reason they can't tie in, they will drill a well for water and install a septic system.

The hearing was closed, and the Commission continued the public hearing to Sept. 6, 2018 to review the "draft" conditions.

Certificates of Compliance:

- 212-817 71 Dufresne Dr. – full certificate - Ms. Ryder said she inspected the site and all is in order in accordance with the Order of Conditions. The Commission voted 6-0 to issue.
- 212-942 Unit 6 Shane's Lane Condominium - Ms. Ryder noted that one unit in this condominium is for sale. There are still a few items, such as cleaning the detention basin and providing an as-built plan for the development that still need to be met. The Commission agreed to issue a partial Certificate of Compliance for unit 6 only and asked Ms. Ryder to notify the condo association to close out this permit before any future sales of units or property. (The lawyer representing the seller was present and indicated that the condominium president was Deborah Hoyte and he provided her number). The Commission voted unanimously 6-0 to issue a partial Certificate of Compliance for Unit 6 only.
- 212-1117 Preserve at Ames – (aka: Talia and Brookview Apartments) - Mark Arnold of Goddard Consulting Inc. was present and reviewed his request for a Certificate of Compliance submittal which included photos (which he showed) of the wetland replication area and the wetland areas that were stabilized close to the wetland around the entire site. They have meet all the requirements of the Order of Conditions, the contaminated soil was buried, and deed language has been recorded. The replication areas have flourished and are in good shape after 2 years, the wetland restoration area is

also healthy. Ms. Ryder noted that she has also inspected the site on Monday and everything seems to be in order. The Commission voted unanimously 6-0 to issue a full certificate of compliance for this project.

- 212-1183 329-331 Boston Post Rd. – storage facility – Ms. Ryder noted that she had inspected the site and the Commission noted they would like to do an inspection as well. They chose 8:30 AM on August 23 to do the inspection. This item was continued to the next meeting.

Extension Permits:

- 212-1157 890 Boston Post Rd. East – Order of Resource Area Delineation – Ms. Ryder noted that she had not been able to check the site but will do so before the next meeting. This item was continued to the next meeting.

Correspondence:

- Letter to Dave Johnson, RE: Wetland violation notice – Enforcement Order to repair Glen St. culvert washout, Request for Determination of Applicability – Glen St. reconstruction - \$100 fine. The Commission voted unanimously to ratify this violation notice.
- Vegetation Management Notice – DPW – Date of treatment June 28, 2018 thru Oct. 12, 2018 – street maintenance - this item was accepted and placed on file.
- Guide for Members of Public Boards and Commissions- this item was accepted and placed on file.

Other Business:

- Washouts from thunderstorms: Ms. Ryder noted that over the past two weeks there have been some significant thunderstorm rain event. There were washouts at the following locations:
 - Leolis Dr. & Bracken Dr. – roadway construction, mud and stone washed down the street. Most of it was captured in the street. Mr. Demers indicated that it is the contractors' responsibility to control the runoff from these events.
 - Bolton St. – Mud, sand and stones washed into the boat ramp and the drain outlet into the lake. Again, it was noted that it is the contractors' responsibility.
 - New Elementary School - Muddy/silty water left the site and drained down the hill into Red Spring Rd. and made a mess on Red Spring Rd. and two abutting properties.
 - Maple St. reconstruction – muddy water and LOTS of water came down through Maple St. from the drain that flows under the Kennedy's Restaurant Parking lot.

The Commission discussed each of them and noted that the contractor is responsible for cleaning up any mess and is also responsible for notifying the Conservation Officer if there is an issue. They asked that \$100 fines be issued for each of these projects to the contractor in charge of the project, as they are the responsible parties. Ms. Ryder will send these notices out next week.


- Violation Notice – 12 Rose Pointe - Ms. Ryder noted that when she was inspecting 10 Rose point, she noted the next-door neighbor had cleared and was grading their back yard. Ms. Ryder sent the homeowners a letter and will be meeting with them next week. The homeowners will attend the September 6th agenda.
- Associate Member: Kelly Linquist was present, she had attended several meetings early in the year and has expressed an interest in learning more about the Conservation Commission. The Commission

noted that as an Associate Member she can participate in the discussions but will not be able to vote. She agreed, the Commission welcomed her aboard.

Next Meetings - The next meeting is scheduled for Sept. 6, 2018.

Adjournment: There being no further business, the meeting was adjourned at 8:43 PM

Respectfully Submitted,

A handwritten signature in cursive script that reads "Priscilla Ryder". The signature is written in dark ink and is positioned above the printed name and title.

Priscilla Ryder
Conservation Officer