

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

Minutes

November 1, 2018 (Thursday)

Marlborough City Hall – 1<sup>st</sup> floor Committee Room

7:00 PM

**Present:** Edward Clancy- Chairman, John Skarin, Karin Paquin, Allan White, William Dunbar, Dennis Demers, David Williams, and Priscilla Ryder Conservation Officer.

**Absent:** none

**Acceptance of Minutes:** The minute of September 6, September 20 and October 4, 2018 were reviewed and unanimously approved.

**Public Hearings:**

**Request for Determination of Applicability**

**382 Stearns Rd. – Jason and Kerry Mahoney-owners**

Mr. Jim Cross, the contractor and Mr. Mahoney, were present. Mr. Cross explained that they want to replace the deck with something that is 1.5' wider and longer. They will need to replace everything since it is not to code. New sona tubes will be installed as the footings. All work is outside the wetland and on existing lawn or deck area. They acknowledge they are in the 20' buffer zone, but aren't altering anything that isn't already cleared. Ms. Ryder noted she has visited the site. The house and deck were built prior to the city's 20' wetland setback policy. She noted no "new" work is being done in the resource area or area that is not already being maintained. The Commission asked about the proximity of the work to wetlands and where any excess materials will go. Mr. Cross indicated that all excess materials would be removed from the site. After further discussion the Commission voted unanimously 7-0 to issue a negative determination of applicability with standard conditions.

**Request for Determination of Applicability (continuation)**

**Howe and Valley Streets – Marlborough HUB LLC**

Jacob Lemieux of Hancock Engineering was present. He recapped that this is a housing subdivision project containing 8 units. A portion of the property lies within the 100' buffer zone to a wetland that runs through the adjacent Design Pak apartment property. At the previous meeting the Commission raised concerns about the old railroad bed location and possible soil contamination. They hired ENSTRAT to do some test holes to test the soil the results were provided to the Commission prior to the meeting. The tests showed no oil or coal tar contamination. No rails or ballast remain and had been removed a while ago. Most of the site appears to be fill, so no "original soil" seems to remain. The Commission asked if there was a plan showing the test pit locations. Mr. Lemieux indicated he would provide it electronically the next day. The Commission asked if they had tested for arsenic and lead which were often used in herbicides when the railroad was active. Mr. Lemieux explained that they weren't intending to disturb the old rail road bed location and also, they have located the infiltration basin outside of this area. However, if soils look suspicious ENSTRAT has a note on how to manage such soils as outlined in the report. There was discussion of removal of the invasive Japanese Knotweed as well as other invasive plants and removal of these would be advantageous for the future home owners

and the environment, therefore the Commission suggested a condition that would allow landscaping to the wall, in addition to requiring the testing of the soil for arsenic and lead. After some discussion, the Commission voted unanimously 7-0 to issue a negative determination with standard conditions and those noted above regarding landscaping and testing for arsenic and lead. The Commission asked that the document be held until the test pit locations have been provided.

#### Notice of Intent- 212-1202 (continuation)

##### 186 Reservoir St. – Fabriana Menezes

Mrs. Menezes was present and explained that her engineer has provided some revised plans. One which clearly marks the 30' setback from the water per the Floodplain and Wetlands Protection District requirements. She also had plans that showed the driveway location, one is within 2' of the 30' setback, the second one honors the 30' setback from the waterline. The first allows a better turning maneuverability. She asked if she could split the project in two, one for the deck and the next for the addition and driveway. The Commission noted that if the plans change again based on her conversations with her consultants, she would need to come back and reopen the hearing. An easier solution would be for her to file an Request for Determination of Applicability (RDA) for the deck, so that can be approved separately from the Notice of Intent (NOI) for the addition and the driveway. Mrs. Menezes also noted that she may need to go to the Zoning Board of Appeals as well for the building setback requirement. After some discussion the Commission voted to continue the hearing to the 2<sup>nd</sup> meeting in January – January 17<sup>th</sup>. With the applicant's consent the hearing was continued to January 17, 2018.

#### Violation

- 12 Rose Pointe – The homeowner, Mourad Boudoukara, appeared regarding the violation notice he received – he apologized for not making it to the previous meetings, he was out of the country. The Commission noted that if he lets the vegetation come back in the spring, Ms. Ryder can evaluate whether additional plantings to restore the buffer zone will be needed. Ms. Ryder will inspect in May. Ms. Ryder will notify owner on May 1<sup>st</sup> to set up a time for inspection.

#### Draft Order of Conditions

- DEP 212-1204 - 249 Lakeshore Dr. The Commission reviewed the draft Order of Conditions to this property, they made a few changes then **voted unanimously 7-0 to issue the Order of Conditions as written and amended.**

#### Certificates of Compliance

- DEP 212-1149 Elm Street Culvert – City of Marlborough - FULL - Ms. Ryder noted that the area next to the stream near Millham Brook does not have any grass or vegetation on it yet. The Commission noted that this needs to be loamed and seeded before a Certificate of Compliance can be issued. Ms. Ryder will convey.

- DEP 212-645 and DEP 212-631 – Simmons Rd. - Ms. Ryder noted that when she pulled the file the Certificates had already been issued, so she was able to address their request.

#### **Correspondence/ Other Business**


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

- Letter from DCR 8-21-18 Re: Forest Cutting Practices Act clarification
- Environmental Notification Form (ENF) – Parcel G Hayes Memorial Dr. – Cross Roads Industrial Park, comments due Nov. 13, 2018. Ms. Ryder noted that she has looked at the document briefly, the trigger appears to be Natural Heritage and Endangered Species protection issues due to work proposed in Northborough. A Conservation Restriction in Northborough is proposed to protect a larger piece of the property for future protection. There may not be any significant issues in Marlborough related to the ENF.
- Dog owners make Good Dogs – sample brochure for Conservation Land – Ms. Ryder noted this is an example on what could be used at properties that have dog “poop” issues.

**Next meeting** - November 15, 2018

**Adjournment** - There being no further business, the meeting was adjourned at 8:35 PM .

Respectfully submitted;

  
Priscilla Ryder  
Conservation officer