

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minute  
March 21, 2019 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

**Present:** Edward Clancy-Chairman, Allan White, David Williams, Karin Paquin, William Dunbar  
Also present was Priscilla Ryder, Conservation Officer.

**Absent:** Dennis Demers and John Skarin

**Acceptance of Minutes:** The minutes of March 7, 2019 were reviewed and unanimously accepted as written.

**Surprise presentation:**

Mike Howard, President of the Mass Association of Conservation Commissions (MACC) and Lee Curtis on MACC Board of Directors were present and asked for some time to present some awards. Ms. Curtis explained that at the March annual conference the Long Time Service Award was given to Allan White for his 40 years of continuous service on the Conservation Commission. She noted that because it was snowing, and Mr. White does snow plowing he couldn't attend the conference to receive the award in person. Because it is such a commendable accomplishment, they wanted to come forward and deliver the award to him in person tonight. She read a short statement on his accomplishments during his 40 years of service, and his thoughts on the future of conservation. Ms. Ryder then read a citation from Mayor Arthur Vigean commending Mr. White on his 40 years of dedicated service.

Before they concluded however, Mr. Howard also asked for a little more time to recognize Edward Clancy for his 50 years of service on the Conservation Commission. Mr. Clancy was also provided with a Long Time Service Award as well. He had received recognition on his 40<sup>th</sup> year anniversary too, and now he is again recognized for his ½ century of service on the Conservation Commission. Ms. Ryder also read a citation from Mayor Arthur Vigean commending Mr. Clancy on his 50 years of continuous service to the Commission.

Both men were congratulated and thanked for all their hard work and dedication to protecting wetlands, waterways and open space in the city. Being a Conservation Commission member is a job both men have taken on with much dedication, commitment and conviction to protecting the natural world around the city and making sure that development is done right to preserve the natural environment.



## Public Hearings:

### Notice of Intent

#### 123 Felton St. - 123 Felton St. LLC

Paul Matus (?) and Phil Cordeiro of Allan & Major Assoc. Inc, were present. Mr. Matus (?) explained that they have been hired to design an addition to the property which will include a new loading dock and they will also reconfigure the existing parking lot to accommodate the new addition. The wetlands were flagged on January 2019 by Ecotech. The plans show the 50' no disturb buffer zone as required in the Water Supply Protection District (WSPD), in which this property falls, and shows the 100' buffer zone. The site contains two existing detention basins. The addition will add 660 sq. ft. of additional impervious surface which will be mitigated by the installation of a subsurface infiltration system. They will meet the 80% TSS removal rate required to improve site conditions. Ms. Ryder noted that she has checked the wetland boundary as shown and it is satisfactory. The wetland exists at the base of the slope parallel to the highway. Mr. Cordeiro explained that he had received comments from the City Engineer and they will be addressed shortly, they were minor in nature and won't change the overall layout as presented. The property has been sold to an engineering firm which hopes to move in on September/October time frame. He also noted that the test pits for the infiltration system that were just done will be analyzed and any changes needed to the plans would be added. They will not be using any chemicals on site and therefore are not in conflict with the WSPD requirements. After some discussion, the Commission discussed the erosion controls, noted that no non-native invasive plants are to be planted. The discussion was opened to the public. Mr. Sanders of 88 Felton St. noted that the lights from one of the parking lot island lights shines into their home. Mr. Matus noted they would be in touch and would address that issue. There being no further comments the hearing was closed. Ms. Ryder was asked to draft a set of conditions for the next meeting for review.

### Notice of Intent (Continued)

#### 186 Reservoir St. – Fabriana Menezes

Andy Baum is a landscaper who was present to represent Ms. Menezes tonight. He noted that he has a plan this evening showing the proposed patio under the deck and a new propane tank location. He explained that at this time they will NOT be asking for approval of the addition as noted in the NOI, tonight they are ONLY asking for approval of the deck, patio and propane tank all of which are outside the 30' setback from the lake as required by the Floodplain and Wetland Protection District. A small portion of the patio does extend into this 30' zone, however, per the building inspector, a patio is not considered a structure under the code, so it can extend into this area. The Commission noted that the propane tank location and piping would need fire and building department approval. They wanted to be sure the gas line and sewer line crossing were acceptable. After some discussion, the Commission asked Mr. Baum to have a plan showing just the deck, patio and propane tank provided at the next meeting, this way the Commission can approve a specific plan and there will not be any confusion. The Commission noted that the proposed addition and the proposed driveway



would require a new wetland filing, when and if that is to go forward. Mr. Baum understood and will work with Ms. Menezes to get a revised plan before the next meeting. Ms. Ryder was asked to draft a set of conditions for review at the next meeting as well. The hearing was continued to the April 4<sup>th</sup> meeting.

#### **Discussion:**

- DEP 212-1198 150 Hayes Memorial Dr. – minor change to plans – Scott Weiss, from the Gutierrez Company, and David Robinson of Allan and Major were both present. Mr. Weiss explained that after the Order of Conditions was issued, they made some minor changes to the detention basin and removed the excess parking that had originally been proposed. He provided a letter and revised plan showing the changes. The footprint of the work area and the limit of work are all the same. The detention basin is being brought closer to the access driveway and the stockpile will be in the back. There was some discussion of adding trees and naturalizing the fill pile. After some discussion, it was agreed that a meadow or forest mix will be used on the fill slopes to stabilize and “naturalize” this slope over time. The Commission voted unanimously 5-0 to approve the changes as noted in the letter and the revised plans as minor changes not requiring a formal amendment.
- Snow removal protocol – Apex Center. Ms. Ryder noted that she has drafted the snow removal protocol for the Apex Center and it has been reviewed by Kevin Eriksen of Apex who had no concerns with the protocol as drafted. The Commission reviewed the protocol and draft letter and voted unanimously 5-0 to approve the plan as written. Ms. Ryder will send to Mr. Eriksen.

#### **Certificate of Compliance**

- DEP 212-903 150 Hayes Memorial Dr. – Letter from Fred Litchfield, Town of Northborough, dated Feb. 4, 2019 RE: Request for a Certificate of Compliance – Algonquin Regional High School, sewer connection. Ms. Ryder noted that she has walked the site with the Northborough Conservation Agent, Mia McDonald. The wetland replication area was not apparent given the amount of time that has lapsed, however with the delineation done for 150 Hayes Memorial Dr. and comparing that wetland line with the line established for the forced sewer connection from the Algonquin School it appears that the wetland is in fact larger than the original replication area required. After some discussion, the Commission agreed with the letter as presented and voted unanimously 5-0 to issue a full Certificate of Compliance for the work that was regulated under this Order of Conditions.
- DEP 212-514 22 Hutchinson Dr. (Lot 9) - Pinewood Subdivision – Partial Certificate of Compliance. Ms. Ryder noted that this subdivision has been done for a while and the Order of Conditions for this lot was released some time ago. She recommended a partial Certificate of Compliance be issued for this lot to clear the title. The Commission voted 5-0, unanimously, to issue a partial Certificate of Compliance.



- DEP 212-971 22 Hutchinson Dr. (Lot 9) – sewer work – Partial Certificate of Compliance. Upon doing research Ms. Ryder discovered that the sewer line was never connected into Hutchinson Dr. next to this lot, so it was never constructed here, therefore a partial certificate of compliance is recommended. The Commission voted 5-0, unanimously, to issue a partial Certificate of Compliance.

#### **Draft Orders of Conditions**

- DEP 212-1208 150 Cedar Hill St. – Ken's Foods, Inc. the Commission reviewed the draft order of conditions for this project. They voted unanimously 5-0 to approve the conditions as written.
- DEP 212-1156 85 Dufresne Dr. – Amend Order of Conditions the Commission reviewed the draft Order of Conditions for this project. They voted unanimously 5-0 to approve the conditions as written.

#### **Violation:**

- Letter to Mike Harrington, dated March 11, 2019 RE: Fine associated with Violation Notice – 85 Dufresne Dr. (Lot 12) DEP 212-1156)- The Commission reviewed this violation notice. They approved it and voted unanimously 5-0 to ratify this violation notice.
- Lake Williams tree clearing - Ms. Ryder noted that the DPW has done some clearing near the court house which appears to be within the wetland area. Lots of trees were removed. She showed the Commission some pictures. It was agreed that the work must Cease and Desist until such time it can be reviewed by the Commission. Chairman Clancy and Ms. Ryder would meet with the DPW director to review this violation and determine the remedy.

#### **Discussion:**

- Lot 10 Dufresne Dr. - Fafard RE developer has indicated they would like to add a retaining wall and regrade the yard, so it can be maintained. The Commission asked that a formal request for a minor change letter be submitted for the next meeting

**Next Meetings** - April 4, 2019 (Thursday)

**Adjournment:** There being no further business, the meeting was adjourned at 8:50 PM

Respectfully submitted.

  
Priscilla Ryder  
Conservation Officer