

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
April 4, 2019 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Present: John Skarin, acting Chairman, David Williams, Dennis Demers, Karin Paquin and William Dunbar. Priscilla Ryder-Conservation Officer was also present.

Absent: Edward Clancy and Allan White

Acceptance of Minutes: The minutes of March 21, 2019 were reviewed and unanimously approved 5-0.

Public Hearings:

Request for Determination of Applicability

130 Lizotte Dr. – Comcast Co.

David Flewelling from Dewsnap Engineering Associates LLP representing Comcast was present and explained that his company is proposing to install conduit and four vaults from 46 Lizotte Dr. to 130 Lizotte Dr. which is the end of the road. Some work is within the buffer zone and riverfront area to Millham Brook. Erosion controls will be installed prior to work along the work area. Catch basins will be protected with inlet controls. The work will be performed in the roadway shoulder. They are aware that there are power and telephone utilities in the roadway which will be marked by dig safe. They will lay a conduit, any excess material from the trench will be removed from the site. The vaults are a bit larger and have been located outside of the 100' buffer zone. They expect to start work in May and it should take about a week. After a brief discussion about other utilities in the roadway, the hearing was closed. The Commission voted unanimously 5-0 to issue a negative determination with standard conditions.

Request for Determination of Applicability

488 Farm Rd. - Luis Torres

Luis Torres was present and explained that he wants to clear invasive plant vegetation and plant trees and shrubs and add a shed and fence within the Riverfront Area and buffer zone of Mowry Brook. He provided the Commission with photographs of his yard and identified the location of the items he wants to add. These included: adding fruit trees along the edge of the river, removing invasive plants along the bank, adding two sheds, a fence and extending the driveway. The Commission discussed the Riverfront area requirements and the need to have vegetation along the bank of the brook to stabilize the bank. After some discussion, it was agreed that a planting plan for the bank would be required. Mr. Torres will work with Ms. Ryder to come up with a plan. The Commission decided a site visit was needed and set Tuesday April 9 at 4:00 PM as the time for the site visit. The hearing was continued to the next meeting on April 18th.

Request for Determination of Applicability

431 Bolton St. – Marlboro High School - The City of Marlborough DPW

Meg Mazinski of Activitas was present representing the city, she explained that the city is proposing to renovate the existing soft ball field by installing an infilled synthetic turf field system on Poirier Dr. next to wetlands. The wetlands had been delineated and is on two sides of the field. The field will only encroach a small amount on the edge of the 100' wetland buffer zone. The design includes an extensive drainage system which is part of the turf field. There will be two outlet flared ends which will have rip rap to dissipate flows. The side ditch between the field and the skating rink were determined not to be wetland, this area will be maintained to allow for the water to continue to drain along this edge. The area of disturbance will be over one acre therefore a SWPPP and EPA construction permit will be needed.

Some tree clearing along the fence line is needed – two trees on the side and two trees along the back are covered with bittersweet and need to be removed. Other branches that are overhanging the field need to be trimmed back. They will be adding a new dug out areas and accessible walkway to the fields. New trees will be added along Poirier Dr. to replace the trees that need to be removed to allow for the slope grading. They will maintain a 6' wide area behind the fence to allow for mowing and weed removal around the fence. Lots of material and top soil will be removed from the site, most likely to the evergreen cemetery. No stockpile of materials is proposed on site. The Commission discussed the ditch, the flared end detail which needs to show grading, soil borings and the fact that this area was filled, so they might find some big rocks. After some discussion the Commission voted unanimously 5-0 to approve the project with the following conditions: 1) trees along Poirier Dr. must be replace, 2) the two outlet structures must be field located and inspected prior to installation, they must extend down the slope far enough to avoid any erosion, 3) tree trimming and removal to allow for a 6' wide clearing behind the fence is acceptable; 4) straw wattles and silt fence should be the erosion controls, these along with the normal standard conditions about notification when work begins and ends.

Notice of Intent (Continued) – Review draft Order of Conditions) DEP 212-1202

186 Reservoir St. – Fabriana Menezes

Robson Oliveira was present representing the owner. As required at the previous meeting, he provided a revised plan that was dated 4-1-19 showing ONLY the deck, patio and propane tank location. No addition is proposed at this time. The Commission asked if the gas line crossing the sewer line was an issue. Ms. Ryder noted that was likely a plumbing inspector or engineering question. Patio blocks that are pervious will be used, silt fencing and erosion controls need to be reestablished and in place until everything is stabilized. After some discussion, the hearing was closed. The Commission then reviewed the draft conditions and voted unanimously 5-0 to issue the Order of Conditions as drafted and amended.

Discussion:

- Lake Williams clearing – wetland violation notice - Ted Scott, Justin DeMarco, and Tom DiPersio all from the DPW were present. Mr. DeMarco explained that the DPW had done some clearing below the beach trees off Williams St. and was attempting to remove bittersweet which was choking out some trees behind the Court House. The goal was to reveal the beach trees and add grass up to the court house. They had thought the wetland was further down the slope and inadvertently cleared some wetland areas. He explained that they are ready to do whatever restoration is needed and would like to get guidance from the Commission on what is permitted as they move forward with the project. He apologized for having made this error. He explained that the Beach Trees are susceptible to a blight and the trees on the corner have been injected to help save them. He would like to stump the area behind the beach trees and below the court house, so they can mow and maintain this area to keep the bittersweet from returning.

Ms. Ryder showed some photographs of the area and the wetland flag locations she had marked in the field. A small area of wetland was cleared, the remainder of the work was in the 50' no disturb buffer zone (Water Supply Protection District requirement) and the 100' buffer zone. Mr. Demers stated that the wetland area hasn't been grubbed and will likely grow back. He would like to see what returns before requiring new plants to be added. Mr. DeMarco noted that he can provide a long-term plan for maintenance of this area. Ms. Ryder noted that if the Court House is amenable, the trail location can be relocated, so it is more outside the wetland. Originally it was hugging the property line which was marginally wet. The Commission was in general agreement with the overall goals and noted that the area outside the 100' buffer zone can be stumped and seeded. The area within the Commission's jurisdiction needs some further review and a plan that the Commission can review and approve. A site walk was scheduled for Tuesday April 9th at 3:00 PM several members plan to attend. The meeting was continued to the next meeting.

- 159 Langelier Ln. – wetland violation - Ms. Ryder explained that the owners had requested information on a pool and upon inspection, she found that they had done lots of work in the back yard near the brook and issued the violation notice. An Notice of Intent (NOI) will be forthcoming from the owner soon. All work has stopped.

Certificate of Compliance

- DEP 212-1179 176 Farm Rd. (never started) - Ms. Ryder noted that a new Order of Conditions was issued for a different house on this lot. This particular project was never started but needs to be cleared from the deed. The Commission voted unanimously 5-0 to issue a Full Certificate of Compliance noting that the project never started.

Order of Conditions- Notice of change

- DEP 212-1155 81 Dufresne Dr. (Lot 10) –Fafard Real Estate (FRE) Dev.
Brian Hassett of Guerriere and Halnon who is working for FRE explained that they would like to make some minor changes to the back-yard grading and side yard next to the wetland. Any changes need to be reviewed and approved by the Commission. The Commission reviewed the plans they provided. Ms. Ryder had some photographs of the site. The Commission noted that the side retaining wall, if it is only 2-3', will not create a slope that can be maintained or used. They suggested terracing the slope with two walls. They also noted that the wetland marker is on the upslope side of the silt fence, which means the erosion control is "inside the 20' buffer zone". The silt fence must be adjusted. The Commission asked Mr. Hassett to make the changes to the plan for the next meeting. This item was continued to the next meeting.

Draft Orders of Conditions:

- 123 Felton Street – DEP 212-1209 The Commission reviewed a draft Order of conditions and made some slight changes. The Commission unanimously 5-0 approved the Order of Conditions as drafted and amended.

Correspondence/Other Business:


The following documents have been submitted to the Commission, they were reviewed, and the Commission voted to accept and place on file:

- Chris White - DPW – Yearly Operational Plan 2019-
- E-mail from Mark Dascoli – dated March 22, 2019 RE: Construction Season 2019

Next Meeting - April 18, 2019 (Thursday)

Adjournment- There being no further business, the meeting was adjourned at 9:12 PM.

Respectfully submitted;


Priscilla Ryder
Conservation Officer