

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

July 25, 2019 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

Present: Ed Clancy - Chairman, Dennis Demers, John Skarin, William Dunbar, Allan White, also present was Priscilla Ryder Conservation Officer.

Absent: David Williams and Karin Paquin

Approval of Minutes: June 20, 2019 were reviewed and unanimously approved 5-0.

Public Hearings:

Abbreviated Notice of Resource Area Delineation

Simarano Dr. – Andrew Montelli

Post Road Residential Inc. - Requests confirmation of the wetland resource areas on the site under the State Wetlands Protection Act at the property on Simarano Dr. Shown as Map 116 Parcels 5, 11 and 12 on the city's assessors maps. At the applicants request this item was continued to the August 8th meeting in order to allow time to finish review of delineation in the field and to adjust the line according to the changes made in the field by Ms. Ryder, Ms. Paquin and Mr. Dunbar.

Amend Order of Conditions (212-1156)

85 Dufresne Dr. – Lot 12

Dale McKinnon from Guerriere and Halnon was present representing the owner Fafard Real Estate - West Hill LLC. He explained that the owner requests to amend the Order of Conditions 212-1156 to regrade the northern side yard and extend a drainage outfall pipe near wetlands. They realize they will need to extend the easement area around the drainage pipe to do this work as well. The Commission noted this would require engineering approval. They want to do some selective clearing all the way to the property line. No large trees were to be removed. After some discussion the Commission noted that they would like the selected trees to be tagged, erosion controls shown on the plan and the easement area shown on the plan as well. Mr. Clancy noted that this is a marginal lot to begin with. Mr. Demers recalled that the Commission had noted previously that there should be no change to this plan once it was approved, and he is not in favor of making any changes to this plan. After some discussion the hearing was continued to August 8th, to allow for a better plan and marking of the trees in the field.

Notice of Intent**Lakeshore Dr. (Map 6 Parcel 81) – Regina Marksteiner**

Seth Donahoe was present as well as Regina Marksteiner the owner. Mr. Donahoe reviewed the plans and showed the location of the 100' buffer zone, new house and foundation which steps into the hill, the infiltration area which will recharge all the site stormwater, sewer and water are available on the street. They have shown the 20' no disturb zone but will not be clearing closer than 40' to the lake. Erosion controls will be along the approximate 40' line as shown on the plan. The Commission discussed the small existing timber wall, the grading and cuts and fills. They discussed whether the existing timber wall would be rotting, and would it slump and be a future problem? They discussed the foundation walls and different heights, construction sequencing, wall definition, cross section of the building on the hill. The abutter at 297 Lakeshore Dr. noted that the timber retaining wall has been there a while and could need replacing. After some discussion the Commission continued the hearing to August 8th in order to have Mr. Donahoe provide the information requested.

Request for Determination of Applicability**24 Hager St. – Lourival Santos**

Mr. Santos presented a plan to add a small addition to his house that is 60 feet away from the wetland and outside of any floodplain. The addition will have a foundation of concrete and is within the existing lawn. All excess materials will be removed from the site. As this work is minimal in nature the Commission closed the hearing and voted unanimously 5-0 to issue a negative Determination with standard conditions for erosion controls and notification of Conservation Officer prior to beginning work, and stabilization once work is completed.

Draft Order of Conditions:

- 159 Langelier Ln. – DEP 212-1210 The Commission reviewed the draft Order of Conditions as provided and voted 4-0 to approve the Order as written (Mr. Clancy abstained since he wasn't at the previous hearing).

Certificates of Compliance:

- DEP 212-1077 652 Stow Rd. – full certificate. Ms. Ryder noted that this was a drainage improvement project behind this home. All is in order and everything is stable. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance for this project.

Discussion:

- Re-Sign License Agreement renewal haying on the Felton Conservation Land – Donald Wright - Ms. Ryder noted that at a previous meeting the Commission signed a form, but it was not the form signed by Mr. Wright. The Commission unanimously signed the correct license agreement.

Violation:

- Avalon Marlboro II – off Simarano Dr.
Tony Sanchez project manager for the Avalon Marlborough II project was present and explained what had happened during the rain event which caused the wetland violation. He introduced Luke Bouche and Eric Olson from VHB who are the wetland/erosion control consultants for the project. Several site workers from Lynch Construction were also present as well. Mr. Bouche showed a plan and provided an overview of the current site conditions and actions that have been taken since the rain event that washed out areas of the site. He noted that this project did not have an Order of Conditions previously because all work was being performed outside of the 100' buffer zone. He noted that because of the wetland violation and the violation notice provided that they will be working on and submitting a Notice of Intent (NOI) shortly to meet the conditions of the violation notice. Because of the silty soil on the site they have brought in some construction grade fill to cover this clay soil to help stabilize the site. The plan showed the areas that have received the treatment, and the additional erosion controls to be added. Mr. Olson explained that he has been submitting the SWPPP reports and photos and he explained how the violation that occurred on June 20th and the corrective measures they have put in place since then, some additional basins and pumping systems. After some discussion, the Commission noted that they would see them at the next meeting for the NOI but asked that they stay on top of the erosion controls and stay ahead of any weather going forward.

Correspondence:

The following correspondence was reviewed and voted to be placed on file:

- Letter from Civil & Environmental Consultants, Inc. – dated June 26, 2019 RE: Marlborough – Stormwater Management System, 791 Boston Post Rd. CEC Project No. 186-038.
- Letter to Arthur Vigeant, Mayor – dated July 8, 2019 RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund DuPont Electronics & Imaging.
- Project Narrative – form
- Circulation to Commission Members - MACC Wetlands Buffer Zone Guidebook

Other Business:

- 148 Phelps St. - Ms. Ryder noted that the owner of this lot would like to subdivide the lot into two lots, however there is riverfront area on the second lot he wants to create and he wants to know if he can proceed with filing. The Commission noted that in the Riverfront Area they would need a 100' no disturb zone which it doesn't look like they have. Ms. Ryder will convey same.
- Byrnes Field – Ditch maintenance – Ms. Ryder noted that in walking the site with Chris White it appears that the ditch around the edge of the field has grown in and they would like to maintain it as part of the permitted project.

Adjournment: As there was no further business the meeting was adjourned at 8:46 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer