

CITY OF MARLBOROUGH MEETING

Conservation Commission

Minutes

January 7, 2021 (Thursday)

Chairman Edward Clancy opened the meeting and read the announcement that the meeting was being held virtually due to the COVID-19 pandemic as required by the Governor, and that the meeting was being held on the Microsoft Teams platform and was being recorded as outlined on the agenda.

Present: On a roll call vote with the following yeas: Edward Clancy, David Williams, John Skarin, and Karin Paquin were remote. William Dunbar arrived after the minutes were approved. Allan White, Dennis Demers and Priscilla Ryder-Conservation Officer were in Memorial Hall. All 7 members were present.

Absent: none

Approval of Minutes: The Commission reviewed the minutes of Nov. 19th and Dec. 3rd, 2020. Mr. Skarin made a motion to approve, second by the Chairman. It was voted unanimously to approve 6-0 on a roll call vote all yeas: Edward Clancy, Dennis Demers, Karin Paquin, John Skarin, Allan White, David Williams. (Mr. Dunbar arrived after this vote). (Note the meeting of Dec. 17, 2020 had been postponed due to a lack of a quorum)

Public hearings:

Notice of Intent – (Continued from Nov. 18, 2020 meeting)

146 Phelps St. - Delray Realty Trust

Mr. Parente was present representing the owner Delray Realty Trust, Dave Winski. At the last meeting the Commission discussed the Riverfront Area restrictions. Tonight, Mr. Parente wanted to confirm that the wetland boundaries as shown on the plans are approved, and if so, he will redesign the new barn structure to meet the requirements. Ms. Ryder and Ms. Paquin confirmed that they had inspected the Bordering Vegetated Wetland (BVW), Riverfront flags, and Ms. Ryder shared the 100-year floodplain map as well. After some discussion, the Commission members confirmed that the wetland resource areas shown on the plan are accurate. The abutters Gerald and Karin Flynn expressed concern that they don't know yet what it will look like and wanted to confirm the use of the space and wanted assurance it would not be a living space. Chairman Clancy noted that new plans are to be submitted and noted the concern. The hearing was continued to the February 18, 2021 meeting to allow time for the applicant to revise the plans.

Notice of Intent – Continued from Nov. 18th, 2020

2 Spring Ln. - Michael Matros

Mr. Bob Parente, the project engineer, and the owner Michael Matros were present

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Ms. Ryder reviewed the comments that had been provided by DEP regarding whether Ch. 91 shoreline access permit or a wildlife habitat evaluation was needed, because they are disturbing more than 50' of the bank along Ft. Meadow. Ms. Ryder confirmed that a Ch. 91 permit was not needed as Ft. Meadow is not a "Great Pond". Mr. Parente asked if the Commission could evaluate whether wildlife evaluation is required. Ms. Ryder reviewed the bank regulations at 310 CMR 10.54 with the Commission. The Commission concluded that the existing rock piles old wall along the shoreline aligns with the regulations pertaining to a man-made wall. Therefore, the performance standards are that it prevents erosion of the shoreline and contain the floods at the water's edge. The owner, Mr. Matros, indicated that he has only lived in the house a few years, but they continue to lose soil from their yard into the lake because the wall is in such disrepair. Mr. Parente indicated they would like to put up an interlocking block wall that is 18" buried, to reveal 12" more or less, but will match the existing contours so there is no filling or alteration of the 100 year floodplain which is located at the 262' elevation as shown on the plan. After discussions about the wall replacement and the eroding shoreline, the Commission agreed that no wildlife habitat evaluation would be necessary, and the wall could be replaced as long as it did not impact the floodplain. The Commission asked for a wall detail on the plans.

The second item that was discussed was the **sewer connection**. Ms. Ryder noted that City Engineer DiPersio had asked why the current pump system couldn't be used. Mr. Parente indicated they'd like to tie into the sewer as shown which works on gravity. After some discussion about the proximity of this connection to the lake and dewatering needed, the Commission asked Mr. Parente to contact the City Engineer to be sure this design was acceptable, and to move the sewer connection as far away from the water as possible. It was also recommended that they install a backflow preventer to ensure the trunk line can't back up into the house. Sewer connection need to check with engineering to confirm this connection work.

After further discussion about the minor house plan changes and the inclusion of the foundation drain, at the applicants request the hearing was continued to January 21st, at which time the applicant will provide a revised plan as noted above and any input from the City Engineer. At this next meeting the Commission will do a final review and review a draft set of conditions. The hearing was continued.

Violation/project updates:

- Goodale Estates – Jenkins Lane - Ms. Ryder noted that during the Christmas day rain event muddy water was leaving this site. She reviewed a violation notice with the Commission. After some discussion the Commission voted unanimously on a roll call vote 7-0 on a motion to approve and ratify this violation notice.

Certificate of Compliance:

- 212-1036 37 Boivin Dr. (Lot 13) - Robert DiBenedetto of Hancock Associates was present. He explained that his client is seeking a Certificate of Compliance for this house lot, however in reviewing the Order of Conditions and discussions with Ms. Ryder

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she has noted that several items of the Order of Conditions had not yet been addressed. One of which was that the revised house plan was to have received prior approval from the Commission before construction if it deviated from the area originally approved. He showed the new house footprint superimposed on the approved house footprint. The new footprint is closer to the wetlands in one area and further in others. He also showed the proposed deck which was not on the original approved plans. He also noted that the deck and walkway and retaining walls have not been completed. The commission asked about the construction of the boulder wall and if it had filter fabric in front of the wall to prevent fine soil from migrating, how will the deck footings be installed given the boulder wall location, the proposed fence as required in the Order of Conditions, the roof drain design and location of discharge, the deck footings cannot impact the boulder wall, and the stabilization of the ground- there is no loam and seed yet and everything is not stable. The Commission also noted that the erosion controls have been damaged and that they all need to be reestablished since the site won't be finally stabilized until the spring. Mr. DiBenedetto will convey all of this to the owner. The Commission asked Ms. Ryder to convey this in writing to the building commissioner too as well as the project owner to ensure all these items are addressed. The Commission noted that they would not be issuing a Certificate of Compliance for this lot until such time that everything is addressed; and the lawn area is landscaped and stable.

- 212-1037 23 Boivin Dr. (lot 14) – Mr. DiBenedetto explained that they are not ready with this one but will return when they are.


Discussion/Correspondence/Other Business - The Commission accepted the following correspondence.

- List of 2021 meeting dates.
- Revised Commission Members information

Next Conservation Commission meetings – January 21st and Feb. 4th, 2021

Adjournment: There being no further business, on a motion by Mr. White, second by Mr. Demers, the Commission voted unanimously on a roll call vote 7-0 to adjourn at 8:52 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer