

**CITY OF MARLBOROUGH**  
Conservation Commission Meeting  
**Minutes**  
May 6, 2021 (Thursday) 7:00 PM

This meeting was conducted virtually and recorded using the Microsoft Teams' platform.

Chairman Edward Clancy read the following notice: *"Due to statewide emergency actions limiting the size of public gatherings in response to COVID-19, this meeting will be held virtually with remote participation and will be closed to in-person attendance." The public can participate via Microsoft Teams. The "link" will be posted on the City's and Conservation's websites: <https://www.marlbrough-ma.gov>*

**Members Present:** By roll call – remotely: Karin Paquin, John Skarin, and Edward Clancy-Chairman.

In Memorial Hall: David Williams, Dennis Demers, Allan White, and William Dunbar. Also present was Priscilla Ryder, Conservation Officer

**Absent:** none

**Approval of Minutes:** The minutes of April 15, 2021 were reviewed. On a motion to accept and place on file by Mr. Skarin and second by Mr. White the minutes were unanimously approved 7-0 on a roll call vote.

**Public hearings:**

**Request for Determination of Applicability**

**Lake Williams invasive plant removal and forest health improvement**

Chris White and Ted Scott from the Marlborough DPW were present. Mr. White explained that he would like to remove invasive bittersweet vines and remove dead and impacted trees between the "Washington Park" corner of Main and Williams St. to behind and past the Court House to the stone wall near the small trees. He would like to remove all the invasive non-native bittersweet vines which are choking and killing the trees in this entire section. There are a few areas where reduction in tree stem density would encourage robust growth of trees and improve forest health as well. He showed the Commission some photos of the infested areas and noted that many trees have died too. He would like to remove the hazard trees including the large beach behind the courthouse. This is Phase 2 of this restoration work that began two years ago. Once the bittersweet is removed near the water's edge and inland, they would like to use goats to help keep the re-growth down and then mow it for several years before allowing more native plants to re-establish. The intent is to encourage a sweet pepper bush understory and encourage saplings to re-establish a healthy tree cover. However, with the years of



bittersweet seeds in the ground, it could take several years for these patches of bittersweet to be eradicated. The Commission discussed the machines to be used and the approach. They asked that Ms. Ryder work closely with Mr. White to ensure that the invasive plants are properly removed, including poison ivy and invasive honeysuckle. The trail is to be re-established and "uncontaminated" wood chips can be used in this area. Any bittersweet vines with any seed heads would be considered "contaminated" and would need to be removed from site and disposed of properly. The Commission emphasized that they didn't want any re-growth from contaminated wood chips, which would negate this entire project. In answer to a question about replanting trees, Mr. White suggested a wildflower mix to start which can be mowed to help "wear out" the bittersweet over several years, and after that consider replanting if volunteer plants haven't appeared. This can be evaluated in subsequent phases. There being no questions from the public and no further comments from the Commission, the hearing was closed. On a motion to issue a Negative Determination with standard conditions, and a requirement that Ms. Ryder work with DPW to identify areas needing attention, and that all "contaminated" woodchips and debris be removed from site to prevent additional spread; by Mr. White second by the Mr. Clancy. The Commission took a roll call vote and voted unanimously 7-0 to issue a Negative Determination with standard conditions.

**Request for Determination of Applicability**  
**114 Naugler Ave.- Lisa Trombetta**

Ms. Trombetta was present and explained that she wants to remove a very old, no longer functional pool and patio and restore the area back to a yard. She has wetlands just on the other side of the existing fence. Ms. Ryder noted that she had visited the site and the wetlands vary from 4-8 feet away from the fence. She noted that the 20' wetland setback policy allows for existing lawns/yards to remain, but all new construction must be 20' from the wetland. She noted the area was infested with poison ivy and bittersweet which will need to be controlled. Ms. Trombetta noted that she would like to remove the back fence entirely as it is in disrepair and just replace the front white vinyl fence. She also would like to reconstruct and repave the driveway which is also in disrepair. She would like to remove the bittersweet and poison ivy to restore the wetland buffer zone. She offered to install markers along the fence line to mark limit of work; however, the Commission decided the markers should mark the wetland line. The Commission asked questions about dewatering and to be sure only clean water enters the wetland. Ms. Trombetta indicated she was going to hire a contractor and didn't know about how dewatering was to occur. The Commission noted that this could be discussed with the contractor at the preconstruction meeting. If water is contaminated (slimy with algae) it will need to be treated or removed from site, not put into drain or wetland. Also, it was noted that the fill needs to be clean when filling in the pool area. No old construction material, just clean fill, this can be inspected during construction as well. The yard will be loamed and seeded when done. Once the fence is down the buffer area can be



evaluated to determine proper treatment and invasive plant removal. After some discussion and no comments from the public and no additional comments from the Commission the hearing was closed. On a motion by Mr. Skarin second by Mr. Clancy issue a Negative Determination with standard conditions including wetland marker installation, clean fill requirement and dewatering protocol. The motion was approved with a roll call vote with all yeas: John Skarin, Karin Paquin, William Dunbar, David Williams, Dennis Demers and Edward Clancy. Nay-none. Abstain- Allan White.

### **Request for Determination of Applicability**

#### **44 Paquin Dr. - Paquin Dr. Beach Association**

Mr. Dilip Phadke, explained that he is representing the Paquin Dr. Beach Association who would like permission to continue to maintain the beach area. They received a permit in 2005 allowing for maintenance which has expired. They want to address three maintenance areas: 1) restore the stonewall along the shoreline. The boat wave action over time has rolled these stones back into the water. With the approval of the Chairman these were restored when the lake water level was low this winter. 2) Trim the overgrowth around the shrubs and maintain the trees in the yard to remove dead branches and promote healthy growth. 3) Keep trench between 44 Paquin Dr. Beach and 38 Paquin Dr. free flowing. The Commission discussed the trench issue first and what would be needed. Mr. Phadke explained that the stones that used to line the trench have slumped and needs to be re-established. Mr. Clancy noted that the city does maintain drains and if it gets clogged the city DPW would be the one to open this up. The association can just be sure it is free flowing.

Tree maintenance would include clearing of shrubs and healthy thinning of the existing stand to keep them from creeping into the lawn. It was agreed that the photos provided would be the guide as to what is there now to be maintained. Irene Stokes an abutter asked for clarification on the trimming and "cleaning" of the property. Clarification was that no height is to be taken off the shrubs, just maintain them so they don't take over any more of the lawn and periodic thinning to keep them healthy. Lawn maintenance and filling in any potholes was permitted. The cattails along the water's edge are to remain, however the dry tops can be cut off after the winter is, however the root system should remain intact as they provide great pollution filtration benefits.

There was discussion of beach ownership, which is 14 households on the street have deeded rights to the beach. Wake board boats are also causing problems with shoreline erosion.

There being no further questions or comments from the Commission or the public the hearing was closed. On a motion, by Mr. Demers second by Mr. Clancy to issue a Negative Determination with special conditions to allow for maintenance of this property on a long term basis as follows: cattails to have the tops trimmed in fall after frost, rocks



along shoreline to be re-established, vegetation maintained to today's standard as shown in the picture which will be attached to the permit. The Commission voted unanimously on a roll call vote 7-0 to approve a Negative Determination with conditions.

### **Request for Determination of Applicability**

#### **656 Boston Post Rd. - Global Montello Group Corp.**

At the applicants request this item was continued to the May 20, 2021 agenda.

### **Amend Order of Conditions (212-1193)**

#### **149 Hayes Memorial Dr. - Marlborough/Northborough Land Realty Trust**

Israel Lopez of Gutierrez Co., Jen Howe and Will Park from SMMA, Mark Arnold of Goddard Consulting and Vern Kakosa of Sanborn Head (Geotech engineer) were all present virtually. Mr. Lopez explained that they want to amend the existing Order of Conditions (212-1193) with a revised site plan showing a new building layout. The work near the wetland is almost the same except for a change in the sewer line connection at the driveway entrance. Mr. Park explained that the parking lot is reduced, building is smaller, so overall the project has less impact. This revised plan shows an overall  $\frac{3}{4}$  acre reduction in impervious surface. They also hired Sanborn Head to do a geotech exploration and found lots of bedrock. The drainage system therefor was also amended, and the infiltration systems shifted to other areas of the site which have soils that can infiltrate. Recharge areas will take the roof runoff. The drainage system will still include water quality units, swales to convey offsite runoff around the site, and detention basins. Ms. Howe stepped through the detailed four phase construction phasing plan which will protect the wetlands during construction by only clearing, but not grubbing all sections. Grubbing will only occur when a section is opened up and will be stabilized before the next phase is grubbed. The glacial till soils in this area can be difficult to work with, so this phasing will be essential to keep control of the site. They will use stump grindings berm as a barrier as well as silt fencing. Rock crushing will also be part of the plan as they will need to remove some of bed rock to build the project. The stoned slopes, construction entrance, location of construction trailer was all discussed. Ms. Ryder noted that the City Engineer just provided comments to the applicant today, so the Commission will need to wait for these plan changes as well. The snow storage locations were on landscaped areas; the Commission noted this needs to be on pavement to ensure better cleanup and protects the landscaped areas from snow/salt damage. Mr. Demers asked when the sewer relocation would be the replay was in Phase 1. The new location is needed to allow for adequate soil cover on this line. Mr. Dunbar noted that he had walked the line and checked the wetland flags but couldn't locate them all. Mr. Arnold of Goddard Consulting indicated he'd refreshed all the flags last week and located them all. There being no further questions or comments from the public or the Commission, the hearing was continued to the next meeting on May 20<sup>th</sup> to allow for the applicant to address comments made by our city engineer. Ms. Ryder was asked to draft amended conditions as well.



### **Certificate of Compliance**

- 212-1237 200 Concord Rd. – Marlborough Country Club - full certificate - Ms. Ryder showed pictures of the finished golf cart bridge at the 17<sup>th</sup> hole. Helical piers could not be used due to the boulders in the way, so cement footings were installed. On a motion by Mr. Skarin second by Mr. Clancy, to issue a full Certificate of Compliance. The Commission voted all yeas by roll call vote 7-0.
- 212-847 149 Hayes Memorial Dr. (aka Devonshire @495 Center) - old permit - This project was never started and needs to be closed out. On a motion by Mr. Skarin second by Mr. Clancy, to issue a Certificate of Compliance noting that the work never was started. The Commission voted with all yeas, by roll call vote 7-0.

### **Violation updates:**

- 212-771 Home Depot – 701 Boston Post Rd. - Al Deak, Manager, will attend. Al Deak, Home Depot Manager in Marlborough was present and explained that the storage behind the building had occurred due to seasonal ordering and making sure the stock and products were available to their customers. A lot of product gets sold in the spring. However, they are aware of the restriction and as of this morning the site behind and to the side of the building was free and clear of debris and products; and the area will remain clear going forward. The Commission noted that “no- overnight storage” signs should be installed behind the building. Mr. Deak also noted that the drainage system has been cleaned including the filter system next to the garden center. Ms. Ryder indicated she had just received the report. The Commission thanked Mr. Deak for correcting the problem and asked for assurance that this would not occur again. They noted that the fines would stop as of today as the problem has been resolved.

### **Current Project Updates:**

- 212-1224 178 Simpson Rd.- Ms. Ryder and Mr. Clancy noted that no grass is growing in this back yard. It was to have been stabilized last fall. Mr. Bisazza has indicated to Ms. Ryder that he will be doing it soon. The Commission asked for a schedule and requested daily fines beginning on Monday after he has been given notice to comply.
- 541 Pleasant St. - Ms. Ryder noted that the owner was to have filed a Notice of Intent with the Commission by May 1<sup>st</sup>. The Commission was also to inspect this site in May to see if replanting is needed, or if re-growth has occurred to re-vegetate the area.
- 175 Maple St. - Ms. Ryder noted that this apartment complex was to have replaced the dying trees this spring, but nothing is visible yet. She will follow up with them.

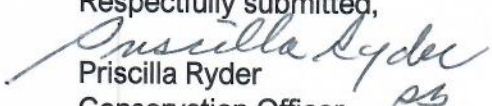
### **Discussion/Correspondence/Other Business:**

- Beaver signs to be install at Cider Knoll - The beavers are active at Cider Knoll, so Ms. Ryder has produced some signage based on some templates from other communities to post on site to educate the public.
- Rubber mulch – comments from MACC - After the last meeting Ms. Ryder made inquiries from MACC and DEP about the issues surrounding rubber mulch and if anyone is regulating it. A response from MACC was in the Commission's packet for their information.
- List of accomplishments FY 2020 and Goals for 2021- A copy of these accomplishments and goals was provided with the City Budget and shared with the Commission.

**Next Conservation Commission meetings:** May 20<sup>th</sup> and June 3, 2021

**Adjournment** - There was no further business, on a motion by Mr. White and second by Chairman Clancy to adjourn. On a roll call vote of all yeas 7-0, the meeting was adjourned at 9:19 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer