

**CITY OF MARLBOROUGH**  
Conservation Commission  
Minutes  
May 20, 2021 (Thursday) 7:00 PM

This meeting was conducted virtually and recorded using the Microsoft Team's 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.marlborough-ma.gov/>"*

**Present:** By roll call –

Remotely: Edward Clancy- Chairman, William Dunbar, David Williams, Karin Paquin, and John Skarin,  
In Memorial Hall: Dennis Demers and Allan White. Also present was Priscilla Ryder, Conservation Officer.

**Absent:** none

**Approval of Minutes:** The minutes of May 6, 2021 were reviewed. On a motion to accept and place on file by Allan White and second by Edward Clancy. The minutes were unanimously approved 7-0 on a roll call vote.

**Public hearings:**

**Request for Determination of Applicability**

1001 Boston Post Rd. East - Raytheon Technologies

John McMeeking of SMRT was present representing Raytheon. He explained that they have decided to move the proposed generator and uninterruptable power source (UPS) batteries closer to the building instead of across the driveway as previously approved by the Commission last year. The new location is further away from the wetland, but a portion still falls within the 100' buffer zone. There will be minor earthwork and trenching for this installation of a concrete pad. The generator is serviced by gasoline and the system, as before, is fully contained and will capture any spill. Bollards are proposed on the southern corner to protect the pad and UPS system from any roadway traffic. The Commission asked if more room could be provided as this will also be an issue for snowplows. Mr. McMeeking said they could see if they could shift it to provide more space. He noted erosion controls would be installed per the plan and that all excavated materials would be removed from the site. The major site work for the pad will take a couple of days. After some discussion, and there being no further questions or comments from the Commission or the public, the hearing was closed. On a motion by Mr. Skarin second by Edward Clancy to issue a negative determination with standard conditions and a request to shift the pad away from the southern corner. The commission voted unanimously by a roll call vote 7-0 to approve the motion.

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

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

Will Park of SMMA and Israel Lopez from the Gutierrez Co. were both present. Mr. Park explained the changes made to the plans based on the comments from the City Engineer and the Commission. He believes all items have been addressed as shown. The changes included: changes to the detention

basin, infiltration system, shifting the detention basin outside the 20' buffer zone, altered tree species and location as suggested, and added inspection ports to infiltration system. He stepped through the

construction sequencing plans which were revised to address the tight areas in Phase 1 and discussed the sewer realignment and old-line abandonment. Some restoration in this area will be needed. After some discussion and there being no further questions or comments from the Commission or the public the hearing was closed. The Commission reviewed a set of draft Conditions and agreed to add a new condition regarding the sewer line restoration. On a motion by Mr. White second by Edward Clancy to approve the Order of Conditions as drafted and amended. On a roll call vote, the Commission unanimously approved 7-0 the motion. The Order of Conditions were approved.

### **Notice of Intent**

146 Phelps St. – Delray Realty Trust

Mr. Parente was present representing the applicant. He noted that a new planting plan had been provided which was done by Dave Crossman, wetland consultant. The Commission agreed that was the last item they were waiting for and had no further questions on the proposed garage addition and driveway relocation as proposed. The hearing was closed. The Commission asked that the draft conditions be provided at the next meeting for review and approval. These will be reviewed at the June 3<sup>rd</sup> meeting.

**Notice of Intent** – At the applicants request these two Phelps St. hearings were continued to July 22, 2021 to allow them time to provide the additional information that has been required regarding riverfront compliance.

0 Phelps St. (next to 107) - David Franca

Proposes to construct a new house on a vacant lot within the Riverfront Area of Mowery Brook. Map 72, Parcels 11B and 702.

**AND**

**Notice of Intent** –

107 Phelps St. - David Franca

Proposes to construct a driveway across this lot within the Riverfront Area and buffer zone of Mowery Brook. Map 72, Parcel 11A.

**Request for Determination of Applicability** – At the applicants request this item was continued to the June 3, 2021 meeting

656 Boston Post Rd. - Global Montello Group Corp.

Proposes to expand the existing “Alltown” Convenience Store, add parking, drive thru and upgrade drainage system near wetlands.

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

35 Stow Rd. – Jorge Torres

Mr. Jorge Torres was present and explained that he has installed a stonewall and fence and is leveling out the back yard around his pool. He was informed by the building department that he needed a permit for the wall as it is higher than 4' and Conservation was notified that work was being done near wetlands and he was requested to file a Request for Determination for review of this work. He has installed erosion controls near the stream headwall to protect the stream from the work area. He had stockpiled materials in the front yard and was moving it with a small machine and wheel barrels to the

back yard. Photos were provided and reviewed. He will be adding a fireplace and patio near the pool as well. The grading was discussed and the need for the site to be stabilized with loam and seed was agreed to. After further discussion and no further comments or questions from the Commission or the public the hearing was closed. On a motion by Mr. Demers second by Edward Clancy to issue a negative determination with standard conditions and those discussed above. The Commission voted unanimously by a roll call vote 7-0 to approve the motion.

**Violation updates:**

- 178 Simpson Rd. - Ms. Ryder heard back from the homeowner who indicated that the side slopes have been seeded just not the top. Ms. Ryder will do an inspection on Monday and will report back.
- 541 Pleasant St. - Ms. Ryder has notified the homeowner that he was to have hired a wetland consultant and filed with the Commission to confirm the wetland boundary, she has not heard back yet.

The Commission noted that on both these items if there is no activity then fines should be issued.

**Current Project Updates:** none

**Discussion/Correspondence/Other Business:** The following items were discussed and placed on file.

- Felton Conservation Land mowing – discuss process to find new farmer to hay fields. The Commission will let people know that we are looking for a farmer who may want to hay the fields. With the passing of Donald Wright, his family can no longer mow the fields per the license agreement.
- Letter to Al Deak, Manager, Home Depot (212-771) – dated May 7, 2021, RE: Ongoing conditions violation 4/28 – 5/5.
- Letter to Eagle Scout Court of Honor for Brian O’Leary, dated May 10, 2021
- Letter from Wood Environmental and Infrastructure Solutions, Inc. RE: 2021 Yearly Operation Plan for Railroad Right-of-Way Management – CSX Transportation, Inc.
- Beaver activity – Bigelow St. & Cider knoll- Ms. Ryder noted that the beavers are actively constructing dams at the Cider Knoll pond and at Howe Pond off Bigelow St. She will keep an eye on these and work with the DPW to ensue things aren’t flooding. She will keep the Commission posted.

**Next Conservation Commission meetings:** June 3<sup>rd</sup> and June 17<sup>th</sup>, 2021 - with the lifting of the COVID-19 Emergency Order on June 15<sup>th</sup>, the June 17<sup>th</sup> meeting will resume to being in person.

**Adjournment**

There being no further business, the meeting was adjourned at 8:39 PM.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer