

CONSERVATION COMMISSION
Minutes
September 2, 2021(Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

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

Absent: none

Approval of Minutes: The minutes of July 22nd, August 5th and August 19th, 2021 were reviewed and on a motion by Mr. White second by Chairman they were unanimously approved 7-0.

Public hearings:

Notice of Intent

2 Minehan Lane – Department of Public Works

At the City Engineer's request this item was continued to the September 16th agenda.

Abbreviated Notice of Resource Area Delineation

689 Pleasant St. - Tim Beauchemin, Trustee

(note: Mr. Demers recused himself from this discussion due to a conflict of interest.)

Dave Crossman from B&C associates was present, he noted that based on the discussions during the site visit on August 18, several flags had been changed, two were moved and two were eliminated. The revised plan provided shows these changes. He also provided calculations which indicate that the small depression does not contain ¼ acre foot of water which would be necessary to have it jurisdictional as Isolated Land Subject to Flooding (ILSF). The Commission noted that there is no question it holds water and asked Ms. Ryder to add a condition to explain that although it may not be big enough to be ILSF or a jurisdictional vernal pool, it has some functional value as a wetland and appears to have been bisected from the wetland when the old trolley tracks were installed. Mr. Crossman noted that it is very unlikely that anything will ever be done to this area as it would need to cross a wetland and is close to the adjacent lot. The Commission noted that as long as it wasn't impacted that would be good. There being no further discussion from the Commission or the audience the hearing was closed. On a motion by Mr. Skarin second by Mr. Clancy, to approve the revised delineation with the note about the isolated depression. The Commission voted unanimously 6-0 to approve. (Mr. Demers had recused himself and did not participate)

Notice of Intent

600 Nickerson Rd. - Todd Greenfield, KS Partners, LLC

There were no changes to the plan and no further questions, so the Commission closed the hearing. The Commission reviewed the draft Order of Conditions and made changes to Conditions number 43, 44 and 41 to better reflect the changes to the plans. After some discussion, on a motion by Mr. White second by Mr. Clancy, to approve the draft Order of Conditions as written and amended. The Commission voted unanimously 7-0 to approve and issue the order.

Request for Determination of Applicability (Continued from Aug. 19th, 2021)

1000 Nickerson Rd. – Lincoln Property Company

Brandon Barry from Bohler Engineering was present. Mr. Barry explained that they have made changes to the plans to address the Commission's concerns. These include: 1) changes to the existing detention basin, so it will not be used for construction related runoff, 2) new berm to separate clean water from construction related runoff, 3) new temporary basins and construction sequencing plan; 4) construction entrance changed to better control runoff, this new plan was presented at this meeting; 5) street sweepers and construction runoff pads. The Commission asked questions. Mr. Dunbar noted the site drains to sensitive areas and with the hill, he wanted assurances that enough erosion controls were being installed. Mr. White asked about stockpile of organic materials and what needs to leave the site. Mr. Clancy noted that stump grindings should remain on site as they

are helpful with these silty soils. Mr. Clancy expressed concerns that the plan provided was not adequate, given similar projects up the street which they are having trouble controlling this type of soil. After much discussion, the applicant agreed to continue the hearing to return with a more robust erosion control sequencing plan for the next meeting on Sept. 16th. This hearing was continued to September 16, 2021.

Notice of Intent (Continued from Aug. 19th, 2021)

641 Pleasant St. – Big Daddy Realty Trust

Scott Hayes of Foresight Engineering was present. He explained that during the site visit with the Commission several flags had gone missing. These have been replaced and based on discussions, the house has been shifted away from the wetland so there is at least a 10' area between the foundation and the 20' wetland buffer zone. He noted that most of the house is a slab on grade with a walk out. The septic system soil area was tested, and the water table is 2' from the existing grades, therefore a raised system is to be constructed to meet Title V requirements. Mr. Demers asked how the side yard of the house was to be treated, because as shown, this area will collect water which is not a good situation. After some discussion Mr. Hayes said he would revise the plan showing positive drainage out of this area between the houses. The Commission expressed concern with the septic design and the high-water table in the area. Ms. Ryder had received comments from John Garside, of the Board of Health, who indicated the raised system as designed will work and he had no concerns. After some discussion regarding the extend of cut and fill, the easement area, the MDOT access permit they need, and the fact that there isn't gas on Pleasant St. Mr. White expressed his concern about this lot and its environmental sensitivity. The Commission continued the hearing to allow for a revised plan to be submitted to address the above. This was continued to the September 16, 2021 meeting.

7:45 **Notice of Intent**

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.

No one was present to discuss this item, it was continued to the Sept. 16th agenda.

Extension Permit:

- 212-1203 28 Littlefield Ln. – 3 yr. extension - Ms. Ryder noted that the pool was installed, but the patio as approved has not yet been built. On a motion by Mr. Williams, second by Mr. White to issue a three-year extension for this work. The Commission voted unanimously 7-0 to approve.

Discussion:

- 209 Cullinane Dr – Preliminary Subdivision Plan - Cullinane Drive Extension – comments to Planning Board Ms. Ryder shared the preliminary subdivision plan and explained that the owners are proposing to add a cul-de-sac and split the land into two house lots off of the larger Red spring Rd. property. After some discussion, the Commission decided the following comments should be provided to the Planning Board: 1) the project appears to fall within the 100' buffer zone of Ft. Meadow Reservoir, therefore, a wetland permit for this subdivision is required and should include a good erosion control plan to protect the lake; 2). the current Open Space and Recreation Plan does identify the undeveloped portion of Red Spring Rd. as a parcel that is worth protecting in its undeveloped state to preserve water quality for the lake and allow for open space for the neighborhood, whether it be public or private. That should be kept in mind as the change in ownership of the large Red Spring Road property evolves.

- Memo from Thomas DiPersio, dated Aug. 23, 2021 RE: GMP Expansion and Core & Shell Improvements, 600 Nickerson Rd. (This item was discussed above during the hearing on this property)

Updates on Current projects and Violations:

- 541 Pleasant St. - Mr. Sampaio was present and explained that he is having a hard time getting a wetland consultant. He asked that the violation fines be forgiven. Several members noted that the deadline for compliance had been set at May 1st and the Commission has given him plenty of time to comply, it is now September 2nd. Chairman Clancy noted that the current \$700 will be due as this is in the past, if he is able to get a wetland consultant hired in the next few weeks with confirmation to the Conservation Officer, the fines can be stayed going forward. If no action is taken and no one is hired, the daily fines will continue. Mr. Sampaio indicated he would hire a consultant and have them contact Ms. Ryder to confirm. It was agreed that the wetlands would be defined and an NOI filed before the winter.
- 149 Hayes Memorial Dr. - The Commission discussed recent breaches into the wetland from the recent storm events and confirmed a \$600 fine would be issued for this violation, \$300 for the breach and \$300 for the opening of Phase 3 out of sequence.
- 78 Roosevelt St. (DEP 212-1217) - Ms. Ryder noted a violation was issued for silt leaving the site and erosion controls not being properly maintained- copy of the notice was provided.
- 100 Campus Dr. – warning - Ms. Ryder noted that muddy water discharged from this site into the adjacent pond. The contractors on the site were addressing the problem quickly and reported it to the Commission. The Commission noted that the warning was adequate, but if the violation occurs again, a cease and desist and a filing with the Commission will be required.

Correspondence/Other Business:

- Ft. Meadow updates:
 - The Ft. Meadow Commission will be in at the next meeting to discuss the Ft. Meadow Drawdown with a recommendation it start on Nov. 1st, 2021 – March 1, 2022
 - Post Treatment weed survey is scheduled for next week for anyone interested in joining
- DCR Sudbury Reservoir Public Access Plan – virtual meeting is scheduled for Sept. 22, notice is packet
- DCR state forest land – Red Pine harvest will be happening this fall. Formal notice expected soon.


The following correspondence was reviewed and placed on file.

- 37 Boivin Dr. - Petition from abutters - dated August 9, 2021 RE: Enforcement of Order of Conditions (DEP 212-1036)
- Letter from Coneco, dated August 19, 2021 RE: Notice of Proposed Buried Cable Replacement along Ferrecchia Dr., MacQuarrie Dr. and Masciarelli Dr.

Next Conservation Commission meetings: September 16th and October 7th, 2021

Adjournment - There being no further business, on a motion by Mr. Skarin second by Mr. Clancy, to adjourn. The Commission voted unanimously 7-0 to adjourn the meeting at 9:37 PM

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability Officer