

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
September 16, 2021(Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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

Absent: John Skarin

Public hearings:

Amend Order of Conditions – DEP 212-1203
28 Littlefield Ln. - Neal Reilly

LeAnn Neal Reilly was present and explained that she proposed to add a foundation under an existing sunroom to make it a more permanent room in the house. Ms. Ryder explained that this property already has an existing Order of Conditions which covers the pool (which is complete) and a patio which is still to be built. They would like to add this foundation for the room now and then proceed to install the patio as originally designed. Ms. Neal Reilly explained that they got special permission from the City Engineer to sleeve the water line so they could move the water and sewer line around the new foundation and still stay outside of the 20' buffer zone. Ms. Ryder reminded the Commission that the previous Order required the buffer zone to be restored and that would still be required. Mr. Dunbar asked if that could be done now, but Ms. Neal Reilly noted that with construction proposed to start in October that may need to wait until spring. After further discussion, the Commission decided that the original Order of Conditions could be amended to add this new foundation and that another pre-construction meeting would be needed on site prior to this work commencing. Erosion controls should be upgraded, before this work could begin. On a motion by Mr. White, second by Mr. Clancy to approve the new plan and issue an amended Order of Conditions with the additional conditions noted above. The Commission voted unanimously 6-0 to issue an amended Order of Conditions.

Notice of Intent

2 Minehan Lane – Department of Public Works

At the request of Mr. DiPersio prior to the meeting, this hearing was continued to the October 5 meeting.

Request for Determination of Applicability

1000 Nickerson Rd. – Lincoln Property Company

Brandon Barry of Bohler Engineering explained that he had revised the plans based on the Commission's last meeting. These included: Changes to the construction entrance, reconfiguration of and enlargement of the detention basins, and a detailed construction sequencing plan. He discussed that they will be exporting unsuitable materials from the site and hauling in materials, but overall, the site is a balanced site. Mr. Demers noted they will likely encounter ledge and silty soil, so it could be a lot of export. Mr. Clancy noted that up the street the export process has become a muddy mess and did not want that to occur on this site. Mr. Dunbar asked about the extent of tree clearing near the detention basin by Nickerson Rd. Mr. Barry noted that they would use stump grindings on the site to help control runoff, all trees to be saved will be protected and if impacted will be replaced. The Commission discussed the drainage divide on the site and the need for controls, so nothing gets to Rte.

September 16, 2021

20. After some discussion about construction sequencing and control of the site and hearing no further questions from the audience or the Commission the hearing was closed. Near the end of the meeting, the Commission reviewed a set of draft conditions for this project and made some amendments including requiring the contractor hired to attend a commission meeting. The Commission voted unanimously 6-0 to issue an Order of Conditions and accept the draft special conditions as written and amended.

Notice of Intent

641 Pleasant St. – Big Daddy Realty Trust

Scott Hayes of Foresite Engineering was present representing the owner. He explained that he had updated the plan with more grades and showing the small, isolated depression. He created a swale on the plans between the proposed home and the existing home to ensure that water would have a positive grade out between the homes. He noted that there is no clear drainage pattern in that direction presently. He acknowledges this is a difficult lot given the weird hummocks and swales in this area. Mr. Clancy asked if a foundation drain was provided, as the groundwater table is only a few feet below the surface. Mr. Hayes noted that it wasn't required for a slab on grade. However, the Commission instructed him to add a foundation drain to the plans as that is a good construction practice given the site conditions. Mr. Hayes will add this, and it can be noted in the conditions. Mr. Hayes noted that they have submitted their 50% review plans to MDOT for an access permit but have not yet received comments. The construction entrance tracking pad and police detail were discussed as being needed on this lot. Mr. John Kuettner, 633 Pleasant St., the abutter to this lot noted that his fence will be moved onto his property soon. He also expressed concern that any runoff from this lot could affect the Vernal Pool which has been very active this year, he is working with Natural Heritage and Endangered Species program to have it certified. He also noted that his sump pump runs all the time now, so the water level has certainly changed. Mr. White expressed his concern that this is a marginal lot, and the Commission is responsible for protecting the wetland, in his opinion this raised septic system with walls, and proximity to the wetland over time would degrade the very resource he believes needs to be protected, and therefore, he noted he would not be in favor of this project. He was also concerned because viruses travel through septic systems. Mr. Clancy noted that DEP previously overturned the Commission's denial of the wetland resources on this property. To deny a plan the reasons need to be spelled out and be able to be upheld by DEP, otherwise DEP would supersede the Commission's order and may not be as stringent. Mr. Hayes noted that this is a marginal site however, as designed it meets all the performance standards, including Title V, staying out of the 20' Buffer Zone, and directing runoff off the site, in his opinion they have done their due diligence and addressed all the requirements in the regulations. After some discussion and there being no further comments from the Commission or the public, the hearing was closed. Ms. Ryder was asked to draft a set of conditions for review at the next meeting on Oct. 7th.

Notice of Intent

0 Phelps St. (next to 107) new house - **AND** 107 Phelps St. driveway- Map 72, Parcels 11B and 702 AND Map 72, Parcel 11A.- David Franca

George Connors explained that he had originally filed two separate files which have been issued file numbers from DEP for each. The first lot is 107 Phelps St. contains a driveway in the Riverfront Area and buffer zone, and 0 Phelps St. project includes a new house on a separate lot. The driveway easement runs through the lot with the existing house and the new house will be on the slope above

September 16, 2021

Phelps St. The access directly from Phelps St. would be too steep to meet any city requirements relative to grades, so an easement on the adjacent property was provided in 2007 when the city did some land swaps for the sewer easements. The Riverfront Area was calculated on both lots and the area to be used for the driveway and house is less than 10% of this total riverfront area and therefore meets the regulatory standards for Riverfront Area. The Commission had received these calculations prior to the meeting. The driveway has shifted closer to the street to get better grades and they will work with the homeowner to adjust the easement. The house will be cut into the hill so a trench along the driveway will be installed to facilitate drainage around the house. There was discussion about how many trees would need to be removed, and what trees will remain along the edges, to ensure they survive. After some discussion about the driveway length of 120' and the cut in the slope and erosion controls, the Commission asked Ms. Ryder to have the Building Commissioner and City Engineer review the plans prior to the next meeting. Ms. Ryder will draft a set of conditions. The hearing was continued to the October 5, 2021 meeting.

Discussion:

- Letter from Ft. Meadow Commission dated Aug. 30, 2021 RE: Drawdown of Ft. Meadow – Nov. 1, 2021 – March 1, 2022. Mr. Thompson from the Ft. Meadow Commission was present. He explained that his Commission was requesting a winter drawdown to deal with invasive non-native weeds and the Asian clam. After some discussion on a motion by Mr. Demers, Second by Mr. White, the Commission voted 6-0 to approve the drawdown as requested.

Updates on Current projects and Violations:

- Violation letter and ticket for 149 Hayes Memorial Dr. – DEP 212-1193 - The Commission reviewed the violation and noted that the violation continues with the tracking of mud on the roadway and asked Ms. Ryder to issue another violation for the mud tracking on this day. Mr. Clancy, Mr. Demers and Mr. Williams had all observed the mud tracking all along Hayes Memorial Dr. which is not acceptable. Ms. Ryder will follow up with developer.

Correspondence/Other Business: The following correspondence was reviewed and placed on file:

- Meeting Notice from Dept. of Conservation and Recreation - RE: Sudbury and Foss Reservoirs Watershed Public Access Plan Update, Wednesday, Sept. 22, 2021 6:00 PM – 7:30 PM - Virtual Meeting
- Letter from Pam Wilderman, dated Sept. 8, 2021 RE: Final Landscaping – 37 Boivin Dr. (DEP 212-1036)
- Memo to Planning Board, dated Sept. 7, 2021 RE: Preliminary Subdivision Plan – Cullinane Dr.
- 541 Pleasant St. – Ms. Ryder noted that she received confirmation that Mr. Sampaio had hired a wetland consultant who will flag the wetland on Monday and file soon after. The Commission asked her to stay the fines as long as a Notice of Intent is filed by the end of October.

Next Conservation Commission meetings: October 7th and Oct. 21st, 2021

Adjournment - There being no further business, on a motion by Mr. White, second by the Chairman, the meeting was adjourned with a 6-0 vote.

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability Officer