

CONSERVATION COMMISSION
Minutes
January 6, 2022 (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 Priscilla Ryder - Conservation Officer was also present.
Absent: William Dunbar.

Approval of Minutes: The minutes of November 18, 2021 and Dec. 7, 2021 were reviewed and on a motion by Mr. Skarin second by Mr. Clancy they were unanimously approved 6-0.

Public Hearing

Request for Determination of Applicability

15 McCabe Dr. – Julia Lombardi

A representative from Remodel or Renew Home Improvements was present for the homeowners. He explained that there is an existing deck 16'x16' that doesn't meet code, so they are going to remove the deck and replace it with a 16'x16' deck and add in a screen room on the deck. The only disturbance to the soil will be the installation of new footings at 8' distance apart. The footings will be "Big Foot" footings that will be installed by hand as no machinery can access the back. This new deck will be lagged to the house. Any excess material generated from the footings will be removed from the site. The Commission agreed this would be acceptable.

Ms. Ryder noted that she has meet on site with the DPW and the wetland goes through an old culvert in the middle of this back yard. Unfortunately, the pipe is blocked and now overflows into the adjacent property causing erosion and icing issue. City Engineer, DiPersio is investigating the best remedy for this situation and has suggested the removal of this pipe all together, which the homeowner has agreed to. The best time to remove the pipe may be during frozen conditions so as not to damage the yard. Once an approach is defined, he will be requesting permission to advance this erosion/drainage failure. After some discussion the Commission closed the hearing. On a motion by John Skarin and seconded by Mr. Clancy to issue a negative determination with standard conditions to allow the deck/screen porch replacement, the Commission voted unanimously 6-0 to approve.

Amend Notice of Intent – 212-1215

107 Simarano Dr. – Andrew Montelli, Post Road Realty LLC

Mr. John Shipe, consultant to Post Road Realty LLC and Mitch Maslanka of Goddard Consulting and Eric Rains of Eric Rains Landscape Architect LLC were present. Mr. Shipe explained that based on the previous informal meeting with the Commission, they have formally filed for an amended Order of Conditions to construct a walking trail around the pond at the 107 Simarano Dr. site and have worked out some of the details which Mr. Maslanka and Mr. Rain will explain.

Mr. Maslanka reviewed the plan presented to the Commission showing:

1. The new location of the additional flagging between the two ponds which had not been previously flagged.
 2. Location of the helical pier boardwalk
 3. Location of the seating areas as discussed in the field
 4. A detailed description of the invasive plant species management plan they propose to implement around to pond within 5' of either side of the proposed 5' wide trail.
- Mr. Rains pointed out the access points to the trail, the "ground wood project" natural trail surface and the Adirondack chairs to be placed in the seating area. He explained the trail signage and location as shown on the revised plan provided this evening.

The Commission asked questions about:

1. Whether the trail would be open to the public, Mr. Shipe thought it might be but would confirm.
2. Trail construction method. Mr. Rains indicated it would be constructed by hand no motorized equipment except perhaps a handheld auger.
3. Several areas of the trail are near steep drop offs, near building and at culvert crossing - will railings be installed. Mr. Rains indicated that yes these could be part of the revisions.
4. Trail use was discussed, with no open grills, no smoking, dog walker cleanup disposal buckets etc. Mr. Rains will see these are added to the plans and signage package.
5. Ms. Ryder and Ms. Paquin had walked the site and suggested that seating areas 1, 3, 5 and 7 be eliminated as there should be fewer seats and some of these locations were not necessary or impacted existing naturally vegetated areas and should not be disturbed. Mr. Shipe and Mr. Rains agreed this was acceptable.
6. Is any access to the water anticipated? Should there be one location, so the shoreline doesn't get completely eroded? The applicant will look into this.
7. Construction sequencing was discussed to ensure there is on the ground review prior to trail construction. Walls should be in place and grading completed before trail is located in the field.
8. Invasive plant removal and treatment was discussed. The Commission, although not keen on herbicide treatment, agreed that with invasive non-native plants it is usually the better option than not treating as these plants spread exponentially. Mr. Maslanka explained that in areas where invasive plants are removed and the soil maybe raw and a seed mix as outlined in the document would be used. Mr. Clancy questioned whether 1 lb of seed mix and 15 lbs. of roadside mix as outlined in the restoration plan would be sufficient. A condition that explains the end result of good germination and slope stabilization could address this as well. It could also specify 75% cover after 2 years (as with wetland replication) The Commission discussed the use of glyphosate and triclopyr herbicides for bittersweet and other non-native plant removal using the cut and dab method. The Commission agreed to allow this under some strict conditions that none of the chemicals get into the wetland or the ground, this can be clarified.

9. Planting of trees and shrubs as described in the original Order of Conditions can be placed around the trail to beautify it, specifically near wall areas to soften and “cool” these locations.
10. Signage for the trail was discussed, a sign package will be provided for the Commission to review as an example.

After some discussion about moving the majority of the trail out of the 20' buffer zone and restoring and removing invasive plants beyond the 15' footprint discussed, the Commission with the applicant's consent continued the hearing to January 20th.

Certificate of Compliance

212-313 and 212-365 175 Blanchette Dr. (reissuance) - Ms. Ryder noted that the Commission had issued full certificates for these two Orders, however they were never recorded, and the land is registered land so original documents must be provided. On a motion by Mr. White second by Mr. Clancy to issue full Certificates of Compliance for these two Orders of Conditions. The Commission voted unanimously 6-0 to approve.

Discussion/Correspondence:

- DEP 212-1233 192 Reservoir St. – Mr. Peter Normandin was present and explained that there had been a miss understanding as to the depth of the decks, as he was measuring from the overhang and the Commission was measuring from the foundation. To resolve this, Mr. Normandin proposed a slight reconfiguration of the deck so that it is 10' deep and 22' long which gets the deck further away from the water. He provided a drawing side view and site plan view of these changes to the Commission. After some discussion, the Commission agreed this was a minor change to the original plan and was less impacting than the original plans and voted unanimously to approve the new plans entitled: deck revision request...dated Dec. 20, 2021 as presented as a minor change.
- Desert Natural Area- Discuss potential Mass Wildlife Grant funding and forest activities - Ms. Ryder and Ms. Paquin explained that it is likely that the Commission will be approved for grant funding the habitat restoration work discussed previously to restore the pitch-pine scrub oak forest and to prepare the area for some woodland thinning and some cutting to prepare for a second prescribed burn. Tasks will include, harvest, re-establishment of fire brakes and removal of old log piles which are a fire hazard. The contract for the forester which cannot be covered by the grant is \$4,960. Ms. Ryder asked for approval from the Commission to use the Conservation Maintenance Fund to pay for this expense. A site walk is planned for Monday Jan. 10th to review with the forester. On a motion by Mr. Skarin, second by the Mr. Clancy, to approve this expenditure and implement the grant tasks if awarded, the Commission voted unanimously 6-0 to approve.

The Commission reviewed the following documents and on a motion by Mr. Skarin second by Mr. Clancy to approve and place on file. The Commission voted unanimously 6-0 to approve.

- Letter from Omni Environmental Group- dated Nov. 3, 2021 RE: Release Notification Form 181 Boston Post Rd.
- Letter from National Grid- dated Nov. 9, 2021 RE: Yearly Operational Plan
- Ft. Meadow Reservoir – Solitude Lake Management – 2021 Annual Summary Report
- Wetland Setback Policy - The Commission discussed the policy as it relates to the trail proposed earlier this evening.
- List of Conservation Meetings – 2022

Project Updates:

Violation Notice – 890 Boston Post Rd. & 896 Boston Post Rd. – Ms. Ryder explained that both properties have encroached into the 100' buffer zone without permits. Ms. Ryder has investigated in the field. 890 Boston Post Rd. will file for a permit once he has a plan from Bruce Saluk. 896 Boston Post Rd. has agreed to restore the area. The Commission asked Ms. Ryder to send official violation notices and to request that 896 Boston Post Rd. tenant attend the next meeting.

Amory Rd. - House is under construction and foundation is in. Ms. Ryder and Mr. Dunbar met with the building owner who indicated the water table was high, so he opted to do this work when the lake water was down to make construction easier.

Red Spring Rd. – Ms. Ryder provided a quick update that the property has sold to the current owners, on the houses similar to a condominium where everyone owns the land together. At some point in the next few years, they will be coming to the Commission if they need to install sewer system and any other improvements since that property has a large amount of wetland on it.

53 Red Spring Rd. (Neal Vigeant) has requested to take down 9 trees, the policy allows Ms. Ryder to approve up to 4 trees to be removed. She gave him permission for the 4 trees near the house to be removed and required him to file if he wishes to cut any more.

Next Conservation Commission meeting: Jan. 20th and Feb. 3rd, 2022

Adjournment. There being no further business, on a motion by Mr. Demers seconded by Mr. Clancy, the Commission voted unanimously 6-0 to adjourn at 8:54 PM.

Respectfully submitted,


Priscilla Ryder

Conservation/ Sustainability Officer