

CONSERVATION COMMISSION
Minutes
Feb. 3, 2022 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

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

Absent: none

Approval of Minutes: The minutes January 20, 2022, were reviewed and on a motion by Mr. White second by Mr. Clancy, to approve. The Commission voted unanimously approved 6-0.

Public hearings:

Request for Determination of Applicability

35 Red Spring Rd. – Mr. & Mrs. Hause

Mr. Hause was present and explained that he had originally wanted to put the addition on the deck side of the house. But after being informed by Ms. Ryder that the setback would have to come from the closest water area, they would not be able to meet the 30' set back, therefore, he is proposing to put the addition on the other side of the house away from the stream and more than 30' away from the water's edge as required. The structure he is proposing is on helical piers and will have minimal disturbance to the soil. Mr. Dunbar indicated that he had been out to the site as well and had noted the proximity to the stream, he along with the rest of the Commission, agreed that the revised location would be much better. Mr. Hause will draft up a new set of plans showing the new location for the addition and will return to the next meeting. Chairman Clancy continued this hearing to the February 17, 2022, meeting.

Amend Notice of Intent – 212-1215 (continued from Jan. 20, 2022)

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

Mitch Maslanka from Goddard Consulting was present representing the applicant Post Road Realty. He explained that they provided: 1. Revised plans, 2. Invasive plant management plan update; 4. Wildlife habitat evaluation; and 3. Response to DEP's questions. He reviewed these changes with the Commission, noting that the trail now has three designated seating locations down from seven, a more detailed replanting and seed mix description. Ms. Paquin asked for clarification on the herbicide treatment. Mr. Maslanka confirmed it would be cut and dab and no spray. He explained that he included ongoing maintenance and management until the 75% revegetation criteria had been met. Mr. Dunbar asked about the safety at the culvert crossing. Mr. Maslanka confirmed that a split rail fence would be installed for protection. After further discussion about planting, invasive plant control and the need to make sure the old well is no longer a hazard, the Commission had no further questions. Chairman Clancy closed the hearing. The Commission then reviewed the draft Order of Conditions and

amended #74 to remove reference to Certificate of Occupancy and #73 to confirm material type for furniture was not an issue. 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.

Review Draft Order of Conditions:

- 111 Cullinane Dr. – Yi Zhou - The Commission reviewed the draft Order of Conditions and made some changes to #27 to require an engineer to stake the wall location and confirm the 262' elevation and provide a surveyed as-built plan. Ms. Ryder noted that DEP has not yet issued a file number but has received the plans. Therefore, this permit cannot go out until the file number is issued. On a motion by Mr. Skarin second by Mr. Clancy to approve the Order of Conditions as drafted and amended the Commission voted 6-1 Mr. Dunbar voting in opposition. Following the vote Mr. Dunbar explained that his objections were that there was no erosion, no previous wall, so not replacing, this is work in the 20' buffer zone and should not be permitted.

Violation Notices:

- 896 Boston Post Rd. – Renovo's Landscaping (continued from Jan. 20, 2022) – the owner of this company has asked to continue this until the March 3rd meeting as he is out of the country.

Discussion/Project Updates:

- **Annual Review of Policies (continued from Jan. 20, 2022)**
 - Wetland Setback Policy – Draft - The Commission reviewed examples of wetland bylaws and policies from other communities. Framingham has a 30' wetland setback and extends jurisdiction to 125' buffer zone; Holyoke has a 50' wetland no disturb zone, Franklin has 25' no touch and 50' no build zones. Ms. Paquin asked about slope considerations and if that needs to be included. Chairman Clancy expressed his interest in expanding the Commissions setback to 30', the members discussed this and overall, all members agreed of expanding the no touch zone from the current 20' to 30'. They discussed several recent plans where houses and work were proposed at the 20' buffer zone, on already marginal lots, therefore a bigger buffer would provide better protection. They also noted that with climate change and increased precipitation, wetlands will need to do much more work absorbing stormwater, so this added 10' will serve to add a better buffer between work areas and the wetlands. Wetlands provide important flood control as well as important habitat. There was discussion about how walls along shorelines, similar to what was just discussed, could be approved in this 30' buffer zone. This will need to be clarified. In addition, can something be added regarding fertilizing lawns in a more ecological way so as not to impact the wetlands. After further discussion the Commission asked Ms. Ryder to draft a new setback policy reflecting this discussion for review at the next meeting.

- Tree Removal Policy – Draft - The Commission reviewed the tree removal policy and noted that item 5 should be removed. The section on tree trimming item 8 will need to be re- written so as to ensure continued tree health, Chairman Clancy noted that the town of Braintree has a no loss of tree clause and also has a fund for tree replacement. Item 9 should remove the reference to ornamental trees, just native trees should be used, item 10, trees to be replaced with 1 ½"-2" caliper trees and replacement of trees should be 2:1 not 1:1. Some clarification where trees should be replanted should also be included. After some discussion Ms. Ryder was asked to draft a revised policy to include these comments for review at the next meeting.

- **Desert Natural Area – Project Update-** no updates at this time were made.

Correspondence/Other Business

- **Iron in water and Iron Algae:** Mr. Dunbar shared a photo he had taken on Red Spring Rd. beside 35 Red Spring Rd. showing the orange/rust color of the stream channel. He wanted to point this out as a point of education to explain why Red Spring Rd. is so called. The natural iron in the surrounding landscape is oxidized when it reaches the air and then is fed on by the iron loving algae which then "paints" the bottom of the stream channel orange. He wanted to be sure it was clear this color is not from the landfill; it is a natural phenomenon.

Next Conservation Commission meetings: Feb. 17, 2022 & March 3, 2022

Adjournment. There being no further discussion, the meeting was adjourned with a motion by Mr. White, second by Mr. Clancy to adjourn. The Commission voted 7-0 to adjourn.

Respectfully submitted,


Priscilla Ryder
Conservation/Sustainability Officer