

# CITY OF MARLBOROUGH MEETING POSTING

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Meeting Name: Conservation Commission  
Date: August 18, 2022  
Time: 7:00 PM  
Location: 140 Main St. – Marlborough City Hall – 3<sup>rd</sup> Floor (Memorial Hall)

2022 AUG 12 AM 11:52

## ALL MEETINGS ARE IN PERSON AT CITY HALL

*Mask Advisory-Marlborough Board of Health advises all community members to wear a face-covering when indoors in crowded areas and/or if you are at high risk of severe COVID-19 disease*

---

### Public hearings:

**Approval of minutes:** The minutes of July 21, 2022

**7:00 Request for Determination of Applicability**

64 Westernview Dr. - Jason Shafferman

Proposes to repair and replace a retaining wall on Ft Meadow.

**7:10 Notice of Intent**

0 Red Spring Rd. - Robert Durand - Red Spring Road Homeowners Association, Inc.

Regarding the proposed sewer force main construction on Red Spring Rd. near wetlands.

### Emergency Permit

- Ratify – Hager Pond Emergency Permit

### Certificate of Compliance

- 212-1183 329-331 Boston Post Rd.
- 212-1159 36 Gikas Ln. (Lot 5)

### Discussion/Correspondence:

- 541 Pleasant St – Enforcement Order – continued discussion – Mr. Sampaio
- 111 Cullinane Dr. – Yi Zhou – wall discussion
- Discuss OpenGov – city's new on-line permitting process has begun
- Cider Knoll – beaver deceiver installation 8/11/2022
- Letter from Ft. Meadow Commission – dated 8/5/2022 -RE: Recommend a winter long drawdown starting Nov. 1, 2022 thru March 1, 2023.

**Next Conservation Commission meetings:** September 1<sup>st</sup> and 15<sup>th</sup>, 2022

### Adjournment

*The listing of topics that the chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will have been discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.*

Conservation Commission  
July 21, 2022  
7:00 PM  
Marlborough City Hall – 140 Main St.  
3<sup>rd</sup> Floor (Memorial Hall)

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

**Absent:** None

The hearing was recorded using Microsoft Teams.

**Approval of minutes:** The minutes of July 7, 2022 , were reviewed and on a motion by Mr. White, second by the chairman to approve as written and amended, the Commission unanimously approved 7-0.

**Public hearings:**

**Request for Determination of Applicability**

377 Simarano Dr. - IPG Photonics Corp.

Bruce Saluk of Bruce Saluk and Associates was present representing the owner. He explained that due to some drainage issues with the back of the building the sidewalk and door access area have all heaved and is no longer safe. They proposed to remove the materials, install some underdrain, improve drainage discharge from the roof and get it to flow out. They propose to add underdrains, a new manhole crushed stone and fabric and restore the sidewalk and planting areas to meet ADA compliance. A small portion of this work clips the 100' buffer zone, but a parking lot and curbing falls between this area and the wetland. The Commission asked about timing and sequencing. It was explained that they'd like to do this in the drier season; the work should only take about a week. The long-term operation and maintenance plan will be provided as a condition before the project is completed. There being no further discussion, the hearing was closed. On a motion by Mr. White second by Mr. Clancy to issue a Negative Determination of Applicability with standard conditions including the O&M requirement noted above, the Commission voted unanimously 7-0 to issue.

**Request for Determination of Applicability**

31 Red Spring Rd. – Arthur Vigeant

Mr. Vigeant disclosed that he is before the Commission as an individual resident, not in his capacity as Mayor. He is in the process of acquiring 31 Red Spring Rd. from his brother, however upon inspecting the home and lot he noticed many big trees close to the house, which the insurance company has asked to be removed as they are large and could harm the house. One branch already clipped the electric wire and started a small fire which luckily was extinguished. He'd like to clear around the house to keep it safe from falling trees about 25' or so on either side of the house and from the water side of the house up to the driveway. There was some discussion about the trees and some of the non-native invasive plants including bittersweet removal and control, and whether stumps would be removed or ground out. It was determined that the trees to be removed would need to be marked in the field and reviewed by the Conservation Officer. It was also determined that once the trees and stumps are removed the Conservation Officer will inspect the site to determine if the site is stable and whether erosion controls are needed to prevent any loose dirt or silt from reaching the lake. There being no further question from the Commission or the public the hearing was closed. On a motion by Mr. White second by Mr. Clancy to issue a Negative Determination with standard conditions and the condition for marking trees and making sure the site is stabilized. The Commission voted unanimously 7-0.

**Notice of Intent (continued from July 7<sup>th</sup>) (review draft conditions)**

309 Stevens St. - Marcel Maillet

Jason Lavoie from WSP was present. He provided revised plans showing details requested at the last meeting including grading details, dewatering design, and stone wall details. The Commission wanted to be certain the infiltration systems will be maintained and will have appropriate language for homeowners to understand maintenance requirements. The Commission expressed concern that the ground water table was very high in this location and will continue to be an issue for the homeowner. They requested that test pits be performed to confirm elevation. Mr. Lavoie indicated this has already been done and the basement floor will be 2 ½ ft. above the high-water table. The Commission discussed deed language and reviewed language provided by Mr. Lavoie from Weston. After further questions and no questions from the audience the hearing was closed. The Commission reviewed and discussed the draft Order of Conditions. Concern was raised about the high-water table. On a motion by Ms. Paquin second by Mr. Clancy to approve the Order of Conditions as drafted and amended, the Commission voted 5-2 to approve. Yea: Mr. Clancy, Ms. Paquin, Mr. Dunbar, Mr. Skarin, and Mr. Williams. Nay: Mr. Demers and Mr. White.

**Notice of Intent 212-1251 (Continued from June 16, 2022) (review draft conditions)**

Ken's Foods – 1 D'Angelo Dr.

Dale McKinnon of Guerriere and Halnon and Tom Schutz of Goddard Consulting; Craig Lemieux and Sam Dettore Jr. of Columbia Construction and Mark Shaye from Ken's Foods were all present. Mr. McKinnon reviewed details of the large retaining wall, fence and guardrail and explained the construction sequence to be used. The final wall details will be provided to the building department as a building permit will be required for these. Mr. Lemieux explained that his company will be doing the installation and walked the Commission through the construction sequence, access, and protection of the wetlands. The base will be done with a mini excavator but once the bottom layer is installed all work will be done from above to minimize impacts to the wetland area. Mr. Schutz explained the invasive plant removal process they will use to remove the invasive plants in the buffer zone and restore the buffer zone with native plants and trees. He showed a plan which identifies the 30' Buffer Zone area which is being encroached upon and the remaining buffer zone that will be impacted and restored. He reviewed the sequencing and planting plan provided to the Commission. Erosion controls and dewatering methods were reviewed, and the Commission emphasized that the erosion controls could not be used to retain any fill. There being no further discussion or comments from the public, the hearing was closed. The Commission reviewed the draft Order of Conditions and made some amendments based on the plan changes this evening. Ms. Ryder will fill in the blanks regarding riverfront impact numbers. On a motion by Mr. White, second by Mr. Clancy to approve the Order of Conditions as drafted and amended, the Commission voted unanimously 7-0 to approve.

**Violation updates:**

- 541 Pleasant St. – Review proposed mitigation. Mr. Sampaio and his attorney Mark White were present. Attorney White explained that his client is willing to comply with the mitigation plan and will be hiring a contractor who can do this work. Mr. Dunbar noted that he was glad to have this problem solved as it's been two years in the works. After some discussion on the mitigation plan it was agreed that the applicant will bring in a contractor to the next meeting to explain how to address the issue and for the Commission to



ascertain his/her qualifications to ensure the mitigation as outlined is met. They will return to the September 1<sup>st</sup> meeting with their consultant.

**Discussion/Correspondence:**

- Beaver Solutions Estimate – Cider Knoll Dam 2 - Ms. Ryder noted that the beavers have created a new dam below the original dam which has the low flow device. She received an estimate from Beaver Solutions for \$ 2,063.00 to install a new device on this new dam. The high water is a problem for homes around the pond that are on septic systems. One property has a system that gets inundated when the water level rises. On a motion by Mr. Skarin second by Mr. Clancy to engage Beaver Solutions and pay the bill out of the Conservation Maintenance Fund, the Commission voted unanimously 7-0 to approve.
- SVT Newly protected parcel in Marlborough – Wayside Inn Rd.- Ms. Ryder noted that a new parcel of land off Wayside Inn Rd. next to the mill pond has been protected by the Sudbury Valley Trustees. This parcel was on the open space plan list of important parcels to protect, additional parcels in this area may be protected in the future according to SVT.
- Mosquito Control Project – 364 South St. – review and comment. The Commission reviewed this request from the Mosquito Control Project and suggested that Ms. Ryder ask them about the phragmites control in this area and to ensure that any materials removed are cast in such a way as to not drain back into the channel. Ms. Ryder will convey.
- 149 Hayes Memorial Dr. - The Commission asked Ms. Ryder to inquire whether fencing will be placed above the huge wall cliffs to prevent people or animals from falling down this wall face. Ms. Ryder will inquire.

**Next Conservation Commission meetings:** Sept. 1<sup>st</sup> and Sept. 15<sup>th</sup>, 2022.

**Adjournment** - There being no further items to discuss, on a motion by Mr .White second by Mr. Clancy to adjourn. The Commission voted unanimously 7-0 to adjourn at 8:47 PM.

Respectfully submitted,

Priscilla Ryder  
Conservation Officer

Product/Service	Description
Concrete	1. Concrete Wall Form and pour concrete wall. Wall 8'x4'x1' and 18'x4'x1'.
Concrete	2. Concrete Footing patch. Form and pour concrete Footing in the exist wall. Footing is approximate 26'x1'x1'.
Drain	Provide and install drain behind the existing wall. drain it will make using 3/4 stone and pipe. approximate 26'x2'x1'.
Step	Form And Pour 4 concrete step .
Concrete Slab	Form And pour concrete slab provide and install 3/4 stone as base and pour 4" of concrete . slab approximate 6'x18'.

Rec 7-25-2022



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

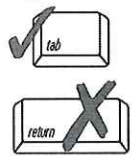
City/Town \_\_\_\_\_

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Jason Shafferman jasonshafferman@gmail.com  
 Name E-Mail Address

64 Western View Drive  
 Mailing Address

Marlborough MA 01752  
 City/Town State Zip Code

774-571-5154  
 Phone Number Fax Number (if applicable)

2. Representative (if any):

\_\_\_\_\_  
 Firm

\_\_\_\_\_  
 Contact Name E-Mail Address

\_\_\_\_\_  
 Mailing Address

\_\_\_\_\_  
 City/Town State Zip Code

\_\_\_\_\_  
 Phone Number Fax Number (if applicable)

**B. Determinations**

1. I request the Conservation Commission make the following determination(s). Check any that apply:  
 Conservation Commission
- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
  - b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
  - c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
  - d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:
- \_\_\_\_\_  
 Name of Municipality
- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

64 Western View Drive

Marlborough

Street Address

City/Town

19

19-32

Assessors Map/Plat Number

Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

Steep hill on back side of house. Deck stairs are attached to concrete slab held up by failing retaining wall

c. Plan and/or Map Reference(s):

Markup Map

Title

Date

Big Wall Repair

Title

Date

Failing Slab

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Markup Map: Remove and replace existing slab with a wall, matching the size of the slab 18x4 across the front and then

8x4 from the wall to shore. This area would be backfilled with a slab poured on top and associated stairs replaced. This section

of wall and slab are currently failing and are falling into the lake. This needs to be repaired before the entire thing falls in.

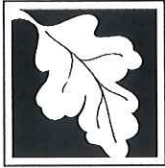
Green: repair based of wall across the wall pictured in (big wall repair) The wall is undermined and causing sinking/material loss

Purple: install proper drainage behind wall and level grade to ensure water does not continue to uild up behind the wall (big wall repair)

Extra/Broken concrete will be carried up the hill and disposed of in a dumpster

Works Scope from Contractor also attached





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

---

---

---

---

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

---

---

---





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Jason Shafferman

Name

64 Western View Drive

Mailing Address

Marlborough

City/Town

MA

State

01752

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

*Jason Shafferman*  
Signature of Applicant

7/25/2022

Date

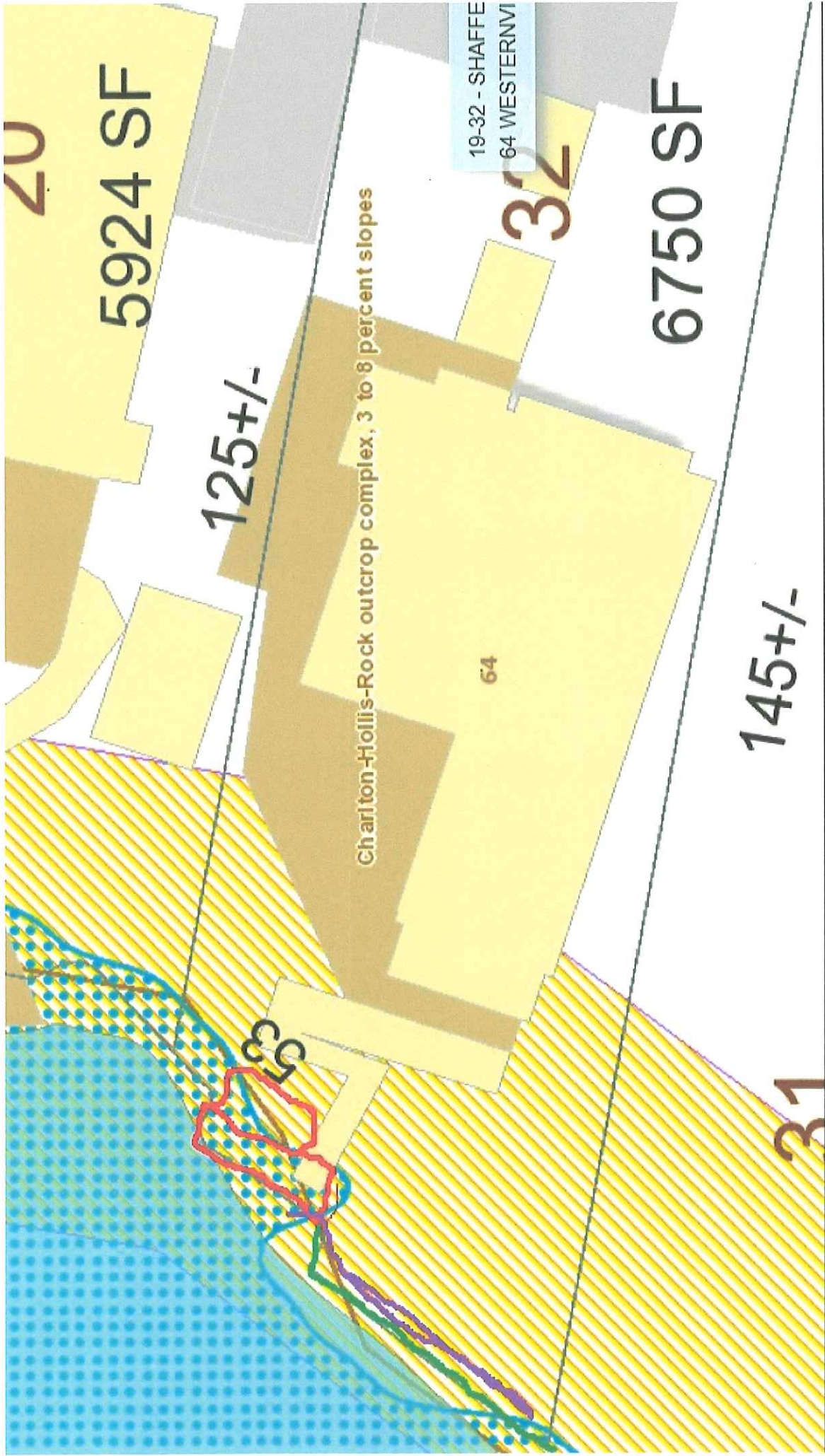
Signature of Representative (if any)

Date















August 3, 2022

Priscilla Ryder, Conservation Officer  
Conservation Commission  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

**Re: Notice of Intent – Red Spring Road  
Sewer Force Main Construction**

Dear Commission Members:

On behalf of the project Applicant, Red Spring Road Home Owners Association, Inc., McClure Engineering, Inc. (McClure) submits the attached Notice of Intent Application regarding the proposed sewer force main construction in Red Spring Road, Marlborough, MA (Property).

The 48.9 +/- acre property is located on the south side of Fort Meadow Reservoir and is identified as Assessor's Parcel 30-10. The property is a developed lot consisting of a private road and twenty-seven (27) privately owned single family homes and accessory structures and utilities (overhead electric, private wells, and septic systems). There are several wetland areas located on site. The wetlands were delineated by David Crossman of B&C Associates in April 2022. DEP Bordering Vegetated Wetlands Field Data Forms are attached. The top of bank of Fort Meadow Reservoir is survey field located by Chappell Engineering Associates, Inc. The majority of the site is located within 100' of jurisdictional resource areas. The site is also located in the 100-year special flood hazard zone based on Flood Insurance Rate Map (FIRM) Middlesex County Massachusetts (All Jurisdictions) Community Panel 250203, Map Number 25017C0481F, effective Date July 7, 2014 (See Appendix B). No work is proposed within the flood zone.

The applicant wishes to construct a sewer force main within the existing roadway limits to service the existing homes in the near future. The sewer force main is proposed to discharge to an existing gravity sewer manhole located within a sewer easement in the NE corner of the property between Gaucher Circle and Cullinane Drive. Individual connections to the sewer force main are not included in this project and will be individually designed and permitted once the sewer force main is constructed. Many of the existing residences have failed Title 5 systems, and the sewer will provide an increased level of environmental protection to the lake and other resource areas on site. At this point in time, an E-One system is proposed, however other makes and models are being looked at by the Home Owners Association for a price and operation comparison. Depending on the make and model of pump systems selected by the association, the force main sizing may vary slightly, however it will not alter the location or depth of the force main, cleanouts, air release valves, connections, etc. The construction of the force main is proposed to begin at the eastern end of Red Spring Road and progress west towards Reservoir Street. Test pits conducted on site indicated minimal refusal and fairly easy digging, so it can be assumed the installation of force main should go smoothly with minimal issues, with the potential for having hundreds of feet installed and backfilled a day. Seasonal high groundwater on site was observed around 48". Construction is proposed to start around the time of the annual drawdown of the reservoir in November and should be completely within 2-3 months. If dewatering is necessary during construction, pumped water will need to be treated via dewatering bags or other approved means of water quality treatment prior to discharge to resource areas.

Some minor drainage improvements located in the vicinity of 19 Red Spring Road are also proposed. The existing catch basin and discharge pipe in the area have had issues with handling flows, an issue likely contributed to an undersized culvert, but also poor maintenance of the system as the catch basin grate is often covered by leaf debris and dirt. The existing catch basin is being proposed to be removed and replaced with a new drop inlet catch basin with a deep sump and hood is proposed to be installed slightly further down Red Spring Rd. Some slight regrading of the roadway and shoulder will be necessary. An additional drop inlet deep sump and hooded catch basin is also proposed further east on Red Spring Rd where an apparent new source discharge has been witnessed coming from the newly constructed Elementary School stormwater system upgradient of the site. The roadside drainage swale is also proposed to be reworked and stabilized as well as the small section of eroding hillside located directly to the south of the roadside

swale. These areas will be regraded and stabilized. Vegetative clearing will be kept to a minimum as to only what is necessary to regrade and stabilize the hill. A new drainage manhole is proposed and the existing 6" discharge pipe is proposed to be upgraded to a 12" pipe for increased capacity. A rip rap outfall is proposed within the existing discharge drainage ditch between 17 and 19 Red Spring Road leading to the reservoir.

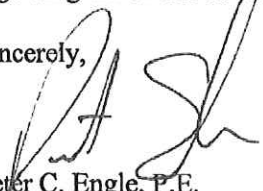
Three existing road cross-culverts are also proposed to be upgraded for increased capacity where there has been historic overtopping of the roadway has been witnessed caused by undersized culverts. These culverts are associated with bordering vegetated wetlands and intermittent streams and have been in place for many years. Watersheds associated with these culverts were analyzed and the culverts will be upgraded to handle, at a minimum, a 25-year storm event peak flow. At two of the culverts this will require some slight raising and regrading of the roadway and stone armoring of slopes from the roadway to the resource areas for stabilization. The resource areas will be protected from erosion and sedimentation during construction by a staked straw wattle erosion control barriers until the site is stabilized. The area of disturbance will be returned to roadway or lawn area following construction with a minimum of 4" loam, seed, and clean straw.

The following documents are enclosed for your review in support of this project:

- Notice of Intent Application Package and WPA Form 3
- "Sewer Force Main Construction Plan – Red Spring Road, Marlborough, MA 01752", prepared by McClure Engineering, Inc., date 8/3/22

Please notify McClure Engineering, Inc. of the date and time of the scheduled public hearing. If you have any questions regarding the enclosed subject matter, please contact me at (508) 248-2005.

Sincerely,



Peter C. Engle, P.E.  
Senior Engineer

cc: MassDEP, Wetlands Permitting Office, 8 New Bond Street, Worcester, MA 01606

**Wetlands Protection Act  
Notice of Intent**

**Proposed Sewer Force Main Construction  
Red Spring Road Homeowners Association, Inc.  
Red Spring Road  
Marlborough, MA 01752**

August 3, 2022

**McCLURE**  

---

**ENGINEERING, INC**

119 Worcester Rd., Charlton, Massachusetts 01507 - 508.248.2005





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Marlborough

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

**1. Project Location (Note: electronic filers will click on button to locate project site):**

Red Spring Road

a. Street Address

Marlborough

b. City/Town

01752

c. Zip Code

Latitude and Longitude:

30

f. Assessors Map/Plat Number

d. Latitude

10

g. Parcel /Lot Number

e. Longitude

**2. Applicant:**

Robert

a. First Name

Durand

b. Last Name

Red Spring Road Homeowners Association, Inc.

c. Organization

39 Red Spring Road

d. Street Address

Marlborough

e. City/Town

MA

f. State

01752

g. Zip Code

774-249-8198

h. Phone Number

i. Fax Number

bob@durandanastas.com

j. Email Address

**3. Property owner (required if different from applicant):**  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

**4. Representative (if any):**

Peter

a. First Name

Engle, P.E.

b. Last Name

McClure Engineering, Inc.

c. Company

119 Worcester Road

d. Street Address

Charlton

e. City/Town

MA

f. State

01507

g. Zip Code

508-248-2005

h. Phone Number

508-248-4887

i. Fax Number

pengle@mcclureengineers.com

j. Email address

**5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):**

\$500

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid





CITY OF MARLBOROUGH  
Marlborough, Massachusetts 01752

# Fort Meadow Commission



TOWN OF HUDSON  
Hudson, Massachusetts 01749

Marlborough Conservation Commission

5 August 2022

City Hall

140 Main Street

Marlborough, Ma

Dear Ms. Ryder

This is to notify you that at the August 4, 2022 meeting of the Fort Meadow Commission the commissioners voted to recommend a winter long drawdown of Fort Meadow Reservoir starting November 1 with a projected spillway closure March 1, 2023 depending upon environmental conditions. Our weed treatment contractor Solitude Lake Management also recommends a winter long drawdown.

Regards,

Lee Thomson  
Chairman  
Fort Meadow Commission

✓ 7x4