

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Conservation Commission
Date: June 16, 2022
Time: 7:00 PM
Location: 140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 JUN 10 P 12:45

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 May 19th and June 2nd, 2022

- 7:00 Notice of Intent (continued from 6/2/2022 - review draft conditions)**
192 Robin Hill St. - Hillside School
Proposes to construct a new elementary school with associated parking, drainage, and landscaping near wetlands.
- 7:10 Request for Determination of Applicability**
878 Concord Rd. - Marcio Oliveria
Proposes to level the backyard and increase the driveway near wetlands.
- 7:20 Notice of Intent**
Ken's Foods – I D'Angelo Dr.
Proposes to construct two additions and expand 3 parking areas near wetlands.
- 7:30 Request for Determination of Applicability – (continued from 6/2/2022 - review draft conditions)**
55 Clinton St. – Carlos Costa
Proposes to resurface the existing driveway, add a new deck, and establish a lawn in the side yard near wetlands.
- 7:40 Request for Determination of Applicability – (continued from 6/2/2022 – review draft conditions)**
204 Farm Rd. – Rich Deals, LLC
Proposes to do landscaping next to a brook

Certificate of Compliance:

- DEP 212-1226 86 Roosevelt St.
- DEP 212-1211 293 Lakeshore Dr.

Discussion:

- 541 Pleasant St. – violation discussion – Mr. Sampaio
- Ft. Meadow – Cat tails removal at boat house for kayak dock
- The Grove – kayak dock
- Ft. Meadow – updated map from June 6th treatment

Next Conservation Commission meetings: July 7th and July 21st, 2022

Adjournment

**Marlborough
CONSERVATION COMMISSION**

Minutes

DRAFT

May 19, 2022 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

Present: Edward Clancy-Chairman, John Skarin, Allan White, and David Williams. Priscilla Ryder - Conservation Officer was also present.

Absent: Dennis Demers, Karin Paquin, and William Dunbar (Ms. Paquin & Mr. Dunbar participated by video but were not counted as present)

Discussion: (This was taken out of order)

- AMSA – scout projects – trail and bridge construction discussion - Lisa Thibault a biology teacher at AMSA was present to represent the scouts who are doing this project of installing a trail system behind AMSA and Forekicks. The trail needs to cross two small stream/wetlands and one larger stream to create a safe loop. The project will involve 4 scouts who will each do different pieces of the projects including kiosks, bridges/bog bridges and an outdoor classroom space. The Commission reviewed the plans and the bridge designs and noted that this was a minor project. On a motion by Mr. Skarin second by Mr. Clancy to approve the project as presented as a minor project not requiring additional review, the Commission approved 4-0.

Public hearings:

Request for Determination of Applicability

204 Farm Rd. - Rich Deals, LLC

Mr. Dowd who is the current owner and realtor explained he bought the house and didn't know about the wetlands. The house was in a jungle of vines and plants which he had removed in the front, back and side yards. He rehabbed the house and is going to be selling it. When he cleared the side yard next to Boivin Dr. he was alerted by the neighbor that he had done work on her property which has wetlands, he had assumed it was his property. Ms. Eltorai from 41 Boivin Dr. was present as well. When clearing away all the vines he found a pile of creosote timbers which he did excavate and remove. Ms. Ryder then stopped work until the Commission could review and he attended a meeting, which he is doing tonight. Ms. Ryder confirmed that the area is covered with bittersweet vines but noted any removal near wetlands does need a permit or Commission approval at the very least. The Commission inquired about where the materials were taken, so as not to cause other areas to be infested. Mr. Dowd indicated that Dave's Landscaping had removed and chipped most of the materials. The Commission noted that they would like to look at the site before rendering a decision and noted that there should be wetland buffer zone markers marking the 30' no disturb buffer zone once the site is restored. A site visit was set for Monday, May 23rd at 5:00 PM. The hearing was continued to the June 2, 2022, meeting.

Request for Determination of Applicability

55 Clinton St. – Carlos Costa

Proposes to resurface the existing driveway, add a new deck, and establish a lawn in the side yard near wetlands. No one was present so this item was continued to the June 2, 2022, meeting.

Notice of Intent

192 Robin Hill St. - Hillside School

Proposes to construct a new elementary school with associated parking, drainage, and landscaping near wetlands. At the applicant's request, prior to the meeting, this hearing was continued to the June 2, 2022, meeting.

Notice of Intent

630 and 686 Forest St. – Yellow Brick, LLC

David Cowell of Hancock Assoc. was present representing the applicant. He noted that at the last meeting the Commission had asked for the slope planting plan which had been cleared. The area is shown on two sheets. There is wetland restoration and then buffer zone restoration, the plan outlines the plants to be installed for each. If approved, this planting will occur in the next few weeks. The Commission discussed the plants which will include willows and ferns and specific seed mixes. After some discussion about a stormwater operation and maintenance plan, the use of the vac truck to remove sediments, the hydroseeding of the loamed area and the stability of the rip rap, there was no further discussion or questions from the Commission, or the audience and the hearing was closed. The Commission then reviewed the draft set of conditions and made some edits to the document. On a motion by Mr. White, second by Mr. Clancy to approve the Order of Conditions as drafted and amended, the Commission voted unanimously 4-0 to approve.

Discussion

- DEP #212-1220 Rte. 20 Reconstruction - MDOT – Preconstruction meeting as required in the Order of Conditions - Mr. Fabio Conceicao of Ludlow Construction who is the contractor doing the work for MDOT. He went through the plans section by section and outlined the work needing to be done to control the invasive plants including a big section of Japanese Knotweed at Broadmeadow Brook. He explained the process that the plants would be cut and then treated in July and all excess materials would be removed to a specific pile to be sure it is separate and disposed of properly. He explained that he is looking to stage the work at McGee farm for the time being and has been instructed where the 100' buffer zone is and will be doing all work outside this zone. Tree clearing has already been done. He outlined the process of the culvert replacement near Hager Pond and the bypass pumps needed during that process. They will be starting the watermain work on June 1st and hoping to start the two headwall projects in August. The Commission asked that the Conservation Officer be notified when these activities will happen so weather and precautions can be taken into consideration to be sure it runs smoothly. After some discussion about utility installation, timing and construction sequence, the Commission noted they were satisfied that the contractor has a handle on this project and can proceed with the work as permitted in the Order issued. They thanked Mr. Conceicao for coming in.

- 1000 Nickerson Rd. – Pre-construction meeting as required in Determination of Applicability Ben Yeskey and George Green from Arco National Construction were present and explained that they have been hired to perform the work as outlined in the Determination issued for this project. They went over the construction sequencing plan provided, which had only a few slight changes from the original one approved. There will be some small amount of export of materials from the site, but they will be sure to install good tracking pads and keep the roadways clean. Blasting survey indicates that there is some shallow blasting 3'-5'. The Commission emphasized the need to keep Nickerson, Hayes Memorial Dr., and Boston Post Rd. clean and to use the stump grindings as part of their erosion control program. After some discussion the Commission thanked Mr. Yeskey and Mr. Green for attending and hoped the project goes smoothly.
- Felton Conservation Land Mowing license agreement - Ms. Ryder noted that the grandson of Mr. Wright has indicated he may want to mow this land next year, but they aren't in a position to do so this year. She noted that Mr. Stephan has indicated he is willing to hay the fields this year. The Commission agreed to have Mr. Stephan mow as he did last year. On a motion by Mr. White, second by Mr. Clancy to issue a one-year license agreement to Mr. Stephan for the mowing of the Felton Conservation land, the Commission voted unanimously 4-0 to approve.

Review Draft Orders of Conditions

- Draft Order of Conditions - **74 & 82 Paquin Dr.** – Scott Ferrecchia - The Commission reviewed and discussed the Order as drafted and made some changes and accepted the revised plan showing only a short 20' wall only on 82 Paquin Dr. property. On a motion by Mr. White second by Mr. Clancy to accept the Order as drafted and amended, the Commission voted unanimously 4-0 to approve.
- Draft Amended Order of Conditions #212-1229 - 322 Hayes Memorial Dr. (Lot L) - Marlborough/Northborough Land Realty - the Commission reviewed and discussed the Order as drafted and made some changes. On a motion by Mr. White second by Mr. Clancy to accept the Order as drafted and amended, the Commission voted unanimously 4-0 to approve.

Project Updates/Correspondence/Other Business

- Ft. Meadow Lake Treatment tentatively scheduled for June 6th – Ms. Ryder noted that notices will go out next week to all abutters.
- Hager Pond Dam - After a citizen reported the outlet drainage looking odd at Hager Pond Dam the Office of Dam Safety was notified and upon inspection have determined that several boards were illegally added to this dam which is already in "poor condition". They have asked for an emergency certificate to remove the boards from the Dam. This work will be performed on Friday May 20th. On a motion by Mr. Skarin, second by Mr. Clancy to approve an emergency certificate to allow for removal of the boards and any other action needed to prevent dam failure, the Commission voted unanimously 4-0 to approve.

Next Conservation Commission meetings: June 2nd and June 16, 2022

Adjournment - There being no further business the meeting was adjourned at 9:01 PM

Respectfully submitted,
Priscilla Ryder – Conservation Officer/Sustainability Officer

**Marlborough
Conservation Commission**

Minutes

DRAFT

June 2, 2022(Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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

Absent: none

Approval of Minutes: The minutes of May 5, 2022, were reviewed and on a motion by Mr. White second by Chairman to approve, the Commission voted unanimously 7-0.

Public hearings:

Request for Determination of Applicability

204 Farm Rd. - Rich Deals, LLC

Mr. David Dowd was present and summarized the site walk that occurred on Monday May 23rd. He thanked the Commission for coming out and noted that he went back and flagged the area with caution tape to provide a visual location of the 30' wetland buffer zone line. The pictures he had taken were shared on the screen. Mr. Dunbar noted that he and Ms. Ryder had checked the site today and measured 30' from the narrow brook bank and found that the line Mr. Dowd had provided was not 30' behind the house. This has been readjusted to be at 30' from edge of wetland which cuts through a corner of the existing driveway. The Commission discussed and reviewed the lines as shown and determined a compromise could be made to allow for the buffer zone to be restored from the 30' at the stone wall, connect with the corner of the driveway and reconnect with the stakes that are again 30' away. The Commission discussed the need for markers to mark the 30' wetland boundary. They also discussed the plant list that had been provided by Dave's Landscaping who has done the work - the list was of native plants and seemed reasonable with reasonable quantities. Ms. Ryder asked that a more legible list be provided for better reference. Mr. Dowd asked if he could start planting now as the time is right, and the Commission agreed, however they asked Ms. Ryder to draft some conditions for review at the next meeting. They also noted that mulch should be added between the new plantings to allow them time to take hold before weeds begin to grow. The Commission continued the hearing to the June 16th meeting at which time the draft conditions for the Determination can be reviewed.

Request for Determination of Applicability (continued from May 5th)

55 Clinton St. – Carlos Costa

Ms. Regina Costa was present and explained that she and her husband bought the house recently and it was in horrible condition. They are putting on a second story and are hoping to clean up the yard. They were informed that they were near wetlands and have filed for a permit to enlarge the deck, clean the yard, and remove the heaps of trash there and fix the driveway. Chairman Clancy asked why they had moved dirt in the back yard? Ms. Costa noted that they had several dumpsters on site, and one got stuck after the rain and made a mess. They will clean that up. The Commission asked about the driveway repairs and what that will entail. Ms. Costa said it wouldn't be done anytime soon, but they'd like to expand it near the house to allow for a basketball hoop. She noted that her husband is a landscaper and would like to remove the trash but keep as many trees as possible. After some discussion the Commission noted that the 4 tasks being requested are: Remove trash, add deck, and repair driveway, and as discussed add 30' wetland markers in the yard once it's cleaned up. The Commission allowed her to start removing trash and continued the hearing to the June 16th meeting in order to get a draft set of conditions to review. Ms. Costa will contact Ms. Ryder before doing any work.

JXX ✓

Notice of Intent**192 Robin Hill St. - Hillside School**

At the applicants request prior to the meeting, and because they are still working on plan changes, the hearing was continued to the June 16, 2022, meeting.

Certificate of Compliance:

DEP 212-1231 - 99 Lakeshore Dr. - Ms. Ryder reported that she had inspected the site and reviewed the Order of Conditions, and all is in order. On a motion by Mr. Skarin, second by Mr. Clancy to issue a full Certificate of Compliance, the Commission voted unanimously 7-0.

Discussion:

- **541 Pleasant St.** – violation follow up - The homeowner Mr. Sampaio did not show, the Commission members had all reviewed his most recent letter e-mailed to Ms. Ryder. As this violation has gone on since 2020 the Commission asked Ms. Ryder to check with the legal department to determine what options are left to get the violation resolved by the homeowner. The monetary value of the violation correction would be approximately 27 trees replanted and invasive plants removed. Ms. Ryder will report back at the next meeting.
- **Hager Pond Dam** – Div. Dam Safety follow up- The Office of Dam Safety has removed the two boards that were holding back excessive amounts of water, once the water is lower, they will inspect the dam to determine its integrity and let the city know the next steps needed.
- **Buffer zone restoration guideline** - Review documents from Weston and Stow on buffer zone restoration and invasive plant removal to determine best approach to use in Marlborough. The Commission reviewed the various examples of documents used in other communities. They asked Ms. Ryder to look at the document from Weston and adapt it to be used in Marlborough, as it is a good document. Ms. Ryder will work on that and provide a copy soon.

Project Updates/Correspondence/Other Business - The Commission reviewed the following correspondence and on a motion by Mr. White second by Mr. Demers to approve and place on file, the Commission voted unanimously 7-0 to approve.

- Ft. Meadow Lake Treatment Letter – June 6, 2022, treatment date.
- 2022 Yearly Operational Plan – CSX Railroad Right of Way Management.
- Marlborough DPW – 2022 Right of Way application notification.

Next Conservation Commission meetings: June 16th and July 7, 2022

Adjournment - There being no further business on a motion by Mr. White second by Chairman to adjourn, the Commission voted unanimously 7-0 to adjourn.

Respectfully submitted,

Priscilla Ryder
Conservation Officer

21 Prior to the beginning of work, the applicant shall:

- a) Obtain approval of the City of Engineer for the design of all drainage structures and facilities.
 - b) Properly install all siltation controls according to the plans approved by the Conservation Commission.
 - c) Provide the Conservation Officer with the name and telephone number in writing, of the person who will be immediately responsible for supervision of all work on the project site and compliance with this Order of Conditions. The Conservation Officer shall be notified in the event that the site supervisor or contractor is changed.
 - d) Clearly mark the limits of work in the field and instruct all workers not to work beyond the limits.
 - e) Notify Conservation Officer of the date upon which work will commence.
 - f) Hold a meeting on the project site with the Conservation Officer, the project site supervisor identified in Condition No. 21-C above, and other relevant parties identified by the applicant or the Conservation Commission to review the project and this Order of Conditions. Siltation controls shall be inspected at this time.
 - g) Failure to comply with Condition Nos. 21A-F, as well as Nos. 8 &9, shall constitute sufficient grounds for the Conservation Commission to order all work to cease until compliance is achieved.
- 22 The Conservation Officer shall serve as the Commission's agent in all matters pertaining to the interpretation and enforcement of this Order of Conditions. Accepted engineering and construction standards shall be followed in the conduct of all work.
- 23 Issuance of this Order of Conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
- 24 All work shall conform to the Notice of Intent, all plans, and all other documents, records, correspondence and representations of the applicant as presented to and approved by Conservation Commission.
- 25 The applicant shall notify the Commission before performing any modified work. If the Commission deems the modification significant, the applicant shall submit an amended Notice of Intent with any necessary documentation and obtain an amended Order of Conditions. The Commission shall reopen the public hearing in accordance with the provisions of 310 CMR 10.05 (5). The Commission may impose additional or modified conditions to protect the interests of the Wetlands Protection Act.

- 26 No excavated material shall be disposed of in violation of any local, state, or federal laws. All stumps must be removed from the site; no burying of stumps on site is permitted.
- 27 Prior to the issuance of a Certificate of Compliance, the applicant shall submit to the Conservation Commission for review and approval an as-built plan and a letter of compliance stamped by a registered professional engineer. Said plan and letter shall show that all conditions of this Order have been complied with in a satisfactory manner.
- 28 The Conservation Commission shall be notified in writing at the time of any transfer in the title to the property or any change in contractor/developers prior to issuance of the Certificate of Compliance. The name, address, and telephone number of the new owner shall be included in the notification as well as certification that the new owner has been provided with a copy of this Order of Conditions.
- 29 Prior to the issuance of a Certificate of Compliance the site shall be stabilized with vegetation or other measures approved by the Conservation Commission.
- 30 Prior to the issuance of a Certificate of Compliance and after the site has been stabilized, all erosion controls shall be removed from the site.

SITE-SPECIFIC CONDITIONS

Finding of Fact:

The majority of this school projects falls outside the riverfront area and floodplain. Except for a small section of the detention basin the remainder of the project falls outside the 100' buffer zone. If the conditions noted in this Order of Conditions are followed, no impact to wetlands should occur.

- 31 Wetland delineation was confirmed for flag series A-1 thru 36; B-1 thru 26 and C-1 thru 25 as shown on the approved plans. Wetland flag series E, F, G & H as outlined in the wetland report by Caron Environmental Consulting were NOT reviewed or approved. [note: make sure revised plans shows changes made to wetland line based on site visit]

Erosion Control/Construction sequencing

- 32 At the preconstruction meeting noted in item #21 above, the construction sequencing will be reviewed by the Conservation Officer, City Engineer and site contractor. At this time soil and weather conditions will be assessed as well to make sure all proper precautions are in place.
- 33 The erosion controls along the limit of work area should include straw wattles and properly installed siltation fencing.

Special Conditions

DEP 212-1250
192 Robin Hill St.
Hillside School Elementary school building

- 34 Stone construction entrance pads shall be in place at all exits onto the existing roadway to prevent the tracking of mud and silt into the public roadway. Dust shall also be controlled on this site at all times. If dirt is tracked onto the roadway, it shall be cleaned up immediately.
- 35 The applicant, property owner, and site contractor shall be responsible for regular inspections of the erosion controls on at least a weekly basis and prior to and immediately after (within 12 hours) each storm event. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously. These inspections shall be described in the reports required in Condition #36, below.
- 36 The applicant/developer shall submit to the Conservation Commission a monthly **(note: or weekly or twice a month?? Should follow SWPPP requirements?)** written status report prepared by a registered professional engineer or environmental consultant competent in such evaluation during construction, summarizing the work that has been completed, compliance of the project with the Order of Conditions, and the status of the erosion controls.
- 37 The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Commission in an expeditious manner if any visible siltation of wetlands occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
- 38 Large piles of soil and other materials shall not be stockpiled closer than 50 feet to any wetland resource area without the approval of the Conservation Officer. All large stockpiles must be maintained in a stabilized condition with erosion control in place and approved by the Conservation Officer.

Rain Garden / Detention basin

- 39 The rain garden is an integral function of the stormwater mitigation on the site. Any changes to the rain garden including modified curbing or additional vegetation to meet the City Engineer's and site plan review committee's needs shall be considered minor changes and will be permitted under this Order of Conditions without further review by the commission.
- 40 During the construction of the rain garden, the Conservation Officer shall be called to do an inspection when the basin is excavated to observe the bottom of the basin before topsoil is added to understand the underlying soil type. A second inspection will be needed when the soil and underdrain are installed and planted. The details of this rain garden area construction as shown on sheet 7 of 7 of the approved plan set shall be followed. **[note: if planting numbers/quantities have been included great, if not add here)**
- 41 The detention basins shall be fitted with riser pipes as needed to help ensure adequate on site settling of the silty runoff. Additional basins or other erosion control/filtering devices may be necessary as conditions warrant to ensure that only clean water leaves the site.

Dewatering

- 42 As the groundwater levels maybe high on this site near the raingarden, it is likely that a dewatering system will be necessary during construction. If dewatering is necessary all silty

Special Conditions

DEP 212-1250
192 Robin Hill St.
Hillside School Elementary school building

water must be filtered through a dewatering/ sedimentation trap system, until such time as the water runs clean. At no point shall silty water be discharged into wetlands or streams without first being filtered.

- 43 The dewatering system to be installed must first be inspected and approved by the conservation officer before being put to use.
- 44 All areas where dewatering hoses are discharged shall be protected so as not to cause erosion.
- 45 Snow dumping is not to occur near the wetlands or the rain garden area. **(Note: If it has been updated reference plan)**

Certificate of Compliance

- 46 Prior to requesting a Certificate of Compliance, the applicant or its agent shall clean the detention basin, all drainage pipes and catch basins of accumulated sediment and debris. Rain garden and water quality structures shall also be inspected and cleaned if necessary. The Conservation Officer shall be present for these inspections to verify that these systems are clean and working properly.
- 47 Prior to the issuance of a Certificate of Compliance, the Stormwater Operation and Management Plan provided on the plans, shall be transferred to a sheet of paper and attached to and made part of the ongoing condition of the Certificate of Compliance. This shall be reviewed and amended if needed to address site conditions.
- 48 A note shall also be attached to the Operation and Maintenance Plan before it is attached to the Certificate of Compliance which notes: "all new owners of this site must be informed that the maintenance of the drainage system is critical to its proper function. "
- 49 An annual maintenance report shall be provided to the City Engineer and the Conservation Commission by June 1st of each year reporting on the maintenance and operation procedures performed for that year. This maintenance shall follow the Stormwater Operation and Maintenance Plan noted above. This reporting requirement will follow the issuance of a Certificate of Compliance.

Anything else?

END CONDITIONS



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:

Marcio Oliveira postroadconstruction@gmail.com

Name E-Mail Address

878 Concord road

Mailing Address

Malborough MA 01752

City/Town State Zip Code

(508)808-5679

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 _____ 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).
- _____
- _____
- _____



878 Concord Rd. landscape yard, and improve driveway

Marlborough, MA



June 9, 2022

1 inch = 69 Feet

www.cai-tech.com



| | | | |
|--|--------------------------|--|----------------|
| | CAI Town Line | | Contours - 5ft |
| | Parcel Lines - Ortho | | DEP WETLAND |
| | Parcel Addresses It 2000 | | STREAM |
| | Contours - 1ft | | |

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Determination of Applicability

55 Clinton St., Marlborough Yard, Driveway and Deck Restoration Special Conditions

The following special conditions must be followed in order to protect the adjacent wetland area:

CONDITIONS:

1. Prior to beginning work, please contact the Conservation Officer to set up a site visit to review the project and construction methods.
2. This project will include:
 - a. Yard improvements-
 - i. Removing trash and garbage from yard,
 - ii. removing invasive plants from yard,
 - iii. restoring 30' wetland buffer zone with native plants if needed- this is to be evaluated by Conservation Officer once area is cleaned and invasive plants removed, to determine what, if any wetland planting or restoration is needed.
 - iv. Reestablishing and stabilizing yard. Trees not infested with invasive plants shall be saved. Native plants may be moved and transplanted if deemed appropriate by Conservation Officer to restore buffer zone area.
 - b. Deck replacement and expansion-
 - i. The existing deck behind the house will be removed and replaced with a bigger deck as shown on the plans the new deck dimensions are (XX' x YY')
 - ii. A patio will be built under the deck
 - c. Driveway repair and replacement-
 - i. The existing driveway shall be milled and repaved and replaced in kind
 - ii. A turn around area (xx' x yy') beside the house shall be constructed for better maneuvering out this steep driveway.

These three projects can be done in phases, this permit

3. The 30' wetland buffer zone shall be marked in the field with wetland boundary markers, or other permanent feature such as a stone wall or fencing approved by the Conservation Officer.
4. Prior to the issuance of a Certificate of Occupancy and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property.

5. Once the project is completed, please notify the Conservation Officer for a site inspection prior to requesting an occupancy permit. During this inspection we will confirm that all work as outlined above has been completed and the project

Anything Else???

Determination of Applicability

204 Farm; Marlborough Wetland Buffer Zone Restoration Special Conditions

The following special conditions must be followed in order to protect the adjacent wetland area:

CONDITIONS:

1. Prior to beginning work, please contact the Conservation Officer to set up a site visit with the site contractor doing the work. Please provide at least 48-hour notice.
2. The 30' Buffer Zone which has been disturbed during the house renovation shall be restored and planted with the following plants. Install 11 shrubs, two trees and 24 perennials just inside the 30' mark that designates the wetland. Use fertilizer, mulch & water in.

Trees:

2 Red Maples (or other native trees) 1"-1.5" calliper

Shrubs

3 highbush blueberry 3 Gal
3 viburnum dentatum 3 gal
3 Ilex glabera 3 gal
2 Clethera 3 Gal

Perennials

Rubecia
Cinnimon fern
Christmas fern
Columbine
Huchera
Iris Verna
Butterfly weed

27 Total from this list

(Plus the 3 Green Giant Arborvitae already planted) Still waiting for response from DPW re sewer line planting to see if these need to be moved or adjusted,

3. Once planted the area will be mulched with **??(does the commission want to specify mulch? Wood chips? Landscape mulch?)**
4. Prior to the conveyance of the house to the new owner, deed language shall be included in the new deed indicating the following: the following statements shall be incorporated into the deed to this property indicating that:

“any activity located within 100 feet of wetlands that may dredge, fill, remove, or alter the area including removal of vegetation, additions to buildings, decks, etc. is subject to the Massachusetts Wetlands Protection Act. No work of any type is to occur within 100 feet of the wetland boundary without prior permission from the Conservation Commission.”

“Upon the sale of the property to a new owner, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property”.

A copy of this deed language shall be submitted to the Conservation Commission for review and approval prior to the conveyance. The deed shall be recorded, and evidence of its recording provided to the Commission. A copy of the deed with the above language quoted within, shall accompany the written request for a Certificate of Compliance.

5. Prior to the conveyance of the house to the new owner, and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.
6. Prior to conveyance of the house to the new owner, permanent boundary markers shall be installed to mark the 30-foot no disturbance buffer zone. The permanent markers shall be some type of permanent markers in the ground approved by the Conservation Officer. These shall be shown on the as-built/ mortgage plan and clearly marked on the plan with a note indicating no work shall be performed beyond this point without permission from the Conservation Commission. A copy of the plan showing this 30-foot buffer zone marking locations shall be provided shall be attached to and made part of the deed to be recorded. These permanent markers shall provide a guideline to future homeowners as to the limit of work.
7. Once the project is completed and site stabilized, please notify the Conservation Officer for a site inspection.

Anything else?

END CONDITIONS

May 17, 2022

City of Marlborough
Conservation Commission
140 Main Street
Marlborough, MA 01752


RE: Lot A, 86 Roosevelt Street, Marlborough MA 01752

Dear Sir or Madam,

We, the undersigned, Jessica Clunan and John Patrick Clunan ("the Owners"), are the owners of the following described property ("the Property"), **Lot A, 86 Roosevelt Street, Marlborough, MA 01752**, and being that same tract of land conveyed to Kevin O'Malley, Trustee of KCO Realty Trust by Carlos F. Marcolino, by deed dated March 15, 2021, and recorded in Middlesex South Registry of Deed in Book 77244, Page 542.

We do hereby acknowledge and understand all of the wetland restrictions bound to this property as outlined in Order of Conditions recorded in the Middlesex South Registry of Deeds in Book 76520, Page 262. We, the Owners, submit this letter to the Conservation Commission in accordance with the General Condition No. 41 in Section C of the Order of Conditions.

Sincerely,

 dotloop verified
05/19/22 2:27 PM EDT
A2B8-1IGT-Y2FC-RR73

Jessica Clunan

 dotloop verified
05/19/22 12:42 PM CDT
BWAV-WPLD-JTHZ-X3WE

John Patrick Clunan

HANCOCK
ASSOCIATES

June 6, 2022

Marlborough Conservation Commission
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

RE: 86 Roosevelt Street, Marlborough Request for Certificate of Compliance (MassDEP File #212-1226)

Dear Members of the Commission:

On behalf of KCO Realty Trust (Applicant), Hancock Associates respectfully submits this Request for Certificate of Compliance for construction of a single-family home located at 86 Roosevelt Street, Marlborough (MassDEP File #212-1226). All civil construction is complete. Special Conditions #43 through 40 of the Order of Conditions provide details on necessary submittals to the Commission prior to issuance of a Certificate of Compliance.

Condition #43 states: *"Prior to the issuance of a Certificate of Compliance, all disturbed areas shall be stabilized with vegetation or other measures approved by the Conservation Commission."*

With the exception of the back slope of the infiltration basins, the property was hydroseeded 1 to 2 weeks ago, which has already germinated and emerged, providing approximately 60% uniform ground cover. The lawns are actively being irrigated and are on trajectory to attain 75-85% uniform cover within the next 1-2 weeks, which is within range to be considered final stabilization.

Contractors recently finished final grading of the infiltration basin. Seed has been applied within the last 48-hours and is anticipated to emerge within the next 1 to 2 weeks as the lawn area has. It is important to note there was no evidence of any drainage issues leading to erosion or sediment transport site wide. Perimeter sediment controls remain in place and functional. It is recommended to leave the controls in place until uniform vegetative cover on the infiltration slopes is achieved. We are

DANVERS OFFICE
185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH OFFICE
315 Elm Street
Marlborough, MA 01752
Phone: (508) 460-1111
Fax: (508) 460-1121

CHELMSFORD OFFICE
34 Chelmsford Street
Chelmsford, MA 01824
Phone: (978) 244-0110
Fax: (978) 244-1133

requesting issuance of a Certificate of Compliance now in acceptance of this small discrepancy, in acknowledgement that the overwhelming majority of the site is stabilized in accordance with the plan and permit conditions.

Condition #44 states: *"Prior to the issuance of a Certificate of Compliance permanent boundary markers shall be installed to mark the 50-foot no disturbance buffer zone. The permanent markers shall be some type of permanent markers in the ground approved by the Conservation Officer. These shall be shown on the as-built plan and clearly marked on the plan with a note indicating no work shall be performed beyond this point without permission from the Conservation Commission. A copy of the as-built plan showing this 50-foot buffer zone marking locations shall be provided with the written request for a Certificate of Compliance. It shall be attached to and made part of the Certificate of Compliance and shall be recorded. These permanent markers shall provide a guideline to future homeowners as to the limit of work."*

In fulfillment of this condition, as Attachment B we provide photographic record of each marker, and as Attachment C we provide a certified as-built plan detailing the locations of these wetland boundary markers and notation that no work shall be performed beyond this point without permission from the Conservation Commission.

Condition #40 states: *Prior to the issuance of a Certificate of Compliance, the following statement shall be incorporated into the deed to this property indicating that:*

a. "any activity located within 100 feet of wetlands that may dredge, fill, remove, or alter the area including removal of vegetation, additions to buildings, decks, etc. is subject to the Massachusetts Wetlands Protection Act. No work of any type is to occur within 100 feet of the wetland boundary without prior permission from the Conservation Commission."

b. "the detention basin on the site has been constructed to deal with runoff from the site and improve water quality before it discharges to the ground and into Millham Brook the city's water supply. Maintenance of this basin shall include Inspections, Removal of accumulated trash and debris, Cleaning of sediment forebay when sediment depth is greater than six inches, and Repair/replanting of grass damaged in the cleaning process."

c. "the sewer pump system installed for this house will pump into the forced sewer main in the street, the homeowners' responsibility is the maintenance and repair of any component of the sewer system located within the property, including but not limited to the pump chamber, pump, emergency storage tank, and gate valves."

A copy of this deed language shall be submitted to the Conservation Commission for review and approval prior to the issuance of a Certificate of Compliance. The deed shall be recorded, and evidence of its recording provided to the Commission. A copy of the deed with the above language quoted within, shall accompany the written request for a Certificate of Compliance.

The Applicant is in process of revising the language of the deed for submittal to the Conservation Commission for review and approval, prior to recording at the Registry of Deeds. The Applicant understands that the Certificate of Compliance will not be issued until proof of recording the modified deed has been provided to the Commission.

Condition #40 states: *"Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds."*

The Applicant is in process of obtaining a letter from the property owner in accordance with this condition and understands that a Certificate will not be issued until it is provided to the Commission.

Respectfully,
Hancock Associates on behalf of KCO Realty Trust



David Cowell, PWS, CWB, CESSWI
Senior Wetland Scientist / Project Manager

cc: MassDEP Central Regional Office (CERO)

Attachments:

- A – WPA Form 8A
- B – Marker Photos
- C – As-Built Plan



Attachment A WPA Form 8A



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 212-1226
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Hancock Associates on behalf of KCO Realty Trust
 Name
 315 Elm Street
 Mailing Address
 Marlborough MA 01752
 City/Town State Zip Code
 (508) 460-1111
 Phone Number
2. This request is in reference to work regulated by a final Order of Conditions issued to:

Carlos Marcolino
 Applicant
 October 13, 2020 Dated 212-1226 DEP File Number
3. The project site is located at:

86 Roosevelt Street Marlborough
 Street Address City/Town
 55 49
 Assessors Map/Plat Number Parcel/Lot Number
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Carlos Marcolino
 Property Owner (if different)
 Middlesex South 76520 262
 County Book Page
 Certificate (if registered land)
5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

212-1226

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Attachment B Marker Photos



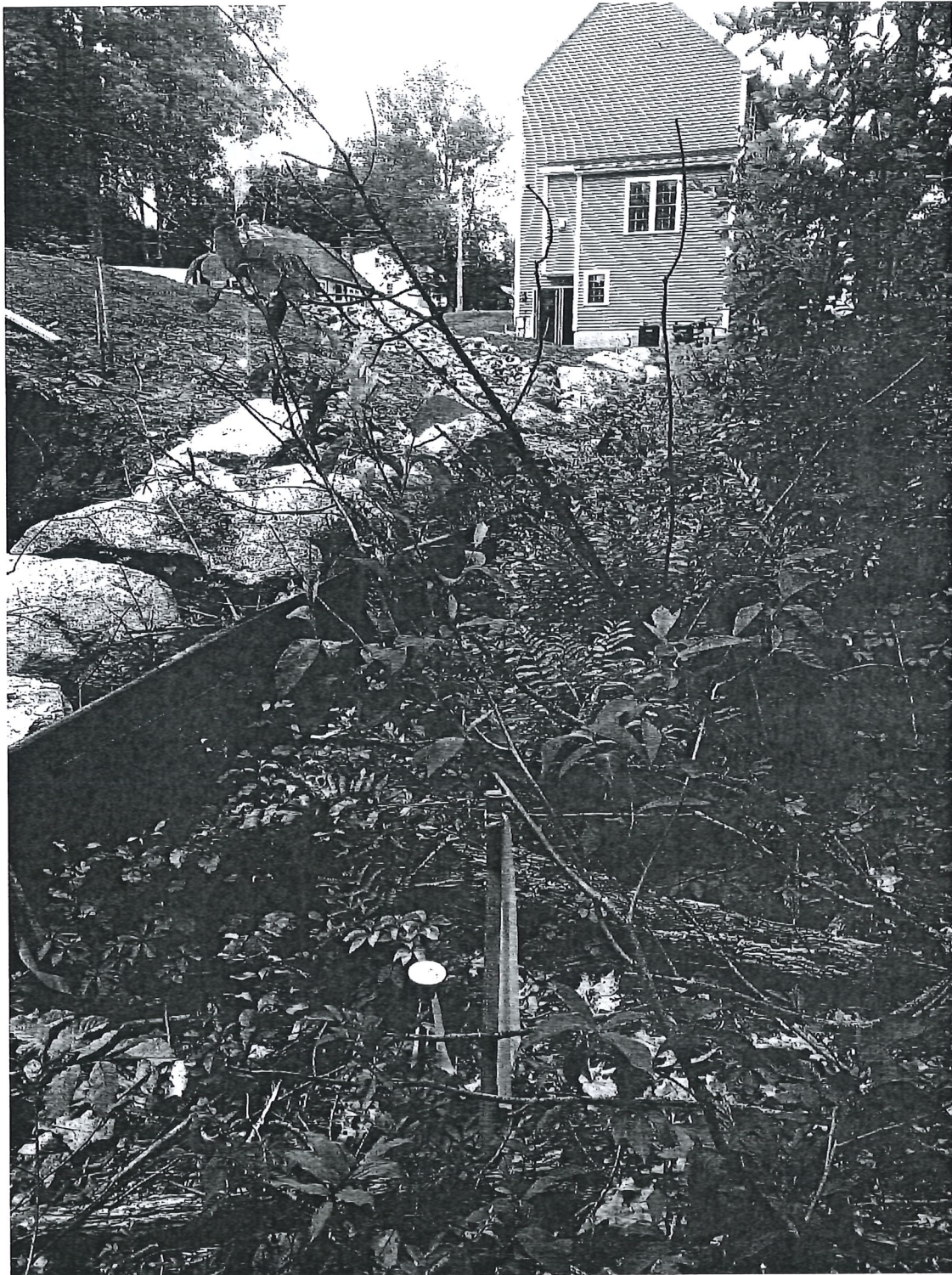


Photo #1: Wetland Boundary Marker 6140.



Photo #1: Wetland Boundary Marker 6141.



Photo #1: Wetland Boundary Marker 6142.



Photo #1: Wetland Boundary Marker 6143.

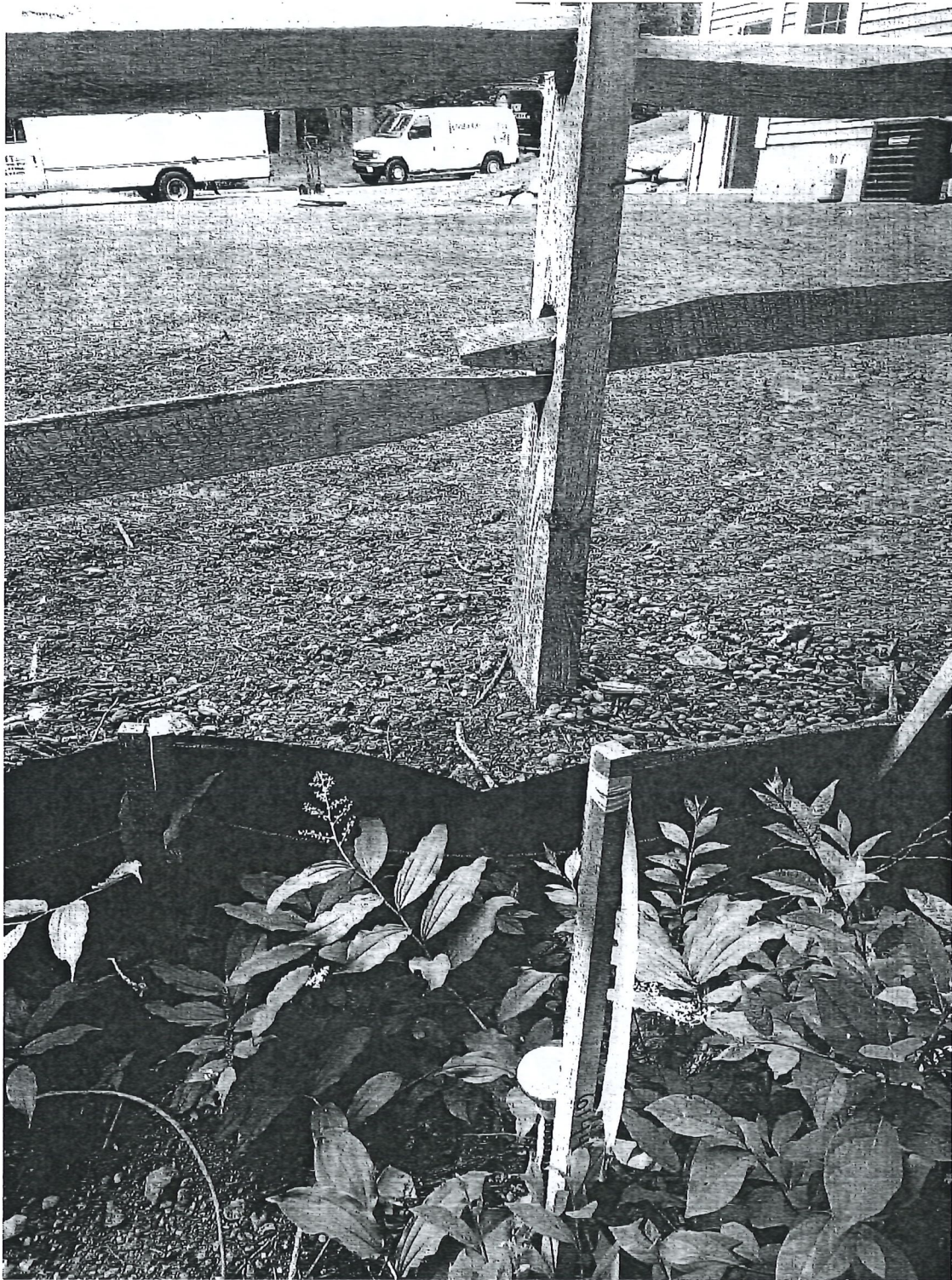


Photo #1: Wetland Boundary Marker 6144.

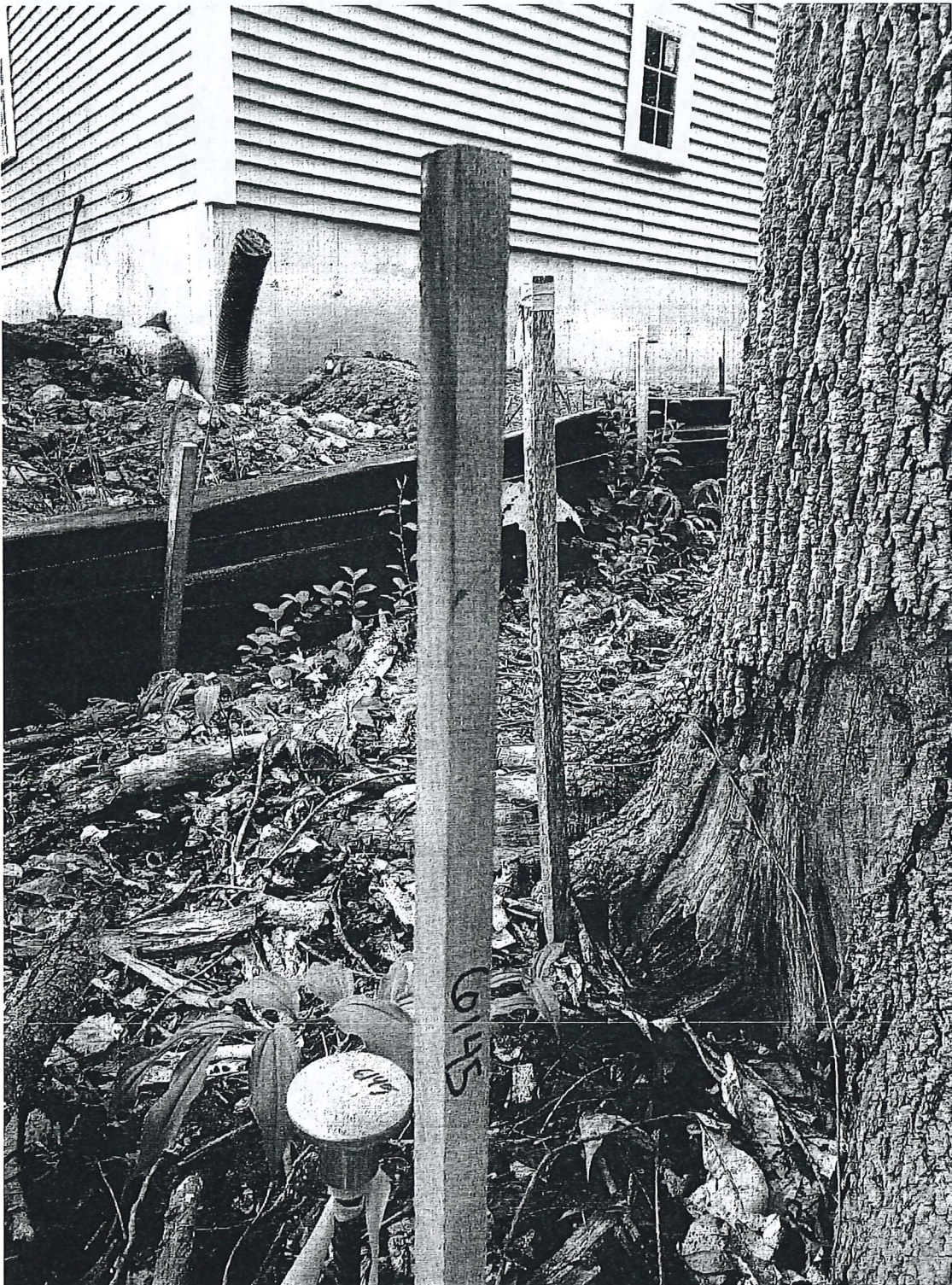


Photo #1: Wetland Boundary Marker 6145.

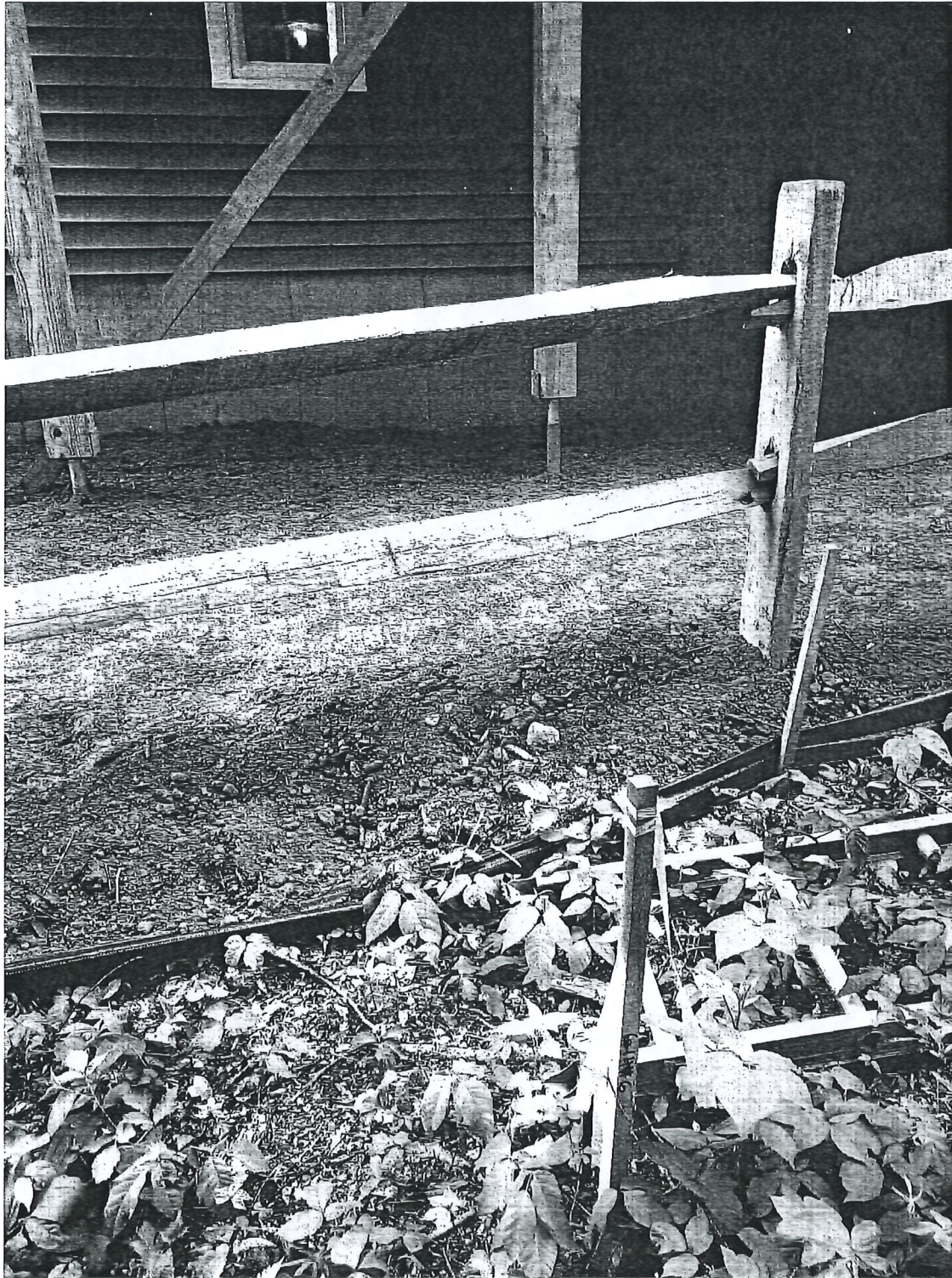


Photo #1: Wetland Boundary Marker 6146.

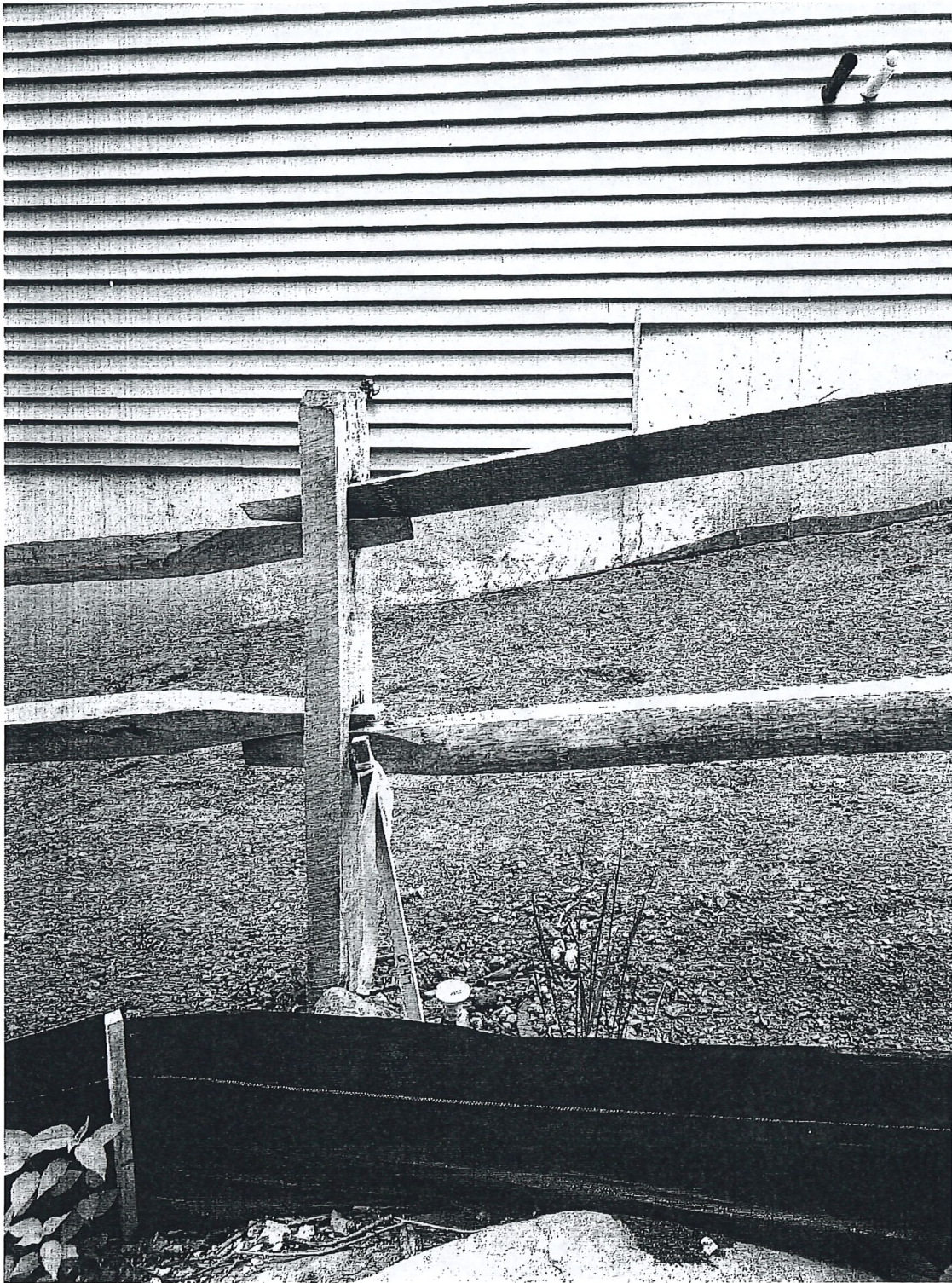


Photo #1: Wetland Boundary Marker 6147.



Photo #1: Wetland Boundary Marker 6148.

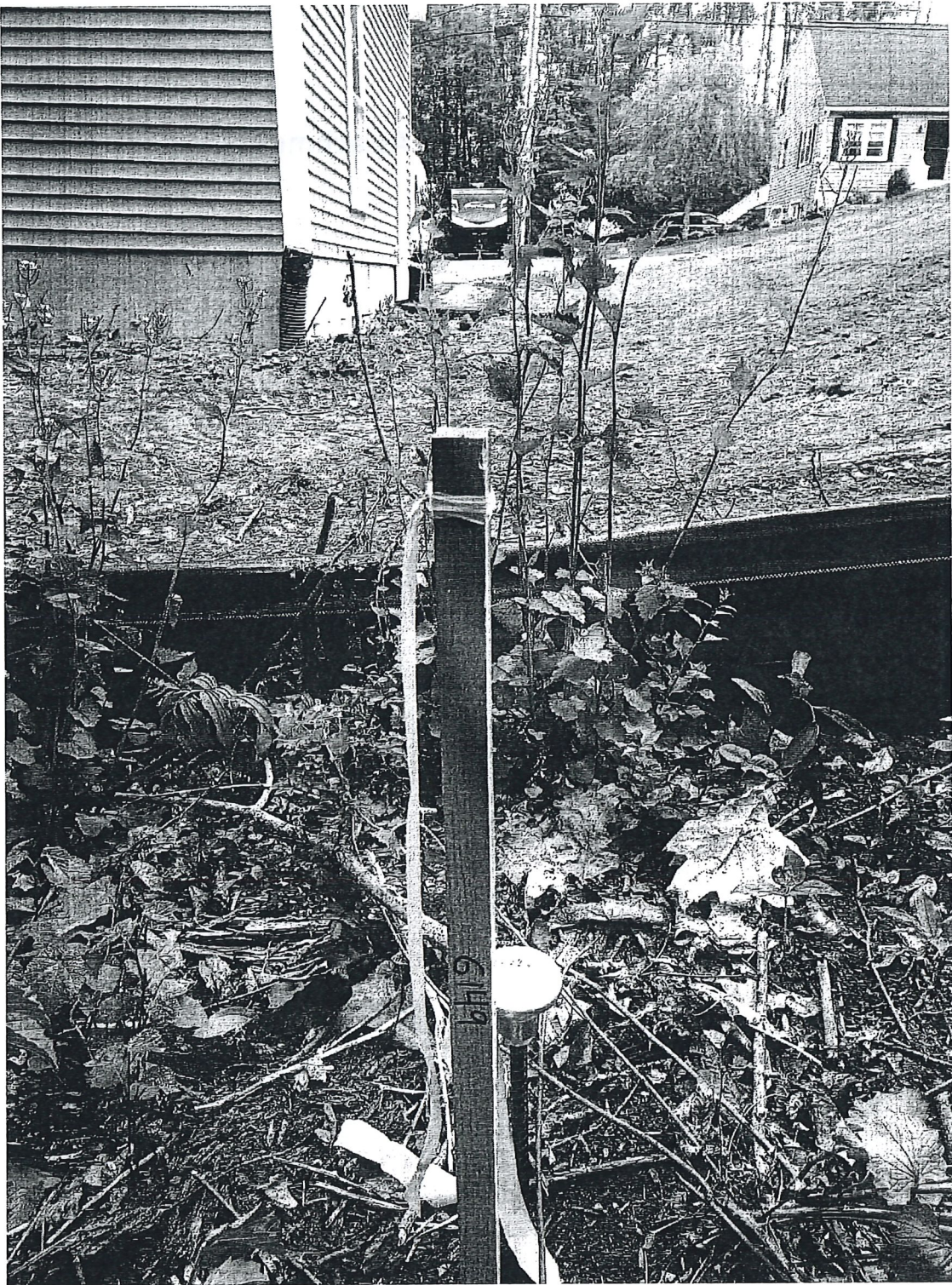


Photo #1: Wetland Boundary Marker 6149.

Attachment C As-Built Plan

