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CITY OF MARLBOROUGH

CITY OF MARLBOROUGH MEETING POSTING

2023 MAR 30 PM 4: 02

Meeting Name: Conservation Commission
Date: April 6, 2023
Time: 7:00 PM
Location: 140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

ALL MEETINGS ARE IN PERSON AT CITY HALL

Approval of Minutes: Review minutes of March 16, 2023

Public hearings

- 7:00 Request for Determination
64 Simmons St. – Michel Cardarelli
Proposes to install an inground pool near wetlands.
- 7:10 Abbreviated Notice of Intent (continued from March 2, 2023)
21 Blaiswood Ave. - Helvecio Carvalho
Proposes to build a patio, firepit and retaining wall on the shore of Ft. Meadow Reservoir.
- 7:20 Notice of Intent - 212-1254 (continued)
846 & 850 Boston Post Rd. East - Exela Movers
Proposes to make site improvements to an existing storage facility near wetlands.

Certificates of Compliance

DEP 212-1193 149 Hayes Memorial Dr.
DEP 212-1203 28 Littlefield Ln.

Discussion:

- 541 Pleasant St. – Progress report

Correspondence:

- Save the Date - Project Clean Sweep – Earth Day Saturday April 22, 2023
- Letter from Jamy Buchanan Madeja, Esq. Re: 630-686 Forest St. Order of Conditions DEP 212-1249. Dated March 14, 023
- BioMap – the Future of Conservation in Massachusetts – brochure and booklet and web site: mass.gov/biomap

Next Conservation Commission meetings: April 20 and May 4, 2023 (confirm quorums)

Adjournment

Conservation Commission
Minutes DRAFT
March 16, 2023 - 7:00 PM
140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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

Absent: Karin Paquin

The hearing was recorded using Microsoft Teams

Approval of Minutes: The minutes of March 2, 2023, were reviewed and on a motion by Mr. White second by Mr. Skarin, the Commission voted unanimously to approved 6-0.

Public hearings:

Abbreviated Notice of Intent (continued from March 2, 2023)

21 Blaiswood Ave.- Helvecio Carvalho

A site walk was rescheduled for April 4, 2023, at 5:00pm, as the snow cover was still substantial. Continued to Public hearing on April 6, 2023.

Review Order of Conditions

DEP 212-1260 - 31 Red Spring Rd. - Arthur Vigeant

The Commission reviewed the draft Order and determined that findings of fact should be added as well as amend the item regarding landscaping to add a date for completion. Mr. Skarin made a motion, with a second by Mr. White, to approve the Order of Conditions as drafted and amended, the Commission voted unanimously to approve,6-0.

Discussion:

- Floodplain and Wetland Protection District – Chapter 650-23 Zoning – Article VI. Special Districts, Overlays and Special Requirements – The Commission reviewed the maps and the ordinance and noted that many of the items in the document were still valid and good, changes to reflect the most current FEMA maps is good, changes to the drainage design standards for the newest standards to reflect predicted higher rain volumes; the section about mobile homes should be updated- Ms. Ryder will convey these comments.

- Buffer Zone policy will be provided for the next meeting.
- 541 Pleasant St. -Ms. Ryder will follow up with Lawyer as nothing has been submitted to resolve this violation.

- Conservation Commission Facebook Page has been launched and Ms. Ryder shared the page with the Commission she asked members to give her content, she will post trail committee workdays and walks, and also nature sightings and other notable projects as they come up. The Commission will provide.
- Project Clean Sweep to take place on Earth Day, Saturday April 22, 2023
- Solar Panels – A resident recently asked if Stand-alone solar panels could be placed so the panel extends into the 30' buffer, even if the post does not. The Commission discussed this and

determined that intrusion into the 30' buffer zone air space as well as the ground would not be permitted. Ms. Ryder will convey.

- Turtle Survey – The Eversource turtle survey will continue one more year as indicated by an e-mail Ms. Ryder received. Permission to continue this on The Desert Natural area property has been requested. On a Motion by Mr. White, with a second by Mr. Clancy, to approve this survey work for this calendar year, the Commission voted unanimously 6-0 to approve.

Next Conservation Commission meetings: April 6 and 20, 2023

Adjournment -

There being no further discussion on a motion by Mr. White, second by Mr. Skarin, the meeting was adjourned at 8:02 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

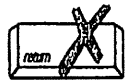
City/Town _____

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:

Cardarelli
 Name Michael + Gina Cardarelli E-Mail Address mac15ac@yahoo.com
 Mailing Address 64 Simmons St.
 City/Town Marlboro State MA Zip Code 01752
 Phone Number (617) 834-9867 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 City of Marlboro Conservation Commission make the following determination(s). Check any that apply:

- 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).



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):

| | |
|---------------------------|-------------------|
| <u>64 Simmons St.</u> | <u>Marlboro</u> |
| Street Address | City/Town |
| <u>65 / 101</u> | <u>65 / 101</u> |
| Assessors Map/Plat Number | Parcel/Lot Number |

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

All activity is to take place on the existing lawn in the rear of the property.

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

| | |
|---|---------------|
| <u>Proposed Pool Plan for 64 Simmons St. Marlboro</u> | <u>3/6/23</u> |
| Title | Date |
| _____ | _____ |
| Title | Date |
| _____ | _____ |
| Title | Date |

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

new in-ground pool (steel + vinyl) is to be installed behind the house on area where there is an existing lawn. There will be a 1200 sf. paver patio surrounding the pool. The pool will be equipped with a self-water chlorination system as well as a non-back washing cartridge filter. No material will be stockpiled on site during any phase of the construction process. A Silt fence will be installed (uphill from pool site) as shown on proposed plan.



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).

N/A

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.

N/A

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:

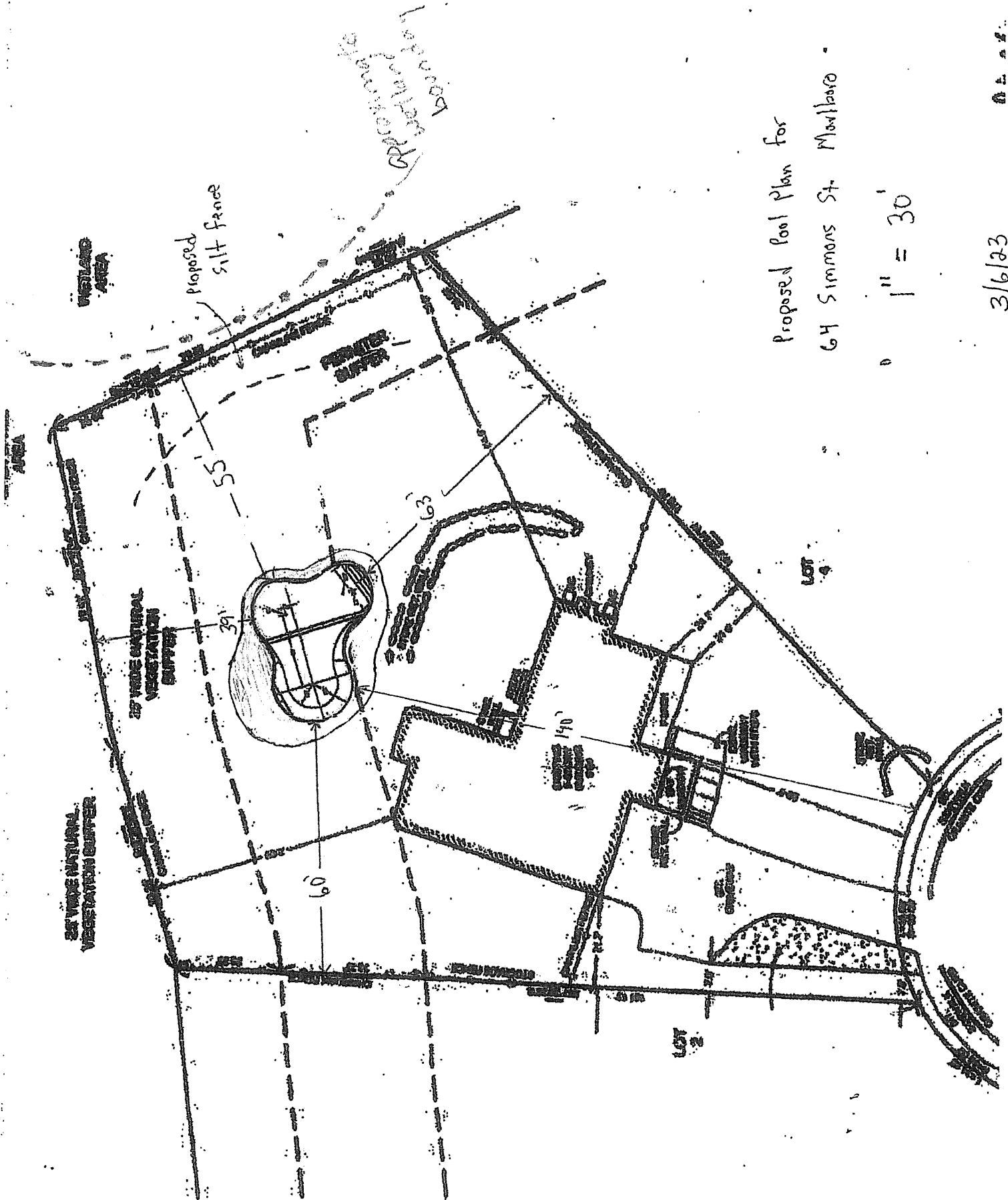
Name Michael + Gina Cavarelli
Mailing Address 64 Simmons St.
City/Town Marlboro,
State MA Zip Code _____

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.

* [Signature] Date 3/6/23
Signature of Applicant

Signature of Representative (if any) Date



Proposed Pool Plan for

64 Simmons St. Marlboro

1" = 30'

3/6/23

0202

November 16, 2022

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

Re: 149 Hayes Memorial Drive

DEP #212-1193 - Certificate of Compliance

SMMA No. 21020

Dear Priscilla:

On behalf of our client, 149 Hayes Owner (DE) LLC (c/o The Gutierrez Company), SMMA is pleased to submit this Request for a Certificate of Compliance ("Request") for construction of a new 2-story building with associated sitework at 149 Hayes Memorial Drive in Marlborough, Massachusetts.

The project was permitted and referenced in the Order of Conditions ("Order") DEP File #212-1193 originally issued by the Marlborough Conservation Commission on April 26, 2018 and Amended on June 3, 2021. A separate Site Plan Permit SC-2021-5 was issued for this project by the Marlborough Site Plan Review Committee. Copies of the recorded Order and the Site Plan Permit documents are included in Attachment A for your reference.

The sitework was performed between June 2021 and November 2022. The work was generally performed in compliance with the approved drawings and conditions. Minor modifications encountered in the field during construction were reviewed with the appropriate City departments.

Compliance with the Conditions of the Order related to the Certificate of Compliance are described below.

Special Condition #27: The as-built survey is currently being performed by the project surveyor, Hancock Associates, and will be submitted when complete for City review and approval.

Special Condition #28: The property was transferred to 149 Hayes Owner (DE), LLC. Written notice of the transfer was provided to the Conservation Commission along with the contact information of the new owner. A copy of the Order of Conditions was also provided to the new owner as required. Please see Attachment C.

Special Condition #29: The site is stabilized with vegetation or rip-rap and was inspected by the Conservation Department on October 25, 2022.

Special Condition #30: The erosion controls have been removed from the site as authorized by the Conservation Department.

Site-Specific Condition – Certificate of Compliance #50: The detention basins, drainage pipes, catch basins, and drainage structures have been cleaned of accumulated sediment and debris. The infiltration systems and water quality structures have been observed and cleaned as required.

November 16, 2022

Site-Specific Condition – Certificate of Compliance #51: The Stormwater Management System Operation and Maintenance Plan (“O&M Plan”) is unchanged from the original Notice of Intent submission and will be attached to the Certificate of Compliance as an ongoing condition.

Site-Specific Condition – Certificate of Compliance #52: The Owner will submit annual maintenance reports to the City Engineer and Conservation Commission by June 1st of each year reporting on the maintenance and operation procedures.

Site-Specific Condition – Certificate of Compliance #53: The site is stabilized and erosion controls have been removed from the site as authorized by the Conservation Department.

The Gutierrez Company respectfully requests a Certificate of Compliance for the work that was performed and the site that is stabilized in substantial compliance with the Conditions of the Order and Permit.

Very truly yours,

SMMA



William Park, PE
Principal | Civil Engineer

cc: Dan Dedinsky - GCCCI, (MF)

enclosures:

- WPA Form 8A
- Attachment A – Amended Order of Conditions DEP #212-1193
- Attachment B – Site Plan Permit SC-2021-5
- Attachment C – Special Condition #28 Notice Letter

1000 Massachusetts Avenue
Cambridge, MA 02138
617-547-5400

www.smma.com

March 1, 2023

P.D. 110222} P23

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

Request for a Certificate of Compliance
28 Littlefield Lane
Marlborough, MA 01752

RE: DEP File No. 212-1203

Dear Commission:

On behalf of our Client, LeAnn & William Neal Reilly, we are requesting a Certificate of Compliance be issued for the above referenced project..

The Order of Conditions was issued on 10/10/18 and included an approved Site Plan prepared by Sudbury Design Group and dated August 18, 2018.

This is to certify that the attached plan titled "As-Built.Plan" for Certificate of Compliance, prepared by CABCO CONSULT and dated 03/01/2023, essentially represents the location and the As-Built features of the Sudbury Design Group Plan.

If you have any questions, please contact me.

Sincerely,



C. A. Budnick, PLS, CSE, M.ASCE
Principal

Attachment



Quality Since 1971

541 Pleasant St Marlborough, MA

Invasive Plant Management Proposal

Presented by Green Abundance By Design

| | |
|---|----------|
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| Invasive Species Management Overview | 3 |
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| Asiatic Bittersweet | 3 |
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Green Abundance By Design
467 Grove St. Framingham, MA

www.greenabundancebydesign.com | andrew@greenabundancebydesign.com | 508.904.8484

Site Analysis

Visiting the site in late February of 2023 there were two main invasive plant species that dominated the border of the wetlands and driveway edges. Along the top of the driveway a dense stand of Japanese knotweed is present followed by a thicket of bittersweet vines. Along the wetland tree line there were also mature bittersweet vines in the tree canopy. The other observed invasive species were glossy buckthorn and burning bush in lesser densities along the driveway and behind the fence line of the back yard.

Along the driveway edge sporadic native species were observed. There appears to be some untouched oak saplings along with a host of bigger trees that had been cut and are now forming multi stemmed regrowth. Native plant density along the driveway edge appeared to be very sparse. Overall the growth of the knotweed and bittersweet thicket is at a density where survival of native species is low and likely requires future planting. Also recommended is cut and paint stump treatments for multi stemmed tree regrowth while they are still small and easy to manage.

Invasive Species Management Overview

Japanese knotweed

June cut back of current growth followed by a foliar application of Glyphosate in the early August to mid September time frame.

Asiatic Bittersweet

June-July cut and paint herbicide treatments with concentrated formulation of Glyphosate for the mature vine stumps along the wetland tree canopy. Foliar herbicide treatments of Triclopyr for the thicket areas along the driveway for the more immature vines during the June-July time frame along with a follow up check during the knotweed treatment in August for any lingering growth.

Glossy Buckthorn

For small specimens mechanical uprooting with a weed wrench. For larger specimens, cut and paint Glyphosate applications to freshly cut stumps in the June-July timeframe.

Burning Bush

It appeared that all specimens would be able to be treated with a cut and paint stump application of Glyphosate herbicide formulation.

Other Woody Invasives

There are other potential woody invasives not immediately observed. Species like invasive bush honeysuckle, Japanese barberry, multiflora rose and common buckthorn are other species endemic of this setting and might be present after material is removed. These species would be treated in the same manner as the the other woody species on site with cut and paint herbicide applications or foliar treatments for seedling growth.

Herbicides

Hi Yield Killzall Aquatic EPA# 7401-459 - Aquatic Glyphosate used at 20% AI formulation for cut stump applications and used for foliar herbicide applications on Japanese knotweed applied at labeled rate per sq/ft

Alligare Triclopyr 3 EPA# 81927-13 - Wetland use Triclopyr herbicide used for foliar applications on woody invasives applied at labeled application rate per sq/ft.

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Schedule of Work Season 1

Phase 1 - Spring 2023

During the springtime, ideally the month of April a deep cleaning and removing of woody material would be performed to open up the site for future herbicide treatment. Dead Japanese knotweed growth from the 2022 season would be cut back and removed from the site. This would also be the ideal time frame to manually cut out and remove the thicket of bittersweet vines as well as make initial cuts on the mature bittersweet vines in the wetland tree canopy. The smaller vines of the bittersweet thicket would be cut close to the ground to facilitate a dense regrowth for summer foliar treatments. Additionally the existing woody debris on site would be removed along the driveway edge areas to make room for future planting and seed work to be done for the site's restoration. Similarly taller buckthorn and burning bush specimens will be cut leaving about a foot of growth above the ground preparing them for an easier followup cut and paint visit in the summer. During this time frame, all the proposed material could be safely removed from the site as they would be either dead or lacking fruit set.

Phase 2 - June 2023

The early summer visit would be the first herbicide application for the woody invasive plants on site. The mature bittersweet vines, glossy buckthorn, and burning bush would be treated with a cut and paint Glyphosate herbicide stump application. For the bittersweet thicket a foliar application of Triclopyr would be applied to the current regrowth that has emerged since the spring clearing. The spring cleaning of bittersweet will facilitate a shorter thicket in which to apply herbicide to make herbicide application easier. Similarly any seedling growth that has emerged due to the clearing of this area would be treated with a foliar triclopyr application.

At this time the Japanese knotweed would be cut back to the ground and material left in place. Herbicide is NOT to be used on the knotweed at this time. This step is necessary to help facilitate an easier herbicide application during phase 3.

Phase 3 - Early August to Mid September

A later summer visit is necessary to treat the Japanese Knotweed regrowth. At this time Knotweed is most actively converting its energy to its roots and herbicide applications will be at its most effective. A foliar Glyphosate herbicide application is to be evenly applied to the plant's leaves. During this visit follow up herbicide treatments on the bittersweet, buckthorn, and burning bush as needed.

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Schedule of Work Season 2 and Beyond

Phase 4 Early Summer 2024

For the second season of work a site visit in the late spring early summer time frame is recommended to assess the site for any regrowth of invasive plants and to formulate a schedule for treatment and to adjust the time table if needed for future restoration work.

Phase 5 - Late Summer 2024

There in all likelihood will need to be a follow up treatment for the knotweed and lingering invasives previously treated but not completely killed. Here more seedling growth will be managed as new flushes of growth from the seed bank are likely. This work will again be mostly foliar treatments with some spot treatments of the woody invasives with cut and painting. For this season it makes sense to treat the knotweed along with the other woody invasives at the same time frame of early August to mid September as the fruiting problem will not be present on site.

Phase 6 - 2024 and Beyond

For the ongoing maintenance of the site, the main plant that will need definite monitoring will be the Japanese knotweed. Its population will be very minimal but likely will still have some persistent growth in spots. This is a yearly visit like Phase 5. This work if kept on top of will be small and minimal and benefit from regularity. With the restoration work and reestablishment of a ground cover layer the invasive woody plant populations will be controlled very effectively.

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Restoration Schedule and Approach

Phase 1 - Fall 2024/Spring 2025

Seeding a cover crop of native grasses and wildflowers is the first recommended planting phase for the space. This will be the quickest plant community to reestablish the space (2-3 seasons) and prevent erosion and soil disturbances in the future. This will provide the base layer for the space and be the plant community that holds the space while the overstory takes time to mature. This also follows the natural succession of reforestation for a disturbed site. If during the 2nd season site inspections reveal a persistent seed bank of invasive plants, shifting the mix to a grass dominant seeding will aid in allowing the use of a selective herbicide like Triclopyr to maintain the integrity of the new seeding while also being able to control invasive plant growth.

Phase 2 - Spring 2025

This phase will focus on the replanting of the woody plant species in space. Here a plant community of overstory shade trees, shorter lived pioneer tree species, as well as a shrub thicket layer are recommended to stabilize the area. Recommended genus' for this planting include but are not limited to the following:

Overstory layer: Acer, Quercus

Pioneer tree species: Betula, salix

Shrub Layer: Sambucus, Cornus, Viburnum, Clethra, Itea

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BUCHANAN & ASSOCIATES
100 CAMBRIDGE STREET, 14TH FLOOR
BOSTON, MA 02114

MAR 24 2023

JAMY BUCHANAN MADEJA, ESQ.
JMADEJA@BUCHANANASSOCIATES.COM

PHONE: (617) 256-8491
FAX: (617) 227-9943

March 14, 2023

CERTIFIED MAIL
AND ELECTRONICALLY: pryder@marlborough-ma.gov

Re: 630-686 Forest Street; Order of Conditions; DEP File No. 212-1249

Dear Marlborough Conservation Commission:

This letter is to accompany your records for that certain 630-686 Forest Street Order of Conditions issued on or about June 16, 2022, and the preceding Emergency Certification, issued to Yellow Brick LLC and their contractor E W Wood Inc. and construction consultant Peter Venuto for a damaged culvert repair and replacement. We ask you to read this letter, add this correspondence to your public record for future reference and (as asked at the end of this letter) to resign a second, identical original Order of Conditions to be recorded on one of the two properties, as the Registry of Deeds requires original documents.

Respectfully, there seems to be some lack of clarity as to the order of events regarding the sudden appearance of a sink hole in the middle of Forest Road. This letter provides the perspective of Yellow Brick LLC, whose manager, Steven Turner, first contacted the Conservation Commission (not the other way around) to address the hazard as quickly as possible.

It is my understanding Mr. Turner phoned your Agent Priscilla Ryder in January 2022 informing her there was a dangerous condition developing which appeared to be in the process of destabilizing the only access point to the site serving hundreds of tenant workers weekly, along a road also containing large utilities and phone lines. She was most responsive and helpful, working on the weekend to answer emails. There was a large stone which appeared to have broken or collapsed a culvert with its downstream end visible but not its upstream end, causing waterflow to erode the soil and roadway stability. The culvert was believed to be approximately 125-150' long and right next to the afore-mentioned road, without certainty. The construction of the roadway, site and building is circa 1987 and 1988.

Mr. Turner informed Agent Ryder of the urgent need to locate where inlet was to get an idea of the length of pipe needing to be fixed. Initially, they both hoped it would be possible to slip line the 18 inch pipe with a 14 or 12 inch pvc pipe, eliminating excavation and the environmental impacts that go with excavation, yet still stabilizing the pipe in place. Accordingly, Mr. Turner

suggested that although several other parties shared responsibility for the roadway and pipe, Yellow Brick, LLC would on an urgent, emergency basis proceed and arrange a camera to enter the pipe internally to locate the culvert damage and hopefully avoid excavation in stream. Agent Ryder agreed. Mr. Turner arranged for an excavator to pull stone away from where the inlet likely would be, as located on the original site plan, as it was buried over and silting in.

Mr. Turner arranged for the camera in and up to the sinkhole and saw indeed the top of the pipe had collapsed into the pipe and the camera could not proceed. He informed Agent Ryder. The goal was to solve the problem with the least impact. The camera was introduced from the downstream side against the flow until it reached the same location by the sinkhole and thereby pinpointed the collapse with the stone where the pipe should have continued.

This camera work led all to conclude “slip lining” the damaged culvert was out of the question because doing so would not get through the collapsed material. It was also clear that the collapse was of an 18inch corrugated metal pipe, galvanized steel, with insufficient structural integrity for the weight routinely applied on it on it and since the 1988 building of the area and several decades of heavy use, it rusted and collapsed.

The site had a few hundred people each week using the accessway and had obligations to address the sinkhole, especially with the uncertainty of the conditions beneath and adjacent, high voltage electric lines.

Yellow Brick LLC proceeded with absolute necessities keeping Agent Ryder informed constantly, which resulted in an emergency order (Exhibit 1). The wording of this order is one reason for this letter. *Please note it was Mr. Turner who contacted the Conservation Commission to inform them of the collapse and the need to address it immediately, not someone from the Commission discovering damage and ordering action.*

One or more of the Conservation Commissioners publicly recommended Yellow Brick, LLC use a particular local contractor, CMS. The owner of CMS was a past member of the Conservation Commission. Mr. Turner evaluated the CMS proposal and found it grossly over-priced and inappropriate for the job in that it did not include “exclusions” dewatering, pumping, any compliance with the Order of Conditions, unclassified excavation or any work details except an extremely high lump sum and many exclusions from responsibilities. Yellow Brick, LLC hired a well-respected contractors, E W Wood Inc. and construction consultant Peter Venuto. The downstream property owner’s representative, Richard Senegal in Facilities Management for IPG, said they “always and will only use” use CMS .

Mr. Turner hired E W Wood Inc. and construction consultant Peter Venuto who did the design and safety-necessary work immediately to stop the erosion and sinkhole, and then procured the emergency order. They were fined when the downstream side of the embankment slope dropped off and washed away. The removal of the downstream silt was vacuumed, using a vacuum truck, to the satisfaction of the Conservation Commission.

Yellow Brick, LLC has continued to check the catch basins and be sure they have been cleaned regularly. However, they also remain concerned about the uncovered piles of silt on IPG property contributing unnecessarily to the potential off site siltation. These stockpiles of fill

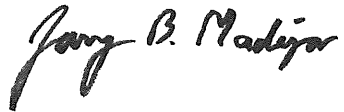
occurred for several years during IPG ownership and is documented by the Hancock engineers' field reports. In fact, this is also documented by the aerial photograph below, from Google earth, and shows the IPG stockpiles and CMS excavator on top of the pile. The sink hole depression mentioned above is visible just to the left of the driveway. The date of this aerial photo is October 31, 2021. No Order of Conditions is on file for this work at 686 Forest Street (not owned by my client).

As I'm told your file already reflects, the Order of Conditions for the recent work was promptly obtained, and the work done to cure the collapse and restore safety to the area. To the knowledge of the recipient Applicant, as advised by the engineering firm Hancock, what remains to be done before obtaining the Certificate of Compliance is the following:

1. Record a second, original Order of Conditions at the Registry of Deeds – The first original Order of Conditions as provided by the Conservation Commission was recorded at the Middlesex South Registry of Deeds (Book 81323 Page 368) on the property title for 686 Forest Street, because that was the owner listed on the Order. A second original Order of Conditions is needed to record same for 630 Forest Street, naming the property owner of 630 Forest Street (Yellow Brick, LLC). **Can the Commission re-sign a second original please?** It can be picked up by hand if that is more convenient.
2. Request for Return to Compliance – Now that civil construction is complete, the site is stabilized, and the restoration plantings are done, **we are told we can request a Return to Compliance Letter from the Conservation Commission stating that the Enforcement Order has been rectified and closed. Can we?**
3. Restoration Monitoring Report – We expect Hancock to prepare a final monitoring report, detailing the restoration planting installation, final stabilization, and completion of work for submittal with our request for a Return to Compliance Letter
4. As-Built Survey – We expect to have Hancock produce a survey as-built plan for the Request for Certificate of Compliance under the Order of Conditions.
5. Stormwater Operations and Maintenance Plan – This item was not memorialized as a condition in the Order of Conditions, but it was something the Commission seemed interested in during the public meeting process. **Does the Commission have the authority to require some submission on this topic without any associated condition and if so, what form do you want used?**
6. Request for Certificate of Compliance – Because the restoration monitoring is conditioned for no less than one growing season to ensure the plantings survive, **can the Applicant obtain a partial certificate of compliance for the work** stating that all civil elements of construction are complete and constructed in significant accordance with the plan, with the only remaining item being monitoring of the plants for a year?

Please let us know if there are any other outstanding questions or concern. Thank you for your time.

Cordially,

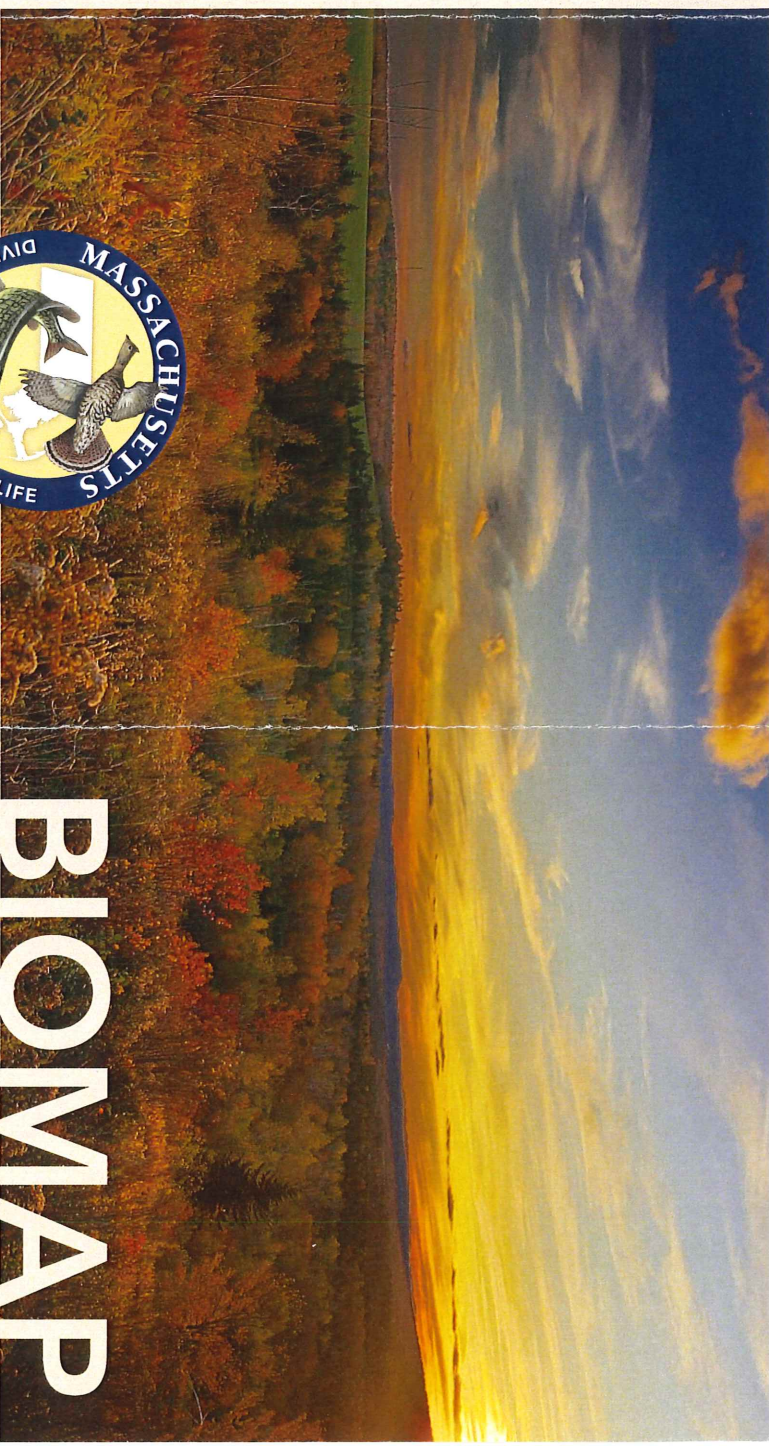
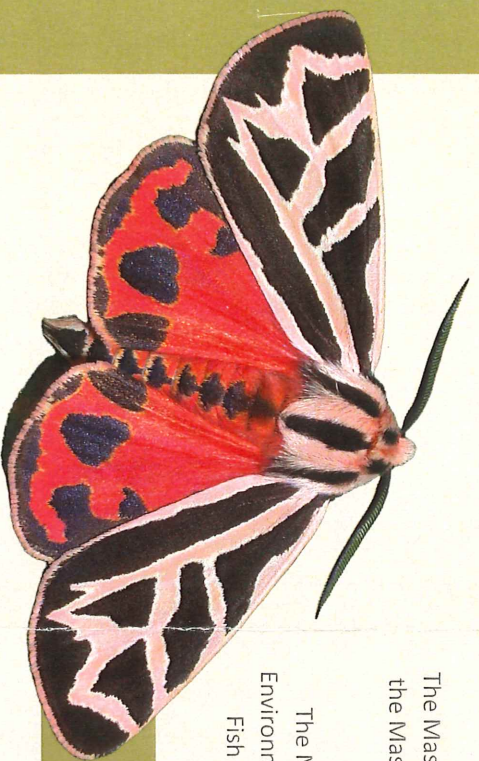


Jamy B. Madeja, Esq. for
Yellow Brick LLC



Access **BioMap**
at [mass.gov/
biomap](https://mass.gov/biomap)

- Interactive Map
- Habitat Restoration Resource Center
- Climate Resilience Science
- Statewide, Local and Regional Scaling
- And more!



The Nature Conservancy 

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BIOMAP
The Future of
Conservation
in Massachusetts



A MAP

BioMap uses innovative mapping capabilities and the latest scientific data to deliver an interactive map that identifies those areas that are most critical for biodiversity conservation at multiple spatial scales.

A TOOL

BioMap is an online resource to help communities better understand biodiversity distribution and threats, and to strategically deploy limited resources to make real and lasting conservation impacts in Massachusetts.

A VISION

BioMap is a shared, unifying vision for a future where the people of the Commonwealth invest in the strategic protection and stewardship of lands and waters that are most important for conserving biological diversity. By making this investment, we will ensure a climate-resilient landscape that safeguards the diversity and abundance of our native species and the natural areas throughout the state that provide all people with ample access to nature and outdoor recreation, clean air, clean water, and health and well-being, now and for future generations.

A CONSERVATION OPPORTUNITY

Massachusetts has a rich natural heritage including forests, wetlands, rivers, grasslands, and coastline—all of which support a wide variety of plants and animals. The Commonwealth and its citizens have taken decisive action to conserve and protect habitats and open spaces for wildlife—and to secure a future with clean air and water, healthy forests and landscapes that help mitigate climate change, and abundant opportunities for all people to enjoy the outdoors and spend time in nature. Nevertheless, today, this rich biodiversity is increasingly threatened by habitat loss and fragmentation, climate change, and invasive species. To meet these challenges and to achieve a bold and inclusive conservation vision for Massachusetts, MassWildlife and The Nature Conservancy created BioMap. Today's BioMap builds on previous iterations with the continuing goal of protecting the diversity of species and natural ecosystems within the Commonwealth.

BioMap identifies 2.4 M acres of Core Habitat and Critical Natural Landscapes of which approximately 44% (1.1 M acres) is protected.

If fully conserved, these areas will ensure the protection of our extraordinary biological diversity and a vibrant quality of life for us today and for future generations.

BioMap is more than a map. It is a map, a tool, and a vision for the people of the Commonwealth to come together to strategically protect, manage, and restore lands and waters that are most important for conserving biological diversity in Massachusetts now and into the future.

mass.gov/biomap



DEP Update for Handbook for Delineation of BVW

Summary:

MassDEP has released an updated Handbook for Delineation of Bordering Vegetated Wetlands (here: <https://www.mass.gov/doc/bvw-delineation-handbook-2022/download>) including updated field data sheets (fillable form here: <https://www.mass.gov/doc/bordering-vegetated-wetland-determination-form/download>) as well as updated Inland Wetland Replacement Guidelines (here: <https://www.mass.gov/doc/wetland-replacement-guidelines-2022/download>)

For additional information, see below:

Massachusetts Handbook for Delineation of BVWs Revision and Release

The purpose of the update is to incorporate the current state of the science and better align the Massachusetts method with the methodologies used by the US Army Corps of Engineers (USACE) in conducting wetlands delineations under the U.S. Clean Water Act. While Massachusetts retains its authority to conduct jurisdictional determinations in accordance with the Massachusetts Wetlands Protection Act, the scientific techniques presented in the USACE Regional Supplement (*Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. v2.0. 2012*) have valid applicability to help understand and evaluate vegetated wetland characteristics. The updated MassDEP Manual is intended to better align the two methodologies. Specific changes include:

- Massachusetts 2 plus-parameter approach (in addition to requiring hydrophytic vegetation and hydric soil as an indicator of hydrology for all sites, Other Indicators of Hydrology are also required for some sites and recommended for all sites)
- Adopt federal classification of vegetative strata (i.e., the current Massachusetts methodology uses five strata, the new classification uses four strata by combining the sapling / shrub)
- De-emphasize small observational plots for vegetation sampling and recommend the use of variable-size plots (i.e., these relatively larger plots avoid having to make decisions about the appropriate number and placement of smaller plots but require the delineator to estimate percent cover over a larger area)
- Adopt federal hierarchy for vegetation analysis (Rapid, Dominance, Prevalence)
- Reference the 2020 National Wetland Plant List:
https://wetland-plants.sec.usace.army.mil/nwpl_static/data/DOC/lists_2020/National/National_2020v1.pdf (i.e., the Wetlands Protection Act currently references the 1988 plant list. MassDEP is proposing a regulation revision to adopt the 2020 plant list. The Handbook will align with the proposed regulation change when it is promulgated).
- Categorization of “Other Indicators of Hydrology” by reliability
- Separate soils from “Other Indicators of Hydrology” (i.e., soils provide the best evidence for the presence (or absence) of long-term wetland hydrology for the purposes of wetland boundary delineation. Furthermore, soils are separate in the federal method).
- Inclusion of both a simplified list and a detail list of hydric soil indicators
- New data form. (i.e., the new data form reflects the changes in the rest of the Handbook and aligns to the extent possible with the federal delineation data sheet).

While MassDEP recognizes that the Manual will be used by wetland science practitioners, the primary audience is the municipal Conservation Commissions. Therefore, it was determined that the Manual should present the information using understandable language that avoids technical jargon; yet still provide references to specific technical information required for other wetland science practitioners or interested Conservation Commissioners.

An initial draft of the manual was prepared and then reviewed by the MassDEP Wetlands Program Regional Office Section Chiefs and the Boston Office. Additional reviews were conducted by the Massachusetts Association of Conservation Commissions (MACC), Massachusetts Society of Municipal Conservation Professionals (MSMCP), and the Association of Massachusetts Wetland Scientists (AMWS). Following the rollout, MassDEP will partner with MACC to conduct up to four statewide full-day classroom/field workshops with a target audience of Conservation Commissions, other state agencies, consultants, and other applicants. The training events are currently being planned for late spring / early summer of 2023. An hour-long update summary will be provided during the MACC Annual Conference on March 9 at 4PM and later at a MACC Lunch and Learn Webinar (TBA). Both the *Massachusetts Handbook for Delineation of BVWs* and the *Massachusetts Inland Wetland Replacement Guidelines* will be covered in the update and trainings.

Massachusetts Inland Wetland Replacement Guidelines Revision and Release

New Guidelines link located on the MassDEP Wetlands Information page:: <https://www.mass.gov/doc/wetland-replacement-guidelines-2022/download>

The purpose of the update is to incorporate much-needed improvement to the Guidelines following a recent study by UMass Amherst and MassDEP (Jackson et al., 2018). The study concluded that the primary reason for unsuccessful wetland replacement projects was failure to establish appropriate wetlands hydrology. The revised guidance identifies common issues that lead to shortfalls and elaborates on ways to better assess hydrology, define success standards, and design replacement wetlands prior to construction. Specific updates and revisions include:

- Section 2.2 – Replacement Site Selection / Feasibility Analysis. This section introduces the hydroperiod and hydrologic feasibility analysis to determine adequate site conditions. Pre-design site feasibility requirements correspond to the four types of wetlands in the Novitzski classification system. The feasibility study results will dictate what the design should include.
- Section 4.0 – Monitoring (added sections). This Chapter now includes sections specific to monitoring hydric soils and hydrologic site conditions. Ultimately, the post-construction site conditions should align with the feasibility assessment results and the design.
- Section 5.0 – Alternatives to Wetland Replacement. This chapter introduces alternatives to BVW replacement for variance and limited projects. When approved by the issuing authority, acceptable mitigation may include, but is not limited to: stream restoration, dam removal, and/or stream crossing replacement.
- Minor changes throughout.

An initial draft of the manual was prepared and then reviewed by the MassDEP Wetlands Program Regional Office Section Chiefs and the Boston Office. Additional reviews were conducted by the Massachusetts Association of Conservation Commissions (MACC), Massachusetts Society of Municipal Conservation Professionals (MSMCP), and the Association of Massachusetts Wetland Scientists (AMWS). Following the rollout, MassDEP will partner with MACC to conduct up to four statewide full-day classroom/field workshops with a target audience of Conservation Commissions, other state agencies, consultants, and other applicants. The training events are currently being planned for late spring / early summer of 2023. An hour-long update summary will be provided during the MACC Annual Conference on March 9 at 4PM and later at a MACC Lunch and Learn Webinar (TBA). Both the *Massachusetts Handbook for Delineation of BVWs* and the *Massachusetts Inland Wetland Replacement Guidelines* will be covered in the update and trainings.

Mia McDonald
Circuit Rider/Environmental Analyst

Please call or email with any questions!

Thank you,
Mia

MassDEP Wetlands Central Regional Office
Cell: 857-303-2114

2023 Construction Projects

Ongoing:

Cullinane Drive Pump Station

- The project consists of replacing the existing sewer pump station
- Project Completion: Fall 2023
- Contractor: Revoli Construction
- No traffic impacts expected

Ghiloni Park Dek Hockey Rink

- The project consists of a new dek hockey rink
- Project Completion: Summer 2023
- Contractor: Quirk Construction Corp.
- No traffic impacts expected

Concord Road Low-Pressure Sewer Force Main

- The project consists of installing a new gravity sewer main and a low-pressure force main including service laterals and manholes
- Project Limits: #285 Concord Road to Beaman Lane
- Project Completion: Summer 2023
- Contractor: KJS LLC
- Road closed to thru traffic from Stow Road to Beaman Lane

Rt. 20 East-Water Main Replacement and MassDOT Reconstruction Project

- The project consists of water, sewer and drainage improvements including roadway reconstruction, traffic signal upgrades and sidewalk replacement/installation
- Project Limits: Peters Avenue to Sudbury Town Line
- Project Completion: Summer 2024
- Contractor: Ludlow Construction
- Major traffic delays to be expected

Eversource Gas Main Relay (Downtown Area)

- The project consists of installing new gas main and services
- Project Limits: Main Street (Hildreth Street to Mechanic Street), Weed Street (Court Street to Newton Street), Newton Street (Main Street to Granger Boulevard), Ames Place, High Street, Exchange Street, Springhill Avenue and Brown Street
- Project Completion: Summer 2023
- Contractor: Devereaux
- Road closures and traffic delays to be expected

Upcoming:

Downtown Area Streetscape Improvements

- The project consists of sewer and drainage improvements, portions of sidewalk to be replaced, new wheelchair ramps, enhanced pedestrian accommodations in front and behind of City Hall, street lighting improvements, traffic signal upgrades and roadway resurfacing
- Project Limits: Main Street, Court Street, Weed Street (Court Street to Newton Street), Newton Street (Main Street to Granger Boulevard), Florence Street (Main Street to Granger Boulevard)
- Project Start Date: Spring 2023

- Project Completion: Summer 2024
- Contractor: Green Mountain Pipeline Services LLC (CIPP Rehab)
- Contractor: TBD (Streetscape)
- Road closures and traffic delays to be expected

Lake Williams Boardwalk

- The project consists of installing a boardwalk around a portion of Lake Williams
- Project Start Date: Summer 2023
- Project Completion: Summer 2024
- Contractor: TBD
- No traffic impacts expected

Resurfacing and Reconstruction of Various Streets

- The project consists of roadway milling, reclaiming and re-paving
- Project Limits: Millham Street (Boundary Street to Maurice Drive) and Framingham Road (Pump Station to Southboro Town Line)
- Project Start Date: Spring 2023
- Project Completion: Summer 2023
- Contractor: Lazaro Paving Corp.
- Road closures and traffic delays to be expected

Sewer Rehabilitation at Various Locations

- The project consists of cementitious manhole rehabilitation (396 VF) and rehabilitating 10,160 FT of 6", 8", 10", 12", 21" and 24" clay sewer mains with cured-in-place-pipe
- Project Limits: Cedar Hill Street, Russell Street, Spring Street, Crescent Street, Gleason Street, Liberty Street, Francis Street, Witherbee Street and Gay Street
- Project Start Date: Spring 2023
- Project Completion: Fall 2023
- Contractor: National Water Main Cleaning Co.
- Road closures and traffic delays to be expected

Water Distribution Improvements

- The project consists of installing 1575 FT of 12" CLDI water main on Russell Street (including gate valves, hydrants, services). The contractor will also be responsible for connecting side streets, hydrants and services to the existing 16" DI water mains on Spring Street and Hosmer Street
- Project Limits: Russell Street, Spring Street and Hosmer Street (Grace Circle to Stacey Road)
- Project Start Date: Spring 2023
- Project Completion: Fall 2023
- Contractor: TBD
- Road closures and traffic delays to be expected

Reconstruction of Hayes Memorial Drive

- The project consists of drainage improvements, sidewalk installation and roadway reconstruction
- Project Limits: Bartlett Street to Boston Post Road West
- Project Start Date: Spring 2023
- Project Completion: Summer 2024
- Contractor: TBD
- Traffic delays to be expected

Reconstruction of Cedar Hill Street

- The project consists of water, drainage and sewer improvements, traffic signal upgrades, installation of curbing and sidewalk and roadway reconstruction
- Project Limits: Northboro Town Line to Southboro Town Line
- Project Start Date: Spring 2023
- Project Completion: Spring 2024
- Contractor: TBD
- Road closures and traffic delays to be expected

Reconstruction of Various Streets 1

- The project consists of drainage improvements, sidewalk and roadway reconstruction
- Project Limits: Russell Street and Spring Street
- Project Start Date: Summer 2023
- Project Completion: Summer 2024
- Contractor: TBD
- Road closures and traffic delays to be expected

Reconstruction of Various Streets 2

- The project consists of water and drainage improvements, sidewalk and roadway reconstruction
- Project Limits: Gleason Street, Liberty Street and Crescent Street
- Project Start Date: Spring 2023
- Project Completion: Summer 2024
- Contractor: TBD
- Road closures and traffic delays to be expected

Reconstruction of Various Streets 3

- The project consists of water and drainage improvements, sidewalk and roadway reconstruction and construction of a parking lot
- Project Limits: Gay Street and Witherbee Street
- Project Start Date: Summer 2023
- Project Completion: Summer 2024
- Contractor: TBD
- Road closures and traffic delays to be expected

Reconstruction of Francis Street

- The project consists of water and drainage improvements, sidewalk and roadway reconstruction
- Project Limits: Bolton Street to East Main Street
- Project Start Date: Summer 2023
- Project Completion: Summer 2024
- Contractor: TBD
- Road closures and traffic delays to be expected

Rehabilitation of Broadmeadow Sewer Pump Station

- The project consists of replacing the existing sewer pump station
- Project Start Date: Fall 2023
- Project Completion: Summer 2024
- Contractor: TBD
- No traffic impacts

Sudbury Street Area Sewer Phase 6

- The project consists of installing new gravity sewer mains and service laterals, water main and service lateral replacement and sidewalk/roadway resurfacing.
- Project Limits: Cross Country (Minehan Lane to Turner Ridge Road), Turner Ridge Road
- Project Start Date: Summer 2023
- Project Completion: Fall 2024
- Contractor: TBD
- Traffic delays to be expected

Eversource Gas Main Relay at Various Locations

- The project consists of gas main relays and final trench paving
- Project Limits: Chandler Street, Lincoln Street, Akroyd Street, Fowler Street, Francis Street, Spring Street, Gleason Street and Russell Street
- Project Start Date: Spring 2023
- Project Completion: Summer 2024
- Contractor: Devereaux and Feeney Brothers
- Road closures and traffic delays to be expected