

CONSERVATION COMMISSION

Minutes

DRAFT

April 7, 2022(Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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

Absent: Edward Clancy-Chairman

Approval of Minutes: The minutes January ~~March 17, 2022~~20, 2022, were reviewed and on a motion by Mr. White second by Mr. Skarin, to approve, the commission voted unanimously approved 6-0.

Public hearings:

Request for Determination of Applicability (Continued to April 7, 2022)

35 Red Spring Rd. – Mr. & Mrs. Hause

Mr. Haus explained that he revised the plan based on comments at an earlier meeting and noted that this new addition location is outside the 30' no disturb wetland buffer zone. The addition will be installed on helical piers and therefore disturbance to the ground will be minimal. The Commission noted that some topsoil removal may be necessary to keep the moisture out so some excavation (minimal) may be needed. They asked that erosion control – straw wattles- be installed on the down slope side of the addition to prevent silt and dirt from migrating through. After some further discussion about adding gravel and using the topsoil in the yard, the meeting was closed. Mr. Dunbar made a motion second by Mr. White to issue a negative determination with standard conditions with erosion controls added, the Commission unanimously approved 6-0.

Request for Determination of Applicability

129 Beach St. - Erik Ramirez

Mr. Ramirez was present and explained that he wants to install a 18' diameter above ground pool just outside the 30' no disturb buffer zone. Ms. Ryder showed photos of this property showing the pool location and noted that the existing wall was permitted several years ago and was placed just above the then 20' no disturb zone. The Commission noted some erosion control may be needed to protect the wetland when the sod is removed, and the area leveled for the pool installation. The Commission also requested information about the pool filter to be used. Mr. Ramirez didn't know. This will be added as a condition to the permit to find out what filter will be used and how it can be cleaned so as not to impact the wetland. After some discussion and no further questions, the hearing was closed. On a motion by Mr. White second by Mr. Skarin to issue a negative determination with standard conditions and some additional erosion controls, the Commission voted unanimously 6-0 to approve.

Notice of Intent (continued from 3/17/2022)

74 & 82 Paquin Dr. – Scott Ferrecchia

Mr. Bob Parente, P.E., Mr. Ferrecchia, and Mr. Domke were present.

Mr. Parente reviewed the changes to the plans as marked up in the field. Discussion about the spillway elevation which is at 261.2 based on the City Engineers review. There was discussion about the location of the original bank and where the face of the new wall could be located. It was determined that in normal conditions the high-water mark rises along the bank of the shoreline, so the 261.2 elevation is not relevant here. The original location of the face of the bank will be the determining factor. The city land is land under the water, Mr. Ferrecchia's land is land starting from the bank. As long as the wall is where the bank used to be then there would be no fill or alteration to Land Under Water and the bank can be stabilized. The Commission agreed that a site visit to review the "visual" original bank would be necessary to define this face of wall location. A site visit was scheduled for April 14 at 5:00 PM.

Notice of Intent

630 and 686 Forest St. – Yellow Brick, LLC

Mr. David Cowell of Hancock Assoc. and Mr. Peter Venuto of Yellow Brick LLC were both present. Mr. Cowell explained that they have filed an NOI after the fact, having received the emergency permit to replace a drainpipe that had collapsed causing a large sink hole which was a safety concern. He explained the information that had been filed with the permit previously reviewed for the emergency permit. Mr. Dunbar and Mr. Williams noted they had both been out on the site earlier this week and that no pipes were on site and wondered why things have not proceeded as there is concern with stability of the site and the need for this repair to get done. Mr. White expressed concern about the downstream impacts and noted that the NOI doesn't even address this, which must be included to determine downstream impacts. The Commission expressed their lack of trust of the contractor and wondered why they weren't present tonight.

Mr. Venuto explained that he realizes their team made some big mistakes and there are no excuses. He noted that the delay in construction has been with IPG the other owner of the site, however as of today Yellow Brick LLC has decided to move forward and not wait for IPG funding and will deal with that at a later date. He has a crew on site who is managing the pumps 24/7 until the site is under control. He also noted that the contractor Mr. Wood had been at the last meeting, but no questions were asked of them, so he didn't invite him tonight.

Mr. Cowell noted that the plans have been vetted by the City Engineer and Bruce Saluk who is the IPG engineer. They will replace the 18" corrugated metal pipe with a 24" concrete pipe. They would like to take a few of the boulders to add to the upstream culvert to dissipate flow and catch debris. The Commission thought this was ok. They will use other excess boulders up near the driveway and remove the rest from site. Mr. Cowell will be on site and will do the environmental compliance and monitoring for this work and will be directing additional erosion controls as needed to keep the downstream clean. Additional erosion controls will be on site to be used as needed.

There was extensive and detailed discussion about the construction sequencing and bedding material for the pipe and adequacy of erosion controls. The Commission determined that the stockpile area shown on the IPG lot is not to be use for materials and that the existing lot near Forest St. should be used. Most materials should be removed from site as soon as possible.

It was agreed that additional information on downstream restoration was needed before the Commission could render a decision. The hearing was continued to April 21st.

Mr. Skarin noted that the enforcement order needed to be ratified by the Commission. On a motion by Mr. White second by Mr. Skarin to approve the enforcement order as issued, the commission voted unanimously 6-0 to approve.

Violation Updates:

- 894-896 Boston Post Rd. – follow up on site visit- Ms. Ryder explained that she and Commissioners Paquin and Skarin met with the contractor who is renting this space and reviewed restoration needed behind the “shack”. Boulders will be placed behind the building to prevent access. Area cleared will be seeded with an erosion control mix and the berm will be left in place. During the site visit the lawyer for Marcello was present and indicated that the property had been sold. The fine was paid, and an e-mail was sent to the contractor and to the landowner.
- 541 Pleasant St. – the homeowner has indicated to Ms. Ryder that he is in financial difficulty and cannot afford the survey and wondered what his options were. Ms. Ryder noted that the city solicitor indicated there are two options with a violation. 1) Stop the violation and require restoration. 2) stop the violation, require a filing with a permit, allow work once a permit has been issued which can include restoration etc. The Commission decided it would be good to walk the site, since the wetland flags have been installed last fall. A site visit for Monday April 11th at 5:00 was set.

Certificate of Compliance:

- 212-1214 615 Williams St. (continued)- Ms. Ryder noted that all conditions of the order had been met and erosion controls have been removed. She recommended issuance of Full Certificate of Compliance. On a motion by Ms. Paquin, second by Mr. Skarin to issue a full certificate of compliance as recommended the Commission voted unanimously 6-0.

Discussion/Project Updates:

- Mowing of Felton Conservation Land – annual license to Doug Stephen- The Commission suggested that Ms. Ryder also reach out to Mr. Kamitaras to see if he might also be interested in mowing as well before signing this document. This was continued to the next meeting.
- Emergency Order for beaver dam-to DPW for Millham Brook dam breach – ratify- Ms. Ryder noted that the city needed to breach the beaver dam to prevent the road from washing out. The Commission agreed and on a motion by Mr. White second by Mr. Skarin to approve the emergency order for beaver dam breaching the Commission voted unanimously 6-0.
- Trails Committee update & SCRPT Volunteers- Ms. Ryder explained that thanks to Ms. Paquin and Mr. Dunbar lots of trail work continues to be done. This summer the Commission should have one college student, one high school student and also two SCRPT volunteers who will be helping with trails, the pollinator garden and the bittersweet control program. Ms. Paquin was thanked for leading the charge.

Correspondence/Other Business

The following correspondence was accepted a placed on file.

- Letter to Barbara Fenby-Chairwoman, Planning Board dated March 22, 2022, RE: 689 Pleasant St. Open Space Development Concept Plan.
- DPW – Construction season 2022 - List

Next Conservation Commission meetings: April 21st and May 5th, 2022

Adjournment- there being no further business on a motion by Mr. White second by Mr. Dunbar, the meeting was adjourned with a unanimous vote of 6-0 at 8:48 PM.

Respectfully submitted,

Priscilla Ryder
Conservation/Sustainability office

Priscilla Ryder

From: Priscilla Ryder
Sent: Tuesday, March 22, 2022 2:07 PM
To: Renovo's Landscaping
Cc: Ed Clancy ; karin paquin; John Skarin; sbrown@marlborough-ma.gov; pfc@coppingerlaw.com
Subject: RE: 896 Boston Post Rd. Wetland violation

Dear Mr. Renovo,

Thanks for meeting with us today at 896 Boston Post Rd. to discuss the restoration of the area you had cleared near the wetlands at 896 Boston Post Rd. As you discussed at the Conservation Commission meeting on March 17th and as we discussed on site today, you will restore the area behind your storage sheds as follows:

Map of area: <https://tinyurl.com/yac96q96>

1. The area that was cleared of ground cover and where some top soil has been spread (shown in yellow on map link above) shall be seeded with an erosion control /wildflower shade mix. This will serve to stabilize this area and over time native plants will reestablish themselves here and the area will return to a naturalized vegetated condition.
2. You will put up a temporary fence as shown on the above map link in light green, to mark the limits of any storage or dumping of materials. The area from the fence to the stream shall be left alone once it has been seeded. (this will happen right away)
3. You will add more permanent boulders or fencing along the line where the temporary fence is installed to permanently mark the no disturb location.
4. We didn't discuss this but we would also like you to add a sign on the fence /boulder line indicating that **"No access or storage of materials or vehicles beyond this point to Protect the Wetland"**
5. We agreed that the berm that you constructed is small enough and will naturalize over time so it can remain in place as is.

As discussed all the above will be done within 30 days and should be completed on or before April 22, 2022.

Please give me a call when the above work has been completed so we can come out to do an inspection, and can then confirm that the violation has been corrected.

(Also copied here is Philip F. Coppinger, Esq. who represents the recent owner of the property Marcello Mallegni and who noted that the property has recently been sold)

Thank you,

Priscilla Ryder
Conservation/ Sustainability Officer
140 Main St., City Hall
Marlborough, MA 01752
508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun



City of Marlborough Conservation Commission

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*Edward Clancy – Chairman
Dennis Demers
John Skarin
Allan White
David Williams
Karin Paquin
William Dunbar
Priscilla Ryder Conservation Officer*

MEMORANDUM

TO: Conservation Commission
FROM: Priscilla Ryder Conservation/Sustainability Officer
DATE: April 14, 2022
RE: List of accomplishments FY 2021 and Goals for 2022

I put together the attached narrative for the mayor's budget packet which summarizes our departments accomplishments in FY 22. I wanted to share it with you, so you have a summary as well on what was done last year and what we are planning for FY 2023

If you can think of any goals you would like to tackle for this coming year, which are not included, please let me know. Consider this the Conservation Office annual planning guide.

Thanks

✓
7/14

Conservation, ZBA, Site Plan Review Committee, and Sustainability Green Communities Accomplishments in FY 22 and Goals for FY 23

Conservation Wetland Permits:

Development was steady with filings for wetland permits being normal. Many large projects permitted in previous years began construction including 149 Hayes Memorial Dr., 107 Simarano Dr. Green District, and 96 Crowley Dr. Pleasant Hill Retirement Community

Site Plan Review oversight and coordination

There were many projects reviewed by the Committee. Several large projects reviewed including three sites at Nickerson Rd., Airport Blvd. off Farm Rd. and many project started construction as noted above.

Zoning Board of Appeals

With the ZBA also responsible for being the special permit granting authority for “legal nonconforming single- and two-family structures” in addition to their usual zoning variance requests, they had a busy year as well.

Green Community and Sustainability efforts

It has been 12 years since the city was first designated as a Green Community. The city has made great strides in FY 2022. A list of these accomplishments is now posted on the web page: [Green Community Efforts | Marlborough MA \(marlborough-ma.gov\)](#)

Recent achievements in FY 22 include: Photovoltaic solar arrays are now working on the Jaworek, Kane, High School and the new Goodnow Elementary schools. An interactive dashboard is now available to the school to use in their curriculum. A Green Communities grant was awarded to upgrade the Freeman School HVAC systems which will be installed this year by October 2022.

Conservation Project updates:

- Purchase and protection of 35 acres of O’Donnell property in coordination with State DCR and SVT. This land is now protected as part of Callahan State Park.
- Panther Trail- 5-mile trail opened along Sudbury Reservoir this spring 2022. Grand opening planned for 26.2-mile trail in October 2022 This will be a great celebration.
- Marlborough Trails Committee volunteers have been very active with once-a-month trail workdays. Summer intern and boy scouts continue to be the Commission’s workforce on trails.
- Goats were used again in FY 22 and rented through Houde’ Landscaping. They “worked” on city land behind the courthouse removing bittersweet vines. Goats will be hired again in FY 23
- Community Garden continues to be fully subscribed and gets lots of good use.
- Native Pollinator Garden and invasive oriental bittersweet vine control proposed for FY 23

Open Space and Recreation Plan Update

- The Draft Open Space and Recreation Plan will be ready in June of 2022 for public input.

Goals for FY23 are to continue with all the above

Thank you!