

Conservation Commission

Minutes

DRAFT

March 17, 2022

Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall

7:00 PM

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

**Absent:** none

**Approval of Minutes:** The minutes of March 3, 2022, and February 17, 2022 were reviewed and on a motion by Mr. White second by Mr. Clancy to approve the minutes as written, the Commission voted 7-0 to approve.

**Public hearings:**

**Abbreviated Notice of Intent (continued from 3/3/2022)**

74 & 82 Paquin Dr. - Scott Ferrecchia

Ms. Ryder explained the changes to the plans and showed photos from the site walk earlier with Mr. DiPersio and Mr. Parente showing the location of the stakes. Based on discussions with Tom DiPersio in the field and based on his research and survey by the DPW the top of the spillway is at elevation 261.0'. Therefore, the land under the water below the 261.0' elevation belongs to the city and anything above that would belong to the adjacent landowner. These adjustments will be made to the plans. It was determined that if the face of the wall on the water side was at or above 261.0' that would work.

Mr. Ferrecchia explained that the waves during the summer are causing a great deal of erosion along the shoreline, and he has dragged the sand up now to fill the gaps. A solid wall would help prevent erosion. He would like to put in 20' of blocks from his existing dock to about where the large tree is located as this is the area receiving the most impact. This section will likely have two layers of blocks, one buried and one above. It would be placed on a crushed stone footing and the land above would grade to the top of the wall. After some discussion about construction methods etc. it was determined, that because the spillway has been closed and the water level is already rising, that this project will need to wait until next fall when the water level is dropped again. They will revise the plans based on the engineering information provided and will submit a revised plan to the Commission for the April 7<sup>th</sup> meeting.



**Violation Updates:**

- 896 Boston Post Rd. – Continued from 2/3/2022 - Mr. Renovo was present, he explained that he rents this area from Marcello and had been told if he added a berm he could work in this area. After speaking with Ms. Ryder, he understands that is not the case and has moved all his equipment and other materials out of the area that he had removed the leaves, added a berm, and thankfully stopped work before he cut any trees. He is happy to restore the area. Ms. Ryder noted that the trees remain, a berm remains, and the soil is raw, she suggested stabilizing the area but asked the Commission what they wanted to do with the berm. After some discussion about the soil type and stabilization, it was agreed that several Commission members would do a site visit to make a final determination. A site visit was set for Tuesday March 22 at noon. The results of the site visit will be discussed at the next meeting.
- 630 Forest St. – Project update - As requested at the last meeting the applicant appeared with his various consultants to discuss moving forward with this site which has been excavated without a permit. Mr. Turner, Mr. Vento's, Mr. Wood and Mr. Fred Keylor were present. Mr. Keylor explained that he is the project engineer and has prepared a drawing showing the new drainage pipe and upstream and downstream stabilization, with project sequencing and pumping details. Ms. Ryder noted that City Engineer Tom DiPersio has reviewed and agrees with this plan. It is based on the files Bruce Saluk originally provided and he got permission to use them. Bruce Saluk, working on behalf of the abutter IPG also provided comments on the size of the rip rap to meet MDOT specks. Mr. Keylor also suggested they put a weir of boulders on the upstream side of the culvert to help catch debris from flowing through (creating a natural trash rack of sorts). They also plan to put some guardrails along the grass area on top to prevent cars from access. They reviewed the design details of the pipe and construction process and pumping protocols. They have hired Hancock Engineering to file the Notice of Intent (NOI) for the next meeting and will also analyze the downstream wetlands impacted by the sediment discharged by this project. The Commission and the applicant discussed the need for an emergency certificate to proceed with the work prior to the NOI. It is spring and each rainstorm that the site remains open is a big threat to the downstream wetland. It was agreed that the project, now with a plan and an engineer can proceed to fix the problem and stabilize the site. On a motion by Mr. Skarin, second by Mr. White, to issue an Emergency Certificate to allow the work to continue as discussed, the Commission voted unanimously 7-0 to issue. The Commission will wait for the NOI to be filed for further discussion.

**Certificate of Compliance:**

- DEP 212-1214 615 Williams St. (continued from 3/3/2022) Ms. Ryder noted that the erosion controls still need to be removed so this was continued to the next meeting.



**Discussion/Project Updates:**

- 293 Lakeshore Dr. – DEP 212-1211 - dock design approval - The owner has presented a dock location and design as required in the Order of Conditions issued for this property. The Ft. Meadow Commission has reviewed the proposal and Ms. Ryder and Mr. Thomson visited the site to discuss with the owner. Ms. Ryder presented the Commission with the plan for an L shaped dock to extend at an angle parallel to the shoreline on the west side of this property. After some discussion on a motion by Mr. Skarin, second by Mr. White to approve the dock design as presented, the Commission voted 7-0 unanimously to approve.
- Memorial Forest/Desert Natural Area turtle survey – permission - Ms. Ryder noted that the Eversource project has been asked to continue the turtle survey work along the gas pipeline for another year. John Vieira of AE Com. has requested permission for another year of study. On a motion by Ms. Paquin, second by Mr. Dunbar to approve the request to continue turtle survey for 2022, the Commission unanimously 7-0 approved.
- 689 Pleasant St. – preliminary Open Space Development Plan - Ms. Ryder noted that this subdivision is under review by the Planning Board. She provided comments based on her review for the last Planning Board meeting. The Commission reviewed the revised plans and noted that seepage collars, wetland replication, vernal pool protection and 30' buffer zone as well as the comments Ms. Ryder provided should be included in a new set of comments to the Planning Board. Ms. Ryder will draft the letter for the Chairman's signature.
- Felton Conservation Land – mowing - Ms. Ryder noted that she has reached out to Mr. Stephan to see if he wants to continue mowing the Felton land fields. If he agrees she will add the license agreement to the next agenda.
- Installation of water main on a portion of Pleasant St. and Fitchburg St. – DPW – minor exempt project. Mr. Clancy noted that the Commission had received a letter and plans showing the waterline to be installed along Pleasant St. and Fitchburg St. Ms. Ryder noted that per the regulations if all waterline work is within the existing roadway layout this can be considered a minor exempt project, only requiring notification to the Commission. The Commission agreed but asked that Ms. Ryder convey to the DPW that she be notified when work begins to do an erosion control inspection and review protocol before work begins. Ms. Ryder will convey.
- SuAsCo Small Grant: Ms. Paquin was successful in getting a \$3,000 CISMA Small Grant for 2022 to help the Commission address bittersweet vines at Ghiloni Park and develop an education program for volunteers to help stop the spread of this invasive “killing” vine. The Commission thanked Ms. Paquin for doing this work.



### **Correspondence**

The following documents were reviewed, and the commission unanimously voted to accept and place on file:

- Yearly Operational Plan – 2022 – DPW
- MDAR – control vegetation along rights of way – a 5 yr. Vegetation Management Plan

### **Other Business**

- BU College Student Lucy McCabe was present and is doing a research project on how wetlands are protected in Marlborough. She asked many questions and got lots of input from the Commission members. She will continue to reach out for additional information in the coming weeks and months as she does her research. She thanked the Commission for their time.

**Next Conservation Commission meetings:** April 7<sup>th</sup> and April 21, 2022

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

Respectfully submitted,

Priscilla Ryder  
Conservation/Sustainability Officer







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

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

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

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

**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:

Name Erik Ramirez E-Mail Address erame29147@gmail  
 Mailing Address 129 Beach St  
Marlboro State Ma Zip Code 01752  
 City/Town  
 Phone Number 781-907-0715 Fax Number (if applicable) \_\_\_\_\_

2. Representative (if any):

N/A

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 Marlborough 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).



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

**C. Project Description**

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

129 Beach St  
Street Address

Marlboro  
City/Town

Assessors Map/Plat Number \_\_\_\_\_

Parcel/Lot Number \_\_\_\_\_

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

This lot has wetlands in the back yard which was defined by previous owner who built a retaining wall just above the 20' wetland no disturb buffer zone in 2008

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

129 Beach St - Pool (GIS map)  
Title

3-24-22  
Date

Title \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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

Install as above ground pool 18' in diameter. Pool will be located above the 30' wetland buffer zone as shown on plans.



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

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

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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.)

\_\_\_\_\_  
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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:

Erik Ramirez  
Name  
129 Beach St  
Mailing Address  
Marlboro  
City/Town  
ma State  
01752 Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 40.05(3)(b)(1) of the Wetlands Protection Act regulations.

[Signature]  
Signature of Applicant  
2/21/22 Date

\_\_\_\_\_  
Signature of Representative (if any) Date

## Priscilla Ryder

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**From:** Erik R <eramirez9147@gmail.com>  
**Sent:** Thursday, March 24, 2022 2:38 PM  
**To:** Priscilla Ryder  
**Subject:** Re: 129 Breach St. - pool

Hi Priscilla ,

Hope all is well. The pool is an 18 foot round with the depth of 52 inches. and its got a 6inch resin post with galvanized steel wall.

**Erik**  
**781 907 0715**

On Thu, Mar 24, 2022 at 1:16 PM Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)> wrote:

Hi Erik,

We are putting the legal add in today for your pool project for the meeting on April 7<sup>th</sup>.

I looked over your application and can fill in the missing information if you can provide the following:

1. Size of pool round or rectangular and how many feet.
2. Check out this diagram I made and let me know if this is the approximate location of the pool (see diagram at this link <https://tinyurl.com/yb444e63>) . If this is correct I'll put a label on this plan and add this to your application.
3. For description I will add: back yard is divided by a retaining wall which marks the 20' wetland buffer zone as established by the previous owner and approved by the Conservation commission under DEP 212-1055.
4. For work description I will add: Installation of an above ground pool which is X' by x' in size. This will be located outside the 30' wetland buffer zone as shown on the attached GIS map sketch. This is will be staked in the field for inspection.

Once I get this information from you I will fill out the form and you will be all set.

Thanks,

*Priscilla Ryder*

*Conservation/ Sustainability Officer*



# 129 Beach St. - Pool

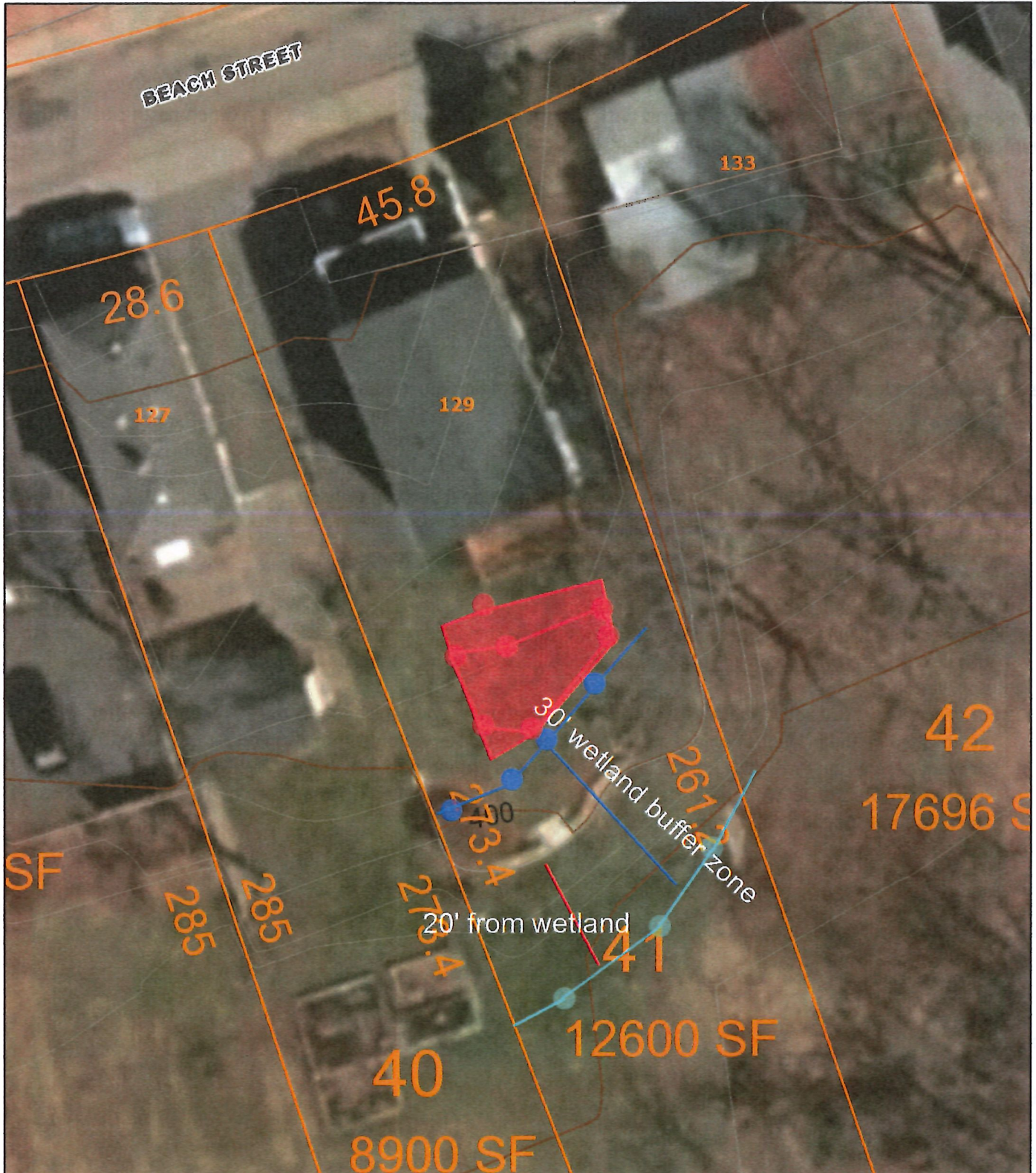
Marlborough, MA

1 inch = 20 Feet

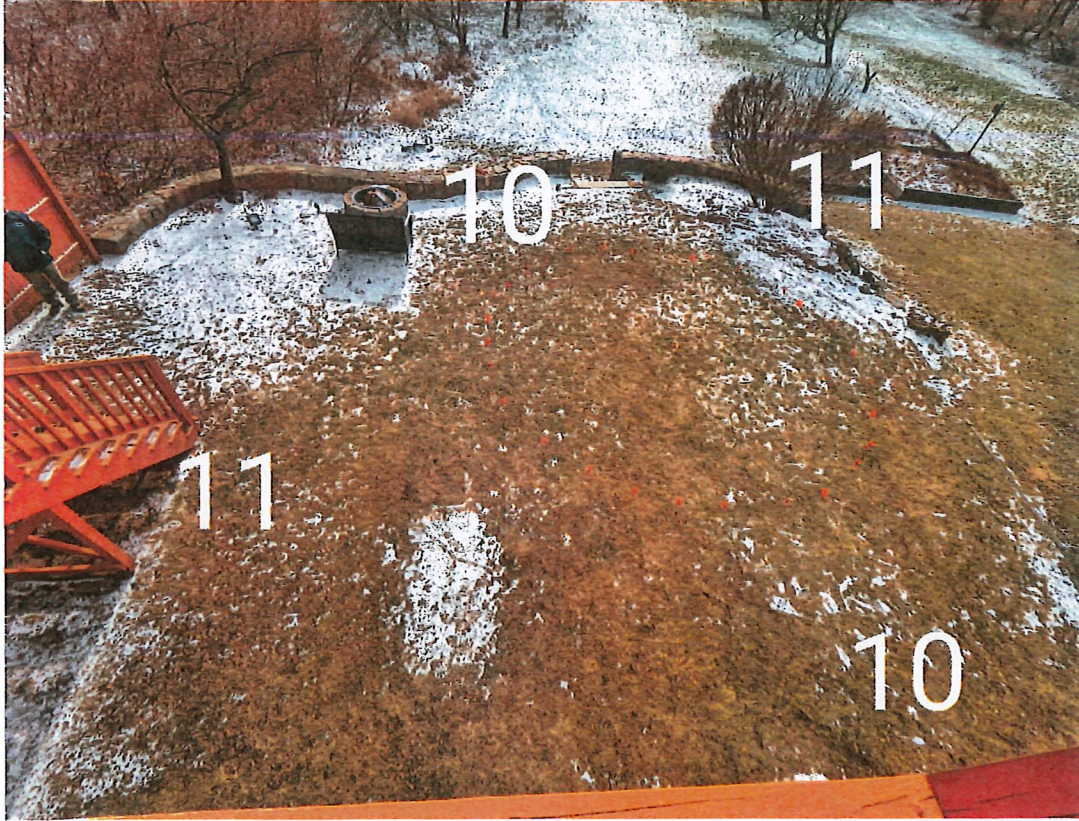
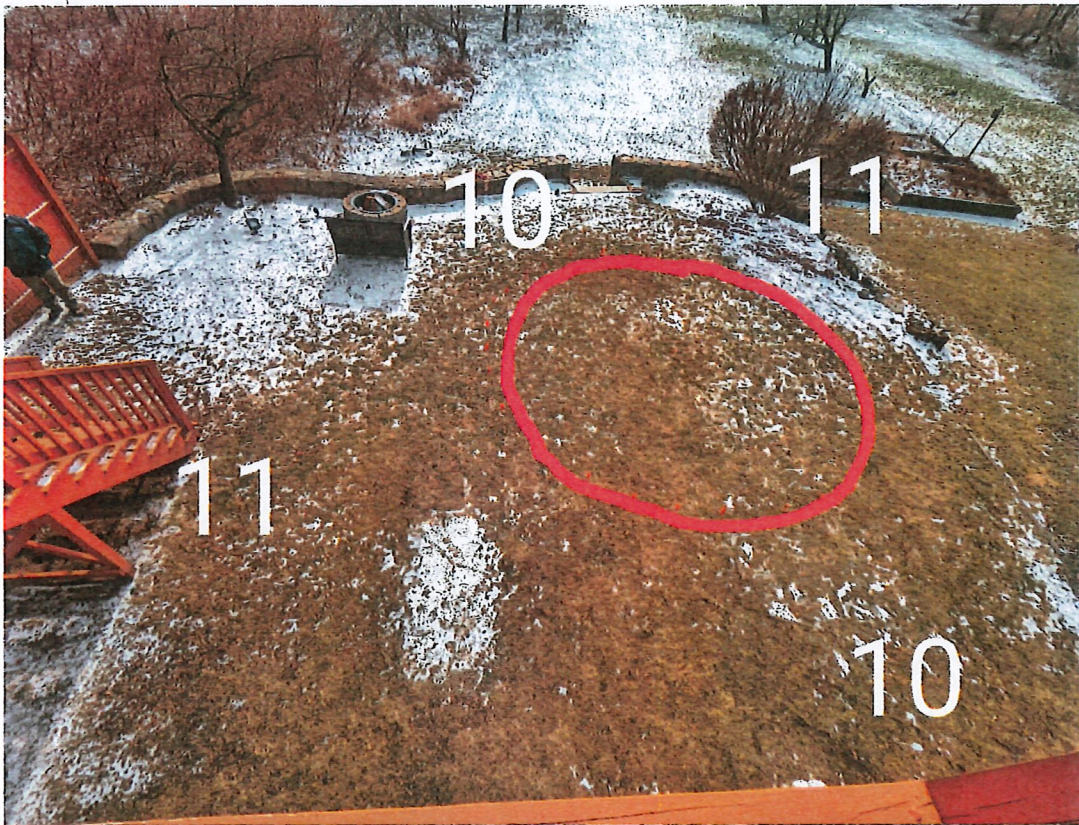


March 24, 2022

www.cai-tech.com



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.







## Susan Brown

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**From:** doug.stephan@gmail.com  
**Sent:** Sunday, March 20, 2022 9:09 AM  
**To:** Priscilla Ryder  
**Subject:** RE: Felton Conservation Land

Did not keep track of each field, but know we got four twenty bale truckloads out of those fields.  
Happy to move forward again.

**From:** Priscilla Ryder <pryder@marlborough-ma.gov>  
**Sent:** Tuesday, March 15, 2022 12:02 PM  
**To:** Doug Stephan <doug.stephan@gmail.com>  
**Cc:** Susan Brown <sbrown@marlborough-ma.gov>  
**Subject:** Felton Conservation Land

**Hi Doug,**

I'm just following up to see if you are still interested in mowing the Felton Conservation Land this year again. If so I can get the annual license process started.

Also, can you provide us with a short summary of when and how much hay you got last year. I know you only could get one cut in due to the rainy weather last year. Attached is an example letter we received from the previous farmer- so something simple and similar would be needed before we move onto the new license.

Looking forward to hearing from 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*

## LICENSE AGREEMENT

This AGREEMENT made this \_\_\_\_ day of April, 2022 by and between the CTIY OF MARLBOROUGH, a municipal corporation in Middlesex County, Massachusetts, acting by its Conservation Commission, hereinafter referred to as the COMMISSION, and Stephan Family Realty Trust; Doug Stephan, 842 Edmands Rd, Framingham, MA, hereinafter referred to as the LICENSEE,

WITNESSES that:

The LICENSEE is hereby given the privilege and license by the COMMISSION to use the land more fully described below from July 1, 2022 to May 1, 2023 (for one year) for the sole purposes and upon the terms and conditions herein below set forth:

I. Description of Licensed Premises:

Felton Conservation Land located on Elm Street, Marlborough, Massachusetts, shown as Parcel 148 on Assessor's Map 66. The cultivation and cutting of hay shall be limited to the existing hayfields on the property.

II. The Licensee shall pay an annual rental fee prior to June 1 of each year of this License Term, in the amount of \$25 per acre per the license period. In lieu of a cash payment, the Licensee may, with prior approval by the Commission, provide services for the maintenance or improvement of the licensed land in accordance with a mutually agreed upon written schedule detailing the services to be performed and their values. Services may include, but are not limited to, the mowing, cutting or removal of vegetation, the improvement of wildlife habitat, the maintenance of culverts, **tree stump and brush removal**, trail maintenance, and public access improvements.

The Licensee shall not sublet the property for any reason nor allow any other party to operate under this license.

III. The LICENSEE agrees to the following conditions:

- A. The aforesaid premises may be used by the LICENSEE solely for the growing of hay. No animals may be raised, penned, or pastured on the property.
- B. Fields shall be cultivated by organic farming practices. The guidelines of the Natural Organic Farming Association (NOFA) shall be the basis of the farming practices. Insecticides, herbicides, fungicides, other pesticides, and inorganic fertilizers shall not be used except in the case of pest infestations that cannot be controlled by means other than pesticides. Pre-

approval of the COMMISSION of the list of possible pesticides which may be used shall be obtained by the LICENSEE prior to any pesticide application.

- C. The Licensee agrees to take good and appropriate care of said premises, to control soil erosion as completely as possible, and to maintain the premises in as good condition and repair as the beginning or as later improved. Normal wear and depreciation from causes beyond the LICENSEE's control is expected.
- D. Except where removal is expressly agreed upon between the LICENSEE and the COMMISSION, the LICENSEE shall take care to prevent injury to trees and shrubs on the premises. Woody vegetation encroaching on the fields may be cleared after discussion with the COMMISSION and appropriate flagging or other designation.
- E. The LICENSEE agrees to apply lime at least once during the license period at rates recommended by the Middlesex County Cooperative Extension Service, **as soil test deem necessary.**
- F. The LICENSEE agrees to till and drag the field to restore its contours. Brush and stones will be removed as necessary.
- G. The LICENSEE agrees to fertilize at rates necessary to maintain the soil fertility in a good or better condition than existed at the beginning of the license period.
- H. The LICENSEE shall keep the premises free from all litter and waste.
- I. If stones are removed, they shall be deposited in specific stone dumps located as approved by the COMMISSION.
- J. No topsoil, loam, gravel, rock, sand, humus or other types of earthen or mineral matter shall be removed without the written consent of the COMMISSION.
- K. Access for equipment to the rear field shall be limited to one entry point from Elm Street and by a route to be agreed upon by the COMMISSION and the LICENSEE.
- L. The LICENSEE shall not conduct any retail sales or direct produce distribution operation on the premises.
- M. The LICENSEE agrees to provide the COMMISSION annually by January 31, a brief written report of haying activity. The report shall

include, but not be limited to, crop yields, soil improvements, vandalism, pest problems, and plans for the following year.

- N. The COMMISSION and the LICENSEE reserve the right to modify, in writing, the terms and conditions of the license at the time of the annual review. From time to time, agricultural practices may, however be varied at the direction of the COMMISSION in order to preserve other community interests.
- O. If the LICENSEE so chooses, renewal of the License shall be requested before April 30, 2023.

IV. Structures:

No use or development of the premises other than for agricultural purposes shall be permitted. The COMMISSION may in its discretion approve the construction and/or placement of one or more storage structures upon request by the LICENSEE.

V. Access:

The LICENSEE shall permit the public access to the premises for recreational purposes provided, however, that the LICENSEE, in accepting this condition does not thereby waive any remedies he may have against any member of the public who shall damage his crops or property on land covered by this license. The LICENSEE shall keep the trails unobstructed. The COMMISSION and its agents shall have unrestricted access to these aforesaid premises at all times.

The public shall be allowed year-round access to the premises for recreational purposes. Public access shall be given to the licensed area via specifically designated access points and trails established to prevent the likelihood of damage to crops. No unauthorized motorized vehicles shall be permitted. The Commission will cooperate with the Licensee in developing rules and erecting signs or barriers to limit vehicular access to the agricultural fields and to prevent crop damage due to public access.

Licensee shall be familiar with the Commission's rules regarding public access to the property and shall report immediately any apparent rule violation to the Commission.

VI. Indemnification:

The LICENSEE hereby agrees to indemnify the City of Marlborough and its officers, boards, commissions, committees and employees for any losses it or they incur by reason of neglect, omission or default on the part of the LICENSEE or is

agents or employees which arises out of Licensees' operations under this license agreement.

VII Insurance:

Before executing this agreement, the LICENSEE shall purchase and maintain at his expense for the duration of this agreement, a policy of insurance providing for bodily injury and property damage which may result from the operations of the LICENSEE, its employees and agents and shall indemnify and hold harmless the Conservation Commission, City of Marlborough, their agents and employees under this agreement. Written evidence of this insurance shall be submitted to the COMMISSION. The COMMISSION shall receive proper notification in the event of cancellation of such insurance coverage.

VIII. Termination:

The LICENSEE agrees that if the COMMISSION shall determine at any time during the term of this agreement that the LICENSEE is using any of the premises in violation of the terms and conditions of this agreement, the COMMISSION may terminate all or part of this agreement. The COMMISSION may require suspension of activity by the LICENSEE on the premises pending a review of alleged violations. Termination or suspension of this agreement shall be by a vote of a majority of the COMMISSION.

The LICENSEE may terminate this License by notifying the COMMISSION in writing of his intentions to do so, so long as he leaves the land in as good a condition as it was at the beginning of the license period.

The LICENSEE agrees to vacate the premises without further notice at the expiration of this license and any renewal period, leaving the land in good condition.

Upon cancellation, revocation, termination, or expiration of the license, or as soon thereafter as is practical given seasonal weather conditions, the licensee shall permanently stabilize the soil with a grass crop.

IX. Assignment:

The LICENSSEE shall not assign by power of attorney, or otherwise, the right and privilege conferred upon it by this license, or any portion thereof.

In witness hereof on this \_\_\_\_\_ day of July, 2021 the following parties have executed this agreement:

MARLBOROUGH CONSERVATION COMMISSION:

\_\_\_\_\_ Edward Clancy

\_\_\_\_\_ Allen White

\_\_\_\_\_ Dennis Demers

\_\_\_\_\_ Dave Williams

\_\_\_\_\_ John Skarin

\_\_\_\_\_ Karin Paquin

\_\_\_\_\_ William Dunbar

LICENSEE:

\_\_\_\_\_ Doug Stephan

Notary Acknowledgment:

Commonwealth of Massachusetts Middlesex County; On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public, personally appeared Edward Clancy and (name) proved to me through satisfactory evidence of identification which were

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To be the persons whose names are signed on the proceeding document and acknowledged to me that they each signed it voluntarily for the stated purpose, as a member of the Marlborough Conservation Commission and as the Licensee respectively.

\_\_\_\_\_  
Susan Brown, Notary Public  
My commission expires on



# City of Marlborough Conservation Commission

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

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

March 22, 2022

Barbara Fenby, Chairwomen  
Planning Board  
City Hall  
Marlborough, MA 01752

RE: 689 Pleasant St. Open Space Development Concept Plan

Dear Chairwomen and Members:

At its meeting on March 17, 2022, the Conservation Commission reviewed the revised preliminary subdivision plans titled: "Open Space Development (step one) Beauchemin Estates, a single-family development in Marlborough Massachusetts (689 Pleasant St.)" by D.K. Engineering, dated 2/10/22 last revised 3/6/22.

The Commission provides these additional comments which incorporate comments made on March 10<sup>th</sup> by Ms. Ryder, so these are the all-inclusive comments approved by the Commission.

1. The revised Conventional Concept plan now shows the detention basin; however, it does not provide a location for wetland replication, which would be needed for the stream crossing. The wetland setback is still shown as 25' rather than 30' which is now the current wetland setback policy. The Open Space Concept Plan still shows the detention basin in the open space parcel which the regulations do not allow. No work in the 30' no disturb wetland setback is permitted including no utilities or drainage and no clearing. These items should be shown more clearly on the plans to determine realistic number of lots.
2. The 2.55+ acres of open space shown on the Open Space Development Concept is an important wetland that feeds Flagg Brook and then Ft. Meadow Reservoir. Providing ample protection to this wetland will in turn help to preserve Ft. Meadow water quality. Therefore, this Open Space parcel would be acceptable for open space. We do note that normally we don't encourage these isolated pockets of open space as they become difficult to maintain etc. But in this situation, it can be protected for its wetland and habitat value and not necessarily for public use or trail access. With climate change and warmer temperatures our wetlands and woodlands will need to work harder to keep the air cooler and provide habitat and shade to wetland dependent critters.
3. Wetland value. When the Commission walked this site to verify the wetland line with the developer, a small depression area was identified as a potential vernal pool. The calculations for flood storage weren't met to officially certify it. However, we believe it has the characteristics and function of a vernal pool. This pool lies within the proposed open space portion of this lot which falls between the wetland and Map 28 lot 18. This is another reason to

keep a good portion of the open space undisturbed to enhance the wildlife values of these areas.

4. In regard to the design guidelines, the Commission finds that the proposed project satisfies those criteria: Specifically, this open space development will:
  - a. Provide protection to Flagg Brook watershed and maintains this important wildlife corridor along the brook.
  - b. Consolidate the open space as a large, contiguous unit.
  - c. The elements of the site plan are arranged favorably with existing natural features so as to minimize soil removal, tree cutting and general disturbance of the site.
  - d. Provide protection to the wetland in the area by allowing for a much wider natural vegetated area along the stream edges and protecting the slopes from future development.
  - e. The wooded open space provides shade and cooling to the stream by allowing the woodland to remain along the wetland, providing good wildlife value.
5. The Commission recommends that the conveyance of the proposed open space parcel be to the city of Marlborough for conservation and open space protection purposes under MGL Ch. 40 sec. 8C. As has been done for all other open space developments \$5,000 should be requested to be deposited to the city's conservation maintenance fund for future maintenance of this site. The applicant also has the option to have the land held by a homeowner's association as outlined in the ordinance, if they so choose.
6. The roadway and some of the houses and utility construction fall within the 100' buffer zone to the wetland, therefore, this subdivision plan will require the filing of a Notice of Intent (wetland permit) for the subdivision roadway and for several of the individual lots.
7. During the more detailed subdivision design, it will be critical that the underground utilities including sewerage and drainage contain seepage collars so as not to inadvertently drain the wetland by conveying groundwater along its bedding.

The Commission looks forward to reviewing the revised plans once the items noted above have been addressed.

If you have any questions, please let me know.

Sincerely,



Ed Clancy  
Chairman

Cc: Tom DiPersio, City Engineer  
Tin Htway, Building Commissioner  
Conservation Commission



## Priscilla Ryder

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**From:** Mark Dascoli  
**Sent:** Thursday, March 31, 2022 6:38 AM  
**Cc:** Kevin Breen; Tselikis, Nicholas - Marlborough, MA; Priscilla Ryder; David Giorgi; Jackie D'Alio; James Dascoli; Matthew Santella; Dominic Goncalves; linda.quinn@firstgroup.com; Christopher White; Douglas Dias; michael.williams; Amy Edlemon; Thomas DiPersio; Sean Divoll; Theodore Scott; Christopher LaFreniere; Mayor; Jeffrey Gogan; ltettke@republicservices.com; City Council; Hutchinson, Jeremy; Stephen Phalen; Patricia Bernard; Katlyn Miller  
**Subject:** Construction Season 2022

All,

Please see the information below regarding ongoing and upcoming construction projects we have scheduled to date:

### Ongoing:

#### Sudbury Street Area Sewer Project Phase 5

- The project consisted of water replacement, sewer installation and resurfacing of roadway remains
- Project Limits: Minehan Lane
- Project Completion: Summer 2022
- Contractor: Revoli Construction
- **No traffic impacts**

#### Lead Service Replacement Phase 4 and Phase 5

- The project consists of replacing approx. 220 lead services and final trench paving at approximately 500 locations
- Project Limits: Various Locations
- Project Completion: Spring 2023
- Contractor: Cedrone Corp.
- **Traffic delays and road closures to thru traffic-local traffic only**

#### Cedar Hill Standby Water Pump Station

- The project consisted of a multi pump submersible pitless pumping system, a new separate electric service, and all related piping and control services
- Project Limits: Cedar Hill Pump Station
- Project Completion: Summer 2022
- Contractor: UEL Contractors, Inc.
- **No traffic impacts expected**

#### Resurfacing and Reconstruction of Various Streets and Appurtenant Work

- The project consists of milling, reclaiming, paving and sidewalk replacement
- Project Limits: Neil Street, Lambert Street and Zompetti Street
- Project Completion: Summer 2022
- Contractor: Lazaro Paving Corp.
- **Traffic delays and road closures to thru traffic-local traffic only**

#### Reconstruction of Lincoln Street

- The project consisted of roadway reconstruction, replacement of curbing, sidewalks. Traffic signal upgrades and punchlist items are to be completed
- Project Limits: Highland Street to Broad Street
- Project Completion: Summer 2022

- Contractor: E.H. Perkins Construction, Inc.
- **Traffic delays and road closures to thru traffic-local traffic only**

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

- The project consists of water, sewer and drainage improvement including roadway reconstruction, traffic signal upgrades and sidewalk replacement/installation
- Project Limits: Phelps Street to Sudbury Town Line
- Tentative Start Date: Spring 2022
- Project Completion: Spring 2024
- Contractor: Ludlow Construction
- **Major traffic delays to be expected**

**Resurfacing of Donald J. Lynch Boulevard**

- The project consists of roadway resurfacing, enhanced pedestrian and bicycle accommodations
- Project Limits: Solomon Pond Mall West Driveway to Bigelow Street
- Tentative Start Date: Spring 2022
- Project Completion: Spring 2023
- Contractor: JH Lynch and Sons, Inc.
- **Traffic delays are to be expected**

**Upcoming:**

**Sewer Rehabilitation at Various Locations**

- The project consists of lining the existing sewer mains and sewer manholes
- Project Limits: Boston Post Road East (Ghiloni Park Access Road to Village Drive) and sewer easement off of Simarano Drive along Value Way and Results Way
- Tentative Start Date: Spring 2022
- Project Completion: Spring 2022
- Contractor: Insituform
- **Traffic delays are to be expected**

**Water Main Installation**

- The project consists of new water main installation including hydrants, and services
- Project Limits: Pleasant Street (Ash Street to Fitchburg Street) and Fitchburg Street (Pleasant Street to Crowley Drive)
- Tentative Start Date: Spring 2022
- Project Completion: Fall 2022
- Contractor: Oliveira Construction
- **Traffic delays are to be expected**

**Reconstruction of Harrison Place**

- The project consists of roadway reconstruction, sewer improvements, granite curbing and cement concrete sidewalks
- Tentative Start Date: Spring 2022
- Project Completion: Summer 2022
- Contractor: TBD
- **Road closed-Dead End**

**Eversource gas main relays at Various Locations**

- The project consists of gas main relays and final trench paving
- Project Limits: Gas main relays-Rt. 20 (Phelps to Sudbury Town Line), Main Street (Mechanic Street to Bolton Street), Liberty Street, Ringold Street, Stow Road (Fitzgerald Road to Simpson Road)

- Project Limits: Final trench paving-South Bolton Street, Granger Boulevard, Curtis Avenue, Millham Street, Dudley Street (Millham Street to East Dudley Street)
- Tentative Start Date: Rt. 20 Ongoing-All others Spring 2022
- Project Completion: Spring 2022
- Contractor: Eversource-Deveraux

Letters will be mailed out to the impacted property owners regarding the upcoming reconstruction project prior to the start of construction.

Should you have any questions and/or comments during construction, please let us know.

Thanks,

**Mark J. Dascoli**

Assistant City Engineer

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