

## CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Conservation Commission  
Date: February 2, 2023  
Time: 7:00 PM  
Location: 140 Main St. – Marlborough City Hall – 3<sup>rd</sup> Floor (Memorial Hall)

### ALL MEETINGS ARE IN PERSON AT CITY HALL

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**Approval of Minutes:** Review minutes of January 12, 2023

#### Public hearings

- 7:00 PM Request for Determination of Applicability  
Red Spring Rd. - Red Spring Road Homeowners Association  
Proposes to install 10 new E-One pumps and pressure pipes to new sewer force main. Work is near wetlands. These are for House #'s 3, 5, 7, 9, 15, 17, 21, 23, 43, and 55.
- 7:15 Notice of Intent  
Red Spring Rd. – Red Spring Road Homeowners Association  
Proposes to abandon the existing septic system and install E-One pump chambers and connect to new sewer force main at House #'s 12, 13, 35, 37, 41, and 47 Red Spring Rd. within 30 ft. of wetlands.
- 7:20 Notice of Intent (continued from Jan. 12, 2023)  
230-266 East Main St. - Karnak Realty (represented by Matt Millon)  
Proposes to construct a new loading dock at the rear of 230-266 East Main St. next to wetlands.
- 7:30 Amend Order of Conditions – 212-1218 (continued from Jan. 12, 2023)  
339 Boston Post Rd. – Walcott Heritage  
Request to amend the Order of Conditions 212-1218 issued on Sept. 11, 2020. The new project scope reduces the project by one building and moves work outside the floodplain, reduces project to 140 units and parking stalls to 280.
- 7:40 Abbreviated Notice of Intent (continued from Jan. 12, 2023)  
21 Blaiswood Ave. - Helvecio Carvalho  
Proposes to build a patio, firepit and retaining wall on the shore of Ft. Meadow Reservoir.



- 7:50 Notice of Intent  
Mass Electric Company proposes to install a new 45-foot class 2 utility Pole at the substation at 335 South Street in Marlborough. The pole will be installed within riverfront area and near inland bank of Marlborough Brook.

**Extension Permit:**

- DEP 212-1146 Letter from Ft. Meadow Commission – RE: Ft. Meadow weed permit

**Discussion:**

- Floodplain and Wetland Protection District - Chapter 650-23 Zoning – Article VI. Special Districts, Overlays and Special Requirements – Review and comment for Climate Change Ordinance updates
- 541 Pleasant St. – Progress report from the Dec. 1<sup>st</sup>, 2022 meeting.
- Ft. Meadow - Annual report 2022
- Ratify Beaver permit for Beebe Pond-beaver dam at Callahan State Park
- Haying agreement – sign annual license agreement

**Correspondence:**

- Letter to Planning Board dated Jan. 19, 2023 RE: Stow Rd. Subdivision Plan – Open Space Development

**Next Conservation Commission meetings:** February 16<sup>th</sup> and March 2, 2023

**Adjournment**



Conservation Commission

Minutes

DRAFT

January 12, 2023 - 7:00 PM

140 Main St. – Marlborough City Hall – 3<sup>rd</sup> Floor (Memorial Hall)

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

**Absent:** None

The hearing was recorded using Microsoft Teams.

**Approval of Minutes:** The minutes of Dec. 15, 2022, were reviewed and on a motion by Mr. White second by Mr. Clancy, the Commission voted unanimously to approved 7-0.

**Public hearings**

Request for Determination of Applicability

31 Red Spring Rd. – Arthur Vigeant

Mr. Arthur Vigeant and Mr. Neal Vigeant were present. Mr. Vigeant explained that he had been before the Commission recently to remove some large trees, he is now asking to remove the existing house. He proposes to install a new house in the future, but for public safety purposes has decided the existing house needs to be removed. His nephew Neal Vigeant will be doing the work. Mr. Neal Vigeant explained that the erosion controls are still in place, they plan to bring in a truck and remove the building and whatever foundation/slab exists and then grade and stabilize the site. Mr. Demers asked about the cesspool abandonment. Mr. Vigeant explained he would work with the Board of Health and follow whatever requirements are needed. Mr. Dunbar explained that he is concerned about the shoreline and site stabilization so close to the Lake and suggested additional erosion controls be added as needed. Mr. Vigeant explained that once he is done, he will stabilize the site with woodchips. There being no further discussion or questions the hearing was closed. On a motion by Mr. White, second by Mr. Clancy to issue a negative determination with standard conditions and a condition about site stabilization. The Commission voted unanimously 7-0 to approve the motion.

Request for Determination of Applicability

13 Red Spring Rd. – Mark Evangelous

Mr. & Mrs. Evangelous and Mrs. Peters were present. Mr. Evangelous explained that they would like to take down some trees to get more sun onto the house and to prevent these large trees from falling on the house. The first large pine along the shoreline is very tall and could do significant damage if it fell or snapped. The three oaks on the street side of the house are also large and they would like them removed professionally. The Commission determined that the pine has to go and there are plenty of trees in this

area that replacement of the pine is not needed. However, when the three oaks are removed there are no saplings to replace them, therefore, per the Commission's policy, 6 trees will need to be planted once the three oaks are removed. Mr. Evangelous indicated that would not be an issue and he would replant them within six months or sooner after the trees are removed depending on the season. After some discussion, on a motion by Mr. White second by Mr. Clancy to issue a negative determination with standard conditions and the requirement to replant 6 trees for the 3 oak trees to be removed. The Commission voted unanimously 7-0 to approve.

#### Notice of Intent

230-266 East Main St. - Karnak Realty (represented by Matt Millon)

Mr. Matthew Millon from Harbor Freight Co. was present. He explained that his company is renting a portion of the building which used to house Marshalls. They are fitting up the inside of the building and are proposing to construct a new loading dock at the rear of 230-266 East Main St. which is next to the stream. Ms. Ryder showed photographs taken recently of the site showing some of the existing utilities and the proximity to the brook. Mr. Clancy asked how the loading dock would be constructed and if it will be elevated above the existing surface? Mr. Demers asked about drainage from the loading dock. The Commission discussed where the new loading dock door would be, what was the construction needed for this dock and what erosion controls would be needed. The Commission also wanted clarification on the plan as to the distance to the adjacent brook from the proposed project. Mr. Millon noted that a small portion of the existing pavement would be removed and restored back to grass which is closest to the stream. Mr. Clancy wanted confirmation as to whether the utilities would be impacted and if so, where they would be relocated. After some discussion, it was agreed that Mr. Millon would return to the Feb. 2<sup>nd</sup> meeting with the information requested above. This hearing was continued to the Feb. 2, 2023, meeting.

#### Amend Order of Conditions – 212-1218

339 Boston Post Rd. – Walcott Heritage

Carlton Quinn from Allen and Major was present representing the owners Walcott Heritage. He reviewed the changes that had been made based on comments from the last meeting which included: Change to the exits making one only emergency access, the stormwater basins have been adjusted to include forebays and maintenance paths, erosion controls have been updated, downspouts of roof drainage are now directed into header systems rather than over ground. Also, all snow storage is now located on pavements away from catch basins as requested, 50 parking spaces have been so designated. As outlined in the special permit all excess snow will need to be removed from site. He also provided a trail alternative to allow residents a handicapped access to

the edge of the track but no alteration to the old trotting track is proposed. The Commission discussed that no salt storage would be allowed on site which will be in the conditions. They discussed the dog park and the need for a drainage detail, the Operation and Maintenance Plan (O & M plan) should also address the dog park maintenance as this is a water quality issue. Mr. Demers asked about places to play and the bus stop, unrelated to wetlands but wondered why these weren't included. The Commission each got a copy of the plan changes and determined that they needed time to look them over. The Commission asked Mr. Quinn to provide amendments to the draft Order of Conditions for the next meeting to review as well. The hearing was continued to the Feb. 2, 2023 meeting.

Notice of Intent - 212-1254 (continued from Dec. 15, 2022)

846 & 850 Boston Post Rd. East - Exela Movers

At the applicants request this item be continued to the Feb. 16<sup>th</sup> meeting as they are still needing feedback from the city on whether this use is permitted.

Abbreviated Notice of Intent (**continued to Feb. 2, 2023**)

21 Blaiswood Ave. - Helvecio Carvalho

At the applicants request this was continued to the next meeting on Feb. 2. The survey has just been completed and will be provided for the next meeting.

### **Certificates of Compliance**

- 212-1235 2 Spring Lane – full Certificate of Compliance - Ms. Ryder indicated that a site inspection reveals all is in order and the as-built plan has been submitted. She recommended that a full certificate be issued. On a motion by Mr. Skarin, second by Mr. Clancy to issue a full Certificate of Compliance. The Commission voted unanimously 7-0 to approve.
- 212-1146 9A Lakeshore Dr. – full Certificate of Compliance - Ms. Ryder indicated that the project has been built according to the Order of Conditions and an As-Built Plan has been provided. She recommends issuance of a full Certificate of Compliance. On a motion by Mr. Skarin, second by Mr. White to issue a full Certificate of Compliance. The Commission unanimously voted to approve 7-0.
- 212-1248 82 Paquin Dr. – full Certificate of Compliance - Ms. Ryder and Mr. Dunbar have looked at the completed wall which was done per the design as shown on the as-built plan. On a motion by Mr. White, second by Mr. Clancy to issue a Full Certificate of Compliance. The Commission voted unanimously 7-0 to approve.

**Discussion:**

1. Snow removal and storage – Ted Scott-DPW - Mr. Scott was present and provided the Commission with the test results of the snow pile from last season. They used a brine-o-meter to test the salinity. They also did send samples out to the lab. The initial results were high but later results were not alarming. The biggest issue with snow dumps in his opinion is not the salt but the trash that is picked up with the snow. This fall they removed trash, reinforced the erosion controls at the pile outlet. He also noted that since he's been doing brine, they have reduced their salt use throughout the city by 2/3 or 20% less salt use. There was discussion about calibrating trucks and how to make the snow contractors more educated about the new system which relies on looking at the temperature and the weather before deciding what treatment to do. If temperatures are rising no salting is done. The Commission noted that salt continues to be a concern given the salt levels being high in Millham Reservoir and concern with how it will affect the fish in Ft. Meadow Reservoir. Mr. Dunbar asked what additional testing could be done at the detention basin. Mr. Scott explained that Mr. DiPersio does have some pond test results from June and November and the Commission could get those from him to see what it was tested for. There was discussion on how often and where testing should be done. Mr. Demers recalls a protocol done when Tom Temple was here, Ms. Ryder will check. Mr. Clancy asked if they needed to replace the woodchips once they are saturated, do they hold the salt, and does it get "re-released"? Mr. Scott will look into that. The Commission thanked Mr. Scott for coming

2. Felton Conservation Land – mowing – Kenneth Amica – ADDA Farm - Mr. Amica explained that he is the grandson of the late Donald Wright who used to mow the fields. His mother now owns the ADDA farm business, and they would like to offer their services as his grandfather did to mow the Felton Conservation Land fields. He and his brothers have been mowing for some time and are very familiar with the operation. They have the machinery and the need for the hay. The Commission discussed the mowing operation and license agreement they had with his grandfather and expressed an interest in having ADDA Farm return to do the work. On a motion by Mr. White second by Mr. Clancy to allow ADDA Farm to mow the fields. The Commission voted unanimously 7-0 to approve. Ms. Ryder and Mr. Amica will work on finalizing the License agreement for signatures by the Commission at the next meeting.

3. Open Space Development Subdivision Plan - A 6.4-acre vacant lot off Stow Rd. – comments to Planning Board by Jan. 23, 2023 - The Commission reviewed the subdivision plan and noted they were happy to see the open space to be protected which abuts Cider Knoll Conservation Land. Ms. Ryder expressed concerns that the detention basin is between two wetlands which would destroy the buffer between them. She had additional questions about which existing trees might remain. Overall, the Commission was in favor of the open space



concept plan. Several members wanted to walk the site, so a site visit was set for Tuesday January 17<sup>th</sup> at 8:30 AM. The Commission asked Ms. Ryder to write a letter to the Planning Board expressing the questions raised above but noting overall it appears to be a good concept. Ms. Ryder will convey.

**Correspondence:**

- Lot L Hayes Memorial Dr. – 2022 Fall Wetland Restoration Monitoring Report from Goddard Consulting.
- DEP 212-1257 253 & 257 Lakeshore Dr. – slight change to plan dated Jan. 5, 2022 - Ms. Ryder noted that this project has altered the design slightly to move all work on the porch outside the 30' wetland setback. The Commission noted this was a welcome change and agreed it was a minor change to the plans not needing further review. On a motion by Mr. White second by Mr. Clancy to accept the plan changes as minor. The Commission voted unanimously 7-0 to approve.
- 1000 Nickerson Rd. – Request for Determination of Applicability - Wetland Violation - After numerous calls and e-mails to the applicant about tracking mud into the roadway and not providing weekly reports, Ms. Ryder upon discussion with several members, issued a violation notice for this project carrying a \$1000 fine for the various violations. The Commission will keep an eye on this site going forward to avoid a disaster as 149 Hayes Memorial Dr.

**Next Conservation Commission meetings:** February 2<sup>nd</sup> and 16th, 2023

**Adjournment** - There being no further business the meeting was adjourned at 9:11 PM.

Respectfully submitted,

Priscilla Ryder  
Conservation/Sustainability Officer



#3 ..... 7 #55 Rec 1-20-2023



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Marlborough  
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:

Red Spring Road Homeowners Association, Inc. c/o Robert Durand      bob@durandanastas.com  
Name      E-Mail Address  
39 Red Spring Road  
Mailing Address  
Marlborough      MA      01752  
City/Town      State      Zip Code  
774-249-8198  
Phone Number      Fax Number (if applicable)

2. Representative (if any):

McClure Engineering, Inc.  
Firm  
Peter Engle, PE      pengle@mcclureengineers.com  
Contact Name      E-Mail Address  
119 Worcester Road  
Mailing Address  
Charlton      MA      01507  
City/Town      State      Zip Code  
508-248-2005  
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:

Marlborough

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

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



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

City/Town

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

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

**C. Project Description**

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

3-55 Red Spring Road	Marlborough
Street Address	City/Town
30	10
Assessors Map/Plat Number	Parcel/Lot Number

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

Existing homes at 3, 5, 7, 9, 15, 17, 21, 23, 43, 55 Red Spring Road

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

Force Sewer Connection Plan - 3, 5, 7, 9, 15, 17, 1, 23, 43, 55 Red Spring Road	12/22/22
Title	Date
Title	Date
Title	Date

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

Installation of E-One pump chambers, abandonment of existing septic systems per Title 5 regulations.  
connection to recently installed sewer force main at 3, 5, 7, 9, 15, 17, 21, 23, 43, 55 Red Spring Rd.

#12 0000 → #55



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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

Marlborough  
 City/Town

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



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

**A. General Information**

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

Red Spring Road  
 a. Street Address

Marlborough  
 b. City/Town

01752  
 c. Zip Code

Latitude and Longitude:  
 30  
 d. Latitude

10  
 e. Longitude

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Robert  
 a. First Name

Durand  
 b. Last Name

Red Spring Road Homeowners Association, Inc.  
 c. Organization

39 Red Spring Road  
 d. Street Address

Marlborough  
 e. City/Town

MA  
 f. State

01752  
 g. Zip Code

774-249-8198  
 h. Phone Number

i. Fax Number

bob@durandanastas.com  
 j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Peter  
 a. First Name

Engle, P.E.  
 b. Last Name

McClure Engineering, Inc.  
 c. Company

119 Worcester Road  
 d. Street Address

Charlton  
 e. City/Town

MA  
 f. State

01507  
 g. Zip Code

508-248-2005  
 h. Phone Number

508-248-4887  
 i. Fax Number

pengle@mcclureengineers.com  
 j. Email address

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

\$660  
 a. Total Fee Paid

\$317.50  
 b. State Fee Paid

\$342.50  
 c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Marlborough

City/Town

**A. General Information (continued)**

6. General Project Description:

Abandonment of existing septic system per Title 5 regulations, installation of E-One pump chambers, and connection to recently installed sewer force main at 12, 13, 35, 37, 41, 47 Red Spring Road.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Southern Middlesex

a. County

80150

c. Book

b. Certificate # (if registered land)

282

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

**Findings of Fact**

In fall 2022 the project was amended and reduced in size as reflected in the plan changes which were approved under this amended order and as outlined in the conditions below. The reduction in size and scope of this project removed all floodplain filling and boarding vegetated wetland impacts. This reduced scope was a welcome change to the Commission. This amended order of conditions replaces the original order of conditions in its entirety

This amended project involves the construction of 140 units in 3-multi-story buildings with associated parking lots, pool, free standing garages, a dog park, and a walking path. Additionally, the project includes the restoration of an existing 12,000 +/- s.f. horse paddock that is located within the riverfront and floodplain resources and removing existing fencing within wetland resources to maximum extent practicable. This project involves work in the following wetland resource areas:

- **Bordering Land Subject to flooding – Horse paddock restoration and fence removal.**
- **Broadmeadow brook Riverfront Area (RA) on the site is 564,531 s. f. The proposed project will alter 33,203 s.f. which is 5.8% of this total RA. Therefore, the alteration is under the 10% alteration allowable. The project also moves all structures outside the inner 100' riparian zone. Therefore, this proposed work does meet the regulations. The Riverfront area total calculation includes the parcel east of the sewer line as well which is not being developed. Work in the riverfront will include Horse paddock restoration and fence removal.**
- **Bordering Vegetated wetland - no alteration proposed but may include fence removal by hand.**
- **Land Under Water – no alteration proposed**
- **Bank - no alteration proposed but may include fence removal by hand.**
- **Isolated Land Subject To flooding – no alteration proposed in WPA jurisdictional ILSF, however a small area of non-jurisdictional ILSF is to be filled and replicated as noted in the NOI to meet 401 WQC requirements.**
- **A Riverfront alternatives analysis was provided, and a wildlife habitat evaluation was provided as well, which was reviewed, and the Commission agreed that this analysis and evaluation were acceptable.**

This project changed its names several times, so some of the hearings and minutes reflect these alternative names: McGee Farm/Heritage Farm LLC; WP Marlborough MA owners; Volaris; and most currently Walcott Heritage Farms

Based on the Commission's review of this project, the documents and plans provided, and the site visits held, the Commission approved the project with the following conditions. These conditions when followed should serve to protect the adjacent wetland system and water quality.

**SPECIAL CONDITIONS**

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

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



27. Prior to the issuance of a Certificate of Compliance, the applicant shall submit to the Conservation Commission for review and approval an as-built plan and a letter of compliance stamped by a registered professional engineer. Said plan and letter shall show that all conditions of this Order have been complied with in a satisfactory manner.
28. The Conservation Commission shall be notified in writing at the time of any transfer in the title to the property or any change in contractor/developers prior to issuance of the Certificate of Compliance. The name, address, and telephone number of the new owner shall be included in the notification as well as certification that the new owner has been provided with a copy of this Order of Conditions.
29. Prior to the issuance of a Certificate of Compliance the site shall be stabilized with vegetation or other measures approved by the Conservation Commission.
30. Prior to the issuance of a Certificate of Compliance and after the site has been stabilized, all erosion controls shall be removed from the site.
31. As the project involves the disturbance of more than one acre of land area, the applicant is also obligated to submit a Notice of Intent to the EPA for the NPDES Construction Permit per EPA's requirements found at the following web site <https://www.epa.gov/npdes/stormwater-discharges-construction-activities> Prior to construction please provide a copy of this permit to the Commission as confirmation that this condition has been met.

**SITE-SPECIFIC CONDITIONS**

**Erosion Control/Construction sequencing**

**Prior to construction:**

32. This project requires the filing of a 401 Water Quality Certification from DEP. Prior to construction please provide a copy of this permit to the Commission as confirmation that this condition has been met.
33. Prior to any construction work, the Site Contractor and the Erosion Control Expert (see condition # 34 below) shall come to a regularly scheduled Conservation Commission meeting to discuss the construction sequencing and phasing plan and the means and methods to be used to accomplish the approved plan and the conditions as listed below. The site contractor and erosion control expert shall, at a minimum discuss the following:
  - a. Construction sequencing
  - b. Erosion control methods and use of temporary sedimentation basins
  - c. The use of additional erosion control devices, settling tanks, pumps, soil stabilization methods,
  - d. The stormwater controls to be used during the fill operation needs to be clearly spelled out.
  - e. The use of temporary swales and management of detention basins during construction to ensure that condition # 40 below is achieved.
  - f. Dewatering system to be used must be discussed.
  - g. Discuss detention basin construction and paddock restoration**

34. The developer is required to hire an "Erosion Control Expert" to oversee the site work on the site. This individual(s) shall have a proven record of controlling sites of equal size and equal material type. The Conservation Officer and the City Engineer shall evaluate whether the individual(s) to be hired has adequate experience before they are hired to work on this project. This erosion control expert shall be hired prior to construction and shall be an integral part of the preconstruction meeting noted in condition #21. f. above and the meeting with the commission noted in condition #33.

**Erosion Control/Construction sequencing**

35. Stone construction entrance pads and/or a truck washing station shall be in place at the exits onto the main roadways to prevent the tracking of mud and silt into the public roadway. Dust shall also be controlled on this site at all times. If dirt is tracked onto the roadway it shall be cleaned up immediately. A street sweeper shall be readily available.
36. The Erosion Control Expert shall be consulted when there is any discussion about or deviation to the overall plan and the erosion control plan to ensure that there is always proper coordination with the site development and the erosion control and stormwater management.
37. Said erosion control expert shall be responsible for regular inspections of the erosion controls on at least a weekly basis and prior to and immediately after (within 12 hours) each storm event of 0.5 inches or more. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously. These inspections shall be described in the reports required in the condition below.
38. Said erosion control expert will report (by e-mail) to the Commission and City Engineer weekly, during construction, summarizing the work that has been completed, compliance of the project with the Order of Conditions and the status of the erosion controls. It will also include his/her recommendations on actions needed and report compliance with recommendations. Failure on the part of the developer to implement the recommendations made by the Erosion Control Expert will be a violation of the terms and conditions of the permits issued for the project. These weekly reports from the consultants shall begin as soon as the work begins on the site. As construction progresses the reporting may be reduced at the discretion of the City Engineer and Conservation Officer.
39. The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Commission in an expeditious manner if any visible siltation of wetlands occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
40. Because the site drains to the Sudbury Reservoir, a backup water supply to the MWRA, the Commission requires that the turbidity levels in the receiving stream measured at the downstream side of the discharge within the stream be taken during each site inspection required under condition #37 above and at the request of the Conservation Commission. The turbidity levels shall be obtained in accordance with guidelines contained in "DEVELOPMENT DOCUMENT FOR FINAL EFFLUENT GUIDELINES AND STANDARDS FOR THE

CONSTRUCTION AND DEVELOPMENT CATEGORY- November 2009" prepared by the US EPA. The Daily maximum Turbidity shall not exceed 280 NTU's as calculated in accordance with said 2009 EPA guidelines.

41. Large piles of soil and other materials shall not be stockpiled closer than 50 feet to any wetland resource area without the approval of the Conservation Officer. All large stockpiles must be maintained in a stabilized condition with erosion control in place and approved by the Conservation Officer. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days will be shaped, stabilized and circled with erosion controls. The Erosion Control Expert shall be consulted to ensure that the stockpile locations are not interfering with drainage or erosion control during construction. The Commission understands that the site will shift and change during construction, but the erosion control expert must be on board with all such changes before they are made to ensure proper coordination.
42. The dewatering system to be used shall be approved by the Conservation Officer and once approved, properly installed. All silty water must be filtered through a dewatering/sedimentation trap system, until such time as the water runs clean. At no point shall silty water be discharged into wetlands or streams or off-site drainage systems without first being filtered.

**Detention Basins/Infiltration Systems/ bioretention areas**

43. Prior to construction of the detention/bioretention basins, confirmatory test pits shall be conducted in the presence of the Conservation Officer and City Engineer prior to construction, so that groundwater elevations and/or the extent of ledge can be confirmed and adjustments to basin dimensions can be designed if necessary.
44. Prior to the construction of the infiltration systems, the Conservation Officer shall be notified and shall inspect the excavated area for the infiltration system. The site engineer shall confirm that the soils are per design. Prior to backfilling the system, the Conservation Officer shall inspect the system with the site engineer to ensure that it is clean and not able to receive any silty run off which would clog the system once in place. Once installed, only clean stormwater runoff shall be directed to this system.
45. The infiltrator system shall contain at least one inspection port per row as shown on the drainage plans.
46. The permanent and temporary detention basins shall be fitted with riser pipes as needed, during construction, to help ensure adequate on site settling of the silty runoff. Additional basins or other erosion control/filtering devices may be necessary as conditions warrant to ensure that only clean water leaves the site.
47. During construction the bottom of the bioretention basins shall be protected with filter fabric or other similar means, which will be removed when all the work is done and site is stable, or in the alternative, shall be scraped out after the site is stable to ensure that the bottom of the basin still has the capacity to infiltrate as designed.
48. All catch basins shall be equipped with gas/oil hoods and 4-foot sumps.

**Floodplain and Riverfront area restoration plan:**

49. ~~As shown in the Appendix of the Drainage Report revised through May 18, 2020, entitled "Floodplain Volume Exhibits East and West", the floodplain fill and floodplain restoration are shown. Each elevation of fill has its equal or greater corresponding location of replication. A total of 150,936 cu. ft. of floodplain currently exists on site with a 156,314 cu. ft. of flood storage to be replicated, resulting in a net increase of 5,378 cu. ft. of compensatory flood storage on-site. The gravel paddock that lies within the riverfront area and the floodplain and shall be restored with the riverfront planting plan as outlined on the approved revised plans (sheet - L-101)~~
50. ~~The long term management of these meadow areas is outlined in the plan noted above and will be an ongoing condition and attached to the Certificate of Compliance as required in condition #55 below.~~
51. Riverfront area: Broadmeadow brook Riverfront area contains 564,531s.f. total and includes the land across the sewer line that is to remain undeveloped. The proposed project will alter 33,203 s.f. of this RA which is 5.8% of this total RA, which therefore meets the regulations as it is under 10% of total riverfront area.
52. The Commission has agreed that meadow restoration and ongoing meadow maintenance outlined in the "Meadow Planting Plan and Isolated Vegetated Wetland Replication Plan" dated Revised September 2, 2020 by Goddard Consulting, Inc. as amended by the revised plan set is not required. Although the IVW replication will still be required and the existing Horse Paddock restoration area outlined on the amended plans will follow the installation procedures outlined under the "Bordering Land Subject to Flooding Restoration Area" section with a planting schedule as noted on Sheet L-101.
53. ~~The area shown on the approved plan that shows lawn in the flat graded area behind the pool shall be planted as meadow. Please note the change to the plan made at the final hearing night that the area behind the pool which is within the 100' inner riparian zone shall NOT BE LAWN as shown on the approved plans, but WILL be a meadow to be mowed as outlined in the plan. Only a 7' area around the pool edge is to be permitted to be maintained within the 100' inner riparian zone. This limit shall be marked in the field by some markers to define this boundary, see condition 62 below. No longer needed~~
54. The meadow planting and riverfront and isolated wetland replication area construction will be supervised and monitored by the wetland consultant for the project to ensure it follows the plan specifications. Once constructed and planted a report shall be provided one week after construction and planting, to the Commission noting that this work has been completed and any additional maintenance requirements that may have arisen during the excavation and seeding is noted. The report shall also include the final the elevation of the restoration area.
55. A status report shall be provided in spring and fall of each year until the meadow riverfront area and isolated wetland replication area has been fully established. The

newly seeded areas shall be monitored for any non-native invasive plant species for at least 2 growing seasons to ensure that the plants meadow mix have a chance to establish themselves.

~~56. Mowing of the meadow is specified in the plan noted in condition 49 above. This mowing regime will be evaluated and the applicant/property manager/ wetland consultant doing the evaluation, shall provide recommendation over the first two years to determine if this is a good method. At this time if any adjustments to the mowing plan need to be made, they can be presented to the Commission for review and approval at a regularly scheduled meeting. Is there ongoing maintenance needed if so add here. No ongoing Maintenance it can be removed.~~

~~57. Floodplain replication—Some of this area which is to be excavated to provide floodplain storage may have been locations where manure was buried and or animals were buried. (This may be the case throughout the site) As excavation proceeds, if animal carcass that have not decomposed or are in bags are found, notification to Board of Health and control of odor and proper disposition of the remains will be necessary. This may or may not occur but is noted here to ensure that if encountered that it is properly addressed.—N/A~~

~~58. As floodplain restoration areas are excavated please notify the Conservation Officer to come do an inspection. Confirmation that these areas are not already in the water table will need to be confirmed by the soil type observed. When final grades are obtained please call for an inspection.N/A~~

#### Pool

59. The pool treatment type and cleaning protocol shall be provided to the Commission for review and approval once it has been established. This shall have been reviewed and approved by the Commission prior to the issuance of the first occupancy permit for the project. The protocol shall include:
- Treatment type
  - Backwash protocol and disposal
  - Neutralization of pool water before discharge when cleaning or maintaining pool and where this neutralized water will be discharged.

#### Dog Park

60. A Dog park is shown on the plans and the grading is intended to shed any runoff into the stormwater control swale prior to eventually discharging into the wetland area. Details as shown on sheet C-507 of the approved plans.
61. As discussed at the hearings strict rules on picking up dog waste and proper disposal will be prepared. These documents must be provided to the Conservation Commission prior to seeking the first occupancy permit for the project. This document will include:
- Rules for controlling dog wastes and disposal-
  - How rules will be enforced (information on DNA testing of dogs that was mentioned to trace violators)
  - Short- and long-term Maintenance of the dog park/ fence/ mowing/ trash removal etc.

62. **No Salt Storage** : Salt storage sheds or piles are **NOT permitted** on this site. It is too close to the wetland and damage salt causes to the surrounding vegetation is to be avoided.

#### Certificate of Compliance

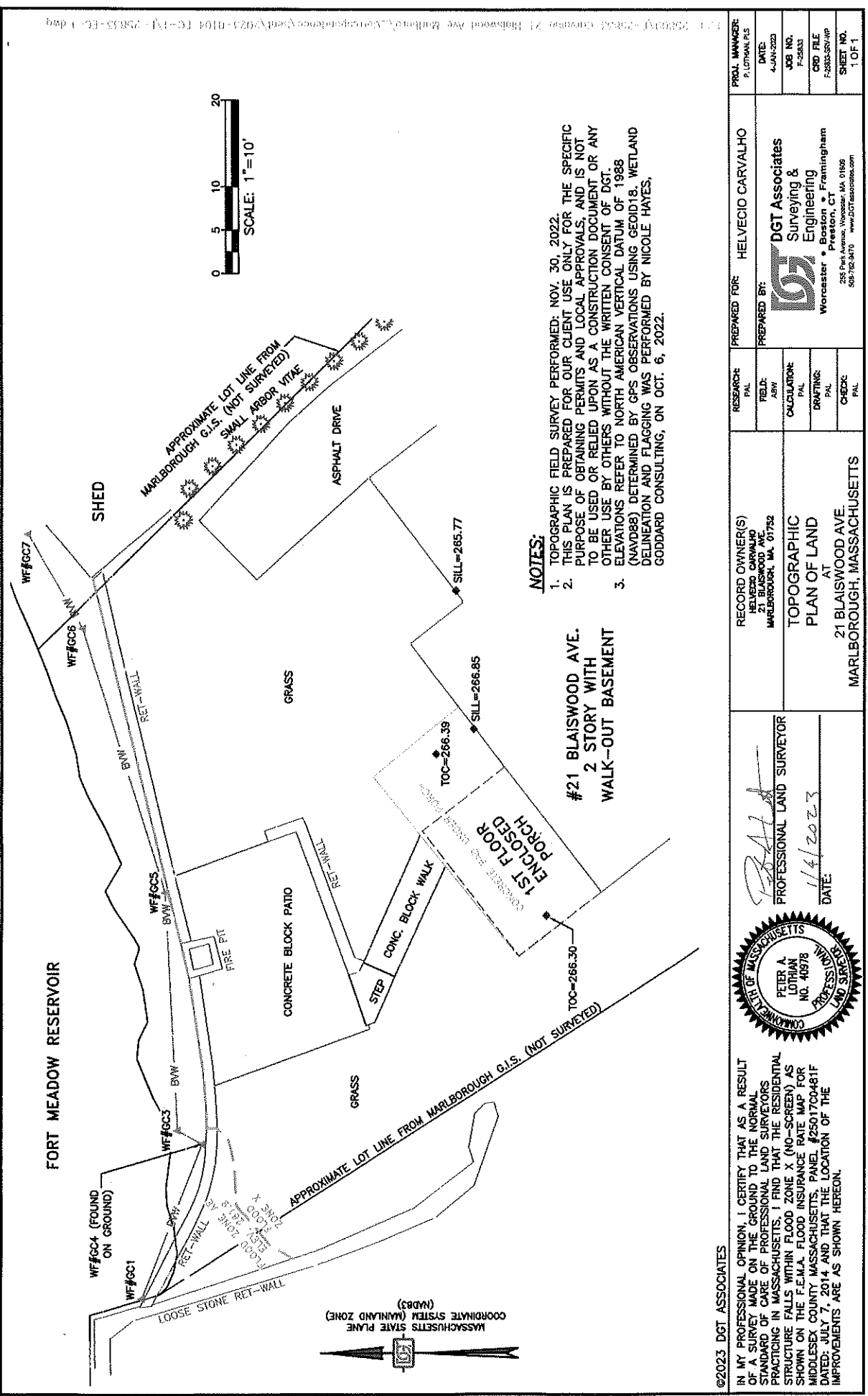
63. Prior to requesting a certificate of compliance (or last occupancy permit whichever comes first), a plan to permanently mark the inner riparian zone on the north side of Mowry Brook and the 100 year floodplain on the west side of the wetland shall be provided to the Commission for review and approval before installation. The markers shall be placed every 50' or closer if there are turns and angles in the line. ~~Per condition #53 above the area behind the pool patio will allow for 7 feet beyond the patio to be mowed.~~ This shall be shown on the as built plans for review and approval as well. The permanent markers shall be some type of permanent markers in the ground approved by the Conservation Officer. These shall be shown on the as-built plan and clearly marked on the plan with a note indicating no work shall be performed beyond these points (except for meadow mowing) without permission from the Conservation Commission. A copy of the as-built plan showing these marking locations shall be provided with the written request for a Certificate of Compliance. It shall be attached to and made part of the Certificate of Compliance and shall be recorded. These permanent markers shall provide a guideline to future owners as to the limit of work.
64. Snow dumping is not to occur near the wetlands or stormwater basins. Snow dumping shall occur in designated locations as shown on the approved plan sheets titled "Snow Storage Plan" Sheet C-109. Snow shall NOT be piled on existing vegetated areas, only on pavement areas away from drainage inlets, where it can melt, and the residual sand and trash can be cleaned up. Signage shall be placed along the guardrails that abut the wetland and detention areas indicating no snow dumping beyond this point. All excess snow that does not fit in these designated locations shall be removed from the site (as also stipulated in the City Council Special Permit). This snow management protocol shall be outlined in the Operation and Maintenance Plan noted below and shall be an ongoing condition. No snow melting and no salt storage on site is permitted this will be an ongoing condition.
65. Prior to requesting a Certificate of Compliance, the applicant or its agent shall clean the detention basins, bioretention area; infiltration system, all drainage pipes and catch basins of accumulated sediment and debris. All infiltration system and water quality structures shall also be inspected and cleaned if necessary.
66. Prior to the issuance of a Certificate of Compliance, the Stormwater Operation and Maintenance Plan in Section 2.0 of the Drainage Report revised through January 9, 2023, shall be reviewed, and updated as needed. This document shall be provided to the Commission in a format that can be attached to this Certificate of Compliance and recorded. The name and contact person in charge of the annual maintenance shall also be provided to the Commission. ~~So as to be consistent the meadow management maintenance plan and any other maintenance documents can be attached to this as well.~~

67. An annual maintenance report shall be provided to the City Engineer and the Conservation Commission by June 1<sup>st</sup> of each year reporting on the maintenance and operation procedures, outlined in condition above, which have been met for that year. This reporting requirement will follow the issuance of a Certificate of Compliance.
68. Per the wetland regulations at 10.58 (5)(h) an ongoing condition shall be placed in the Certificate of Compliance and a note added to the as-built-plan for the project that no further alteration within the riverfront area is permitted going forward. This will be recorded in the Deed as part of the Certificate of Compliance.
69. As-Built Plan- as required in the standard condition # above. An as-built plan shall be provided prior to the issuance of a Certificate of Compliance. The as-built plan shall show the wetland and floodplain areas to be protected and note them clearly on the plan and indicate that no alteration is permitted without permission from the Conservation Commission. It shall also show the river front area that is restored. It shall also show the basement floor elevations for all the buildings and must confirm that these are 2' or higher above the FEMA flood elevation. A note shall also be added to the As-built plan noting that no further alteration or encroachment into the riverfront area is permitted. This shall be an Ongoing conditions
70. Prior to issuance of a Certificate of Compliance confirmation that the Conservation Restriction or other restriction or land protection method established by Special Permit issued by City Council to protect the undeveloped portion of the site in perpetuity has been processed and recorded.

**END CONDITIONS**





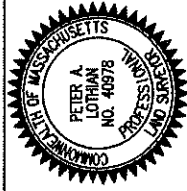


- NOTES:**
1. TOPOGRAPHIC FIELD SURVEY PERFORMED: NOV. 30, 2022.
  2. THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE BY OTHERS WITHOUT THE WRITTEN CONSENT OF DGT.
  3. ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), DETERMINED BY GPS OBSERVATIONS USING GEOD18, WETLAND DELINEATION AND FLAGGING WAS PERFORMED BY NICOLE HAYES, GODDARD CONSULTING, ON OCT. 6, 2022.

**#21 BLAISWOOD AVE.  
2 STORY WITH  
WALK-OUT BASEMENT**

©2023 DGT ASSOCIATES

IN MY PROFESSIONAL OPINION, I CERTIFY THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE RESIDENTIAL STRUCTURE FALLS WITHIN FLOOD ZONE X (NO-SCREEN) AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR MIDDLESEX COUNTY MASSACHUSETTS, PANEL #25017C0481F DATED: JULY 7, 2014 AND THAT THE LOCATION OF THE IMPROVEMENTS ARE AS SHOWN HEREOF.



*P. Lothian*  
PROFESSIONAL LAND SURVEYOR  
DATE: 11/4/2023

RECORD OWNER(S)  
HELVECIO CARVALHO  
MARLBOROUGH, MA 01752

TOPOGRAPHIC  
PLAN OF LAND  
AT  
21 BLAISWOOD AVE  
MARLBOROUGH, MASSACHUSETTS

RESEARCH: PAL  
FIELD: ARW  
CALCULATION: PAL  
DRAWING: PAL  
CHECK: PAL

PREPARED FOR: HELVECIO CARVALHO  
PREPARED BY: DGT Associates  
Surveying & Engineering  
Worcester • Boston • Framingham  
385 Park Ave., Worcester, MA 01506  
508-752-8471 www.dgtassociates.com

PROJ. MANAGER: P. LOTHIAN/P.S.  
DATE: 4-JAN-2023  
JOB NO.: F-25833  
CRD FILE: F-25833-SV-01P  
SHEET NO.: 1 OF 1





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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

MARLBOROUGH

City/Town

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



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

**A. General Information**

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

335 SOUTH STREET  
a. Street Address

MARLBOROUGH  
b. City/Town

01886  
c. Zip Code

42.334306°  
d. Latitude

-71.546500°  
e. Longitude

MAP 93  
f. Assessors Map/Plat Number

Lot 5A  
g. Parcel /Lot Number

2. Applicant:

JAMES  
a. First Name

RYNES, ENVIRONMENTAL SCIENTIST  
b. Last Name

MASSACHUSETTS ELECTRIC COMPANY  
c. Organization

170 DATA DRIVE  
d. Street Address

WALTHAM  
e. City/Town

MA  
f. State

02451-2286  
g. Zip Code

978-337-6988  
h. Phone Number

James.Rynes@nationalgrid.com  
j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

CONECO ENGINEERS AND SCIENTISTS, ATTN: LORI A MACDONALD  
c. Company

238 LITTLETON ROAD, SUITE 105  
d. Street Address

WESTFORD  
e. City/Town

MA  
f. State

01886  
g. Zip Code

(978) 656-8684  
h. Phone Number

LMACDONALD@CONECO.COM  
j. Email address

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

\$750.00  
a. Total Fee Paid

\$362.50  
b. State Fee Paid

\$387.50  
c. City/Town Fee Paid



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

Provided by MassDEP:

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MassDEP File Number

Document Transaction Number

**MARLBOROUGH**  
City/Town

**A. General Information (continued)**

6. General Project Description:

The project involves the installation of a new 45-foot, Class 2 Utility Pole (UP #20-3) with a new feeding monitoring and 4G Comm Unit on the pole at substation at 335 South Street in Marlborough. The new UP will be installed in the Marlborough Brook Riverfront Area within 8 feet from Inland Bank.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input checked="" type="checkbox"/> Utilities                      | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)
- 310 CMR 10.53(3)(d,) construction/reconstruction of utilities.

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex County

a. County

Book 10822

c. Book

b. Certificate # (If registered land)

Page 0199

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.





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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

**MARLBOROUGH**  
 City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
	2. cubic yards beach nourishment	
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	2. cubic yards dune nourishment	
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
	2. sq ft restoration, rehab., creation	
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.  Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



# Fort Meadow Commission



CITY OF MARLBOROUGH  
Marlborough, Massachusetts 01752

TOWN OF HUDSON  
Hudson, Massachusetts 01749

9 January, 2023

Marlborough Conservation Commission

City Hall

140 Main Street

Marlborough, Ma

Dear Ms. Ryder

The Order of Conditions for the Ft. Meadow Weed Control /treatment for both Marlborough and Hudson are about to expire.

DEP 190-0582

Feb. 5, 2023- Hudson

DEP 212-1146

Feb. 11, 2023 - Marlborough

The Fort Meadow Commission requests the Hudson and Marlborough conservation commissions renew these orders of conditions.

Regards

Lee Thomson

Chairman

Fort Meadow Commission





**Fort Meadow Reservoir  
Aquatic Management Program  
2022 Annual Summary Report  
Hudson & Marlborough, MA**

*Prepared for:* Fort Meadow Commission  
c/o Lee Thompson, Chairman  
c/o Marlborough Conservation Commission  
140 Main Street, City Hall  
Marlborough, MA 01752

*Submitted:* November 30, 2022

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**Introduction**

SÖLitude Lake Management was contracted by the City of Marlborough/Hudson to conduct an aquatic vegetation management program at Fort Meadow Reservoir.

Fort Meadow Reservoir is a waterbody that includes multiple interconnecting basins. The management program consisted of targeting invasive variable watermilfoil (*Myriophyllum heterophyllum*) and Fanwort (*Cabomba caroliniana*), and other pondweeds. The treatment plan also included completing pre- and post-management vegetative surveys. Management was accomplished by performing an herbicide treatment using the USEPA/MA DEP registered aquatic herbicides Tribune (active ingredient: diquat) and Flumigard SC (active ingredient: flumioxazin).

All work performed at Fort Meadow Reservoir this season was conducted in accordance with the current Order of Conditions (OOC) issued by the Conservation Commissions (DEP #190-0582 for Hudson; #212-1146 for Marlborough), and the License to Apply Chemicals issued by the MA DEP – Office of Watershed Management (#WM04-0000725).

A chronology of this year’s management and brief description of events is as follows:

**2022 Program Chronology**

- MassDEP Permit Application Filed 02/28/22
- Permit received 03/03/23
- Permit application amended to treat Fanwort 03/07/22
- Pre-Treatment Survey 05/11/22
- Initial Herbicide Treatment 06/06/22
- Post-Treatment Inspections 07/22/22 & 08/05/22

**Permitting**

This year, there were existing orders of conditions in place for Fort Meadow Reservoir - for both Marlborough and Hudson. Thus, we only needed to apply for a permit. The permit (License to Apply Chemicals issued by the MA DEP) was received on March 3, 2022. (Note: The existing orders of condition

2/2/23



for both towns will expire in early February, 2023, so applying for new OOCs will be part of next year's project.)

### **Early Season Pretreatment Survey**

On May 11, a SOLitude biologist and project manager traveled the length of the lake to conduct a pre-treatment survey to assess the aquatic vegetation composition. The survey was accomplished by using a jon boat to navigate around the connected basins - to record visible observations of plant growth. In areas where the submersed vegetation could not be seen (either due to depth or other factors) a specialized throw rake was used to gather plant matter for inspection. The intent of the inspection was to document dominant vegetation growth during pretreatment conditions in order to have a baseline by which to evaluate the efficacy of the herbicide treatment, determine the best method of treatment, gauge non-target impacts - if any, and assess future management needs and/or necessary program modifications.

As in previous years, the dominant plant species observed was variable milfoil. It was found in substantial quantities in the two smaller western basins, and in sparse, localized amounts in the other basins. Curly-leaf pondweed was also observed in moderate populations in both the west basin and the main basins.

Our early season survey found those species were still present, but in sparse quantities. The species that expanded the most was Fanwort. By May, 2022, Fanwort had expanded substantially in the west basin (between the two causeways). It also was present in the narrow section of the lake, plus one pocket along the middle part of Red Spring Road, about 50 feet out from the shore.

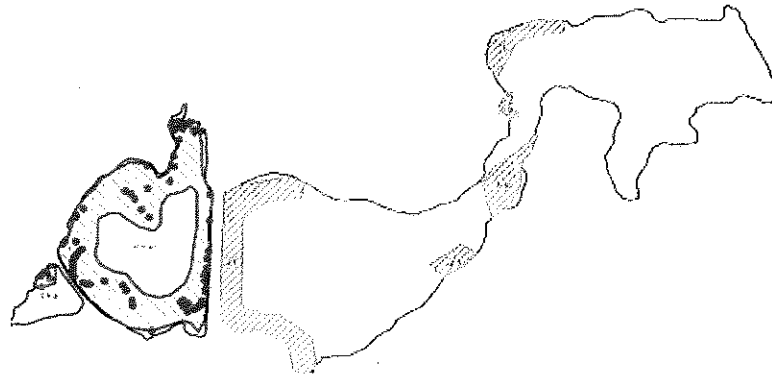
Fort Meadow had sparse amounts of several other kinds of pond weeds. Besides the vegetation noted above, we also saw a few pockets of Quillwort (*Isoetes sp.*), ribbon leaf pondweed (*Potamogeton epihydrus*), and thinleaf pondweed (*Potamogeton pusillus*).

There also was a moderate presence of native plants - big leaf pondweed (*Potamogeton amplifolius*) and clasping leaf pondweed (*Potamogeton perfoliatus*).

Based on the survey, we developed a treatment plan, and the treatment map shown in Figure 1.



**Figure 1. 2022 Treatment Areas**



Red = Milfoil and Fanwort treatment w/ Diquat and Flumigard SC - 41.5 acres  
 Grey = Other pondweed treatment, including Milfoil w/ Diquat - 43.4 acres

#### **Submersed Vegetation Herbicide Treatment**

On June 6, the herbicide treatment was conducted, targeting submersed vegetation.

In the west basin, between the two causeways, SÖLitude treated 42.5 acres, using a mixture of Flumioxazine (Clipper/Flumigard SC) and Diquat (Tribune). This mixture targeted the fanwort, while also treating some of the associated invasive pondweeds, including milfoil and curly leaf pondweed. Because of limited boat access, we treated this basin from a jon boat. The chemicals were mixed in a large mixing container, using water from the pond, and distributed over the targeted vegetation.

In the other basins we treated 43.4 acres, using Diquat (Tribune). An air boat was used in this section, allowing us to get into shallow areas. The Diquat (Tribune) was mixed in a tank, to a dilution prescribed on the product label, and applied to the targeted areas using a pump and a calibrated spray system.

In all areas the liquid herbicide(s) were applied subsurface, to reduce drift, using trailing hoses. SÖLitude's state licensed aquatic applicators completed the treatment in accordance with the product label and the MA DEP License to Apply Chemicals. At no time during the treatment were there any observations or reports of any significant non-target impacts to fish or other aquatic organisms.

Prior to treatment, posters warning of water-use restrictions after the treatment were posted around the shoreline and access points of the lake. Additionally, abutter notices were mailed to all lake residents prior to treatment as well as publication of the notice in the local newspaper.

#### **Phragmites Management**

Last year, 2021, Phragmites treatments were conducted on October 6 & 22st. But for 2022, we found the stands of targeted Phragmites were 99% gone, thanks to the 2021 treatment. Almost no regrowth occurred, and the few stalks that were visible were stunted and did not mature.



We discussed potential treatment with the association representatives, and it was decided to not spend money on any Phragmites treatment for 2022, since the previous treatment was effective and 2022 funding was tight.

### **Post-Treatment Surveys**

On July 22, a SÖLitude Project Manager conducted the post-treatment survey of the large basins. A separate visit to the smaller west basins occurred on Aug 5. These surveys served to assess the overall effectiveness of the treatment and to document the overall plant assemblages in order to plan for next year.

The Flumioxazine (Clipper/Flumigard SC) treatment worked well in the west basin. The Fanwort there was reduced by roughly 75%. Small patches remain in what originally were the most densely populated sections. These can be seen on the map in Figure 2.

In the main sections of the lake, there was a reduction of the observable milfoil within the June 6 treatment areas. But additional (new) growth of milfoil was found in locations outside of the treatment areas - where it was not previously seen. These new sections are shown in Green on the Figure 2 map. We also detected new growth of fanwort (marked in purple) in the large basin and the narrows, and some small patches of Curly Leaf Pondweed

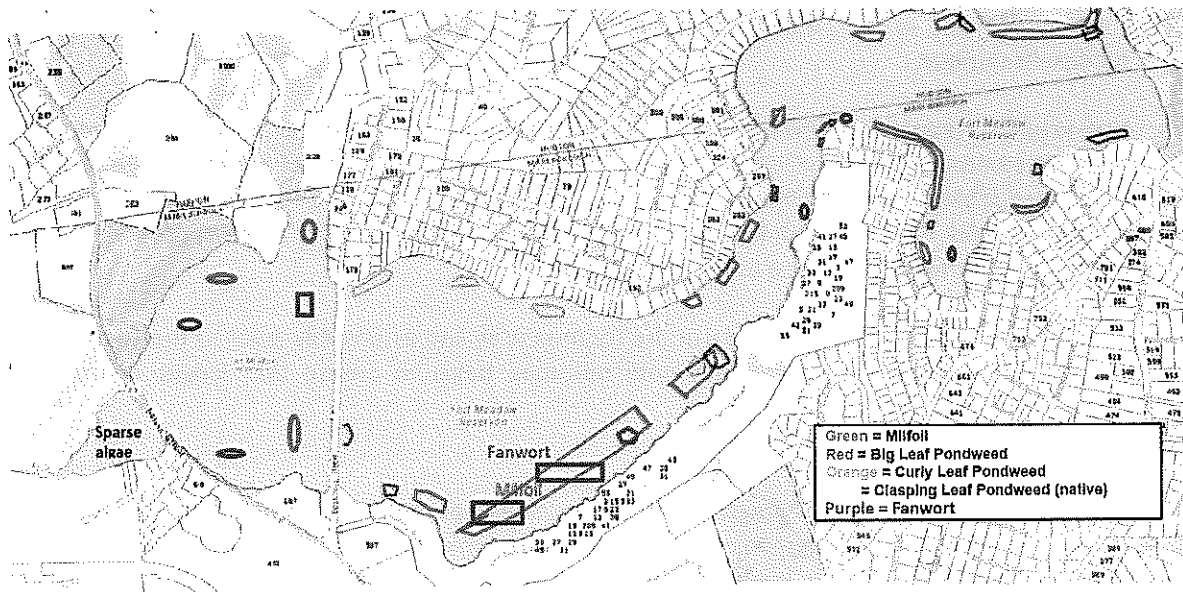
For native species, a few patches of big leaf pondweed (marked in red) and Claspig Leaf Pondweed were noted and are also marked on the Figure 2 map.

The most notable area of new growth is along Red Spring Road. It's worth noting that Red Spring Road will be installing a sewer line over the winter of 2022 - 2023. Until now the houses in this area have had privately owned septic systems.

2022 was also a high growth year for many ponds in Massachusetts because a lack of rain in July caused water levels to drop. This, in turn, allowed sunlight to penetrate into more of the pond, stimulating additional plant growth.

The map in Figure 2 is produced in color in order to show what was found during our survey.

**Figure 2.** Post treatment survey results



## Summary & Management Recommendations

### *Variable Watermilfoil Management*

The Diquat (Tribune) herbicide treatment conducted in 2022 provided good control of the variable milfoil within the treated areas. But the reduction occurred mainly in the areas that were directly treated. New growth occurred outside of those areas later in the season. The reservoir is a nutrient rich environment and when weeds are able to take hold, they find what they need to keep growing.

Due to the long-standing history of milfoil growth in Fort Meadow, it is our presumption that some regrowth will continue due to the plants' extensive root crowns within the sediment.

Based on this year's treatment, and observed results, we believe the treatment used was adequate for the areas where it occurred, but new growth is happening in areas outside of where we treated. The Fort Meadow Association, and the towns of Marlborough and Hudson, may want to expand the treatment areas by 20% to 30% for 2023.

Other alternatives could be to:

- Apply ProcelleCOR within the milfoil infested areas. This chemical is more expensive, per acre, than other treatments but it is formulated specifically for milfoil and it can have up to a three year impact on milfoil growth. (As opposed to a single season for Diquat (Tribune).)
- Apply Flumioxazine (Clipper/Flumigard SC) to the fanwort sections of the larger basins. Fanwort is the only invasive species established in the reservoir that is not impacted by Diquat (Tribune). Unfortunately, Diquat (Tribune) does not impact the root structures of the susceptible plants and requires annual treatments to manage active growth. In 2022, Solitude treated a little over 41.5 acres with Flumioxazine, targeting fanwort growth. This was mainly in the larger Western basin. We expect that only 30 or so acres will need to be treated in the western basin but it's likely that 50 or more acres may need to be targeted in the larger basin(s) for 2023.
- Plan a full-lake treatment with Sonar. This would help target the mix of milfoil and fanwort and would reduce the overall growth within the pond. The full 260 acres of Fort Meadow may not need to be treated. We would have to do an in-depth survey and decide the exact extent of the treatment. It is permissible to apply multiple chemicals to sections of the lake as long as dosage



rules, as outlined in the product labels, are followed. We could provide an estimate for such a full-lake treatment.

For spot-treatments, Diquat (Tribune) continues to be the most cost-effective herbicide for annual management of several invasive species within Fort Meadow. Milfoils, curlyleaf pondweed and spiny naiad are all susceptible to Diquat (Tribune), even though ProcelleCOR is the better long-term solution for milfoil. We can work with the commission to add or change the chemicals that are approved by the state and listed on your MA DEP License to Apply Chemicals.

Consistent with prior years, we would perform the treatment as late as possible *prior* to the two Town public beaches opening. Delaying treatment until mid-June helps to ensure that longer control is achieved through the season.

#### *Phragmites Management*

The impact and success of previous Phragmites treatment does not mean this plant will not return. We suggest ongoing monitoring for Phragmites. We should assume some level of treatment could be needed in 2023, though the growth areas are unlikely to be any larger than what was treated in 2021.

We feel that our additional recommendations will help continue to enhance the reservoir's aesthetic, ecological and recreational values. It's also good news that the potential presence of nutrient-rich run-off from septic systems will be reduced, thanks to the addition of a sewer system on Red Spring Road.

We truly appreciate your business and look forward to working with you again next season in 2023.

## Chapter 650. Zoning

### Article VI. Special Districts, Overlays and Special Requirements

#### § 650-23. Floodplain and Wetland Protection District.

- A. Purpose. The Floodplain and Wetland Protection District and the regulations herein have been established with the following purposes intended:
- (1) To protect the public health and safety, persons and property against flooding and the hazard of floodwater inundation.
  - (2) To control and regulate the development of land and construction of buildings thereon and structures therein within the Floodplain and Wetland Protection District, particularly in relation to the use of swampland, marshes and areas along watercourses, ponds and lakes and land subject to seasonal and/or periodic flooding.
  - (3) To protect the public from the burden of extraordinary financial expenditures for flood control and relief and to protect against unanticipated costs resulting from erosion, siltation, pollution or contamination of drainageways and surface water or groundwater resources of the City or neighboring communities.
  - (4) To preserve the capacity of floodplain, watershed or wetland areas to absorb, transmit and store runoff and to assure the retention of sufficient floodway area to convey flows which can reasonably be expected to occur.
- B. Location.
- (1) For the purpose of this section, the Floodplain and Wetland Protection Districts shall be considered superimposed on the other districts existing in the same area as shown on the Zoning District Map of the City of Marlborough, Massachusetts, and any buildings, structure or use of land included in the Floodplain and Wetland Protection District shall also be deemed to be within the particular district in which it is located as shown on said Zoning Map and subject to all the regulations and requirements thereof in addition to those set forth in this section.
  - (2) The boundaries, elevations and setback requirements of the Floodplain and Wetland Protection District shall be as shown on a map entitled "City of Marlborough, Massachusetts Floodplain and Wetland Protection District 1982" and shall also include all special flood hazard areas designated as Zones A, A1-A30 on the City of Marlborough Flood Insurance Rate Maps dated January 6, 1982, and these maps, as well as the accompanying Marlborough Flood Insurance Study, are hereby, by this reference, made a part of the Zoning Chapter.<sup>[1]</sup>
- [1] *Editor's Note: Said maps and accompanying studies are on file in the office of the City Clerk.*
- C. Prohibited uses. The following uses are prohibited within the Floodplain and Wetland Protection District:
- (1) The storage of buoyant, flammable, explosive or toxic material in a floodplain or wetland.

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- (2) The dumping of waste, rubbish, demolition or hazardous materials in a floodplain or wetland area.
- (3) The addition, removal or transfer of such quantities of material, including earth, soil, trees, stumps or vegetation, that would reduce the water storage capacity of the floodplain or wetland, obstruct the flow of water in a floodway or otherwise adversely affect the natural hydrology of the area, except as may be a part of a plan for public flood control, municipal drainage or utility system or organized mosquito control district.
- (4) The digging or drilling of a well intended as a source of domestic water, except for public water supply wells adequately sealed against the infiltration of surface water.
- (5) The construction of an on-site sewage disposal system in the floodplain or designated wetland area.
- (6) Any encroachment in the regulatory floodway, as shown on the Floodway-Flood Boundary Map, that would increase the water surface elevation of the one-hundred-year flood.

D. Special permit required.

- (1) In a Floodplain and Wetland Protection District, no building or structure shall be constructed, altered or modified in its present use, and no land shall be filled, excavated or otherwise changed in grade, except pursuant to a special permit authorized by the Board of Appeals as hereinafter provided. Any application for such permit shall be submitted in quintuplicate (five copies) to the Board of Appeals and shall be accompanied by a plan of the premises in question showing:
  - (a) The boundaries and dimensions of the area.
  - (b) The location, dimensions and elevation above mean sea level of existing and proposed buildings and structures thereon.
  - (c) The existing contours in two-foot intervals of the land and of any proposed changes therefrom.
  - (d) Such other information as is deemed necessary to the Board of Appeals to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.
- (2) The portion of any lot in this district may be used to meet lot area requirements for the residential districts over which the Floodplain and Wetland Protection District is superimposed, provided that such portion does not constitute more than 50% of the minimum lot area required in the residential district. Land in the Floodplain and Wetland Protection District may not be used to meet more than 15% of the minimum lot area requirements in Business, Commercial or Industrial Districts.

E. Reference to other boards. Within 10 days after receipt of the application for a special permit as herein provided, the Board of Appeals shall transmit copies thereof, together with copies of the accompanying plan, to the Board of Health, Planning Board, Engineering Department and the Conservation Commission. Such Boards and Commission may, at their discretion, investigate the application and report in writing their recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the above Boards and Commission, or until such Boards and Commission have allowed 45 days to elapse after receipt of said application without submission of a report.

F. Other jurisdictions.

- (1) If approval for filling the land must be obtained from the commonwealth or the United States government or any agency or subdivision thereof, or an order of conditions is necessary from the Marlborough Conservation Commission in accordance with MGL c. 131, § 40, then such



approval and any conditions imposed thereon shall be filed with the Board of Appeals with the application.

- (2) If in the opinion of the Board of Appeals such application for approval by other jurisdictions is in sufficient detail and provides the necessary information to furnish the criteria for its decision, then the same application and plan may be used for filing with the Board of Appeals for approval under the Floodplain and Wetland Protection District regulations.

G. Criteria of approval. The Board of Appeals may issue a special permit hereunder, subject to other provisions of this Zoning Chapter, if it finds that the proposed construction and use and/or proposed change in grade will not derogate from the intent and purpose of this district nor endanger the health and safety of the public nor the legitimate use of other land in the City. In deciding on an application for a special permit under this section, but without limiting the generality of the foregoing, the Board shall assure to a degree consistent with a reasonable use of the premises for purposes permitted in the use district in which located that the proposed construction, use and/or change of grade will not obstruct or divert flood flow, reduce natural storage or increase stormwater runoff to the extent of raising high water levels on any other land to any significant degree; the proposed system of drainage and/or private sewage disposal will not cause siltation, pollution or otherwise endanger public health; the proposed construction shall have street or other appropriate access that shall be at least one foot above base flood elevation; and structures designed for human occupancy shall have lowest floor, including basement, heating, electrical and sanitary sewer systems, at least two feet above base flood elevation. Fill deposited to bring the lowest floor to the required elevation shall extend to at least 15 feet beyond the limits of the structure thereon.

H. Conditions of permit. In granting a special permit hereunder, the Board of Appeals shall impose conditions specifically designed to safeguard the health and safety of occupants of the premises and of other land in and adjacent to the district and to ensure conformity with the provisions thereof. It shall also be the duty of the Board of Appeals to ascertain that the requirements of the FEMA Flood Insurance Program have been met, in that:

- (1) Within Zones A1-A30 of the Flood Insurance Rate Maps of the City of Marlborough, all new construction and substantial improvements the cost of which equals or exceeds 50% of the market value of the structure of residential and nonresidential structures shall have the lowest floor, including basement, elevated to two feet above the base flood elevation (the one-hundred-year flood elevation designated on the FIRM) or, in the case of nonresidential structures, be floodproofed, watertight to the base flood level.
- (2) Within Zone A, where the base flood elevation is not provided on the FIRM the Building Commissioner shall obtain and review any already existing base flood elevation data. If the data is reasonable, it shall be used to require compliance with Subsection H(1) above.  
[Amended 10-6-2014 by Ord. No. 14-1005921A]
- (3) Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.

I. Determination of levels.

- (1) For the purpose of this section, the term "base flood elevation" refers to the flood having a one-percent chance of being equaled or exceeded in any given year, commonly referred to as the "one-hundred-year flood." Where, in the opinion of the Board of Appeals, engineering studies are needed to determine the high water level on a particular premises and/or the effect of a proposed building, structure or grading on flood flow, natural safety of any building or structure, such engineering study shall be at the expense of the petitioner.
- (2) If any land in the Floodplain and Wetland Protection District is proven to the satisfaction of the Zoning Board of Appeals, after the question has been referred to and a recommendation received from the City Engineer, Planning Board, Board of Health and Conservation Commission, as being in fact above the base flood elevation, and that the use of such land will

not be detrimental to the public health, safety and/or welfare, the Board of Appeals may, after a public hearing, with due notice, issue a special permit for any use allowed in the underlying district; in which case all other Zoning Chapter and state regulations applicable to such land use shall apply.

- (3) The establishment of a Floodplain and Wetland Protection District hereunder shall not constitute a representation that all land outside of said district will be free from flooding.
- J. List of Floodplain and Wetland District areas. The areas placed in said district are shown on the map and include in part the areas designated by FEMA for the flood insurance program and the major wetlands in the City designated by the Massachusetts Department of Environmental Management as being subject to an order of restriction under MGL c. 131, § 40A. Elevations given are based on the United States Coast and Geodetic Survey datum.
- K. Mobile home development regulations.
- (1) Within Zone A1-A30, all mobile homes shall provide that:
    - (a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
    - (b) Adequate surface drainage and access for a hauler are provided.
    - (c) In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for piers more than six feet above ground level.
  - (2) The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, is prohibited in the floodway.



# 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

January 19, 2023

Sean Fay, Chair  
Planning Board  
140 Main St. City Hall  
Marlborough, MA 01752

RE: Stow Rd. Subdivision Plan - Open Space Development

Dear Chairman and Members:

At its meeting on January 12, 2023, the Conservation Commission reviewed the subdivision plans titled:

*“Cover Sheet and Locus Plan for the Stow Rd. Subdivision In Marlborough MA*  
Stamped by Vito Colonna of Connorstone Engineering, dated Dec. 2, 2022  
containing 4 sheets.

and have the following comments:

1. The existing conditions plans shows the mature trees that already exist on the site. However, the conventional subdivision and “preliminary plan – cluster concept plan” fail to show these. It appears that neither subdivision option has considered keeping these trees or showed that they can remain. This should be provided even in light gray to show what can be preserved and what cannot.
2. The 30’ wetland no disturb zone has been shown on the plans as required. The wetland boundaries will need to be verified by the Conservation Commission at some point. A wetland permit will be required for this subdivision as well if it is approved.
3. The detention basin is shown outside the open space parcel as required however it’s placement between the two wetland systems may not be ideal for wildlife corridor protection or protection of the mature trees. Can the detention basin be relocated? Or reconfigured so as not to disconnect these two wetland systems?
4. The 2.91+ acres of open space are an important wetland and open land that abuts the Cider Knoll Conservation land which contains much wildlife and vernal pools. The protection of this parcel will in turn help to preserve more of this wildlife habitat and recreation area for residence. Therefore, this Open Space parcel would be acceptable for open space. The Commission notes that this type of open space that enlarges existing open spaces is exactly what was envisioned when this Open Space Development ordinance was established. With climate change and warmer temperatures predicted our wetlands and woodlands will need to work harder to keep the air cooler and provide habitat and

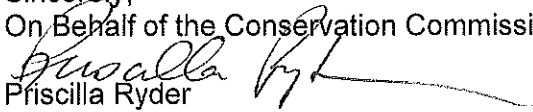
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shade to wetland dependent critters. Keeping large tracts with wetland intact is important to this function.

5. As with other Open Space Development subdivisions, the Commission recommends that the proposed open space parcel be conveyed to the city of Marlborough for conservation and open space protection purposes. 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. However, the Commission prefers that the land be held by the city and managed by the Conservation Commission.
6. A condition we recommend be considered in any permit, is that before conveyance and acceptance of the Open Space by the City Council, the parcel be inspected for trees along the boundaries to the new homes or roadway that may be hazardous and have them removed at the subdivision owners' expense. Over the years the city has been responsible for removal of trees along the open edges on newly acquired open spaces and have incurred the cost of removal to protect the new homes/ roadway. This would avoid that problem
7. In regard to the design guidelines, the Commission finds that the proposed project satisfies those criteria: Specifically, this open space development will:
  - a. Protects scenic views and vistas by saving trees and woodland that abut Cider Knoll Conservation Land.
  - b. Provide protection to the unnamed stream tributary to Ft. Meadow Brook and Assabet River Watershed and maintains this important wildlife corridor along the brook.
  - c. Consolidate the open space as one large, contiguous unit.
  - d. Provides protection to the wetlands in the area by allowing for a much wider natural vegetated area along the stream corridor and protecting the field and wooded area from future development.
  - e. The criteria regarding layout of the subdivision in relation to natural features still needs some additional review. This includes the detention basin location and preservation of existing trees as noted in comments 1 & 3 above.
8. Invasive plant removal. The back field near the sewer trunk line is filled with invasive bittersweet vines. During construction the proper removal and disposal of these plants will be required to prevent them from spreading.

Thank you for providing the Commission an opportunity to comment. If you have any questions, please let us know.

Sincerely,  
On Behalf of the Conservation Commission  
  
Priscilla Ryder  
Conservation/Sustainability Officer

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



LICENSE AGREEMENT

This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2023 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 Teresa Amici of 171 Chapel St, Holden, Massachusetts, 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 May 1, 2023 to May 1, 2024 (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, 2024.

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 LICENSEE 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 \_\_\_\_\_, 2023 the following parties have executed this agreement:

MARLBOROUGH CONSERVATION COMMISSION:

\_\_\_\_\_ Edward Clancy  
\_\_\_\_\_ Dave Williams  
\_\_\_\_\_ John Skarin  
\_\_\_\_\_ Allan White  
\_\_\_\_\_ Dennis Demers  
\_\_\_\_\_ William Dunbar  
\_\_\_\_\_ Karin Paquin

Notary Acknowledgment:

Commonwealth of Massachusetts Middlesex County;

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned Notary Public, personally appeared **Edward Clancy** proved to me through satisfactory evidence of identification which were

-----  
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.

LICENSEE:

Teresa A. Amici Teresa A. Amici

Notary Acknowledgment:

Commonwealth of Massachusetts Middlesex County;

On this 18 day of January, 2023, before me, the undersigned Notary Public, personally appeared **Teresa Amici** proved to me through satisfactory evidence of identification which were

personal knowledge

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.

Stacey Lynn Forget

