

CITY OF MARLBOROUGH MEETING POSTING

POSTING
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2022 JUL -1 AM 11:45

ALL MEETINGS ARE IN PERSON AT CITY HALL

Mask Advisory-Marlborough Board of Health advises all community members to wear a face-covering when indoors in crowded areas and/or if you are at high risk of severe COVID-19 disease

Public hearings:

Approval of minutes: The minutes of June 16, 2022.

- 7:00 Notice of Intent**
309 Stevens St. - Marcel Maillet
Proposes to construct a single-family house next to wetlands at 309 Stevens St.
- 7:10 Notice of Intent 212-1251 (Continued from June 16, 2022)**
Ken's Foods – 1 D'Angelo Dr.
Proposes to construct two additions and expand 3 parking areas near wetlands.
- 7:15 Request for Determination of Applicability**
Ken's Foods – 1 D'Angelo Dr.
Proposes to expand a parking lot near wetlands.

Violation updates:

- 21 Blaiswood Ave.
- 38 Vega Rd.
- 541 Pleasant St. – review draft protocol

Discussion/Correspondence:

- Pamphlet on Gardening for Native Pollinators

Next Conservation Commission meetings: July 21st and (August 4, 2022-no meeting)

Adjournment

**Marlborough
Conservation Commission**

Minutes

DRAFT

June 16, 2022 (Thursday)

**Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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

Absent: none

Approval of Minutes: The minutes of May 19, 2022, and June 2nd, 2022, were reviewed and on a motion by Mr. White second by Mr. Clancy, to approve. The Commission voted unanimously 7-0.

Public hearings:

Notice of Intent

192 Robin Hill St. - Hillside School

Chris Anderson from Hannigan Engineering was present representing Hillside School. He noted that based on the last meeting he has revised the plans. The changes include-modifications to the wetland line as discussed, details and operation and maintenance plan for the rain garden, updates to the plan based on the City Engineers and Fire Dept. review a SWPPP will be needed. The Commission noted that everything has been adequately addressed and there were no comments from the public, so the hearing was closed. The Commission reviewed a draft set of conditions and made some changes. On a motion by Mr. White, second by Mr. Clancy to approve the Order of Conditions as written and amended, the Commission voted unanimously 7-0 to approve.

Request for Determination of Applicability

878 Concord Rd. - Marcio Oliveria

Mr. Oliveria was present and explained that he had done some clearing in the yard, and he was unaware of the wetland until Ms. Ryder explained. He is filing for a permit now to level the back yard, staying away from the 30' no disturb wetland buffer zone and re-do the driveway making it slightly bigger than it is now. Ms. Ryder noted that she had walked the site and seen the wetland. The Commission noted they had no objections as long as the fill is clean, the 30' no disturb buffer zone is marked and the stumps in the 30' buffer zone are left in place. The other stumps can be removed as desired. There being no further questions or discussion the hearing was closed. On a motion by Mr. White second by Mr. Clancy to issue a negative determination with standard conditions and those noted above. The Commission voted unanimously to approve 7-0. The Commission also wanted to walk the site to understand better the lay of the land and agreed to do a site visit on Thursday June 23rd at 5:00 PM

Notice of Intent

Ken's Foods – I D'Angelo Dr.

Scott Goddard and Tom Schutz of Goddard Consulting, Dale MacKinnon of Guerriere and Halnon and Mark Shaye of Ken's Foods were present. Mr. Goddard went through a presentation showing the wetland resource areas including bordering vegetated wetlands, river front area and buffer zone. There will be some alteration to the buffer zone and riverfront area. He explained that they would like to split

the project up into two phases – Phase 1 would be the front parking lot expansion which includes a drainage cul-tech system expansion. A very small section of this work is within the buffer zone. Phase 2 would include the building expansion, and reconfiguration of the loading docks and expansion of the back parking lot. This work will impact the buffer zone and some of the 30' no disturb buffer zone as well. They outlined compliance with the river front area standards. Mr. MacKinnon explained the drainage design and changes and adjustments to the existing systems to accommodate the new impervious surfaces to be added. He discussed the infiltration system. He also noted that they received a variance for lot coverage from the Zoning Board of Appeals.

Mr. Shaye noted that business is very good for Ken's foods which is the reason expansion of this facility is necessary. They also need to bring the facility up to standards and upgrade clean rooms etc. They started this planning last year when the Commission had a 20' wetland set back and now have adjusted to the 30' wetland setback. Unfortunately, they were not able to stay out of the 30' no disturb buffer zone and are hoping the Commission can allow for this encroachment, and they are willing to discuss mitigation etc. The Commission asked about snow storage and no dumping in the wetlands, wall design, construction methods dewatering if needed, mitigation or restoration that could be provided to mitigate the impact to the 30' buffer zone. After some discussion the Commission noted they would like to do a site visit before making any decisions. A site visit was set for June 29th at 8:30 AM. Councilor Ossing asked that the Commission look favorably upon this project as Ken's foods provides big tax revenues to the city. The applicant asked if there was a way to advance phase 1 since that is easier, before finalizing phase 2. It was determined that if they filed for a Request for Determination for Phase 1 that could be permitted at the next meeting. Phase 2 will require several more meetings before it is finalized. It was agreed that a Request for Determination of Applicability (RDA) would be filed for the phase 1 work, to allow that to be permitted first. The hearing was continued to the July 7th meeting.

Request for Determination of Applicability – (continued from 6/2/2022 - review draft conditions)

55 Clinton St. – Carlos Costa

Mrs. Costa was present and explained they have removed a lot of trash already but there is still a lot left to remove. Once removed they will level the back yard and enlarge the end of the driveway for a turn around and basketball hoop. The Commission asked about the stumps of trees cut near house, which will be ground out and removed; whether walls will be needed since there are grade changes, no walls anticipated at this time. They noted that if fill is brought in it must be clean fill and that the 30' buffer zone will be marked when the project is complete. Erosion controls shall be added on the down slope section to prevent sediment from travelling into the wetland. Since specific details on the driveway are not ready, the Commission determined that as long as the driveway is outside the 30' buffer including all grading, and if it is staked out prior to constructed and reviewed by the Conservation Officer to ensure it is outside the 30' buffer and does not exceed lot coverage requirements. Invasive plant removal was discussed as well. There being no further comments or questions the hearing was closed. A motion was made to issue a Negative Determination with conditions as noted above, to stake driveway and allow for the project to be built in phases to include, deck, yard cleanup and regrading and driveway repaving. The Commission voted unanimously 7-0 to approve.

Request for Determination of Applicability (continued from 6/2/2022 – review draft conditions)

204 Farm Rd. – Rich Deals, LLC

Mr. David Dowd was present. He explained the planting plan provided and the Commission reviewed and discussed the results of the site visit and the slight deviation of the 30' no disturb buffer zone line which narrows where the existing driveway turnaround is located. There was discussion about this being marked in the field and shown on a plan and procedure. There being no further questions the

hearing was closed. The Commission reviewed a set of draft conditions and discussed changes and clarification, including that the arborvitae need to be moved off the sewer easement. On a motion to issue a Negative Determination with conditions as reviewed and amended by Mr. White second by Mr. Clancy, the Commission voted unanimously 7-0 to approve.

Certificate of Compliance:

- DEP 212-1226 86 Roosevelt St.- Ms. Ryder noted that all conditions for this project have been met and the site inspected, a full Certificate of Compliance was recommended. On a motion to issue a full Certificate of Compliance by Mr. Skarin second by Mr. Clancy, the Commission voted unanimously 7-0 to approve.
- DEP 212-1211 293 Lakeshore Dr. - Ms. Ryder noted that she has inspected the site, all is stable and in order. She will hold the Certificate until the markers are in place but recommended a full certificate be issued. On a motion to issue a full Certificate of Compliance by Mr. Skarin second by Clancy, the Commission voted unanimously 7-0 to approve.
- DEP 212-1233 192 Reservoir St. - Ms. Ryder indicated that she has done a site inspection along with Mr. Dunbar. All conditions have been met, markers are in place, information about the invasive plants on site will be sent to the owners so they can manage them and keep what is native and good. On a motion to issue a full Certificate of Compliance by Mr. Skarin second by Clancy, the Commission voted unanimously 7-0 to approve.

Discussion:

- 541 Pleasant St. – violation discussion – Mr. Sampaio was not present. The Commission discussed this violation and the need for compliance. Mr. Sampaio had sent an e-mail noting that he had cut 27 large trees, the Commission discussed whether 27 trees was adequate to restore the wetland and buffer zone that have been impacted. After some discussion, it was determined that Mr. Skarin and Ms. Paquin would attend a site visit with Ms. Ryder and Mr. Sampaio to review what is re-growing and provide a recommendation for review at the next meeting.
- Ft. Meadow – Cattails removal at boat house for kayak dock - The Commission reviewed a request made by the Ft. Meadow Commission to remove some cattails that are growing next to the dock at the boathouse on Reservoir St. The Commission granted permission allowing for the cattails to be cut at the base under water (which should “drown” the plants). Ms. Ryder will convey
- The Grove – kayak dock - Ms. Ryder noted that the cost of putting in a handicapped friendly dock and kayak/canoe cradle would be \$11,000, and for a fully ADA accessible launch would be \$20,000. After some discussion the commission suggested that only a short dock section be added and not the kayak cradle at this time. The expense is great, and we should wait to see how the other launch works over at the boathouse which the Recreation Department will be installing this summer. It was voted unanimously to just add the dock this year and wait on the launch until more information is known.
- Ft. Meadow – updated map from June 6th treatment - Ms. Ryder showed the Commission the actual treatment area maps for the lake which was more precise than the “treatment map” posted around the lake.
- 38 Vega Rd. - Violation – Ms. Ryder asked the Commission their recollection of the wetlands and drainage along Vega Rd. – the homeowner at 38 Vega Rd. has cleared their back yard that abuts a drainage easement/wetland area. The work is outside the 30’ buffer zone but within the 100’ buffer zone. The Commission asked that the owner be notified to file a Request for Determination of Applicability (RDA) and appear before the Commission.
- Summer Intern – Ms. Ryder noted that Brian O’Leary will be this summer’s intern and will start work on June 27th.

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

Adjournment

There being no further business, on a motion to adjourn by Mr. White second by Mr. Clancy, the Commission voted unanimously to adjourn at 9:36 PM

Respectfully submitted,

Priscilla Ryder
Conservation/Sustainability Officer

See 6-9-2022⁴



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

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):

<u>309 Stevens Street</u>	<u>Marlborough</u>	<u>01752</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.359493</u>	<u>-71.546856</u>
	d. Latitude	e. Longitude
<u>44</u>	<u>149</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Marcel</u>	<u>Maillet</u>
a. First Name	b. Last Name
c. Organization	
<u>94 Butler Road</u>	
d. Street Address	
<u>Sudbury</u>	<u>MA</u>
e. City/Town	f. State
	<u>01776</u>
	g. Zip Code
h. Phone Number	i. Fax Number
	j. Email Address

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

<u>James & Rebecca</u>	<u>Chaousis</u>
a. First Name	b. Last Name
c. Organization	
<u>283 Bolton Street</u>	
d. Street Address	
<u>Marlborough</u>	<u>MA</u>
e. City/Town	f. State
	<u>01752</u>
	g. Zip Code
h. Phone Number	i. Fax Number
	j. Email address

4. Representative (if any):

<u>Jason</u>	<u>Lavoie</u>
a. First Name	b. Last Name
<u>WSP USA</u>	
c. Company	
<u>100 Summer Street, 13th Floor</u>	
d. Street Address	
<u>Boston</u>	<u>MA</u>
e. City/Town	f. State
	<u>02120</u>
	g. Zip Code
<u>617-960-4898</u>	<u>Jason.Lavoie@wsp.com</u>
h. Phone Number	i. Fax Number
	j. Email address

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

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Construction of a new single family home, a drainage system within the 100' buffer zone resource area.

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 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:

<u>Middlesex</u>	
a. County	b. Certificate # (if registered land)
<u>9742</u>	<u>362</u>
c. Book	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.



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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	
Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 200 ft. - All other projects	
	3. Total area of Riverfront Area on the site of the proposed project:	_____ square feet
	4. Proposed alteration of the Riverfront Area:	
	a. total square feet _____	b. square feet within 100 ft. _____
		c. square feet between 100 ft. and 200 ft. _____
	5. Has an alternatives analysis been done and is it attached to this NOI?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> Coastal Resource Areas: (See 310 CMR 10.25-10.35)		

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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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 _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	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 _____
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. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

MassMapper - 5-12-22

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- Submit Supplemental Information for Endangered Species Review*
 - Percentage/acreage of property to be altered:

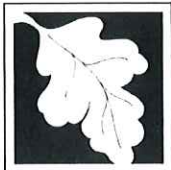
(a) within wetland Resource Area	
(b) outside Resource Area	
 - Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - Project description (including description of impacts outside of wetland resource area & buffer zone)
 - Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mass-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.


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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

3. Separate MESA review completed.
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and
 the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 836 South Rodney French Blvd.
 New Bedford, MA 02744
 Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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C. Other Applicable Standards and Requirements (cont'd)

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC _____
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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Bureau of Resource Protection - Wetlands

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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.
- No. 309 Stevens Street Site Development Plan
- | | |
|--------------------------------------|--------------------------|
| a. Plan Title | Jason Lavoie |
| b. Prepared By | c. Signed and Stamped by |
| 6/9/2022 | 1"=20' |
| d. Final Revision Date | e. Scale |
| See Letter of transmittal | |
| f. Additional Plan or Document Title | g. Date |
5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

14922	6/7/22
2. Municipal Check Number	3. Check date
14923	6/7/22
4. State Check Number	5. Check date
Maillet & Son Inc	
6. Payor name on check: First Name	7. Payor name on check: Last Name



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 _____

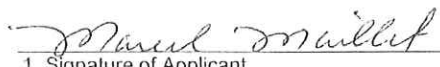
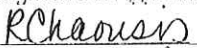
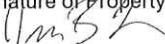
Document Transaction Number _____

City/Town _____

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

<p> 1. Signature of Applicant</p>	<p><u>6/1/22</u> 2. Date</p>
<p> 3. Signature of Property Owner (if different)</p>	<p><u>6/8/22</u> 4. Date</p>
<p> 5. Signature of Representative (if any)</p>	<p><u>6/8/22</u> 6. Date</p>

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

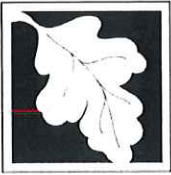
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

309 Stevens Street	Marlborough
a. Street Address	b. City/Town
14923	\$237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Marcel	Maillet	
a. First Name	b. Last Name	
c. Organization		
94 Butler Road		
d. Mailing Address		
Sudbury	MA	01776
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

James & Rebecca	Chaousis	
a. First Name	b. Last Name	
c. Organization		
283 Bolton Street		
d. Mailing Address		
Marlborough	MA	
e. City/Town	f. State	
		01752
		g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2 - construction single family home	1	\$500.00	\$500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$500.00
Step 6/Fee Payments:			
Total Project Fee:			\$500.00
State share of filing Fee:			a. Total Fee from Step 5 \$237.50
City/Town share of filling Fee:			b. 1/2 Total Fee less \$12.50 \$262.50
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



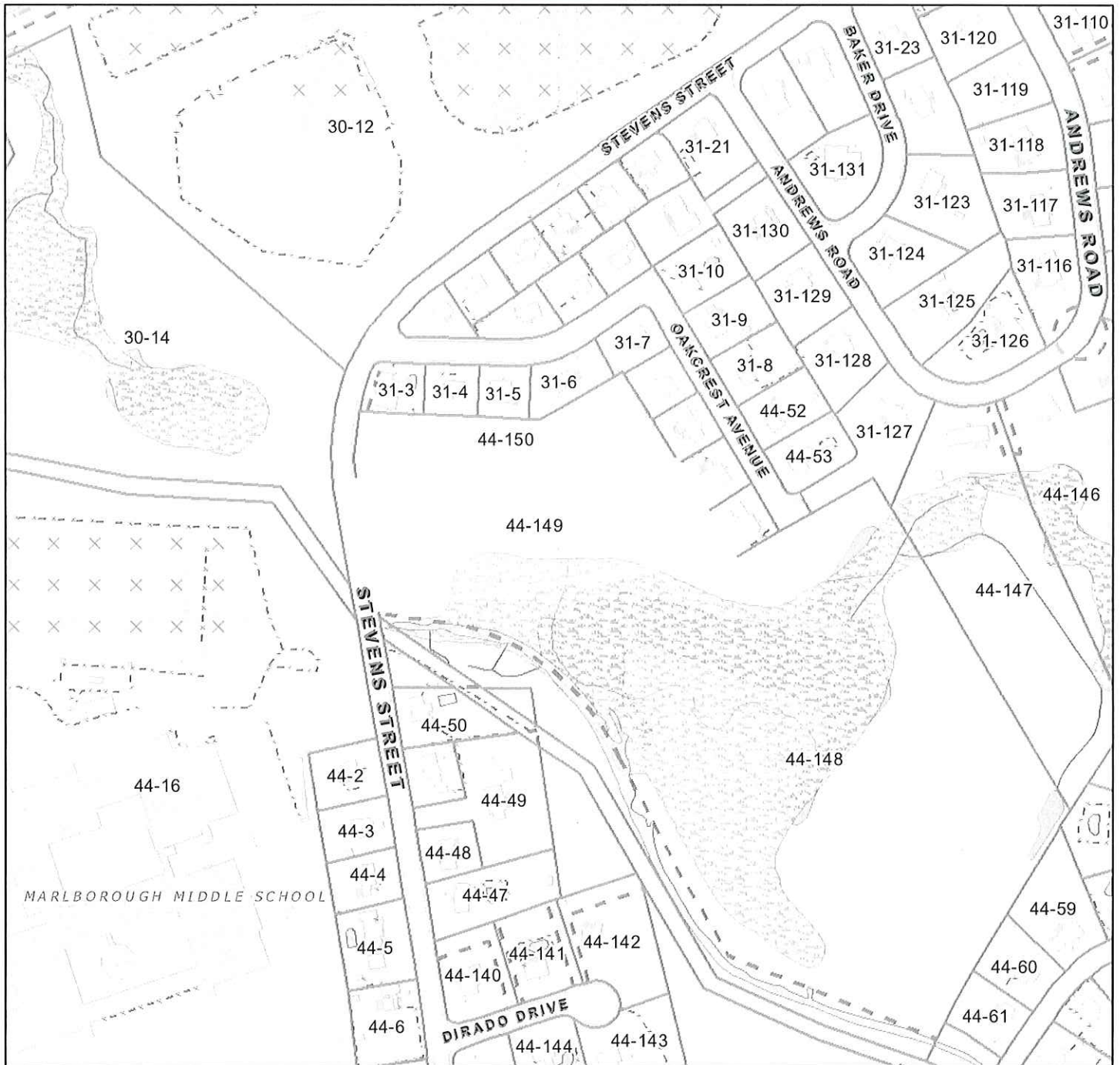
Marlborough, MA



June 1, 2022

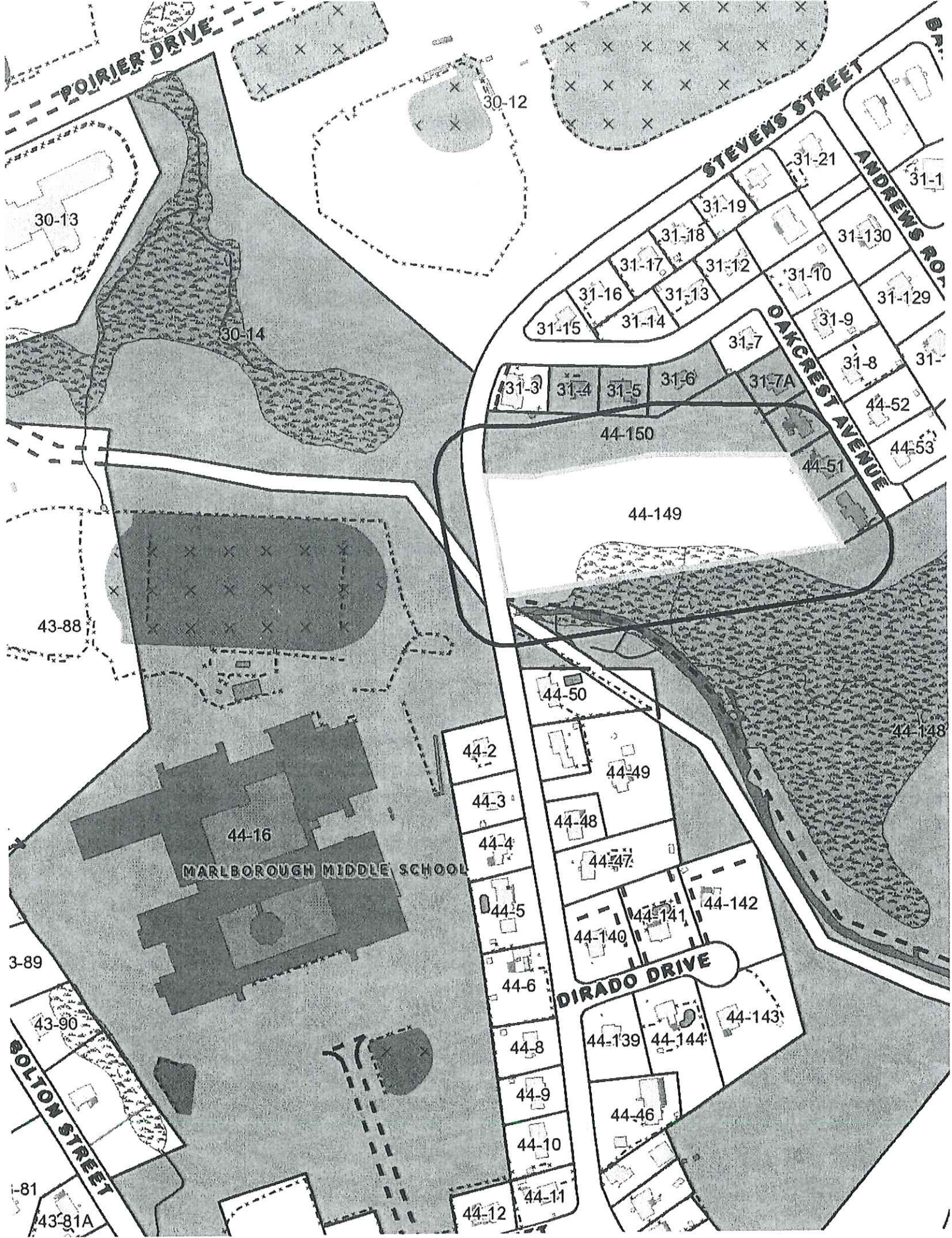
1 inch = 278 Feet

www.cai-tech.com



Roads	--- Easement	POOL	STREAM
CAI Town Line	City Buildings	Swimming Pools	<all other values>
Labels - No Ortho	Schools	Water - Streams	WETAREA
Parcel Lines - No Ortho	Solar	Water Bodies	
Other Legal - No Ortho	GENERAL	DEP WETLAND	
Fence	DECK	Playgrounds	

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



POIRIER DRIVE

STEVENS STREET

ANDREWS ROAD

OAKCREST AVENUE

DIRADO DRIVE

BOLTON STREET

MARLBOROUGH MIDDLE SCHOOL

30-13

30-12

30-14

43-88

3-89

43-90

43-81

43-81A

31-15

31-16

31-17

31-18

31-19

31-21

31-1

31-130

31-129

31-9

31-8

31-7

31-3

31-4

31-5

31-6

31-7A

44-52

44-53

44-150

44-51

44-149

44-148

44-50

44-2

44-49

44-3

44-48

44-4

44-47

44-5

44-140

44-141

44-142

44-6

44-139

44-144

44-143

44-8

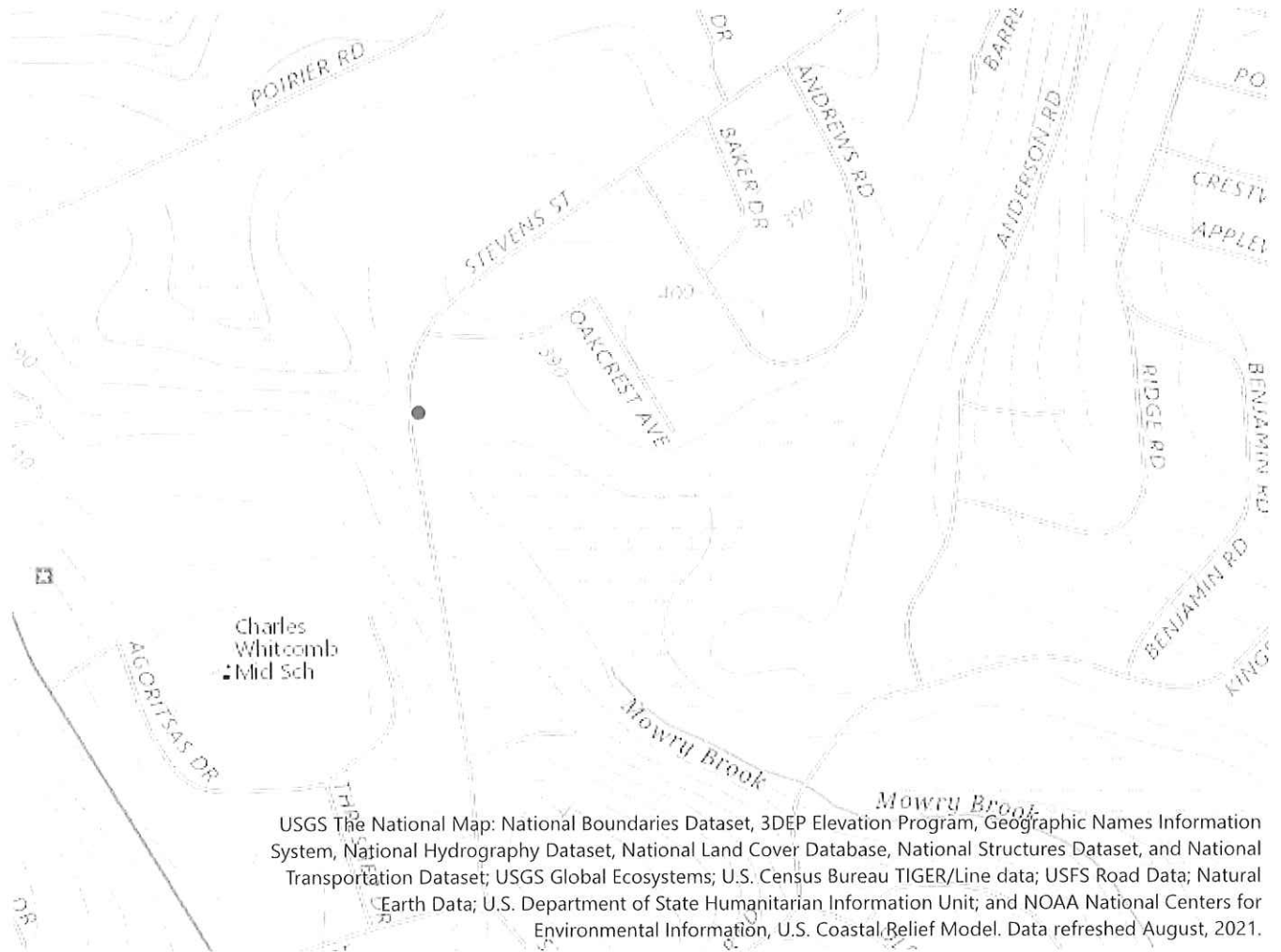
44-46

44-9

44-10

44-12

44-11



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

COPY

APPLICATION FOR CERTIFIED LIST OF ABUTTERS

Date: May 24, 2022

Property Address: 309 Stevens Street

Assessor Map and Parcel: 44-149

Property Owner Name: James Chaousis N/O Rebecca Chaousis

Applicant Name: Marcel Maillet

Applicant Phone: 978-815-3104

Purpose of Request: Notice of Intent

Radius: 100'

Originating Board or Department: Conservation Commission

Applicant Signature: *Marcel Maillet*

*Jason
617-960-4898*

PLEASE EMAIL TO ~~PATRICIA MESPELLI~~, OFFICE OF THE ASSESSORS
~~pmespelli@marlborough-ma.gov~~

PLEASE ALLOW TEN WORKING DAYS FROM THE DATE OF RECEIPT OF THIS APPLICATION BY THE OFFICE OF THE ASSESSORS FOR COMPLETION

LENS ST, MARLBOROUGH, MA (44-149) - 100 FT

Number	Camera Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address	Owner Address	Owner City	Owner State	Owner Zip
15965_901	30-14	BOLTON ST	BSL MARLBOROUGH H DEVELOPME T LLC		C/O ALTUS GROUP US INC	PO BOX 92129 ²	SOUTHLAKE	TX		76092
16176_901	31-4	11 OAKCREST AVE	JOHNSON CHRISTOPHE R W		11 OAKCREST AVE		MARLBOROUGH	MA		01752
16207_901	31-5	21 OAKCREST AVE	CAVICCHI PAULINE M LI EST	ROBERT G CAVICCHI LI EST	21 OAKCREST AVE		MARLBOROUGH	MA		01752
16243_901	31-6	27 OAKCREST AVE	AYKANIAN AARON S	AMANDA R AYKANIAN	27 OAKCREST AVE		MARLBOROUGH	MA		01752
16298_901	31-7A	57 OAKCREST AVE	BOOTH SHELAGH	STEPHEN A MALANDRINOS	57 OAKCREST AVE		MARLBOROUGH	MA		01752
16328_900	44-148	0 STEVENS ST	CHAOUSIS JAMES	N/O REBECCA CHAOUSIS	283 BOLTON ST		MARLBOROUGH	MA		01752
16209_901	44-150	315 STEVENS ST	CHAOUSIS JAMES	N/O REBECCA CHAOUSIS	239 BOLTON ST		MARLBOROUGH	MA		01752
15997_900	44-16	25 UNION ST	CITY OF MARLBOROUGH	WHITCOMB MIDDLE SCHOOL	140 MAIN ST		MARLBOROUGH	MA		01752
16328_901	44-51	73 OAKCREST AVE	LACHAPELLE ROLAND R	KATHLEEN M LACHAPELLE	73 OAKCREST AVE		MARLBOROUGH	MA		01752
16313_901	44-51A	65 OAKCREST AVE	GAUTHIER ROBERT J	AURA M GAUTHIER	65 OAKCREST AVE		MARLBOROUGH	MA		01752
16344_900	44-51B	81 OAKCREST AVE	COGHETTO GLEIFER		81 OAKCREST AVE		MARLBOROUGH	MA		01752

John H. De

AYKANIAN AARON S
AMANDA R AYKANIAN
27 OAKCREST AVE
MARLBOROUGH, MA 01752

LACHAPELLE ROLAND R
KATHLEEN M LACHAPELLE
73 OAKCREST AVE
MARLBOROUGH, MA 01752

BOOTH SHELAGH
STEPHEN A MALANDRINOS
57 OAKCREST AVE
MARLBOROUGH, MA 01752

BSL MARLBOROUGH DEVELOPME
C/O ALTUS GROUP US INC
PO BOX 92129
SOUTHLAKE, TX 76092

CAVICCHI PAULINE M LI EST
ROBERT G CAVICCHI LI EST
21 OAKCREST AVE
MARLBOROUGH, MA 01752

CHAOUSIS JAMES
N/O REBECCA CHAOUSIS
239 BOLTON ST
MARLBOROUGH, MA 01752

CHAOUSIS JAMES
N/O REBECCA CHAOUSIS
283 BOLTON ST
MARLBOROUGH, MA 01752

~~CITY OF MARLBOROUGH
WHITCOMB MIDDLE SCHOOL
140 MAIN ST
MARLBOROUGH, MA 01752~~

COGHETTO GLEIFER
81 OAKCREST AVE
MARLBOROUGH, MA 01752

GAUTHIER ROBERT J
AURA M GAUTHIER
65 OAKCREST AVE
MARLBOROUGH, MA 01752

JOHNSON CHRISTOPHER W
11 OAKCREST AVE
MARLBOROUGH, MA 01752

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

Rec 6-23-2022 June 23, 2022

Re: Request for a Determination of Applicability
1 D'Angelo Drive Marlborough, MA 01752
(Map: 116, Parcel: 8)

Dear Marlborough Conservation Commission:

Goddard Consulting, LLC (Goddard) is pleased to submit this Request for Determination (RDA) under the Massachusetts Wetland Protection Act (WPA) on behalf of Ken's Foods, for the property known as 1 D'Angelo Drive, in Marlborough, MA 01752 (Map: 116, Parcel: 8). This RDA is for work consisting of the building of a parking lot, retaining wall, and associated grading within buffer zone.

The original and two copies of this application have been submitted for your review, along with a digital submittal. A list of enclosed documents is as follows:

- RDA (WPA Form 1) Application Form.
- Request for Determination of Applicability Checklist.
- Legal Bill Acknowledgement Form.
- *Wetland Border Report*, Goddard Consulting, LLC, 10/29/2021
- *Orthophoto View of the Locus Site*, Goddard Consulting, LLC, 10/14/2021
- *USGS of the Locus Site*, Goddard Consulting, LLC, 10/14/2021
- *Proposed Plot Plan*, Peter J. Nolan 10/21/2021

Existing Conditions

1 D'Angelo Drive is a 1,040,151sf (23.878-acre) highly developed lot consisting of one 326,443sf industrial building with two associated parking lots. The parking lot in the front of the building as an associated lawn. Road Brook, a perennial stream, and associated Bordering Vegetated Wetland (BVW) are located to the west and south of the site.



Photo 1. A photo facing northwest of the existing industrial building and the front parking lot. The majority of the building and parking lot is outside of buffer zone and Riverfront



Photo 2. A photo facing west of the existing industrial building, the front parking lot and associated lawn. The majority of the building and the entire parking lot is outside of buffer zone and Riverfront Area. A portion of the lawn is within the 100-foot buffer



Photo 3. A photo facing south of the associated lawn. The majority of the lawn is outside of buffer zone and Riverfront Area. A portion of the lawn is within the 100-foot buffer

Proposed Conditions

In the front of the existing industrial building, the applicant is proposing the conversion of lawn to an 11,850sf parking area. Of that 11,850sf, only 97sf of the proposed parking lot will be within the 100-foot buffer zone. An underground chamber detention basin will be installed under the proposed parking lot outside of the buffer zone to allow the infiltration of stormwater. A block retaining wall will be built directly adjacent to the proposed parking lot. An additional 882sf of buffer zone will be graded and seeded. Erosion and sediment controls will be set up around the limit of work as shown on the plans. The erosion control will consist of a silt fence and staked haybales.

Conclusion

It is our professional opinion that the construction of the parking lot, retaining wall and grading will not adversely impact the on-site BVW or buffer zone. It is the request of the applicant for the Commission to confirm that work will not impact buffer zone or BVW through the issuance of a negative Determination of Applicability.

Please feel free to contact us if you have any questions.

Sincerely,
Goddard Consulting, LLC

Scott Goddard,
Principal & PWS

CC: MassDEP – Central Regional Office, Wetlands Division, 8 New Bond Street, Worcester,
MA 01606

Ken's Foods – 1 D'Angelo Drive, Marlborough, MA 01752

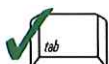


WPA Form 1- Request for Determination of Applicability

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:

Mark Shaye _____ mshaye@kensfoods.com _____
Name E-Mail Address
1 D'Angelo Drive _____
Mailing Address
Marlborough _____ MA _____ 01752 _____
City/Town State Zip Code
508-597-4236 _____
Phone Number Fax Number (if applicable)

2. Representative (if any):

Goddard Consulting, LLC _____
Firm
Scott Goddard _____ scott@goddardconsultingllc.com _____
Contact Name E-Mail Address
291 Main Street Suite #8 _____
Mailing Address
Northborough _____ MA _____ 01532 _____
City/Town State Zip Code
(508) 393-3784 _____
Phone Number Fax Number (if applicable)

B. Determinations

1. I request the Marlborough _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

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).



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):

1 D'Angelo Drive	Marlborough
Street Address	City/Town
116	8
Assessors Map/Plat Number	Parcel/Lot Number

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

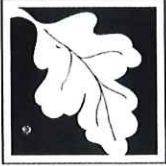
1 D'Angelo Drive is a 1,040,151sf (23.878-acre) highly developed lot consisting of one 326,443sf industrial building with two associated parking lots. The parking lot in the front of the building as an associated lawn. Road Brook, a perennial stream, and associated Bordering Vegetated Wetland (BVW) are located to the west and south of the site.

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

Ken's Food Site Plan Modification	5/19/2022
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

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

In the front of the existing industrial building, the applicant is proposing the conversion of lawn to an 11,850sf parking area. Of that 11,850sf, only 97sf of the proposed parking lot will be within the 100-foot buffer zone. An underground chamber detention basin will be installed under the proposed parking lot outside of the buffer zone to allow the infiltration of stormwater. A block retaining wall will be built directly adjacent to the proposed parking lot. An additional 882sf of buffer zone will be graded and seeded. Erosion and sediment controls will be set up around the limit of work as shown on the plans. The erosion control will consist of a silt fence and staked haybales.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

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

10.02(2)(b.)

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

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

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

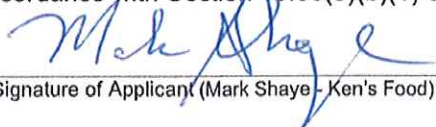

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Frank Crowley III	_____
Name	_____
1 D'Angelo Drive P.O Bo 849	_____
Mailing Address	_____
Marlborough	_____
City/Town	_____
MA	01752
State	Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

	_____	6/20/22
Signature of Applicant (Mark Shaye - Ken's Food)		Date
	_____	6/20/22
Signature of Representative (if any) (Scott Goddard - Goddard Consulting, LLC)		Date

October 14, 2021

Guerriere & Halnon, Inc.
PO Box 235
Milford, MA 01757

Re: Wetland Border Report; 1 D'Angelo Drive, Marlboro

Dear Guerriere & Halnon:

On August 6, 2021, and October 14, 2021, the wetland resources were delineated on land located on or near the above listed site (refer to enclosed locus maps). The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al and the local wetland bylaw. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

One Bordering Vegetated Wetland and the Mean Annual High Water (MAHW) of a river were delineated in the field. The wetland flagged with series GC 1-120 is dominant in red maple, buckthorn, highbush blueberry, tupelo, sweet pepperbush, poison ivy, sedge, goldenrod, loosestrife, rush, cattail and wetland ferns. The adjacent forested upland is dominant in oak, white pine, maple, barberry, buckthorn, beech, and Canada mayflower. Department of Environmental Protection BVW field data forms were documented at wetland flag # GC85 (see attached form).

The start of the 200-ft Riverfront area was flagged with series MAHW 1-77. This reach of the river is 3-5 feet wide with 12-24' banks which are vegetated with willow, alder, touch-me-not and red maple. Beaver activity was observed via cut/chewed trees. Some parts of the river were observed flooded over normal bank conditions and were flagged with current overflow conditions (mainly within the southern section of the site).

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife and has no mapped potential or certified vernal pools. The site is not located in an ACEC; however, is located within a regulated FEMA flood zone so that the resource Bordering Land Subject to Flooding is located from the wetland line up to the 100-year FEMA flood elevation.

The local wetland bylaw and the MA Wetlands Protection Act takes jurisdiction over BVW and Riverfront Area resources. In addition, the BVW resource area has a jurisdictional 100-foot Buffer Zone. Any work within the resource areas (BVW or the 200-ft Riverfront Area) and/or 100-foot BVW buffer zone requires a Request for Determination (RDA) or Notice of Intent (NOI) be filed with the Conservation Commission.

Very truly yours,
GODDARD CONSULTING, LLC



Scott Goddard,
Principal & PWS

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____

Prepared by: **Goddard Consulting LLC**

Project location: **D'Angelo drive, Marlboro**

DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: **GC85** Transect Number: **Uprgradient** Date of Delineation: **6-Aug-21**

Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (Yes or no)	Wetland Indicator Category*
<i>Tree Layer</i>					
White pine	<i>Pinus strobus</i>	36%	47.4%	Yes	FACU
Norway maple	<i>Acer platanoides</i>	20%	26.3%	Yes	UPL
Red Oak	<i>Quercus rubra</i>	10%	13.2%	No	FACU
Northern white oak	<i>Quercus alba</i>	10%	13.2%	No	FACU
<i>Sapling Layer</i>					
<i>Shrub Layer</i>					
European hawberry	<i>Berberis vulgaris</i>	3%	7.0%	No	FACU
American hazelnut	<i>Corylus americana</i>	20%	46.5%	Yes	FACU
Honeysuckle	<i>Lonicera</i> sp.	10%	23.3%	Yes	FACU
European buckthorn	<i>Frangula alnus</i>	10%	23.3%	Yes	FAC*
<i>Climbing Woody Vine</i>					
<i>Ground Cover</i>					
Hay-scented fern	<i>Demissaetia punctilobula</i>	36%	73.5%	Yes	UPL
Canada mayflower	<i>Maianthemum canadense</i>	3%	6.1%	No	FACU
Sensitive fern	<i>Onoclea sensibilis</i>	10%	20.4%	Yes	FACW*

Remarks: * An asterisk after common plant name indicates stunted growth. ** indicates extremely stunted growth

Morphological Adaptations: 0 Description: _____

* An asterisk after indicator status denotes wetlands plants: plants listed in the Wetlands Protection Act (MGL c.131, s.40), plants in the genus Sphagnum, or plants listed as FAC, FACW, or OBL.

Vegetation conclusion:

Number of dominant wetland indicator plants: **2** Number of dominant non-wetland indicator plants: **5**

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **no**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)

map number: _____

soil type mapped: Haven silt loam

hydric soil inclusions: _____

Are field observations consistent with soil survey? yes no

Remarks: _____

2. Soil Description

Horizon Depth (inches) Matrix Color Mottles Color or Texture

A 0-6 10YR2/2

B 6-20 10YR5/4

Remarks: _____

3. Other: _____

Conclusion: Is soil hydric? yes no

Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: _____

Depth to free water in observation hole: _____

Depth to soil saturation in observation hole: _____

Water marks: _____

Drift Lines: _____

Sediment deposits: _____

Drainage patterns in BVW: _____

Oxidized rhizospheres: _____

Water-stained leaves: _____

Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

Other: _____

Vegetation and Hydrology Conclusion for Uprgradient of GC85	yes	no
Number of wetland indicator plants		
>= number of non-wetland plants		X
Wetland hydrology present:		
hydric soils present		X
other indicators of hydrology present		X
Sample location is in a BVW		X

Submit this form with the Request for Determination of Applicability or Notice of Intent

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____

Prepared by: **Goddard Consulting LLC**

Project location: **D'Angelo drive, Marlboro**

DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: **GC85**

Transect Number: **Downgradient**

Date of Delineation: **6-Aug-21**

Sample Layer and Plant Species

Scientific name

% Cover

% Dominance

Dominant Plant
(yes or no)

Wetland Indicator
Category*

Tree Layer

Red Maple	<i>Acer rubrum</i>	36%	78.3%	Yes	FAC*
Red Oak	<i>Quercus rubra</i>	10%	21.7%	Yes	FACU

Sapling Layer

Black ash	<i>Fraxinus nigra</i>	10%	100.0%	Yes	FACW*
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Shrub Layer

Black cherry	<i>Prunus serotina</i>	10%	50.0%	Yes	FACU
European buckthorn	<i>Frangula alnus</i>	10%	50.0%	Yes	FAC*

Climbing Woods Vine

<u>Ground Cover</u>					
Cinnamon fern	<i>Osmundastrum cinnamomeum</i>	20%	50.0%	Yes	FACW*
Eastern poison ivy	<i>Toxicodendron radicans</i>	20%	50.0%	Yes	FAC*

Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth

Morphological Adaptations: 0 Description: _____

* An asterisk after indicator status denotes wetlands plants; plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.

Vegetation conclusion:

Number of dominant wetland indicator plants: 5

Number of dominant non-wetland indicator plants: 2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **yes**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

yes no

title/date: Interim Soil Survey of Middlesex County - 1991 (Maps - 1989)

map number: _____

soil type mapped: Freetown muck

hydric soil inclusions: _____

Are field observations consistent with soil survey?

yes no

Remarks:

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottles Color or Texture
O	0-15"	10YR2/2	
C	15-18	10YR6/1	10YR5/6

Remarks:

3. Other:

Conclusion: Is soil hydric?

yes

no

Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: _____

Depth to free water in observation hole: 8 inches

Depth to soil saturation in observation hole: _____

Water marks: _____

Drift Lines: _____

Sediment deposits: _____

Drainage patterns in BVW: _____

Oxidized rhizospheres: within 6 inches

Water-stained leaves: _____

Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

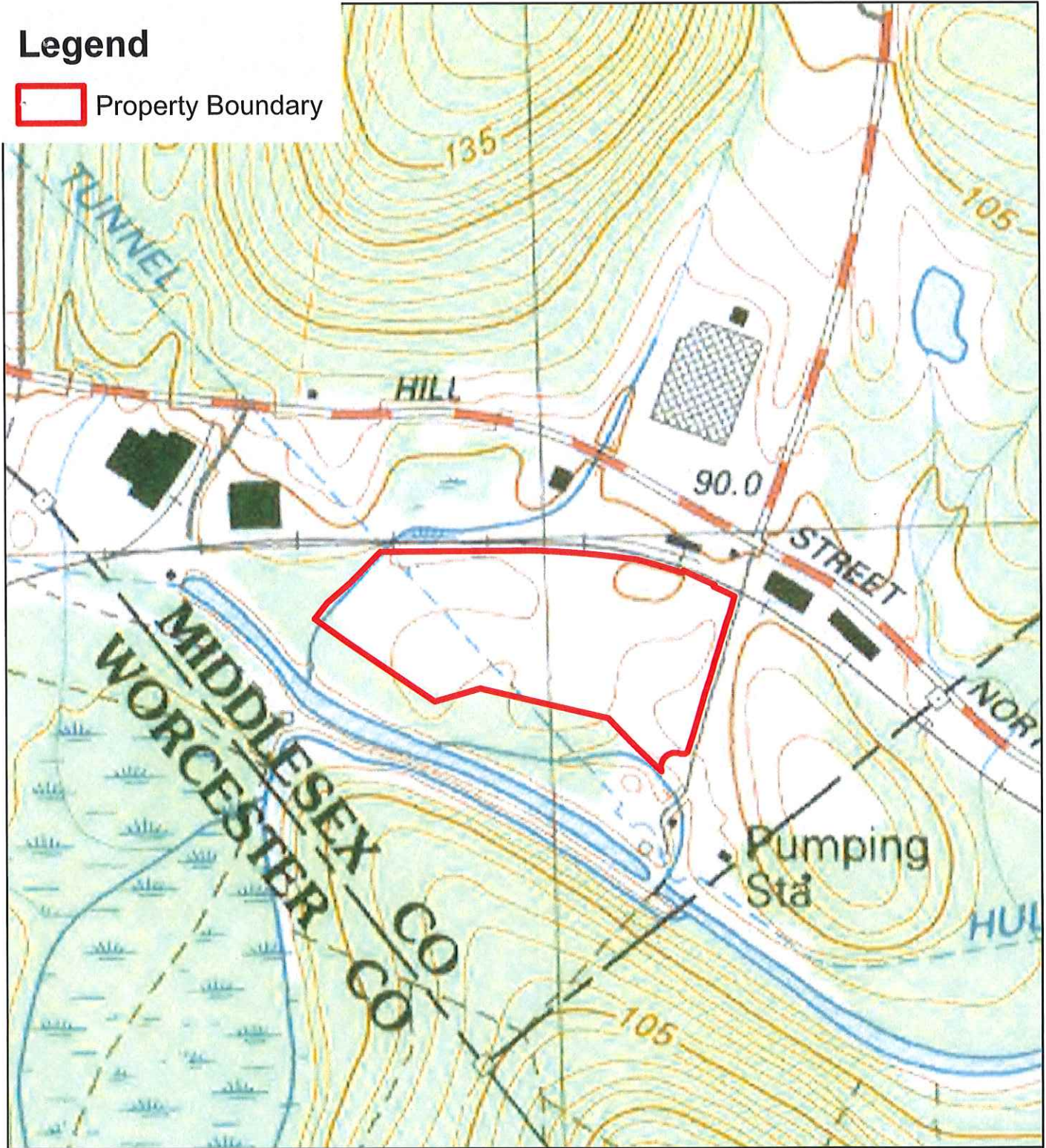
Other: _____

Vegetation and Hydrology Conclusion for Downgradient of GC85	yes	no
Number of wetland indicator plants		
>= number of non-wetland plants	X	
Wetland hydrology present:		
hydric soils present	X	
other indicators of hydrology present		X
Sample location is in a BVW		X

Submit this form with the Request for Determination of Applicability or Notice of Intent

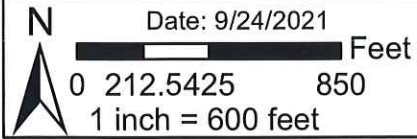
Legend

 Property Boundary



USGS of the Locus Site








1 D'Angelo Drive - Marlborough, MA
(Map: 116, Lot: 8)

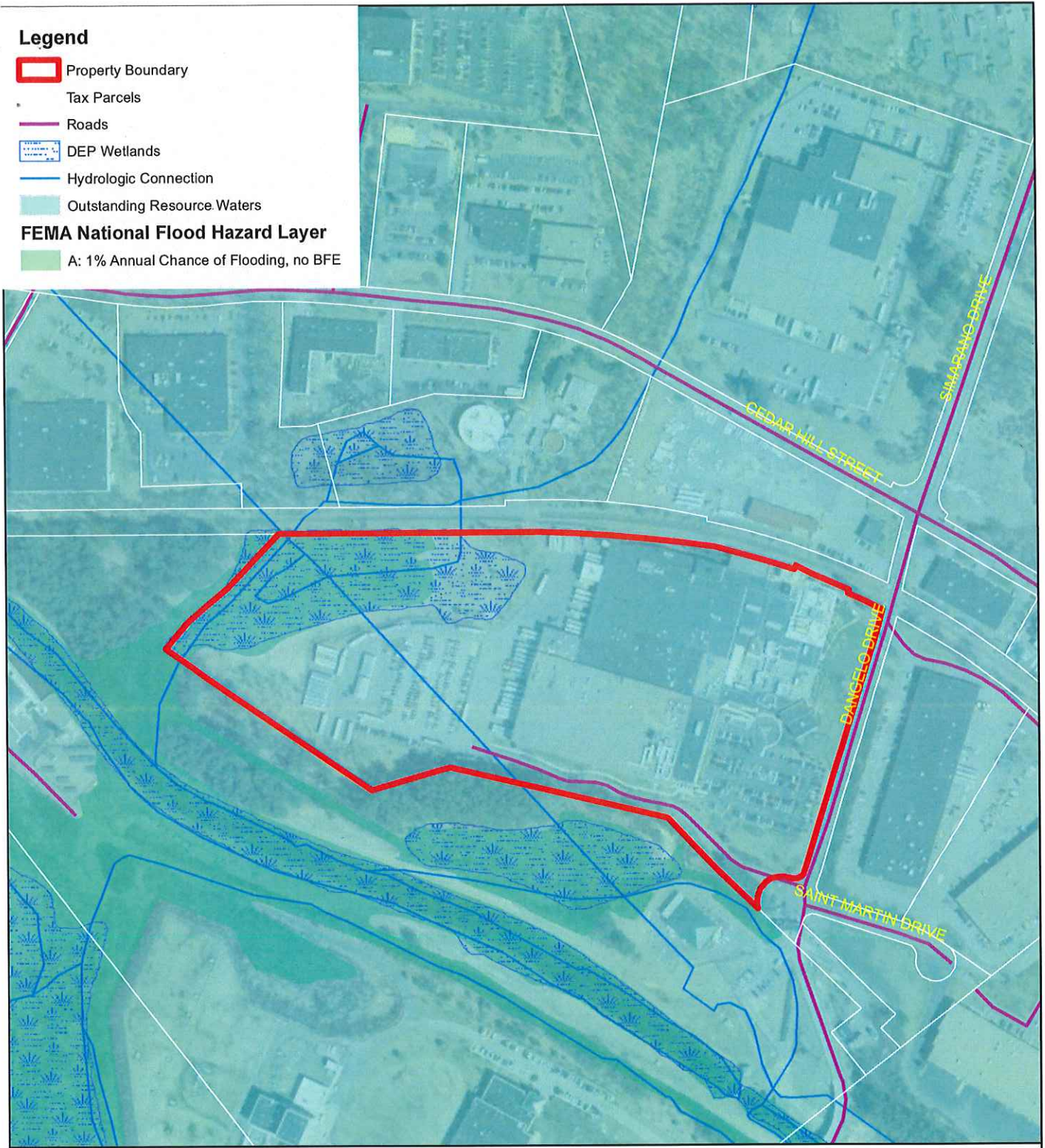


GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"



Legend

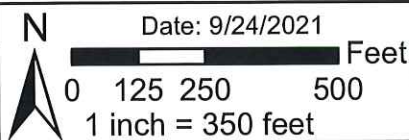
-  Property Boundary
-  Tax Parcels
-  Roads
-  DEP Wetlands
-  Hydrologic Connection
-  Outstanding Resource Waters
- FEMA National Flood Hazard Layer**
-  A: 1% Annual Chance of Flooding, no BFE



Orthophoto of the Locus Site

1 D'Angelo Drive - Marlborough, MA

(Map: 116, Lot: 8)



Date: 9/24/2021

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"





City of Marlborough Conservation Commission

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

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

June 29, 2022

Helvecio Carvalho
21 Blaiswood Ave.
Marlborough, MA 01752

Re: Wetland Violation 21 Blaiswood Ave. \$25 fine

Dear Mr. Carvalho,

As we discussed on the phone on Tuesday June 21, 2022, the work you had done in your back yard, including retaining wall, adding fill to level the yard and adding the patio along the lake edge required a wetland permit prior to construction. This violation carries a fine of \$25 and a requirement for you to attend the next Conservation Commission meeting on July 7, 2022. This meeting is held on Thursday evening beginning at 7:00 PM.

In order to remedy this violation please take the following action:

1. Cease any further landscaping work in the 100' buffer zone until the conservation commission has rendered a decision.
2. Plan to attend the Commission's next meeting on Thursday July 7, 2022 at 7:00 PM. As I noted the Commission has two options:
 - a. Have you remove and restore the yard to meet the current 30' no disturb zone requirements, OR
 - b. Require that you file for a permit, after the fact, and provide some mitigation/restoration of the shoreline the Commission will determine if the wall can stay as is or if modifications need to be made.

It will be up to the Commission to decide what the outcome will be.

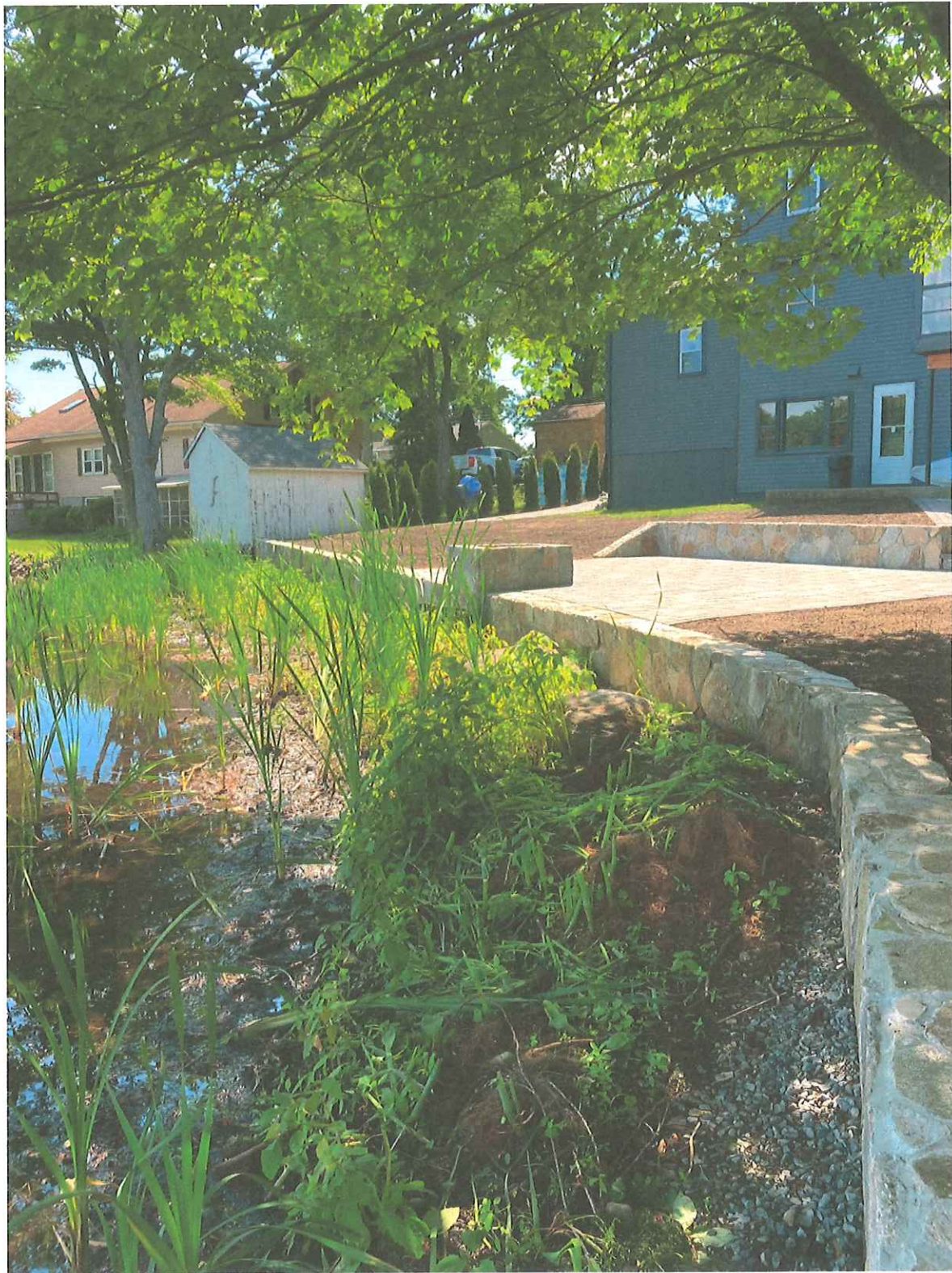
3. After the commission gives you direction on July 7th, and if a permit is required, you will need to fill out the Notice of Intent permit application found here: <https://www.marlborough-ma.gov/conservation-commission/files/wpa-form-4-abbreviated-notice-intent> . To be submitted on or before July 21th.

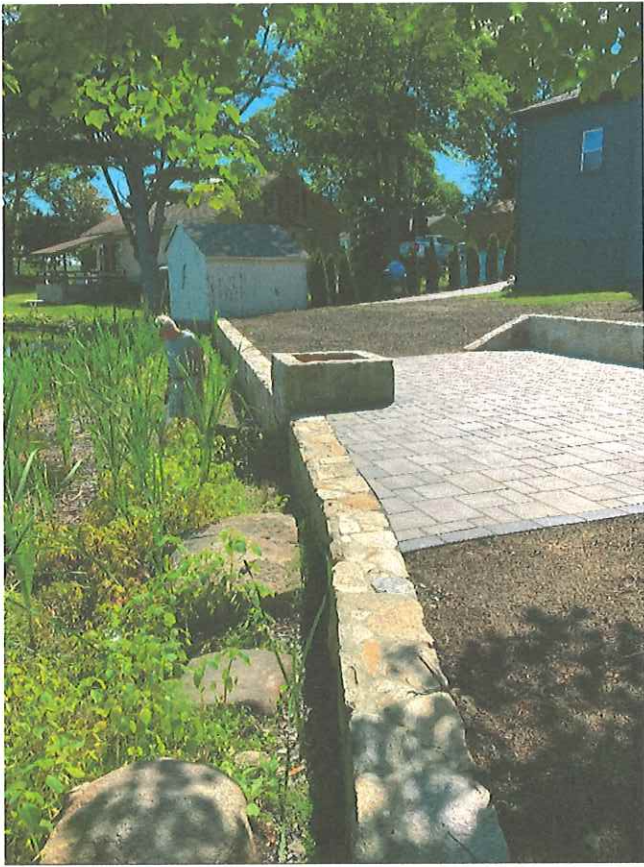
In the meantime, please do not do any more work in the back yard. You may continue to water the yard to establish the lawn, but no other work is permitted at this time until this has been reviewed with the Conservation Commission and a decision rendered. Your cooperation is required and appreciated. If you have any questions, please give me a call at 508-460-3768

Sincerely,


Priscilla Ryder
Conservation Officer

Encl Open Gov Ticket \$25; 30' Wetland Buffer Zone Policy;





DRAFT - Here is a rough draft of a restoration plan- based on the site visit John Skarin, Karin Paquin, Priscilla Ryder and Mr. Sampaio held on June 24, 2022. Please review and edit as necessary.

541 Pleasant St. Wetland and 30' Buffer Zone Restoration Plan

History:

In 2020 a forested area next to the house at 541 Pleasant St. was cut, with more than 27 trees of substantial size removed as well as saplings and undergrowth. Some of this work was within the wetland and the rest within the 30' no disturb wetland buffer zone and the 100' buffer zone. The owner was asked to leave it to regrow, however a year later additional trees were cut, and saplings removed.

After several Commission meetings and site visits, a wetland consultant was hired to flag the wetlands – Sue McArthur flagged the wetlands in _____ of 2021, pink flags are visible in the field. However, the owner was not able to hire a surveyor to survey these wetland flags onto a plan. Therefore, the Commission has agreed to accept the flags as they are in the field and require the area cleared in 2020 to be restored back to a woodland area. However, because the trees were removed, more sunlight has been able to reach these areas and invasive non-native plants are invading the area and shading/smothering the regrowth of stumps that has occurred. Therefore, the restoration of this wetland and buffer zone area will require the following steps to restore this area to its once forested condition.

Wetland and Buffer Zone Restoration Plan:

The attached map shows the approximate area of invasive plant infestation. There are three distinct areas that will all be treated slightly differently based on invasive plant type. The separate areas shall be treated as follows:

Area 1- Japanese Knotweed-

1. Remove knotweed by cutting the stems out and removing them into a pile, being careful to leave any native trees or shrubs that might be under this growth.
2. Once the tops are removed, several options are available:
 - a. Place thick black tarp over the area and leave for 2 years to shade/bake out the knotweed
 - b. Use an herbicide (what are the directions? Look up and provide here)
 - c. Cut/mow (if possible) this area once a week all growing season for 2 years until plants have died.
(Note: Does the Commission want to dictate one or more of these methods? How will this be decided)
3. Promote and encourage the growth of native plants in the area, after 2 years if controls as noted above have been successful, the Commission will evaluate this area and determine what additional plantings of trees or shrubs are needed to restore this area to its original forested condition.

4. The logs and sticks that are on the ground in this area can be removed in order to facilitate better ongoing mowing and treatment

Area 2 - Oriental Bittersweet- This area had some healthy regrowth of native plants which are being invaded by oriental bittersweet vines which when removed should allow for the native plants to thrive.

1. Pull and remove Oriental Bittersweet from this area, removing as much of the root system as possible. Leaving native tree saplings and shrubs to take over. There is a healthy amount of high bush blueberry among other native plants that given the chance should take over. The Conservation Commission has weed wrench tools that may be borrowed to assist in the removal of big plants. Owner may arrange to borrow these and return when complete.
2. The oriental bittersweet shall be removed from the site and disposed of properly (either chipped and composted or incinerated). If the bittersweet vines have seeds on them when they are being removed, then the plants must be taken to a location where they will be incinerated. **(Note: Do we have any further direction about this???)**
3. Native tree saplings and shrubs in this area shall be encouraged to grow. After 2 years this area will be evaluated to determine if any additional trees and shrubs are needed to restore this area to its forested condition.
4. This area may NOT be mowed, only hand removal of the invasives in this area is permitted.

Area 3 - Oriental Bittersweet, Burning Bush, (?) – the area between the fence and the wetland area which was cleared is very thick with o. bittersweet vines. Further back from the fence sprinkled throughout are small burning bush plants which if left will take over. The wetland area itself looked relatively free of invasives and had some good native saplings and shrubs returning. This area should be monitored and invasives removed if it begins to be infested. **(Note: were there any other invasives here? Multiflora rose? that we need to add here?)**

1. The wetland area appeared to be growing back on its own and should be left alone but monitored for invasive plants over the next two years.
2. The bittersweet removal shall follow the steps noted above. The thickest section was between the wetland and the chain link fence and should be pulled and removed by the roots.
3. Burning Bush (winged euonymus) shall also be pulled by the roots and removed from site. This infestation was a little less but should be removed so as not to spread any further.
4. Native tree saplings and shrubs in this area shall be encouraged to grow. After 2 years this area will be evaluated to determine if additional trees and shrubs are needed to restore this area to its forested condition.
5. (Was there a third invasive here?)
6. This area may NOT be mowed, only hand removal of the invasives in this area is permitted.

In all three areas the following will be performed:

1. Sticks and logs that are on the ground may be removed from site or stockpiled outside the 30' buffer zone area. The existing log piles along the edge of wetlands may remain as is. This wood debris removal will help with safer footing access to this area for ongoing invasive plant removal. This work can be done this summer (2022) and Fall (2022) when it may be easier to see.
2. Stockpiles of dirt, disposed of when the driveway lighting was installed, shall also be removed on or before _____(date?)
3. Initial clearing and removal work shall be performed on or before _____(date?)
4. Twice a year on _____ and _____ the owner shall e-mail the Commission with an update on work that has been completed and progress being made. The Commission may do periodic inspections of the site to ensure progress and evaluate success.
5. At a regularly scheduled meeting once a year at a meeting closest to the _____(date) the Commission will evaluate progress and adjust the methods noted above if needed. After the second year the Commission will determine if additional plantings are needed to re-establish the forest or if the trees that have been encourage to resprout and grow will be sufficient to restore this area to a forested condition over time.
6. Once the two-year invasive plant removal and monitoring program is completed the owner shall install permanent markers along the 30' wetland no disturb buffer zone to clearly mark the limit of work for current and future owners of the property. Once these are installed, they shall be inspected by the Commission and photo documented with location reference.

Failure to meet the above steps and requirements will be reason for the Commission to issue fines on a daily basis or take further enforcement action until compliance is achieved and the wetlands restored.



541 Pleasant St. Wetland restoration plan

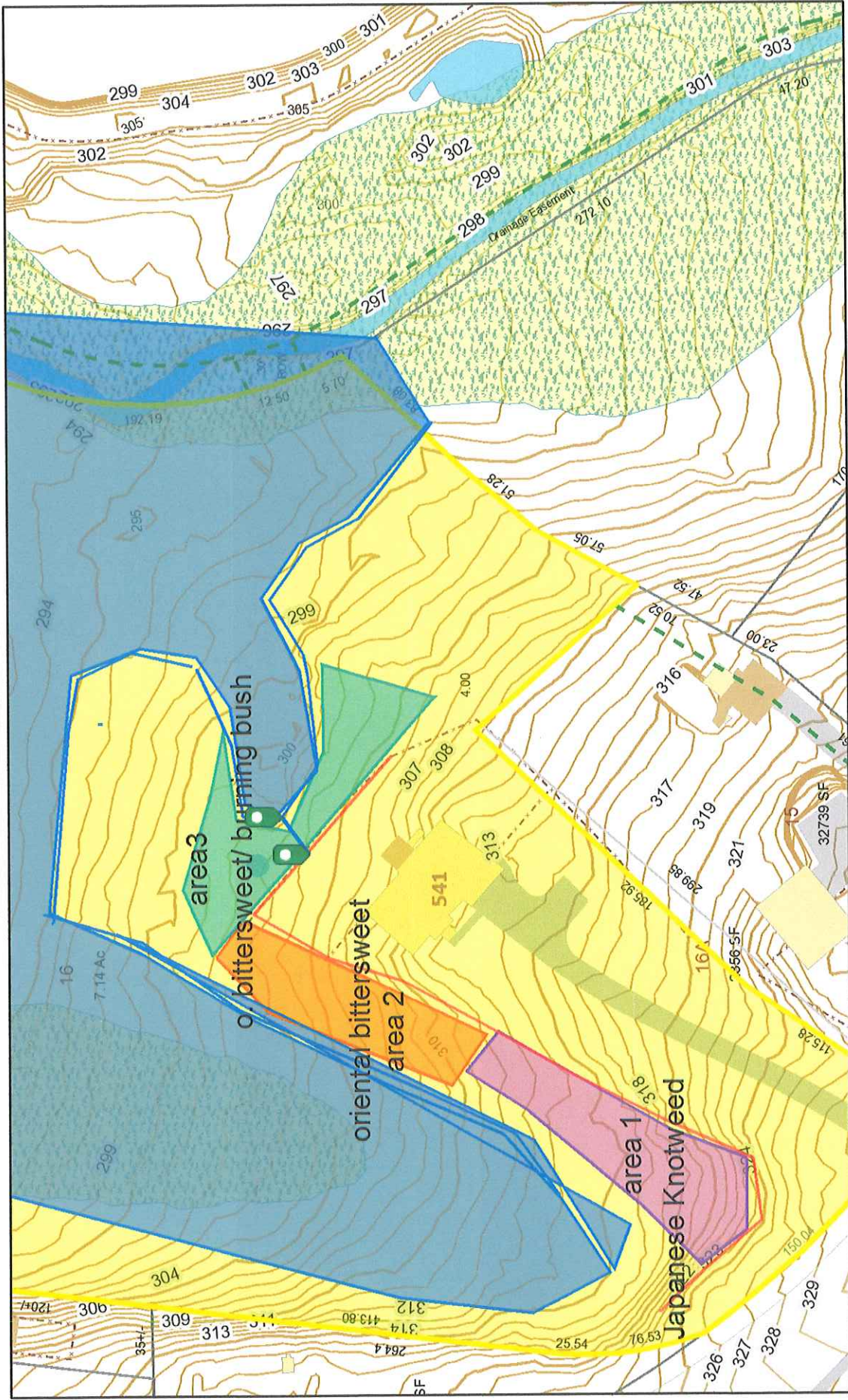
Marlborough, MA

July 1, 2022

1 inch = 69 Feet



www.cai-tech.com



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