

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Conservation Commission

Date: May 5, 2022

Time: 7:00 PM

Location: 140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 APR 29 A 10:03

ALL MEETINGS WILL BE 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

Approval of Minutes: April 26, 2022

Public hearings:

- 7:00 PM **Notice of Intent (continued from 4/21/2022)**
74 & 82 Paquin Dr. – Scott Ferrecchia
Proposes to build a retaining wall along the shoreline of Ft. Meadow Reservoir
- 7:10 **Request for Determination of Applicability**
55 Clinton St. – Carlos Costa
Proposes to resurface the existing driveway, add a new deck, and establish a lawn in the side yard near wetlands.
- 7:20 **Request for Determination of Applicability (continued from 4/21/2022)**
283 – 325 Lincoln St. - ALTA Marlborough LLC
Request a determination as to whether an area is subject to jurisdiction under the Wetlands Protection Act. On property off Mechanic St and Lincoln St. and the bike path shown on Assessor's Map as Map 69 Parcels 337 thru 345 and Map 56 Parcel 85 and a portion of an old rail spur.
- 7:30 **Notice of Intent**
192 Robin Hill St. - Hillside School
Proposes to construct a new elementary school with associated parking, drainage, and landscaping near wetlands.
- 7:40 **Notice of Intent – Amend (continued from 4/21/2022)**
322 Hayes Memorial Dr. (Lot L) - Marlborough/Northborough Land Realty Trust (amend Order of Conditions 212-1229)
Request an amended Order of Conditions based on site modifications to parking lot and building which are near wetlands.
- 7:50 **Notice of Intent (continued from 4/21/2022)**
630 and 686 Forest St. – Yellow Brick, LLC
Propose to replace a collapsed culvert under the access driveway within wetlands.

Violations:

- Letter to Alexandre Sampaio – RE: Follow up on Wetland Violation – 541 Pleasant St.

Project Updates/Correspondence/Other Business

- 212-1229 2022 Wetland Restoration Monitoring Report Parcel L Hayes Memorial Dr.
- Letter to Rick Borden – RE: Wetland violation-Martinangelo Dr. from 100 Campus Dr. garage-Marlborough, dated 4/20/2022
- Letter to Jim Orlando – RE: Stormwater & wetland violation notice – fine \$300 – 96 Crowley Dr.

Next Conservation Commission meetings: May 19th and June 2nd, 2022

Adjournment

The listing of topics that the chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will have been discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.

Rec 4-20-2022



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

City/Town _____

WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Name: CARLOS ANDRADE COSTA E-Mail Address: COSTAFAMILY12345@OUTLOOK.CO

Mailing Address: 55 CLINTON ST

City/Town: MARLBOROUGH State: MA Zip Code: 01752

Phone Number: 774-225-2658 Fax Number (if applicable): _____

2. Representative (if any):

Firm: _____

Contact Name: _____ E-Mail Address: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax Number (if applicable): _____

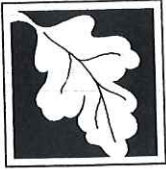
B. Determinations

1. I request the _____ 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:

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):

55 Clinton St.
Street Address

Marlborough, Ma
City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

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

Title	Date
Title	Date
Title	Date

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

Resurface existing driveway.
Build new 12'x30' Deck along back of house.
Spread loam throughout front and back yard
and seeds.

Driveway	_____
Deck	_____
yard restoration	_____
_____	_____
_____	_____



WPA Form 1- Request for Determination of Applicability

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

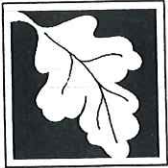
C. Project Description (cont.)

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).

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.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

City/Town _____

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

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Name CARLOS ANDRADE COSTA
 Mailing Address 55 CLINTON ST
MARLBOROUGH
 City/Town _____
 State MA Zip Code 01752

Signatures:

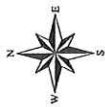
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant _____

Date _____

Signature of Representative (if any) _____

Date _____



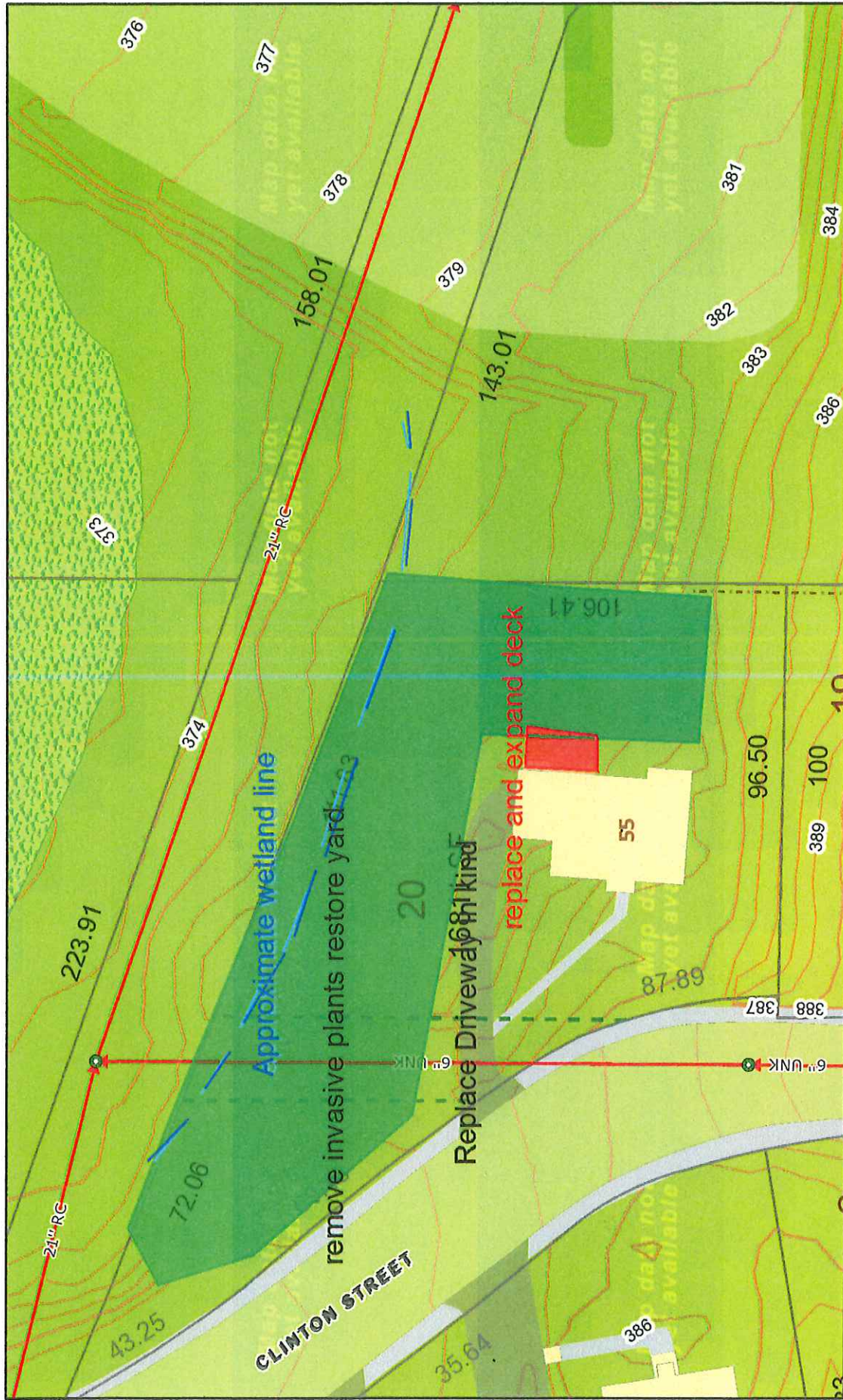
April 28, 2022

Marlborough, MA

1 inch = 34 Feet



www.cai-tech.com



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

April 28, 2022

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

Re: Wetland Restoration Monitoring Report, Fall 2021
Parcel 'L' Hayes Memorial Drive, DEP #212-1229

Goddard Consulting, LLC (Goddard) is pleased to submit this wetland restoration monitoring report on behalf of the permit holder, The Gutierrez Company, as required in the Order of Conditions (OOC) for DEP File #212-1229 at 0 Hayes Memorial Drive "Lot L". Goddard has acted as the Wetlands Scientist in accordance to Special Condition #46-47 in the OOC.

Site Inspection:

On April 27, 2022, Goddard Consulting conducted its third site inspection of the restoration area that was completed in the fall (Figure 1) of 2020 as required by Special Condition #47.

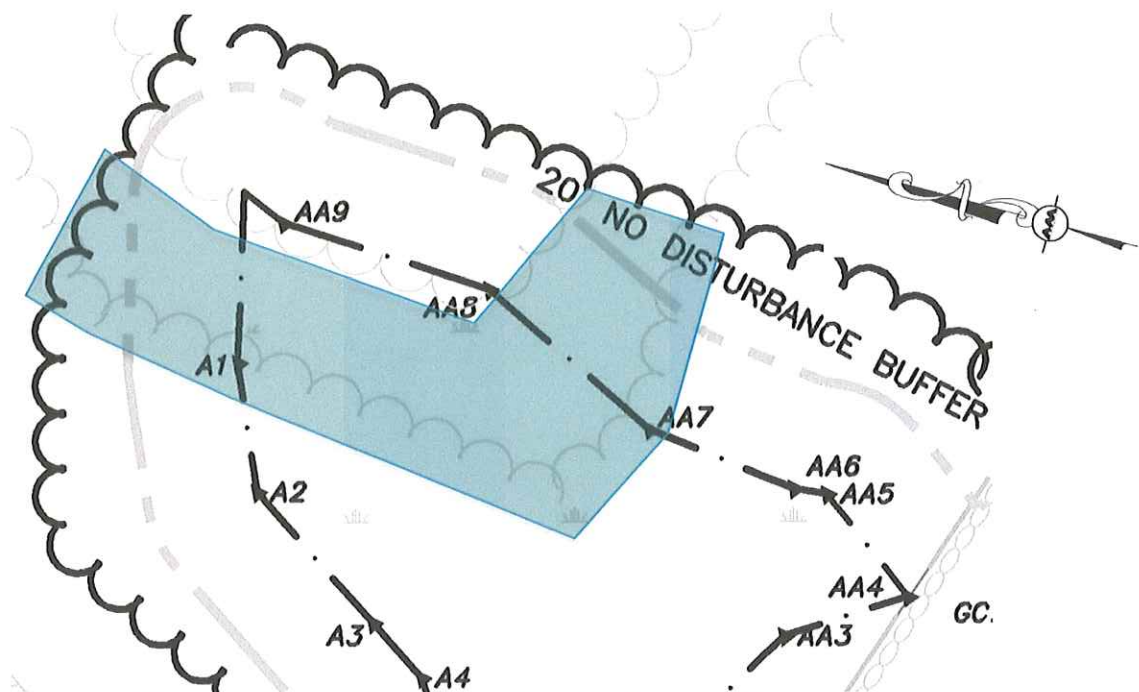


Figure 1: General Location of Area Restored (not to scale)

Hydrology:

Visible or evidence of standing water or saturated conditions on the ground surface was observed throughout the restoration area. The surface hydrological connection to the adjacent wetland also appears to be functioning well. Some natural iron staining was observed.

Soils:

From the fall 2020 restoration work, the soil conditions, therefore, satisfy the bordering vegetated wetland (BVW) criteria as designed and intended.

Vegetation:

The restoration area showed good spring establishment of the herbaceous vegetation, including cinnamon fern, sensitive fern, sedges, rushes and skunk cabbage. Buds were noted on Spicebush, arrowwood, highbush blueberry, and winterberry shrubs. Red Maple tree canopy also shadowed most of the restoration area. The vegetation coverage from these species was 80%. The vegetation satisfies the 75% wetland vegetative coverage required for success as intended. Goddard did remove a handful of multiflora rose and honeysuckle seedlings.



Photo 1: Restoration area from AA8 looking south



Photo 2: Restoration area from AA8 looking west



Photo 3: Restoration area from AA8 looking north



Photo 4: Restoration area near A1 and A9 looking south



Photo 5: Restoration area, rushes, cinnamon fern, sedges and skunk cabbage



Photo 6: Restoration area, rushes, cinnamon fern, sedges and skunk cabbage



Photo 7: Restoration area, rushes, cinnamon fern, sedges and skunk cabbage

Conclusion:

Goddard found the restoration work has restored the area back to natural conditions, and has 80% vegetative coverage that includes herbaceous, shrubs and trees. The area will continue to be monitored through the end of the 2022 growing season as outlined by Condition #47.

If there are any questions concerning this report, please do not hesitate to contact us.

Sincerely,
Goddard Consulting, LLC

By:



Mark R. Arnold
BSc, Wetland Engineer

Distribution List via email:

- David M. Robinson, Allen & Major Associates, Inc., drobinson@allenmajor.com
- Joe Vasapolli, The Gutierrez Company, jvasapolli@gutierrezco.com
- Israel Lopez, The Gutierrez Company, ilopez@gutierrezco.com



City of Marlborough Conservation Commission

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

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

April 25, 2022

Alexandre Sampaio
514 Pleasant St.
Marlborough, MA 01752

AACCsampaio@yahoo.com

RE: Follow up on Wetland Violation- 541 Pleasant St.

Dear Mr. Sampaio,

At its meeting on April 21, 2022, the Conservation Commission discussed 541 Pleasant St. and were disappointed that you could not attend. I did receive your e-mail apology for not attending on Friday. The Commission has asked that you attend the next meeting on May 5th to work with you to find a resolution to restoring the wetland that you had cleared. Several items the Commission would like to discuss with you at the next meeting are as follows:

1. NO CLEARING: During the site visit on April 11th, the Commission agreed with the wetland flag location. However, they also noticed that many of the healthy tree stumps that were sending up new shoots had been cut. (see attached photos) These were the trees we wanted to resprout to restore the vegetation. PLEASE STOP any further clearing or cutting. If these stumps had had a chance to grow, you would need to plant fewer trees to restore the areas.
2. RESTORATION: The commission will discuss with you options for restoring the buffer zone and replanting trees and shrubs in this area and removing the invasive plants which are now growing more aggressively because there is less shade.

The goal for the meeting will be to come up with a plan to return the area to its wooded condition and restore the buffer zone.

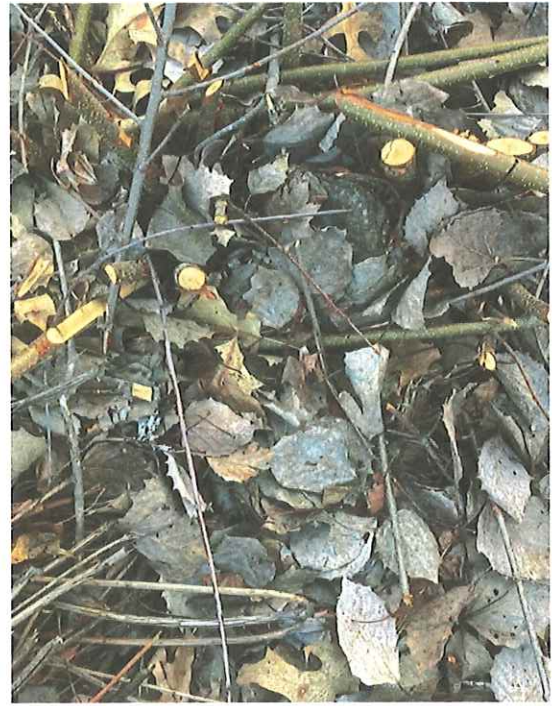
Failure to attend the meeting on May 5th will result in daily fines of \$100. The Commission has been very patient with you, and although they understand your financial difficulties, the restoration of the wetland area is still necessary to ensure the wetlands are restored and protected.

Please let me know when you receive this letter. If you have a question on the above, please call this office at 508-460-3768.

Sincerely,

Priscilla Ryder
Conservation/ Sustainability Officer

✓
2/24



Stump shoots cut



soil and debris from lamp installation in buffer zone



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Priscilla Ryder Conservation Officer

April 20, 2022

Rick Borden
J. Calnan & Associates
3 Battery March Park, Fifth Floor
Quincy, Massachusetts 02169

RE: Wetland Violation- Martinangelo Dr. from 100 Campus Dr. Garage – Marlborough

Dear Mr. Borden,

I was out on site yesterday April 19th after the rain on Monday evening April 18th. The discoloration of the pond off Martinangelo Dr. at the bridge crossing revealed muddy water in the stream. I traced it up hill to the TCAM Garage that you are building. I spoke with Matt DiGiovanni this afternoon to explain the problem

This is a violation of the following regulations.

Stormwater ordinance - Marlborough General Code Ch. 271 (enforced by City Engineer)
Wetland Protection Act- 310 CMR 10:00 (Enforced by Conservation Commission)

A fine of \$300 is being issued for this violation of silt in the wetlands. The ticket is attached.

Please remember, it is your responsibility to keep silt from leaving the site by protecting your drainage system with appropriate erosion controls. If there are issues you must notify us immediately. Please make sure you identify the discharge point on your site and confirm to me that this has been resolved with photos. You can provide these to me by e-mail. Further violations will require halting the project and filing with the Conservation Commission. I trust that won't be necessary.

Your immediate and continued attention to this matter is appreciated and required. Should you have any questions on the above, please give me a call at 508-460-3768.

Sincerely,

Priscilla Ryder
Conservation Officer

Ticket # 0342- \$300
E-mail: Tin Htway- Building Commissioner; Tom DiPersio– DPW
Con. Com.



Photo taken from Martinangelo Dr. looking down stream - Priscilla Ryder 4/19/22



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Marlborough, Massachusetts 01752
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Edward Clancy – Chairman
Dennis Demers
John Skarin
Allan White
David Williams
Karin Paquin
William Dunbar
Priscilla Ryder Conservation Officer

April 21, 2022

Jim Orlando
Cameron General Contractors
7101 S 82nd St
Lincoln Ne 68516

JOrlando@camerongeneralcontractors.com

RE: Stormwater & Wetland Violation Notice- fine \$300
96 Crowley Dr.

Dear Mr. Orlando

As we discussed on April 8th and as reviewed on site on April 13th, muddy water was discharging into the drainage system in Crowley Dr. which drains to a stream that discharges to Ft. Meadow Reservoir. The sediment pond and wetland were very muddy. This is a violation of the following regulations.

Stormwater ordinance - Marlborough General Code Ch. 271 (enforced by City Engineer)
Wetland Protection Act- 310 CMR 10:00 (Enforced by Conservation Commission)

Based on our site walk and our discussion about controlling the silt at the source and controls you have and will continue to put into place, you are only being assessed a fine of \$300. If no further violations occur and no further muddy discharge is observed to the wetland then you are fine. If, however, additional violations occur, the Commission will be forced to issue a full enforcement order and require the filing of a wetland permit, as now your project is impacting the adjacent wetland. We trust this measure won't be necessary.

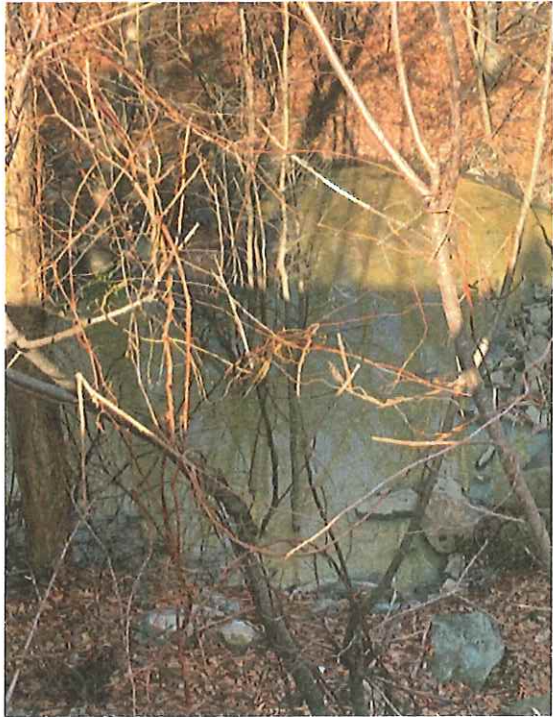
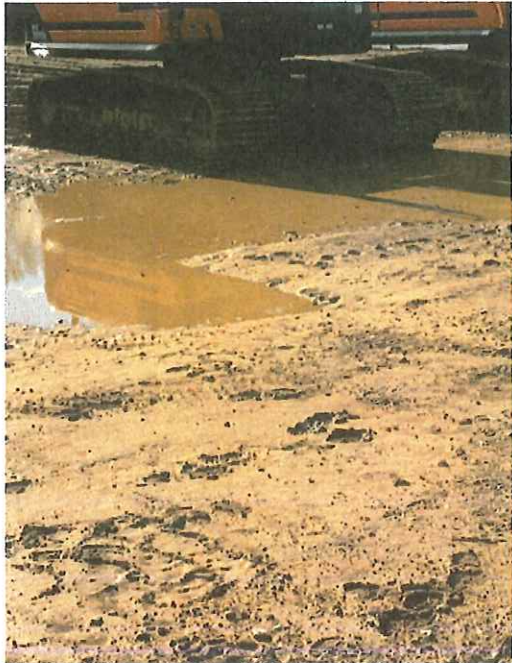
Please remember, it is your responsibility to keep silt from leaving the site by protecting the drainage system with appropriate erosion controls. If there are issues you must notify us immediately. Your immediate and continued attention to this matter is appreciated and required. Should you have any questions on the above, please give me a call at 508-460-3768.

Sincerely,

Priscilla Ryder
Conservation/ Sustainability Officer

Ticket # 0343- \$300

E-mail: Tin Htway- Building Commissioner; Tom DiPersio- DPW
Con. Com.



Photos taken 4-8-2022 by P. Ryder