

Conservation Commission

Meeting minutes

DRAFT

August 18, 2022; 7:00 PM

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

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

The hearing was recorded using Microsoft Teams.

Approval of minutes: The minutes of July 21, 2022 were reviewed and on a motion by Mr. White, second by Mr. Clancy to approve as written. The Commission unanimously approved 7-0.

Request for Determination of Applicability

64 Westernview Dr. - Jason Shafferman – at the applicants request this hearing was continued to the September 1, 2022, meeting.

Notice of Intent

0 Red Spring Rd. - Robert Durand - Red Spring Road Homeowners Association, Inc. (RSRHA)

Those present were Robert Durand Chairman RSRHA, Scott Ferrecchia, Stephanie Ferrecchia, Steve Vigeant on the RSRHA, and Neal Vigeant Red spring Rd. resident and Robert Parente - Civil Engineer. Mr. Durand indicated that the property was bought by the Association from the Morse family, so they jointly own 49.8 acres of land. With the land transfer came the State Board of Health requirement to meet Title V septic regulations. When the systems were all tested 19 failed and 9 passed. So, it was determined that the solution to compliance was to install a private sewer force main from Red Spring Rd. to Cullinane Dr. sewer pump station. He also noted that the association is very aware that the nearly 50 acres of land they own is important to the lakes water quality so they will work to keep the canopy as closed as possible as this does help to keep the lake cool. They have helped with clean sweep cleanups, will be working on invasive species removal and encourage native pollinators in order to keep Red Spring Rd. ecologically healthy.

Mr. Parente has been working with Peter McClure (who couldn't attend) the project engineers. He explained they are proposing to install the EM.1 pump system which has been used in several areas of the city. Each house would have its own pump up to the system and this will pump to Cullinane Dr. pump station. The pipe will begin at the Intercolonial Club with a 2" force main, the system needs to go under all the stream crossings, except 3 culverts which will need to be replaced as further described and shown on the plans. Mr. Demers and Mr. White asked about the individual house storage tank requirements. The applicant will check with the city engineer on these requirements. Several large trees right near the roadway will need to be removed to allow for access of equipment. Several drainage areas were discussed where upgrades and new structures are proposed to better accommodate flows. The culverts to be replaced were discussed and capacity issues will be reviewed by the City Engineer for the next meeting.

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electronically through the new OpenGov System. Applications, payments, and permits are then issued online through this system. Building, Fire, Engineering, Planning Board, Board of Health, and City Clerk have some (not all) permits on this online system which is now live and running.

- Cider Knoll – beaver deceiver installation 8/11/2022 - Ms. Ryder noted that the beaver deceiver installations were done on 8/11 and is now in place between the two dams to keep the water level from rising into septic systems that exist around the pond.
- Letter from Ft. Meadow Commission – dated 8/5/2022 - RE: Recommend a winter long drawdown starting Nov. 1, 2022, thru March 1, 2023. Mr. Lee Thompson was present and explained that his commission recommends a Nov. 1st Four Foot drawdown. After some discussion about the timing of the Red Spring Rd. project and the current drought situation it was determined to table this item until the next meeting when some answers can be provided.

Next Conservation Commission meetings: September 1st and 15th, 2022

Adjournment - There being no further business, on a motion by Mr. White, second by Mr. Clancy, the Commission voted unanimously 7-0 to adjourn.

Respectfully submitted,

Priscilla Ryder
Conservation/ Sustainability Officer

Conservation Commission
Meeting minutes

Sept. 1, 2022; 7:00 PM

DRAFT

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

Present: Edward Clancy - Chairman, Allan White, John Skarin and Karin Paquin. Also present was Priscilla Ryder-Conservation officer.

Absent: William Dunbar, David Williams, and Dennis Demers.

The hearing was recorded using Microsoft Teams.

Public Hearings

Request for Determination of Applicability

64 Westernview Dr. - Jason Shafferman

Mr. Shafferman was present and explained that the two-retaining wall at the water's edge are deteriorating, one has collapsed, and the other is severely undermined. He went through his plans and pointed out that they would like to repair the footings, stairs, and ledge area. He explained the sequencing the contractor will use to do this repair as outlined in the permit and noted that unfortunately all work including getting materials to the site will require work all by hand since no machines can make the steep slopes. Ms. Ryder noted that the generic permit has expired so because this is a wall replacement in-kind, they filed a Request for Determination of Applicability (RDA). After some discussion a site visit was scheduled for Sept. 13th at 5:00 PM and the contractor will be asked to attend. The hearing was continued to the Sept. 15, 2022 meeting.

Request for Determination

41 Boivin Dr. – Mahmond & JP Eltorai

JP Eltorai, the homeowner was present. She explained that the wetland and the 30' wetland buffer zone on either side of the stream in her back yard is almost 100% invasive plants. She proposes to remove the invasive plants and dead trees and then replant with native vegetation to restore the area. The Commission noted that this has been the case on many sites, so this could be a test case to determine how best this could be done. Ms. Eltorai explained that she has seen the goats "working" around the detention basin and wondered if she could use the goats to clear out her back yard first before doing the restoration, since they enjoy poison ivy and bittersweet. The Commission noted that they had never seen goats used in wetland restoration areas but are willing to consider it and use it as a test case. Ms. Eltorai indicated that the dead trees are her biggest concern and wondered if they could come down now to prevent them from falling on to the house. The Commission remembered that they were covered with bittersweet and agreed these could be removed now and the restoration area could be done in the spring. The Commission asked Ms. Ryder to draft some conditions that include: 1. Removal of dead hazard trees immediately; 2. Use of goats and the restrictions; 3. Invasive plant removal once goats are done and what timeframe to use for control 4 wetland

restoration and planting as the final step. Ms. Ryder will draft. The Commission continued the hearing to Sept. 15th.

Abbreviated Notice of Intent

21 Blaiswood Ave. Helvecio Carvalho

Ms. Ryder reminded the Commission that this Notice of Notice of Intent (NOI) filing was the result of the violation which included the installation of the retaining wall along the water's edge without a permit. She noted that she had asked Mr. Helvecio to measure the distance from the house to the wall in an attempt to see where it fell in relation to the 262' flood elevations shown on the GIS maps. He measured 36' and 37' which puts the wall very close to the 262' elevation, closer than the Commission was willing to make a decision on. The Commission asked the owner to hire a survey crew to locate the wall in relation to the 262' elevation. If the wall is outside this elevation, then some mitigation of the 30' buffer with plantings as suggested by Mr. Helvecio may be appropriate, if the wall is within the 100-year floodplain area then mitigation as outlined in the regulations would be necessary which might require some or all the wall to be removed. The Commission will wait to see the survey. At the applicants request the hearing was continued to the Oct. 6th meeting to allow time to get the survey done.

Notice of Intent

846-850 Boston Post Rd. – Exela Movers

David Cowell from Hancock Associates was present and explained that the proposal is to remove the existing house on the lot and replace it with self-storage units, in keeping with the existing long self-storage building that is on the lot. The work falls within the 100' buffer zone and a portion within the 30' wetland no disturb zone. He explained that if mitigation is needed there is room and opportunity to do some wetland restoration by removing the invasive plants in the wetland area. Mr. Clancy noted that there is new work proposed within the 30' no disturb buffer zone and that is not acceptable, he suggested that they lose a unit and adjust the work outside of the 30' buffer zone. Mr. Clancy asked if a fence was proposed and was told not at this time. Ms. Ryder noted that she believes this project may need City Council approval as well and that the applicant should check with the building department. Mr. Skarin and Mr. Williams asked questions about the parking area/driveway, which is now gravel and just has country drainage, this should be improved to improve water quality. The Commission asked for revised plans in color and at a larger scale. The members indicated they would look at the site on their own before the next meeting. Mr. Cowell will convey the concerns the Commission has to his client and provide a revised plan. The hearing was continued to the Sept. 15th meeting.

Notice of Intent

0 Red Spring Rd. - Robert Durand - Red Spring Road Homeowners Association, Inc. (RSRHA)

Robert Parente and Peter McClure engineers for the project were present, along with several members of the RSRHA. Mr. McClure explained that he made revisions to the plans based on the site visit. Two of the culverts to be replaced were noted as being within a stream so 4' wide

by 2' high box culverts are now proposed at these two locations. It comes closer to meeting the "stream crossing" requirements set by the state. They are not able to meet all the "openness ratio" standards because the road depth to the culvert is so shallow and it is not practical given the existing site conditions. These changes were reviewed by Mr. DiPersio, and he also adjusted the plan to reflect the removal of the drainage pipe downstream of the culvert on #41 Red Spring Rd. as reviewed and discussed at the site walk.

Mr. Parente provided a plan showing the areas where they will need to clear 15' from the road edge to allow for the machine to be able to swing around. He noted that they marked the trees. 2 pink flags indicate that this large tree will stay, and they will work around it. The one pink flag just shows the limit of work. The smaller trees 15' off the roadway will be trimmed or removed (3-15 inches trees in diameter will be removed).

The Commission asked about the standards for the house connections and storage tanks, Mr. Parente will check with engineering dept. on that. This will be reviewed under separate Notice of Intent/Request for Determination of Applicability (NOI/RDA) to review the individual house connections. They will add 10' stubs off the main during this initial sewer line installations, each house will then need to connect from there.

After further discussion about construction sequencing and materials and machinery to be used, the Commission asked Ms. Ryder to draft conditions for the next meeting for review. The hearing was continued to the next meeting on Sept. 15.

Certificate of Compliance

- 212-1183 329-331 Boston Post Rd.- Ms. Ryder tried to inspect the site again but was not able to enter, a site visit is set for next week. Ms. Ryder recommended the Commission sign and approved, and she will hold it until after the site visit, which is intended to review the health of the plantings done on the other side of the fence. On a motion by Mr. Skarin second by Mr. White to issue a full Certificate of Compliance and for Ms. Ryder to hold it until after the inspection. The Commission voted unanimously 4-0.

Discussion/Correspondence:

- 541 Pleasant St – Enforcement Order – continued discussion – Mr. Sampaio. Mr. Sampaio was not able to attend but his lawyer Mr. White did attend. He explained that he has spoken to his client, and he has agreed that they need to hire a contractor who knows how to do wetland restoration and invasive plant control. He asked if the Commission had any recommendations. Ms. Ryder noted that she has a list of contractors who've worked in the city, but that the city can't recommend anyone. After some discussion about process and the need to get something done on this site to begin restoring the damage done, it was agreed that Mr. White and his client will work towards hiring a consultant and then returning to the Commission with a plan when it is ready. The Commission asked that a progress report be provided on Oct. 6th and again on Nov. 4th to keep them informed of the next steps and timeline for the restoration plan to be submitted. This

should give ample time to find a consultant and get a plan together. Mr. White agreed and thanked the Commission for this consideration. The Commission noted that failure to submit these reports would constitute a violation, they hoped that would not be necessary.

- Desert Natural Area Wildfire- update. Ms. Ryder explained that she and Ms. Paquin have walked around the 25+ acre wildfire location at the Desert to assess damage. They alerted the Fire Dept. of some still active fire spots. The report back was that as long as the hot spots are within the existing fire ring they should be left to burn. Only when fire is seen jumping closer than 30' to the outer edge of the existing fire does the fire department need to be called. Interesting "charcoal" eating fungus was observed on the forest floor just 3 days after the fire. One of the trail volunteers has agreed to take monthly pictures from one location to document change over time, as was done for the prescribed burn. It will be interesting to see this change. The fire is 100% contained and will continue to burn until we get a substantial rain event or snow, whichever comes first.
- Letter from SVT, RE: How Conserving Open Space provides economic benefits to Mass Communities. – The commission reviewed this document and noted that it has good useful information.
- Ft. Meadow Commission Drawdown Request - Mr. Thomson from the Ft. Meadow Commission explained that they are requesting that the winter drawdown take place on Nov. 1st and then be closed on March 1st. They have spoken with the Red Spring Rd. condo association, and this should not provide any conflict. On a motion by Ms. Paquin second by Mr. Clancy to approve the drawdown start date of Nov. 1st. The Commission voted unanimously 4-0 to approve.
- Phelps St. emergency repair - Ms. Ryder noted that the City Engineer has asked for an Emergency Certificate to repair a hole in the exiting culvert which is getting bigger by the day. They have ordered a sleeve to be installed to fix the problem. The Commission agreed this is an appropriate use of an Emergency Certificate. They will ratify once it is issued.

Next Conservation Commission meetings: September 1st and 15th, 2022

Adjournment - There being no further business, on a motion by Mr. White, second by Mr. Clancy the Commission voted unanimously 4-0 to adjourn at 8:55 PM.

Respectfully submitted,

Priscilla Ryder
Conservation/ Sustainability Officer

Conservation Commission

Minutes

DRAFT

September 15, 2022; 7:00 PM

Marlborough City Hall – 3rd Floor (Memorial Hall)

140 Main Street

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

Absent: None

The hearing was recorded using Microsoft Teams.

Public hearings

Notice of Intent (Open and continue to Oct. 6th)

253 & 257 Lakeshore Dr. - Michael Smith

Proposes to remove two existing houses and replace with one new home next to Ft. Meadow Reservoir. - As there was a mix up with abutter notifications, this item was continued to the Oct. 6th meeting.

Request for Determination of Applicability (continued from Sept. 1st) – Site visit 9/13/2022 at 5:00 PM

64 Western view Dr. - Jason Shafferman

Jason Shafferman was present and did a quick overview of the project for those not at the last meeting. Mr. Dunbar, Mr. Skarin and Ms. Paquin and Ms. Ryder did the site visit on Tuesday with the owner and the contractor. A summary of the site visit was provided by these members. Mr. Dunbar noted that he was concerned that when the water is drawn down that one corner of the bigger wall will still be in the water. Mr. Shafferman noted that the forms for repairing the foundation can also be a bit of a coffer dam and they can pump out the water from that to keep it dry to add the cement pour. Mr. Skarin noted that the area above the wall is to be regraded and wanted to confirm what drainage would be provided. Mr. Shafferman said they would put in a drainpipe to prevent the problems they have now which is undermining the current wall. After review of the photos and discussion about the sequencing, the Commission determined that this could be conditioned as follows: 1. Prior to construction a pre-construction meeting will be held with the Conservation Officer and the contractor doing the work to review sequence and observe water levels and discuss schedules; 2. Before work starts, offset stakes shall be installed to ensure that the new/repared walls are in the exact same location as they are today and that no encroachment into the lake occurs. This will be reviewed at the pre-construction meeting; 3. Prior to doing work a de-watering system shall be set in place (as needed) and approved by the Conservation Officer; 4. The design for the drainpipes and drain holes to be installed shall be reviewed and discussed at the pre-construction meeting with the contractor; 4. Prior to pouring the cement, the site shall be

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inspected by the Conservation Officer or Commission members to ensure it is dry and the weather is cooperating.

Request for Determination of Applicability (continued from Sept. 1st) review Draft conditions

41 Boivin Dr. - Mahmoud & JP Eltorai

Proposes to remove dead trees and invasive plants within wetland and buffer zone.

Ms. Ryder noted that she was not able to draft the conditions for this meeting and the applicant has agreed to continue the hearing to the October 20th meeting. This hearing was continued to the Oct. 20th meeting.

Notice of Intent (continued from Sept. 1st) 212-1254

846 & 850 Boston Post Rd. East - Exela Movers

David Cowell from Hancock Assoc. and Jasmine Matthew from Exela Movers.

Mr. Cowell explained that based on the last meeting the engineers had updated the plans and removed a unit so the facility would sit on the existing foundation and not require any further excavation. All work except for a small corner of the existing building is now outside the 30' no disturb wetland buffer zone. The Commission was pleased with this change. The storage units are prefabricated and will be stacked on each other with entrances from the driveway to the lower level and the upper-level entrance from the Rte. 20 side using the path shown on the plan. He also requested that the Commission approve the removal of 6 (8?) tall pine trees that lean over the existing storage units. He proposed that these could be replaced with shrubs. Mr. Dunbar noted that the Commission's policy is to do a 2:1 replacement when trees are removed so 12 (16?) trees would need to be added. The type of trees and location was discussed. Mr. Demers noted that the slope will need to be stabilized where the trees are to be removed. It was agreed that Mr. Cowell would provide a proposed planting plan for the area to include items noted above. Mr. Clancy asked about the driveway and if any improvements are anticipated, Ms. Ryder noted that drainage improvements should be implemented, even if it's a bio swale of some type. The owner noted that they weren't anticipating any changes but could look into the driveway. Ms. Ryder noted that based on a conversation with the building commissioner this project will likely need a special permit from the City Council in this district. The owner will work with her lawyer to determine what those next steps might be. There being no further questions from the Commission or the public, the Commission agreed to continue the hearing to the Oct. 6th meeting in hopes of getting plan changes and resolution about process. If other boards need to review this as well, it may be wise to keep the hearing open so changes can be reviewed. The hearing was continued to Oct. 6th.

Notice of Intent (continued from Sept. 1st) 212-1253 (review draft conditions)

0 Red Spring Rd. - Robert Durand - Red Spring Road Homeowners Association, Inc.

Bob Parente was present and represented the Homeowners association, also in attendance was Bob Durand, Neil Vigeant, and Ms. Ferrecchia.

Mr. Parente noted that at the last meeting he had asked about trimming the trees on the right side of the roadway to allow room for the machine to swing around and make and fill the trench. Several members had walked the site to look at the flagging. Mr. Skarin noted that the

roadway is getting overgrown, and he had no issues with the 15' trim operation proposed. The large trees that are marked with double ribbon would also be saved. Mr. Parente also asked if it was possible to lose the chips in the upland areas, as they are anticipating 350 yards of chips from this operation, so even if some could be returned to the woods that would reduce expenses tremendously. The Commission noted that this would be acceptable if it was not IN the wetlands and only the upland areas and well distributed. Also discussed was the caution not to chip up the invasive plants if they have berries as this would just spread the problem. Mr. Clancy asked about stockpiling, Mr. Parente and Mr. Vigeant explained the possibility of stockpiling at the opening across from the Intercolonial Club and trucking it off once a week to limit the number of trucks leaving the site. The plans do show 5 staging areas. Mr. Demers asked about the construction sequence and location of the trench, which Mr. Parente said would be to the lake side of the road. Mr. Dunbar asked about the insulation of the sewer line at the crossings, it was explained that under all the crossings, the line would be insulated and would sleeve through a pipe for easier repairs in the future. The final sleeve design would be approved by the City Engineer. Mr. Durand noted that they will also be seeking a variance from the Board of Health, so they don't have to tie in the new septic systems yet. Once the line is in it will be pressure tested this winter and the residence can hook up next year. They anticipate filing with the Commission for these lateral connections shortly as well. Mr. Parente noted that they have shown all the wetlands and the 30' wetland no disturb buffer zone and the 100' buffer zone on the map so the homeowner's association knows where these sensitive areas are on this condo property. Mr. Durand indicated he would share this with the association members. Ms. Ryder noted that she had drafted a set of conditions for this project for review and apologized that they were just presented tonight. After further discussion and no further questions from the public the hearing was closed. The Commission determined that they would take some time to review the conditions before the next meeting and would be in a position to vote on the conditions at the next meeting on Oct. 6th.

Discussion/Correspondence:

- Hazardous Waste Day – Oct. 1, 2022 – 9-noon – 860 Boston Post Rd.

Next Conservation Commission meetings: October 6th and October 20th, 2022

Adjournment - There being no further business on a motion by Mr. Demers, second by Chairman Clancy, the Commission voted unanimously 7-0 to adjourn.

Respectfully submitted,

Priscilla Ryder
Conservation/ Sustainability Officer

20 Prior to the beginning of work, the applicant shall:

- a) Obtain approval of the City of Engineer for the design of all drainage structures and facilities.
- b) Properly install all siltation controls according to the plans approved by the Conservation Commission.
- c) Provide the Conservation Officer with the name and telephone number in writing, of the person who will be immediately responsible for supervision of all work on the project site and compliance with this Order of Conditions. The Conservation Officer shall be notified in the event that the site supervisor or contractor is changed.
- d) Clearly mark the limits of work in the field and instruct all workers not to work beyond the limits.
- e) Notify Conservation Officer of the date upon which work will commence.
- f) Hold a meeting on the project site with the Conservation Officer, the project site supervisor identified in Condition No. 20-C above, and other relevant parties identified by the applicant or the Conservation Commission to review the project and this Order of Conditions. Siltation controls shall be inspected at this time.
- g) Failure to comply with Condition Nos. 20A-F, as well as Nos. 8 &9, shall constitute sufficient grounds for the Conservation Commission to order all work to cease until compliance is achieved.

- 21 The Conservation Officer shall serve as the Commission's agent in all matters pertaining to the interpretation and enforcement of this Order of Conditions. Accepted engineering and construction standards shall be followed in the conduct of all work.
- 22 Issuance of this Order of Conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
- 23 All work shall conform to the Notice of Intent, all plans, and all other documents, records, correspondence and representations of the applicant as presented to and approved by Conservation Commission.
- 24 The applicant shall notify the Commission before performing the modified work. If the Commission deems the modification significant, the applicant shall submit an amended Notice of Intent with any necessary documentation and obtain an amended Order of Conditions. The Commission shall reopen the public hearing in accordance with the provisions of 310 CMR 10.05 (5). The Commission may impose additional or modified conditions to protect the interests of the Wetlands Protection Act.

- 25 No excavated material shall be disposed of in violation of any local, state, or federal laws. All stumps must be removed from the site; no burying of stumps on site is permitted.
- 26 Prior to the issuance of a Certificate of Compliance, the applicant shall submit to the Conservation Commission for review and approval an as-built plan and a letter of compliance stamped by a registered professional engineer. Said plan and letter shall show that all conditions of this Order have been complied with in a satisfactory manner.
- 27 The Conservation Commission shall be notified in writing at the time of any transfer in the title to the property or any change in contractor/developers prior to issuance of the Certificate of Compliance. The name, address, and telephone number of the new owner shall be included in the notification as well as certification that the new owner has been provided with a copy of this Order of Conditions.
- 28 Prior to the issuance of a Certificate of Compliance the site shall be stabilized with vegetation or other measures approved by the Conservation Commission.
- 29 Prior to the issuance of a Certificate of Compliance and after the site has been stabilized, all erosion controls shall be removed from the site.
- 30 If the project involves the disturbance of more than one acre of land area, the applicant is also obligated to submit a Notice of Intent to the EPA for the NPDES Construction Permit per EPA's requirements found at the following web site <http://cfpub1.epa.gov/npdes/stormwater/cgp.cfm>

Findings of Fact:

After the purchase and transfer of this property from the Morse Family to the Red Spring Rd. Condo Association the Board of Health has required that a private sewer line be installed as the majority of the septic systems on this private roadway failed Title V inspection. The new sewer line should improve water quality by removing whatever nutrients are finding their way to the lake.

The project involves the installation of the sewer under many culverts, however three of the culverts are currently undersized or in disrepair and need to be replaced. Two of these convey intermittent streams and open bottom box culverts are being proposed to allow for wildlife passage as required in the stream crossing standards. These standards have been met as best as feasible given the existing site conditions and limited depth on the roadway. The Commission has reviewed and approved these culvert crossings which improve flow and wildlife movement over current conditions.

SITE-SPECIFIC CONDITIONS

Pre-construction items:

- 31 During the preconstruction meeting noted above, site contractor hired to do this job shall meet with the Conservation Officer and other members of the commission on site to discuss the following:**
- a) **Project construction sequencing – which part of the project will go first.**
 - b) **Timing and proposed dates for various sections of the project**
 - c) **Details of the dewatering system to be used for utility line installation in low areas**
 - d) **Details of dewatering system and diversion system to be used at the proposed stream crossings**
 - e) **Provide locations for clay collars to prevent dewatering of wetlands (see #33 below)**
 - f) **Location of all stockpile and equipment storage areas for this project.**
 - g) **[Anything else you want them to tell you about before construction??]**

Erosion Control/Construction sequencing

- 32 Erosion controls shall consist of staked straw wattles and silt fencing as shown on the plan. These shall be installed prior to the preconstruction meeting and inspected at the preconstruction meeting.**
- 33 Stone construction entrance pads shall be in place at the entrance/exits from off road work onto any public road to prevent the tracking of mud and silt into the public roadway. Dust shall also be controlled on this site at all times. If dirt is tracked onto the roadway it shall be cleaned up immediately. [is this needed here?]**
- 34 The applicant, property owner, and site contractor shall be responsible for regular inspections of the erosion controls on at least a weekly basis and prior to and immediately after (within 12 hours) each storm event. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously. These inspections shall be described in the reports required in the condition below.**
- 35 The applicant/developer shall submit to the Conservation Commission a monthly written status report prepared by a registered professional engineer or environmental consultant competent in such evaluation, during construction summarizing the work that has been completed, compliance of the project with the Order of Conditions, and the status of the erosion controls. The person who will do the inspections and provide the written reports shall be identified in the pre-construction meeting required in condition #20 above.- [Is this necessary for this site?]**
- 36 The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Commission in an expeditious manner if any visible siltation of wetlands occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.**
- 37 Large piles of soil and other materials shall not be stockpiled closer than 50 feet to any wetland resource area without the approval of the Conservation Officer. All large stockpiles must be maintained in a stabilized condition with erosion control in place and approved by the Conservation Officer.**

- 38** If groundwater is encountered and dewatering is necessary, the dewatering system to be used shall be properly installed. All silty water must be filtered through a dewatering/sedimentation trap system, until such time as the water runs clean. At no point shall silty water be discharged into wetlands or streams without first being filtered. The filtering system must be able to remove all silt to below 260 NTU (turbidity unit) levels before discharge is permitted. The dewatering and filtering method to be used and the availability of a turbidity meter shall be presented to the Commission as noted in condition #31 above.
- 39** Clay collars– The contractor shall provide a detail for the clay collars are to be installed along the sewer line near the wetland areas. These collars shall be placed so as to prevent the bedding of the sewer to be a conduit for groundwater and shall prevent the dewatering of the adjacent wetland. Please provide details at the Commission meeting noted above for review and approval. **[is this needed if it's a force main system??]**

Tree Clearing along roadside

- 40** As outlined on plan XXXX selective tree clearing along the roadside is permitted to make room for the machine needed to dig the trench. Large trees that have been marked with double pink ribbons shall be saved and only trimmed if needed, the machine shall avoid disturbing these trees. Smaller trees and saplings along the length of the roadway may be trimmed/cleared up to 15' from the roadway as needed, less clearing is encouraged where feasible to help maintain this scenic roadway.
- 41** Chipping of wood cleared is permissible, as long as it is not infested with invasive plant seeds. The "clean" woodchips may be sprayed into the wooded areas that are upland of the wetland and outside the 100' buffer zone [or 50' BZ??]. All invasive plants with seeds shall be removed separately and disposed of properly so as not to "re-infect" the woods with these invasive non-native plants.

Culvert replacements

- 42** Culvert replacements– Three culvert replacements are proposed for this project the following steps shall be taken at each:
- 43** General conditions for culvert replacements:
- i) Prior to doing any culvert installation a pre-work meeting will be held on site with the Conservation Officer to review the protocols and weather. Approval from the Conservation Officer or Commission member is required before proceeding with culvert installations.
 - ii) Dewatering- If conditions require dewatering, the dewatering system to be used must be presented to the Commission for review and approval. Special attention must be made to the weather forecast to ensure that **XXX days** of clear weather is anticipated before and after the construction through the crossing takes place. **[How many days are anticipated for each crossing?]** NO WORK WILL BE PERMITTED AT THE CROSSING UNTIL GOOD WEATHER IS PREDICTED, NO EXCEPTIONS.

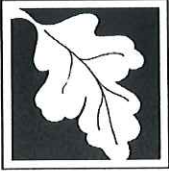
- 44** **Blasting-** Where blasting is anticipated near wetlands, matting shall be placed over the blasting area to prevent blasting materials from entering the wetland area. [Is this anticipated??? Any other conditions related to this??]
- 45** As discussed at the hearing the Condo association has established exclusive use areas for each home. These shall be mapped out to show unit area boundaries and show wetland boundaries, also show 30' wetland buffer no disturb zone. In the end it will be the Associations responsibility to be sure no encroachments on these areas occurs. Those that have already occurred shall be restored with native vegetation and kept natural. Owners of these areas shall follow up with Conservation Officer and provide a restoration plan. This can be provided for when the sewer hook ups are reviewed at a later meeting. This condition shall serve as a place holder until such time as the hook up connection documents are submitted and a permit for that work issued. When that occurs, this condition will become mute.
- 46** In addition to the culvert replacements, there is an existing drainpipe on lot #41 which often backs up. With the upstream culvert replacement, this pipe can be removed to open this channel and allow water to freely flow to the lake. Once the pipe is removed the area shall be stabilized with jute matting or other material to ensure it is stabilized. Erosion controls shall be placed on the downstream end of the pipe to prevent silt from reaching the lake. This drainage pipe also serves to allow a cart path which the Commission will allow to be replaced with a foot bridge if the homeowners so desire. If a foot bridge is desired, a sketch shall be provided to the Commission for review prior to installation. This condition allows its installation.

Certificate of Compliance

- 47** Prior to requesting a Certificate of Compliance, the applicant or its agent shall clean, all drainage pipes, structures and catch basins of accumulated sediment and debris.
- 48** Prior to requesting a Certificate of Compliance, the site shall be stabilized to prevent siltation to the wetlands, and once stabilized all erosion controls shall be removed.

END CONDITIONS

Anything I missed???



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

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



Issuance From: Marlborough Conservation Commission
 Issuing Authority

1. Site Location: Phelps St. Culvert at Mowry Brook

2. Reason for Emergency:
Hole in the roadway which is eroding culvert which is undermining structure

3. Applicant to perform work: Marlborough Dept. of Public Works

4. Public agency to perform work or public agency ordering the work to be performed:
Marlborough Department of Public Works

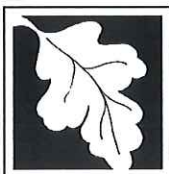
5. Date of Site Visit: Start Date: End Date*:
9/19/22 9/21/22 10/21/22

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
 *Sleeve the culvert with a liner and fill in gaps between liner and roadway with grout to repair hole. This will prevent further erosion and degradation of the culvert, stabilize the roadway and the culvert and restore to original function.
 *Dewatering stream channel as needed, with sandbags, pumps and or coffer dams so work can be performed in dry conditions.
 *Stabilize work area and restore stream flow when completed.

* May not include work beyond that necessary to abate the emergency.

7x4 ✓



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

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Marlborough Conservation Commission

Signatures:

Priscilla Ryde Conservation officer. *Priscilla Ryde*

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

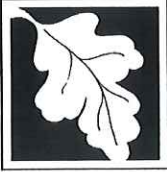
Signature

Printed Name

A copy of this form must be provided to the appropriate DEP Regional Office.

C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.



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D. Special Conditions

see item A. 6 above for allowed work, contact Conservation Officer for inspection once work is completed.

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

Edward Clancy
Marlborough Conservation Commission
140 Main Street
Marlborough, Massachusetts 01752

September 28, 2022

RE: Project Update
Hillside School – Lower Campus
DEP File#212-1250
192 Robin Hill Street, Marlborough, MA

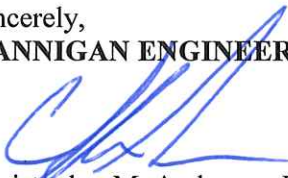
Dear Mr. Clancy,

On behalf of our client, Hillside School, Hannigan Engineering, Inc. is providing this update relative to the construction of a new academic building at 192 Robin Hill Street (Map 67, Parcel 7) in Marlborough, Massachusetts. This project was before the Commission in June of 2022, at which point the Commission issued an Order of Conditions, as recorded within the Middlesex South Registry of Deeds Book 80466, Page 66. Since that time, the applicant has completed the required soil testing for the construction of the new Subsurface Sewage Disposal System (septic system) as well as the design for the system. The intent of this letter to bring to the attention of the Commission the changes that have been made since the original approval.

As previously mentioned, additional soil testing has been performed in order to complete the design of the septic system. It is the intent to utilize a Presby Advanced Enviro-Septic system in lieu of the originally intended traditional pipe and stone system. As part of the final design the location of the primary and reserve system were reversed as to locate the septic system further from the proposed roadway system to minimize the required earthwork within the area around the building. Additional changes included minor location and configuration changes to the required septic tanks and force main locations that transmit effluent to the system itself. It is noted that the Marlborough Health Department has approved of the proposed septic plan and its conformance with the applicable regulations. All of the aforementioned changes are located outside of the 100-foot buffer zone and outer Riparian Zones and does not materialistically change the intent of the previously approved plan.

Hannigan Engineering, Inc. is providing this information to provide additional information to the Commission relative to the ongoing project. Please feel free to contact me at this office should you have any questions or concerns.

Sincerely,
HANNIGAN ENGINEERING, INC



Christopher M. Anderson, PE
Project Engineer

pc: Emily Kent
Pete McKenna

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