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**CITY OF MARLBOROUGH MEETING POSTING**

2023 MAR -7 PM 1:24

Meeting Name: Conservation Commission  
Date: March 16, 2023  
Time: 7:00 PM  
Location: 140 Main St. – Marlborough City Hall – 3<sup>rd</sup> Floor (Memorial Hall)

**ALL MEETINGS ARE IN PERSON AT CITY HALL**

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**Approval of Minutes:** Review minutes of March 2, 2023

**Public hearings**

7:00 Abbreviated Notice of Intent (continued from March 2, 2023)  
21 Blaiswood Ave. - Helvecio Carvalho  
Proposes to build a patio, firepit and retaining wall on the shore of Ft. Meadow Reservoir.

**Review Order of Conditions**

- DEP 212- xxxx - 31 Red Spring Rd. – Arthur Vigeant

**Discussion:**

- Floodplain and Wetland Protection District - Chapter 650-23 Zoning – Article VI. Special Districts, Overlays and Special Requirements – Review and comment for Climate Change Ordinance updates
- 541 Pleasant St. – Progress report
- Conservation Commission Facebook page update.

**Correspondence:**

- Save the Date - Project Clean Sweep – Earth Day Saturday April 22, 2023

**Next Conservation Commission meetings:** April 6 and April 20. 2023

**Adjournment**



Conservation Commission  
Minutes DRAFT  
March 2, 2023 - 7:00 PM  
140 Main St. – Marlborough City Hall – 3<sup>rd</sup> Floor (Memorial Hall)

**Present:** John Skarin - acting Chairman, Allan White, David Williams, Dennis Demers, and Karin Paquin. Priscilla Ryder-Conservation officer was also present.

**Absent:** William Dunbar, Edward Clancy

The hearing was recorded using Microsoft Teams

**Approval of Minutes:** The minutes of Feb. 16, 2022, were reviewed and on a motion by Mr. White second by Mr. Skarin, the Commission voted unanimously to approved 5-0.

**Public hearings:**

Abbreviated Notice of Intent

31 Red Spring Rd. - Arthur Vigeant

Robert Parente P.E. was present and presented a plan to construct a new house, garage, sewer pump and well and driveway within 100 ft. of Ft. Meadow Reservoir. He reminded the Commission that they had recently approved tree clearing and then the removal of the old house, so the lot is now cleared and has been stabilized with mulch. The new house will have a deck which is shown on the full footprint of the house. The garage is shown but will likely be constructed at a later date. Ms. Ryder noted that permits are good for 3 years and can be extended. Mr. Parente showed that all work is outside the 30' no disturb buffer zone and outside the 100' year floodplain which shows as elevation 262' on the FEMA maps. The cellar floor will be 7' above this floodplain elevation. Once the house is installed all disturbed areas will be loamed and seeded. The Commission asked about excess dirt, and if additional trees need to be removed for the garage and if there was a foundation drain. Mr. Parente indicated all excess soil would be trucked off site, no additional trees are to be removed and the well would be certified per BOH requirements. After some discussion Mr. Parente indicated he would revise the plans to add the following: foundation/perimeter drain, trench dam on sewer connection up near street to prevent groundwater flow in pipe bedding. There being no further questions or comments from the Commission or the audience, the hearing was closed. The Commission asked Ms. Ryder to draft conditions for review at the next meeting.

**Request for Determination of Applicability**

60 Carver Hill St. - Timothy Shannon

Mr. Tim Shannon was present and explained that he proposes to do landscaping, stonework and regrading of the back yard which falls within the 100' buffer zone to the adjacent wetland/stream. He bought the house in 2015 and id clear a bunch of trees along the edge of the flat graded area when he moved in, not knowing about any wetland restrictions. When Ms. Ryder visited the site, she alerted him to these requirements and asked that he file for a permit to cover the landscaping work with is in the buffer zone. He had removed about 12 large trees a few years ago. His goal is to plant at least that many and to blend the yard into the adjacent woods. Using the buffer zone restoration list that Ms. Ryder provided, he came up with a planting plan which he shared with the Commission. The Commission discussed the historic use of this back area, which was being used as a contractor's yard, they were pleased it was to be restored to lawn and trees and planting beds with wildflower mix. Trees were to be planted 14' apart and Ms. Ryder would be consulted before they were installed. After some discussion about the footprint and the stonewalls and split rail fences to be installed within existing cleared area, and confirmation that all excess materials will be removed from site. The Commission noted this

project would be an improvement over existing condition. There being no further questions from the Commission or the audience, the hearing was closed. On a motion by Ms. Paquin second by Mr. Skarin to issue a negative determination with standard conditions and 30' wetland setback markers at the pinch point, the Commission voted unanimously 5-0 to approve.

Abbreviated Notice of Intent (continued from Feb. 2, 2023)-(Set site walk)  
21 Blaiswood Ave. - Helvecio Carvalho

At the applicants request this item was continued until the Commission could do a site walk. A site walk was set for Tuesday March 14 at 5:00 PM., if the snow cover is still substantial then the site walk will be rescheduled, Mr. Williams, Skarin, White and perhaps Clancy plan to attend. This hearing was continued to the March 16, 2023, meeting.

Notice of Intent (212-1254) (continued from 2/16/2023)  
846 850 Boston Post Rd. East – Exela Movers

At the applicants request this hearing was continued to April 6, 2023, to allow them to go to City Council for a special permit first.

Violations:

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**47 Red Spring Rd.** – Discuss clearing and dumped stones with Mike White – Red Spring Rd. Buffer zone planting protocol. The Commission reviewed the violation notice submitted to Mr. White to review the next steps. Mr. White explained that he had been confused about the lot lines and unsure where the wetlands were. Mr. Durand, president of the Red Spring Rd. Association, indicated that the board had met with Mr. White to outline steps they wanted to see as well. He noted that Mr. White has complied by moving the trailers and vehicles from the area and he has agreed to comply with the Commission's notice. After some discussion about the impacts to the wetlands and the need to hire a consultant to delineate the wetland as outlined in the violation notice, the Commission asked Mr. White to file a Notice of Intent to address this violation. Mr. White agreed and will be back to the Commission once he has hired someone and they have filed.

**541 Pleasant St.** – wetland violation- updates- Ms. Ryder indicated that has been no update since the last meeting when the lawyer indicated they had hired Green Abundance by Design, the snow cover may be delaying the filing. Ms. Ryder will inquire.

#### **Emergency Certificate:**

- Beebe Pond beaver dam removal – Officer of Dam Safety – issued 2/11/2022 – ratify. Ms. Ryder noted that the original emergency certificate expired before the beaver pipe could be installed. She consulted with DEP and then issued a second emergency certificate. Since then, the beaver deceiver has been installed and the threat has been abated. On a motion by Mr. Demers second by Mr. Skarin to ratify the Emergency Certificate, the Commission voted 50-0 to approve.

#### **Discussion:**

- 587 Bolton St. – Bolton Street Tavern – design change- The Commission reviewed the notice provided to the Tavern about doing work without first consulting with the Commission. The Commission agreed this was appropriate.
- Open Space Development Definitive Subdivision Plan – Beauchemin Estates – 689 Pleasant St. – Comments to Planning Board before March 13<sup>th</sup>. The Commission reviewed the definitive plans for this project and

reviewed a letter to the Planning Board. Mr. White and Mr. Demers indicated that the lots were too marginal near the wetlands and would create a headache of enforcement for the Commission in the future. Mr. White expressed concern about the wildlife corridor being interrupted here. Others noted that wetland filing requirements should be included in the letter. Ms. Ryder suggested adding the wetland filing and marginal lot information to the letter. After some discussion and review of the plans, on a motion by Mr. Williams, second by Mr. Skarin to approve the letter as amended and send to the Planning Board, the Commission voted to approve 4-1. Yay: Skarin, Paquin, Demers, Williams, Nay: White.

- Flood Plain and Wetlands Protection District – Article VI Ch. 650-23-23 Zoning-Special Districts Overlays & Special Requirements – Review and comment for Climate Change Ordinance updates. Several members have reviewed and will provide comments to Ms. Ryder, if there is time at the next meeting this will continue to be discussed.

**Next Conservation Commission meetings:** April 6 and 20, 2023

**Adjournment -**

There being no further discussion on a motion by Mr. White, second by Mr. Skarin, the meeting was adjourned at 8:10 PM

Respectfully submitted,

Priscilla Ryder  
Conservation 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. 18-C above, and other relevant parties identified by the applicant or the Conservation Commission to review the project and this Order of Conditions. Siltation controls shall be inspected at this time.
  - g. Failure to comply with Condition Nos. 21A-F, as well as Nos. 8 & 9, shall constitute sufficient grounds for the Conservation Commission to order all work to cease until compliance is achieved.
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.

**Site-specific conditions:**

30. Prior to commencing work on site proof that the new well has been approved by the Board of Health shall be provided to the Conservation Officer.
31. Prior to the commencement of any work on the site a staked straw waddle erosion control barrier shall be placed on the site according to the approved plan. This barrier shall mark the limit of work, no work or clearing shall occur beyond this point.
32. All excess excavated soils and materials shall be removed from the site.
33. A trench dam shall be shown on the plans 10' off the lateral from the main sewer trunk line. It shall be installed to ensure groundwater doesn't travel along the trench bedding.
34. A perimeter/foundation drain shall be added to the plans and installed during construction to daylight towards the lake.
35. In the event that dewatering is necessary, the discharge shall be directed to a sediment trap. All efforts shall be taken to prevent the discharge of sediment to



wetland resource areas. If a dewatering system is to be used, the contractor must contact the Conservation Officer for review and inspection prior to its use.

Landscape improvements

36. The applicant has indicated that they will be replanting and landscaping the yard once the house is constructed. All landscaping is permitted by right, however if any significant earth moving with a machine or retaining walls needed to change any grades after the house is constructed, please contact the Conservation Officer for review and approval before that work begins to ensure protection of the lake. Planting of native plants and adding trees and shrubs along the shoreline, after consulting with the conservation officer, is encouraged. **(This is something we have discussed but haven't memorialized it yet... how should this be approached ?).**

**Prior to Issuance of Certificate of Compliance**

37. Prior to the issuance of a Certificate of Compliance, all disturbed areas shall be stabilized with vegetation or other measures approved by the Conservation Commission.
38. Prior to the issuance of a Certificate of Compliance permanent boundary markers shall be installed to mark the wetland buffer zone. They should be placed along the 30' wetland buffer line as shown on the plans. The permanent markers shall be some type of permanent markers in the ground approved by the Conservation Officer. These shall be shown on the as-built plan and clearly marked on the plan with a note indicating no work shall be performed beyond this point without permission from the Conservation Commission. A copy of the as-built plan showing this wetland buffer zone marking location shall be provided with the written request for a Certificate of Compliance. The plan shall be reduced and attached to and made part of the Certificate of Compliance and shall be recorded. Over the years the wetland boundary line may move, however, these permanent markers shall provide a guideline to future homeowners as to the limit of work.
39. Prior to the issuance of a Certificate of Compliance and upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This shall be an ongoing condition and shall be recorded in the deed and on subsequent deeds.

**ANYTHING I MISSED???????**

**END CONDITIONS**



# Marlborough Project



# Clean Sweep

Mayor Arthur Vigeant & The Marlborough City Council

*Invite you to participate in Project Clean Sweep,  
2023 to take pride in and beautify our community*

**SATURDAY, APRIL 22, 2023**

VOLUNTEERS SHOULD ARRIVE BY: 9:00AM

DPW MUNICIPAL GARAGE, 135 Neil Street

**PLEASE BRING GLOVES TO PICK UP LITTER**

TRASH BAGS WILL BE PROVIDED

**\*RAIN DATE: SUNDAY, April 23: NOON—3:00PM**

SIGN UP BY CONTACTING DPW:

[dpw-dispatch@marlborough-ma.gov](mailto:dpw-dispatch@marlborough-ma.gov)

(508) 624-6910 x 33300

**Collectively Taking Pride In Our City**



