

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Conservation Commission

Date: January 20, 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 JAN 13 A 9:27

ALL MEETINGS WILL BE IN PERSON AT CITY HALL AS THE COVID 19 EMERGENCY ORDER HAS BEEN LIFTED.

Agenda Items to be addressed:

Acceptance of Minutes: January 6, 2022

Public hearing:

7:00 PM **Abbreviated Notice of Intent**
111 Cullinane Dr. - Yi Zhou
Proposes to install a 2 ft. high retaining wall along the waters edge on Ft. Meadow Reservoir.

7:10 **Amend Notice of Intent – 212-1215 (will be continued to Feb. 3, 2022)**
107 Simarano Dr. - Andrew Montelli, Post Road Realty LLC
To construct a woods trail with seating and a boardwalk around the pond

Project Updates/Violation Notices:

- 896 Boston Post Rd. – Renovo's Landscaping
- 890 Boston Post Rd. – Cornerstone Landscaping

Discussion

- Annual Review of Policies
 - Wetland setback policy
 - Tree removal policy
- Salt results at landfill snow dump
- 86 Roosevelt St. – 212-1226 Request for minor change to plan

Correspondence

- 212-1229 Parcel L – Hayes Memorial Dr. – Wetland Restoration Report Fall 2021 dated 1/11/2022.
- Grant award – Desert Natural Area Climate Change Resiliency Grant – letter dated 1-11-22 from Governor Baker.
- Letter from Nationalgrid – RE: Upcoming sideline vegetation management activities.

Next Conservation Commission meetings: Feb. 3rd and Feb. 17, 2022

Adjournment

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.

CONSERVATION COMMISSION

Minutes

DRAFT

**January 6, 2021(Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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

Absent: William Dunbar.

Approval of Minutes: The minutes of November 18, 2021 and Dec. 7, 2021 were reviewed and on a motion by Mr. Skarin second by Mr. Clancy they were unanimously approved 6-0.

Public Hearing

Request for Determination of Applicability

15 McCabe. Dr. – Julia Lombardi

A representative from Remodel or Renew Home Improvements was present for the homeowners. He explained that there is an existing deck 16'x16' that doesn't meet code, so they are going to remove the deck and replace it with a 16'x16' deck and add in a screen room on the deck. The only disturbance to the soil will be the installation of new footings at 8' distance apart. The footings will be "Big Foot" footings that will be installed by hand as no machinery can access the back. This new deck will be lagged to the house. Any excess material generated from the footings will be removed from the site. The Commission agreed this would be acceptable.

Ms. Ryder noted that she has meet on site with the DPW and the wetland goes through an old culvert in the middle of this back yard. Unfortunately, the pipe is blocked and now overflows into the adjacent property causing erosion and icing issue. City Engineer, DiPersio is investigating the best remedy for this situation and has suggested the removal of this pipe all together, which the homeowner has agreed to. The best time to remove the pipe may be during frozen conditions so as not to damage the yard. Once an approach is defined, he will be requesting permission to advance this erosion/drainage failure.

After some discussion the Commission closed the hearing. On a motion by John Skarin and seconded by Mr. Clancy to issue a negative determination with standard conditions to allow the deck/screen porch replacement, the Commission voted unanimously 6-0 to approve.

Amend Notice of Intent – 212-1215

107 Simarano Dr. – Andrew Montelli, Post Road Realty LLC

Mr. John Shipe, consultant to Post Road Realty LLC and Mitch Maslanka of Goddard Consulting and Eric Rains of Eric Rains Landscape Architect LLC were present. Mr. Shipe explained that based on the previous informal meeting with the Commission, they have formally filed for an amended Order of Conditions to construct a walking trail around the pond at the 107 Simarano Dr. site and have worked out some of the details which Mr. Maslanka and Mr. Rain will explain.

Mr. Maslanka reviewed the plan presented to the Commission showing:

1. The new location of the additional flagging between the two ponds which had not been previously flagged.

2. Location of the helical pier boardwalk
3. Location of the seating areas as discussed in the field
4. A detailed description of the invasive plant species management plan they propose to implement around to pond within 5' of either side of the proposed 5' wide trail.

Mr. Rains pointed out the access points to the trail, the "ground wood project" natural trail surface and the Adirondack chairs to be placed in the seating area. He explained the trail signage and location as shown on the revised plan provided this evening.

The Commission asked questions about:

1. Whether the trail would be open to the public, Mr. Shipe thought it might be but would confirm.
2. Trail construction method. Mr. Rains indicated it would be constructed by hand no motorized equipment except perhaps a handheld auger.
3. Several areas of the trail are near steep drop offs, near building and at culvert crossing - will railings be installed. Mr. Rains indicated that yes these could be part of the revisions.
4. Trail use was discussed, with no open grills, no smoking, dog walker cleanup disposal buckets etc. Mr. Rains will see these are added to the plans and signage package.
5. Ms. Ryder and Ms. Paquin had walked the site and suggested that seating areas 1, 3, 5 and 7 be eliminated as there should be fewer seats and some of these locations were not necessary or impacted existing naturally vegetated areas and should not be disturbed. Mr. Shipe and Mr. Rains agreed this was acceptable.
6. Is any access to the water anticipated? Should there be one location, so the shoreline doesn't get completely eroded? The applicant will look into this.
7. Construction sequencing was discussed to ensure there is on the ground review prior to trail construction. Walls should be in place and grading completed before trail is located in the field.
8. Invasive plant removal and treatment was discussed. The Commission, although not keen on herbicide treatment, agreed that with invasive non-native plants it is usually the better option than not treating as these plants spread exponentially. Mr. Maslanka explained that in areas where invasive plants are removed and the soil maybe raw and a seed mix as outlined in the document would be used. Mr. Clancy questioned whether 1 lb of seed mix and 15 lbs. of roadside mix as outlined in the restoration plan would be sufficient. A condition that explains the end result of good germination and slope stabilization could address this as well. It could also specify 75% cover after 2 years (as with wetland replication) The Commission discussed the use of glyphosate and triclopyr herbicides for bittersweet and other non-native plant removal using the cut and dab method. The Commission agreed to allow this under some strict conditions that none of the chemicals get into the wetland or the ground, this can be clarified.
9. Planting of trees and shrubs as described in the original Order of Conditions can be placed around the trail to beautify it, specifically near wall areas to soften and "cool" these locations.
10. Signage for the trail was discussed, a sign package will be provided for the Commission to review as an example.

After some discussion about moving the majority of the trail out of the 20' buffer zone and restoring and removing invasive plants beyond the 15' footprint discussed, the Commission with the applicants consent continued the hearing to January 20th.

Certificate of Compliance

212-313 and 212-365 175 Blanchette Dr. (reissuance) - Ms. Ryder noted that the Commission had issued full certificates for these two Orders, however they were never recorded, and the land is registered land so original documents must be provided. On a motion by Mr. White second by Mr. Clancy to issue full Certificates of Compliance for these two Orders of Conditions. The Commission voted unanimously 6-0 to approve.

Discussion/Correspondence:

- DEP 212-1233 192 Reservoir St. – Mr. Peter Normandin was present and explained that there had been a miss understanding as to the depth of the decks, as he was measuring from the overhang and the Commission was measuring from the foundation. To resolve this, Mr. Normandin proposed a slight reconfiguration of the deck so that it is 10' deep and 22' long which gets the deck further away from the water. He provided a drawing side view and site plan view of these changes to the Commission. After some discussion, the Commission agreed this was a minor change to the original plan and was less impacting than the original plans and voted unanimously to approve the new plans entitled: deck revision request...dated Dec. 20, 2021 as presented as a minor change.
- Desert Natural Area- Discuss potential Mass Wildlife Grant funding and forest activities - Ms. Ryder and Ms. Paquin explained that it is likely that the Commission will be approved for grant funding the habitat restoration work discussed previously to restore the pitch-pine scrub oak forest and to prepare the area for some woodland thinning and some cutting to prepare for a second prescribed burn. Tasks will include, harvest, re-establishment of fire brakes and removal of old log piles which are a fire hazard. The contract for the forester which cannot be covered by the grant is \$4,960. Ms. Ryder asked for approval from the Commission to use the Conservation Maintenance Fund to pay for this expense. A site walk is planned for Monday Jan. 10th to review with the forester. On a motion by Mr. Skarin, second by the Mr. Clancy, to approve this expenditure and implement the grant tasks if awarded, the Commission voted unanimously 6-0 to approve.

The Commission reviewed the following documents and on a motion by Mr. Skarin second by Mr. Clancy to approve and place on file. The Commission voted unanimously 6-0 to approve.

- Letter from Omni Environmental Group- dated Nov. 3, 2021 RE: Release Notification Form 181 Boston Post Rd.
- Letter from National Grid- dated Nov. 9, 2021 RE: Yearly Operational Plan
- Ft. Meadow Reservoir – Solitude Lake Management – 2021 Annual Summary Report
- Wetland Setback Policy - The Commission discussed the policy as it relates to the trail proposed earlier this evening.
- List of Conservation Meetings – 2022

Project Updates:

Violation Notice – 890 Boston Post Rd. & 896 Boston Post Rd. – Ms. Ryder explained that both properties have encroached into the 100' buffer zone without permits. Ms. Ryder has investigated in the field. 890 Boston Post Rd. will file for a permit once he has a plan from Bruce Saluk. 896 Boston Post Rd. has agreed to restore the area. The Commission asked Ms. Ryder to send official violation notices and to request that 896 Boston Post Rd. tenant attend the next meeting.

Amory Rd. - House is under construction and foundation is in. Ms. Ryder and Mr. Dunbar met with the building owner who indicated the water table was high so he opted to do this work when the lake water was down to make construction easier.

Red Spring Rd. – Ms. Ryder provided a quick update that the property has sold to the current owners, on the houses similar to a condominium where everyone owns the land together. At some point in the next few years, they will be coming to the Commission if they need to install sewer system and any other improvements since that property has a large amount of wetland on it.

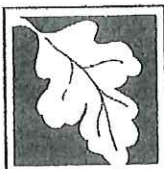
53 Red Spring Rd. (Neal Vigeant) has requested to take down 9 trees, the policy allows Ms. Ryder to approve up to 4 trees to be removed. She gave him permission for the 4 trees near the house to be removed and required him to file if he wishes to cut any more.

Next Conservation Commission meeting: Jan. 20th and Feb. 3rd, 2022

Adjournment. There being no further business, on a motion by Mr. Demers seconded by Mr. Clancy, the Commission voted unanimously 6-0 to adjourn at 8:54 PM.

Respectfully submitted,

Priscilla Ryder
Conservation/ Sustainability Officer



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4 – Abbreviated Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

Town

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.



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

1. Applicant:

Name: YI ZHOU E-Mail Address: yzhou101@gmail.com
Street Address: 111 Cullinane Drive
City/Town: Marlborough State: MA Zip Code: 01752
Phone Number: 978-505-3133 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): _____

3. Property Owner (if different from applicant):

Name: _____
Mailing Address: _____
City/Town: _____ State: _____ Zip Code: _____

4. Total Fee:

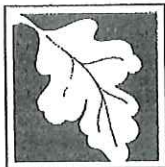
(from NOI Wetland Fee Transmittal Form)

5. Project Location:

Street Address: 111 Cullinane Dr. City/Town: Marlborough
Latitude and Longitude: _____ Latitude: _____ Longitude: _____
Assessors Map/Plat Number: 7 Parcel /Lot Number: 12

6. General Project Description:

build a stonewall ~ 2 feet high along water edge of the shoreline to preserve soil



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4 – Abbreviated Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

Town

A. General Information (cont.)

7. Registry of Deeds:

South Middlesex
County

43043
Book

503
Page

Certificate (if Registered Land)

B. Site and Activities Subject to Regulation

Complete any of the following sections that apply to the proposed work and project site.

1. Complete for proposed activities located, in whole or in part, in Buffer Zone.

a. Check all the following borders to the Buffer Zone:

Inland Resource Areas

Inland Bank

Bordering Vegetated Wetland (BVW)

Coastal Resource Areas

Coastal Beach

Rocky Intertidal Shore

Salt Marsh

Barrier Beach

Coastal Dune

Coastal Bank

b. Check all the methods used to delineate the Bordering Vegetated Wetland boundary:

Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)

DEP BVW Field Data Form (attached)

Final Determination of Applicability issued by Conservation Commission (attached)

Other Method of Determining BVW boundary (attach documentation):

50% or more wetland indicator plants

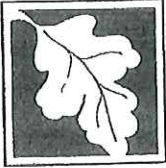
Saturated/inundated conditions exist

Groundwater indicators

Direct observation - high water mark on shoreline

Hydric soil indicators

Credible evidence of conditions prior to disturbance.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4 – Abbreviated Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Town

B. Site and Activities Subject to Regulation (cont.)

c. Describe, with reference to supporting plans and calculations where necessary, the size, type, and location of the proposed work and mitigating measures and designs to insure that the proposed work will not alter the resource area and Buffer Zone borders. Attach additional sheets, if necessary.

A Stonewall from point A, B, C of the attached site map with explanation of how three points were located. It's made of Gravity stone of the size of ~ 62 feet long. 8 inches thick 2 feet above ground & 1 foot under.

2. Complete for proposed activities located, in whole or in part, in Land Subject to Flooding.

a. Resource area description:

Bordering Land Subject to Flooding:

Isolated Land Subject to Flooding:

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Lost (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

Volume of Flood Storage Compensation (cubic feet)

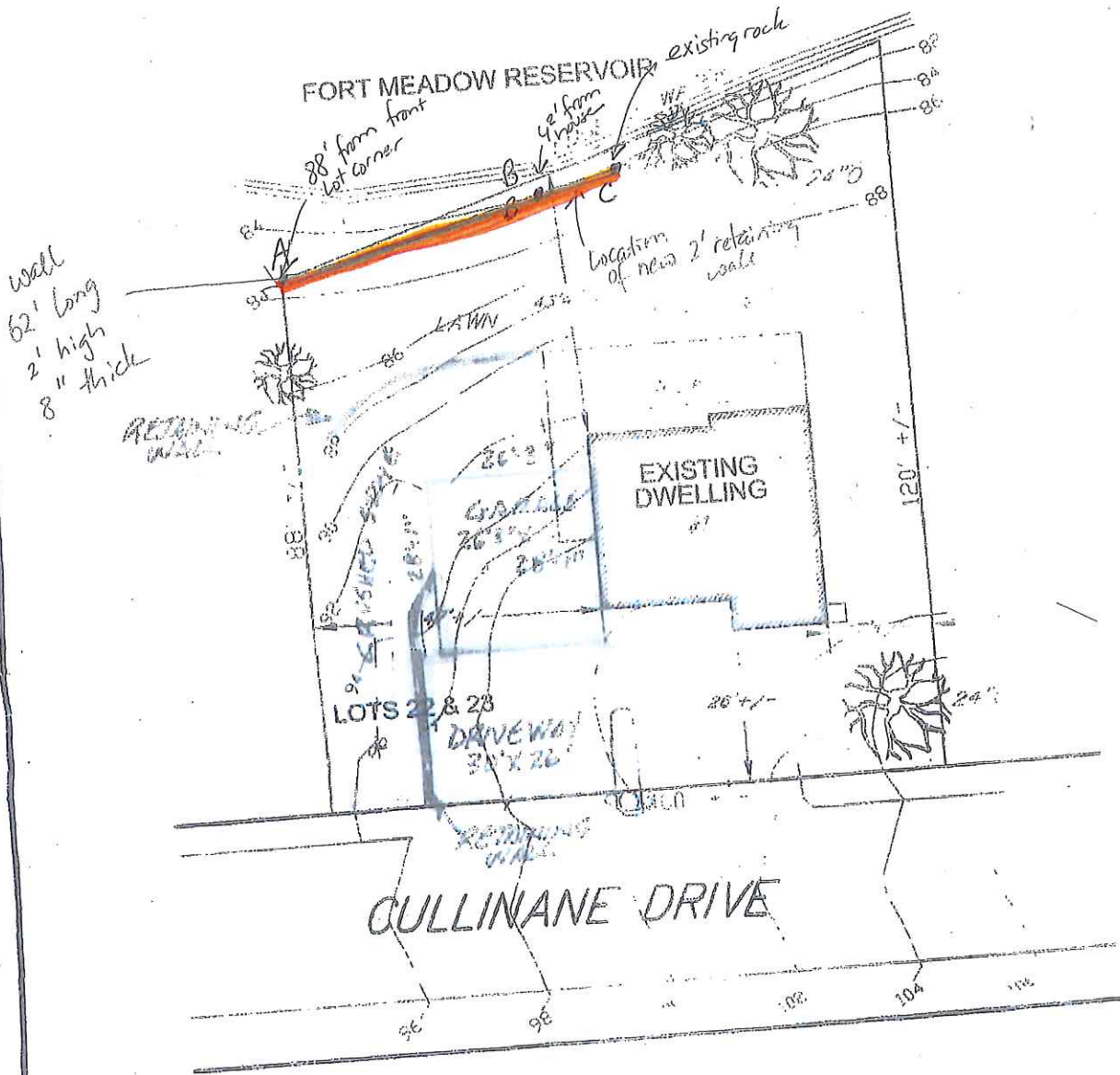
N/A

b. Describe, with reference to supporting plans and calculations where necessary the size, shape, location, and type of work, mitigating measures, and designs proposed to meet the performance standards set forth in 310 CMR 10.57(4) and 10.60. Attach additional sheets, if necessary.

3. Complete for proposed activities located, in whole or in part, in the Riverfront Area.

a. Name of Waterway (if available):

N/A



well
62' long
2' high
8" thick

NOTES:

1. TOPOGRAPHY BASED UPON ASSUMED DATUM. REFER TO PROPOSED SITE PLAN DATED 4/24/01, REV. 6/29/01 BY THOMAS LAND SURVEYORS & ENGINEERING CONSULTANTS, INC.

I HEREBY CERTIFY THAT THE STRUCTURES SHOWN ON THIS PLAN ARE NOT LOCATED WITHIN THE FLOOD HAZARD AREA AS SHOWN ON THE FEMA FLOOD HAZARD BOUNDARY MAP FOR THIS CITY

I CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED AS SHOWN, AND THAT, AT THE TIME OF CONSTRUCTION, COMPLIED WITH ZONING LAWS OF THE CITY OF MARLBOROUGH.



AS BUILT CONDITION
OF
111 CULLINANE DRIVE
IN
MARLBOROUGH, MASS

SCALE: 1" = 20' DATE: MAY 2001

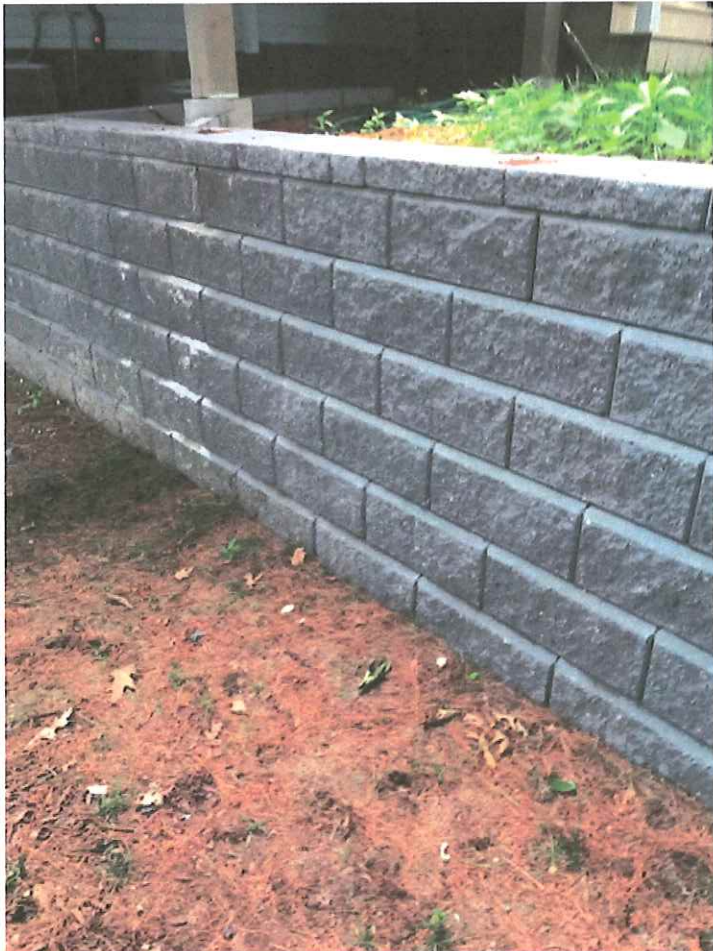
THOMAS LAND SURVEYORS & Engineering Consultants, Inc.
Land Surveyors, Civil & Environmental Engineers, Planning & Historic Preservation

110 FOREST AVENUE
PHONE: (671) 662-3081

MAR 2001



111 Cullinane Dr.





City of Marlborough Conservation Commission

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

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

January 12, 2022

Aldrin Araujo
Renovo's Landscaping
96 South St.,
Marlborough, MA 01752

renovoland@msn.com

RE: Wetland Violation – grading and fill placed in wetland buffer zone without permit
On portion of 894-896 Boston Post Rd. \$25 fine

Dear Mr. Araujo,

As we discussed in the field on 1/4/2022 at the site you are occupying to store your landscaping equipment at 894-896 Boston Post Rd., the grading and berm you have installed behind the small work shed on the property you lease, is in violation of the Wetlands Protection Act. All work including any grading or clearing within 100' of a wetland must first receive a permit from the Conservation Commission. As we discussed a portion of this property is restricted from any cutting or clearing per a "no cut easement" granted to the City as shown on the attached plan. After discussing this violation with the Conservation Commission, they required that a fine of \$25 be issued.

To remedy this violation, you will need to take the following steps. Some of which we already discussed, and some additions based on the Commission's input.

1. Come to the Conservation Commissions January 20, 2022 meeting which is held at 7:00 PM at City Hall on the 3rd floor meeting room.
2. Remove all materials and trailers from this area behind the shed and only store materials in the front of the shed on the existing graveled area. The Commission will determine a deadline date for this.
3. You will install a fence behind the shed once everything has been removed, to mark the limit of work and prevent future storage of any materials behind the shed. The Commission will determine a deadline date for this.
4. You will restore the area you graded as follows:
 - a. allow the area which you flattened out and added the berm to be restored. In the spring of 2022 on or before May 15th you will reseed this area so that it is restored to a

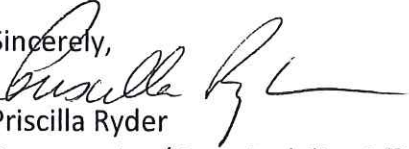
natural wooded area. At the meeting on Janu. 20th the Commission will discuss what is appropriate to restore this area.

- b. You will notify the Conservation Commission when this has been completed.
- c. Failure to restore this area on or before May 15th will result in additional fines and further enforcement action.

I have copying your landlord shown on our assessors' data as: 896 BPR LLC at 171 Locke Dr. Suite 114, Marlborough, to make sure they are aware of the restrictions on this property, so this doesn't occur again in the future and the wetland and no cut easement area honored.

Any questions on the above, please let me know. We look forward to seeing you on January 20th.

Sincerely,


Priscilla Ryder
Conservation/ Sustainability Officer
140 Main St., City Hall
Marlborough, MA 01752
508-460-3768

Cc: 896 BPR LLC, 171 Locke Dr. Suite 114, Marlborough, MA
Tin Htway, Building Commissioner
Conservation Commission

Encl: GIS Map of area
Registry plan showing easement
Ticket # 0338



894-896 Boston Post Rd. violation

Marlborough, MA

1 inch = 69 Feet



January 5, 2022



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.



City of Marlborough Conservation Commission

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

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

January 12, 2022

Ed
Cornerstone Landscaping
890 c Boston Post Rd.
Marlborough, MA 01752

ed@clsupplies.com

RE: Wetland Violation \$25 –890 c Boston Post Rd.
Storage of material within 100' buffer zone without permission at

Dear Ed,

As we discussed on 12-30-2021 on your site at 890 Boston Post Rd, the permit you received from both the Conservation Commission and the Site Plan Review Committee showed no work within the 100' wetland buffer zone as shown on the approved plans by Bruce Saluk for this site dated 3/16/2016. It appears that you are storing materials now within the 100' buffer zone in violation of your permits. This violation carries a fine of \$25. To correct this violation, you have two options.

- 1) Removal all the materials so they are outside the 100' buffer zone as shown on the approved plans. OR
- 2) File a Notice of Intent (wetland permit) with the Commission with a plan showing your proposed storage area. Please note there is a 30' no disturb buffer zone that is a no touch zone which must be left in its natural condition. Some type of permanent barrier between the storage area and the wetlands should also be shown on the plan and provided, to make sure encroachment, as we've just seen, does not occur. Once you have a revised plan and have filed out the Notice of Intent (form can be found here: <https://www.marlborough-ma.gov/conservation-commission/files/wpa-form-3-notice-intent>) we will add you to the next conservation commission agenda so this can be reviewed and resolved.

Based on our discussion, it appears that you would prefer option 2 and will contact Bruce Saluk to prepare a revised plan and file for this permit. Your attention to this matter is required and appreciated. Failure to submit on or before February 25, 2022 will result in further violation notices and enforcement actions. This should give you adequate time to get a plan from Bruce Saluk. Any issues or questions, please let me know.

Sincerely,


Priscilla Ryder
Conservation/ Sustainability Officer

Encl: Ticket # 0339

Cc: Tin Htway, Building Commissioner
Conservation Commission

**City of Marlborough
Conservation Commission
140 Main St.
Marlborough, MA 01752**

WETLANDS SETBACK POLICY

Unless proven otherwise by the applicant, the Conservation Commission shall presume that any proposed activity within 20 ft. of any wetland will have a significant adverse impact on the wetland and shall not be permitted.

Purpose of Policy

The Conservation Commission has found that activity in the 20 ft. buffer zone bordering wetland resource areas poses a serious threat to such areas. As a result, the Conservation Commission strongly discourages such activity within 20 ft. of wetland boundaries. This undisturbed zone will provide a minimum buffer to prevent negative impacts on wetlands.

Basis of Policy

Scientific research, and the Conservation Commission's own experience in reviewing a wide variety of projects, demonstrates that alteration or construction activities within the buffer zone consistently result in destructive effects on the wetlands themselves. These include, but are not limited to, disturbance of natural vegetation along the wetlands boundary, run-off of pollutants, fill materials, and other substances into the wetlands, stockpiling or dumping of materials or debris which migrate over time into the wetlands, and disturbance of wildlife habitat, such a nesting sites and corridors which are important to wetland species. The Conservation Commission has also noted a tendency on the part of many project proponents to design the project so that it goes to the absolute limit of the wetland boundary. Particularly given the difficulty which often arises in defining that boundary, in most instances it is vital to protect an adjacent section of the buffer zone and prevent the inevitable destructive impacts on the wetlands which go to the boundary.

The Policy

As used herein:

"Alteration" shall mean any removal (grading, filling and /or excavation) of vegetative cover, soil or other naturally occurring materials.

"Construction" shall mean the construction of any permanent or temporary structure or building, including, without limitation, any residential or commercial building, garage, shed, barn, tennis court, deck, swimming pool, parking area, driveway, fence, or landscaping project.

In acting upon Notices of Intent and Determination of Applicability, the Conservation Commission will presume that any **alteration or construction** within 20 ft. of a wetland boundary would have a significant adverse impact on the wetlands, and such **alteration or construction** shall not be permitted unless the applicant demonstrates that (1) such activity would not have such an impact, or (2) public benefits, such as health or safety, outweighs any such impact, or (3) the activity involves the maintenance of existing structures, or (4) the activity is the installation of the stormwater outlet structure. The applicant will have the burden of proof by clear and convincing evidence on this issue. Factors to be considered by the Conservation Commission in determining whether the applicant has met this burden shall include, but are not limited to, the following:

1. Slope of the buffer zone
2. Type and structure of vegetation, soil type and hydrology in the buffer zone
3. Degree and scale of past alterations in the buffer zone
4. Ecological integrity of the adjacent wetlands
5. Importance of the buffer zone to wildlife utilizing the wetland
6. Whether the proposed activity in the buffer zone would be permitted if it were in the wetland

7. Any ecological benefits arising from the proposed activity, such as removal of exotic vegetation or creation of enhanced wildlife habitat
8. Any public benefits arising from the proposed activity
9. Alternatives have been considered and in the judgment of the Commission no practical alternative is available. However, restoration or plantings in the zone may be required, to help define and protect the remainder of the buffer zone.
10. Project scope and design minimized the work in close proximity to resource area
11. Project will not lead to encroachment on the resource area after the project is completed
12. Commission may impose a wider undisturbed buffer zone to ensure protection of wetland resource areas if the project involves: sensitive habitats, steep slopes, highly erodible soils, extensive disturbed area or hydraulic conditions likely to promote significant erosion

Applicants wishing to rebut the presumption set forth in this policy shall provide the Conservation Commission with the following information, together with any additional relevant information which the Conservation Commission may require:

1. A cross-sectional profile of elevation change in any area of the buffer zone within 20 ft. of a wetland which would be disturbed by the proposed activity.
2. A list of all vascular plant species occurring in the 20 ft. area of the buffer zone and adjacent wetland areas including data on relative abundance of each species.
3. A wildlife habitat evaluation of the 20 ft. area of the buffer zone and adjacent wetlands including data on observed wildlife utilization of such area, such as breeding bird use, occurrence of fish, reptiles, amphibians and mammals.
4. A description of the nature of any public or ecological benefits which may arise from the proposed activities.
5. A photograph of the area to be disturbed.

It is the Conservation Commission's policy, where it has discretion, to prohibit any activity in the wetlands except where there are exceptional circumstances, where no other practical alternative exists, and where satisfactory replication takes place prior to any **alteration or construction**. Activity within the 100 ft. buffer zone will continue to be reviewed on an individual case basis.

Existing Conditions

Maintenance (but, no further alteration or expansion) of yards which existed on or before 8/1/96, within the 20 ft. buffer will be permitted, however homeowners are encouraged to maintain natural vegetation within 20 ft. of the wetland edge to help improve the water quality of wetlands and streams. A list of wetland vegetation which could enhance wildlife and water quality can be obtained from the Conservation Office at City Hall. The Commission encourages homeowners to allow a natural vegetation buffer to establish itself along the edge of streams, ponds and wetlands.

Further, the use of herbicides/pesticides, inorganic fertilizers (excluding lime or other soil treatments) where labels indicate they are toxic to aquatic organisms, which may alter the adjacent resource area, should not be used adjacent to wetlands. It is likely that the use of these chemicals over time will have an impact on the adjacent wetlands.

Marlborough Conservation Commission Tree Removal Policy

As required by state law, all work including earth moving and vegetation removal within the 100' buffer zone to a wetland requires review by the Conservation Commission. However, there are circumstances where waiting for a hearing before the commission could cause a delay, which could cause a hazard or harm. In these situations, the Commission has authorized its Conservation Officer to allow for the removal of hazardous, dead or dying trees which may, if it fell cause damage to a home, shed, car or driveway or cause other harm and where prompt removal is recommended.

The following protocol must be followed by the Conservation Officer in determining if a tree within the 100' buffer zone is a hazard and can be removed, without filing a Request for Determination with the Conservation Commission:

1. The hazard tree must be wholly outside the wetland area, and only in the buffer zone.
2. The hazard tree must be leaning in such a way as to threaten a home, fence, driveway or other accessory structure to a home or building.
3. If the tree is dead or clearly dying it may be removed.
4. The Commission encourages the homeowner to leave a 10' -15' snag (removing the tree branches and leaving a 10'-15' tall trunk of the tree) if it will not cause damage if it falls. Snags are excellent habitat areas for bugs and birds and natural critters and are important to biodiversity. Where feasible, snags are highly encouraged.
5. Trees that are in the buffer zone may be removed without a permit if there are less than 4 trees to be removed regardless of the health of the tree. If more than 4 trees need to be removed a permit from the Commission must be obtained.
6. Trees which have grown too close to the house or deck which overhang the house and whose branches could cause damage if they fell maybe removed.
7. Hazard trees whose root and trunk are IN the wetland proper will need a wetland permit. However, if the threat is imminent, the Conservation Officer may issue an emergency certificate (EC) for tree removal. The EC would then be reviewed at the next Conservation Commission meeting for ratification.
8. Tree trimming or branch removal does NOT require a permit or review, this is considered routine maintenance and can be conducted as a matter of course.
9. Removal of a tree or two that has grown and is crowding out an ornamental tree or other larger tree and whose removal will enhance the health of the remaining trees.

If the Conservation Officer determines that the tree meets one of the criteria above, he/she shall confirm the following:

1. No machinery shall enter the wetland area to remove the tree
2. In cases where machinery cannot reach the tree from an upland area, the tree will need to be removed by hand-held machinery. Branches and wood can be left in the buffer zone or wetland or removed from site.

Approved by Commission on May 19, 2016

City of Marlborough
Conservation Commission
140 Main St.
Marlborough, MA 01752

WETLANDS SETBACK POLICY

Unless proven otherwise by the applicant, the Conservation Commission shall presume that any proposed activity within 20 ft. of any wetland will have a significant adverse impact on the wetland and shall not be permitted.

Purpose of Policy

The Conservation Commission has found that activity in the 20 ft. buffer zone bordering wetland resource areas poses a serious threat to such areas. As a result, the Conservation Commission strongly discourages such activity within 20 ft. of wetland boundaries. This undisturbed zone will provide a minimum buffer to prevent negative impacts on wetlands.

Basis of Policy

Scientific research, and the Conservation Commission's own experience in reviewing a wide variety of projects, demonstrates that alteration or construction activities within the buffer zone consistently result in destructive effects on the wetlands themselves. These include, but are not limited to, disturbance of natural vegetation along the wetlands boundary, run-off of pollutants, fill materials, and other substances into the wetlands, stockpiling or dumping of materials or debris which migrate over time into the wetlands, and disturbance of wildlife habitat, such as nesting sites and corridors which are important to wetland species. The Conservation Commission has also noted a tendency on the part of many project proponents to design the project so that it goes to the absolute limit of the wetland boundary. Particularly given the difficulty which often arises in defining that boundary, in most instances it is vital to protect an adjacent section of the buffer zone and prevent the inevitable destructive impacts on the wetlands which go to the boundary.

The Policy

As used herein:

"**Alteration**" shall mean any removal (grading, filling and/or excavation) of vegetative cover, soil or other naturally occurring materials.

"**Construction**" shall mean the construction of any permanent or temporary structure or building, including, without limitation, any residential or commercial building, garage, shed, barn, tennis court, deck, swimming pool, parking area, driveway, fence, or landscaping project.

In acting upon Notices of Intent and Determination of Applicability, the Conservation Commission will presume that any **alteration or construction** within 20 ft. of a wetland boundary would have a significant adverse impact on the wetlands, and such **alteration or construction** shall not be permitted unless the applicant demonstrates that (1) such activity would not have such an impact, or (2) public benefits, such as health or safety, outweighs any such impact, or (3) the activity involves the maintenance of existing structures, or (4) the activity is the installation of the stormwater outlet structure. The applicant will have the burden of proof by clear and convincing evidence on this issue. Factors to be considered by the Conservation Commission in determining whether the applicant has met this burden shall include, but are not limited to, the following:

1. Slope of the buffer zone
2. Type and structure of vegetation, soil type and hydrology in the buffer zone
3. Degree and scale of past alterations in the buffer zone
4. Ecological integrity of the adjacent wetlands
5. Importance of the buffer zone to wildlife utilizing the wetland
6. Whether the proposed activity in the buffer zone would be permitted if it were in the wetland
7. Any ecological benefits arising from the proposed activity, such as removal of exotic vegetation or creation of enhanced wildlife habitat
8. Any public benefits arising from the proposed activity

9. Alternatives have been considered and in the judgment of the Commission no practical alternative is available. However, restoration or plantings in the zone may be required, to help define and protect the remainder of the buffer zone.
10. Project scope and design minimized the work in close proximity to resource area
11. Project will not lead to encroachment on the resource area after the project is completed
12. Commission may impose a wider undisturbed buffer zone to ensure protection of wetland resource areas if the project involves: sensitive habitats, steep slopes, highly erodible soils, extensive disturbed area or hydraulic conditions likely to promote significant erosion

Applicants wishing to rebut the presumption set forth in this policy shall provide the Conservation Commission with the following information, together with any additional relevant information which the Conservation Commission may require:

1. A cross-sectional profile of elevation change in any area of the buffer zone within 20 ft. of a wetland which would be disturbed by the proposed activity.
2. A list of all vascular plant species occurring in the 20 ft. area of the buffer zone and adjacent wetland areas including data on relative abundance of each species.
3. A wildlife habitat evaluation of the 20 ft. area of the buffer zone and adjacent wetlands including data on observed wildlife utilization of such area, such as breeding bird use, occurrence of fish, reptiles, amphibians and mammals.
4. A description of the nature of any public or ecological benefits which may arise from the proposed activities.
5. A photograph of the area to be disturbed.

It is the Conservation Commission's policy, where it has discretion, to prohibit any activity in the wetlands except where there are exceptional circumstances, where no other practical alternative exists, and where satisfactory replication takes place prior to any **alteration or construction**. Activity within the 100 ft. buffer zone will continue to be reviewed on an individual case basis.

Existing Conditions

Maintenance (but, no further alteration or expansion) of yards which existed on or before 8/1/96, within the 20 ft. buffer will be permitted, however homeowners are encouraged to maintain natural vegetation within 20 ft. of the wetland edge to help improve the water quality of wetlands and streams. A list of wetland vegetation which could enhance wildlife and water quality can be obtained from the Conservation Office at City Hall. The Commission encourages homeowners to allow a natural vegetation buffer to establish itself along the edge of streams, ponds and wetlands.

Further, the use of herbicides/pesticides, inorganic fertilizers (excluding lime or other soil treatments) where labels indicate they are toxic to aquatic organisms, which may alter the adjacent resource area, should not be used adjacent to wetlands. It is likely that the use of these chemicals over time will have an impact on the adjacent wetlands.

Adopted by unanimous vote of the Marlborough Conservation Commission
November 7, 1996

Susan Brown

From: Theodore Scott
Sent: Thursday, January 6, 2022 6:01 PM
To: Priscilla Ryder; Thomas DiPersio
Cc: Sean Divoll
Subject: Re: salt results at landfill snow dump.

Priscilla,

I forwarded you the e-mails I sent to Tom last winter with the three runoff samples all reading 0% salt.

Regarding Hayes Memorial Drive, if you are talking about this storm. We were only able to liquid pretreat the primary roads today because of the road temperatures this morning. The secondary roads will be treated with rock salt at the start of the snowfall. We will make a note about the street sweeping of Hayes Memorial Drive for future winter operations.

Ted

From: Priscilla Ryder <pryder@marlborough-ma.gov>
Sent: Thursday, January 6, 2022 4:09 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Theodore Scott <tscott@marlborough-ma.gov>
Cc: Sean Divoll <sdivoll@marlborough-ma.gov>
Subject: salt results at landfill snow dump.

Hi Tom and Ted,

I had two snow related questions asked of me today:

1. Landfill snow dump: I know you are getting ready for the snow tomorrow. Which raised the question about the snow dump at the landfill and what test results relative to salt content you were able to collect over the past year as a way to evaluate how well the berms work etc. If I recall, you were going to do periodic testing of the water quality. Let me know what results you have and if there are any changes to the operation anticipated this snow season at the landfill snow dump. I'll forward what you provide to the Commission.
2. Hayes Memorial Dr. : The 149 Hayes Memorial Dr. project has been sweeping constantly to keep the dirt and dust under control, so I suspect any salt/brine put down (if it was treated) in anticipation of the storm will have been swept away. So the question was what happens to that road when it snows?

Thanks for your help.

*Priscilla Ryder
Conservation/ Sustainability Officer
140 Main St., City Hall
Marlborough, MA 01752
508-460-3768*

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun

Susan Brown

From: Theodore Scott
Sent: Thursday, January 6, 2022 5:49 PM
To: Priscilla Ryder
Subject: Fw: Hudson Street Landfill - Snow Dump Salt Testing
Attachments: 2-18-21 - Hudson St. Snow Dump Test - 0%.JPG; 1-4-21 - Hudson St. Snow Dump Test - 0%.JPG

From: Theodore Scott
Sent: Thursday, February 18, 2021 11:32 AM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: James Dascoli <jdascoli@marlborough-ma.gov>
Subject: Hudson Street Landfill - Snow Dump Salt Testing

Tom,

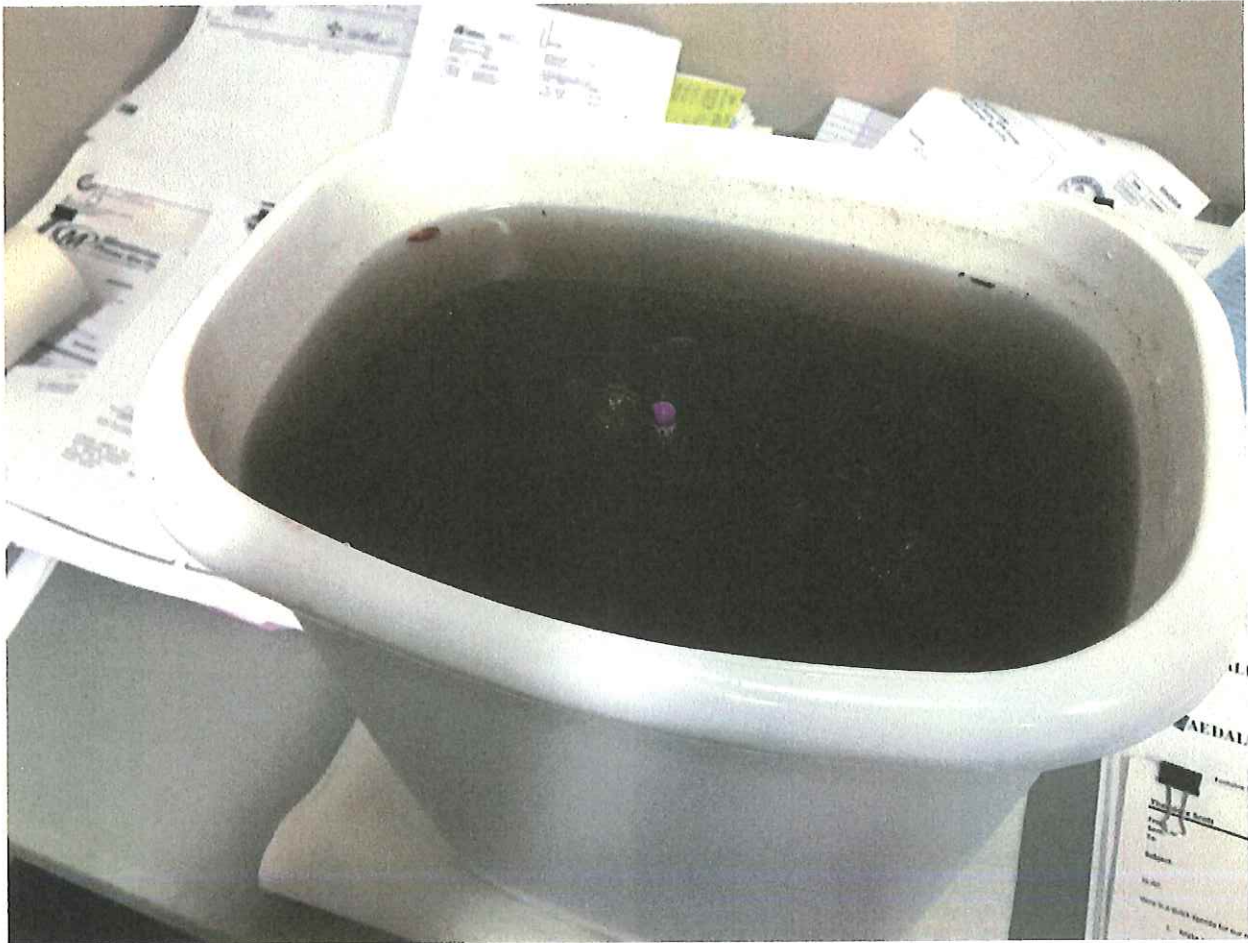
Attached are pictures of snow samples taken from the snow dump at the Hudson St. landfill. The samples were taken allowed to melt for a few days and then tested. The water samples were tested with a brineometer to determine the percentage of salt in the water. Samples were tested on January 4, 2021 and February 18, 2021. During both tests the brineometer sank all the way to the bottom of the container indicating no perceivable amount of salt.

Thanks,

Ted

Theodore L. Scott, P.E.

Assistant Commissioner, Operations
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Tel: 508-624-6910 x 33102
E-mail: tscott@marlborough-ma.gov





Susan Brown

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Thanks,

Ted

Theodore L. Scott, P.E.
Assistant Commissioner, Operations
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Tel: 508-624-6910 x 33102
E-mail: tscott@marlborough-ma.gov

Susan Brown

From: Theodore Scott
Sent: Thursday, January 6, 2022 5:49 PM
To: Priscilla Ryder
Subject: Fw: Hudson Street Snow Dump Salt Testing
Attachments: IMG_4034.JPG; IMG_4035.JPG; IMG_4039.JPG

From: Theodore Scott
Sent: Friday, March 12, 2021 3:34 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Subject: Hudson Street Snow Dump Salt Testing

Tom,

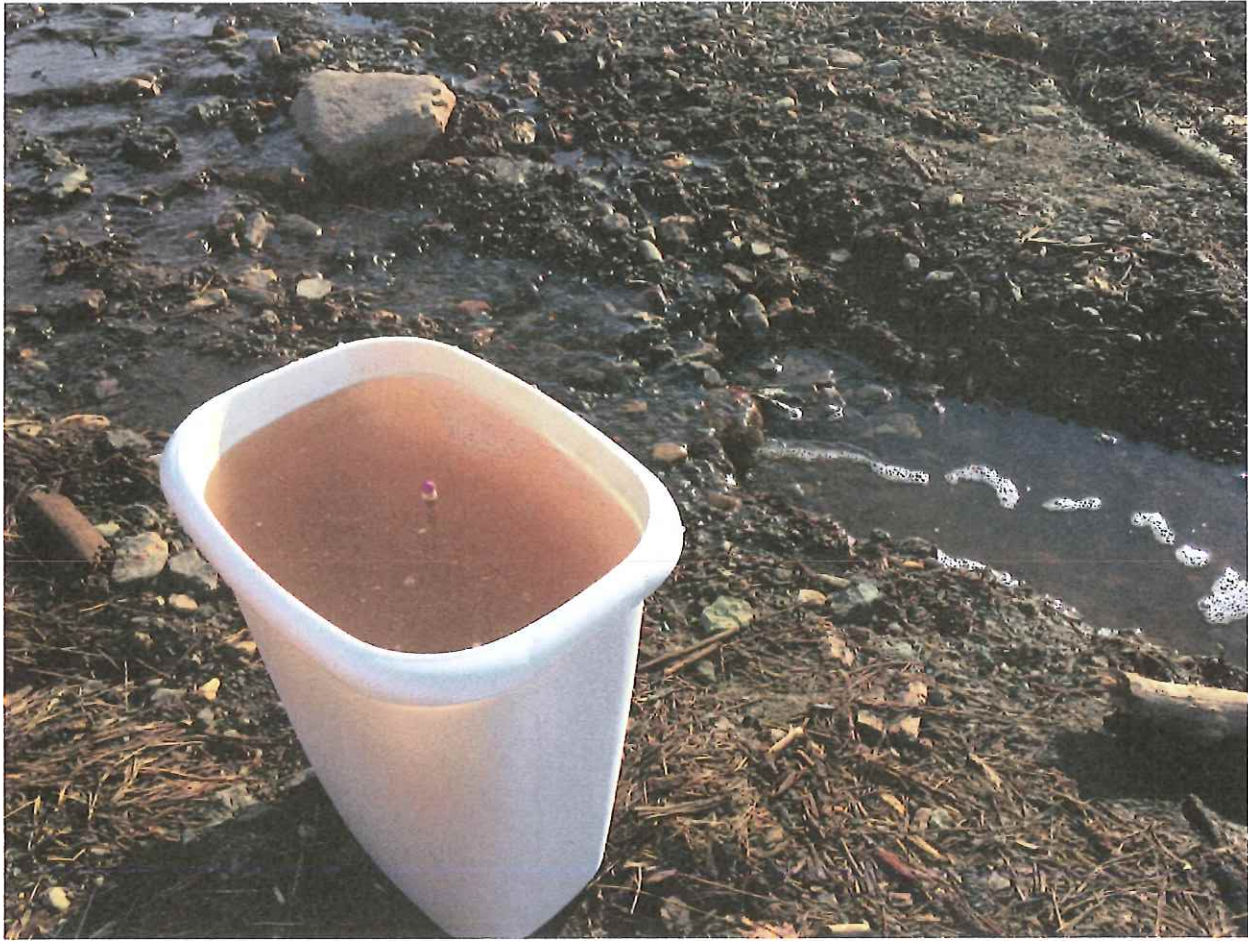
Attached are pictures of salt testing for snow dump runoff at Hudson Street. The brinometer sank all the way to the bottom indicating 0% salt solution.

Thanks,

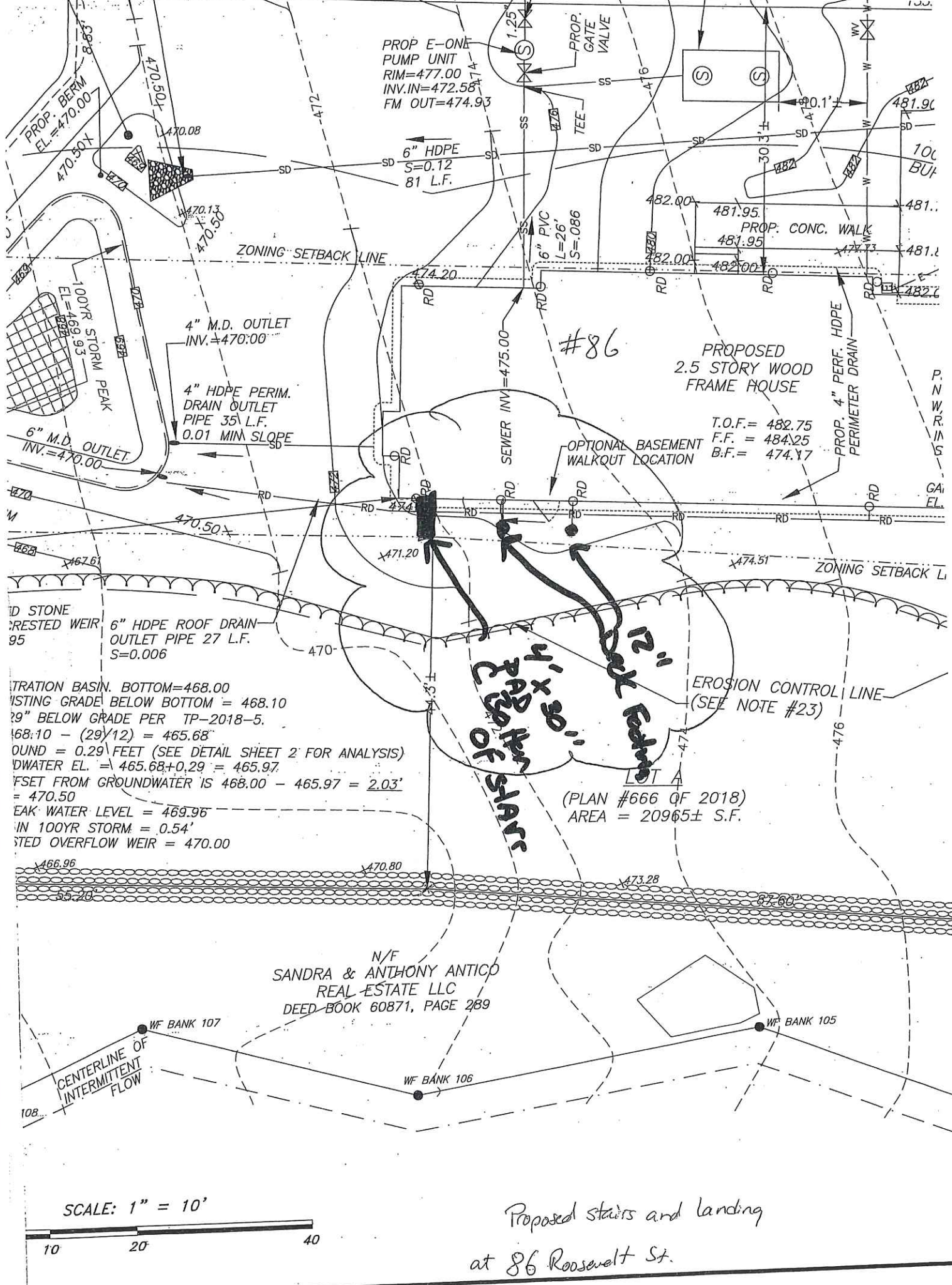
Ted

Theodore L. Scott, P.E.
Assistant Commissioner, Operations
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Tel: 508-624-6910 x 33102
E-mail: tscott@marlborough-ma.gov









PROP E-ONE
PUMP UNIT
RIM=477.00
INV.IN=472.58
FM OUT=474.93

PROPOSED
2.5 STORY WOOD
FRAME HOUSE

T.O.F.= 482.75
F.F. = 484.25
B.F.= 474.17

4" M.D. OUTLET
INV.=470.00

4" HDPE PERIM.
DRAIN OUTLET
PIPE 35' L.F.
0.01 MIN SLOPE

6" M.D. OUTLET
INV.=470.00

6" HDPE ROOF DRAIN
OUTLET PIPE 27' L.F.
S=0.006

RETENTION BASIN. BOTTOM=468.00
EXISTING GRADE BELOW BOTTOM = 468.10
29" BELOW GRADE PER TP-2018-5.
 $468.10 - (29/12) = 465.68'$
ROUND = 0.29 FEET (SEE DETAIL SHEET 2 FOR ANALYSIS)
GROUNDWATER EL. = $465.68 + 0.29 = 465.97$
OFFSET FROM GROUNDWATER IS $468.00 - 465.97 = 2.03'$
= 470.50
PEAK WATER LEVEL = 469.96
IN 100YR STORM = 0.54'
FIXED OVERFLOW WEIR = 470.00

N/F
SANDRA & ANTHONY ANTICO
REAL ESTATE LLC
DEED BOOK 60871, PAGE 289

Handwritten:
12" radius
4' x 30' ramp stairs
RAMP STAIRS

SCALE: 1" = 10'



Handwritten:
Proposed stairs and landing
at 86 Roosevelt St.

January 11, 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:

Goddard reviewed the restoration area that was completed in the fall (Figure 1) on September 20, 2021 as required by Special Condition #47.

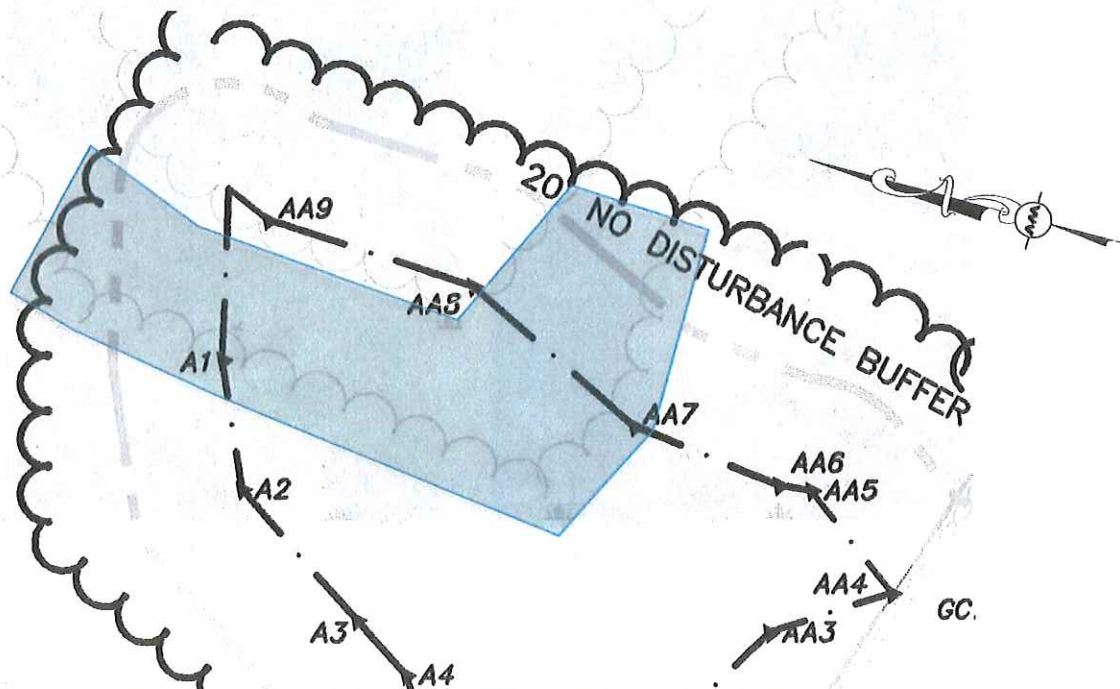


Figure 1: General Location of Area Restored (not to scale)

247

Hydrology:

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

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 establishment of the herbaceous vegetation including goldenrod, cinnamon fern, royal fern, sensitive fern, sedges, rushes and skunk cabbage. Spicebush, arrowwood, highbush blueberry, winterberry, shrubs were found to be in good health. 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 dozen multiflora rose seedlings and a few bittersweet.



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 highbush blueberry



Photo 6: Restoration area spicebush



Photo 7: Restoration area, cinnamon fern and sedges

Conclusion:

Goddard found the restoration work has restored area back to natural conditions, has 75% vegetative coverage that includes herbaceous, shrubs and trees. The area will continue to be monitored for 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



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

January 11, 2022

Ms. Priscilla Ryder
City of Marlborough
140 Main Street City Hall
Marlborough, MA 01752

Dear Ms. Ryder,

Congratulations!

I am pleased to notify you that the City of Marlborough has been awarded a grant of up to \$26,667.00 to implement the Desert Natural Area Climate Change Resiliency Grant Opportunity Project. Thank you for your commitment to protecting and preserving wildlife habitat and working to mitigate the effects of climate change in Massachusetts.

Through this funding, and your continued support, we hope to manage our conserved lands to enhance climate-vulnerable wildlife habitats and make them more resilient to climate change.

You will be receiving further instructions from the Division of Fisheries and Wildlife on next steps, and please feel free to contact James Burnham, (james.burnham@mass.gov) if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito

Handwritten signature of Charles D. Baker in black ink.

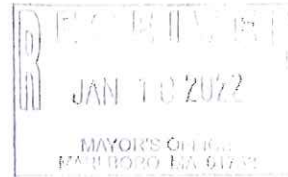
Handwritten signature of Karyn E. Polito in black ink.

1/7/2022

Via First Class and Electronic Mail

Arthur G. Vigeant
Mayor
140 Main St
Marlborough, MA 01752

Email: cityclerk@marlborough-ma.gov



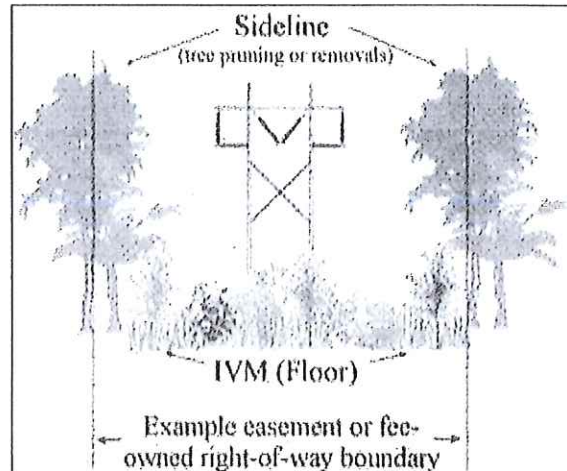
Dear Arthur G. Vigeant

In accordance with the transmission notification requirements set forth in 220 C.M.R. §§ 22, National Grid (New England Power Company and/or Massachusetts Electric Company) is providing 30 day notification of upcoming sideline vegetation management activities within your community. Specifically, National Grid intends to perform tree pruning and tree removals within the electric transmission right-of-way easement. Please note that this notification is separate from any notifications you would receive for herbicide maintenance.

Enclosed are map(s) that locate the right-of-way corridor(s) where the vegetation management activities will be performed. The sideline work will be conducted between 30 days from the letter date above and March 31, 2022. Please note that you may receive additional letters through the year if scheduling allows for additional work.

Also, please forward this notice on to other departments within your municipality that may want to review the notification.

If you have any questions about our vegetation management programs, please contact me at 508-860-6282 or by email mariclaire.rigby@nationalgrid.com. Additional information about National Grid's Transmission Vegetation Maintenance Program can also be found at: https://www.nationalgridus.com/transmission/c3-8_standocs.asp



Sincerely,

Mariclaire Rigby

Mariclaire Rigby
Lead Vegetation Strategy Specialist

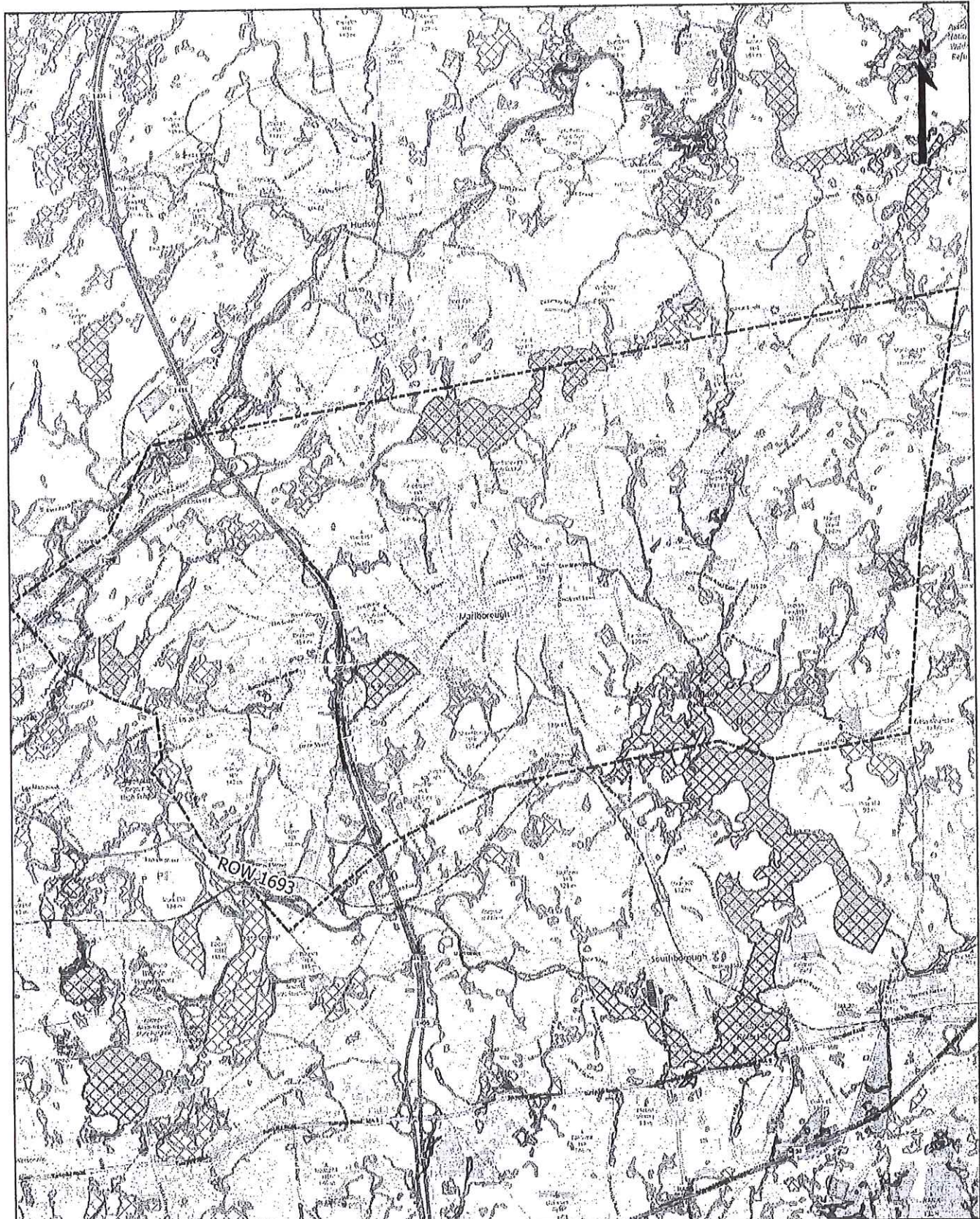
CC: Mark D. Marini, Secretary, Massachusetts Department of Public Utilities

Municipality: MARLBOROUGH
ROW Numbers: 1693, 1694




7XX

Right-of-Way 1693

Marlborough, MA



National Grid intends to perform selective side pruning and/or danger tree removal along the right-of-way shown above

-  Town
-  Wetland
-  Right of Way




nationalgrid

Right-of-Way 1694

Marlborough, MA



National Grid intends to perform selective side pruning and/or danger tree removal along the right-of-way shown above

-  Town
-  Wetland
-  Right of Way

nationalgrid

