CONSERVATION COMMISSION

Minutes
March 3, 2022 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

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

Absent: Karin Paquin

Public hearings:
Abbreviated Notice of Intent
74 & 82 Paquin Dr. - Scott Ferrecchia

Mr. Ferrecchia was present and explained that his land and his next-door neighbors' land – Dave Domke- is being undermined by the waves and he'd like to reinforce a section of the bank of the lake to keep it from eroding any further. The work is under the 50' bank disturbance threshold. There are two trees on the bank as well that they'd like to save. He'd like to install a footing with crushed stone for the wall and then build it up a few feet. They will use blocks that are 2'x2'x4' and will stretch 48' along the bank. One layer in ground and one above if they find suitable base soil. The Commission discussed the tree roots and the location of the 262' lake elevation, which is where the private property ends and city land under the lake begins. After some discussion, it was determined that a survey plan showing these elevations would be required to verify that the wall will be built above the high-water mark and on private property. The type of excavator and access locations were discussed. Mr. Domke has a boat access on his property that could be used to bring some of the materials in. They will <u>return to the March 17th meeting with a revised surveyed plan. It was noted that if the wall is more than 4' high from the ground a building permit will be required.</u>

Request for Determination of Applicability
35 Red Spring Rd. – Mr. & Mrs. Hause

Propose to construct an addition to the existing house near Ft. Meadow Reservoir.
At the applicants request prior to the meeting, this item was <u>continued to April 7, 2022.</u>

Certificate of Compliance:

- DEP 212-1214 615 Williams St.- This item was <u>continued until the erosion controls are removed and the drainage system inspected.</u>

Violation Updates:

- 896 Boston Post Rd. – continued from 2/3/2022 - The owner of this is still away, he will attend one of the next few meetings.

- 630 Forest St. - Ms. Ryder explained that she has issued an Enforcement Order for work on this property done without any permits. She noted that the 3 items needing to be addressed this evening are: 1.) Ratify the Enforcement Order; 2.) Confirm next steps for site stabilization and ongoing monitoring until it is stable - currently lots of silt downstream and need for wetland consultant; 3.) File plan to be approved to proceed with final solution.

  Steve Turner and Pete Venuto were present. Mr. Turner explained that he owns 630 Forest St. He noted that there was a sinkhole on the property which had gotten quite big between the driveway and upstream pipe inlet. Met with Ms. Ryder and IPG (downstream neighbor) in December to discuss the need to repair the pipe in some way. He was concerned about road stability and wanted to know how bad the drainpipe condition was to determine next steps. They did investigate with camera then started digging to see if they could reveal the pipe. At which point they were asked to stop by Ms. Ryder and several Commission Members who had observed the work and a 16' deep hole with huge stockpiles and lots of large stones.

  Fred Keylor of H.W. Moore P.E., who was recently hired by Mr. Turner, explained that going forward they would like to get approval of the revised plans which had been previously prepared by Mr. Bruce Saluk P.E. Ms. Ryder noted that she had not seen this plan before yesterday only a hand sketch in December. Mr. Keylor explained that he has made some modifications to Mr. Saluk' plan and will be working out the details with Mr. Saluk, who was in the audience. Ms. Ryder showed pictures of the project, down stream siltation and upstream sandbags that were installed after being requested by her and City Engineer. The Commission expressed dismay and concern that so much work would be done without a plan to start, nothing on site to control erosion, and inadequate pumping and water diversion AND no permit. Once instructed to do so erosion controls and sandbags were gathered and installed. No engineer was directing the show, and no plan had been approved by the city- all these failures have resulted in the problem noted by Commission Members as a "huge embarrassment to the developer. This should not have happened."

  Mr. Bruce Saluk explained that he had originally drawn up the plan with specific requirements for bypass, utility protection, rain contingencies etc. but he had been hired by IPG to do this design and works for them. Unless his client is agreeable, he is not working for Mr. Turner. Mr. Turner and Mr. Venuto explained that they would reach out to IPG and get this resolved.

  There was discussion about the pipe elevation, the headwalls and lead time for ordering materials. After much discussion about the problems, contractor and future actions, the Commission took the following actions and made the following requirements:

  1. Ratify Enforcement Order - The Commission on a motion by Mr. White second by Chair to ratify the Enforcement Order as written, <u>voted unanimously 6-0 to ratify</u>.
  2. A stamped engineered plan shall be provided to the Conservation Officer and City Engineer. If approved, then the applicant can start ordering the supplies needed.

3. At the next meeting on March 17, 2022, the applicant shall return with their contractor, engineer, and property owners to discuss next steps and sequence of construction. If necessary, an Emergency Order will be considered at this time.
4. A notice of intent shall be filed with the Commission to cover all this work. This shall be submitted for the March 17th or April 7th meeting agenda.

The applicants agreed to return to the next meeting with items as noted above.

- 92 Crowley Dr. - Last week additional mud was leaving the site and entering the downstream wetland at the end of Crowley Dr. Ms. Ryder and Mr. Dunbar investigated the site and found several areas with raw dirt draining towards unprotected catch basins. The applicant was responsive and corrected the problem that day and are providing e-mail updates after every rain event. A violation notice will be sent for this violation.

Discussion/Project Updates:

- 78 Roosevelt St. – Cole Motz - tree removal request - Ms. Ryder and Mr. Dunbar visited this site to check out a leaning tree reported by the new owner Mr. Motz. Photos of the tree were shared with the Commission. The tree is in fact leaning towards the house and is entwined with a huge bittersweet vine. Not clear who's land the tree is on so homeowner would need to figure that out. Commission agreed this was a dangerous tree and authorized Ms. Ryder to provide permission for it's removal as long as a snag 10-15' tall was left in for wildlife habitat. On a motion by Mr. Dunbar second by Mr. Clancy, the Commission voted 6-0 to authorize this tree removal. Ms. Ryder will convey to the homeowner.

Next Conservation Commission meetings: March 17th and April 7th, 2022

Adjournment - There being no further business the meeting was adjourned at 8:13 PM

Respectfully submitted,

Priscilla Ryder

Priscilla Ryder
Conservation/Sustainability Officer