

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

August 18, 2005 (Thursday)  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

Members Present: Edward Clancy-Chairman, Lawrence Roy, John Skarin, Dennis Demers, and Priscilla Ryder-Conservation Officer

Absent: Donald Rider, Jr., Allan White, and David Williams

**Discussion - 7:00 P.M.**

- DEP 212-950 98 Wellington St. (Continuation) –The owners had requested in writing permission to do some additional landscape work at this site to help stabilize the slope that was created and to install a catch basin to help control the runoff from the driveway coming from the cul-de sac. The Commission reviewed the plans and agreed that the catch basin could be installed provided a stone outlet was also added to the plans. The commission also agreed that this is a minor change to the plan and does not require further review. Ms. Ryder will send a letter.
- DEP 212-960 221 Maple St. – This Order of Conditions has been appealed to Dept.of Environmental Protection (DEP). During the site visit with DEP the issue was raised that the stream was not necessarily a river. DEP ran the Stream Stat program and did confirm that the watershed for this stream is too small to qualify as a river. As such, the reference to the 100 and 200 ft. Riverfront Area should be removed from the plans. The Commission reviewed the revised plan showing only the Bordering Vegetated Wetland. The Commission voted unanimously (4-0) to accept the new plan dated Rev. 8/10/2005 (Revised site plan per MA DEP comments).

**Public Hearings**

Abbreviated Notice of Intent

- 512 Bigelow St. - Eddie Wendler  
Mr. Wendler was present and explained that he wants to install a garage at his home on 512 Bigelow St. The foundation is just a frost wall, not a full foundation. Most of the excavated material will be used to backfill the foundation; however any excess material will be removed. The existing driveway will be removed once the garage is in place and a new driveway installed in front of the garage. Dewatering may be necessary and if so, the Commission requested a filter system to clean the water before it is discharged across the lawn into the wetland area. After some additional discussion, the Commission voted 4-0 to issue an Order of Conditions for this work and required erosion controls be installed along the edge of the work area.

Notice of Intent

- 64 Dufresne Dr. (Lot 20) - West Hill LLC

Don Seaberg from Benchmark Engineering (aka Fafard Real Estate) was present and presented a plan to construct a single family house on Lot 20 which has wetlands behind it. The wetlands are 40 feet away at the closest point of the deck. The Commission reviewed the plans and noted that the 20 foot buffer zone was to be protected, and noted that the trail would have to be constructed before any Occupancy Permit was issued, to avoid the problems we are having at Indian Hill with trail encroachment etc. After further discussion, the Commission agreed to close the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting.

Dufresne Dr. (Lot 11A) - Don Seaberg also made a request for a minor change to the house lot on the adjacent property. The original house did not show a deck and they would like to build one. The Commission reviewed the changes and noted that the deck would be above the existing grass and not a major change. The Commission voted 4-0 to approve this change as a minor change.

Request for Determination of Applicability

- 132 Stevens St. - Jovelino Samuel

Mr. Samuel, owner of this house, is requesting permission to extend the roof drain past the fence in his back yard. Chairman Clancy explained that the property behind him belongs to someone else and that he would have to get permission from the landowner to discharge the drainage over their land. Mr. Samuel said he would contact the land owner to get permission. The Commission also discussed the driveway and other work Mr. Samuel was proposing. He explained that he would like to install a garage and pave the driveway. The Commission indicated that some of this work may fall within 100 ft. of the wetlands and would likely need a permit from the Commission. The Commission continued this hearing at the applicant's request, so he can contact the abutting owner.

Notice of Intent

- 200 Mechanic St. - Erich Kammann was present and explained that they wanted to install a retaining wall in their back yard as discussed at a previous meeting. The fill that was brought in and dumped in and near the wetland would be removed from the wetland and used as backfill behind the wall. All excess material will be removed from the site. The wall will be constructed out of stone. The stone that was placed in the wetland area will also be removed.

After some discussion, the Commission determined that the work as proposed would be acceptable and discussed possible conditions including: a building permit would be necessary if the wall was over 6 feet tall and the wall design should be reviewed by the building inspector; the boundary line for the wall should be visibly marked in the field and should be inspected by the Conservation Officer; grading of the yard would need to blend in with the adjacent properties; the small deck proposed between

the house and wall is acceptable; erosion controls should be installed at the base of the work area to prevent washout into the wetland.

The Commission closed the hearing and asked Ms. Ryder to draft a set of conditions including the above listed for the next meeting.

#### Notice of Intent

- 435 Lakeside Ave. - Milestone Associates (owners)  
Roy Tiano, an Engineer from Edwards and Kelsey, provided an overview of this project which includes the construction of two retail buildings and some drainage structures. All work is designed to be outside the 50 foot Water Supply Protection District buffer zone. Since the groundwater table is rather high in the area, the entire site will be raised 3 feet to allow for proper drainage and to provide 8 feet of separation between the finished ground and the water table. The project is designed to remove 91.8% of the total suspended solids and includes deep sump catch basins, storm-ceptors and a cultec system. The infiltration/cultec systems are also proposed and will have four viewing ports. The city engineer has received the drainage calculations and is still reviewing them. Mr. Tiano explained that he is still waiting for soil and perk tests to be done and will provide this information at the next meeting. At the applicants request the hearing was continued to the September 1, 2005 meeting.

#### Notice of Intent

- 34 Mosher Ln. (Lot 11) - Chris Mutti  
Scott Goddard of Carr Research Labs was present and explained that this is the lot where the wetland line was disputed. The Abbreviated Notice of Resource Area Delineation (ANRAD) was appealed to the Dept. of Environmental Protection (DEP) who determined that the city could hire an outside consultant. The result of which was that the wetland line was acceptable. Now that this has been resolved, the owner would like a permit to build a house as shown on the plans presented in their Notice of Intent (NOI). The retaining wall around the entire house is 12' in height. The Commission noted that a detail of the wall needs to be provided by a professional engineer with the construction sequence of the wall and the location of the wall are also needed. The house as shown on the plan is the maximum size; the actual house to be constructed will be slightly different. After further discussion, the Commission with the applicants consent agreed to continue the hearing to the September 1<sup>st</sup> meeting.
- Lot 12 Mosher Ln.  
Scott Goddard also requested permission to regrade Lot 12 to match Lot 11, since the new wetland line has been approved. The Commission asked that this be submitted in writing to be reviewed at the next meeting.

Notice of Intent

- Brazeau Circle - Ansari Builders

Andrew Liston P.E. of Liston Associates explained the history of the site and the failure of the detention basin on two occasions. The plan presented was for the repair of the basin to correct the problem. This includes changes to the inlet and outlet structures, sediment sumps, some additional riprap and maintenance access to be added to the top of the dike. These changes were all shown on the plan and outlined in the Notice of Intent (NOI). Chairman Clancy asked about the down stream wetland and the possibility of providing a channel through this wetland. He observed that this wetland has filled in with vegetation and now water is taking the path of least resistance which is on the lawns of the abutting properties. Mr. Ansari, the builder, explained that he will approach the owners of the land and seek their permission before moving forward on such a project. Ms. Sullivan was present and noted that several of the neighbors were on vacation for the next week or so, just so the Commission was aware of this.

Mr. Liston explained the construction sequencing to be used, and the by pass operation to be in place during storm events. Work should only last about three or four weeks max. Ron LaFreniere, Commissioner of Public Works, explained that he was involved in the initial design and since the failure of this basin the DPW and Planning Board have adopted different design standards to avoid future failures. He explained that he has reviewed the plans along with the City Engineer, Jim Arsenault and they both agree that the design changes proposed by Mr. Liston should improve the performance and safety of the detention basin. Chairman Clancy asked if what is before the Commission tonight is the best design. Attorney Arthur Bergeron was present and noted that Jim Arsenault had reviewed the plans and provided comments to the Planning Board that the new changes can be approved. The work proposed will bring the facility back to good working order. Ron LaFreniere explained that the new design uses the new standards and will help correct the problem.

After further discussion, the Commission with the applicants consent continued the hearing to September 1<sup>st</sup> to allow Mr. Ansari time to seek permission from the abutters.

**Draft Order of Conditions**

- DEP 212-964 226-238 Berlin Rd. - Berlin Farm Realty Trust  
Dennis Demers abstained from this discussion due to a conflict of interest. The Commission reviewed the draft Order of Conditions for this project however, as there were only three members to deliberate and not a full quorum, they could not vote and this item was continued to the next meeting.

**Certificates of Compliance:**

- DEP 212-258 Country Club Estates (Subdivision road & drainage)
- DEP 212-301 Country Club Estates (Site Work on Lots 1-12)

- DEP 212-834 Country Club Estates (# 70 & # 52 Robert Rd.)  
The Commission is waiting for confirmation from the City Engineer on this project so all these items were continued to the next meeting.

**Correspondence/Other Business**

The following correspondence was reviewed and the Commission voted to accept and place on file:

- Letter from New England Wetland Plants, Inc. dated June 27, 2005.
- Docket dated July 22, 2005 RE: Thomas W. Callahan, Request for Extension of Time to File Status Report, DEP 212-711
- Ltr. from Sanford Ecological Services, Inc. dated July 27, 2005 RE: Results from the spring storm water sampling for Fairbanks Blvd. project.
- Memo from City Solicitor, James Agoritsas dated July 29, 2005 RE: Open Meeting Law Summary.

**Other business**

- 208 Naugler Ave. wetlands violation - The owners were notified of the violation and have stopped all clearing work in the wetland. They will file for a permit on September 15<sup>th</sup>.
- I-290 resurfacing and roadway clearing has begun and the Commission discussed the grubbing operation and noted that no grubbing, only cutting should occur within the 100 foot buffer zone. Ms. Ryder will convey this to MassHighway and the project engineer.

**Meetings** – Next Conservation Commission Meetings - September 1st & 15th, 2005  
(Thursdays)

**Adjournment** - There being no further business, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Priscilla Ryder  
Conservation Officer