

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

February 3, 2005  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Lawrence Roy, Donald Rider, Jr., John Skarin, Dennis Demers, and Priscilla Ryder-Conservation Officer

Absent: None

**Minutes** – The minutes of January 20, 2005 were approved and accepted as written.

**Public Meeting**

- Conservation Land Rules and Regulations - The Conservation Commission reviewed the existing rules for conservation lands. Currently the only property, which allows snowmobiles, is the Desert Conservation land. Edward Clancy recalled that when these rules were set, not many people used the Desert Conservation Land and it was considered to be large enough (300 acres) to accommodate this use. However, after receiving the letter from Joe Delano and reviewing the current trail system, it is clear that the only trail suitably wide for both snowmobiles and pedestrians would be Old Concord Rd., which in fact is only a small portion of the trail system now that the beavers have flooded a section of this trail. All other trails are quite narrow and winding so user conflicts can occur. Joe Delano was also present and summarized his letter and the incident he had out on the site with a snowmobile, which almost ran him over. Larry Roy noted that snowmobiles have also been seen at the Felton Conservation Land off Elm St. where snowmobiles are not permitted. However, the sign says “No Motorized wheeled vehicles”. When he stopped a snowmobile, they said that it was not a wheeled vehicle. Therefore, the signs need to be changed to more clearly reflect that the Commission intended that NO MOTORIZED vehicles be permitted.

After some discussion, the Commission determined that the use of snowmobiles on Conservation Land has presented a safety concern given the user conflicts that have occurred. Therefore, the Commission voted unanimously 7-0 on the motion to: Change the policy on all Conservation Land to read “NO MOTORIZED VEHICLES” and to ban the use of any motorized vehicles (except emergency and maintenance vehicles) from these properties, including snowmobiles. It was also agreed that the rules and regulations for conservation land management would be reviewed annually at the first meeting in September to get input from users and to review any user conflicts or changes needed.

**Public Hearings:**

Notice of Intent DEP 212-952 (Continuation of public hearing)  
180 Farm Rd. – Davis Estates Subdivision – Robert Valchuis

Brandt Wajda of Guerrier and Halnon was present representing Mr. Valchuis who was out of town. Mr. Wajda presented the Commission with a letter dated February 3, 2005 that answered the questions raised at the last meeting. He reviewed each of the items in the letter, which is in the file. The “Wetland Replication Plan” and documentation from Judith Schmitz dated January 28, 2005 were submitted. The Commission reviewed this and noted that there is no specific planting plan or details on the construction methods to be used including elevations (the plans reference the grading plan which have no detailed grading on the replication area). These items need to be more clearly defined and spelled out. An enlarged detail of the replication area showing these specific requirements is needed.

The existing outlet structure from the pond was discussed. The Commission noted that a detail cross section on this construction is needed to ensure that the pipes are properly bedded and have anti seepage collars around them, so as not to drain the pond. The existing and proposed valve system and pipes must also be shown in more detail on the plans for both existing and proposed conditions. The existing valve system needs to be checked and replaced if needed.

Mr. Wajda met with the Engineering Department and will be submitted a revised plan to them on February 7<sup>th</sup> to address their issues on the design in anticipation of the Planning Boards’ February 14<sup>th</sup> meeting.

The Commission with the applicants consent continued the hearing to the February 17<sup>th</sup> meeting, to allow the applicant to provide the above noted items.

**Certificate of Compliance**

- DEP 212-258 & 212-301 Country Club Estates - This was continued to the next meeting. The Commission is still waiting for comments from the Engineering Department.

**Draft Order of Conditions**

- DEP 212-956 30-40 Crystal Brook Way – The Commission reviewed the draft Order of Conditions for the installation of a retaining wall. The Commission voted 7-0 to accept the project and issue the Order of Conditions as drafted.
- DEP 212-955 Fairfield Development, LP - off site sewer – The Commission reviewed the draft Order of Conditions for this off site sewer work. The Commission discussed the need to sweep the project daily to prevent mud from leaving the site and to require dust control. The Commission voted 7-0 to accept the project and to issue the Order of Conditions as drafted and amended.

### **Correspondence**

The following correspondence were reviewed and the Commission voted 7-0 to accept these documents and place on file.

- Assabet River, Great Meadows, & Oxbow National Wildlife Refuges Newsletter- This newsletter reports that the 2000 Acres of National Wildlife Refuge which abuts the Desert Natural Area conservation land, will be opened sometime this year, which is very exciting news for out door enthusiast.
  
- E-mails from Mr. Mongeau dated 1/14/2005, 1/17/2005 & 1/19/2005
- Ltr. from Bruce Saluk dated 1/20/2005 RE: Repairs, with photos.  
The Commission asked that these two items be accepted and placed on file. Copies should be provided to the DPW Engineering Department for their review.
  
- Ltr. from Waste Management dated 1/18/2005 RE: Ongoing problems have occurred with silty water leaving the site. Ms. Ryder has been working with Waste Management to correct the problem and has provided some deadlines as noted in this letter.

### **Other Business**

- DEP 212- 914 Hess Gas Station – Tom Treverna, represented Hess Gas station and the project manager was present and explained that during construction the building had been inadvertently shifted over 2 feet. Since they pulled measurements from the building to match the plan, this caused the retaining wall at the back of the building to be within the 20 foot buffer zone. 30 feet of the 60 foot wall is now within the 20 foot buffer zone by about 2 feet. Mr. Traverna explained that if they could, they would like to be able to leave the wall in place, but barring that they would be happy to move the wall this spring when the weather allows.

Several Commission members explained that the Commission holds the 20 foot Buffer Zone sacred and due to the error of the Hess crew, the Commission was not inclined to deviate from this policy. Therefore, the section of the wall within the 20 foot buffer zone must be removed and placed in the proper location on or before May 15, 2005.

Chairman Clancy also noted that during construction there were several items, which Hess and the contractor did not honor such as using the detention facility as a storage facility for dirt and other building related material. Mr. Traverna explained that the site was very tight and limited what they could do and where. He admits that it wasn't an easy site especially since they found a leak under one of the tanks, which required storage of some of the soil on site. He assured the Commission that during rain events the infiltration wells appeared to absorb all the water and nothing was running out. He also explained that the detention basin has been graded, but not stabilized. They will mat it as soon as the snow melts and will loam and seed it in the spring but no later than May 15<sup>th</sup>.

The Commission agreed that the wall must be removed and the site stabilized by May 15<sup>th</sup> 2005. A letter will be sent to the Building Commissioner.

- Land management plan for the Sudbury Reservoir - The Commission received a copy of this report at the last meeting, Commission members were asked to review the document which focuses on the land use management of the DCR land within the Sudbury Reservoir. Comments are due February 11, 2005.
- 170 Locke Dr. - Ms. Ryder noted that snow has been brought in from out of town and was being deposited at 170 Locke Dr. She has contacted the landlord and has spoken to the company who has been hauling the snow. Apparently, the snow is coming from Burlington Leahey Clinic, which is also in a Water Supply Protection area. Brady Otey, who is with the company hauling snow, said he would be in touch with the man from the Leahey Clinic to confirm information about this low salt use on this property. The Commission asked that Ms. Ryder get a letter from Mr. Otey explaining how much snow was transported, where it came from and why it was being deposited in Marlborough. Mr. Demers, Commission Member, indicated that they were hauling snow for a whole week before he called Ms. Ryder to investigate the hauling and where it was coming from. The Water Supply Protection District Ordinance requires that no snow be brought in from outside the district. Ms. Ryder will continue to investigate this situation and will report back to the Commission at the next meeting.
- DEP 212-802 Crowley Dr.- The Commission received a memo from James Arsenault, City Engineer, regarding the Interim As-Built plan for the Crowley Dr. detention basin, which outlined some deficiencies on this interim plan. The Commission asked that the memo be forwarded to Bruce Saluk, so he can address these issues and submit a new plan. The Commission also noted that they had not received any design on the small channel to be constructed between the stilling basin outlet and the stream and asked that Bruce Saluk address this issue as well.
- MACC Annual meeting – The annual Mass. Association of Conservation Commission conference is March 5<sup>th</sup>. John Skarin and Dennis Demers said they would attend.
- DEP Workshops on regulation changes – The new regulation changes regarding the generic permit for work outside of 50 feet from a wetland are being held throughout the state. The schedule was distributed.

### **Adjournment**

There being no further business, the meeting was adjourned at 8:45 PM.

Respectfully submitted:

Priscilla Ryder - Conservation Officer