

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

June 16, 2005 (Thursday)
Memorial Hall, 3rd Floor, City Hall

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

Absent: Allan White

Minutes: The minutes of May 5 and April 21st, 2005 were reviewed and unanimously approved by the Commission.

Public Hearing(s)

Request for Determination of Applicability - Continuation of Public Hearing
520 Pleasant St. (Lots 1 and 2) – Shanes Lane, LLC

Ed O'Neil of Corbett Development, the prospective buyer, was present and explained that he believes Mr. Arsenault has seen the site. He explained that there is ledge 5 feet below the surface which is why the area appears wet. However, as his engineer has pointed out, the area cannot contain a ¼ acre foot of water as required for Isolated Land Subject to Flooding. The Commission reviewed the comments from Jim Arsenault as well confirming this observation. The Commission noted that there still is a great deal of water running down this hill, and although it is not technically a wetland under the Wetlands Protection Act, the applicant should work closely with the city engineer to ensure that the design will not have an impact to adjacent or downstream abutters.

The Commission voted 7-0 to issue a negative determination of applicability noting that the wet area is not jurisdictional therefore, no further review from the Conservation Commission is required.

Notice of Intent (Continuation of Public Hearing)
853 Donald Lynch Blvd. – Digital Credit Union

Roy Tiano of Edwards and Kelcey was present and recapped the project which is to install a parking deck over the existing parking lot at this location. He has received verbal approval from the plumbing inspector that the water quality and infiltration system proposed will meet the code. He has also had discussions by e-mail with DEP, copies of which were forwarded to Ms. Ryder indicating that they think the drainage, as designed, should suffice and that the plumbing inspector is the ultimate decision maker on this item.

After some discussion, the Commission reviewed the draft Order of Conditions and voted 7-0 to approve and issue the Order of Conditions as amended.

Notice of Intent (Continuation of Public Hearing)

226 & 238 Berlin Rd. – Berlin Farm Realty Trust

Dennis Demers recused himself from this hearing due to a conflict of interest.

Bob Parente submitted the new forms as required by Ms. Ryder and DEP. He presented a revised plan dated June 16, 2005 showing the detention basin outfall pipe, erosion controls and the wetland line. Ms. Ryder indicated that she had checked the wetland boundary, but had some questions on the line. The wetland boundary changes, Ms. Ryder identified, appear to all fall within the 200 foot Riverfront Area, so if the wetland line does shift, this should not substantially change the plan design and basin location. However, this needs to be verified in the field. Mr. Parente will do a site visit with Ms. Ryder before the next meeting.

The Commission closed the hearing and will review a draft Order of Conditions at that time and will accept any wetland line changes at that point as well.

Certificate(s) of Compliance

- DEP 212-897 215 Maple St. (now 221 Maple St.) for hazardous waste cleanup. After some discussion the Commission voted 7-0 to issue a Partial Certificate of Compliance for this project. The last remaining item to be met is the ongoing monitoring and reporting for the hazardous waste cleanup. These will be ongoing. When the site is completely clean and no further monitoring is required a Full Certificate of Compliance may be issued.
- DEP 212-934 120 Bartlett St.
The Commission is still waiting for documentation regarding the wetland replication area.
- DEP 212-914 Boston Post Rd. (Hess Gas Station)
The Commission reviewed the as-built plan and the photographs of the infiltration basins. Ms. Ryder has inspected the site and reported that it meets the requirements of the Order. The Commission voted 7-0 to issue a Full Certificate of Compliance with the ongoing conditions as required in the Order.
- DEP 212-203 42 Graham Path (Lot 132)
This lot is being sold. A previous Certificate of Compliance was issued for this subdivision but, apparently was not recorded on this lot. The lots within this subdivision are land court land so, an Attested True Copy of the document will not be accepted at the Registry of Deeds. The commission voted 7-0 to re-issue a Full Certificate of Compliance for this lot.

Correspondence/Other Business

The following items were reviewed and the commission voted to accept and place on file:

- Mass. River & Stream Crossing Standards: Technical guidelines - Aug. 6, 2004
- DEP 212-960 221 Maple St. - Appeal

Other Business

- 479 Farm Rd. - Ms. Ryder met with the new owner who wants to expand his driveway on this lot. The work is within the 200 foot Riverfront Area. She showed the Commission a sketch. The Commission determined that it looks like a parking lot rather than a driveway and is too close to the river. The Commission suggested that Ms. Ryder tell the owner to come up with a design of a driveway that is further away from the river and it should be smaller. She will contact the owners.
- Ft. Meadow Reservoir (weed treatment) - Ms. Ryder reported that Lycott Environmental will be doing spot treatments with the herbicide Diquat throughout the lake to help control the Eurasian Milfoil which was found throughout the lake during the annual weed inspection on June 16th. Treatment will be done on Tuesday, June 28th.

Meetings

- Next Conservation Commission meetings - July 7th and July 21st, 2005 (Thursdays)

Adjournment

- There being no further business the meeting was adjourned at 8:05 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer