

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

May 19, 2005  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

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

**Absent:** Lawrence Roy, Dennis Demers, and Allan White

**Approval of Minutes:** The minutes of April 7, 2005 were approved as written

**Public Hearing(s):**

DEP 212-916 Amend Order of Conditions - Continuation of Public Hearing  
114 Kelber Dr. - Enio DaCosta

Enio DaCosta, the new owner, was present and provided a new revised plan dated 5-19-05. The new plan eliminates the walls on the side slopes behind the house, but still includes a wall along the wetland boundary. The Commission noted that the existing wall is within the 20 foot wetland buffer zone and will need to be moved so that it is outside of this area. A new drainage pipe to pick up the water from the adjacent lot will be installed. Riprap will be placed at the end of this pipe. The commission discussed the changes, and determined that they could approve these changes, but would require the conservation officer to verify that the work is done correctly. The Commission closed the hearing and a draft Amended Order of Conditions will be reviewed at the next meeting.

Notice of Intent

255 Boundary St. (Millham Water Treatment Facility) – Dept. of Public Works

Joseph Shea of Woodard and Curran and Beverly Miller of Maguire Group, Inc. were present. Mr. Shea explained that they are working for the city and have designed a system to expand the clear well to allow the city to produce more water for distribution. They have done a design to stay outside the 20 foot buffer zone and minimized all wetland impacts. The well will require excavation of a 10 foot deep hole. Groundwater was found in March and April at 12 feet below the surface, so they believe they will be outside the water table. Work is scheduled for August when the groundwater table will be even lower. The Commission asked that they be prepared for dewatering should that be needed. It will take approximately four months to complete the project. Woodard and Curran will oversee the construction. The fence will be moved out to the new toe of slope. Some excess materials will be generated on the site and will be removed. As there is little room for any storage, no on site stockpile of material is proposed.

The Commission wanted comments from the City Engineer and confirmation as to whether the project could be shifted outside the 50 foot buffer zone as there is a Floodplain and Wetlands Protection District setback of 50 feet, which Ms. Ryder believes applies. If the project can't be moved, a variance from the Zoning Board of Appeals will be needed. The Commission continued the hearing until June 2<sup>nd</sup> so these questions could be answered.

Request for Determination of Applicability

58 & 62 Lacombe St. – Lacombe Business Center

Paul DiTullio, the owner, was present and explained that they are in the process of constructing the last building within this development. The work is 70 feet away from the wetland. Erosion controls have been installed. A vortech unit with a double catchbasin has been installed to deal with water quality leaving the site. Comments from City Engineer, Jim Arsenault, were read into the record, stating he approved of the plan.

After some discussion, the Commission voted 4-0 to issue a Negative Determination with conditions to notify the Conservation Officer when work begins and to check and maintain the drainage system during and after the project to protect the adjacent wetland.

Request for Determination of Applicability

520 Pleasant St. (Lots 1 and 2) – Shanes Lane, LLC

Ed O'Neil was present and explained that the Zoning Board of Appeals had allowed the creation of two lots on this property, but had noted during the hearing process, that the property had a drainage problem. To be sure this is not considered a wetland, the potential buyer Ed O'Neil wanted the Commission to make a determination on whether there were wetlands on this property. They will be providing a plan to the city engineer when building this house which will address the drainage issues in the area. Ms. Ryder indicated to the Commission that she had checked the site, and it does not border on any stream or pond, however it might be Isolated Land Subject to Flooding, and clearly has wetland vegetation and soils in the area. The Commission determined that they would like to look at the site before making a determination and would like some input from the City Engineer.

With the applicant's consent, the hearing was continued to the June 2<sup>nd</sup> meeting.

Request for Determination of Applicability

69 Amory Rd. – Wayne Nelson

Wayne Nelson, the owner, was present and requested permission to add a small deck to the back of his house next to Ft. Meadow Reservoir. There is an existing stone patio, so the deck will not add any new impervious surfaces. Several Commission members had seen the site and the following assessments were made: Although the work is proposed within the 20 foot buffer zone and since

the site is already a patio, the Commission determined that this small deck would be acceptable and would not have a detrimental affect on the lake.

The Commission voted 4-0 to issue a Negative Determination of Applicability allowing the work and with a condition that the Conservation Officer be notified when the work is to begin.

Amend Order of Conditions (DEP 212-762)

Villages at Crane Meadow (Williams St.) – Crane Meadow, LLC

Bill Pezzoni representing the builder was present and explained that there is a sand berm behind Building #3 which the neighbors claim is allowing water to collect on the lawn rather than draining to the wetland. To correct this problem, the builder has agreed to remove this berm and regrade the area with plantings of pines, blueberries and ferns to re-establish this buffer area. The work should only take two days to complete. He also stated there is no work behind Buildings 9 & 11 as noted on the agenda. This was a mistake in the letter sent to the Commission. He confirmed that there would be positive drainage from the lawn area to the wetland.

Councilor Schafer was also present as were several of the neighbors including Mrs. Lambert and Ms. Bannon. Mrs. Lambert indicated that the berm work is 3 feet away from her deck and she did not want to see pine trees. The Commission indicated that this area was within the 20 foot buffer zone and needed to be restored to its natural state. She indicated that removing the berm was not going to solve the problem and that the solution is to install gutters. Chairman Clancy asked for clarification as to what was being requested this evening and thought it was for the removal of the sand berm, not gutters.

After some discussion about the drainage problem and the ability of removing the berm to solve the problem, the Commission with the applicants consent determined that they would like a comment from the City Engineer regarding the 100 year flood elevation and the ability of the berm removal to help solve the existing problem. The Commission continued the hearing to the June 2, 2005 meeting at 7:00 P.M.

Notice of Intent

502 Williams St. – Axel Knaf

Axel Knaf, the owner, was present and provided a plan showing an addition to the house. He was in several years ago to build a wall. His deed indicates that he cannot disturb anything on or below the 390' elevation in his yard. He has designed the addition to be 17 feet away from the 20 foot no disturbance buffer zone. His sketch was on the original as-built plan showing the elevations.

After some discussion the Commission asked that Mr. Knaf stake out the location of the addition and they would look at it. With the applicants consent the hearing

was continued to June 2, 2005 to allow the Commission to look at the site with the stakes.

#### Request for Determination of Applicability

Lakeside Ave. (Map 80 Parcel 60A) – Russell McKinnon

Russell McKinnon, owner of the property was present. He explained that he bought the “hot dog truck location” along Rte. 20 last year and wants to clean up this strip of land. His letter to the Commission explained his strategy, but after speaking with Allen Steinman a landscaper, he is now wanting to get approval of doing the work in stages as follows: 1. fill in the holes with crusher run on the section next to the roadway in the next month; 2. trim the trees in June & July; 3. remove poison ivy and remove the trash and dead logs in August; 4. add additional plantings in the fall; and 5. remove 25-30 of the smaller “trashy” trees.

The Commission determined that before any trees could be removed, the trees need to be marked in one section, so the Commission can look at them and determine if it is acceptable prior to any clearing work being done. In order to treat the poison ivy, the Commission will need information about what is being used and how it is to be used as this is right next to the city’s water supply. Approval of the use by the DPW water dept. will also be needed before this can be approved.

After some discussion, the Commission determined that the work could be done as long as the above noted conditions are followed. The Commission voted 4-0 to issue a Negative Determination of Applicability with the conditions as noted above and that the Conservation Officer would be notified before each phase of the work.

#### **Certificate(s) of Compliance**

- DEP 212-934 120 Bartlett St. (Full Certificate)  
The Commission is still waiting for information on this item.
- DEP 212-313 138 Blanchette Dr. (Lot 39) - (Partial Certificate of Compliance)  
The Commission voted 4-0 to issue a partial Certificate of Compliance for this project.

#### **Draft Order of Conditions**

- DEP 212-960 221 Maple Street – Eugene Mongeau  
The Commission reviewed the draft Order of Conditions and made some changes.  
The Commission voted 4-0 to approve the draft Order as written and amended.

#### **Correspondence**

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

- Zoning Board of Appeals – Hearing Notice for June 7, 2005 RE: Variance request for 146 Raymond Road
- Household Hazardous Waste Collection Day – May 14, 2005
- EOEAA – Self Help and Urban Self Help grants are now available and proposals are due August 1, 2005

**Meetings**

Next meetings – June 2<sup>nd</sup> and 16<sup>th</sup>, 2005 (Thursdays)

**Adjournment**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Priscilla Ryder  
Conservation Officer