

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

November 3, 2005
Memorial Hall, 3rd Floor, City Hall

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

Absent: Donald Rider

Discussion:

- 233 South St. (wall in floodplain) – Ms. Ryder explained that the owner of this property has built a stone wall within the floodplain and wetland of this property. The Commission members had also inspected the site. The Commission determined that the wall should be removed. Ms. Ryder was asked to issue an Enforcement Order for this wetland violation.

- Hager Pond Dam Update - Ms. Ryder explained that the Office of Dam Safety had required the owner to remove the flash boards and repair the dam. The flashboards have been removed, however due to the extensive rain, the water level has not dropped substantially. We have not received any further communication about the dam repair.

- DEP 212-906 Fairfield request for relief from Condition #39
John Shipe, Engineer, Bob Donovan site contractor for Fairfield Residential, and Bernie Rafferty of Rizzo Associates were present. Mr. Shipe explained that they want relief from Condition #39 of the Order of Conditions which requires pavement around all the buildings within each phase prior to framing the buildings within that phase. The areas around the buildings are hard packed with gravel and should remain stable throughout the construction. They are unable to pave due to some utilities that still need to be installed. They had originally agreed to this condition and would be in compliance if the utilities had not been delayed. The Commission explained that they have seen too many sites that become mud pits in the spring when a binder has not been placed. They asked that designated parking areas be provided and the main entrance be paved. However, they wanted a more defined plan of what paving would and would not be done before framing of the buildings. The Commission continued this discussion to the Nov. 17th meeting to allow the applicant to provide this information.

Public Hearings:

Request for Determination of Applicability

- 386 South St. - 428 South St. LLC (Dennis Demers abstained from the discussion due to a conflict)

Christen Cappelo was present to request the demolition of the house and removal of debris at 386 South St. At this moment, there is no further development proposed, but the applicant will provide plans if they desire to develop the lot. They are required to demolish the building as it is a safety hazard and some of the house and debris around the house are within the 100 foot buffer zone to a brook. After some discussion, the Commission voted 5-0 (Dennis Demers abstained) to issue a negative determination with conditions for site stabilization, proper notification and the removal of any hazardous materials should they be found.

Notice of Intent (Continuation)

- 109 Lakeshore Dr. - John Smith

Hank Black was present representing the owner. Ed Clancy said he had looked at the site and the wall and small sandy beaches had already been constructed. He asked if sand had been added. Mr. Black indicated that he had added some sand to the beach areas within the wall curve- "swim out" areas. This was added when the water level was down in the summer. The Commission determined that the wall and steps as discussed could remain in place. However, they would assess a fine of \$100 for starting and completing the work BEFORE the permit was issued. After further discussion the Commission voted 6-0 to issue a standard Order of Conditions and required that the fine of \$100 be paid.

Notice of Intent (Continuation)

- 479 Farm Rd. - Lusmar DeSouza

The owner was present and explained that he wanted to widen his driveway to allow him to park at least 5 cars on the pavement. Steve Reid has indicated to him that he is not allowed to park vehicles on the grass area, all parking must be done on the pavement. He therefore, is seeking approval for the driveway widening as it is within the Riverfront Area and Buffer Zone of the adjacent brook. The Commission noted that many cars and trucks have been seen parked in his yard and that there is much debris and concrete pads all over the yard which need to be cleaned up. The Commission determined that all the debris in the area would have to be removed before any work on the driveway could be performed. Mr. DeSouza agreed to remove the debris prior to the next meeting. After some discussion the Commission closed the hearing and will review a draft Order of Conditions at the next meeting on Nov. 17th. Conditions should include, cleaning up site, erosion controls, replanting of lawn and a planting plan along the Riverfront Area.

Notice of Intent (Continuation)

- 114 Concord Rd. - City of Marlborough (DPW)
Jim Arsenaault, City Engineer, was present and presented a revised plan for the stabilization of the stream channel between Stow Rd. and Concord Rd. Over the years, the side slopes of this channel have eroded causing slumping and scouring of the bank. He suggested armoring the entire stream channel to help stabilize the banks and the bottom of the stream. The Commission discussed the merits of the bottom stabilization and the vegetation at the top of the slopes to help protect the slopes from further erosion. The work will be done in the summer of 2006 when the stream water levels are low. Areas that were carved out by the water will be filled in and stabilized. There being no further discussion, the Commission closed the hearing and asked Ms. Ryder to draft an Order of Conditions for the next meeting.

Request for Determination of Applicability (Continuation)

- 132 Stevens St. - Jovelino Samuel
At the applicant's request, this item was continued to the next meeting on Nov. 17th.

Certificates of Compliance

- DEP 212-862 65 Amory Rd. - (Dennis Demers abstained from this discussion) This house is complete and meets the Order of Conditions. The Commission voted 5-0 to issue a full Certificate of Compliance.
- DEP 212-924 120 Bartlett St. - The replication area and the entire project is complete. The Commission voted 6-0 to issue a full Certificate of Compliance.
- DEP 212-880 Pleasant Gardens – We are waiting for information on the open space. This item was continued.
- DEP 212-948 541 Pleasant St. - This item was a superseding Order of Conditions. The applicant needs to seek a Certificate of Compliance from DEP.
- DEP 212-926 20 Mosher Ln.(Lot 10) - The wetland markers still need to be installed. This item was continued until this work is completed.

Draft Order of Conditions

- DEP 212- 971 City of Marlborough (DPW) - New sewer system within the roadways of Vega Rd., Woodland Dr., Hutchinson Dr., Juniper Rd., Butler Cir., McNeil Cir. & a portion of Goodale St. The Commission reviewed the draft Order of Conditions for this project and voted 6-0 to issue the Order as drafted and amended.

Sign Order of Conditions

- DEP 212-967 435 Lakeside Ave. - The Commission forgot to sign this order which was approved at the previous meeting. The Commission members who voted at the last meeting, signed the Order of Conditions.

Correspondence/Other Business

- 2005 Annual Report vegetation and water quality sampling results for Solomon Pond Corp. Center (Sepracor) - Robin Hill St. The Commission reviewed and voted to place this document on file. Mr. Clancy also requested that when the monitoring is done next year that he and Ms. Ryder be present.
- 233 South St.-Violation - Ed Clancy read the draft violation letter to be issued to the owner of this property. The Commission agreed that the wall should be removed by December 1st and that if it is not removed by that date, daily fines of \$100 will be required. The wall is within the inland restricted wetland and floodplain of South St. Brook and is in violation of the Wetlands Protection Act.

Adjournment- There being no further business, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer