

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

October 6, 2005 (Thursday) 7:00 P.M.
Memorial Hall, 3rd 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

Public Hearing(s)

Notice of Intent (Continuation of Public Hearing)

- 435 Lakeside Ave. - Milestone Associates
Roy Tiano P.E of Edwards and Kelsey, and Gene Crowley of Milestone Associates were present. They explained that they had received approval from the City Engineer and requested that the hearing be closed. The Commission discussed the ongoing monitoring wells and the “down gradient” status this property has from the Shell Gas Station. Mr. Crowley provided the Commission with a letter from an LSP regarding the site and the monitoring wells. Mr. Bucchino, a resident, expressed concern that a RAM plan would be submitted. Mr. Crowley explained that the RAM plan would be required and will describe how work shall proceed on the site. There being no further questions, the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the Oct. 20th meeting.

Notice of Intent

- City of Marlborough (DPW) - Sewer Project - Vega Rd., Woodland Dr., Hutchinson Dr., Juniper Rd., Butler Circle, McNeil Circle and a portion of Goodale St.
Brendan Quiggly, wetland consultant and Jim Mitchell P.E. of Rizzo Associates were present and provided an overview of how the sewer system would be installed as outlined in the Notice of Intent. Three wetland crossing areas are proposed. Mr. Mitchell explained the alternatives that were explored and noted that the location of the sewer as proposed, presents the least impact to the wetlands and least disturbance to the neighborhood. The alternatives are all described in detail in the Notice of Intent (NOI) and were reviewed at the meeting. Brendan Quiggly went through each wetland crossing and described the construction sequencing and restoration that would be required. The three locations discussed were: 1) Hutchinson Dr. to Woodland Dr. wetland crossing; 2) Woodland Dr. to Vega Rd. small stream crossing and buffer zone issues; and 3) Goodale St. utilities crossing under the river and through Bordering Vegetated Wetlands (BVW) and Riverfront Area.

The Commission asked questions regarding the type of construction sequencing, dewatering methods, excavation methods within the stream channels and stockpile locations for each crossing.

For the Goodale St. crossing, the Commission was concerned about the need to put a second gravity line under the stream. Mr. Demers also noted that Goodale St. contains a large amount of ledge and blasting may be a consideration which can be extremely costly. The Commission asked the project engineer to re-evaluate the need for this double crossing and look into jacking under the existing culvert within the roadway. The project engineer explained that they had looked at this extensively and due to all the conflicts with existing utilities and drains going under the brook, this proposed procedure seemed the easier and simpler solution.

For the Hutchinson Dr. to Woodland Dr. wetland crossing, the Commission discussed adding seepage collars along the sewer line to keep the wetland from draining. Also a dewatering method during construction needs to be provided. The design needs to consider the drainage of the area since any changes in the water levels will have an effect on the abutting properties and the wetland.

- The following abutters were present:
 - Kathy Grunbaum of 23 Woodland Dr. expressed concern about the wetland impact; drainage changes, the wildlife located within the wetlands, and questioned why the sewer line couldn't go down Hutchinson Dr. to Goodale St. She also asked whether the Hutchinson Dr. connection was really necessary. The project engineer responded that the Hutchinson Dr./Goodale St. option was reviewed, but would require a 20 foot deep cut in the road to get the proper sewer grades, which was not feasible. The wetland crossing for this section is an alternate proposal for the job.
 - Mrs. O'Reilly of 45 Woodland Dr., through her interpreter, asked how deep the trench would be through her yard and how her children might be protected from falling into the trench. The engineer explained that all trenches would be filled in or covered by the end of the day, but extra fencing can be added.
 - Leslie Francis of 50 Woodland Dr. asked which trees would be removed near her home and if they could be marked, so she could see them.
 - Patrice Von Schoppe of 39 Vega Rd. asked about the pond, the stream crossing and the pump station.
 - Allan Von Schoppe of 39 Vega Rd. wanted to know what protection is provided, so that the sewer pipe won't break and contaminate the pond. He also expressed concern that he has had his current septic system back up. He also wanted to be sure the crossing would not block the inlet to the pond. The

project engineer said it is relatively safe, sewer lines are all over the city and in general do not pose problems as they are sealed systems.

After much discussion, the Commission continued the hearing to the Oct. 20th meeting and set a site visit for Oct. 15th at 8:30 AM on Woodland Dr. The applicant will mark the center line of the sewer location and the limit of clearing through the wetland areas so that this is visible and clearly marked.

Abbreviated Notice of Resource Area Delineation

- Rte. 20 & Glen St. - Thomas Wilbum (Ninety Nine Restaurant & Pub)
Atty. David Gadbois, representing the 99 Restaurant and the Gutierrez Company was present. He explained that in 1999, the Commission approved a wetland delineation for a wetland on this property. This was appealed to Dept. of Environmental Protection (DEP) and DEP issued a Superseding Order of Conditions approving the line with some minor clarifications. As this previous delineation was only good for 3 years, the applicant decided to go ahead and re-file for the wetland delineation to confirm the line again. Sue McArthur of VHB explained that she reflagged the wetland. She reviewed the plan and the line as submitted in the Notice of Intent (NOI). The new line is fairly similar to the old line approved in 1999 with some minor changes. The plan also shows the 50' Water Supply Protection District buffer zone.

Mr. Ron Bucchino of 88 Glen St. explained that he has been observing the stream since 1996 and appealed the original delineation because the stream was labeled as intermittent when he believes it is perennial. He provided the Commission with a handout of material from the previous appeal and 310 CMR 10.00 Appendix preface page 442.2.

He also noted that the Water Supply Protection District (WSPD) boundaries were not shown on the plan. He asked that the Commission review the documents he provided and the context of the (DEP's) decision. He also asked the Commission to continue the discussion until he has had a chance to provide his additional documentation regarding his observations of the stream over the past many years. He'd like an opportunity to provide his evidence that the stream is perennial.

Sue McArthur explained that she had done the watershed delineation and stream stats analysis as required in the regulations to determine watershed size and whether the stream meets any of the perennial criteria. Her conclusions were provided in the NOI documents noting that the stream is intermittent. The stream doesn't even show in the USGS map and therefore, there is no center line from which to analyze the data. However, the watershed size does not meet the criteria.

Don Rider, Commission Member, explained that the document provided is the appendix to the regulations and only provides guidance. The regulations set out

the criteria to be used in evaluating whether a stream is perennial or not, and it appears to him that this test has been done and meets the requirements of the regulations.

After further discussion, the Commission agreed to continue the hearing to the Oct. 20th meeting. Ms. Ryder will discuss the issue with DEP regarding the information Mr. Bucchino provided and get DEP's opinion on this question.

Request for Determination of Applicability (Cont. of Public Hearing)

- 132 Stevens St. - Jovelino Samuel

At the request of the applicant, this item was continued to the next meeting.

Notice of Intent

- 114 Concord Rd. - City of Marlborough (DPW)

Abutters were not properly notified, so this hearing was continued to the Oct. 20, 2005 meeting.

Discussion

- 329 Maple St. - informal discussion regarding redevelopment near river. Ms. Ryder showed the Commission a plan provided by the project engineer, Tom Dipersio for the redevelopment of this parcel of land which has a river running through it. The plan includes extensive culverting of the stream and expansion/restoration of the wetland. After some review, the Commission concluded that the draft proposal was much too aggressive, creating too much impact on the wetland and would not be acceptable. The stream channel needs to be kept in tact as much as possible. Ms. Ryder will convey this to Mr. Dipersio
- 479 Farm Rd. – the owner of this property has asked Ms. Ryder if he can expand his driveway. The Commission indicated that since it is in the Riverfront Area a Notice of Intent would need to be filed.

Certificates of Compliance

The Commission reviewed the following items, but noted that each was deficient as noted and therefore no Certificates were issued.

- DEP 212-926 Lot 10 Mosher Lane - Waiting for boundary markers to be installed.
- DEP 212-948 Lot 2 - 541 Pleasant St. – Waiting for boundary markers and deed language.
- DEP 212-880 Pleasant Garden – Waiting for clarification on open space parcel.
- DEP 212-666 388 Boston Post Rd. - Villages East – Inspection revealed the need to remove riser pipes and other construction related items prior to final signoff.

Extension Permit

- DEP 212-806 Robin Hill St. Sepracor – The Commission reviewed the order and agreed there had been no changes or problems and voted 7-0 to approve a three (3) year extension on this Order of Conditions.

Draft Order of Conditions

- DEP 212-964 226 & 238 Berlin Rd. - Berlin Farm Realty Trust (Allen White and Dennis Demers abstained from this discussion due to a conflict of interest)
The Commission reviewed the draft Order and approved the Order as written and amended by of vote of 5-0.

Correspondence/Other Business

The following item were reviewed and the Commission voted unanimously to accept and place on file.

- Letter from Peter M. Mirageas, dated Sept. 12, 2005 RE: Metro Park Corporation ("Metro Park") vs. James Mongeau & Maureen Mongeau and City of Marlborough
Conservation Commission Middlesex Superior Court Civil Action No. 02-1058-

Meetings

Next Conservation Commission meetings October 20th and Nov. 3rd, 2005 (Thursdays)

Adjournment

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

Respectfully submitted,

Priscilla Ryder
Conservation Officer