

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

September 1, 2005 (Thursday)
Memorial Hall, 3rd Floor, City Hall

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

Absent: John Skarin and Allan White,

Eagle Scout Project - Dan Blake was present and explained that he had checked 9 vernal pools for his eagle project last spring. He has submitted information for certification for three of these pools and is awaiting approval from the state. The Commission thanked Dan for his efforts with this project.

Public Hearings

Request for Determination of Applicability

- 20 Donahue Dr. - Laura MacDonald

Ms. MacDonald, the owner was present. She requested permission to build a 10 x 14 ft. shed to the left of the house. The shed will be placed on cement blocks and level to the ground 23 ft. away from the edge of the wetland. All work is well outside the 20 foot buffer zone. The Commission agreed there would be no impact to the wetland and voted 5-0 to approve the project and issue a negative determination with conditions to notify the Conservation officer before and after work is done.

Request for Determination of Applicability

- 11 Bouffard Dr. - Eric Dudek

Mr. Dudek, the owner, was present. He requested permission to clear an area 30 ft. from the wetland, 10 x 15 ft. in size, to create a level area for a swing set. The Commission noted that this area is adjacent to a certified vernal pool and asked questions regarding the construction sequencing and fill to be brought in. Only 10 yards of fill will be needed. The area to be cleared and leveled will be filled with woodchips to provide a stable ground. After some discussion, the Commission determined this work could be done without impacting the wetland and voted 5-0 to approve the project and issue a negative determination with conditions: (1) haybales to be added; (2) contractor must meet with the conservation officer before work begins; (3) if fill is high on the wetland side a wall or grading will be necessary to create a stable slope.

Notice of Intent

- 1 Muddy Ln. - Marlborough Fish & Game (Larry Roy abstained due to a conflict of interest on this project)

Justin Bursa, from the Marlborough Fish and Game, explained that they would like to drain the first two small ponds which have been filling in with vegetation and invasive weeds over the years. They would like to drain the ponds using the existing outlet structure under drain. Once drained, they will remove the growth in the pond and evaluate the depth of the sediments to determine if that also needs to be removed. They would like to keep the pond water level low through the winter to freeze out any plant material and refill the ponds in the spring. As the water level drops, they will capture and transfer all fish and other critters from these ponds to pond #3, the larger of the three ponds. All work is proposed to be done by hand, except for the dredging if that is determined to be necessary. As this area feeds the city's water supply, the Fish and Game have determined they do not want to use any herbicides at this time.

He also discussed the desire to install a new culvert and gate system between ponds 1 & 2 to help provide some control of these ponds individually in the future. They would also like to install an aeration system for the pond. It would be a floating pump to help circulate the water.

The Commission discussed the merits of the project as this would revive these ponds which the Fish & Game stock for recreation purposes. They noted that any sediment removal would need to be done carefully and all materials stockpiled away from the pond to drain and then this material should be stabilized. The amount of sediment removal would be limited. The Commission noted that the ponds would need to be monitored and that refilling should be done by Feb. 15th to ensure that they fill up for the summer season. Don Belmore also from the Marlboro Fish and Game, expressed his support for the project as it would revive these ponds that provide a wonderful recreational opportunity for kids and adults alike.

The Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting.

Notice of Intent (Continuation of Public Hearing)

- 34 Mosher Ln. (Lot 11) - Chris Mutti

Scott Goddard from Carr Research Lab. represented Mr. Mutti the owner of the project. He provided a new plan showing the wall to be designed and the detail of the wall as requested. The width of the wall is 12 ft. wide. This does reduce the house size and makes the back yard smaller, but it provides for a more substantial and safer wall. The Commission agreed that the wall design looked better and noted that such a wall would require a building permit and a stamp from a registered structural engineer. Mr. Goddard indicated that they would get a permit from the building inspector. The Commission noted that the haybales

must be outside the 20 foot buffer zone. There are no decks proposed at this time. After further discussion, the Commission reviewed a draft Order of Conditions and voted 5-0 to issue the Order as drafted and amended.

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

- 132 Stevens St. - Jovelino Samuel
Mr. Samuel, the applicant, was present and indicated that he had not been able to reach the owner of the land behind him as they are out of the country until October. The drain he is requesting to extend beyond the fence is for roof drain only. At the applicant's request, this hearing was continued to the October 6th meeting, so he can seek permission from his abutter to extend his drain pipe to get positive drainage away from the house. The hearing was continued to Oct. 6th.

Notice of Intent (Continuation of Public Hearing)

- 58 Brazeau Circle – Sterling Woods Subdivision - Ansari Builders
Ed Clancy summarized the last meeting for the abutters present. He noted that the Commission had asked Mr. Ansari to get permission from the owners of the wetland below the detention basin, so that a ditch could be installed between the basin and the outlet from the wetland. Mr. Ansari indicated that he had sent a letter and a plan to all the abutters. Mr. Ferrel was not around, so he was unable to get any feedback from him; however he did speak with Mrs. Kundu who owns the land leading to the outlet structure easement area. She indicated clearly that she was not interested in supporting the idea of a trench on her property unless she was paid \$2 million for an easement. The Blake family who live behind Ms. Kundu indicated that the Ferrels were on vacation.

Ron LaFreniere confirmed that the Kundu's were not receptive to the idea, as he had spoken to them as well and explained that this trench would help to keep the lawns in the area less wet during the summer. The wetland is filling in, as nature will with vegetation. The water is finding the least resistant path which is the lawn areas of the adjacent properties. Mr. LaFreniere indicated that the city cannot force the developer to do this work if permission is not granted. He said there may be a solution if the trench can be improved on the city owned easement. This is something he'd like to consider in the future.

Mr. Blake who lives at 73 Schofield Dr. and directly behind the Kundu's house indicated that prior to 1998 he had no water in his basement, however over the past 8 years he has had water problems in his basement and back yard. He noted that since the development was constructed up the hill the wetness has increased and although at the initial hearings it was said there should be no change, he is seeing some change. If the swale/trench is not required how will the wetness be resolved?

Ron LaFreniere did revisit the history of the site and indicated that the groundwater in the wetland area has always been at the surface. The wetland has

changed over time as well. The swale/trench discussed at the last meeting could help to adjust the wetland to the natural and man made changes in this watershed area.

Arthur Bergeron indicated that the Planning Board has reviewed the changes to the detention basin and have approved the revised plans. The work is within the 100 foot buffer zone and therefore needs a Notice of Intent (NOI). The builder would like to proceed with fixing the detention basin right away, to have it ready before the winter sets in. If the issue of the swale/trench could be a separate item, they would like to proceed with the repairs to avoid any further failures, delays, or problems.

The Commission acknowledged that the repairs are required immediately without delay. They also acknowledged the need to continue discussion about the swale and how to address the wetland issue. Mr. LaFreniere explained to Mr. Blake that these issues would be addressed at a future date and that Mr. Blake should be in touch with him if he has any further questions.

After much discussion, the Commission closed the hearing and voted 5-0 to issue a standard Order of Conditions with special conditions including removal of accumulated sediments from the wetland, additional check dams as needed for erosion control during construction and that the Conservation Officer must meet with the contractor prior to beginning any work.

Notice of Intent (Continuation of Public Hearing)

- 435 Lakeside Ave. - Milestone Associates
Roy Tiano from Edwards and Kelsey was present and explained that they had performed some soil tests on the site to determine infiltration rates. The test showed soils infiltrate at 17 min/in. He explained that they have designed the infiltration accordingly and that a portion of the site will be raised to accommodate this. The Commission discussed the construction process and inspection reports needed. The hearing was continued, with the applicant's consent, to September 15th so, the Commission can receive comments from the City Engineer to confirm that the drainage system will work as designed.

Discussion:

- Annual Review the Conservation Land Management Rules & Regulations - this item was continued to the next meeting.
- Determination of Applicability - 44 Mosher Ln. (Lot 12) Modification of plan - The Commission reviewed a plan showing minor changes to the grades as requested at the last meeting. The changes were approved as presented on a plan dated June 11, 2004.

Certificates of Compliance

- DEP 212-258, 212-301 and 212-834 Country Club Estates - The City Engineering Dept. has confirmed that the detention basin has been built correctly and all the

appropriate paper work has been filed. The Commission voted 5-0 to issue full Certificates of Compliance for this project for all three Orders of Conditions.

- DEP 212-839 (Lot 5) Danjou Dr. Crystal Ridge Estates - This lot is not a lot with wetlands on it. The Commission voted unanimously to issue a Partial Certificate of Compliance for this lot.

Orders of Conditions

- DEP 212-966 200 Mechanic St. – The Commission reviewed the draft Order of Conditions and voted 5-0 to approve the conditions as written and amended.
- 64 Dufresne Dr. (Lot 20) West Hill LLC - The Commission reviewed the draft Order of Conditions and voted 5-0 to approve the conditions as written and amended.

Correspondence/Other Business

- Letter regarding - Violation notice 208 Naugler Ave. - The Commission reviewed this letter and decided that the violator should file a Determination of Applicability and to attend the next meeting to come into compliance.

Meetings – Next Conservation Commission Meetings - September 15, 2005 and October 6, 2005 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer