

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

**April 6, 2006 (Thursday) 7:00 P.M.
Memorial Hall, 3rd Floor, City Hall**

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

Absent: None

Minutes - The minutes of February 2, 2006 were reviewed and unanimously accepted as written.

Discussion:

- DEP 212-906 Fairfield - Discussion regarding phasing - This item was discussed after the hearing on Metro Park (see below).
- ENF Proposed Retail (next to proposed 99 Restaurant site) and Beacon @ 495 Center (Lakeside Ave., Rte. 20 & Glen St.) - Comments due April 11, 2006
- GEO Cashing at conservation lands - Ms. Ryder noted that GEO Cashing is now becoming a big recreational activity and we have several locations on Marlborough Conservation Land. We should be aware of this as sometimes they create renegade trails.

Public Hearing(s)

Notice of Intent

215 Sudbury St. - Nicholas DiGiovanno

Mr. DiGiovanno, the owner, explained that he wanted to add an addition to his house. All excess materials are to be removed from the site. There is limited space to access the back of the house, so only a small machine will be used to construct the foundation. There is a 4' knee wall which will mark the limit of work area. Staked haybales will surround the work area as shown on the plans. The Commission agreed this was a straight forward project. Ms. Ryder indicated she had checked the wetlands on the site and they are accurate. The Commission closed the hearing and voted 4-0 to issue a standard Order of Conditions for this project.

(Allan White Arrived)

Request for Determination of Applicability

100 & 600 Nickerson Rd. -Glenborough Realty Trust, Inc.

Paul Beisler from Aquatic Control Technology explained that they have been contracted to continue the treatment of the ponds at these two locations with an

algicide. They have had an ongoing program with a previous permit that has since expired. Minimal treatment has been needed over the years. In 2003 an algicide was used, in 1997 a herbicide was used to control plant growth. They would like to follow the same procedure of blocking off the outlet with sand bags for a specific length of time depending on the treatment used. The herbicide of choice will be Diquate, known as Reward, which is used to treat submergent plants. Ms. Ryder has contacted Doran Crouse regarding this treatment as this water drains to the reservoir; and he had no objections. After some discussion, the Commission determined this treatment was OK if all the proper procedures were followed. The Commission voted 5-0 to issue a Negative Determination with the Conditions as issued previously .

Notice of Intent

688 and 700 Boston Post Rd. - Wayside Condo Trust

Charles Budmic and Justin Defrain from Cabco were present. They explained the plans as submitted in the Notice of Intent which is a proposal to add additional parking which will extend onto land owned by St. Ann's, which they are negotiating to buy. There are wetlands around the entire parking area to be expanded. They are staying outside the 20 foot buffer zone. The Commission reviewed the plans and asked the following questions: (1) there is a lot of trash in the area, can the dumpsters be enclosed; and (2) there is much sand that has accumulated along the edge of the wetland from parking lot plowing, this will need to be addressed. The infiltration system area, soils were tested and there is only 4' of soil before ledge is encountered. There was a discussion about saving trees and that the trees to be saved should be flagged so this is apparent. The snow storage area still needs to be defined and haybales need to be placed at the 20 foot buffer zone. There were questions on the traffic and parking needs. The Commission asked that someone from the management company should attend the next meeting to discuss the maintenance of these lots and the berm of sand that needs to be removed. The Commission continued the hearing to the April 20th meeting to allow time for the applicant to address these issues.

(Dave Williams Arrived)

Notice of Intent (Continuation of Public Hearing)

127 & 139 Lakeside Ave. - David Breazzano of RMB Corp.

Brian Butler of Oxbow Associates and Bruce Saluk of Bruce Saluk & Associates were all present. Mr. Saluk presented a new revised plan dated 3-22-06 addressing issues raised at the previous meeting. The existing catch basins will need to include new sumps. They will add two new catch basins and two stormseptors as well. The new configuration has increased the green space on the property by 50% and reduced the amount of runoff leaving the site. The new green space will provide some infiltration. The volume and peak flows have been reduced and TSS removal has improved as a result of having less impervious area. In addition, sidewalks and granite curbing will improve the area. They did look

into infiltration; however it is too costly for this site. Mr. Arsenault, City Engineer, has seen the plan and had issues regarding access and the utility issues which need to be added to the plan, but in general, he had indicated all was in order for this project. The Commission closed the hearing and reviewed a draft Order of Conditions. The Commission made several changes to the draft then voted 6-0 to issue the Order of Conditions as drafted and amended.

Notice of Intent (Continuation of Public Hearing)

Crowley Dr. - Metro Park Corp.

Jon Deli Priscoli, owner, Bruce Saluk of Bruce Saluk and Associates, and Brian Butler of Oxbow Associates were present and reviewed items raised at the last meeting. The Commission discussed the isolated wetland area and the proposed construction of the detention basin. They asked if the new design would change the water flow for this area. Mr. Saluk explained that the culvert design was revised. They have looked into the culvert and verified its' length, however they still need to know how it is blocked at the other end and the condition of the pipe. They have added these details on the plan and the need for further investigation of the pipe. The Commission asked if they had sent a TV camera down to see what is there.

Mr. Saluk also indicated they could include a valve to vary the flow, so that the wet area could remain wet. The Commission discussed the following items that still need to be shown on the plans, these are: (1) a snow fence should be installed to mark the no cut area, (2) a construction sequencing plan for the filled slope should be provided, (3) a landscaping plan must be drawn up, (4) comments from the City Engineer are still needed on the drainage design, (5) more details on the 900 stormsepter are needed, (6) and finally the drainage pipe under the bike path, the old railroad culvert, needs to be checked with a camera to verify it's condition. The Commission continued the hearing to the April 20th meeting in order for the above items to be addressed.

Discussion:

- DEP 212-906 Fairfield-Discussion regarding phasing - Bernie Raftery of Rizzo Associates and Mr. Donahue of Fairfield were present. As required in the Order of Conditions they are seeking permission to move onto Phase III of the project. Binder has been placed on Phases I and II. They would like to proceed with Phase III now; they anticipate the binder course for this section to be added in two weeks weather permitting. However, they are seeking permission to proceed without this binder course as required in the Order. They still need gas and electric to be installed in the Phase III section. After much discussion about parking of construction worker vehicles only on paved areas and ensuring controls on the site, the Commission voted 6-0 to allow Fairfield to proceed with Phase III.

Public Hearings:

Notice of Intent (Continuation of Public Hearing)

Donald Lynch Blvd. (Map 50, Parcel 7B of the Zoning Assessor's Maps) - New England Development LLC.

Bill Cronin of NE Development, Dennis Lowry of ENSR, Bill Dillon of Gouldston & Storrs were present. Mr. Dillon provided an overview of the project and that there is still an outstanding issue about the legality of this lot which is being resolved. The project involves the construction of a 60,000 sq. ft. retail space on a 7.09 acre parcel. Filling of an isolated wetland (non state jurisdiction) is proposed with a replacement area proposed on Donald Lynch Blvd. Mr. Lowrey showed an aerial photo of the site and explained that the site had been a field when the highway was constructed. The trees on the site are small. He had flagged an isolated wetland area which has no defined channel and seems to overflow during high flows along a swale of the highway. Although he found that it meets the federal jurisdiction for isolated wetland, he found that it was too small to meet the jurisdictional requirement under the wetlands protection act in that it contains less than a ¼ acre foot of water. Therefore, it is not state jurisdictional but is a federal wetland and protected under the 401 Water Quality guidelines. 800 sq ft. of a small wetland will be impacted and 1,400 sq. ft. of wetland replication area to be constructed. The wetland appears to be fed by groundwater and by some surface water draining off I-290. The applicant explained that an Order of Conditions from the Commission will serve as the 401 Water Quality Permit. They prefer this approach rather than have the Army Corp of Engineers issue a permit. The applicant opted to keep the jurisdiction local and requested that the Commission issue an Order of Conditions for this isolated wetland and replication area even where no jurisdiction technically exists

Test pits revealed that the soils are well drained soils across the site. The project proposal contains two detention basins which will also be infiltration basins, as well as an infiltration system for the roof runoff as well. A planting plan for the replication area was also provided. The Commission asked that the snow storage area be identified on the plans as well. After some discussion, the Commission agreed to continue the hearing to the April 20th meeting as they still needed a response from the city engineer.

Certificate(s) of Compliance

- DEP 212-683 119 Cullinane Dr. – As all work is completed for this project. the Commission voted 6-0 to issue a full Certificate of Compliance for this project.
- DEP 212-492 890 Boston Post Rd. - The Commission continued this item until an as-built plan is provided.
- DEP 212-880 515 Pleasant St. (Pleasant Gardens) – As all work is completed on this project, the Commission voted 6-0 to issue a full Certificate of Compliance for this project.

Draft Order of Conditions

- DEP 212-981 264 East Main St. - Karnak Realty Trust - see amended plan. Bob Conors from Karnak Realty was present. He presented the revised plan showing the location of the electric line to power the sign. The Commission discussed the location of the catch basin and wanted to ensure it would not get covered with snow in the winter. The Commission then closed the hearing (wasn't this already closed at the previous meeting and reviewed a draft Order of Conditions. The Commission voted 5-1 (Ed Clancy opposed) to issue an Order of Conditions for this project as drafted and amended.

Correspondence:

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

- Remedy Operation Status Inspection & Monitoring Report - Former Mobil Marlborough Terminal - 279 Maple St. - Exxon Mobil
- Right of Way Mgt.- National Grid (Right of way (ROW treatment @ Wachusette Aqueduct)
- Circulation - Mass. Conservation Restriction Stewardship Manuel
- Central Mass Mosquito Control - Farm Rd. work - Feb. 16th letter.
- Mass. Wildlife Habitat Protection Guidance for Inland Wetland - DEP

Other Business:

- 25 Dalton Dr. - Ms. Ryder met with the owners of this property who are battling the spread of Japanese Bamboo in the buffer zone and the wetland on their proeprty. This property is within the water supply protection district which prohibits the use of herbicides. He'd like to clear this area of the bamboo, but wanted to know what to file. The Commission suggested that he file a Notice of Intent with the Commission.

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

Respectfully submitted;

Priscilla Ryder
Conservation Officer