

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

August 24, 2006
Memorial Hall, 3rd Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Lawrence Roy, John Skarin, Dennis Demers, Michele Higgins- Associate Member, Priscilla Ryder- Conservation Officer;

Absent: Allan White

Discussion - 7:00 P.M.

- DEP 212-958 Brigham St. bridge - slight amendment to plans - This item was continued to the next meeting, Sept. 7, 2006.
- Letter from Leah Basbanes, dated 8-18-06 RE: DEP 212-888 Phragmites control status at DCU building - This item was continued to the next meeting, Sept. 7, 2006.

Public Hearings

Abbreviated Notice of Resource Area Delineation (Continuation of Public Hearing)
Hudson St. - Dwight Howe

Chairman Clancy recounted the site walk and noted that the only change to the wetland line was to remove Flag #12 and connect #11 to #13. The wetland is well defined and follows the topography. The sewer line is very over grown. Atty. Gadbois explained that the rights to the sewer easement allows for the owner to pass and repass upon it. The plan at the moment is to see if a five house subdivision could fit on the site if the wetland delineation is approved. The Commission voted unanimously 5-0 to accept the wetland line as presented and amended, as noted above, for this bordering vegetated wetland area.

Notice of Intent

228 Littlefield Ln. (vacant lot) - Mike Sansonetti

Dean Sluyski the project manager and Mike Sansonetti the owner were present. Mr. Sluyski presented a new plan dated 8-21-06, prepared by Stephen Pool. The plan shows the location of some old flags from when the roadway was constructed. Ms. Ryder noted that she had checked the line and found it to be accurate. Mr. Sluyski explained that the lot has ledge which will be hammered or blasted out. They would like to use this rock to create a retaining wall near the existing drainage swale area. After reviewing the plan, the Commission requested that the plan show the foundation drain, that they keep as many trees as possible, and that the service connection locations should be verified. Mr. Sluyski said this was the biggest house footprint they propose, it might change slightly, but would not be any bigger. An abutter Mr. Dave Marini expressed concerns about the drainage along the drainage swale and did not want this site to alter his

site. Mr. Sluyski indicated that would not happen, since this site is down gradient from this abutter.

There being no further questions, the Commission closed the hearing and asked Ms. Ryder to draft a set of Conditions for their review at the next meeting September 7th.

Notice of Intent (Continuation of Public Hearing)

714 Farm Rd. - Robert Valchuis

Richard Manville from Guerriere and Halnon was present. He noted that the wetland had been verified by Ms. Ryder. There were some changes made to the plans based on the city engineering comments. He has altered the detention basin to meet the 3:1 slopes, added side walks, did soil test which reveal that the ground water elevation is well below the foundation drains. He provided the revised plans to the Commission for review. The Commission noted that a guardrail should be added at the end of the cul-de-sac. A construction sequencing plan should be provided, and the City Engineering review comments are still pending. The Commission requested that Ms. Ryder draft a set of conditions for review at their next meeting, if the plans pass muster with the City Engineer and the items noted above are added. The Commission requested that Ms. Ryder draft a set of conditions for review at their next meeting. The Commission continued the hearing to the September 7th meeting.

Notice of Intent (Continuation of Public Hearing)

The City of Marlborough Dept. of Public Works – Glen St. drainage project.

Tom Temple, the Acting city engineer, was present and explained that as part of the mitigation for the construction of the retail portion of the 99 Restaurant site, the developer is paying to install a drain line to help mitigate some of the drainage problems now experienced on Glen St. and at the intersection of Glen St. and Ripley Ave. Currently the drains are undersized for the existing drainage entering the system. VHB has sized the new drain line to accommodate the flows from the stream.

The Commission discussed the plan and noted that the plan should be at 1"=40' scale, a detail for the inlet control structure is needed, a letter should be included showing the new wetland impacts, as now the plans show there is 2,550 sq. ft. of wetland disturbance. A construction sequencing plan is needed, including dewatering, re-routing, existing pipe abandonment, soil management plan protocol (given problems at the 99 Restaurant site up the street). A restoration plan is needed to show how the site is to be restored etc. Mr. Temple explained that these items can all be addressed on the subsequent revisions. He noted that the soil management protocol will follow the same standards set for the 99 Restaurant site.

Mr. Ronald Bucchino of 88 Glen St. (abutter) asked several questions which are summarized as follows: He has not seen the stream dry since the drought of

1999, therefore he contends it is a river by the DEP definitions, since the regulations have changed since 1999. He asked that a site walk be conducted to be able to visualize what the impact will be on the ground. How will this pipe affect the future development of this lot? He noted that this was an outstanding resource water area as it drains to the city's drinking water supply. He complained that the problem is with the existing drainage in the road and therefore, the solution is to install a new pipe in the roadway layout and not disturb the vegetation along the street. He wanted the Commission to protect the view shed and trees along Glen St. He wanted more detail on how the soil is to be managed and how it is to be moved off site.

Joan O'Brien of 27 Conrad Rd. (an abutter) asked how much clearing would be required. She also inquired where the surface water goes.

Mr. Clancy asked Mr. Temple what the cost difference would be between improving the drainage in the roadway and as proposed off the roadway. Mr. Temple said it was considerable as the current roadway system has lots of other utilities which complicates any new utility installations.

The Commission also asked if there was any ledge in the area. Mr. Temple said this would be checked.

There was discussion about the width and depth of the 48" drainage pipe trench and impacts to the adjacent trees.

After much discussion, the Commission determined that a site walk would be useful and set a date for the site walk for Thursday August 31st at 5:30 PM. The hearing was continued to the September 7th meeting at which time the applicant should provide: wetland replication area design with more detail, headwall detail for the OS1 Structure, a construction sequencing plan, flared end detail and riprap area and minimized clearing at easement and minimized tree clearing overall.

Notice of Intent (Continuation of Public Hearing)

Rte. 20 and Glen St. - Marlborough/Northborough Land Realty Trust

Chris Lovett and Susan McArthur of VHB, Dan Cleary of Gutierrez Co. and Attorney Gadbois were representing the applicant.

Chris Lovett explained the plans and the drainage for the proposed retail site next to the recently constructed 99 Restaurant site at Glen St. Much of the work associated with the detention basin and entrance way has been completed as part of the 99 Restaurant site. He explained of any contaminants the construction sequencing and drainage design for the site. Mr Clancy asked about soil management. Mr. Lovett explained that all the soil on the site has been mixed and is below MCP (Massachusetts Contingency Plan) reportable levels, so is not considered hazardous. The official copy of the soil management plan was presented to the Commission by Dan Cleary. Bob Landry, from the Board of

Health was also present. Mr. Clancy asked him if all the items in the soil management plan had been addressed and met and if any additional safeguards are needed. Mr. Landry explained the 99 Restaurant site has been monitored extensively and no reportable levels of any release were found. Mr. Clancy noted that there were several blunders made on the site, how can these blunders be avoided in the future?

Councilor Shaffer was also present and explained these events and voiced similar concerns that Mr. Clancy raised. He also noted that because of the blunders, his confidence that the work will be done correctly has decreased. The plans on paper might be great, but the implementation has been the problem. He is concerned that someone is NOT taking responsibility for the site. He provided a copy of the Dept. of Public Health Report Millham Brook Area/ Glen St. Neighborhood Marlborough, Questions and Answers to the Commission which outlines concerns about the soil.

Attorney Gadbois explained that the city's License Site Professional (LSP) is now on site daily doing oversight. This additional monitoring was required by the City after the breaches to provide some more oversight to the project.

Ms. Higgins asked why the protocols were not followed. Mr. Cleary admitted that the July 28th event should not have occurred, and that he has been on site often and his crews have address issues found in a timely manner. His kids drink the same water, so he does have the same concern as everyone in the room. Mr. Shaffer also expressed his frustration that the protocols were not properly followed.

Mr. Cleary explained that this new construction would be a much shorter duration than the 99 Restaurant project. It would take about one week to move the material. The soil is already mixed except for one small slope area, so through a combination of site grading, channeling, berming and working in phases, the work should be done much sooner. The city will hire an LSP, as agreed to monitor the work. There is a 50 foot no disturbance zone next to the wetland as required by the Water Supply Protection District.

Ms. Higgins asked how the steep slopes are to be constructed and what method is to be used, especially where soil mixing will be necessary. Why can't all the impacts be kept outside of the 100' buffer zone? Mr. Cleary said they had looked at all their options and this seems the most feasible.

Mr. Bucchino of 88 Glen St. stated that the Commission's mission is to protect natural resources and that the Commission and the Board of Health could have shut the site down. He read a letter he submitted to Ed Clancy for the record and added items listed including his claim that 1. the stream was in fact a river, 2. this forum has been the only time the neighborhood has had a formal chance to look at the project, 3. mature trees are on the steep slope and provide important habitat

and wetland values, 4. blasting contains perchlorate which should not be used near drinking water (information on perchlorate was attached), 5. MEPA process issues, 6. soil contaminates issues, 7. Arsenic contamination and information from the Washington University study. Mr. Bucchino begged the Commission to do a site walk once the site was flagged, since the plans don't reflect the magnitude of the change.

Ms. Joan O'Brian asked how the trucks will enter and exit the site during construction.

Mr. Demers asked about protocol and construction breaches that had occurred and who was responsible. As all these events could have been anticipated with weather forecasts etc.

Peter Nuccio of 116 Glen St. expressed concerns about cutting trees as it will change the character of the neighborhood and will diminish the quality of life in the area. He knows that saving trees helps limit the amount of runoff as well. He requested the Commission to make sure an adequate buffer zone is required. After much discussion, the Commission continued the hearing to the September 7th meeting.

Notice of Intent (Continuation of Public Hearing)

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

To construct 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. (Located between the motel and I-290) At the applicant's request this item was continued to the Sept. 7th meeting.

Certificates of Compliance

- DEP 212-977 135 Lakeshore Dr. - The project has been completed per the Order of Conditions. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance for this work.
- DEP 212-898 945 Concord Rd. - This item was continued until the front yard is loamed and seeded.
- DEP 212-963 853 Donald Lynch Blvd. DCU Parking Garage - This project has been completed according to plans. The Commission voted 5-0 to issue a full Certificate of Compliance.

Extension Permit

- DEP 212-912 Hemenway St. Cross Country Sewer Line - As this permit has expired the Commission requested that the applicant refile a Notice of Intent for this project.

Correspondence/Other Business

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

- Letter from EPA, dated 8-18-06 RE: NPDES General Permit for Storm Water Discharges- Progress and Compliance Status
- Letter from Michael Garvey, dated 8-15-06 RE: Felton Conservation Land
- Letter from OAR, dated 8-15-06 RE: Request for Proposals for Groundwater Recharge Projects.
- Letter from EPA, dated 6-13-06 RE: Manual "Using Smart Growth Techniques as Storm water Best Management Practices".

Adjournment - The meeting was adjourned at 10:10 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer