

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

January 5, 2006  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

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

**Absent:** John Skarin and Donald Rider, Jr.,

**Minutes:** The minutes of July 7th & 21st, August 18th, Sept. 1st & 15th, Oct. 6th & 20th, Nov. 3rd & 17th, and Dec. 8th, 2005 were unanimously accepted as written

**Public Hearing(s)**

Request for Determination of Applicability

- 329 Stevens St. – Steve Brazeau

Steve Brazeau, the owner, was present and explained that he would like to add an addition to his house. After being notified by the Conservation Officer that there were wetlands near his property, he filed for this permit. Chairman Clancy indicated that he had seen the work and that the wetland area next to the house historically used to flood before the brook was ditched. Ms. Ryder stated that she place blue flagging on the wetland boundary and it appears the work area is approximately 80 feet from the wetland. After some discussion, the Commission voted 4-0 to issue a Negative Determination of Applicability without any conditions. (Allen White had not yet arrived)

Notice of Intent

- 135 Lakeshore Dr. – John Swanfeldt

John Swanfeldt was present and explained that he wants to demolish the existing house and build a new house on the same lot. All work would be 30 feet from the waters edge, and will not encroach on the Floodplain and Wetlands protection District's 30 foot setback requirement. The foundation will drain to a dry well. The Commission noted that he may need to regrade the side yards to flow towards the lake rather than onto his neighbors' properties. All filling and excavation material generated from the site will be stockpiled away from the waters edge. Erosion controls are also required between the work and the water.

Mr. Swanfeldt also indicated that he may need to install a retaining wall on the side yards. He'll determine this when the foundation is in. The Commission agreed that the project as proposed was acceptable. The hearing was closed and the Commission asked Ms. Ryder to draft a set of conditions for review at the next meeting on January 19<sup>th</sup>, 2006.

(Allen White arrived midway through this discussion, but abstained from the discussions due to a conflict of interest)

#### Abbreviated Notice of Resource Area Delineation

- Rte. 20 (Congress Parcel) - located behind the Holiday Inn on Rte. 20 (being Map 67 & 68, Parcels 45 & 30A) - Marlborough/Northborough Land Realty Trust  
Sue McArthur of VHB and Dan Cleary representing the Marlborough/Northborough Land Realty Trust were present. Ms. McArthur provided a plan showing the wetland delineation prepared for this project. She noted that in October/November, Ms. Ryder inspected the wetland flagging before it snowed. The property contains a very large Bordering Vegetated Wetland (BVW). Only one edge of the BVW was delineated. All proposed work in future filings will focus on the land just south of this BVW line. There are additional wetlands north of the BVW line which were not delineated for this filing. There is also an Isolated Land Subject to Flooding (ILSF) just south of the BVW line as well. This is an unusual wetland with what looks like a man-made berm between the BVW and ILSF, but with no inlet or outlet found. It could have been associated as a farm animal watering hole or something like that when the property was farmed. The Commission inquired as to whether the ILSF was a vernal pool. Mr. Cleary indicated that when the property was delineated in 1999 no mention of this being a vernal pool was made. Ms. McArthur also indicated that the ILSF did not have characteristics of a vernal pool as the area is heavily vegetated. The Commission determined that they would like to reserve the right to inspect the ILSF in the spring to determine if it is or is not a vernal pool.

An abutter from Bond St. was present and wanted clarification on what portion of the property would be suitable for development. Mr. Cleary noted that only about 8-10 acres of the land is in fact buildable.

After some additional discussion, the Commission voted 5-0 to unanimously accept the plan, the BVW and the ILSF delineation as provided with a note that the ILSF has not been checked to determine if it is or is not a vernal pool habitat. The owners will take a look at the pool in the spring.

#### **Discussion:**

- West Ridge Estates - 64 Dufresne Dr. (Lot 20) - DEP 212-965 Request minor change to add stairs. Don Seaberg from Benchmark Engineering (aka Fafard Real Estate) was present and explained that the original design for this house which was approved did not include a set of stairs from the deck. He provided a revised plan entitled: Cider Mill Estates Proposed Plot Plan, Marlborough, MA dated Nov. 28, 2005 by Benchmark Engineering, Corp. that showed the stairs. The Commission looked at this document and agreed that the stairs could be installed without any additional impact to the wetland, and agreed that this change was a minor change. The Commission voted 5-0 to accept the plan as presented as a minor change.

Mr. Seaberg also explained that the subdivision Order of Conditions, DEP 212- 775 for the roadway and drainage has expired. He provided a letter dated Jan. 5, 2006 which explained the issues. He would like the Commission to issue a Certificate of Compliance for this project, and he will file a new Notice of Intent (NOI) for the remaining work. The Commission said they would rather NOT issue a Certificate of Compliance since the work has not been completed, but would entertain a new NOI to complete the remaining work to be done. When the work is completed both Orders of Conditions would be released at that time. Chairman Clancy indicated that this project has dragged out for a long time, sidewalks and lights are still needed. He would like to see the project completed. Mr. Seaberg said he would submit a new filing to cover the remaining work.

In addition, the Commission noted that there are still some outstanding issues at the Indian Hill project that need to be addressed in 2006. These are stabilization of the area being excavated on Rte. 20, finalizing the Conservation Restriction for Indian Hill and rectifying the encroachments near wetlands and on easements that have occurred throughout the subdivision/condo association sites. Ms. Ryder will send a letter to Fafard Real Estate to see that these items can be finalized this year.

- Ft. Meadow 2005 weed treatment report from Lycott Environmental - The Commission reviewed the letters and documentation from Lycott Environmental. It is clear that Mr. Lyman used a chemical Renovate, which he was not authorized to use by the Commission. Although the use restrictions were no stricter than the already approved chemicals, this should not have occurred. The Commission asked that Ms. Ryder send a letter to Mr. Lyman explaining the Commission's disappointment and accepting the offer to treat the Blaisewood Ave. basin again during the summer of 2006 with Reward (diquat) and not Renovate (triclopyr) which he used.
- DEP 212-756 Boston Scientific (previously Ascend) - Sheep Falls Brook - Annual monitoring results. The 2005 annual monitoring report was submitted and revealed that some oil and grease has been consistently found in Sheepfalls Brook over the past 3 years of monitoring. These levels are detected at different locations each time. It is not clear if these are simply levels attributable to roadway runoff or if they indicate another type of release. Ms. Ryder is waiting for a reply from Dave Wilkerson (Sanford Ecological Services) who did the testing to get an explanation as to whether this is worthy of an investigation or is it just street oil/grease runoff. She will report back at the next meeting.
- Snow/sand operation snow removal – The Commission reviewed and discussed a draft letter to DPW regarding their salting operation for winter snow control. The straight salt method proposed does not seem like it will work. The Commission would like some monitoring of the adjacent wetlands to see if there is any increase in salt content of these streams. The monitoring should be done in October, then again

in April to see what the affects might be. The Commission made changes to the draft and agreed to have it sent to Ron LaFreniere and Tom Cullen.

**Correspondence/Other Business:**

The following documents were all reviewed and the Commission voted unanimously to accept and place them on file.

- Ltr. from Thompson - Liston dated Dec. 14, 2005 RE: Sterling Woods Subdivision Detention Basin Remediation Work Northerly of the terminus of Brazeau Circle, Marlborough, MA
- Ltr. from Atty. Bergeron dated Dec. 15, 2005 RE: Sterling Woods
- Ltr. from Hydro Environmental Technologies, Inc. dated Dec. 19, 2005 RE: Transmittal of Post RAO Inspection & Monitoring Report #4 - 215 Maple St. Marlborough, MA
- Ltr. to Mel Litter dated Dec. 28, 2005 RE: Wetland issues and horse manure management

**Meetings:**

Next Conservation Commission Meetings - January 19th & February 2nd, 2006

**Adjournment** - There being no further business, the meeting was adjourned at 9:00 PM

Respectfully submitted,

Priscilla Ryder  
Conservation Officer

**Note:**

The hearings posted for this meeting were advertised for the December 22<sup>nd</sup> meeting which was cancelled due to a lack of a quorum. All these items were continued to this meeting.