

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

March 16, 2006
Memorial Hall, 3rd Floor, City Hall

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

Absent: None

Minutes-Minutes of March 2, 2006 were reviewed and unanimously accepted as written.

Discussion

- **Enforcement -** Discussion on procedures and fines - City Code Sec. 198
The Commission reviewed the city code sec. 198 and discussed the need to be more diligent with enforcement. The Commission directed Ms. Ryder to issue violation notices and fines whenever muddy water is entering a stream or resource area. No warnings should be given, as all contractors already know that wetlands are protected. Ms. Ryder indicated she would do so.
- **Vernal Pool -** The vernal pool salamander and frog migration is expected to happen during the next rain event which is above 40 degrees f., which should be in the next few weeks. The EMS store has offered to coordinate groups of people wanting to go out and observe the salamanders in a vernal pool. They will be visiting the Desert Conservation Land off Concord Rd. Several Commission members have volunteered to help out with this project.
- **Seeking Conservation Commission Member -** The Commission reviewed a draft “job description” for a new Conservation Commission member and asked Ms. Ryder to distribute it to see if we can recruit a new member to fill the position vacated by Donald Rider.

Public Hearing(s)

Request for Determination of Applicability

200 Concord Rd. - Marlborough Country Club

Ken Crimmings from the Marlborough Country Club manages the golf course and explained that they would like to extend the existing cart paths on the 1st, 5th, & 9th holes of the golf course which are located next to wetlands. In several locations the path would be stone; in other sections it would be paved. These areas are used today, but are all worn out. Because the path is not paved or stoned it is getting wider and less stable. After some discussion, the Commission decided that the work proposed will not impact the adjacent wetland provided some erosion controls are installed before work begins and that they are left in place until the ground has been stabilized with vegetation. Mr. Crimmings explained that in a few areas, they would be putting sod down next to the paved path. In the less steep and traveled areas, they would be loaming and seeding these areas. The Commission voted 5-0 to issue a Negative Determination of

Applicability with conditions to require erosion control, and stabilization once the project is completed.

[Allen White arrived]

Notice of Intent (Continuation of Public Hearing)

127 & 139 Lakeside Ave. - David Breazzano of RMB Corp. (DEP 212-980)

Bruce Saluk of Bruce Saluk and Associates was present and provided a revised plan dated Feb. 6, 2006 which showed the existing and some proposed catchbasins on the project. At the last meeting, the Commission had required that the drainage design must meet or exceed the 80% Total Suspended Solids (TSS) removal rates. This new revised plan will accomplish this. He provided the calculation sheets for the TSS removal and noted that the plan needs to be revised to include an additional catch basin with a sump next to the existing manhole which appears to drain from up the hill. The Commission discussed the parking lot grading and the stormceptor maintenance. Arthur Bergeron, Attorney for the owner, was also present and provided an explanation about the easements in Old Lakeside Ave. Ms. Ryder noted that the Commission is still waiting for a response from the city engineer for their review of this project. The Commission, with the applicants consent, agreed to continue the hearing to the April 6th meeting to wait for additional information from the city engineer.

Notice of Intent (Continuation of Public Hearing)

Crowley Dr. - Metro Park Corp. (DEP 212-982)

Bruce Saluk of Bruce Saluk & Associates, Scott Smyers from Oxbow Associates, John Deli- property owner, and Arthur Bergeron Esq. were all present. As required from the previous meeting on March 2, 2006, Bruce Saluk provided a copy of a new drainage report dated March 2006 titled “ Calculations, observed and recorded volume of water confined in an isolated depression” by BS&A. He explained that in 1998 when this land was first flagged and the wet depression area observed that he had made some calculations regarding the volume of water in the wet area. In 1998 this calculation revealed that more than .25 acre feet of water could be retained within this isolated depression and therefore, would be considered an Isolated Land Subject to Flooding (ILSF) under the state Wetlands Protection Act. These calculations are included in the report. However, having observed the site for 8 years and never seeing the water elevation rise to the calculated height, last year they took some measurements. These measurements, after some significant storm events in March and April of 2005 revealed that the water which is contained within the depression never rises above the boulder in the depression therefore, he is concluding that this area is not technically an Isolated Land Subject to Flooding (ILSF) as it only contains .06 acre ft. rather than the .25 acre feet required to meet the ILSF criteria. The water appears to be leaving the site through the stone and possibly through the old culvert under the Assabet River Rail Trail (ARRT).

Scott Smyers explained that the Big Night for vernal pool critter migration happened during the rain on Monday. He noted that the developer, Jon Deli is willing to reconstruct the vernal pool function across the Assabet River Rail Trail near the wooded area. As vernal pool critters need upland areas to survive, this location on the other side of the bike path would be appropriate. Mr. Clancy asked about details on how the vernal pool is to be constructed and if Mr. Smyers had other pools he had created which are now successful. Mr. Smyers indicated they have created a few at the Norembega MWRA facility, which taught them some lessons. They also created one in Shirley which they have been monitoring.

Mr. Deli explained that the new fields would be constructed this summer and the vernal pool could be made part of that permit construction which will be filed shortly. Mr. Saluk showed a revised plan of the building site and how many trees on the slope would be preserved. He discussed putting in a gate valve as well to help control the outflow of this area, to be sure to maintain the same water level in this isolated wet depression. The rip-rap slope will be constructed in compacted lifts. After some discussion, the Commission noted that they will discuss the vernal pool issue with DEP, wait for Jim Arsenault, the city engineer's comments, do a site visit and ask the developer for a landscape plan. The Commission continued the meeting to the April 6th meeting and asked Ms. Ryder to draft a set of conditions.

Draft Order of Conditions

- 264 East Main St. - Kamak Realty Trust LLC - The Commission reviewed the Draft Order of Conditions however, it was noted that the plans did NOT show the utility trench and connection to the sign, which is significant. Therefore, the Commission continued this item to the next meeting in order for the applicant to provide the plan changes.

Certificate of Compliance

- 212 Reservoir St. DEP # 212-920 – The applicant has requested a certificate however, upon inspection, the landscaping and soil stabilization still need to be finished. Ms. Ryder will inform the owner of same.

Correspondence/Other Business

- Forest Cutting plan at Marlborough State Forest next to Ghiloni Park - Ms. Ryder provided this plan to the Commission for review. There were no comments. The Commission voted to accept this correspondence and place it on file.

Adjournment - There being no further business, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer