

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

March 2, 2006  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall

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

Absent: Edward Clancy-Chairman; Donald Rider, Jr.,

**Minutes** – The minutes dated Jan. 19, 2006 were unanimously accepted as written

**Discussion:**

- MACC Workshop - sign up – No members could make this meeting this year
  
- Letter dated Feb. 10, 2006 - Donald Rider's resignation from the Commission. The Commission reviewed this letter and regretfully accepted the letter and voted to place on file. The Commission will be seeking another Commission member and discussed possible replacements.
  
- DEP 212- 957 401 Cedar Hill St. - Change to plan. The Commission reviewed the plans for this project. Changes involved shrinking the building and parking lot areas while still remaining within the limit of work already described in the original Notice of Intent (NOI). The Commission noted that the changes are minor in nature and no formal amendment is needed. They voted 5-0 to accept the changed plans entitled: Proposed, Manufacturing, Industrial, Office Building 401 Cedar Hill St. Construction Site Work Marlborough, MA Map 115A, Parcel 1, dated 2/10/2006.

**Public Hearing(s)**

Request for Determination of Applicability

100 Goodale St. - Paul Bates

Paul Bates the owner was present and explained that he had hired a pool company a few years ago to install a pool. He was under the impression that all permits had been pulled by the pool company. Recently when he went to get the final signoff for the pool, he realized that no permits had been obtained. He is now seeking all his permits, after the fact, to come into compliance. The pool company may be required by the building department to move the pool 10 feet away from the back of the building as required by the code. This will place the pool approximately 35 feet from the edge of the wetland. The Commission reviewed the plan and voted 5-0 to issue a Negative Determination allowing the pool to remain in its current locations, or if required by the building department to be move to within 35 feet of the water's edge.

Notice of Intent

264 East Main St. - Karnak Realty LLC

Bob Connors was present and explained that the current CVS sign is being obstructed by the street trees that have been planted. He is requesting permission to move the sign closer to the brook where it will be more visible from Rte. 20 since he cannot remove the street trees. An existing catch basin will be straddled by the footings of the sign. The Commission expressed concern that snow plow operations would clog the catch basin. Mr. Connors indicated that he has several workers during snow storms managing his properties and the maintenance of this catch basin will be added to this list. The parking lot will be reconfigured so that there will be no increase in impervious pavement. Several parking islands will be moved around. After some discussion, the Commission agreed that the sign could be moved without impacting the adjacent river. All excess material would need to be removed, the catch basin will need to be protected during construction and snow would need to be removed from the catch basin during storms to allow for proper drainage. The Commission closed the hearing, a draft Order of Conditions will be reviewed at the next meeting.

Notice of Intent

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

At the applicants request this item was continued to the April 6, 2006 meeting.

Notice of Intent

(Dennis Demers abstained from this discussion due to a conflict of interest.)

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

Bruce Saluk of Bruce Saluk and Associates, the project Engineer, Brian Butler and Scott Myers from Oxbow Associates, and Arthur Bergeron were all present for this meeting. Mr. Saluk explained that they are redesigning the two lots, at 127 & 139 and making one large parking lot, improving the plantings along Lakeside Ave., and increasing the landscaped area. One building will remain the restaurant, the second building is expected to be an office building. Mr. Saluk explained the plans showing all the changes to be made to these existing lots. The Commission noted that the area falls within the Water Supply Protection District and drainage improvements and water quality improvements should be incorporated into the plans. Mr. Saluk explained that the site will have more pervious landscaped surface than current conditions provide. The Commission noted that the City Engineer has also requested improvements to the drainage system. They recommended that Mr. Saluk look into what improvements could be made that help the site achieve the 80% Total Suspended Solids (TSS) removal rates as required. The Commission also asked if Mr. Saluk knew what condition the existing drainage structures are in. Mr. Saluk will check and provide this information to the Commission at the next meeting. After some discussion about the wetland boundary, the existing easements that are now before the city council

to be abandoned, the Commission, with the applicants consent, continued the hearing to the March 16<sup>th</sup> meeting.

#### Notice of Intent

##### Crowley Dr. - Metro Park Corp.

John Deli Prescoli, Bruce Saluk and Brian Butler & Scott Smyers were all present at this meeting. Mr. Deli explained that he is now proposing a commercial building at the end of Crowley Dr. Within the next few weeks he will also be filing Notices of Intents for the Chestnut Ridge 55 and over development and the last one will be for the drainage ditch requested at 48 Fitchburg St. He explained that the area shown on the plan is the area to be disturbed. The building configuration may shift somewhat, but the general area of disturbance will stay the same.

Bruce Saluk reviewed the plans, explained the drainage as outlined in the Notice of Intent (NOI). Drainage is being treated from both the Commercial site as well as drainage from the Chestnut Ridge Development. The design is going to reach the 80% TSS removal rates. He submitted a letter separate from the NOI dated Feb. 23, 2006, RE: Isolated depression at Crowley, from Bruce Saluk & Associates, Inc. explaining that the small depression that fills with water periodically which was originally determined to be Isolated Land Subject to Flooding (ILSF) is now determined simply to be a wet depression that has not contained a ¼ acre foot elevation in the past 8 years of observation. Therefore, in his opinion the wet area is non jurisdictional to the Commission and only falls under Federal jurisdiction. Ms. Ryder explained that she had spoken to DEP and Mass Heritage & Endangered Species Program about this claim and they suggested that all calculations used to make this determination be provided to the Commission for review. The Commission required that Mr. Saluk provide this documentation for review at the next meeting.

Mr. Saluk explained the construction sequencing plan as shown on the Erosion Control Plan for this project which would require the detention basin to be installed first and then site construction done in stages. The fore bay basin will provide the filtering needed to ensure that only clean water enters the isolated wetland area. A pumping system was described which would use the existing very large basin at the top of the hill to control any excess muddy water.

Brian Butler from Oxbow Associates explained the ILSF issue and also explained that although the area does not meet the criteria for a vernal pool and is not jurisdictional, the applicant would be willing to construct a new vernal pool on the adjacent Assabet Valley Vocational School land across the Assabet River Rail Trail (ARRT) path to improve the wildlife habitat for this area. They will be filing an Abbreviated Notice of Resource Area Delineation sometime in the near future for this wetland delineation and the concept of the new proposed vernal pool location.

Ms. Ryder asked when the emergency access, which is to come off of Pleasant St., will be constructed. Mr. Deli explained that this will be constructed and permitted before a Certificate of Occupancy is issued for the commercial building.

The Commission discussed the planting plan to be provided and asked that some screening of the building and preservation of as many trees as possible be done in order to maintain the aesthetic value of the new Assabet River Rail Trail in this section of the trail. Mr. Saluk and Mr. Arsenault will need to meet with Ms. Ryder before the next meeting to see what modifications can be made to the plans to accommodate this request. A site visit will be required. This hearing was continued to the March 16<sup>th</sup> meeting.

#### **Draft Order of Conditions**

- DEP 212-979 929 Boston Post Rd. – The Commission reviewed the draft Order of Conditions for this project and voted 5-0 to issue the Order of Conditions as drafted and amended for this project.

#### **Certificate(s) of Compliance**

- DEP 212-203 & 212-427 16 Gibbs Place (Lot 43) Jericho Hill Estates - This project has been completed for some time. A partial certificate of compliance is requested as the house is now for sale. The Commission voted 5-0 to issue two Certificates of Compliance for this lot as noted above.

#### **Extension Permit**

- DEP 212-792 Marlboro Country Club - Ken Crimmings of the Marlborough Country Club was present and explained that many of the items listed in this Order of Conditions have been completed, but several including the replacement of two culvert pipes, has not yet been completed. He is anticipating that this work will be done this summer, weather permitting. The Commission noted that they have extended this permit once before, they will allow for one more 3 year extension, however, will not extend past 2009. Mr. Crimmings said he thought the work could be completed in three year.

#### **Correspondence/Other Business**

The following correspondence was reviewed and the Commission voted to accept these documents and place them on file.

Violation notices

- 520-530 Pleasant St. - Wetland violation
- 791 & 785 Boston Post Rd. - Continued siltation problem  
Post Road Auto and Waste Management Facility
- Robin Hill Rd. (600?) - Fire Dept. called to inform Conservation that DEP is investigating a number of 5 gal drums on site with possible leakage of hydraulic fluid.
- Letter from Waste Management dated Feb. 17, 2006 RE: 791 and 785 Boston Post Rd. Post Road Auto and PRTR Facility Storm Water Management Activities

**Discussion**

- Larry Roy requested that we discuss enforcement and that the Commission and Conservation Officer should take a harder line than we have been. There should be fewer warnings and fines should be issued at any time when there is mud or silt leaving any site. The Commission decided to discuss this further at the next meeting.
- Emergency Certificate - Hayes Memorial Dr. and Nickerson Rd. electric conduit manhole. Ms. Ryder explained that Mr. Temple from the DPW had requested an Emergency Certificate to do some work near wetlands. An electrical manhole conduit is currently receiving much groundwater which fills up the hole, then drains down Hayes Memorial Dr. through the electric conduit at which point exits out of the ground through a pipe next to a telephone pole. This water then flows across the roadway causing icy conditions. Ms. Ryder issued an Emergency Certificate as the work needed to be done to ensure public safety. The Commission reviewed the Certificate and asked questions about the construction. The Commission then voted 5-0 to ratify the Emergency Certificate as written and required that the DPW file a Request for Determination of Applicability.
- Vernal pool workshop - Ms. Ryder passed out a flyer. The Eastern Mountains Sports (EMS) store has agreed to sponsor a workshop on Vernal Pools. They will present a slide show at the store and then will be doing a night walk a few nights after the salamanders have migrated. Members of the Commission were invited to volunteer for this evening. Members interested will be called on the day of the event

**Adjournment** - There being no further business the meeting was adjourned at 9:30 PM

Respectfully Submitted,

Priscilla Ryder  
Conservation Officer