

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

May 18, 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, Michele Higgins, Priscilla Ryder-Conservation Officer

Absent: None

Discussion:

- FY 2007 DCS Annual Grant Round - Self Help Urban Self-Help grant program due August 1, 2006 – Ms. Ryder explained that this notice came and for the Commission to think of parcels that might be suitable for an application this year.
- Felton Conservation Land renewal of haying license - Donald Wright- This item was continued to the next meeting.

Public Hearings

Notice of Intent

61 Littlefield Lane - Karl Andersson -owner

Glen O'Donnel from Odome Construction was present representing the owner. He explained the project is to install an inground pool, associated grading and related site improvements within the buffer zone of a bordering vegetated wetland. All work is proposed outside the 20' buffer zone. A 3' 6" wall will be constructed along the edge of the 20' buffer zone to accommodate the grades. The Commission asked about type of filter is to be used, who would do the construction (McCarthy pools), if dewatering was needed, and if there was any ledge. Mr. O'Donnel said he'd get back to the Commission on these items. The Commission continued the hearing to the June 1st meeting.

Notice of Intent (Continuation of Public Hearing) DEP 212-882

NSTAR - Old Boston Post Rd., Boston Post Rd. and Hager St. gas line installation

Timothy Whitman from the BSC group and Mr. Shoukry Ibrahim PE of NSTAR were both present. Mr. Whitman provided a memo dated 5-18-06 which included 7 attachments showing the typical gas trench detail and room for erosion controls. They expect the project to take approximately 3 weeks. Tom Temple was also present and explained they will need a permit from both the city and state to work within these roadways. Mr. Demers asked about the use of flow-able fill in these trenches to be sure they are secure. They provided a simple detail of the culverts, but didn't have it all. The Commission noted that an inspector from the city would need to be on hand when the trench is dug across the Hager Pond outlet

culvert to observe its condition. Tom Temple agreed with this condition. After further discussion about erosion controls, the Commission closed the hearing and requested that Ms. Ryder draft a set of conditions for review at the next meeting.

Notice of Intent (Continuation of Public Hearing)

Glen St. Drainage - The City of Marlborough Dept. of Public Works

Mayor Nancy Stevens, Channel 7, many residents from the Glen St. neighborhood as well as representatives for the project including: Attorney David Gadbois, Sue McArthur and Chris Lovett of VHB, Dan Cleary of Gutierrez Co., were all present.

Mayor Stevens spoke and explained that the City is doing everything they can to protect the residence and that she is working with city departments to be sure this is done. She thanked everyone for coming and to let her know about concerns. Then she left the meeting.

Mr. Gadbois gave a presentation on the background of the project and the existing work being performed now at the 99 Restaurant. He assured the residents that this client is well aware of the fact that the site is a location of an old apple orchard. The property was studied by Met life in the 1990's and further testing has been done at the 99 Restaurant site. They have hired a risk management firm to ensure that soils would not migrate to neighborhoods and affect onsite workers. During the design of the 99 Restaurant and the proposed retail (to be discussed below) the city had made the Gutierrez Company aware of the need to improve the drainage on Glen St. where there is an existing problem due to inadequate drainage pipes for the volume received. Therefore, they are now before the Commission with a submittal on behalf of the City to do some drainage improvements on Glen St. as requested.

Chris Lovett of VHB explained the plans and drainage design. In general, the plan requires diverting the intermittent stream which now drains into a 15" drain in Glen St., into a new larger 48" pipe that will be installed parallel to Glen St. They did drainage calculations to determine the size of the pipe, and this new pipe design will accommodate more flow. Some manholes have been added to help reduce velocity. The pipe will discharge into a flat area above the 200 ft. Riverfront Area of Millham Brook.

Ed Clancy asked for more details on the outlet pipe into Millham Brook and the soil types and erosion potential. He also asked if a trash grate could be placed at either end of the pipe to prevent children and animals from crawling through. He also asked about the sequence of construction. Mr. Lovett explained they would work from the low point up to the stream. Mr. Clancy noted that some type of bypass system might be needed. Mr. Lovett also explained that all work and soil management would follow the same protocol used at the 99 Restaurant site.

Members of the public were invited to speak. Mr. Bucchino of 88 Glen St. explained that the flooding problem is also at Ripley Ave. He asked if the delineation shown on the plan was also part of the filing. He asked because he explained that he had seen the stream dry when it was not a drought, therefore, he believes this stream to be a river and should be protected as such. He explained that he believes the problems in Glen St. are that the pipe goes from one pipe to two which is causing the backup. He has videotape of historic and recent events along the stream. His solution is to improve the gutters, put a new drain into Glen St. and repave Glen St. This would solve two problems since Glen St. is also in need of repair. He asked for more information on the level spreader at the end of the pipe; what trees will need to be cut along the culvert installation route and this should be checked in the field.

Joan O'Brian of 27 Conrad Rd. stated that she has been in her house for 44 years, now she has water in her basement. She is concerned about the water from McGee Ave. and Ripley Ave. Currently, in her opinion, the water isn't going where it should go.

Fred Higgins of 32 Ripley Ave. expressed concern about the condition of Glen St. and construction access and whether the road would be reconstructed.

Sue McArthur of VHB explained that the wetland delineation was done in April of 2005. It was rechecked with Ms. Ryder in October of 2005 and the changes are reflected on the current plan. The wetland is a red maple swamp with skunk cabbage. It is an intermittent stream and 20 linear feet of bank is to be disturbed. The area disturbed will be restored and seeded with a conservation seed mix. There are approximately 2-3 trees along the edge of the stream that will need to be removed to accommodate the new headwall. The existing headwall will be removed.

The Commission asked many questions about what will be done to the soil, how it will be treated, how deep the trench was and how the pipe is to be installed in a 6' deep trench., where will the soil be stockpiled and the type of equipment to be used, the manhole locations and if they were adequate and some look quite deep. Mr. Lovett indicated he could provide this information.

Karen McEachern of 314 Millham St. was concerned about the contaminated dirt and how it was to be handled. Mr. Cleary explained that they have not tested the area along the proposed drainage pipe, but will apply the same methodology of testing and mixing or removing as they have done at the 99 Restaurant site, with the over sight of an LSP.

Ms. Maureen Bucchino of 88 Glen St. explained that when the Rte. 20 project was constructed the top soil removed from the site was hauled away at the cost of \$2 million, why is this a different scenario??

Peggy Sawyer an abutter also expressed concern that the amount of excavation would need to be controlled.

Councilor Scott Schaffer was present and noted that although he is not an engineer, he wanted to be sure that the human factors around this project are addressed. He wants the MAXIMUM protection to our water supply and air quality. He expressed his deep frustration with the developer and the entire process as there have already been problems that could have been avoided in his opinion.

Ms. Ryder noted that a soil management plan specific to this site has not been provided and should be provided. Mr. Gadbois explained the existing plan that would be followed.

Mr. Bucchino of 88 Glen St. also raised concerns about dewatering, and the soil mixing. In his opinion, it should be removed from the site. He suggested that the Commission contact the Bureau of Waste Site Cleanup regarding mixing, as he believes that is now no longer an acceptable practice. Mr. Clancy asked Mr. Bucchino if, in his professional capacity working with hazardous sites, whether he had dealt specifically with apple orchards. Mr. Bucchino said no, but he has worked with sites with arsenic contamination.

Ms. Bucchino noted that she didn't think the workers were adequately protected. Mr. Schaffer also commented on the MEPA process and the segmentation of the project, he has directed this question to MEPA as well.

After some additional discussion regarding the MEPA review, drainage calculations, and pipe size, the Commission agreed to continue the hearing to the June 15th meeting in order for the applicant to provide information on the pipe alignment, dewatering method, tree location, and soil mixing process. Ms. Ryder will call the Bureau of Waste Site Cleanup to determine if mixing is prohibited.

Notice of Intent (Continuation of Public Hearing)

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

Attorney Gadbois, Dan Cleary of Gutierrez Co, Chris Lovett and Susan McArthur from VHB as well as many neighbors from the Glen St. neighborhood were present.

Attorney Gadbois explained the overall concept of the proposed plan to add some additional retail stores adjacent to the 99 Restaurant site. There is work within the 100 foot buffer zone, but all work will stay out of the 50 foot no disturbance zone established in the Water Supply Protection District. The soil management plan for this project will follow that of the 99 Restaurant. A specific plan tailored to this particular part of the project will be provided. The Gutierrez Co. has worked

with the Board of Health, who hired an independent consultant to review the plan to ensure it protects public health and safety. The plan includes dust control, extensive monitoring, tire washing and stone entrance pads. Vehicles for this project will exit and enter from Rte. 20; not Glen St. Chris Lovett explained the plans, the drainage and the wetland location. The drainage will discharge into the existing detention basin which will need to be enlarged. There will need to be some fill brought in to make the site level. This will be added in compacted lifts.

The Commission asked about the mixed fill materials and where that is buried. Mr. Cleary explained that the mixed material would not be in the slopes, but at the back of the building and under the parking lot. The Commission asked for the formal soil management plan to be submitted, and a construction sequencing plan, as the slopes are extremely steep near the wetland and 50' buffer zone. The wall construction was a major concern, how is it to be constructed without impact. The Commission was concerned if the materials on the site could be contained. Mr. White and Mr. Skarin asked who would be held responsible if the material moves from the site. Mr. Gadbois explained that the materials on the site are mixed materials and do not pose any health threat, however, as required by the Board of Health a covenant has been placed on the land noting "that the property was a former apple orchard", to put future owners on notice. This has already been done.

John and Ms. McEachern of 314 Millham St. asked what about the top soil and dust control. Mr. Cleary explained that the material is covered and during construction all air is monitored.

Mr. Clancy noted that the water trucks during hot weather, should be spraying the site every 15 minutes or so as the site is very dusty.

Mr. Bucchino of 88 Glen St. expressed concerns that one row of haybales at the base of the slope is not going to be sufficient control to protect the stream. The site is very steep; this steep area should not be developed. This is the first opportunity the community has had to comment on the plans. The trees on this slope provide very important protection to the stream below. Removing these trees will have a negative impact on the stream. No one has modeled the groundwater affect of the detention basin. He is concerned about his basement. He explained that he still believes the wetland below is a river and therefore should have a 200' River Front Area. He also raised concerns that with the WSPD no fill is permitted within the 400' WSPD, and asked the Commission to examine this. There is no buffer to control the construction runoff. He expressed concern that the 99 Restaurant was able to start without a formal determination of the 100' buffer zone.

Mr. Gadbois explained that the riverfront issue had been appealed and a decision granted by the Administrative Law Judge indicating that the stream was intermittent.

Ms. Bucchino expressed concerns that the building/developer is not reliable and will not control the dust.

Ms. McEachern explained that she is concerned with dust control, there should be another survey done by the DPH regarding the soils, a more thorough search of pesticides should be done to ensure that none is getting into the public water supply. Mr. Bucchino agreed that additional testing should be done to ensure the Communities safety. Mr. Bucchino showed the Commission a plan which shows that near all trees, the pesticide concentration was higher than the locations without trees.

After additional discussion regarding testing requirements, and the DPW final report and the phasing and construction plan, the Commission agreed to continue the hearing to the June 15th meeting, so the applicant has time to address the above noted items.

Draft Orders of Conditions

- DEP 212-989 48 Fitchburg St. - Metro Park Realty Trust- The Commission reviewed the draft Order of Conditions for this project and voted 6-0 to issue the Order as drafted and amended.
- DEP 212-987 688 and 700 Boston Post Rd. - Wayside Condo Trust - The Commission reviewed the draft Order of Conditions and discussed adding that the Conservation Officer must inspect swale before any work is done. The Commission voted 6-0 to issue the Order of Conditions as drafted and amended.
- DEP 212-994 Robin Hill Rd. – Water Line – City of Marlborough DPW- The Commission reviewed the draft Order of Conditions for this project and voted 6-0 to issue the Order as drafted and amended.

Certificates of Compliance

- DEP 212-920 212 Reservoir St. The lawn has not yet been seeded. This item was continued to the next meeting.

Adjournment: There being no further business the meeting was adjourned at 10:37 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer