

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

**May 4, 2006 (Thursday) 7:00 P.M.**

**Meeting Location: Basement Level**

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

**Absent:** none

**Public Hearing(s)**

Notice of Intent

137 Cullinane Dr. - Iris Ferrecchia

This item was discussed after the 67 Bergeron hearing noted below

Request for Determination of Applicability

70 Kelleher St. - Ken Alden

This item was discussed after the 137 Cullinane Dr. hearing noted below.

Notice of Intent

Robin Hill St. Water line- The City of Marlborough Dept. of Public Works

Tom Temple, Assistant City Engineer, was present and explained the project. Currently the water line ends at the Sepracor site on Robin Hill St. and also at #337 Robin Hill St. at the Hillside School. The connection in between does not exist. To provide safer water and a water loop, the DPW would like to connect these two stubs. A portion of this work requires placing the pipe over the Assabet River under the bridge, and requires some work within the riverfront area and Bordering Vegetated Wetland (BVW). The bridge is currently under redesign to be completely replaced. Therefore, this project will simply bring the line up to both sides of the bridge, and the water line through the bridge will be included in the bridge reconstruction design. The Commission discussed the need to clean the catch basins on Robin Hill St., add additional erosion controls along the low areas as noted by Ms. Ryder, the trench construction must be stabilized securely each weekend and stable each night. Dewatering is likely needed in some sections and a condition will be added for this. The Commission also noted that the erosion controls will need to be removed immediately once the roadway is stable, this should not be forgotten. After further discussion, the Commission closed the hearing and voted 5-0 to issue a standard Marlborough Order of Conditions with the special conditions noted above as well. (John Skarin had not yet arrived during the discussion on this project.

Request for Determination of Applicability

67 Bergeron Rd. - Ronald Ruest

Mr. Ruest explained that he wanted to install a shed on 4' post which will be hand dug. The area is currently a lawn and is 10' away from the brook. He is asking permission to install the shed within the 20' buffer zone. After some discussion, the Commission determined that as the location is an existing lawn and has been for some time, and that there is no natural vegetation or buffer in this area, the addition of a shed will not alter the existing situation. There was some debate as to whether to allow this work, but after some discussion the Commission determined it would be acceptable. The hearing was closed and the Commission voted 4-0-1 (Larry Roy abstained) to issue a Negative Determination of Applicability allowing the work, provided all excess material from the hand dug holes is placed well away from the brook.

(John Skarin arrived)

Notice of Intent

137 Cullinane Dr. - Iris Ferrecchia

Ms. Ferrecchia, the owner, was present. She explained that a portion of her cement wall/dock fell into the lake over the winter due to a crumbling wall. She would like to replace her wall which is up against the water line. She showed the Commission a sketch and a proposed wall type she would like to use. The Commission noted that this work would need to be done when the lake was drawn down. She asked if she could add a temporary platform and remove the cement chunks in the water. The Commission noted that she could add a new temporary platform over the existing concrete, but that to replace the wall she would need an engineering designed plan which also included the dewatering process and access to be used. She was permitted to remove the debris that has fallen into the lake now. The hearing was continued until she provides a new plan. At that point, the public hearing will be reopened.

Request for Determination of Applicability

70 Kelleher St. - Ken Alden

Mr. Malloy was present on behalf of Mr. Alden. He explained that he wanted to grade the back yard to provide a more level area between his garage and the stone wall. There are wetlands on the southern property line. They will maintain an erosion control line of haybales above the 20' buffer zone. Some stones will be moved to create a wall just above the 20' buffer zone, so they can grade and level the area behind it. The Commission asked some questions, and then decided that as presented, the project would not have an impact on the wetlands. The Commission voted 6-0 to issue a Negative Determination of Applicability with the standard notification and inspection conditions.

Notice of Intent

NSTAR - Old Boston Post Rd. to Rte. 20 and east to Hager St. to the city line

Tim Whitman of BSC Group and Sharon Cushing of NSTAR were present. Mr. Whitman explained the project. They will be installing a gas line in a 4' deep 2' wide trench from Old Boston Post Rd. across Rte. 20 and east to Hager St. and into Framingham. They will cross two culverts; the first where the stream enters Hager Pond, and the second, the culvert and stream leaving Hager Pond on Hager St. Depending on conditions, the installation is usually 80 to 200 feet of pipe per day. The trenches are always covered up and backfilled and stabilized before the end of the day. A steel plate is placed along the section of the pipe to be worked on the next day. The Commission asked about the condition of both culverts that need to be crossed and how much cover is being provided. Mr. Whitman did not know the condition of the culverts exactly, but said the pipe could be installed 2 ¾' below grade and above the culvert. The Commission noted that past NSTAR projects had erosion controls in place for a year after the work was done. This is not acceptable to the Commission. Mr. Whitman also indicated they would install the pipe through the Hager Pond outlet culvert. The Commission said this would not be acceptable.

After some discussion, the Commission asked that the applicant provide more details on the culvert crossings; showing a cross section of the work area and cover condition of the culverts. NSTAR needs to discuss this design with the City Engineer. Mr. Demers indicated there have been holes in the roadway at the Hager Pond outlet culvert and this information is needed before a decision can be made. The hearing was continued to the May 18<sup>th</sup> 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 applicants request this item was continued to the June 1<sup>st</sup> meeting.

Notice of Intent (Continuation of Public Hearing)

Crowley Dr. - Metro Park Corp. - Chestnut Ridge Technology Park

To construct a stormwater management basin partially within the 100 ft. buffer zone to a wetland; at the end of Crowley Dr.'s cul de sac, off Fitchburg St. Ms. Ryder explained that she had received comments from Jim Arsenault and that the applicants had addressed the issues pertaining to the benchmarks on the plans, water main and stockpile areas. Mr. Deli Priscoli explained that he wants to get the detention basin constructed as soon as possible, as it is required as part of the design for the residential component at the top of the hill, which he may be selling. He'd like this approval soon. He said he had assurance from Jim

Arsenault, the City Engineer that the project was on track. Mr. Clancy asked about the construction sequence. Mr. Deli explained they would clear everything, but only grub as they reach these areas. The wall will be constructed in lifts and they will table the land above it. The construction of this basin should take about two months. After some discussion, the Commission had no further questions and closed the hearing. Later in the meeting, the Commission reviewed a draft Order of Conditions and voted 6-0 to unanimously approve the draft order as written and amended.

#### Notice of Intent

48 Fitchburg St. - Metro Park Realty Trust (DEP 212-989)

Brian Butler of Oxbow Associates, and Jon Deli Priscoli were present. Mr. Butler explained that they would like to make a small ditch connection from the detention basin stilling basin outlet to the main stream channel and do some work further down the stream to help improve the flow of the stream. 522 sq. ft. of Bordering Vegetated Wetland (BVW) will be altered and 1099 sq. ft. of the stream channel will be altered. As part of the settlement agreement with the abutter, the judge had asked that the applicant provide this scenario to the Commission for review. The Commission indicated that the work proposed was much too aggressive and explained that they would only allow for a small section of channel with some rip rap through the BVW to be constructed. This section would be from the dissipation pool to the stream channel to eliminate the ability of water during big storms from jumping the berm and flowing down the driveway. A revised plan showing only this section to be constructed should be provided. After some discussion, the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting and to have the applicant provide the revised plan as noted at that meeting as well.

#### Notice of Intent (Continuation of Public Hearing)

688 and 700 Boston Post Rd. - Wayside Condo Trust

Justin Dufrain and Chuck Bedwich of Cabco Consultants were present. They provided information as requested at the last meeting. The revised plans showed a protective berm along the parking lot to keep the sand out of the wetland. The Commission noted that it looks like a good design, but that the pipe outlet with the filter fabric would need to be cleaned constantly for them to work. The berm would continue around the dumpster area to help control runoff. A fence around the dumpster is also required. As this addressed all the remaining issues, the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the next meeting.

#### Notice of Intent

The City of Marlborough Dept. of Public Works

Proposes to install a new drainage culvert and drainage pipe along Glen St. to alleviate existing flooding problems. At the applicant's request, this item was continued to May 18th.

#### Notice of Intent

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

Proposes to construct a retail store with associated parking utilities and drainage next to a wetland area. At the corner of Glen St. & Rte. 20. At the applicant's request, this item was continued to the May 18<sup>th</sup> meeting.

#### Certificate(s) of Compliance

- DEP 212-492 890 Boston Post Rd. - The as-built plan was provided, but shows that there is in fact encroachment of the wall onto the city's land. Ms. Ryder will have the applicant work with the DPW to correct this encroachment before any Certificate can be issued. The Commission agreed that they should issue an enforcement Order to require this repair to be made.
- DEP 212-920 212 Reservoir St. - The lot is not yet stable, this item was continued until the applicant reports that the yard has grass growing.

#### Discussion:

- DEP 212-906 (Fairfield) – Steve Paralwich of Rizzo Associates was present and explained that Fairfield Dev. would like to amend their plans for this project to include a gravel roadway rather than loam & seed along the water utility easement. On the Boston Properties Plan (DEP 212-824) this water utility easement is to be constructed into a full access road. The fire and police departments have expressed an interest in having the water utility area restored to a 24' width gravel roadway for the time being. The sides of the roadway would all be loamed and seeded. After some discussion, the Commission voted 6-0 to approve this change as a minor amendment to the plan, thus not requiring a new hearing.

#### Violations/Project Updates

- 300 Cedar Hill St. - Sand in wetland from parking lot - Ms. Ryder noted that an anonymous worker at this facility called to complain that the owners were dumping street sand into the adjacent wetland. Ms. Ryder did investigate and found some dumping and also much trash. She contacted the Code Enforcement Officer as well. A letter will be sent to the owner.
- 233 South St. - Wall removal – Ms. Ryder noted that the wall is being removed as required.
- Beavers - Stow Rd., Fish & Game and Bigelow St. - The beavers have begun work at these two locations. Ms. Ryder is working with DPW and the local trapper to have them removed, so they don't create more damage to the culverts and roadways.

#### Correspondences/Other Business

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

- Ltr. from Commonwealth of Mass. Dated April 6, 2006 RE: Davis Estates Residential Subdivision (formerly Village at Farm Pond), 180 Farm Rd. Marlborough, MHC #RC.33698

- Ltr. from Rizzo Associates dated April 17, 2006 RE: Fairfield Green at Marlborough Boston Properties/Off Site - Gravel Road Plan Change DEP 212-906
- Ltr. to Stephen Pritchard, Secretary Executive Office of Environmental Affairs, dated April 27, 2006 RE: ENF Comments for EOE A #137755 Beacon @ 495 Center, EOE A #113756 Proposed Retail Center
- Ltr. from VHB, dated April 27, 2006 RE: Congress Parcel Isolated Wetland Route 20, Marlborough, MA

**Adjournment:** There being no further business, the meeting was adjourned at 10:30pm

Respectfully submitted,

Priscilla Ryder  
Conservation Officer