

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
MINUTES**

**November 2, 2006 (Thursday) 7:00 P.M.**

**3rd Floor - Memorial Hall**

**Present:**

Edward Clancy-Chairman, David Williams, Lawrence Roy, John Skarin, Allan White, Michele Higgins-Associate Member and Priscilla Ryder-Conservation Officer.

**Absent:** Dennis Demers

**Discussion**

- Pleasant Farms Preliminary Subdivision Plan - Comments to Planning Board (Clark property) The Commission reviewed the plans. Ms. Ryder will draft comments for review at the next meeting.
- DEP 212-830 16 Bracken Dr. - Tony Cequeira, the builder, and Mr. Gupta, the owner, were present. The Commission discussed the violation that had occurred on the site based on the notice sent. Per Ms. Ryder's observations there are sona tubes in the ground in anticipation of installing a deck for the second floor. However, this was never approved on any conservation plans. Mr. Cequeira explained that per the building code, he is required to have a second egress, so he has decided to add a deck with stairs at this location. The Commission noted that this would be within the 20 foot buffer zone and would not be permitted. The Commission asked Mr. Cequeira to provide a plan showing his proposed deck and the impact to the buffer zone, and also to provide proof that the Building Department requires this egress. Ms. Ryder also noted that there are couches, lounge chairs and a fire pit IN the wetlands just below the roadway. The neighborhood kids are trespassing and should be asked to remove this stuff. Ms. Ryder has notified the police, but a complaint from the land owner is required. This item was continued to the next meeting.

**Public Hearings**

Abbreviated Notice of Intent

McDonald Beach - Cullinane Dr. (Map 9, Parcel 8) Lakeshore Association, Inc

Tim Brecken from the Lakeshore Association explained that he will install the wall per the plan submitted in the Notice of Intent (NOI). The blocks to be used are 2 foot high blocks. They will place the blocks as shown. All dirt removed when placing blocks will be used to back fill the blocks. All excess soil will be removed from site (although they don't believe there will be any excess). They would like to place an opening along the boat ramp side of the beach instead of how it is shown on the plans. Once the wall is in, they would like to add some sand to top dress the beach. After some discussion, the Commission closed the hearing. They reviewed a Draft Order of Conditions. The Commission voted unanimously 5-0 to issue the Order of Conditions as drafted and amended.

Request for Determination of Applicability

111 Neil St. – Italian American War Veterans Post (Larry abstained from this discussion as he is a member of the post)

Richard McIver representing the Post was present. He explained that they had a problem with overflow parking and turn around area. They repaved the parking lot and did add 6 additional parking spaces. He had been given the OK from the building department, but had failed to realize he also needed a permit from the Conservation Commission. He apologized for this oversight and has filed this Request for Determination in order to come into compliance with his enforcement order.

The area where the 6 additional spaces were added was an area used as a turn around and had become very muddy. This new pavement should eliminate this problem and keep the runoff from the site clean. The unpaved gravel, grass area will remain. This is used only during large events a few times a year.

After some discussion, the Commission voted 4-0 (Larry abstained as noted above) to issue a Negative Determination of Applicability for this site. They noted to Mr. McIver that with the issuance of this permit his violation has been cleared.

Notice of Intent (Continuation of Public Hearing)

137 Cullinane Dr. - Iris Ferrecchia

Kevin O'Malley was present and explained the new plans. A ramp will be constructed from the driveway to access the lower wall area next to the lake. The blocks to be used are 41" x 18" in size. The 1<sup>st</sup> wall will have a 4 foot exposure and the second wall will have a 5 1/2 foot exposure. The wall at the end of the driveway will be a 3 foot exposure. He showed the Commission the manufactures boiler plate details for the wall, which are included on the plan. The block walls will be tapered back. There will be a 1 foot of stone and filter fabric along the soil face of the wall. Mr. White explained that the backfill of the wall must be stone or septic sand and NOT gravel as gravel has a tendency to push on the wall during the winter. Mr. O'Malley also provided a letter with the construction sequencing plan to be followed. After some discussion, the Commission closed the hearing. Chairman Clancy read the draft Order of Conditions. The Commission voted 5-0 to issue the Order of Conditions as drafted and amended.

Notice of Intent (Continuation of Public Hearing)

362 Elm St. - First Colony Development Co. Inc.

Proposal to construct a flex industrial building with parking and drainage near wetlands. At the applicants request this item was continued to the Nov. 15<sup>th</sup> meeting.

Notice of Intent

290 Hudson St. - Thomas McGinley

Mr. McGinley the owner and Will Dumais who is in construction were present. Mr. McGinley explained that he has filed the Notice of Intent (NOI) to come into compliance with his enforcement order. Chairman Clancy explained that he had noticed some large fill piles in this back yard as he was walking along the bike path which initiated this enforcement action. Mr. McGinley explained that he had brought in fill and was not aware of how close the wetlands were and wasn't

aware he needed a permit until he received the notice. Will Dumais explained that they will pull back the fill that has encroached into a small section of the 20 foot buffer zone, and create a 3:1 slope from the 20' buffer zone up to the flat area which will become the back yard. They will stabilize the slope with jute matting or hay, they will add haybales and silt fence to the toe of the slope. After some discussion about slope stability and only clean fill is to be used, the Commission closed the hearing. The Commission voted 5-0 to issue a standard Order of Conditions with special conditions regarding slope, slope stabilization, and adequate erosion control.

Notice of Intent (Continuation of Public Hearing)

185-191 Mill St. - Tom Teager of Fore Kicks II, Inc.

Mike Sullivan of Connorstone Engineering and Ed Riberg of Fore Kicks II, Inc. were present. Mr. Sullivan showed the revised plans based on comments from the last meeting and from the city engineer. These changes are as follows:

1. Inspection ports added; 2. Work area defined by haybale barrier; 3. Fence around detention basin; 4. Sequence plan described as shown on the plan; and 5. Temporary stockpile area.

The Commission asked about the groundwater elevation, whether temporary detention basins could be added, how much material is to be imported onto the site and if a construction sequencing plan has been developed. The applicant indicated this information will be provided at the next meeting. However, they do know that the groundwater elevation is just 3' below the surface, so the grades will be raised. Boyancey tests will be done for all catch basins, to ensure they will not float. The Commission asked that the applicant provide: a plan for the Operation and Maintenance for the drainage system, a location for the cement truck clean out, and show some additional plantings to screen the area next to the railroad tracks and Westborough Rd.

Several abutters from Southborough were present and asked about the access issue and whether a wildlife study had been done.

With the applicants consent, the hearing was continued to the November 15<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

Proposal 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 Nov. 15<sup>th</sup> meeting.

Notice of Intent (Continuation of Public Hearing)

Rte. 20 and Glen St. - Marlborough/Northborough Land Realty Trust - DEP 212-986

Proposal to construct a retail store with associated parking utilities and drainage next to a wetland area. At the corner of Glen St. & Rte. 20. Per a letter from

Attorney David Gadbois dated 11/2/2006, the applicant withdrew the application for this project.

### **Certificates of Compliance**

- DEP 212-835 and DEP 212-953 - 250 & 260 Locke Dr. – As this site is now stable and complete, the Commission voted 5-0 to issue a Full Certificates of Compliance for this project.

As the MWRA Water Treatment Facility is now complete and the area stabilized to the Commission's satisfaction based on a site visit on Oct. 21, 2006. The Commission voted unanimously 5-0 to issue the following 4 Certificates of Compliance associated with this project as follows:

- DEP 212-548 Wachusette Interim Corrosion Control Facility (MWRA) - Full Certificate of Compliance voted 5-0 to approve.
- DEP 212-692 Water Treatment Plant – Full Certificate of Compliance voted 5-0 to approve.
- DEP 212-790 Temporary pump Station- Full Certificate of Compliance voted 5-0 to approve.
- DEP 212-808 Work on the site for utilities - This was work permitted, but due to changes in the plans was never done. The Commission voted 5-0 to issue a Certificate of Compliance noting that the Order was invalid and no work has been done relative to it.
- DEP 212-777 38 Wright Dr. - This property is closing and has not received a Certificate of Compliance. All work has been finished per the Order of Conditions for this lot. The Commission voted 5-0 to issue a partial Certificate of Compliance for # 38 only.

### **Correspondence:**

**The following correspondence was reviewed and the Commission unanimously voted to accept and place on file:**

- Request for Departmental Action Fee Transmittal Form by Ronald Bucchino requesting superseding Order of Conditions (212-985) - DPW's installation of a new drainage culvert and drainage pipe along Glen St. to alleviate existing flooding problems.

### **Other Business**

- An abutter to the Felton Conservation Land has contacted Ms. Ryder and indicated that she is interested in donating \$1,000 to the Commission for management of the Felton Conservation Land, if the Commission can match this money. The Commission agreed that a match could be made, and requested that Ms. Ryder ask the legal office on the proper procedure for this gift acceptance.
- Updates on projects:
  - 401 Cedar Hill St. – the detention basin is still exposed, they have promised to stabilize it A.S.A.P.
  - Maple St. sewer pump station – the plans have changed substantially from those approved by the Commission and a cease and desist order has been

issued. Ms. Ryder showed the Commission the new sketch plan of the proposed changes. The Commission required that the applicant and their engineers request a formal amendment to the Order of Conditions before any work proceeds.

- Mechanic St. reconstruction – during the past rain event much mud and silt was dumped into Sheepfalls Brook, as all the catchbasins are raised and the dirty water was not captured by any erosion controls. Ms. Ryder spoke with DPW and they are to correct the problem.
- 109 Lakeside Ave. - the landscaped area which has caused some runoff problems was being replanted this day. The problems should be solved.
- 88 Stetson Dr. – Ms. Ryder got reports of chainsaw work behind this house, and upon investigation, she noted that some of the trees being removed are within the wetland area. She will investigate further with the owner.
- In a letter from Insanin Paving Inc, they have paid their fine for work at 110-116 Boston Post Rd., but have asked to come into the next meeting. The Commission agreed.

### **Adjournment**

There being no further business the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Priscilla Ryder  
Conservation Officer