

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

September 7, 2006

Memorial Hall, 3rd Floor, City Hall

Members Present: Allan White – Acting Chairman, David Williams, Lawrence Roy, John Skarin, Dennis Demers, Michele Higgins- Associate Member and, Priscilla Ryder- Conservation Officer;

Absent: Edward Clancy

Discussion

- DEP 212-958 274 Brigham St - Paul DiTullio was present and explained that he has purchased this land and has spoken with the Southborough Conservation Commission about changes to the replication area location. Currently, a large pile of huge boulders are required to be removed on the Southborough side in order to create a wetland replication area. However, as the grade changes will be severe and the rock removal very disruptive, they would like the Commission to consider an alternative replication area plan. The Southborough Conservation Commission has reviewed and accepted this plan. After some discussion about the alternative replication area shown on the plan dated 6-26-06, the Commission agreed to approve the change as a minor change to the plan. The Commission voted 5-0 to accept the revised plan.

Public Hearings

Abbreviated Notice of Resource Area Delineation

150 Cook Lane (Mauro Farm)- Capital Properties, LLC

Mr. Smith of Tunison Smith, the wetland consultant, presented a plan showing the wetland replication area for the property on Cook Lane known as Mauro Farm. The wetlands on this property consist of a river, a bank, and Bordering Vegetated Wetland (BVW) along the river and several locations of isolated wetlands along the top of the sewer trunk line. Ms. Ryder indicated that she had walked the site. The delineation is well defined by the existing sewer line which runs parallel to the river.

An abutter Mary O'Malley asked whether this site was ever an apple orchard, and how much of the existing tree line will be left. Mr. Smith said the site to his knowledge was not an apple orchard, and that this was simply a discussion of the wetland boundaries. A full project plan has not yet been developed.

After some discussion, the Commission voted unanimously 5-0 to accept the delineation as presented and to issue an Order of Resource Area Delineation accepting the delineation as presented.

Notice of Intent (Continuation of Public Hearing)

714 Farm Rd. - Robert Valchuis (DEP-212-891)

Richard Manville, P.E. from Guerriere & Halnon, Inc. and Robert Valchuis owner were present. Mr. Manville noted that Tom Temple, Assistant City Engineer had requested details to the plans, but that the changes requested were minor in nature. Mr. Temple had spoken with Ms. Ryder on the phone and indicated the same. The Commission thanked Mr. Manville, and as there were no further questions closed the hearing. The Commission reviewed the draft Order of Conditions and the revised plans. The Commission voted 5-0 to issue the Order of Conditions as drafted and amended.

Notice of Intent

362 Elm St. - First Colony Development Co. Inc. (DEP 212-1003)

John Deli Priscolli, owner, and Bruce Saluk P.E were present along with Bret Manson from Oxbow Associates. Mr. Deli provided an overview of the project. The site was an old dairy farm and is zoned Limited Industrial and is 5 acres in size. The wetlands are not on the site, however the 100 foot buffer zone of the wetlands on the adjacent parcel fall within his parcel. The project lies entirely within the Water Supply Protection District, therefore a 50' no disturbance wetland buffer zone is required per this ordinance.

Bruce Saluk explained the plan. The Stormwater is designed to treat the first 1" of rain fall, as required in sensitive watershed areas. Landscaping has been added to screen the historic house across the street. The project will have city water and sewer. It will contain 100 parking places. The drainage report includes construction and post construction stormwater requirements and will achieve 94% TSS removal rates. (well above the 80% TSS removal required). There will be a reduction in flow leaving the site. The plan shows the snow storage location. Soil tests were performed and are included in the drainage report.

Ms. Ryder noted that she checked the wetland boundaries and find them to be accurate. Bret Manson explained that the site is covered with Russian Olive, Bittersweet and invasive Honeysuckle, all of which are non native invasive species. The vegetation is very thick as it is an old field that has grown in and large trees have not yet been established. Drainage across this property flows by sheet flow to the adjacent wetland at the bottom of the slope, and eventually into Millham Reservoir.

Mr. Saluk explained that they will need to import material to the site about 13,000 yards. The Commission asked about slope stabilization, tree planting, grades of parking lot and roadway on Elm St. Mr. Saluk will address these at the next meeting, since he is still waiting for comments back from the City Engineer. The hearing was continued to September 21st.

Notice of Intent (Continuation of Public Hearing)

The City of Marlborough Dept. of Public Works

Chris Lovett and Dave Pickart of VHB, Tom Temple, Marlborough Assistant City Engineer and David Gadbois, Attorney for the applicant were all present. Tom Temple explained that the new plans show the information requested to address the comments raised at the last meeting and the site walk. Chris Lovett explained the changes shown: 1. They shifted the pipe north near the first section of pipe (near the intermittent stream) to save the trees. 2. Provided the detail for the outlet control structure. 3. Included the repair to erosion and the headwall at Millham Brook. He also provided a memo dated 9-7-06 which described the construction sequencing to be used. The Commission reviewed this list and discussed in detail the pipe installation and connection. Mr. Demers raised concerns about the depth of the pipe and velocity of water running through it and inquired why additional manholes were not added to help both of these issues. Mr. Temple indicated the design could be changed to accommodate this.

The Commission had a long discussion about the trees and how many are to be replaced etc. Mr. Temple explained that within the easement they would not plant trees, but could include them along the border of the easement. Mr. Demers asked that the trees be shown on the plan, so that this can be planned for, rather than wait for the trees to be cut and counted then. Mr. White also asked about soil management and tracking of materials into the street. Mr. Lovett explained that the soil management protocol used at the 99 Restaurant would be the same for here. Ms. Higgins asked about the stone pad in the 20' buffer zone.

The Commission discussed the wetland replication area and the temporary and permanent disturbance to the wetland. Mr. Pickart explained the plan.

Mr. White read an e-mail from Councilor Scott Schaffer dated 9-6-06 regarding trees, soil management and landscaping.

Mr. White called upon members of the audience to speak:

- Joan O'Brien of 27 Conrad Rd. asked whether blasting would be needed for this project, as they have had trouble with this before.
- Ron Bucchino of 88 Glen St. asked that all information discussed should be put on the plan. Why the soil assessments wasn't being done now and why wait until the project begins? There will be lots of soil removed, how are they getting access to these piles? Why haybales were not located on the curb? Where storage stock piles would be located? There is lots of water being drained through pipe, how will this be controlled? The groundwater table is high, what will dewatering protocol be? Where is the land subject to flooding, it is not shown on plan? This stream is considered an Outstanding Resource Water (ORW). The ATSDR-Health study by the Department of Public Health noted clearly that when the site is disturbed, exposure becomes a problem. He wants all outstanding

issues resolved before permits are issued to avoid problems. Wants to know why they aren't just replacing the drain IN the street? The problem in the street in his opinion is the drainage coming DOWN the street not what overflows into it.

Mr. Bucchino explained that he has great respect for the Commission and what they are trying to accomplish and he just thinks everything should be set in writing and be tested now to avoid surprises. He is very concerned. There has been no place for public input on the 99 Restaurant site and he feels these matters must be heard. He wants there to be some public involvement.

Mr. White explained that the project is designed to correct an existing problem. Although it won't solve it completely, it will help during some of the larger storms. The Commission discussed additional erosion controls and testing protocol as outlined in the soil management plan.

Karen McEchern – a concerned citizen from Millham St. She agreed that testing should be done ahead of time, so they know what to remove and what to mix. She also noted that arsenic was detected in the water supply during the 99 restaurant project. She asked that we ensure that our LSP has confirmed that the arsenic/lead bonds would not be broken.

Attorney Gadbois explained that the soil management plan has been reviewed by the Board of Health, the City's LSP and Ms. Ryder. They will do testing now for groundwater table and ledge information and will do the soil contamination testing as the project proceeds.

- Noreen Bucchino of 88 Glen St. asked the Commission to call the Mass Department of Public Health for assistance in reviewing this information, as she doesn't believe this plan is adequate to protect public health. If the plan is NOT stamped by the LSP how can it be a valid plan? The Commission asked Ms. Ryder to look into this.
- Peggy Sawyer of 33 Teller St. asked how high the excavated materials piles will be.

Mr. White asked the Commission to vote on the alignment of the pipe as presented tonight. The Commission unanimously voted that it was OK. Mr. Temple explained that based on the comments made, the plans will be finalized and revised to address these issues. The Commission agreed, with the applicants consent, to continue the hearing to the Sept. 21st meeting. Ms. Ryder will draft some conditions for review at that meeting as well. Ms. Higgins and the neighbors asked for copies of the soil management plan.

Notice of Intent (Continuation of Public Hearing)

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 this item was continued to Sept. 21st.

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). This item was continued to Sept. 21st.

Draft Order(s) of Conditions

- 228 Littlefield Ln- The Commission reviewed the draft Order of Conditions and voted 5-0 to issue the order as drafted and amended.

Certificate(s) of Compliance

- DEP 212-203 and 212-352 178 Littlefield Ln. (Lot 124) - re-issuance of Certificates of Compliance. As this project has been completed, but the Certificates of Compliance originally issued was not recorded, the Commission voted unanimously 5-0 to re-issue the Certificates of Compliance for both these file numbers. The first for the subdivision the second for the house lot itself.

Correspondence

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

- Letter to David Marios, dated August 29, 2006 RE: Wetland Violation DEP 212-980 127-139 Lakeside Ave.

Other Business

- 479 Farm Rd. - The owner has asked if he can install a shed. The Commission noted that they would not consider another request until this owner complies with his existing Order of Conditions.
- Recommendations to Conservation Commission membership - Mr. Demers suggested that Ms. Higgins name be submitted to the Mayor to fill the vacant spot on the Commission. The Commission decided to wait until Mr. Clancy's return to discuss same.

Adjournment - The meeting was adjourned at 9:50 PM.

Respectfully submitted,
Priscilla Ryder
Conservation Officer