

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

November 15, 2006 (Wednesday) 7:00 P.M.

3rd Floor - Memorial Hall

Members Present: John Skarin, Dennis Demers, Allan White, Lawrence Roy, Priscilla Ryder Conservation Officer and Edward Clancy (arrived late as noted)

Absent: Dave Williams and Michele Higgins- Associate Member

Discussion:

- 110-116 Boston Post Rd. - Insani Paving Inc., Richard Insani requested to come before the Commission regarding the violation notice he has received for the work he did at 110-116 Boston Post Rd. He told the Commission that the Condo management company had told him not to get a permit from the Commission, so he proceeded. After the first violation notice, he paid the fine, but had not submitted the Notice of Intent (NOI) as he did not think that was his responsibility. The Commission asked who they should contact, he said William Jackson from the Condo Management Co. at 7 Wood St. in Hudson. The Commission agreed to resend the letter to the management company and the Condo Association to see that an NOI is submitted by them. The Commission voted 4-0 to take this action.
- DEP 212-830 16 Bracken Dr. - Tony Cequeira was present and provided a modified plan showing a deck at the back of the house off the second floor. Ms. Ryder noted that she had spoken to the building inspector who indicated that there is no egress required from the deck at this location. No deck was on any plan, for either conservation or the building department. Mr. Cequeira explained that he is just trying to make the building marketable. Mr. Demers noted that the sona tubes are on the 20 foot buffer zone line and should be removed. The deck could be cantilevered from the house so that only the deck overhangs the 20' buffer zone. Allan White argued that the sona tubes can stay, but that the stairs would need to be moved towards the house or removed all together. After a lengthy discussion, the Commission voted 4-0: (1) to allow the deck and the stairs, but must follow the foundation and contour of the house, (2) the as-built plans will show these changes, (3) the deck was considered as a minor change to the plans as long as they conform to the items noted above and NO work occurs within the 20 foot no disturbance buffer zone.

Public Hearings:

Request for Determination of Applicability

413 Lakeside Ave. - Motiva Enterprises, LLC

Jim Smith from Sovereign Consultants Inc. representing Motiva was present. He explained that the location is an active gas station. The work proposed is to install a groundwater treatment system with five (5) extraction wells within the existing pavement. These wells will remove some contamination which is present in the groundwater from a previous spill event from an underground storage facility. The new system would pull water from the ground into the treatment system, consisting of carbon filters, in the treatment shed. Then the clean water, cleaned to drinking water standards, would be injected back into the ground to re-circulate

the water and help the cleaning process. The extraction wells are 20' deep. Injection is being done above the bedrock at 14' & 15' down. The Commission noted that some erosion controls would be needed in all catch basins. Mr. Smith noted that silt sacks would be installed. All excavated materials would be removed from the site, there would be no stockpiling. The carbon filtering units will be replaced when the volatile organic compounds (VOC's) break through. The Commission discussed the procedure and noted that the following conditions would be needed: 1. no overnight exposure of trenches; 2. backfill and stabilize area every night; 3. all excavated materials are to be containerized and removed from the site; and 4. the site will be swept daily to keep the area clean. The Commission closed the hearing and asked Ms. Ryder to draft some special conditions for the Dec. 7th meeting.

Amend Notice of Intent (DEP 212-955) Wetland Violation

Maple St. sewer pump station upgrade - Fairfield Development, LP

Brandon Quigley, Bernie Rafferty Environmental consultants and Jim Keller P.E. all from Rizzo of Rizzo Associates were present along with Mark Morrow of McManus Co. representing Fairfield Development. Chairman Clancy explained to the Commission that work had begun without the Commission's approval. Bernie Rafferty explained that all work has ceased pending resolution. He explained that the changes made to the plans had been required by CDM the City's Consultant. These changes included a permanent underground diversion tank. Originally, there was going to be a temporary by pass structure above ground. This work requires the installation of this tank next to the wetlands. Due to utility conflicts, the sheeting must be installed at the wetland boundary. The Commission discussed the impacts to the 20 foot buffer and the dewatering method to be used, as the tank is to be installed in a hole that is 18 feet deep. Mr. Morrow explained that the sheeting is 38' long, and will be installed to create a coffer dam so the tank can be installed, but everyone failed to contact the Conservation Commission. They asked if alternatives had been researched.

Jim Keller P.E explained that the design was approved by the City's Engineering Dept; CDM dictated the design change in April of '06.

Mr. Clancy noted that the groundwater is very high and expressed concerns that there was not enough oversight over the project. No one was notified before the work began and the sheeting was installed. No one reviewed the Order of Conditions or notified the Conservation Officer as required.

Mr. Demers reviewed the questions Michele Higgins had posed in an e-mail regarding whether there is an existing dry well on site, if so why can't this be used for dewatering, and why was the temporary by pass structure idea abandoned.

There was much discussion about the existing utilities in the area and how this is directing the design. The tank must be designed so as not to float, buoyancy calculations will be provided. A dewatering system will be needed as well. A design was provided and reviewed. Mr. White asked how the material removed from the hole would be hauled as it will be a sloppy mess.

It was agreed that a test hole would be dug prior to construction to be observed by the Conservation Officer and a Commission Member to determine how the operation will proceed and adjust dewatering system design as needed.

After much more discussion, the Commission approved the plans as drafted and amended and voted unanimously 5-0 to accept the Amended Notice of Intent and issue an amended Order of Condition for this project accepting the plans as provided and conditions as noted above.

Notice of Intent (Continuation of Public Hearing)

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

Proposes to construct an indoor soccer facility with parking and drainage. A portion of the work is near wetlands and the Riverfront Area. At the request of the applicant, this item was continued to the December 7, 2007 meeting.

Notice of Intent (Continuation of Public Hearing)

329 Maple St. - Benjamin Donnarumma

Proposes to construct a new single story building for automotive repair with associated parking next to a brook. At the request of the applicant this item was continued to the December 7, 2007 meeting.

Notice of Intent (Continuation of Public Hearing)

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

To construct a flex industrial building with parking and drainage near wetlands. At the request of the applicant this item was continued to the December 7, 2007 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 request of the applicant this item was continued to the December 7, 2007 meeting.

Discussion

- Design Pack Building - 175 Maple St. - Atty. Arthur Bergeron and Dan Cambel of Design Group are interested in building a residential community in the Design Pack building on Maple St. There are wetlands which bisect this property. They would like to add additional parking to the project and need input from the Commission regarding the stream before proceeding. Mr. Bergeron explained the history of the stream, that it was moved when the building was built and is no the original natural channel. The channel has a concrete and stone base which is not natural.

Mr. Cambel explained that there is a pipe that goes under the building which was the previous stream channel which is still active and receives roof drainage. They would like to continue to use this pipe. They have designed the plan to create a 20 foot buffer zone around this intermittent stream. However a small portion of the 20 foot

buffer zone, which is an existing gravel roadway area will need to remain paved at the headwall location. He explained the conceptual drainage design for the site.

The Commission, after some discussion, agreed that the design as presented in concept only, looked like it would meet the requirements of the Wetlands Protection Act and the city's 20 foot no disturb buffer zone requirements, and told the developer they could proceed down this road, but would still need to have a formal hearing for a Notice of Intent. There was also discussion about the old rail road bed behind this property and the re-use of this corridor for a walking path.

Correspondence

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

- Ltr. from Donald Rider, City Solicitor to Douglas J. Rowe, dated Nov. 2, 2006 RE: Sight Easement to 19 Ash St.
- Ltr. from Southboro Conservation Commission, dated Nov. 6, 2006 RE: Fore Kicks II, Inc.
- Chapter 79 of the Acts of 2006 - An Act Further Regulating Meetings of Municipal Boards.

Other Business

- 710 Pleasant St. - The Commission reviewed the preliminary plans for a new subdivision proposed at 710 Pleasant St. They reviewed and approved a draft letter to the Planning Board regarding these plans.
- National Grid has submitted a letter notifying the city that they will be doing their vegetation management along their power lines.

Adjournment - There being no further business the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer