

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

November 18, 2010
Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

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

Absent: Allan White, Michele Higgins, and Lawrence Roy

Public Hearing

Notice of Intent (DEP 212-1076) - Continuation

358 Berlin Rd. - New Hope Church of the Assembly of God

Proposes to repair drainage and provide scour protection for brook flow (Millham Brook).

Bruce Saluk of Bruce Saluk and Associates, and Pastor Woods were present along with members of the church congregation.

Chairman Clancy opened the meeting and read the e-mail from Thomas Cullen dated 11-18-2010 to Priscilla Ryder recommending that the first alternative, rather than the new culvert alternative be pursued. He also included an attachment of correspondence with the Mass. Dept. of Transportation (DOT) (formerly Mass Highway Department).

Bruce Saluk explained that they will go with the gabions and reno mats and curbing along the driveway slope as discussed several meetings before. The area will continue to act like a spillway. It is a sound plan. He noted that an operation and maintenance plan will be included on the plan.

There was discussion about the impacts of upstream waters and how cleaning along I-495 may have changed the drainage patterns. Bruce Saluk said he would contact Mr. Resca from Mass DOT to see if they can evaluate the issue. Mr. Clancy also noted that perhaps the church should write a letter to the State to see if they can help out with the solution.

Robert Woods, Pastor for the church asked if the Mass DOT takes care of the water upstream, then why should a small church with limited funds spend a lot of money to do work that Mass DOT should be doing? Mr. Clancy noted that in fact the Church would not have to do anything; the Commission is interested in preventing a further washout. Pastor Woods then explained the history of the damage and the washouts, they addressed the immediate issues and complied with the Commission's request to find a solution and did much of the work already. One of the church members asked that the root cause be addressed instead of having the church invest money in the repairs, he noted that it is not the churches water and the problem is beyond them. Pastor Woods asked if Mass DOT could address the issue. Bruce Saluk after being asked said he estimated the materials stone and labor to be \$30,000 at least.

There was a lengthy discussion about responsibility and how Mass DOT should be involved and whether and why the church had to file for the Notice of Intent permit. Pastor Woods indicated he was just following the letter sent to him by the Commission to try to address the problems.

Marilyn Gaudett a church member asked if the church did not do the work and it washes out again then who is responsible and how does it get addressed. Chairman Clancy asked that hypothetically if the church doesn't do the work and the parking lot washes out again, will the church be liable? He said he was not sure what the answer is.

There was further discussion about the design and who had the final say on the design. Bruce Saluk confirmed that on the larger storms there is no change between the existing and new design, however the smaller storms are different and that is where Tom Cullen was not comfortable. Mr. Clancy confirmed that the City Engineer's recommendation stands. There was some discussion about the proposed design. Mr. Skarin asked if it will hold up along the downhill slope near the neighbor's garage. Mr. Saluk said it would and also confirmed it would disperse the velocity as well. He has designed a similar system in Natick which was built with the gabions and it works fine.

The Commission closed the hearing and reviewed a draft Order of Conditions. The draft was amended and on a motion by Mr. Williams second by the chair, the Commission voted unanimously 4-0 to issue an Order of Conditions for this project.

Mr. Demers reiterated to the applicant, that the Commission cannot force anyone to do the work. The permit issued just allows them to do the work should they wish to proceed. Waiting to do the work is at their own risk. Chairman Clancy also suggested the church might seek help from their local state representatives as well.

Certificates of Compliance

- DEP 212-839- Crystal Ridge Estate – Full Ms. Ryder confirmed that all issues on this subdivision Order of Conditions has been addressed. The site is stable, drainage systems have been approved by the DPW, and the project is complete. The Commission voted unanimously 4-0 to issue a Full Certificate of Compliance for this project with any ongoing conditions as required.

Other Business/Correspondence/ Discussion

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

- The Permit Extension Act, November 2010 Frequently Asked Questions
- New England Power Company Maintenance Project Structure #5-2 D'Angelo Dr.; letter dated November 9, 2010 from National Grid.
- Letter to Planning Board from Priscilla Ryder, regarding Forest Grove Subdivision dated Nov. 8, 2010
- Notice of Public Meeting for Open Space & Recreation Plan – November 16, 2010 (Tuesday) 7:00 p.m. 3rd Floor, Memorial Hall)

Project Updates

- DCR timber harvest- Ms. Ryder reported that Chris White from the DPW Forestry Dept.

had inquired whether the logger could use a small section of the city's conservation land as a staging area because his current staging area is a traffic hazard getting in and out onto

- Parmenter Rd. Visibility on Parmenter Rd. is already poor without adding a logging operation going in and out. The return the Commission would get is the removal of a large stand of Ailanthus trees which are invasive and will continue to crowd out the native trees on this lot if left unchecked. These trees would be removed and the disturbed areas seeded. Ms. Ryder provided a marked up map of the area. Mr. Williams said he had also been to the site and agreed with Chris White's assessment. He also agreed that the invasive removal would be an advantage and that Chris White offered to mow the area once it's restored to prevent the Ailanthus from returning right away. The Commission agreed to the plan, but required that a written agreement, acceptable to the city's legal department be drafted that reflects the conditions noted above. Once it is in an acceptable form, it shall be signed by both the logger and Conservation Officer. Once executed, the Commission will receive a copy.
- Mr. Williams also noted that the stairs have not yet been replaced at the Holts Grove Bridge and it is impeding walkers from getting across. Ms. Ryder indicated she would contact DPW as they had agreed to put them back. She will report the results when she gets them.

Meetings – Next Conservation Commission meetings – December 16th, 2010 (note only one meeting in December) and January 6, 2011.

Adjournment

There being no further business, the meeting was adjourned at 8:30 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer