

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

October 14, 2010

Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

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

Absent: none

Approval of Minutes – The following minutes were unanimously approved, 7-0, as written, January 7 and 21, February 4, March 4, April 15, May 6, June 17, August 19, and September 2, all in 2010.

Public Hearing(s)

- 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 was present along with Pastor Woods and some church members. Bruce Saluk explained that Millham Brook in this location is a perennial stream flowing into Millham Reservoir. There is a very large culvert under Mass Highway which conveys water to this property. The church was originally constructed in 1968 and the parking lot seems to have been designed to overflow. Based on calculation and observation during rain events the parking lot fills up fast during large storm events. Mr. Saluk was hired to determine what the problem was and why the embankment failed and provide a solution. During the 100 year event 10% of the water will flow through the culvert and 90% of the water makes its way over the wall. During the 1 year storm event 60% of the water flows through the existing pipe and only 40% overtops the wall. His proposal to correct the problem of stabilizing the embankment and stream channel is to add Reno mats and gabions with a cut off wall at the edge of the driveway to help direct the water over the wall and into the swale and brook. This includes a new weir design. The Reno mats he explained, are a wire mesh cover that is filled with rocks it is 12" deep, 6' wide and 4' long wire mesh cells. They are placed along slopes to protect them from erosion.

Mr. Saluk indicated he had spoken to Mass Highway and was able to find out that they did do some maintenance on the swales on I-495 which he thinks has made the water come to the church property faster than it did before. At this point Michelle Higgins wanted to note for full disclosure that she also works for Mass DOT. Mr. Saluk also indicated that there are 360 acres of impervious land draining to this point, of those 18 acres are from the I-495 highway system.

Mr. Demers inquired whether enlarging the pipe rather than reinforcing the slopes would achieve the same results. Mr. Saluk indicated that based on his conversation with Tom Cullen, City Engineer, the design criteria was not to enlarge the pipe. Just downstream of the pipe is a cart path with a small culvert. Mr. Demers expressed concern with the long

term maintenance that might be needed with the gabions and reno matt design and suggested looking at alternatives.

There was much discussion about the water shed; and what has been added over the years. Mr. Saluk showed the watershed map he used in his calculations and said he'd established the base flood through calculations and CAD not FEMA. The Commission asked Ms. Ryder and Mr. Saluk to check in with Tom Cullen to get his opinion about adding the box culvert or increasing the pipe size and to weigh in on Mr. Saluk's conclusion that a larger culvert would have a negligible impact. The Commission asked questions about pipe size, how the existing system functions, how the proposed system would function, how a bigger pipe would function. Chairman Clancy asked that Ms. Ryder ask Mr. Cullen to review the calculations and to get an opinion from Mr. Cullen in writing.

Pastor Woods asked who has the final say, the Commission or the City Engineer. Mr. Clancy indicated that on engineering designs, such as this, the City Engineer's opinion holds, and the Commission can then determine what measures are needed to protect the wetland.

Mr. Roy asked if there was a way to get the Mass DOT involved, so they might be able to control the stream flow up stream, if that is what has recently changed in this area.

A member of the church who identified himself as Steve, is an engineer and wanted to see if the cul-de-sacs upstream on Berlin Rd. were working and if this is part of the problem.

The Commission agreed to continue the hearing to the October 21st meeting in order to get input from the City Engineer to determine what option was preferred.

- Notice of Intent
652 Stow Rd. - Donald and Teresa Counihan
Proposes to install a foundation drain to prevent groundwater from flooding their basement. The outlet will be near the wetlands.

Donald and Teresa Counihan were present. Tom Dipersio Sr. of Thomas Land Surveyors was present as well and explained that B&C Associates had flagged the wetland. There is an old foundation drain to this house which is too high and is not functioning. As a consequence, the homeowners have been pumping extraordinarily large amounts of water on a regular basis out of their basement. The pumps run constantly. They are looking for a permanent solution that doesn't involve pumping and fear that their basement will fill with water when the electricity goes out. Upon investigation Mr. Dipersio has determined that the foundation drain daylight is too high and therefore is not working. They propose to add a new pipe at a lower elevation to make the system work. A stone rip rap pad will be added to the end of the pipe to prevent erosion.

Ms. Ryder said she inspected the site and had seen the amount of water pumped. She recommended this be approved. The Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for review at the Oct. 21st meeting.

- Notice of Resource Area Delineation (DEP 212-1075) – Continuation
279 South St. - Robert Moss of Moss Development Inc.

Request that the Conservation Commission review the wetland delineation and resource areas for the property known as Shoestring Hill – consisting of 88.4 acres at #279 South St. (Assessor's Maps/Parcels 92/19, 92/24, 92/32 and 103/19)

Robert Moss of Moss Development Inc of 15 Brickyard Lane, Westborough, MA, the applicant, and Scott Goddard of Carr Research Laboratories Inc, were both present.

Mr. Goddard explained that after the last meeting, he did re-establish the flags that had been vandalized on the wetland delineation prior to the Sept. 25th meeting and also added a paint dot to the trees to be safe. He conducted a site walk on September 25th with several of the Commission members (Ed Clancy, John Skarin, and Priscilla Ryder). Based on the site visit, he believes there is confirmation now on: 1) the Bordering Vegetated Wetland (BVW) boundaries, 2) that there is no Riverfront Area as the stream through stream stats has been determined to be intermittent, and 3) confirmation that there are two isolated wet depressions that are non-jurisdictional and two that fall within BVW.

Mr. Clancy explained that he, John Skarin and Ms. Ryder attended the site walk and the conclusion of the site walk observations were that it is obvious there has been previous dredging with large peat piles along the brook edges. He looked at the four vernal pool areas and confirmed that there were two within BVW that are vernal pools (VPs) and the two smaller areas that would not be jurisdictional. He noted that one of the homes on Desimone Dr. may have a violation and should be notified. In general there was consensus that the delineation was accurate. Ms. Ryder provided a memo to the Commission dated 10-14-2010 which described the findings, and was read aloud by Mr. Clancy (this can be found in the DEP 212-1075) folder. There being no further discussion, the Commission closed the hearing and voted unanimously 7-0 to approve the wetlands as described in the memo from Ms. Ryder. The Commission required that this summary shall be incorporated into the decision.

Certificate(s) of Compliance

- DEP 212-257 99 Jacobs Rd. (Lot 9) - this is a very old filing for this house a full Certificate of Compliance was requested. On a motion made by Mr. Skarin, second by Mr. Williams, the Commission voted unanimously 7-0 to issue a Full Certificate of Compliance.
- DEP 212-839 69 Danjou Dr. (Lot 10) – Partial This house has been completed for some time, the owners are selling and this encumbrance was found. The Commission voted unanimously 7-0 to issue a Partial Certificate of Compliance.
- DEP 212-695 21 Balcom Rd. (Lot 7) - Partial This is the subdivision Order of Conditions which includes this house lot. The work under this Order of Conditions pertaining to this particular lot #7 has been completed. The Commission voted unanimously 7-0 to issue a Partial Certificate of Compliance for this lot.
- DEP 212-795 21 Balcom Rd. (Lot 7) – Full This is the Order of Conditions for this house lot. Ms. Ryder indicated that all work has been done according to the plans, but she is waiting for deed language. The Commission voted unanimously 7-0 to issue a Full

Certificate of Compliance for this project and asked Ms. Ryder to hold it until the deed language is provided.

Extension Permit(s)

- DEP 212-998 714 Farm Rd. (Farm Commons) - (Note: Mr. Demers abstained from this discussion due to a conflict of interest.) This subdivision is under construction, but not yet complete and the Order of Conditions is set to expire shortly. The Commission voted unanimously 6-0 (Mr. Demers abstained) to issue a two year extension for this project.
- DEP 212-999 771 Donald Lynch Blvd. – Aggregate Industries - Ms. Ryder explained that Aggregate Industries needs to remove one of the remaining buildings near the river to complete this project. This is scheduled to be done within the next two months. The Order of Conditions is set to expire shortly therefore, they requested a two month extension, so this could be completed. The commission voted 7-0 unanimously to issue a two month extension for this project.

Project Updates - None

Correspondence/Other Business

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

- Letter from ADDA Farms, Alice Wright, dated Aug. 25, 2010, RE: fields on Elm St.
- MACC 2010 Fall Programs – in Sept. 16th packet
- Article on drought advisory affects Riverfront Determination – in Sept. 16th packet.
- Operation and Maintenance Plan for Proposed car wash facility – 355 Boston Post Rd. West. – in Sept. 16th packet.
- Letter to Stephen Traiforos-eagle scout, dated Sept. 15, 2010 RE: Eagle Scout Project – Kiosk at Flagg Brook Wildlife Management Area.
- Flyer on the Grand Opening of the New Visitor Center at Assabet River National Wildlife Refuge, Sunday, October 17th.

Meetings – Next Conservation Commission meetings will be Oct. 21st and November 4th, 2010. (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 9:35 PM

Respectfully submitted,

Priscilla Ryder
Conservation Officer