

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

July 7, 2011

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 P.M.

Members Present: John Skarin (acting Chairman), David Williams, Lawrence Roy, Michelle Higgins, and Dennis Demers, Allen White, Priscilla Ryder-Conservation Officer;

Absent: Edward Clancy-Chairman

Public Hearings

Request for Determination of Applicability

185 Cullinane Dr. – Tom Sullivan

Mr. Sullivan explained that he started constructing his dock over the existing cement slab and was then asked to file for a permit, which he wasn't aware he needed. He would like to put in a 16' x 12' dock which is removable. The posts are in 5 gallon pails lag bolted on and they have devised a pulley and winch system to lift the structure out of the water in the winter. Ms. Ryder explained that several years ago with a Hudson resident there was much discussion about the difference between a "deck" and a "dock" no formal policy or guidelines were finalized then, but there was a distinction between a dock being "water dependent- for boat and water access", and a deck being "something that doesn't need water which is an "extended" deck space for lounging and eating. There was a discussion at that time that a deck would not be permitted since it is rather an extension of a living space.

Mr. Demers and Ms. Higgins asked what the dimensional difference was between the old dock and this new design. Mr. Sullivan indicated that the original cement slab was a 12'x 12' area. The members then asked why the new dock couldn't be anchored to the old dock with the same dimensions. Mr. Sullivan said the slab is all broken up and this wouldn't work well.

Lee Thomson, from the Ft. Meadow Commission, asked to speak and also raised the issue of using the existing cement to get the dimensions for the new structure. He also noted that the dock is 3-4' above the water and seems high for boat use. He suggested this be considered a deck since it appeared too high to be a dock. Mr. Sullivan indicated his boat easily docks to this structure, so it wasn't an issue. He also noted that he would be adding another section of floating dock out in the water too. Mr. Thomson noted that at this height it may also need rails.

The Commission decided they wanted to see the site before making a final decision, so they **continued the hearing to July 21st** and members agreed to go

take a look before the meeting. Mr. Demers said in concept, he didn't have a problem with it, but wanted to take a look for himself first to be sure.

Notice of Intent

Farm Rd. reconstruction between Cook Ln. and Boston Post Rd. - The City of Marlborough DPW - (Because Michelle Higgins works for Mass DOT; she recued herself and abstained from this discussion.)

Brian Brozman and Gene Crouch from VHB and Tim Collins from the DPW were all present. Mr. Brozman, the project engineer, explained the project as presented in the Notice of Intent. There are two wetland crossings on this stretch of Farm Rd. to be reconstructed; they are Mowry Brook and Broadmeadow Brook. The Mowry Brook culvert is in good shape and they will just be adding fencing, but no work on the culvert is anticipated. The Broadmeadow Brook culvert has rotted out and is beginning to be undermined. They will be replacing this culvert with a 5' x 5' precast box culvert. Gene Crouch, the senior environmental scientist at VHB explained the resource areas: Riverfront Area shows for both streams and in most cases these areas are already altered and degraded with yards and lawns. They calculated 59,000 square feet of previously developed Riverfront Area. He also noted that the other resource areas are Bank, Land under Water (LUW) and Floodplain for Broadmeadow Brook.

They explained that the culvert repair at Broadmeadow Brook would require directing flow through the existing culvert during construction. There is a small amount of bank realignment and some bank stabilization associated with the new pipe to be installed. 950 sq ft of LUW was identified. Some minimum loss of bank and land under water is anticipated. They will re-seed and blow compost in the rip rap area to re-establish vegetation. They will also drive in live willow stakes to take root (these are shrub willows- also known as pussy willow to be used and not willow trees). This will provide restoration and vegetation over this armored bank. On the Helen Drive side of the culvert the armoring already exists.

Mr. Brozman explained that on the Mowry Brook culvert they will only need to add a fence, no work on the culvert is necessary. Ms. Ryder noted that the homeowners at 480 Farm Rd. had been in touch with her about a flooding problem, she'd conveyed the problem to Tom Cullen who indicated VHB might look into this. Mr. Brozman indicated that he had looked at the drainage in a cursory way and noted that there is no backwater condition, so he didn't pursue it further since the culvert looked fine. The Commission asked about the timing of this work. Mr. Crouch indicated that work in the Broadmeadow Brook culvert should be confined to times of low flow usually July 1st -Oct. 1st. The Army Corp of Engineer permit also requires the work to be done in low flow times. It was noted this is a school access road, so it's best for the work to be done during the summer months. The sequence of construction will be dictated by the contractor. The Commission stated that the contractor should come to a regular

Commission meeting prior to the beginning of construction to discuss erosion control methods and construction sequencing.

Mrs. Ramahandra of 480 Farm Rd., an abutter, was present and explained that in September of 2008 their garage and basement was flooded. She showed the Commission some pictures of this event. It took 15 days to dry everything out. Since then even in a 2 ½” rain storm the brook rises considerably and they are constantly afraid of it flooding again. They spent over \$8000 to repair the damage and even added a small stone wall along the brook edge to help correct the problem. She said she would hope that this project could make some changes to the culvert to help prevent this problem in the future.

Krysta Koppenal of 630 Farm Rd. and John Shelales of 620 Farm Rd. were both present. They said that the area on the street in front of their homes the ponds regularly after a storm. It appears something is wrong with the drainage; and the water flows between their two lots. Mr. Collins said he would go out and look to see what the problem is.

The Commission asked VHB to provide a drainage analysis of the Mowry Brook culvert given the information from Mrs. Romachandra to see if any change to the culvert is warranted. The meeting was continued to July 21, 2011 with the applicants consent.

Certificates of Compliance

- DEP 212-892 256 Maple St.
This is an old filing for the Maple Street project when Mr. Marcello owned the property behind the McDonalds on Maple Street. This order covered the work that was done on the parking lot prior to the ownership by Blue Fin (Mr. Patterson). Ms. Ryder said she reviewed the file and the site and recommended that a Certificate of Compliance be issued. The Commission voted unanimously 6-0 to issue a full Certificate of Compliance for this project.
- DEP 212-849, 212-1049 and 212-565 279 Maple St.
The hazardous waste cleanup work for this property has now been completed and Mr. Dick of Roux Associates was present. He explained that over the years there have been several Orders of Conditions for this property to clean it up. Finally, it has been done. Mr. Dick had provided the Commission (by mail) a summary of each order; the work accomplished in each and provided a final report. The site will be monitored for one more year, and hopefully will be deemed clean and ready for resale after that. A Response Action Outcome (the final report) should be completed within the year.

The Commission voted unanimously to issue a full certificate of compliance for each of these orders separately: DEP 212-849 voted 6-0 to issue a full Certificate

of Compliance; DEP 212-1049 voted 6-0 to issue a full Certificate of Compliance; and DEP 212-565 voted 6-0 to issue a full Certificate of Compliance.

Mr. Dicks asked what permits if any, he would need to de-commission the monitoring wells when the time came. Mr. Clancy noted that a Request for Determination should be filed; so the Commission is aware of this work. Mr. Dicks said he'd do so.

Extension Permit

- DEP 212-1049 279 Maple St. (if a Certificate of Compliance is not approved) Since a Full certificate of compliance was issued for this project, no Extension Permit was necessary.

Order of Conditions

- DEP 212-1081 246 Farm Rd. - Please sign the signature sheet for 212-1081, the wrong signature sheet was signed at the last meeting. The Commission resigned the corrected paper work.

Discussion:

- Community Garden update - Ms. Ryder noted that the area has been tilled, and that Chris White will be rototilling the fertilizers and soil conditioners into the soil in the next week or so. Then the gardens will be ready and a notice will go out to get interested gardeners to help lay out the beds and get the garden ready for next year.
- Volunteer Land Stewards update - Ms. Ryder reported that she now has 6 volunteers who will be helping her with land management of the conservation lands.
- Vacation – Ms. Ryder noted she'd be on vacation from July 11-July 19th.
- Desert Conservation Land ATV problems - There are still some problems at the Desert with ATV's; Ms. Ryder had gone out with the police department to see the damage. The Marlborough Police will be doing patrols of the property periodically until the kids are caught.

Meetings – Conservation Meetings – July 21st and August 4th, 2011 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 8:20 PM.

Respectfully submitted,

Priscilla Ryder
Conservation Officer