

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

**September 6, 2012 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 P.M.**

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

Absent: David Williams

Discussion:

- Royce Rd. reconstruction – DEP 212-1099 – Dewatering Plan – Arruda Trenchless Construction. The contractor could not attend this meeting, so this item was continued to the Sept. 20th agenda.

Public Hearings:

Request for Determination of Applicability

8 Flint Dr. - Unmesh Gundewar

Proposes to replace a retaining wall and remove some trees near a wetland.

Dr. Gundewar was present. He explained that he is the first owner of the house which was built in 1998 and now it is time to replace the railroad tie retaining wall with a stone wall, as the wooden wall is now rotting. He also explained that he would like to cut down some trees at the edge of the lawn. After one of the last storms a small tree fell on the house, he is concerned now for the larger trees. When the house was built, he asked that all these trees be saved during construction. He has spoken with some tree contractors who recommended all the trees he has marked on the attached plan and in the field be removed. Ms. Ryder noted that most of these trees are outside the 20 foot buffer zone. The Commission determined that the work would not impact the wetland and voted unanimously 6-0 to issue a Negative Determination with standard conditions, including proper disposal of the rail road ties

Request for Determination of Applicability (Continuation)

3 Red Spring Rd. - The Inter-Colonial Club:

Proposes to add sand to the lawn area near Ft. Meadow Reservoir.

The applicant has asked that this be continued to the next meeting. However, they did request through Ms. Ryder that the fine be rescinded given the fact that the work they did was minor and they will agree not to do any more besides maintaining what they have. The Commission voted 4-2 to rescind the fine. (John Skarin and Michele Higgins both abstained since they had not been part of previous discussions)

Notice of Intent (Continued to the Sept. 20th meeting)

637 Sudbury St. - Richard Nardo

Proposes to construct a private road intended to provide access to three (3) single family dwellings (one of which is existing) and with associated utilities within the 100 ft. buffer to a Bordering Vegetated Wetland.

At the applicants request this was continued to the next meeting.

Request for Determination of Applicability

83 O'Malley Rd. - James and Ann LaFollette

To construct a 31 ft. x 24 ft. addition to their home and also replace an existing deck. The work will be within 100 ft. to the wetlands.

Frank Dougherty P.E. of KGI properties was present and represented the applicant. He explained that the owners wanted to place an addition to the building and add a new deck. The addition would include a frost wall not a full basement. Ms. Ryder explained that she had visited the site and they have plenty of room outside the 20' buffer zone to do the work. The Commission discussed the plan and construction process. Then the Commission voted 6-0 to issue a negative determination with standard conditions regarding erosion control; including in the side swale, tracking pad or matting to keep the road clean and all excess materials to be removed from site.

Draft Order of Conditions:

- 28 Thompson Rd. - DEP 212- 1101 – The Commission reviewed the set of draft Order of Conditions. The Commission voted 4-0-(2) to issue the Order as written and amended. John Skarin and Michele Higgins abstained from this vote, because they were not at the previous hearing.

Certificates of Compliance:

- DEP 212-313 and 212-365 196 Blanchette Dr. (Stoney Brook Estates) Partial Certificates. These are very old Orders of Conditions and the work has been completed, according to Ms. Ryder's review. The Commission voted unanimously 6-0 to issue partial Certificates of Compliance for both these Orders of Conditions.

Violations - the following correspondence was reviewed by the Commission and they voted unanimously to accept and place on file:

- Letter to Toll Brothers, Inc. – Joint violation – Regency at Assabet Ridge, Wetland Violation – Enforcement Order DEP 212-997 - Fine \$300; Storm Water Ordinance Violation-Fine \$300.

- Letter to First Colony Crowley Dr. Two LLC – Join Violation notice – “0” Crowley Dr. Vestas Project, Wetland Violation – Enforcement Order DEP 212-1083 – Fine \$100; Storm Water Ordinance Violation – Fine \$100.

Other Business:

- Red Spring Rd. forest cutting plan - Ms. Ryder provided an update on this clearing which may have encroached on the church property. Ms. Ryder will contact Mr. Morse and the church to confirm all is OK.
- Community Garden - Ms. Ryder said that the garden is moving along successfully and harvest is good. A pot luck party is being planned.

Meetings: Next Conservation meetings – Sept. 20th and October 4th, 2012 (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 8:20 PM

Respectfully Submitted,

Priscilla Ryder
Conservation Officer