

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
February 7, 2013 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Members Present: Edward Clancy-Chairman, David Williams, and Lawrence Roy, John Skarin, Dennis Demers. Also present was Priscilla Ryder-Conservation Officer;

Absent: Michelle Higgins and Allan White

Approval of Minutes: The following minutes were reviewed and unanimously approved 5-0 as written-January 19th, October 4th and October 18th, December 6th, December 20th, 2012 and January 17, 2013.

Public Hearings:

Request for Determination of Applicability

Maple St. – The City of Marlborough Dept. of Public Works

Mark Dascoli was present and presented a proposal to replace the water main on Maple St. (Rte. 85) between Brigham St. and Mill St. North. Some of the work is near the stream crossing of South Street Brook. They will be doing a temporary water bypass during construction. The waterline replacement stops just before the brook, so now work is proposed over the culvert. They will install erosion controls including silt sacks in the catch basins. The Commission discussed the project and agreed it was straight forward. They voted unanimously 5-0 to issue a negative determination with standard conditions.

Request for Determination of Applicability

Kirby St. reconstruction – The City of Marlborough Dept. of Public Works

Mark Dascoli and Tom Cullen were present and presented a proposal to reconstruct Kirby Street including water, sewer and drainage replacement and re-surfacing existing pavement. The work is proposed within 75 ft. of a wetland which is at the bend in the roadway. They will use straw wattle erosion controls. Mr. Clancy asked why the wattles on Parmenter Rd. were still there. Tom Cullen explained that there was still some work to do, so they left them in place. The Commission made it clear that once the work is done on Kirby St., the erosion controls should be removed. The work is anticipated to be done in the fall of 2013 if funding is awarded. The Commission discussed drainage and the new sub drain proposed. With no further questions, the hearing was closed and the Commission voted unanimously 5-0 to issue a negative determination with standard conditions.

Notice of Intent

Sudbury St. - The City of Marlborough Dept. of Public Works

Chris Costello of AECOM and Lisa Pietro Environmental Scientist from AECOM were present along with Mark Dascoli and Tom Cullen from the DPW. Mr. Costello explained that the city proposes to expand the existing sanitary sewer to encompass the eastern side of Marlborough in the Sudbury Street area. In addition, the water line in Sudbury Street will be replaced. Some of this work is proposed through and near wetlands. He provided an overall map showing the locations of the sewer that will be near wetlands. The project is

divided into three phases. Each phase was explained as outlined in the NOI. One new pump station is proposed and the pump station of Farrington lane will be upgraded. The three areas of environmental concern are on: Turner Ridge Rd, Minehan Lane and Farrington/Harper Circle. Each of these was discussed separately. The pump station design and construction methods was discussed in depth, dewatering and maintenance were reviewed. The water and sewer lines will be installed at the same time.

Ms. Pietro reviewed the environmental issues. The sewer and water line fall within the 20' and 100' buffer zones as shown on the plans. The wetland crossings fall under the limited project category, so all impacts to Bordering Vegetated Wetland, Land under water and river front area will be restored to the maximum extent practicable. Where the line is placed in a resource area, the area will be restored with shrubs and not trees. The Commission noted that this area is a native brook trout habitat, so all work must be done in relation to this information. Conditions to protect the brook trout habitat will need to be discussed at a later date. The Commission asked about the choice of location and how to avoid or minimize impact. The consultants responded that the alternative chosen has the least impact. Other routes would create other issues and more impact.

One section of the wetland impact on sheet 112B is an estimated habitat for the Wood Turtle and they have requested feedback from Natural Heritage and Endangered Species program NHESP, but have not received a written response yet. However, in discussions with them, they have indicated that a sewer line which is restored with shrubs could improve habitat. The letter will be provided to the Commission once received.

The Commission asked questions about potential for leaks, dewatering, erosion controls, trenches and clearing required. Ms. Pietro showed these controls on the plans and explained the dewatering system to be used. The section between Turner Ridge Rd. and Minehan Lane has a huge impact to the wetland. The Commission asked if this could be shifted away from the wetland, so there is no impact. Mr. Costello explained that they were trying to not impact one of the neighbor's landscaped yard. The Commission indicated this needs to be reviewed more. The hearing was opened up to comments:

- Joe Delano- city councilor of 10 Harper Circle- asked for clarification on the pipe locations.
- John Roberts of 117 Sudbury St. asked whether wetlands were currently impacted by sewerage, and he asked what the concern was for the wetland. Mr. Clancy explained that the Commission needs to be certain the sewer lines won't leak in the future, and that over time the sewer line will need to be maintained. Mr. Roberts also asked if climate change and changing weather patterns have been calculated into these designs. Cheryl Roberts also of 117 Sudbury St. asked if gas was to be installed in the roadway too. Mr. Cullen explained that they are working with NSTAR on this and will let the residence know when they find out. The Roberts also

asked about blasting and concerns with that. Mr. Delano said the contractor would need to follow the fire dept. procedures.

After much discussion Chairman Clancy suggested that a site visit was necessary to understand the projects impacts in the field and the Commission agreed to set a site visit for Sat. February 16, 2013 at 9:00 AM meeting at Harper Circle – Ms. Ryder will call everyone on Friday to confirm if weather is iffy. The hearing was continued to February 21st meeting

Violation

- DEP 212-1086 Easterly Waste Water Treatment Plant – Methuen Construction request reconsideration of violation.

Wayne Symons and Greg Galbrathe and Matthew Munzing of Methuen construction Co. were present and respectfully asked that the Commission reconsider the violation notice issued to them. He explained that his company took the warnings seriously and worked closely with the design consultants to resolve the issue. They had all the controls in place, but were unaware of a pipe under the dike that was conveying the muddy water into the stream. Once this was discovered and plugged the problem was solved. They explained that things are under control and the source of the silt has been stabilized. They provided a plan showing where they had made corrections and how the site would remain stable going forward. They asked the Commission to rescind the \$300 fine and violation notice. Mr. Joe Delano, Ward Councilor for this area, expressed concerns with the problems at the site and the smell issue that persists with the overall facility. He encouraged the Commission to be careful and not to accept any excuses. After much discussion about the importance of inspection prior to rain events, and keeping the site clean and neat and notifying the Conservation Officer immediately about any problems, and providing weekly updates, the Commission agreed to rescind the \$300 fine and send a follow up letter of the requirements for additional monitoring and reporting going forward.

Discussion

- Flagg Swamp Wildlife Area – Continue discussion about management. The Commission reviewed some plans showing where the state DFW property is which allows hunting and the city's abutting Conservation Land. After much discussion the Commission decided that hunting would not be permitted on the City's abutting property, because the proximity to adjacent homes. The Commission asked to get input from the Police Chief, Ms. Ryder will follow up.
- 24 Hager St. – DEP 212-1087 Discussion about barn. The owner of 24 Hager St. had called to ask if he can upgrade his barn. He'd like to store his equipment in it. Ms. Ryder indicated the barn is in the floodplain and any renovation of the barn would need to meet floodplain requirements. The Commission said the barn in the past has been used for animals not vehicles and would not be inclined to authorize it to be a "garage". The owner will need to file for a

permit for work in the floodplain and meet both wetlands and building code requirements. Ms. Ryder will convey to the owner.

Correspondence/Other Business

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

- Letter to Mayor Vigeant, RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund Felton Conservation Land from the Butler Family Foundation, dated Jan. 22, 2013.

Meetings – Next Conservation Commission meetings Feb. 21st and March 7th, 2013.

Adjournment - There being no further business, the meeting was adjourned at 8:07 PM

Respectfully submitted,

Priscilla Ryder
Conservation officer