

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
April 4, 2013 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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

Absent: Michelle Higgins and Dennis Demers

Public Hearings:

Request for Determination of Applicability

147 Beach St. - Joseph Briggs

Paul Desimone of Colonial Engineering represented the owner. He explained that they propose to remove the existing garage and add an addition and deck to existing home. Work will be 45' from the wetlands at the closest point. Straw wattles will be used since it is flat back yard. The 22' x 16' addition will have a full basement. There isn't much soil to be removed. The Commission required that all excess soil be removed from the site. After some discussion the Commission closed the hearing and voted unanimously 5-0 to issue a negative determination with standard conditions and a standard condition for dewatering if that is necessary.

Request for Determination of Applicability

22 Clover Hill St. - Christopher White

Chris White was present and explained that he proposes to install a residential gas service to the house, within the 100 ft. buffer zone. The gas company has given him two locations he can enter either from Daily Circle or Clover Hill St. both are in the 100' buffer zone. The trench is 18" deep and will have minimal disturbance. Work will take less than a day. The Commission discussed this and determined there would be no impact. The hearing was closed and the Commission voted unanimously 5-0 to issue a negative determination with standard conditions.

Notice of Intent - At the applicants request this was continued to April 25th

686 Forest St. - Verizon New England, Inc.

Proposes to construct a parking lot with associated grading and drainage near wetlands.
This hearing was continued to the April 25th meeting.

Notice of Intent

379 South St. - David and Mary Anne Mauro

Joe Peznola of Hancock Associates and Patrick Mauro, owner, was present. Mr. Peznola explained that the proposal is to construct a 2,400 sq. ft. office building on the existing parking lot on a 3 acre parcel on South St. He described the plan and the existing conditions. The wetland flags were located and are at the toe of the existing slope around the parking lot. A dry well will be installed to collect and treat the roof drainage. The existing basin will capture the parking lot flows as it does today. Erosion controls will be placed at the top of the slope to protect the wetland during construction. A sewer force main will be added to service the lot. The building will have a full foundation, and dewatering may be necessary during construction and a foundation drain will drain to the wetland. Project will take 2-3 weeks for excavation backfill and stabilization.

Gerald of 169 Desimone Dr. asked the Commission about the detention basin and its location, underground storage of any material, location of tank in relation to the existing building and asked about the location of the concrete storage bins. Mr. Mauro explained how the site was being used today and the location of different items on the site.

The Commission determined that the work as proposed would not affect the wetland as it is on exiting pavement and the drainage was being adequately managed. The Commission closed the hearing and asked Ms. Ryder to draft some conditions for the April 25th meeting for their review.

Abbreviated Notice of Resource Area Delineation

200 Forest St. - Atlantic-Marlboro Realty, LLC

Brian Lawlor of SMMA and David Capobianco principal at Atlantic Realty were present Dennis Lawry of AECOM were present. Mr. Lawlor explained that they are requesting the Conservation Commission to review and verify the wetland boundaries for the 200 Forest St. property. At this time they are only asking for the review of three drainage swales and the edge of one of the larger wetlands. The 109 acres site was the former Digital site. It is slated for a mixed used overlay district development and the rest of the site will be reviewed in sections. Tonight they just want approval of the wetlands as shown on the plans presented. Mr. Lawry explained the wetland areas delineated on the plan. These areas were shown that he has concluded are drainage ditches upstream of any wetland area, so they are non-jurisdictional. A larger wetland system, Wetland A, was delineated and is part of a regular wetland system and therefore jurisdictional. The Commission reviewed the plan. Ms. Ryder indicated she had checked all the wetlands as

well and concurred with the flagging and explanation as noted. Several members had also gone out to take a look. The Commission after some discussion agreed that the wetlands as shown on the plan and described are correct. The Commission voted unanimously 5-0 to issue a positive Order of Resource Area Delineation approving the wetland delineation as presented.

Forest St. – Partners HealthCare System, Inc. (Continued)

Griffin Ryder and Matt Varrell of VHB; David Capobianca of Partners Health Care and Mark Hailey from Hailey and Aldrich were present.

The plans were modified with new plans dated 4-4-2013. And include information and modifications as requested by City Engineer Tom Cullen and include detention basin access, vegetation screen from Forest St. The Commission discussed the soil pile with the LSP Mr. Hailey. He explained that they will treat the soils as if it were managed under the Mass Contingency Plan some levels of arsenic are high. The LSP will be on site to monitor dust and control soil movement to be sure it is properly handled. All areas will be landscaped when the project is completed. The large stockpile will be lost on the site and has been adequately mixed.

Additional questions were about snow storage- which is shown on the plan. Questions about the fuel storage tanks were explained by Mr. Ryder. The tanks are 10,000 gallon tanks each, there will be six belly tanks, and they will start with three and will build up to 6 as the building reaches full capacity. They have a spill prevention plan has been prepared as required by the EPA. The cooling system will use 16,000 gallons/day during peak time. It will be a closed loop system. The building is designed to be very energy efficient and is being designed to meet LEED's rating. There being no further questions the Commission closed the hearing. The Commission then reviewed the draft Order of Conditions prepared for the meeting. They made some minor amendments to the draft including not requiring a trail system and emphasized the construction sequencing plan. The Commission voted 5-0 unanimously to approve the Order of Conditions as drafted and amended.

Draft Order of Conditions

Sudbury St. – The City of Marlborough Dept. of Public Works (Continued)

Ms. Ryder explained that the revised plans were provided which show a slight change to the pump station, but nothing else has changed. The Commission accepted the plans and as there were no further questions closed the hearing. The Commission then reviewed the draft Order of Conditions and made some slight amendments. The Commission then voted unanimously 5-0 to issue the Order of Conditions as drafted and amended

Certificates of Compliance:

- DEP 212-847 Hayes Memorial Dr./Forest St. (Devonshire @ 495 Center) – Full (never started) Ms. Ryder noted that this project never started and needs to be closed out before the new Order of Conditions voted on this evening for the Forest St. project is in play. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance noting that this project never started.
- DEP 212-1063 Hayes Memorial Dr./Forest St. - Partial
Ms. Ryder noted that this permit is for the entire project which has now been divided. The section now covered by the Partners Health Care Data Center is seeking a partial Certificate of Compliance for the portion of the lot they will be working on with the new Order of Conditions just issued tonight. The Commission voted 5-0 to issue a partial Certificate of Compliance for the work associated with the above noted parcel and as shown on the plan that is to be attached to the partial Certificate of Compliance.
- DEP 212-1052 56 Walker St. - Full
Ms. Ryder noted that all the work associated with this project has been completed according to the Order of Conditions and an as-built plan has been provided. The Commission voted unanimously 5-0 to issue a full Certificate of Compliance for this project.

Discussion:

- Violation letter – Toll Bros. DEP 212-997, Regency at Assabet Ridge, dated 3/20/2013
Mike Dean of Guerrier and Halnon and Mark Sargent of Toll Brothers were both present to address the violation that has occurred and have appeared tonight as required in the violation letter. Mr. Dean explained that he had come on board in November of 2012 to help Toll Brothers deal with the site and bring it under control. They presented an updated erosion control plan dated 12-18-12 and explained what has been accomplished thus far which includes: Detention basin is 100% built and is the main control on the site to collect and treat stormwater. Temporary sediment ponds are all in place and working. The portion of the site that is stabilized was identified. They will be stabilizing as they progress. Some additional cleanup is needed. Unfortunately during the March 12-13 rain event the basin didn't have maximum capacity. They had placed the pumps in the snow next to the riser pipe to help lower the level, but when the snow melted the pump fell in and stopped and the pond filled up and over flowed. Some

muddy water did leave the site. Mark Sargent explained that he is the new supervisor and will be in charge. He provided the Commission with his cell number to reach him at any time. Mr. Clancy expressed dismay at the site, mud is tracking every day, the site is deplorable, and nothing is stable. A new runoff pad is needed and a new plan is needed. Mark Sargent explained the new approach to be used and assured the Commission as the new site manager things would change as follows:

1. Create new tracking pad
2. Re-route traffic, so only construction traffic comes next to trailers and not by occupied units
3. Sweeper will be used 3x a week as routine, and more often if needed.
4. Will install sod when stabilizing areas to get faster stability
5. They will be doing weekly site safety and erosion control meetings.

Chairman Clancy reiterated that if the Commission is not seeing progress in the next week, the Commission will issue a cease and desist order until the site is stable.

- Lease agreement for Felton Conservation Land mowing.- Ms. Ryder noted that the city has received the liability coverage the legal office required, and the license agreement for mowing the Felton Conservation land is in proper form. The Commission voted unanimously 5-0 to issue the license to Mr. Donald Wright to hay and mow the fields and maintain the field trails as he has been doing in the past.
- Proposed ADA Improvement Work at TJX property – 400 Puritan Way
The Commission received a request to determine whether some minor repair work just at the edge of the 100' buffer zone consisting of minor regrading and repaving of an existing parking lot will require a formal filing. The Commission reviewed the plans and determined that the work was indeed minor in nature and although at the edge of the buffer zone, would not impact the wetland and could proceed without a formal filing. The Commission voted 5-0 in agreement that the work was minor and could proceed. Ms. Ryder will convey
- Letter from NSTAR – dated March 18, 2013, RE: Natural Gas Pipe Replacement, Bolton St. and Letter from NSTAR – dated March 19, 2013, RE: Natural Gas Pipe Extension, Hudson St. The Commission reviewed both these letters in which NSTAR claims they are exempt and providing notice to the Commission based on this exemption. The Commission reviewed the plans provided for Bolton St. and Hudson St. work and agreed the work could proceed, however they need to notify the Conservation Officer before work is done to inspect the erosion controls. The Commission reviewed a draft letter to NSTAR and voted 5-0 to send the letter as written.

Correspondence/Other Business:

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

- Letter from Knox Trail Council, BSA – dated March 15, 2013 RE: Support of our Marlborough youth and Boy Scouts working on their Eagle Rank.
- E-mail to Community Gardeners – dated March 15, 2013 RE: April 11th meeting.

Meetings – Next Conservation Commission meetings – April 25th, May 9th and May 23rd, 2013 (Thursdays)

Adjournment. There being no further business the meeting was adjourned at 9:25 PM.

Respectfully submitted,

Priscilla Ryder
Conservation officer