

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

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

Absent: Michelle Higgins

Public Hearings:

Notice of Intent – Continuation of public hearing

147 Cullinane Dr. – Deborah Novicki

Rick Swanfeldt the site contractor was present and represented Ms. Novicki. He provided a phasing plan for the construction and the erosion control plan. He discussed the sequencing that they will leave the concrete patio in place as long as possible. They will be using small equipments to do the foundation excavation. After some discussion the Commission determined that he should switch the phases, so he will be able to access the site better, and do the retaining walls first then the foundation. Everyone concurred and there being no further questions the hearing was closed. The Commission asked Ms. Ryder to draft a set of conditions for the next meeting.

Notice of Intent – Continuation of public hearing to Nov. 21st.

397 Bolton Street - The Marlborough Community Development Authority

At the applicant's request, this item was continued to the Nov. 21st meeting.

Request for Determination of Applicability

413 Lakeside Ave. (Shell Gas Station) - VNG.CO

Luke Destephano of Bohler Engineering was present and explained that they propose to install a compressed natural gas (CNG) system and one dispenser within the existing Shell Gas Station at 413 Lakeside Ave. The unit comes pre-packaged in a masonry enclosure. Underground piping will need to be installed to get the CNG from the compressor tanks to the dispenser tanks. The gas will be delivered through the street gas system then compressed into the three tanks on site. They will refill themselves as needed. This will be a first of its kind in Massachusetts. The NSTAR fleet is a CNG fleet and they are willing to use this service station when it is up and running. CNG is less ignitable than gasoline and is airborne, so any leaks just go into the air and will not impact wetlands or water quality. The work clips the edge of the 100' buffer zone, which is why they came before the Commission. The Commission asked questions about the pipes in relation to the underground storage tanks, and the past contamination of the site. Ms. Ryder noted that the site is an active cleanup site at the moment, so any excavation will need to be reviewed by the site LSP to ensure it is OK. The CNG is a cleaner burning fuel and they hope it will take off as an alternative. There was discussion about the work impact, erosion controls and site design. When there were no more questions, the hearing was closed. The Commission voted 6-0 to issue a standard Negative Determination with standard conditions and those noted about the LSP confirming that work can occur on the site.

Notice of Intent – Continuation of public hearing

The Preserve at Ames- Ames St. (across from Reilly Way) – Marlborough/Northborough Realty Trust

Tim Williams of Allen and Major, Bill Caulder of Gutierrez Co., Dennis Lowery of AECOM, and Matt Heil of Sanborn Head Engineering Inc. were all present. Mr. Williams explained they did some plan changes based on comments from the last meeting and discussions with DEP. The changes shown on the plans are as follows: 1) Club house is now two stories and the parking lot is reconfigured; 2) The driveway stream crossing alignment was shifted to reduce wetland impact. Total alteration now is 1,120 sq. ft. permanent changes, well below the 5,000 sq. ft. threshold; 3) Tom Cullen, city engineer, concerns have been addressed, Ms. Ryder concurred that she had spoken to him as well; 4) Location of contaminated soil to be buried was shown on the plan.

Mr. Lowry explained that he had a long conversation with DEP regarding the degraded ditch which is to be relocated. In previous ANRAD, the Commission called it a degraded bank, but kept jurisdiction. Mr. Lowry explained that if you look upstream the only contributing water is from a detention basin and street drainage. There is no up gradient wetland resource area. Therefore, they recommend, and DEP concurred that the ditch should not be considered a resource area, but simply a drainage ditch conveying water. Then the wetland impacts would also be less. The Commission discussed this, and agreed that based on previous site visit they would concur that the ditch is badly eroded and based on up gradient conditions, which Ms. Ryder confirmed, that the ditch was to be considered a ditch and not a resource area to be protected.

Mr. Heil from Sanborn Head the LSP gave an overview of the Soil Management Plan presented at the meeting. There was continued discussion about burying the contaminated soil under the parking lot. Mr. Heil suggested perhaps it could be mounded in the front and they could consider that. The Commission made it clear that wherever it was buried, it should not be disturbed in the future. Mr. Heil said they would look into that and revise the plans accordingly. The Commission could condition this.

After further discussion the Commission closed the hearing. The Commission reviewed the draft Order of Conditions and made changes based on the above discussion. The Commission voted 5-0-1 (Dennis abstained from the vote since he wasn't comfortable with the soil management issue) to issue the Order of Conditions as drafted and amended.

Abbreviated Notice of Intent

358 Berlin Rd. - Marlborough Brazilian SDA Church

Paulo Goulart and Joseph Teixeira representing the church were both present. They explained that they want to: 1) repave the existing parking lot; 2) add a fence between the parking lot and brook; 3) move existing boulders back 5 feet; 4) get agreement from owner of adjacent

parcel since a small portion of the existing parking lot is on her land; and 5) replace/repair 10-15 ft. of retaining wall in kind that is falling apart.

After some discussion, the Commission said they need to come back to the next meeting with some of the questions above answered. The hearing was continued to the Nov. 21st meeting. If all is in order, Ms. Ryder was asked to draft a set of conditions for review.

Notice of Intent – (NOTE: Continued to Nov. 21, 2013)

Lakeside Ave. – Crabtree Lake Williams, LLC – Overlook at Lake Williams

At the applicant request prior to the meeting, this hearing was continued to the Nov. 21, 2013 meeting.

Amended Order of Conditions:

- DEP 212-1032 73 Boivin Dr. – to add a driveway turnaround - Mr. McCabe was present and explained that he wanted to add a small bump out to his driveway, so they could move easily and turn around and not hit the wall. The Commission reviewed the plans and agreed it was a minor change and no amendment to the Order of Conditions was required. The Commission voted 6-0 to accept the new plans as a minor amendment and sent a letter to the owner saying same.

Certificate of Compliance

- DEP 212-502 104 Taylor Rd. – Full Certificate of Compliance - Ms. Ryder reported that she reviewed the file and all was in order, but she is waiting for deed language that is coming. The Commission voted 6-0 issue a full Certificate of Compliance, but to hold it until the deed language is provided.

Discussion:

- DEP 212-1029 42 Boivin Dr. (lot 4) – slight change to plan - informal discussion - Peter Bemis from Engineering Design Consultants, Inc. was present. He explained that they want to build a slightly different house footprint than was on the approved plans. The Conditions said that if the house was outside of the box, they would need to come to the Commission to get approval. The limits of work are the same, roof drains were added, and they will plant trees along the back. The Commission reviewed the plan and agreed that the change was minor in nature and no further review was needed. The existing Order of Conditions can still be followed. The Commission voted 6-0 to approve.
- Letter from ADDA Farms- dated Oct. 25, 2013- RE: Haying 2013 Season on Elm St. The Commission reviewed the letter and voted to accept and place on file.

Correspondence/Other Business

- Letter from Vanesse Hangen Brustlin, Inc. dated Oct. 15, 2013 RE: Grist Mill Pond, Unnamed Tributary, Assabet River and Fort Meadow Reservoir in Marlborough, Mass Dept. of Transportation Impaired Waters Program. This was reviewed and placed on file.
- Desert Habitat Restoration prescribed burn update. Ms. Ryder provided an update and asked if anyone wanted to volunteer the day of the burn to control trail access.

Meetings: Next meetings are scheduled for November 21st and Dec. 5th, 2013 (Thursdays)

Adjournment: There being no other business, the meeting was adjourned at 9:30 PM

Respectfully submitted,

Priscilla Ryder
Conservation officer