

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
June 2, 2016 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Present: Edward Clancy-Chairman, John Skarin, Allan White; Karin Paquin, Dennis Demers, Lawrence Roy and David Williams

Also present was Priscilla Ryder - Conservation Officer

Absent: None

Minutes: Approval of minutes May 5, and May 19, 2016- These were not yet complete, this item was tabled to the next meeting.

Public Hearings:

Request for Determination of Applicability
39 Vega Rd. – Sewer connection - owner: Carole Dembek

(Allan White recused himself from this discussion due to a conflict of interest)

No one was present, Ms. Ryder has been to the site and noted that the owner wanted to make a connection to the sewer which runs between their house and the pond on Vega Rd. She recommended straw waddle erosion controls be installed between the sewer connection and the pond. The project should not take more than a day or so and should be stabilized once backfilled. After some discussion, the Commission voted unanimously 6-0 to issue a negative determination with standard conditions on erosion control and notification.

Request for Determination of Applicability
300 Nickerson Rd. - Normandy Real Estate Partners

Patrick Connolly of Beals Associates was present representing the owner Normandy Real Estate Partners. He explained that after going out to lay out what was approved in the field on the previous plan, they realized the volleyball court could not fit. They re-evaluated the wetland in April and realized that the wetland area is a man-made structure with rip rap swales that are now filled with wetland plants. They have re-defined the wetland to not include these manmade swales. With that adjustment, they have a slightly altered plan which will impact one of the drainage swales in which they propose to add a pipe. The rest of the plan remains the same. They are looking for approval to this new revised plan. After some discussion, about moving material from site, the addition of erosion controls and flared ends at either end of the drainage pipe, and the requirement for the City Engineer to review and approve/amend the plans as necessary, the

Commission voted unanimously 7-0 to issue a negative determination with standard conditions and those noted above.

Notice of Intent

Boston Post Rd. – Apex Center - Ryan Development LLC

Joe Peznola of Hancock Associates and Doug Vigneau of VHB were present representing Ryan Development. **Mr. Peznola gave an overview of the project which is a proposal to construct a mixed use commercial development under the City's Hospitality and Recreation Mixed Use Overlay District near wetlands and Millham Brook.** The project area is 43 acres bounded by Rte. 20, Glen St., the Preserve at Ames development and Millham brook. It falls within the Millham Brook Water Supply Protection District. The wetlands were delineated in 2009 and are valid through Dec. 2016. He explained that the site will contain, 2 hotels, one entertainment complex, one 5 story office building, numerous restaurant and retail buildings. Work is being proposed within the 100' buffer zone and 200' Riverfront area. A plan showing the impacts in each of the resource areas was provided. There are no impacts in the area from 0-25 feet from the wetland, a small amount of impact between 25'-35' and greater impact between 35'-50'. The plans have a chart with these numbers. The developer has offered to replace and relocate the sewer line and re-route it outside the wetland and outside the 50' buffer zone. The site will be primarily a fill site and during construction the retaining walls will act as "dams". The wall will be at least 1' from the edge of the erosion controls as shown on the plans.

Matt Heil from Sanborn Head is the Licensed Site Professional (LSP) hired by Ryan Dev. and Mark Arnold from Goddard Consulting will be the site erosion control consultant were also present. Mr. Peznola explained the storm water management system on the site which meets the storm water standards has been designed to include underground detention/recharge systems throughout the site to maintain the current storm water drainage patterns. All overflows will occur outside the Zone A. The Commission noted that these drainage systems will need to be reviewed by the City Engineer before they render any approval.

Doug Vigneau of VHB explained the wetlands on the site which were approved in 2009 and subsequently were extended through the State Extension act until Dec. 2016. He stated that there is beaver activity on the site which will need to be addressed. He noted that the wetland flags do need to be replaced in the field since they are not visible. The existing sewer line was videotaped and was found full of roots and is in need of replacement. They met with DEP to discuss inflow and infiltration. They have filed their Final Environmental Impact Report on May 31st comment period will be 30 days from June 8th. They plan to have an erosion control and sedimentation plan which will be developed with the contractor involved. There are no rare and endangered species mapped for this area. There will be no ground water or surface water impacts, all development will be outside the 100'

Riverfront Area, a small portion of the 50' buffer zone will be impacted as allowed under the new zoning overlay district for this area and will be 4.7% (6% is allowed).

Mr. Matt Heil from Sanborn Head LSP. He will be preparing the soil management for the next meeting; they are still taking soil samples to collect data to create an accurate plan. It will be similar to the plan prepared for Fairfield and the Preserve at Ames project which was part of the same orchard. They know the soil contains lead arsenate, DDT, and Dieldrin all which have low water solubility and high soil absorption. Because of these characteristics the pesticides are bound to the top soil and do not move. Ms. Ryder noted that the city will hire an independent LSP to review these technical documents to ensure they are in compliance with the Mass Contingency Plan (MCP) requirements as suggested by DEP. The site being an apple orchard does not need to comply with the MCP per se, but per DEP recommendation on other orchards in the area, the MCP should be followed to protect public health.

Mr. Demers asked the following: 1) the block wall and what type is to be used, 2) where blasting is anticipated since there is ledge on the property 3) his concern that the culvert at Rte. 20 and Millham Brook does overtop during big storms. He asked the rate and volume pre and post construction be calculated and reviewed to ensure this project doesn't create additional problems. Mr. Roy asked about wildlife in the area. Mr. Clancy asked questions about the sewer pipe and its location in Zone A and its size to ensure it will always have enough capacity even with future development. Mr. Peznola explained that a public sewer, especially to replace a leaky one, is an improvement and allowed, because it is a public utility line. The current pipe once abandoned will be abandoned in place with the ends capped. He will work with City Engineer Tom DiPersio regarding capacity and pipe size.

Chairman Clancy opened the **discussion to the audience:**

Mr. Peter Nuccio of 116 Glen St. asked: 1) are buildings allowed in the buffer zone, 2) he is concerned with blasting. There are underground streams in the neighborhood and everyone has a sump pump, so he's concerned this will be disturbed with blasting. Mr. Peznola explained that the blasting contractor will have a protocol. 3) what will be the process for dust control.

Mr. Sawyer of 33 Teller St. expressed similar concerns.

The Commission agreed that a site visit was necessary for a site of this size and set Thursday, June 9th at 5:00 behind the 99 Restaurant as the site visit date. Abutters were invited to attend.

The hearing was continued to the next meeting on June 16, 2016.

Certificate of Compliance:

DEP 212-1047 251 Locke Dr. – discussion - At the request of the new owner, Ms. Ryder did a site inspection prior to the meeting and noted that there are a few hoods missing and the owner had questions about replacement of the guardrail and if wood was acceptable. The Commission agreed a wood guardrail would be acceptable and continued this item until the next meeting for the items noted to be addressed.

Discussion/Correspondence/Other Business:

- 329 Maple St. – Wetland violation discussion. Attorney Bergeron had called prior to the meeting to ask if this item could be continued. The Commission continued this to the June 16th meeting.
- Letter from DCR – dated May 18, 2016 RE: O&M inspection of the Tyler Flood facility on Tuesday, June 14, 2016 at 9:30 AM- Mr. Williams indicated he would attend. the Commission accepted this correspondence and placed on file
- Letter from National Grid, dated May 16, 2016 RE: New England Power Company – maintenance work along the existing H160 electric transmission corridor. The Commission accepted this correspondence and placed it on file.

Meetings – Next Conservation meetings – June 16th and July 7, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 9:14 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer *SB*