

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
June 15, 2017 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

**Present:** Edward Clancy-Chairman, Dennis Demers, Karin Paquin and Allan White. Also present was Priscilla Ryder - Conservation Officer.

**Absent:** Lawrence Roy, John Skarin and David Williams.

**Approval of Minutes** – The minutes of May 18, 2017 were approved unanimously as written.

**Public Hearings**

Request for Determination of Applicability

38 Gikas Ln. - John Miller

John Miller the new owner of this property was present. He explained that he proposes to install an above ground pool and wooden deck within 27 ft. of the wetland. The 20 ft. buffer zone wetland markers are in place and will mark the limit of work. No work or clearing will be done beyond this area. All work will be on the existing lawn area which is flat. They will remove top soil add stone and add the deck. Earth work will be minimal. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions.

Request for Determination of Applicability

230B Boston Post Rd. (Marshalls) - The TJX Companies

Bob Leahy of Commonwealth Building Inc. was present to represent the TJX Companies. He explained they are proposing to remove asphalt and replace it with a concrete pad loading dock behind the current Marshalls store. This will allow for better traffic flow during deliveries and make them more efficient. Mowry Brook is about 40+ feet away from the work area. The Commission asked questions about stockpile location, erosion controls if needed, drain protection if needed. The Commission noted all excess materials must be removed from the site and the drainage path to the brook protected. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions and those as noted.

Request for Determination of Applicability

48 Paquin Dr. - Barrie Hunter

Mr. Hunter explained that over the winter his concrete retaining wall began to collapse; so, he is having it repaired. He started work without a permit, however once Ms. Ryder informed him he needed a permit, he filed it right away. The new wall is a block wall with geogrid and drainage behind the wall. The previous wall had no drainage, no rebar and was poorly built. The new wall is more substantial. They needed to excavate behind the wall to allow for proper drainage and to add the geogrid. Work is within 30 ft. of Ft. Meadow Reservoir, so they installed silt fencing between the work and the lake. He showed pictures of the old and new wall to the Commission. After some discussion, the Commission voted unanimously 4-0 to issue a negative determination with standard conditions for inspections and stabilization.

## Notice of Intent

### 421 Bolton St. - BSL Marlborough Development LLC

David McCay of Mirick O'Connell, Eric Gardner of BSL Marlborough Development, LLC, and Jesse Johnson P.E. from Bohler Engineering were all present. Mr. McCay provided an overview of the project which is the construction of an assisted living and memory care facility with parking, landscaping and utilities. Mr. Johnson explained the project, building, drainage and limit of disturbance which is away from the 20 ft. buffer zone. The drainage system consists of underground infiltration systems for the roof runoff and two detention basins. The Storm Water Pollution Prevention Plan will be submitted once the contractor is hired to do the work and will be submitted at that time. The 10 acres including the wetland and area along Stevens St. will be donated to the city as part of this proposal. There was some discussion about drainage and about protecting the trees on the high school property near the sidewalk. Tom DiPersio, city engineer, was present and noted he'd provided written comments on the drainage and is fine with the design. Mr. Clancy gave a history of the house. The Commission asked that they keep some of the stump grindings on site since they are good for erosion control. Dust will need to be controlled to avoid problems with the senior housing next door. After further discussion, the Commission continued the hearing to the next meeting on July 20<sup>th</sup>. Ms. Ryder will draft a set of conditions for that meeting.

### Certificate of Compliance

- DEP 212-1162 21 Gikas Ln. (Lot 8) – Full - Ms. Ryder noted that she has done an inspection and all the conditions of the Order of Conditions have been met. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance with ongoing conditions as noted.
- DEP 212-101 40 Felton St. – Full - Ms. Ryder noted that during a title search the lawyer noted that this old Order of Conditions was still attached to the deed. This house has been done for a long time. Mr. Ryder noted no issues. The Commission voted unanimously 4-0 to issue a full Certificate of Compliance for this lot.

### Discussions:

- Emergency Certificate for 114 Concord Rd. - Ms. Ryder noted that she issued an Emergency Certificate for the immediate repair of the leaky sewer line that was discovered last week. The work has been completed and no issues were reported. The Commission voted unanimously 4-0 to ratify the Emergency Certificate.
- DEP 212-1149 - review Elm St. and DEP 212-1168 - Bolton St. culverts - DPW to discuss possible changes. Tom DiPersio, city engineer, explained that they are looking into some different methods to line the culvert at Bolton St. The proposal discussed during the hearing process is not going to work as they do not believe they can get the culvert dry enough using that method. They would prefer to do a pipe insert and then grout the voids, which will accomplish the result of preventing further deterioration of the roadway. The Commission asked if there would be any loss in volume with the pipe.
- New England Power Company d/b/a National Grid – W23W Reconductoring Project – Joint 401 Water Quality Certification (with a variance request)/404 Pre-construction Notification application.

Northborough, Marlborough and Southborough. This is a water quality permit that the state will issue. Ms. Ryder noted she believes they are exempt from WPA although they need to replace some large poles etc. She will inquire.

- Environmental Notification Form – Sudbury-Hudson Transmission Reliability Project – Sudbury, Marlborough, Stow and Hudson – Comments due June 13, 2017. Ms. Ryder and Ms. Paquin both attended the site walk for this project. A very small portion about 50 ft. of the Desert Natural Area is within this proposed transmission line layout. The concern is the impact this transmission line underground will have on all the pitch pine scrub oak restoration work we have already invested in. Ms. Ryder will draft some comments and share with the Commission before sending. Comments are due July 4<sup>th</sup>.

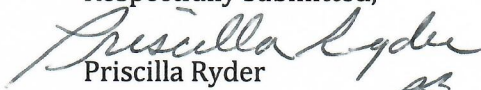
**Correspondence/Other Business:**

- Letter to Robert Walker, dated 6/7/2017 RE: Wetland violation notice – Apex Center – Phase 2 (DEP 212-1181 - \$600 fine)- Ms. Ryder discussed the violation and remedy.

**Adjournment**

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted;

  
Priscilla Ryder  
Conservation Officer