

**Marlborough Conservation Commission**  
**Regular Meeting**  
**Marlborough Town Hall**  
**November 1, 2004**  
**7:00 p.m.**

**1. CALL TO ORDER**

Mr. Don Hautman called the meeting to order at 7:05 p.m. in the meeting room of Marlborough Town Hall.

**2. ROLL CALL**

The following Commission members were seated and voting:

Don Hautman  
Jim Montstream  
Christine Miller (present; not seated)  
Gordon Isleib  
Gale Busemeyer  
Jack Bray

Also present:

Peter Hughes, Director of Planning & Development, Marlborough  
David Blish, 34 Blish Rd.  
John Spagna & Tina Deluco, 23 Lewis Rd.  
Chris DeAngelis, Vollmer Associates  
Charles E. Hickey, 29 Lewis Rd.  
Bob Jontos, LandTech Consultants

**Motion by Gordon Isleib to move item 4.e (Brendon Montstream – application #04-18 – 91 Portland Road – New House) prior to item 3.a (William Caffyn – application #04-09 – 26 South Main Street – House – Public Hearing). The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote**

Jim Montstream stepped down for this item and Christine Miller was seated.

**3. OLD BUSINESS**

3.a Brendon Montstream – application #04-18 – 91 Portland Rd. – House

Don Hautman read the application to construct a single-family dwelling. The application is for a 1.5 story, 3-bedroom house. There is no wetland disturbance. There was a notice dated September 30, 2004 that was sent to the East Hampton Town Hall since the application is within 500 feet of the town line. Mr. Hautman read the unapproved minutes from the October 30<sup>th</sup> site walk. Joel Fuller showed the members the plans for the proposal and noted there have been no changes. He noted that the soil is good for the septic system, which will be outside the buffer area. Mr. Fuller noted that one corner of the house will be inside the buffer area. There will be no disturbance to the wetlands; flow from the activity will be away from the wetlands.

**Motion by Gordon Isleib to approve application #04-18 as submitted. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Christine Miller was unseated at this time and Jim Montstream was re-seated.

#### **4. PUBLIC HEARING**

4.a William Caffyn – application #04-09 – 265 South Main Street – House

Mr. Hautman read the legal notice that was published in the Rivereast. The application is for a new house. The house is within the buffer area. Mr. Hautman noted that there was a second site walk on the property on October 30<sup>th</sup>. Mr. Hautman read the unapproved minutes from the site walk. The applicant provided a supplemental report from Penelope Sharp, environmental consultant, dated October 29, 2004. The applicant also provided travel time calculations from Richard Snarski, soil scientist and wetland scientist. Mr. Hautman read the October 29<sup>th</sup> letter from Penelope Sharp. Mr. Snarki's report stated that there are no issues with respect to travel time calculations.

Joel Fuller addressed the commission. He stated that he looked at an area for the bridge crossing over Lyman Brook. He showed the members a map of the site with the wetlands and noted that there is no way to put the septic area in a different area than what is proposed.

There were no public comments.

Mr. Hautman stated that he wants the applicant to include the comments on the buffer area as noted by Penelope Sharp. He also wants a conservation easement to protect the wetlands. Mr. Fuller said that he didn't think the buffer area changes would be a problem but that he would have to discuss the conservation easement with his client. Mr. Hautman said that he wants the town's consultants to have time to review the addendum to Penelope Sharp's environmental report and the travel time calculations. There was a brief discussion about how the applicant can create a permanent mark between the tree line and the water in the event the applicant does not want to grant a conservation easement. Mr. Hautman stated that the Blackledge River and Lyman Brook are very important watercourses and they need to be protected. Peter Hughes said that the commission could include language in the conservation easement that allows for an exception for a bridge at a future date.

**Motion by Gale Montstream to schedule a special meeting for Tuesday, November 16<sup>th</sup> at 7:00 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Jim Montstream to continue the public hearing for application #04-09 – 265 Main Street – New House on Tuesday, November 16<sup>th</sup> at 7:00 p.m. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

4.b John Spagna & Tina Deluco – application #04-17 – 23 Lewis Rd. – New House

Chris DeAngelis from Vollmer Associates spoke on behalf of the applicants. He showed revised plans for the site. He noted that he replaced the single culvert with two culverts at the driveway

at the location of the stream. He also noted that the bio-infiltration pool detail has been included as per Rema Ecological Services' comments. The plans also show a conservation easement along the wetlands. Mr. DeAngelis explained how the conservation easement has been drawn. The revised plans also show that the stockpile area has been moved closer to the driveway. The plans also show the construction sequence for the culverts. Mr. DeAngelis said that he is fine with all the recommendations in the letter from Jacobson & Associates dated November 1<sup>st</sup> except for comment #3, which recommends additional wetland plantings. The applicant feels that the conservation easement, along with the bio-infiltration pool, is sufficient. Mr. Hautman read the November 1<sup>st</sup> letter from Jacobson & Associates. Mr. DeAngelis also reviewed the proposed system to divert water on each side of the driveway, taking it away from the abutter's property and down into the bio-infiltration pool.

Charles Hickey, 29 Lewis Rd., is an abutting property owner to the north. Mr. Hickey said that he just received the new material this evening and would like additional time to review the material and prepare his comments in writing. He requested that the commission continue to the public hearing. Mr. Hickey asked Mr. Hughes whether the applicant had addressed comments in LandTech's letter of September 7, 2004. Mr. Hughes said that he believed the revised plans included the comments. Mr. Hughes stated that the only difference between the LandTech and Jacobson & Associates comments is the location of the stockpile. Mr. Hickey said that he was concerned about the proper delineation of the wetlands. He is concerned that there may be additional surrounding wetland soils on the property and he doesn't see where this has been addressed by a soil scientist. There was a brief discussion about what work has been done by the soil scientist. Mr. Hickey also expressed some concern about the length of the drainage swale along the driveway. He wants it to run the length of the driveway to help with water flow. Mr. Hickey stated that his septic and drainage fields are near that location and he wants to keep water away from the area as much as possible. Mr. Hickey also questioned the clearing map on the revised plans. He said that he did not believe the clearing line was accurate. He believes the land has been cleared to a greater extent than what has been marked on the plans. He also wants some plantings on the top of the swale to help slow down water flow. Mr. Hickey also stated that the LandTech letter of September 7<sup>th</sup> suggested that a qualified soil scientist monitor the slash removal on the site and the construction of the driveway for erosion and sediment control. Mr. Hickey stated that he wants someone to independently verify that the work is done according to the plans to make sure there are no erosion and sediment issues. Mr. Hickey also stated that he believes that the cease and desist order needs to be duly noticed.

Mr. DeAngelis responded to Mr. Hickey's comments. He said that he will ask Rema Ecological Services to clarify their report with respect to the point regarding additional intermittent watercourses on the site. With respect to the swales, Mr. DeAngelis said that he will revise the plans to show them going the length of the driveway on each side and he will add the check dams.

Don Hautman noted that the applicant needs to identify an individual to be responsible for E&S measures. John Spagna said that Francis Hamm from Vollmer Associates will be responsible for this. Don Hautman explained that this application is being handled separately from the violation. Don Hautman wants the entire area of disturbance for clearing to be noted.

There was a brief discussion about the stockpile location. The commission agreed that it would be better to keep it in its original location.

Mr. DeAngelis distributed copies of alternate house locations. He noted that there were three possible sites approved with the original plot plans. Mr. DeAngelis said that the site on the top of the hill is not feasible because there is a lot of ledge, the driveway would be very steep, there would be no good location for the septic system, and it would be worse for the wetlands.

The commission agreed to continue the public hearing to give the town consultants time to review the new information and for Mr. Hickey to review the material and formalize his comments in writing.

**Motion by Gale Busemeyer to continue the public hearing for application #04-17 – John Spagna & Tina Deluco – 23 Lewis Rd. – New House until the November 16, 2004 special meeting at 7:05 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**5. OLD BUSINESS (CONTINUED)**

5.a John Spagna & Tina Deluco – 23 Lewis Rd. – Wetland Violation

Don Hautman read a letter from LandTech to Peter Hughes dated October 12, 2004. LandTech evaluated E&S control measures and stated that everything was okay. There was no need for additional measures. Don Hautman noted that the order remains in effect.

5.b John Spagna & Tina Deluco – 23 Lewis Rd. – 2<sup>nd</sup> Wetland Violation

Don Hautman noted that the order remains in effect.

5.c John Spagna & Tina Deluco – 23 Lewis Rd. – Possible Action

**Motion by Jim Montstream to table application #04-17 until the November 16, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

5.d William Caffyn – application #04-09 – 265 South Main Street – New House

**Motion by Jim Montstream to table application #04-09 until the November 16, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

5.e Marlborough Volunteer Fire Dept. – application #04-13 – Dry Hydrant

David Blish from the fire dept. and Tom Giola, Director of Physical Services, addressed the commission. Tom Giola explained the construction process to the commission. He showed pictures of the site and the proposed path of the hydrant pipeline. Mr. Giola explained that the construction will be done differently than other town dry hydrants, due to the length of the pipeline. He also explained the E&S controls that will be done. Mr. Giola stated that the site is ideal for the fire department because the dry hydrant will be used primarily for training. Mr. Giola said that the pond is 9-foot deep and drops off about 10-feet from the bank. Mr. Giola stated that he is not sure when the work will be done, but July/August 2005 would be ideal.

**Motion by Jim Montstream to approve application #04-13 on the condition that the applicant informs the conservation commission when the dry hydrant will be installed. In addition, the applicant needs to submit an appropriate erosion control stabilization plan. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

## **6. NEW BUSINESS**

Jones Hollow Associates – Re-subdivision – application #04-19 – 396 Jones Hollow Rd.

Don Hautman read the application, which is for a 5-lot residential subdivision. There is presently one house on the site and the applicant wants to build four more houses. Mr. Hautman also read the attachment to the application, which addresses the construction of culverts for driveway construction over intermittent watercourses and alternative plans for construction to mitigate disturbance to the wetlands. Don Hautman also read the soil scientist's report.

John Sczurek showed the members plans of the site. The site is 19.6 acres. He explained that the site has mature tree growth and the Blackledge River goes through the site. There are also two intermittent watercourses on the site. Mr. Sczurek showed the members the proposed house locations, three of which have frontage on Jones Hollow Rd. The fourth house site is on the other side of the Blackledge River and could be accessed from Walnut Drive. Mr. Sczurek reviewed alternate driveway locations for the four new houses. He explained that two of the houses off Jones Hollow could share a common driveway. The house location on the other side of Blackledge could be accessed either from Walnut Dr. or by using an existing curb cut off Jones Hollow. If accessed by Walnut Drive, it would be a very curvy, steep driveway. Mr. Sczurek also discussed drainage options. He stated that effluent travel time for the septic systems has been looked at for all proposed lots. Mr. Sczurek discussed the need for fill in some locations for house construction. He stated that the footing drains will be outside the conservation easement but will be very close. He also reviewed the area for the proposed conservation easement.

Bob Jontos from LandTech stated that he reviewed all five wetlands on the site. He discussed the overall function of the wetlands and said that the water quality is excellent. There are eight different fish species in the wetlands, both warm and cold water species. Mr. Jontos also looked at nitrogen and phosphorus levels. He stated that discharge of effluent will not negatively affect the wetlands. Mr. Jontos explained which activities would directly affect the wetlands.

Don Hautman said that the applicant has done a good job outlining the proposed activity and the alternatives. He said that the applicant needs to decide specifically what it wants to do and present that proposal to the commission.

**Motion by Gordon Isleib that, based on the information provided, the activity for application #04-19 – 396 Jones Hollow Rd. may have a significant impact on the wetlands. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.**

**Motion by Jim Montstream that the commission schedule a public hearing for application #04-19 – 396 Jones Hollow Rd. for December 6, 2004 at 7:00 p.m. and that the applicant's environmental assessment report includes a description of, at a minimum, items b, c, d, e, h**

**and I of the section 8.4 of the Marlborough Inland Wetland and Watercourse Regulations. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

Peter Hughes stated that he wants the applicant to look at moving the house locations away from Blackledge River. He also wants the applicant to look at reducing the clearing limits. Don Hautman wants to see footing drains outside the conservation easement. He wants the applicant to minimize the amount of disturbance on the property.

**Motion by Jim Montstream to table application #04-19 – 396 Jones Hollow Rd. until the December 6, 2004 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

## **7. OTHER BUSINESS**

### 7.a Community Development Advisory Committee (CDAC)

Peter Hughes showed the members a map of the town and explained that the CDAC group is looking at areas in the town for potential development. Mr. Hughes said that Mr. Farley is looking at developing the area behind Independence Drive. This area has wetlands and Mr. Farley is considering disturbing these wetlands (which he considers poor in quality). Mr. Farley would then recreate wetlands to a more valuable location (Flood Rd./Rte. 66 area). Mr. Hughes explained that Mr. Farley is considering developing the area behind Independent Drive and building age-restricted housing and commercial properties.

Mr. Hughes said that the All Boards Meeting is on November 9, 2004 at 7:30 p.m. at the Senior Center. The group will discuss town center planning, changes in zoning regulations, WPCA rules and regulations and other topics related to commercial development in town.

### 7.b Ruby Estates

This item is closed and will be taken off future agendas.

### 7.c Sewer Project

Mr. Hughes showed the members a map of the sewer district and explained that the town is looking at a natural enlargement of the system. He said that the Marlborough Partners golf course/housing project wants to hook up to the town's new sewer system. He explained that Marlborough Partners still needs to obtain a diversion permit from the DEP, which could take 9 months. Mr. Hautman expressed concern over expansion of the sewer system.

Peter Hughes explained the engineers for the project need to have a delineation of the wetlands in town. The group agreed that the WPCA can use the town's existing wetland maps. Mr. Hughes said that the original plan had three pump stations and the current plan has one (at the bottom of Roberts Rd.). The engineers will allocate flow off each property in the district. Mr. Hautman said that he wants to see the sewer map with an overlay of town wetlands.

7.d Open Space

Peter Hughes said that Shelley Green is trying to arrange a meeting with herself, Peter Hughes and the DEP to discuss open space planning. Mr. Hughes said the town's cultural resources/open space plan will be finalized by Thanksgiving. Don Hautman said that he wants to pursue a strategy for open space acquisition and the commission will approach the Board of Finance in January/February 2005.

7.e Oak Drive

Peter Hughes said that he will meet with the town engineer about this issue. The town/property owner needs to reduce the rate and flow of runoff and minimize the velocity of silt going into Dickinson Creek.

**8. APPROVAL OF MINUTES**

**Motion by Jack Bray to approve the minutes of the July 12, 2004 meeting with the following change: page 5, the spelling of "STEEP" before grant is to be changed to "STEAP". The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Jack Bray to approve the minutes of the August 30, 2004 site walk for application #04-09 – William Caffyn. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to approve the minutes of the September 27, 2004 site walk for application #04-14 – 187 Flood Rd. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to approve the minutes of the October 30, 2004 site walk for application #04-19 – William Caffyn. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Jim Montstream to approve the minutes of the October 30, 2004 site walk for application #04-18 – Brendon Montstream. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**9. WETLAND ENFORCEMENT OFFICIAL'S REPORT**

There was nothing to report.

**10. ADJOURNMENT**

**Motion by Christine Miller to adjourn the meeting at 10:30 p.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.**

Respectfully submitted,

Mary Sciano