

Marlborough Conservation Commission
Regular Meeting
Marlborough Town Hall
August 30, 2004
7:00 p.m.

1. CALL TO ORDER

Mr. Don Hautman called the meeting to order at 7:09 p.m. in the meeting room of Marlborough Town Hall.

2. ROLL CALL

The following Commission members were seated and voting:

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

Also present:

Peter Hughes, Director of Planning & Development, Marlborough
John Spagna & Tina Deluco, 23 Lewis Rd.
Dr. Peter J. Snyder, 9 Old Cider Mill Lane
David Blish, 34 Blish Rd.
Charles E. Hickey, 29 Lewis Rd.
George Logan, 164 E. Center St., Manchester
Francis Hamm, Vollmer Assoc.
Michael & Kathy DeSanto, 187 Flood Rd.
Bill Lord, 25 Sturbridge Rd.
Brad Korth, 12 Lewis Rd.

3. PUBLIC HEARING – John Spagna & Tina Deluco - #04-04 – 23 Lewis Rd. – New House

Don Hautman read the application. He also read the two legal notices dated July 2, 2004 and July 9, 2004. Mr. Hautman read a letter dated August 27, 2004 from Charles E. Hickey to Don Hautman and Peter Hughes. Mr. Hickey's letter contained comments about the applicant's environmental assessment. Mr. Hautman also read a letter dated August 30, 2004 from Nathan Jacobson & Associates to Peter Hughes. This letter contained comments and recommendations on the drainage calculations, drawings and the environmental assessment for this application. Mr. Hughes stated that the report from the town's consultants, LandTech, is forthcoming.

Mr. Francis Hamm from Vollmer Associates spoke on behalf of the applicants. He distributed copies of revised plans, pointing out the revisions that were made. Mr. Hamm then went through the comments and recommendations set forth in the Nathan Jacobson & Associates letter.

Mr. George Logan from Rema Ecological Services, who performed the environmental assessment, addressed the commission next. He stated his qualifications and distributed a 2000 aerial photo of the site that showed the site prior to the logging activity. Mr. Logan stated that there has been no visible ongoing impact on the wetlands and no physical impact on the watercourse and wetlands. He also stated that the house location and septic location is good. He stated that there are no critical species (animal or plant) on the site. He stated that he wanted to make sure that the house wouldn't damage the diversity of the swamp. He suggested that the buffer be augmented to 35-40 feet away from the swamp. He also suggested some changes to the driveway to capture runoff. He suggested that the driveway have a slight pitch to the north side. He also addressed phragmites. He does not suggest an aggressive technique to get rid of the phragmites. He said that, for the most part, the wildlife in the wetlands should not be disturbed by the house construction.

Mr. Logan then addressed some of the concerns noted in Mr. Hickey's letter. He stated that he did not think that a bridge over the wetlands (as suggested by Mr. Hickey) was a reasonable alternative. He also stated that he believed the runoff from the driveway should be the primary concern but that there are solutions to address this.

Peter Hughes stated that the LandTech report is not complete yet. He also stated that the town engineer had some comments regarding the drainage calculations.

Don Hautman asked if there were any public comments. Mr. Charles Hickey noted two corrections to his letter dated August 27th. Mr. Hickey stated that he believes the commission does not have sufficient information to approve the application. He stated that the new maps were just presented and the commission and the public has not had enough time to review them. He stated that his chief concern is water runoff, water going onto his property. He also stated that the intermittent stream has not been dealt with sufficiently. He wants a riprap swale on the northern border of the property, along with vegetation. Overall, he is not satisfied that his property is being protected. Mr. Hickey stated that he would like a bridge over the wetland. He stated that he has sighted wildlife in the area (red fox, weasel) and is concerned about preserving that wildlife. He also stated his concern that the applicant's steeply sloped driveway would require salt or another similar substance in the winter to melt ice. He is concerned about this material damaging the wetlands.

Mr. Hamm addressed the driveway issue. He showed the commission members sheet 3 of the plans and explained the plan to help minimize water runoff from the driveway. He stated that the water will go toward the riprap swale and that there will be two stone check dams to help protect the wetlands.

Mr. Hautman stated that there are still many unresolved issues with respect to this application. Mr. Hamm provided further information on the driveway drainage system. Mr. Hautman said that he wants to make sure that water does not flow onto the neighbor's property. Mr. Hautman also said that the proposed biofilter needs to be further developed. There was a discussion about the drainage system and the pipes to be used, whether one pipe could be used instead of two. Peter Hughes asked whether the applicant could shorten the length of the pipe. The applicant's representative stated that it could not be shorted by very much. There was also a discussion about using an arch, a box culvert. Mr. Hautman stated that the applicant needs to propose a specific

plan for the commission to consider. Gordon Isleib stated that the bottom surface of the pipe should be designed to provide a wildlife corridor through the pipe.

Mr. Logan spoke briefly about the treatment of the driveway in the wintertime. He stated that calcium magnesium alcatate (cma) and calcium chloride are the best products to use.

Mr. Hautman stated that travel time calculations for the effluent in the septic system have done been done yet. Mr. Logan addressed this point. He stated that the slopes are gentle and although the dilution model may say 5 or 6 milligrams per liter of nitrate, one also has to consider the slopes and the soils. He stated that by the time the material gets down to the wetlands, in his opinion, it would be much lower.

Peter Hughes asked whether the house location could be pushed back 10-15 feet. Mr. Logan stated that he has proposed a 35-40 feet buffer along the wetland with perhaps some conservation easements. There was a brief discussion about the amount of space that would be manicured lawn. The applicant's representative stated that manicured lawn would be in the septic area, in front of the septic and all around the house.

There was a discussion about the environmental assessment report. Topics discussed included the different types of vegetation on both sides of the driveway and the proposed biofilter. It was agreed that the biofilter needs to be developed further. Mr. Logan stated that he believed the disturbed area above the house location is okay. There was a discussion about a 7-foot excavation in the watercourse that will be necessary to install the pipe. The members agreed that the applicant needs to provide a specific construction sequence on this to explain how the material will be removed, etc. Peter Hughes suggested that some of the clearing should be done when the ground is frozen. Mr. Hamm said that there will be more filling than clearing.

Don Hautman stated that he is not comfortable proceeding now, given the many outstanding items. He wants the town engineer to address the water runoff issue. He wants more details on the biofilter, including details for post-construction. He also wants a pipe construction sequence.

Motion by Jack Bray to close the public hearing for application #04-04 – 23 Lewis Rd. – John Spagna & Tina Deluco. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

4. OLD BUSINESS

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

Mr. Hautman stated that the applicant will need to withdraw the current application and complete a new application in order to proceed. Mr. Hautman stated that he wants to have the new plans, the town staff comments and all other required information ready for the October meeting. He reiterated that this is a difficult site and stated that the applicant needs to work with town staff to move this forward.

The applicant withdrew the application.

4.b John Spagna & Tina Deluco – 23 Lewis Rd. – Wetland Violation

Peter Hughes stated that the cease and desist order will remain in place and the town engineer needs to confirm that everything on the site is okay.

4.c John Spagna & Tina Deluco – 23 Lewis Rd. – 2nd Wetland Violation

The cease and desist order will remain in place.

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

Mr. Joel Fuller, land surveyor, spoke on behalf of the applicant. He showed the commission members revised maps of the site. The commission had a site walk at the site prior to the meeting. Mr. Fuller stated again that the house is a two-bedroom. Mr. Hautman asked how the footprint would change if it were a three-bedroom house. Mr. Fuller stated that the house would be longer. Mr. Hautman stated that he wants to see the septic location for the neighboring house (same property owner). He also wants a travel time analysis for the septic system. He stated that he is uncomfortable with the site because it is so close to two waterways, the Blackledge River and Lyman Brook.

Motion by Gordon Isleib that, based on the information provided by the applicant's representative, there is activity under application #04-09 – William Caffyn – 265 South Main Street – New House, that may have a significant impact on the wetlands and watercourses. The motion was seconded by Gale Busemeyer. Don Hautman agreed with the motion. Jim Montstream and Jack Bray opposed the motion. The motion was carried.

Don Hautman stated that he wants an environmental expert to look at the information for this application as well as a thorough examination of alternative house locations. He stated that the applicant needs to provide an environmental assessment report by a qualified individual to cover the impact of the septic system and house on the two waterways.

Motion by Gale Busemeyer that the Environmental Assessment under application #04-09 – William Caffyn – 265 South Main Street – New House address points C, G, H and I of Section 8.4 of the Marlborough Inland Wetland and Watercourse Regulations. The motion was seconded by Gordon Isleib. Don Hautman agreed with the motion. Jim Montstream and Jack Bray opposed the motion. The motion was carried.

Motion by Gordon Isleib to hold a public hearing on application #04-09 - William Caffyn – 265 South Main Street – New House on Monday, October 4, 2004 at 7:00 p.m. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Motion by Gale Busemeyer to table application #04-09 - William Caffyn – 265 South Main Street – New House until the Monday, October 4, 2004 meeting. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Jim Montstream to move items 5.a, 5.b, 5.c, 5.d and 5.e (all New Business) before item 4.e. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

5. NEW BUSINESS

5.a Marlborough Volunteer Fire Department – application #04-13 – Dry Hydrant – East Glastonbury Fish & Game – Planeta Rd.

Ltd. David Blish of the Marlborough Volunteer Fire Department explained to the commission what the department wants. The MVFD wants to install a dry hydrant at the pond at the East Glastonbury Fish & Game Club on Planeta Rd. He showed the members a map of the site and explained what they want to do. He stated that the dry hydrant should yield approx. 1,000 gallons a minute. The water will be used to fill up the fire tankers. There will be a 100-foot pipe from the pond to the road. Don Hautman said that the applicant needs to think through the entire installation process, decide whether the water in the pond will be lowered to do the pumping, whether the bottom of the pond will be dug out, etc. He wants a complete application with the details of the work to be done. Mr. Hautman suggested that the applicant use the application for the hydrant on South Rd. as a model.

Motion by Gale Busemeyer to table application #04-13 – Marlborough Volunteer Fire Department – New Dry Hydrant until the October 4, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

5.b Brad Korth/Mike DeSanto – application #04-14 – 187 Flood Rd. – New House

Mr. Brad Korth explained that the site location is actually on Lewis Rd. He showed the members a map of the location and identified the wetlands on the site. He stated that most of the lot is within the 150-foot buffer area. Mr. Hautman stated that the applicant's expert needs to identify whether there is an intermittent watercourse on the site. Mr. Korth talked about the construction of the septic system, which will be downhill from the house. He explained that this will be a 4-bedroom house. Mr. Korth stated that there is really only one logical location for the house. He said that the house (on higher ground) will not affect water flow. Don Hautman said that he wants to look at the site with the wetlands marked. He also stated that the plans need to reflect the amount of lawn, the clearing areas, how much fill will be used and the finished grades.

Motion by Gordon Isleib to schedule a site walk for application #04-14 – Brad Korth/Mike DeSanto – Lewis Rd. – New House for Saturday, September 18, 2004 at 8:00 a.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Jack Bray to table application #04-14 – Brad Korth/Mike DeSanto – Lewis Rd. – New House until the October 4, 2004 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

5.c Jeff Daggett/Peter Snyder – application #04-15 – 9 Old Cider Mill Road – Drainage

Peter Snyder, the owner of the property, explained that he wants to replace an existing yard drain. He stated that the current drainage system is inadequate. During heavy rains there is a puddle of water at the entrance of the house, silt is washing down the driveway and there is freezing water in his front yard in the wintertime. He explained how he wants to move the existing drain 6 feet (6 feet of pipe will be added). He also wants to slightly scallop the driveway. The driveway will be re-done in fine chips. He stated that this is a one-day job and no material will be stored.

Motion by Jim Montstream to approve application #04-15 – Jeff Daggett/Peter Snyder – 9 Old Cider Mill Rd. – Replace Yard Drain. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

Motion by Gale Busemeyer to add a new agenda item after 5.c as follows: 5.d - application #04-17 – John Spagna/Tina Deluco – 23 Lewis Rd. – New House. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

5.d John Spagna/Tina Deluco – 23 Lewis Rd. – application #04-17 – New House

Motion by Gordon Isleib that activity under application #04-17 – John Spagna/Tina Deluco – 23 Lewis Rd. – New House may have a significant impact on the wetlands and watercourses. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Gale Busemeyer to hold a public hearing for application #04-17 – John Spagna/Tina Deluco – 23 Lewis Rd. – New House on Monday, October 4, 2004 at 7:15 p.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

5.e Town of Marlborough – application #04-16 – 8 Ruby Rd. – Drainage Improvements

Peter Hughes showed the commission members a map of the site. He stated that there is an existing plunge pool and erosion between the plunge pool and the wetlands because of the slope. The town wants to extend the pipe to make the pipe go to the edge of the wetlands. There will also be a new manhole. Mr. Hughes stated that the drainage improvements along the road will be the subject of a separate application.

Motion by Jack Bray to approve application #04-16 – Town of Marlborough – 8 Ruby Road – Drainage Improvements on the condition that 1) the stone wall is restored and 2) the applicant avoid cutting any trees greater than 6” DBH (diameter breast height). The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

4. OLD BUSINESS (CONTINUED)

4.e Kathryn Connors – Activity on Chapman/Edstrom Roads

Motion by Jim Montstream to close the show cause hearing for Kathryn Connors – Activity on Chapman/Edstrom Roads. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

4.f Town of Marlborough – application #04-12 – Flood Rd. & Quinn Rd. Drainage Improvements

Motion by Jack Bray to table application #04-12 – Town of Marlborough – Flood Rd. & Quinn Rd. Drainage Improvements until the October 4, 2004 meeting. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

6. OTHER BUSINESS

6.a Community Development Advisory Committee (CDAC)

Peter Hughes stated that the Conservation Commission and the Board of Selectmen will have a joint meeting on Tuesday, August 31st. There will be a presentation by the Nature Conservancy. Other town board/commission members will be invited to attend.

6.b Ruby Estates – Flood/South/Ogden Lord Rd.

6.c Sewer Project

Peter Hughes said that there was no update on the sewer project.

6.d Open Space Function

Peter Hughes said that he wanted to obtain people's comments on the Open Space & Cultural Resource Strategy so that the document could be finished. Peter Hughes said that there have been only a few changes to the document so far. There was a brief discussion about the "Recommendations" section of the study. Peter Hughes stated that the Board of Selectmen is responsible for the care of open space until it gives that responsibility to another entity. For example, the Park & Recreation Department has responsibility for Blish Park, the ball fields, etc. Don Hautman stated that he wants the Conservation Commission to take ownership of the former Open Space Land Acquisition Committee responsibilities.

Gale Busemeyer said that she reviewed the Marlborough Open Space Plan and she has several suggested changes/comments. Peter Hughes said that he will e-mail it to her and she can make the changes and e-mail it back to him.

7. APPROVAL OF MINUTES

Mr. Hautman said that he is missing minutes from the June 17th meeting. Also, he is missing one page from the July 12th meeting.

Motion by Gale Busemeyer to approve the minutes of the August 2, 2004 meeting with the following changes: 1) page 3, first paragraph under item 5.a., the fifth sentence, replace the word "wetlands" with "watercourses" and 2) page 4, under item 6.b, the third sentence, replace "stating that he needs to provide" with "stating that the developer needs to provide". The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

8. ADJOURNMENT

Motion by Gordon Isleib to adjourn the meeting at 11:20 p.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano