

Marlborough Conservation Commission
Regular Meeting
Marlborough Town Hall
August 1, 2005
7:00 p.m.

1. CALL TO ORDER

Don Hautman called the meeting to order at 7:03 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
Jack Bray
Gale Busemeyer
Christine Miller (present, not seated)

Also present:

Peter Hughes
Kenneth & Tina Cheshire
Dr. Harvey Luce, Environmental Soil Science, LLC
David Nickolenko, MPS Plastics
William Licata, ACG, Inc.
Robert DeLuca, CLA Engineers

3. SHOW CAUSE HEARING – Kenneth Cheshire, 16 West Road – Violation of IWWCA Regulations, Article 14.3 and Article 14.5

The commission members read a letter dated July 29, 2005 from Drs. Harvey Luce, certified professional soil scientist and soil classifier and Juliana Barrett, ecologist. Dr. Luce addressed the commission and summarized the contents of his letter, stating that both he and Dr. Barrett came to the same basic conclusion. Dr. Luce said that it is unfortunate that the applicant expanded the parking lot to the boundary of the wetland and paved the lot. He also said that, in his and Dr. Barrett's opinion, it would do more harm than good to rip up the parking lot and revert the area to its previous condition. Dr. Luce reviewed two different zones of wetlands, Zone 1 and Zone 2. He explained that Zone 1 is sloping and less wet. This zone provides a good biofilter of materials from the parking lot before it reaches Zone 2 wetland, which is a more sensitive area that supports aquatic life. Dr. Luce recommends removal, by hand, of the weedy species in the area. He also recommends that the area is raked, topsoil added, and a seed mixture for plants be laid down. Dr. Luce noted that he marked some of the larger areas of the weed species with surveyor's tape.

Kenneth Cheshire addressed the commission and stated that he removed the weed species identified by Dr. Luce. Don Hautman told Mr. Cheshire that he should not have removed the weeds until the commission decided how they want to proceed.

Don Hautman asked if there were any public comments with respect to this show cause hearing and there were none.

Don Hautman said that he was concerned about water diversion into Deep Hollow Creek. Dr. Luce said that he did not believe water would be diverted into the creek or that topsoil would end up in the wetlands. Don Hautman said that, if the recommendations were approved, he wants a soil scientist to manage the activity to make sure the reclamation progresses as planned. This would include reports to the commission. There was a lengthy discussion about Dr. Luce's recommendations, including the effectiveness of Zone 1 to act as an effective biofilter. Gale Busemeyer asked about alternatives to sand and salt in the wintertime and Dr. Luce said that there are salt substitutes.

Jack Bray said that the applicant was instructed to hire a professional engineer and wetlands specialist to prepare a plan that provides equivalent protection to the wetlands as to what was approved in application #95-19 and that this has not been done. Tina Cheshire explained that an engineer was consulted, Mr. Dutch, who is available to provide a report but he was unclear what was required.

There was a brief discussion about the short timeframe for seeding. In order for most of the species to germinate, seeding needs to occur between September 15-October 15.

Motion by Jack Bray to continue the show cause hearing for Kenneth Cheshire, 16 West Rd. – Violation - to the August 29, 2005 meeting and to modify the cease and desist order as follows: 1) a professional engineer is to prepare a site development plan that shows the following: a) as-built parking lot overlaid on the approved plan, b) submit calculations for storm events for runoff from the driveway and parking lot for existing and previously approved plan and indicate the differential in the runoff, c) the plan is to depict Zone 1, Zone 2, and the reclamation area as noted in the July 29, 2005 report submitted by Environmental Soil Science, LLC, d) plans are to include the appropriate erosion and sediment control measures as necessary and e) the plans are to indicate the method, sequence and timing of the reclamation activity. The site development plan is to be submitted to Mr. Peter Hughes at Town Hall by close of business August 19, 2005; 2) Dr. Luce is to review the site now that weeds have been pulled by the applicant and provide any supplemental recommendations and 3) the site development plan will be reviewed by LandTech at the expense of the applicant. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Gordon Isleib to move item 5.a – Application #05-17 – MPS Plastics, 351 North Main Street before Item 4 – Old Business. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

4. NEW BUSINESS

4.a Application #05-17 – MPS Plastics, Inc. – 351 North Main Street – 5,100 SF building addition

Don Hautman read the application, which is to construct a 5,100 square foot addition to MPS Plastic's 17,000 square foot building on North Main Street. Robert DeLuca of CLA Engineers

approached the commission and explained the proposed activity. This is a three-acre site with two wetland areas in the rear of the site, one a detention pond and the other an un-named brook. The commission members read a letter dated August 1, 2005 from CLA Engineers to the commission, stating that the proposed activity will have direct impact on the wetlands, but will not involve filling of the wetlands. Mr. DeLuca showed plans of the site and explained the proposed drainage. The roof will have a gutter with a pipe to drain into the detention pond. Mr. Hautman instructed the applicant to check the increase in runoff to demonstrate that the detention pond can handle the increase from the proposed activity. Jim Montstream instructed the applicant to add the flow line of the brook onto the plans.

Motion by Gale Busemeyer to schedule a site walk for application #05-17 – MPS Plastics, Inc. – 351 North Main Street for August 29, 2005 at 6:30 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Motion by Jim Montstream to table application #05-17 – MPS Plastics, Inc. – 351 North Main Street to the August 29, 2005 meeting. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

Motion by Jack Bray to add to the agenda Discussion of application #04-09 - William Caffyn - 265 South Main Street – House. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

5. OLD BUSINESS

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

Peter Hughes noted that the commission acted on this application at its January 3, 2005 meeting, approving the application with conditions. Mr. Hughes reported that all conditions have been met. He further noted that the applicant changed the location of the stockpile, moving it further from the tree line and the stream.

Motion by Jim Montstream to approve the revised plan for application #04-09 dated May 11, 2005 - William Caffyn - 265 South Main Street. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

6. OTHER BUSINESS

- a. Modification Request – 23 Lewis Rd – John Spagna & Tina Deluco

The commission members read a letter dated July 29, 2005 from Peter Hughes to John Spagna and Tina Deluco, noting that the applicant failed to follow the specific construction sequence as noted in the plans. Mr. Hughes noted that the erosion control measures are not in place. The commission members read a letter dated August 1, 2005 from Nathan Jacobson & Associates to Peter Hughes regarding a field investigation/construction revision.

Motion by Jim Montstream to table modification request for application #04-17, John Spagna & Tina Deluco, 23 Lewis Rd., to the August 29, 2005 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Motion by Gale Busemeyer to schedule a site walk for application #04-17, 23 Lewis Rd., John Spagna & Tina Deluco, for August 18, 2005 at 6:30 p.m. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

b. Community Development Advisory Committee

Gordon Isleib will be stepping down from the CDAC group. Don Hautman asked if anyone from the commission was interested in joining the group.

c. Sewer Project

Peter Hughes reported that the WPCA is still working on locations for the pump stations. Mr. Hughes noted that, as currently planned, the sewer project has no direct wetland impact. The project will likely come before the commission in October.

d. Open Space Function

Peter Hughes noted that he will complete the Open Space Land Acquisition Plan. There will be a public forum on open space in the fall.

e. Town Center Area

Mr. Hughes reported that the town signed a contract with a firm to develop the town center plan. The plan will include a network of sidewalks.

f. Oak Drive Drainage

There was a brief discussion about drainage problems on Oak Drive. Mr. Hughes noted that Oak Drive will be included in the sewer project.

There was a brief discussion about the Planning Commission's public hearing regarding the waiving of regulations.

Motion by Don Hautman that Peter Hughes draft a letter to the Planning Commission giving the Conservation Commission's recommendation that the Planning Commission not add a waiver of subdivision regulations due to the fact that some aspects of the subdivision regulations provide environmental protection to the development of property and there is also relief for portions of the subdivision regulations through the Zoning Board of Appeals. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Mr. Hughes noted that the application for a subdivision off South Buckboard will come back to the commission. The Planning Commission asked for an OSCAR layout. Mr. Hughes noted that the new application provides for more protection through conservation easements and other restrictions.

7. APPROVAL OF MINUTES

Motion by Gordon Isleib to approve the minutes of the June 6, 2005 minutes with the following changes: page 2, third paragraph, second sentence, delete “opine on this” after “outside expert” and replace with “opinion on what is a viable alternative that gives the same amount of wetland protection as the approved plans” and page 3, third paragraph, add “except Don Hautman” after “the commission agreed”. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Christine Miller to approve the minutes of the June 21, 2005 meeting with the following change: page 2, first paragraph, delete “Gaele” before “Busemeyer” and replace with “Gale”. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Motion by Gordon Isleib to approve the minutes of the July 11, 2005 minutes with the following change: page 2, add after item 4.a, add the following “4.b – Application #5-12 - FAC , LLC – 81 West Road – House and Driveway. This application has been withdrawn by a letter dated July 1, 2005. 4.c – Application #5-16 – Robert Elliott – 3-5 East Hampton Rd. This application has been withdrawn by the applicant.” The motion was seconded by Jack Bray and it was carried by a unanimous vote.

8. WETLAND ENFORCEMENT OFFICIAL’S REPORT

Don Hautman said that he wants someone to investigate the property on South Main Street where the homeowner put some kind of tank in the ground.

Motion by Don Hautman that Peter Hughes draft a letter on behalf of the Conservation Commission to the building official and the fire marshal asking them to investigate the tank that was installed at Elliott Weir’s property on South Main Street. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

9. ADJOURNMENT

Motion by Gale Busemeyer to adjourn at 9:40 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano