

**Marlborough Conservation Commission**  
**Regular Meeting**  
**Marlborough Town Hall**  
**February 7, 2005**  
**7:00 p.m.**

**1. CALL TO ORDER**

Mr. 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  
Gale Busemeyer

Also present:

Peter Hughes, Director of Planning & Development  
John Spagna, 23 Lewis Rd.  
Bob Jontos, LandTech Consultants  
Jon Sczurek, Megson & Heagle  
Frank DiBacco  
John J. O'Donnell  
Mark Hall, 82 N. Main Street  
Dennis Hancin, 79 Park Rd.  
Robert Chiulli, Lot #3, Hebron Rd.

**3. PUBLIC HEARINGS**

- a. Jones Hollow Associates - #04-19 – 396 Jones Hollow Rd. – Subdivision

Don Hautman read the application description. He then read the following correspondence into the record:

1. Letter dated January 18, 2005 from Mark Friend, soil scientist. The report noted there are no vernal pools on the site.
2. Letter dated January 17, 2005 from Jon Sczurek to Peter Hughes, addressing the comments in Jacobson & Associates letter dated January 3, 2005.
3. Letter dated February 7, 2005 from Jacobson & Associates re comments on the application.

Don Hautman advised when the public hearing was noticed.

Jon Sczurek addressed the commission, showing the members revised plans for the application. He advised that lot 5 has been eliminated, changing the application from a 5-house subdivision to a 4-house subdivision, with one existing house and three proposed new houses. Mr. Sczurek reviewed the various changes made to the plans. He then addressed the comments in the Jacobson & Associates letter of January 3, 2005. He stated that the optional driveway for lot #2 off Walnut Drive would require a large amount of fill as well as some reconstruction of the

wetlands. The driveway would still be a hairpin turn. He also discussed the MBL for lot #2, discussing the slopes of the lot. He stated that the planning and zoning regulations are open to interpretation with respect to slopes. Maintenance of the sedimentation structure on the lot #2 driveway (and the biofilter plan) were also discussed. Mr. Jontos addressed the commission and explained the proposed biofilter plan in detail. He explained the various plantings proposed for the plan as well as the maintenance for the biofilter. Mr. Sczurek then discussed the roof infiltration system and the two wetland crossings on lot #2.

Mr. Sczurek then reviewed the comments from Jacobson & Associates dated February 7<sup>th</sup>. Jacobson recommended that the lot 2 driveway width be reduced from 16 feet to 10 feet to minimize inland wetlands filling. Mr. Sczurek stated that he wants to reduce the width in the areas of the wetlands only, with the other parts of the driveway remaining at 16 feet wide. Mr. Sczurek reviewed the details of the culvert crossings, the driveway detail and the driveway cross-section. He noted that the erosion control narrative is included in the storm water pollution control plans. He explained where the erosion control blankets will be placed.

Mr. Sczurek then reviewed the comments from Peter Hughes as per his fax of February 7<sup>th</sup>. Mr. Hughes asked that the applicant add first floor, basement floor and garage floor elevations for all of the new houses. Mr. Sczurek stated the figures and said they will be included in the final plans. He also had several comments on lot #2 that Mr. Sczurek addressed. He confirmed that there will be silt fence up gradient of all disturbances. He also said that there will be no scouring with respect to the inlet pipe to the biofilter. He said that the 40% slope on the northwest corner of the house will be stabilized with an erosion control blanket. The construction of more swales along the upside of the driveway was discussed to prevent water runoff. With respect to accessing the septic area for construction, Mr. Sczurek said that the equipment will access via the easterly side of the house. He said that the actual footprint of the house will be smaller than the square shown on the plans, because the square includes deck space. Mr. Sczurek said that a driveway profile has not been prepared yet, but this will be done. With respect to lot #4, Mr. Sczurek said that he will add the septic tank and pump chamber locations to the plan.

Bob Jontos of LandTech Consultants, reviewed the wetlands on the site. He reported there are four different types of wetlands on the site, including hillside, riparian and depressional. Mr. Jontos said there are no vernal pools. He said that there are no significant habitats for the DEP-listed special species, including the rattlesnake and the box turtle. He did an analysis of the impact on water quality from the outside sewage disposal systems, and found no problems with this. He also looked at the sedimentation and erosion control plan and find it to be compliant. He also collected and categorized fish on the site. He found eight species of fish, both warm water and cold water species. He and a DEP associate, Mr. Murphy, looked at opportunities for fisheries activity on the site and Mr. Murphy suggested some ways to establish deflectors to provide holdover locations for the fish. He said the water quality in the wetlands is excellent.

Don Hautman then went through his list of questions/comments. He stated there was a DEP letter regarding a recommended report on potential rattlesnake habitat at the site. Mr. Jontos said that due to seasonal limitations, nothing was done with this recommendation. He said that a wildlife biologist looked at the site and did not feel there were any den opportunities for rattlesnakes on the site. The same is true for the other special species.

Don Hautman had a question about travel time calculations and Mr. Jontos explained the biofilter plan and the reporting requirements. He recommended a sedimentation structure in addition to the biofilter. He explained that the sedimentation structure is a 2-phase structure and reporting is typically done twice a year. Mr. Hautman said he wanted a report after the first planting season.

There was a lengthy discussion about the two options for the lot #2 driveway. Under option 1 the driveway is 630 feet long, coming off of Jones Hollow Rd. and crossing the wetlands in two locations. Mr. Hautman said he is concerned about driveway runoff into the wetlands. Mr. Sczurek explained the driveway design and its curbing. He said he may need to create more swales to handle runoff from the Walnut Drive area. With respect to the driveway width, Mr. Jontos said that the impact to the wetlands would be the same, whether it is 10-foot wide or 16-foot wide. Don Hautman asked how the applicant would divert water during the construction of the culverts. Mr. Sczurek reviewed the construction narrative for the culverts at the crossings. Option 2 for the driveway has the driveway coming off Walnut Drive. This driveway is very curvy. Gordon Isleib commented that this option is totally inconsistent with the lay of the land. It is too damaging to the environment and he opposes this design. Mr. Jontos said that he favors driveway option 1, off Jones Hollow Rd. There was a comment that lot #2 may need additional silt fences.

There was a brief discussion about the fisheries activities. Gordon Isleib asked whether the log diversion could scour the bank. Mr. Jontos explained that the angle is important.

Peter Hughes asked whether there would be any enhancements, other than in the area of the biofilter. Mr. Jontos said that there is no need for additional enhancements because the existing vegetation on the site is well established.

Mr. Hughes said that he needs more specific information on the proposed three new houses. He noted that Mr. Montstream brought this issue up at the previous meeting, wanting more details on all three lots. Mr. Sczurek said that he has not done a precise cut and fill analysis. He has not gotten into plot plan details.

The group then discussed alternatives for lot #2. Mr. Sczurek stated that the septic system has to go where it is and the house location is placed in the flattest area on the lot. The fire marshall has not yet reviewed the alternative driveway design (off Walnut Drive). Don Hautman said that a lot of work has gone into this application and lot #2 may not satisfy planning and zoning regulations.

Peter Hughes asked whether swales will be added to the driveway under drain. Mr. Sczurek said that they will be added if groundwater is hit. When asked whether the septic locations had been reviewed by the health district, Mr. Sczurek said the latest plans had not been.

Mr. Jontos said that the applicant will post a bond to cover the improvements to the river.

Mr. Hughes said that the applicant needs a specific wetland permit for each individual lot. Mr. Hautman said that this is a very sensitive site and he wants the applicant to be sure that he can build as per the plans. He said that the commission is taking a lot of time to "get it right" and he does not want to see change requests.

**Motion by Gordon Isleib to close the public hearing for application #04-19 – Jones Hollow Associates – 396 Jones Hollow Rd. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

b. Dennis Hancin, applicant/Arthur Johnson, owner - #04-21 – Jones Hollow Rd. – House

Mr. Hautman stated when the public hearing was noticed. He reviewed the application and the relative section of the minutes from the January 3<sup>rd</sup> meeting. Mr. Hancin addressed the commission and showed the members revised plans for the site. Mr. Hautman said that he needs a wetlands expert to opine, in writing, whether there is a vernal pool on the site. Mr. Hancin noted that the engineer needs to be more specific on the perk test data on the plans. Mr. Hautman said that the commission needs an environmental assessment and he read the sections of the regulations that need to be addressed. Mr. Hautman said that this is a difficult property and the environmental assessment will be very important. He wants the clearing limits to be clearly identified on the plans. He also wants town staff/engineer to review the plans.

**Motion by Gale Busemeyer to continue the public hearing for application #04-21 – Dennis Hancin/Arthur Johnson – Jones Hollow Rd. to the March 7, 2005 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

#### **4. OLD BUSINESS**

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

Peter Hughes stated that he needs to speak with the town attorney about stabilization requirements should Mr. Spagna obtain a building permit for the site and choose not to use it.

**Motion by Gale Busemeyer to table action regarding the wetland violation at 23 Lewis Rd., John Spagna/Tina Deluco until the March 7, 2005 meeting.**

b. Jones Hollow Associates - #04-19 – Subdivision

Don Hautman said that he wants Peter Hughes to draft an approval, with conditions. He stated that this is a very sensitive environmental area and it will be important to capture all the conditions. Mr. Hautman said that he is concerned that lot #2 does not satisfy MBL regulations and he wants the conservation commission to make a specific recommendation to the planning commission on this application. He asked the other commission members to think about this.

**Motion by Gordon Isleib to table application #04-19 – Jones Hollow Associates – 396 Jones Hollow Rd. until the March 7, 2005 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

c. Dennis Hancin/Arthur Johnson - #04-21 – Jones Hollow Rd. – New House

**Motion by Gordon Isleib to table application #04-21 – Dennis Hancin/Arthur Johnson – Jones Hollow Rd. to the March 7, 2005 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

d. Peter Marlowe Forest Products - #04-22 – Jones Hollow Rd. – Timber Harvest

Don Hautman read the application and John O'Donnell, forester for the applicant, approached the commission. The commission had a site walk for this application on January 8<sup>th</sup>. Don Hautman said that the wetland system seemed more diffuse than he had expected. Mr. O'Donnell showed plans to the members. He said that revised plans were submitted to Town Hall, but they are not in the file during the meeting. He also said he received a copy of the right of way agreement from the neighbor, Mr. Brian Walker. Some minor changes were made on the plans and initialed by Mr. O'Donnell. The commission discussed the need for water bars and stabilization in certain areas. Mr. Hautman explained the standard conditions for logging activity.

**Motion by Gordon Isleib to approve application #04-22 – Peter Marlow Forest Products – Jones Hollow Rd. with the following conditions: 1) no slash in the wetlands; 2) before timbering is initiated, the WEO/Assistant WEO needs to be contacted as to the start date and how long it will take to complete. The WEO/Assistant WEO will report to the commission at the next commission meeting; 3) the WEO/Assistant WEO needs to be contacted when the harvesting is finished and stabilization is to be completed within 7 days; 4) the WEO/Assistant WEO needs to confirm that all disturbed areas on the site have been stabilized, specifically the one identified on the plans dated February 8, 2005; 5) there is only 1 stream crossing as per the plans dated February 7, 2005, the installation to be approved by the WEO before timbering begins on the west side of the stream crossing and 6) the skidder trail moves from its original location to the location shown on the drawing dated February 7, 2005. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

Mr. O'Donnell indicated that the work would begin on February 8<sup>th</sup> and would take approx. 4 weeks.

**5. NEW BUSINESS**

5.a Robert Chiulli - #05-01 – Lot #3 Hebron Rd. – New House

Don Hautman read the application, which is for a single-family home. There are no wetlands on the site, but there are wetlands across the street. Mr. Hautman said that he is concerned about runoff going into the culverts and across the road. The applicant is willing to install extra silt fencing, if necessary.

**Motion by Gordon Isleib to approve application #05-01 – Robert Chiulli – Lot #3 Hebron Rd. with the following conditions: 1) before the building permit is issued, additional E&S for the driveway construction need to be approved by the WEO/Assistant WEO and 2) hay bales are to be installed to protect the junction of open pipes along Rt. 66 and the installation is to be approved by the WEO/Assistant WEO. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

5.b J. Mark Hall - #05-2 – 82 North Main Street – Shed

Mr. Hall showed plans to the commission members and explained that he wants to place a 12 feet by 22 feet Carefree shed on the side of his yard, approx. 45 feet from the lake. He explained that

this area of the yard is very flat and the maximum digging will be 6 inches. The shed company will dig as necessary (and perhaps not at all) and then lay out gravel in the area under the shed. There was a brief discussion about alternate locations for the shed, but Mr. Hall explained that this is the ideal spot.

**Motion by Gale Busemeyer to approve application #05-2 – J. Mark Hall – 82 North Main Street with the following conditions: 1) silt fences need to be installed between the shed and the lake and approved by the WEO/Assistant WEO before initiating any activity and 2) any material excavated for the shed needs to be removed from the site, unless the location for the material placement and its stabilization is approved by the WEO/Assistant WEO. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to add to Other Business – Review of Revised Plans for John Spagna, application #04-17. This item will be 6.g and placed before item 6.a The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

## **6. OTHER BUSINESS**

### **g. Review Revised Plans for #04-17 – John Spagna**

The commission members read a memo dated January 13, 2005 from Vollmer Associates to Peter Hughes re conditions 1, 2, 3, 5.a and 5.d for this application. The members reviewed the revised plans and the changes that were made. Peter Hughes noted that the town engineer will verify the drainage calculations for the biofilter.

### **a. Election of Officers**

This item will be covered at the next meeting.

### **b. Community Development Advisory Committee**

The community surveys have been mailed out. Nothing new to report.

### **c. Sewer Project**

Peter Hughes noted that drilling for the borings has begun. In addition, the state bond council approved the bond for the system design.

### **d. Open Space Function**

Don Hautman said that he wants to move forward with the town's open space land acquisition plan. He wants to incorporate language provided by Shelley Greene. Mr. Hautman and Mr. Hughes will work together to complete this.

### **e. Town Center Area**

Nothing to report.

f. Oak Drive Drainage

Nothing to report.

**7. APPROVAL OF MINUTES**

**Motion by Gordon Isleib to approve the minutes of the December 6, 2004 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

**Motion by Gale Busemeyer to approve the minutes of the December 20, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to approve the minutes of the January 3, 2005 meeting with the following change: page 4, item 4.e, paragraph 6, "items 8.4.c, b and h" is to be deleted and replaced with "items 8.4.c, d and h". The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.**

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

Mr. Hughes said that the building inspector will meet with the homeowner on South Main St. regarding the tank in his yard.

E&S measures are needed at the corner of Flood Rd. and Rte. 66.

There are apparently some clearing activities at a property on Standish Drive. Peter Hughes will look into this.

**9. ADJOURN**

**Motion by Gale Busemeyer to adjourn the meeting at 10:40 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

Respectfully submitted,

Mary Sciano