

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

1. CALL TO ORDER

Mr. Don Hautman called the meeting to order at 7:06 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
Jim Montstream
Jack Bray
Christine Miller (present, not seated)

Also present:

Peter Hughes, Director of Planning & Development
John Spagna, 23 Lewis Rd.
Dennis Hancin, 79 Park Rd.
Philip LeBlanc, 49 South Buckboard Lane

3. PUBLIC HEARING

- a. Dennis Hancin – application #04-21 – Jones Hollow Rd. - House

Don Hautman read a letter dated March 7, 2005 from Chatham Health District to Dennis Hancin. The memo contained comments about the well with respect to the proposed plan. Peter Hughes reminded the commission that they had asked for an environmental review and an evaluation of the impact on the vernal pool. Mr. Hancin submitted a letter of withdrawal dated March 7, 2005.

Motion by Jack Bray to close the public hearing for application #04-21 – Dennis Hancin – Jones Hollow Rd. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

4. OLD BUSINESS

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

Peter Hughes explained that the commission may want to set conditions for restoration/remediation of the site in the event Mr. Spagna does not use his permit.

Motion by Gail Busemeyer to lift the cease and desist order on 23 Lewis Rd. and put in place a corrective work order to maintain the existing erosion and sedimentation controls

until the town indicates they can be removed. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

b. John Spagna/Tina Deluco – 23 Lewis Rd. – Application Compliance

Mr. Hughes submitted a letter dated March 7, 2005 from Jacobson & Associates regarding this application. Peter Hughes noted there are some minor changes that need to be made, but everything is mainly in place.

c. Jones Hollow Associates – application #04-19 – Riverside Estates Subdivision – Jones Hollow Rd.

Don Hautman reviewed the application and read the draft approval with conditions prepared by Peter Hughes. Mr. Hughes explained that the commission would be approving the subdivision with maximum disturbance as shown on the plans. The applicant will need to come back to the commission for each individual lot permit. Don Hautman added that the commission is, in effect, deferring the analysis of the details until the individual permit applications are presented. Each lot will be evaluated individually at a later date.

Motion by Jim Montstream to approve application #04-19 – Jones Hollow Associates – Riverside Estates Subdivision with the following conditions:

1. The plan shall be revised as follows;

a) Erosion and Sediment Controls;

- i. Extend the silt fence fifty feet to the north around the septic area on Lot 2.**
- ii. Show a silt fence up-gradient of the house and driveway construction areas to isolate the disturbed area from overland run-off with appropriate winged ends for Lot 2.**
- iii. Add driveway aprons for each lot.**
- iv. Verify the size and location of stockpile areas for the material that will be excavated out of the foundations for each lot.**
- v. Utilize a different symbol for the temporary water bars.**
- vi. Detail for grass lined swale above the driveway for Lot 2.**

b) Add iron pin locations on all angle points along the conservation easement lines

c) Add to the mitigation plan the access ways to be utilized to install the fish habitat enhancement, including all clearing limits, construction sequence, and restoration.

d) Add a septic tank and pump chamber location for Lots 3 & 4.

- e) **Sheet 13 - House Site Development – replace the word “should” where utilized with word ”shall”.**
 - f) **Sheet 13 – Land Grading - replace the word “should” where utilized with word ”shall”.**
 - g) **Sheet 13 – Permanent Vegetative Cover – Establishment – note 3 change the seeding date from October 1st to September 15th.**
 - h) **Add details and notes for dewatering technique for all lots, if necessary during foundation excavation.**
 - i) **Add floor elevations to the plans for all houses (basement/first floor) and garages.**
 - j) **Add a note to the plans that the construction of the driveway crossings for Lot 2 shall only occur between June 1st and September 15th. Any modification of these dates shall require the prior approval of the Conservation Commission.**
 - k) **Add a note to the plans that yearly maintenance is required for the bio-filter.**
- 2. Lots 2, 3, & 4 shall submit individual applications to the Conservation Commission for individual permits. No activity including land clearing shall take place until such time as an individual permit for the appropriate lot has been issued by the Conservation Commission.**
- 3. The Applicant shall submit a bond estimate to Town Staff for approval and post the appropriate bond for the fish habitat mitigation improvements as stated in the Land Tech Consultants 11/22/04 Report prior to issuance of the first building permit for any of the undeveloped lots (Lots 2, 3, & 4) .**
- 4. The driveway for Lot 2 shall be constructed from Jones Hollow Road as shown on the plans.**
- 5. Incorporate the mitigation plans in the Land Tech Consultants Report into the final subdivision plan set.**
- 6. The Applicant shall submit the Conservation Easement Document to Town Staff for approval prior to filing the Subdivision Plan. Said Conservation easement shall be filed on the Town land records simultaneously with the record subdivision map after approval by town staff.**

7. All town engineer and town staff comments shall be addressed at the time of filing the individual lot permits.

8. These conditions shall be added to the record subdivision plan.

Don Hautman stated that lot #2 does not meet the minimum buildable lot requirement set by the Planning Commission because of the slope on the site. There was a brief discussion about whether the conservation commission should make a recommendation to the planning commission that the planning commission not grant a variance with respect to MBL. Peter Hughes pointed out that the planning commission would need to hold a public hearing if it were to allow for a variance. After some discussion, the members agreed not to make a recommendation to the planning commission.

d. Dennis Hancin – application #04-21 – Jones Hollow Rd. – House

This application has been withdrawn as noted above.

5. NEW BUSINESS

Motion by Jim Montstream to add the following items to New Business – application #05-03 – Philip LeBlanc, 49 South Buckboard – Shed, application #05-04 – Kenneth Cheshire, 16 West Rd. – Landscaping and application #05-05 – Karen Bosshart, 379 Jones Hollow Rd. – Restore Pond. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Motion by Jim Montstream to add the following item to New Business – Dennis Hancin, Jones Hollow Rd. – House – application #05-06. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

a. Philip LeBlanc – 49 South Buckboard Lane – application #05-03 – Shed

Gale Busemeyer was unseated at this time and Christine Miller was seated.

Mr. LeBlanc addressed the commission and explained that he wants to put a 12'x16' shed on the side of his driveway. The location of the shed is within 60 feet of a brook. Mr. LeBlanc noted that there will be no clearing or digging. The shed will sit on patio blocks.

Motion by Christine Miller to approve application #05-03 – Philip LeBlanc as submitted. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Gale Busemeyer was re-seated at this time and Christine Miller was unseated.

b. Kenneth Cheshire – 16 West Rd. – application #05-04 – Landscaping

Mr. Hughes explained that Mr. Cheshire wants to do some landscaping that falls within the regulated area at his commercial property on 16 West Rd.

Motion by Gordon Isleib to schedule a site walk for application #05-04 – Kenneth Cheshire – 16 West Rd. for Saturday, April 2, 2005 at 8:30 a.m. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

c. Karen Bosshart – 379 Jones Hollow Rd. - application #05-05 – Restore Pond

Motion by Jim Montstream to schedule a site walk for application #05-05 – Karen Bosshart – 379 Jones Hollow Rd. for Saturday, April 2, 2005 at 8:45 a.m. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

d. Dennis Hancin – Jones Hollow Rd. – application #05-06 – House

Mr. Hughes noted that Mr. Hancin's previous application was withdrawn because the time period had expired and the vernal pool on the property needs to be reviewed sometime in April.

Motion by Gordon Isleib that the activity under application #05-06 may have a significant impact on the wetlands and watercourses and a public hearing be scheduled for Monday, May 2, 2005 at 7:00 p.m. The environmental assessment needs to be submitted to the commission, covering items 8.4.c, d & h of Marlborough's Inland Wetlands Regulations. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

6. OTHER BUSINESS

a. Election of Officers

Motion by Jim Montstream that the conservation commission officers be re-elected, i.e. Don Hautman, Chairman and Gordon Isleib, Secretary. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

b. Community Development Advisory Commission

Peter Hughes noted that there will be a public forum on April 7, 2005 at the community room in the elementary school. The forum will cover the results of the community survey. Mr. Hughes noted that the return rate on the survey is close to 50%, which is extremely high. Gordon Isleib noted that the CDAC group met with Bob Elliott, who owns a lot of commercial property in the center of town. Mr. Elliott discussed his future plans with the group.

c. Sewer Project

There was nothing new to report on this item.

d. Open Space Function

Peter Hughes said he would finish the Open Space Plan and distribute it to the other commissions.

e. May 2005 DEP Open Space Land Acquisition Grant Application

Mr. Hughes stated that there is a \$5,000,000 matching grant available from the state for open space land acquisition purposes.

Motion by Gordon Isleib to schedule a special meeting for Tuesday, March 15, 2005 at 7:00 p.m. to discuss possible properties to be part of an open space land acquisition. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

f. Town Center Area

Peter Hughes stated that consultants for the town center plan are being interviewed on Tuesday and Thursday evenings this week.

g. Oak Drive Drainage

There was nothing to report on this item.

7. APPROVAL OF MINUTES

Motion by Jim Montstream to approve the minutes from the January 15, 2005 site walk. The motion was seconded by Jack Bray and it was carried by a unanimous vote.

8. WETLAND ENFORCEMENT OFFICIAL'S REPORT

Peter Hughes said that he will add to the next agenda the tank in the ground at the property on South Main Street.

9. ADJOURN

Motion by Jim Montstream to adjourn the meeting at 8:45 p.m. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano