

Town of Marlborough



Conservation Commission Meeting Minutes
May 6, 2024, 7:00 PM
Marlborough Senior Center, 17 School Drive

1. Call to Order

Yvonne Bolton called the meeting to order at 7:07 PM

2. ROLL CALL

Presented and seated were Yvonne Bolton, Emanuel Hatzikostas, Martha Smigel, David Pratt, Bob Hamilton (Alt). Also in attendance was Peter Hughes-Director of Planning & Development.

3. PUBLIC HEARING

a. APPLICATION – #11-23 -Town of Marlborough (Applicant) Hodge Road Culvert Replacement

We are still in an open public hearing and have received LANDTECH comments dated May 3, 2024. There are no additional questions at this time, and this will be addressed as new business on the agenda.

Dave Pratt motioned to close the Public Hearing for Application 11-23 Town of Marlborough (Applicant) Hodge Road Culvert Replacement. Martha Smigel seconded the motion. All in favor, the motion passed.

b. APPLICATION - #02-24 – Greylock Property Group, LLC (Applicant)
48 Unit Multi-Family Development

Yvonne Bolton opened the Public Hearing. Mark Friend of Megson, Heagle, and Friend then presented a summary of the updates to the plans after the LANDTECH report, and comments made during previous meetings.

The key updates were:

- The access road to basin #2 is now shorter and runs behind a couple of units in the north corner and comes from a parking area. With the shorter road and less distance there is also less disturbance to the wooded areas.
- Sediment forebay added to the basins.
- Stormwater management area has changed to water chambers underground vs surface capture areas.
- The riprap area is pulled back from the edge of the wetlands so it can be installed without disturbing the wetlands.

Following the report a Question-and-Answer session began

The commission asked for clarifications on:

- Stormwater chambers in the updated plan – these are 4 chambers underground that take water from the gutters. Water is absorbed in the ground from the chamber. Any overflow exits and goes to the wetlands. This was an engineering review change.
- Basin #2 (north) is this still a wet basin – yes, it is designed as a wet basin. This basin also will have an Excluder Fence (amphibian barrier) fence surrounding it to deter this basin from becoming a breeding ground.

Public Comments:

- Ralph Urban, 10 Washington Road - raised a question regarding the special permit applications as there are two of them, one for 163 North Main St. and one for 156 North Main St. These are very different properties, and the perception that more than 50% of the land will remain open is misleading. Mr. Urban also questioned if there were different criteria for the two properties.
- Jane Boston, 64 Pettingill Road - raised a question about basin #1 near Walker Road and why it appears to be getting larger and does it still comply with Zoning regulations. There is also concern over the water wells in the area and if there would be any impact from excavation or possible blasting.

- Deborah Mund, 15 Walker Lane – her property is near basin #1 and is still concerned about the loss of trees and what will be replanted to create a barrier. In addition, if the basin was already approved why did it change?
- John Wohlfert, 117 North Main St. – Raised a concern about the new stormwater basins in the updated plan and if they will handle the water volume. Also noted that the eagle is currently nesting and has anyone been notified.

Public Comments Closed

Bill Sweeny addressed the concerns and questions raised.

- Regarding the two permits and open space set-aside, it is correct that there is two applications and the percentage set-aside calculated is just for 163 No Main St. There are different guidelines for the 156 property. This falls under the zoning regulations and is not part of the Conservation Commissions responsibility.
- Stormwater run off chambers in the updated plan are dictated by the town engineer.
- Water wells are also not in this jurisdiction but noted the soil perk test has been done and the drainage seems to be very good in that area with no ledge detected. Minimal disturbance during excavation is expected and no blasting is anticipated.
- Regarding the eagle nest, it has been identified and noted on the plans. Eagles are protected under federal guidelines and no permit is required to do work in the area. The State of CT does say that the developer should try to avoid the nest during the months of January to July, and they plan to do so per the guidelines.
- Mark Friend addressed the question on the stormwater chambers and can they handle the volume of water. These chambers have been designed to handle the initial rush and overflow will occur into the basin which is also sized to handle the volume.

Additional questions from the commission:

- A question about stormwater chambers and the overflow. Mark Friend replied the new underground chambers handle roof runoff from some buildings in the southern section and overflow from the chambers goes into basin #1. It is expected that most of the water will be absorbed into the ground, but overflow will occur with larger storms. None of the northerly buildings go into the chambers, they go directly to basin #2 on the northern end of the property which is a wet basin by design.

- Regarding the eagle nest and the setback distance of avoidance. Mr. Sweeny replied the distance is 300 ft from the nest but in this context where there are already homes in the area less than 300 feet away it is assumed the nest will not be disturbed. Also, the initial primary clearing of land in that area needs to be done in the July – Jan time frame and after that any minor work done should not be an issue. The ownness is fully on the developer to follow the guidelines and not disturb the nest.
- Question on the new plan for the access road to basin #2 on how wide it is and what are the materials being used. The road is 12 feet wide and a combination of gravel and paving on the steep section. It comes off a parking area in the northern corner. It gets used maybe twice a year for planned maintenance.
- It was also noted that LANDTECH did not require Basin #1 to be a wet pond, but could it become a decoy pond for amphibians. Not a concern or need to install the excluder perimeter fence as it is designed to only hold for very short time.

No additional questions.

David Pratt motioned to close the public hearing for application #02-24– Greylock Property Group, LLC (Applicant) 48 Unit Multi-Family Development. Martha Smigel seconded. All in favor, motion carried.

4. OLD BUSINESS

a. APPLICATION – #11-23 -Town of Marlborough (Applicant) Hodge Road Culvert Replacement

LANDTECH report received with some comments. Peter Hughes clarified the changes are to add a condition to use a non-plastic or biodegradable mating material. LANDTECH also wants monitoring of any evasive species. It is also noted that the sedimentation erosion control be installed and reviewed before work begins. All added conditions will be added as a note and detailed in the final plans.

David Pratt motioned to approve application #11-23 Town of Marlborough (Applicant) Hodge Road Culvert Replacement with the conditions outlined in the LANDTECH report. The conditions are to be added to the notes and detailed in the plans for the use a non-plastic or biodegradable mating material, monitoring of any evasive species, and the sedimentation erosion control be installed and reviewed before work begins. Martha Smigel seconded. All in favor, motion carried.

b. APPLICATION - #02-24 – Greylock Property Group, LLC (Applicant)
48 Unit Multi-Family Development

There were no further questions.

David Pratt motioned to approve application #02-24– Greylock Property Group, LLC (Applicant) 48 Unit Multi-Family Development with the following conditions: sedimentation and erosion control be in place, a pre-construction meeting be held, and that no synthetic fertilizer be used at 156 North Main St. Martha Smigel seconded. All in favor, motion carried.

With the approval of application #02-24, the commission decided to make the following recommendations.

Emanuel Hatzikostas motioned to make a recommendation to the Board of Selectman to consider purchasing the portion of 156 North Main St. that is not assigned as recreational areas by Greylock Property Group, LLC for the Lakeside condominium and designate that purchased land as open space. Martha Smigel seconded. All in favor, motion carried.

Martha Smigel motioned to make a recommendation to the Zoning Commission to consider adding the following conditions to the application by Greylock Property Group, LLC. for 163 North Main St. Preserve the streetscape and wooded space between the units and the road (N. Main) including any stone walls. For 156 preserve the streetscape along the road (N. Main) including any stone walls. Emanuel Hatzikostas seconded. All in favor, motion carried.

5. NEW BUSINESS

a. APPLICATION – #03-24 – Town of Marlborough (Applicant) South Buckboard Lane Culvert Replacement

Peter Hughes reviewed the issues with the culvert failure and road deterioration at South Buckboard Lane. The town is developing plans to repair the culvert, road, and surrounding area.

David Pratt motioned to schedule a site walk at 44/45 South Buckboard Lane on May 13, 2024, at 6:00PM. Martha Smigel seconded. All in favor, motion carried.

David Pratt motioned to set a public hearing for application #03-24 Town of Marlborough (Applicant) South Buckboard Lane Culvert Replacement to the agenda for the June 3, 2024, meeting. Emanuel Hatzikostas seconded. All in favor, motion carried.

6. OTHER BUSINESS

a. Commissioner Training

Yvonne reminded the members to send in any completed training to her when completed.

b. Shredding Event 2024

The shredding event went well. Details shall be posted on the town website and in Rivereast.

c. Wetland Enforcement Office Report - 42 Stony Brook Dr, Site Walk 04.11.24

A site walk of the property was done on April 15, 2024. The commission is waiting for the owners to send in their proposal and then a meeting will be set up to review the proposal.

7. Approval of Minutes

Dave Pratt made a motion to approve the minutes of the March 4, 2024, Regular Meeting with the changes noted. Martha Smigel seconded the motion. The motion passed.

Changes to draft minutes of March 4, 2024.

A couple punctuation, duplicated words, and spelling errors along with the following:

- *On page 2 in Ralph Urban's comments; change "156 North Main Street is the last piece of land" to "156 North Main Street is the last piece of undeveloped land."*

- *On page 3 in Attorney Sweeny’s replies change “They will in language to allow” to “They will not add language to allow permitted use on the conservation easement.”, and change “The developers will look at water issues” to “The developers will look into the water issues.”*

Dave Pratt made a motion to approve the minutes of the March 26, 2024, Special Meeting. Emanuel Hatzikostas seconded the motion. The motion passed.

Dave Pratt made a motion to approve the minutes of the April 1, 2024, Regular Meeting with the changes noted. Martha Smigel seconded the motion. The motion passed.

Changes to draft minutes of April 1, 2024.

A couple punctuation and spelling errors along with the following:

- *Page 2, change “DEP” to DEEP”*
- *Page 3, Jane Boston’s comments, change “It was stated by the commission that the dead trees issue was added to the conditions and should be addressed.” to “It was stated by the commission that the dead tree issue was added to the conditions of the conservation restriction.”*

8. Adjournment

Martha Smigel made a motion to adjourn the meeting at 8:46PM. Bob Hamilton seconded the motion. The motion passed.

Respectfully submitted,

Dave Carter
Board Clerk