



Town of Boylston Conservation Commission conservation@boylston-ma.gov
221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6127 ** Fax (508) 869-6210

REGULAR MEETING MINUTES

MAY 17, 2021

Members via Remote: Jeffrey Walsh, Dan Duffy, Mark Coakley, Chip Burkhardt

Members Absent: Joe McGrath

Others Participating Remotely: Peter Collins (Lake Quinsigamond Commission), Matt Ladewig & Anna Chase (ESS Group); John Grenier, Mike May, Owen Hall, Brian Orr, Greg Lauze (Northbridge); Larry Beals, Matt Costa & Ben Enos (Beals and Associates), Matt Marro, Colin Novick, Kelly Cardoza

Recorder: Melanie Rich

The Vice Chair opened the Zoom meeting at 7:01 p.m. and announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Boylston Conservation Commission meeting will be conducted via remote participation only. It is being recorded for rebroadcast on WBAC.

Commissioner Roll Call: Chip Burkhardt, Dan Duffy, Mark Coakley, Jeffrey Walsh

Mark Coakley made a motion to confirm June 21st as the next meeting date; Chip Burkhardt seconded; roll call vote: Coakley-aye; Burkhardt-aye; Duffy-aye; Walsh-aye; motion approved.

Dan Duffy made a motion to approve the April 26, 2021 Meeting Minutes; Mark Coakley seconded; roll call vote: Coakley-aye; Burkhardt-aye; Duffy-aye; Walsh-abstained; motion approved. Mr. Duffy made a motion to approve the May 8, 2021 Special Meeting Minutes; Mark Coakley seconded; roll call vote: Coakley-aye; Burkhardt-aye; Duffy-aye; Walsh-abstained; motion approved.

PUBLIC HEARING (continued) – 11 French Drive (Tower Hill Botanic Garden) – Notice of Intent Application and Stormwater Control Permit Application to redevelop the Tower Hill Botanic Garden main entrance off French Drive (DEP#115-425)

The applicant sent a letter dated May 3, 2021 stating that they want to rescind the French Drive Entrance Improvement Project (DEP#115-425 and Stormwater Control Permit SCP#2019-1). Mark Coakley made a motion to accept the request to withdraw; Chip Burkhardt seconded; roll call vote: Coakley-aye; Burkhardt-aye; Duffy-aye; Walsh-abstained; motion approved.

PUBLIC HEARING (continued) – 260 Shrewsbury Street (Dragon 88) – Notice of Intent Application to divert stormwater runoff from the fill slopes as well as stabilizing non-vegetated or sparsely vegetated slopes due to the former placement of unauthorized fill which impacted and created Bordering Vegetated Wetlands. (DEP#115-427).

Scott Heim (Northeast Ecological Services) requested a continuance via email. Dan Duffy made a motion to accept the request for continuance to June 21, 2021 at 7:05 p.m.; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

PUBLIC HEARING (continued) – Newton Pond (Shrewsbury/Boylston) – Notice of Intent Application to implement a long-term vegetation management plan at Newton Pond to manage dense growths of invasive and nuisance aquatic plants. Aquatic plant management actions may include herbicide and algaecide treatments, harvesting, and bottom sealing. (DEP#115-430).

Matt Ladewig & Anna Chase (ESS Group) and Peter Collins (Lake Quinsigamond Commission) attended. The third-party review prepared by David Mitchell (Certified Lake Manager) was received. The draft suggested Orders of Conditions were reviewed. Mr. Collins said his concern was with homeowner's hand-harvesting (#15). Depending on the invasives, (some of which can spread by fragments), if not done exactly right, can make the problem worse. Their plan does not include the homeowner being involved in any of the treatment. Members agreed to change "private homeowners" to "applicant" in #13 (Bottom-Sealing) and #15 (Hand-Harvesting). Mr. Ladewig's main concern was with algaecide. He said they are usually done in a couple of treatments by the applicators and have to be done quickly once the need has been identified. Not knowing if they will need algaecides at all, it would be good to have more flexibility to respond quicker to the bloom once it is diagnosed or also where they would have multiple blooms and not be limited to two treatments (#16). He said there would be enough leeway on the herbicide side, but having more flexibility on the algaecide side would be more helpful. Mr. Duffy said they may need more than two algaecide treatments in a growing season and asked how they experience the need to do that. Mr. Ladewig said every pond is different. Most of the ponds they work on don't have persistent algae problems once they start treating the plants. He thought it is unlikely they will need to do it more than once a year (or at all), but in the cases because of weather, etc., there may be more algae blooms and would want that tool to make sure that they don't go from a low-grade bloom to a severe algae bloom. Mr. Ladewig said it would be nice not to be capped. Mr. Collins explained that algae can come in and take over very rapidly. Mr. Burkhardt suggested leaving the first sentence as is and changing the second sentence to "multiple treatments are allowed per growing season as needed with property notification to the Conservation Commission". Mr. Coakley said, however, no more than two treatments per growing season. If the applicant requires additional treatments, they will notify the Commission. Dan said no more than three treatments per growing season without prior approval from the Commission. Give us the opportunity to review what they have done and what is needed going forward. #16. "If more than 2 treatments are needed, notify the Commission."

Mr. Walsh asked for public comment. Hearing none, Mark Coakley made a motion to close the public hearing; Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh abstained; motion approved. Mark Coakley made a motion to issue an Order of Conditions to include the special conditions drafted on Appendix A of the Peer Review letter dated May 13, 2021 with the following exceptions: #13–the "applicant" may install benthic barriers. #15–the "applicant" may, without limitation, hand-harvest. #16–the second sentence was amended to read "However, no more than three treatments per growing season are allowed. Any additional treatments, the applicant shall notify the Commission prior to the application." Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh abstained; motion approved.

PUBLIC HEARING (continued) – 11 French Drive (Worcester County Horticultural Society) – Notice of Intent Application to install a perimeter fence to enclose the majority of the contiguous property. (DEP#115-431)

The applicant requested a continuance. Dan Duffy made a motion to accept the request for continuance to June 21, 2021 at 7:10 p.m.; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

PUBLIC HEARING (continued) – 8 Gulf Street (Boylston CP, LLC) – Notice of Intent Application and Stormwater Control Permit Application to construct 20 senior housing units, access driveway, stormwater management facilities and associated site work. (DEP#115-xxx) Stormwater Control Permit SCP#2021-1

Chip Burkhardt recused himself from the matter. The applicant requested a continuance. Dan Duffy made a motion to accept the request for continuance to June 21, 2021 at 7:15 p.m.; Mark Coakley seconded; roll call vote: Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

PUBLIC HEARING (continued) – Lots 1 & 2 Perry Road (C J & J Consulting, Ltd.) – Stormwater Control Permit Application to construct 2 single-family houses, septic systems and associated site work. (Stormwater Control Permit SCP#2021-2)

Jeff Wash recused himself from the matter. John Grenier was present. From the last meeting, the Commission needed revised plans with the vegetation for the slope, the revised waiver request, and Graves Engineering comments. Mr. Grenier said they modified the treatment for slopes in areas where there is no stone (particularly on the right-hand lot). Many of the other areas will have 4" of loam with a curlex blanket with seed mix for permanent stabilization on any slopes that are 2:1. Mr. Duffy said the detail did not show any loam. He is asking that the detail be changed to be crystal clear what is being done so there is no question when it is not done and we question it. The Commission has been burned in the past by this applicant; it is the duty of the Commission to make sure it doesn't happen again. Mr. Grenier said they are proposing arborvitaes for screening for the basin along Perry Road and a split rail fence on the back side of the arborvitaes to run along the driveway to the end of the basin for a physical barrier to the basin along the driveway and along the frontage. Graves Engineering wanted to confirm an area of the basin that they had adequate separation to groundwater. Mr. Grenier said prep work was previously done in the basin. They hit virgin ground at approximately 8' and water at approximately 12'; the proposed basin has adequate offset; he said it has been confirmed with Mike Andrade. All areas will be loamed and seeded.

Mr. Coakley said the minutes reference a revised waiver from screening and fencing; they are now adding fencing and screening, but it doesn't encircle everything. Mr. Grenier said the only waiver they are requesting is for the location of the basin. Mr. Coakley asked if the Commission was ok accepting this plan in lieu of a formal waiver request. Mr. Duffy did not have a problem referencing it as long as the approval references the items that are not in compliance and we accept the waiver. Mr. Duffy said the easement or the lot in between the two proposed lots calls for lawned area up to a certain point. He asked if anything was proposed for stabilization of the remaining portions of the property that are not currently stabilized. Mr. Grenier said it was owned by Mike May; he will work the people he sold the lots to; further upgradient he didn't know. He's sure Mr. May will make sure it is stabilized.

Mr. Coakley asked for public comment. Hearing none, Chip Burkhardt made a motion to close the public hearing; Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh recused; motion approved. Chip Burkhardt made a motion to issue Stormwater Control Permit SCP#2021-2 with Special Condition #21–Prior to the issuance of the Permit, the applicant shall submit a revised permanent slope stabilization detail showing the surface immediately beneath the erosion control fabric; and Special Condition #22–The depth of material shall include at least 4" of loam. Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh recused; motion approved.

PUBLIC HEARING – 313 Main Street (Pond View on Main) – Stormwater Control Permit Application to construct a 94,000 square foot warehouse/storage building, driveways, parking areas, stormwater management facilities and associated site work. (Stormwater Control Permit SCP#2021-3)

The public hearing notice for the Stormwater Permit was read into record. Administratively there was an oversight and the Notice of Intent was not advertised. The Commission will only discuss the Stormwater Permit application and hear an overview of the plan tonight. Mike May and John Grenier were present. Mr. Grenier said the site is north of Frito-Lay and shares common access with them. Ross Pond is on the easterly side of the site; there is a BVW; the soils are ledgy in the back. Under previous applications, test borings were done; there are some areas that they can go fairly deep, particularly on the westerly side of the site. On the southwesterly portion there is a prominent outcropping of ledge at the top of the hill. Proposed is a 94,000 square foot commercial building with access off the driveway that services Frito-Lay. Because of the type of use (storage and warehousing area), it will have a limited need for parking; the parking area is located at the southerly end of the building with 20 parking spaces. Truck access is on the east side of the building with a loading dock area. The parking area will have a cape cod berm; catch basins and manholes will capture the runoff. Subsurface recharge is proposed for fill areas; there will be additional pre-treatment. There is a fill area on the easterly side adjacent to Ross Pond; all areas will be 3:1 slopes; the westerly side slopes will be 2:1; some will be cut into ledge. Silt fence and hay bales are proposed along the limit of work adjacent to Ross Pond; a stone apron is proposed for the driveway entrance.

Mark Coakley asked if the wetland flags are existing. Mr. Grenier said it has not been reflagged but can be refreshed. The Commission will need to confirm the resource area boundaries. Dan Duffy commented that DEP has said that the flagging has to be within three years of the application. Mr. Grenier will get the flags updated. Mr. Duffy would want another report with the updated flags. Jeff Walsh said he could get them refreshed, let us know and start the peer review on that. Mr. Coakley said DEP mentioned a comment about a stream boundary; the applicant should be prepared to deal with that when the NOI is opened. Mr. Grenier said it does show as perennial to the north of the site coming into Ross Pond. He did a quick stream stat on it and said the tributary area is not close; he is not worried about it, but will address it. Mr. Coakley asked if it is before the Planning Board and have the stormwater calculations been reviewed. Mr. Grenier said an application has been submitted to the Planning Board but it has not been heard yet and they have not received any comments from the peer reviewer.

EcoTec will be asked to peer review the resource area boundaries and comment on the scope of DEP's comments. The applicant will establish a 53G account with \$3,000. Mr. Walsh will contact EcoTec.

Mr. Walsh asked about the amount of impervious area; the plans show a 94,000 square foot building and 12,000 square feet of warehouse. Warehouse does not require parking for employees and asked if there was a typo or is there approximately 80,000 square feet of some other use that has a higher parking demand than warehouse. Mr. Grenier said it was a typo. Mr. May said the intention is to have 5,000- 7,500 square feet of office; there would be a small employee count; is more about delivery vehicles; it is largely a storage facility; the building is 94,000 square feet; the subset of the interior is approximately 87,000-89,000 square feet of warehouse. Mr. Duffy said the slopes will need something more definite with regard to slope treatment; mulch is not a permanent slope stabilization. He would also like more permanent stabilization in the front given the proximity to the resource area. He also had a concern about snow storage next to the infiltrator units that it might spill over into the wetlands. He suggested an alternative or prove that it will be contained and not flow into the resource area. Mr. Walsh said snow storage would be best on grass or a paved area. Mr. Grenier will look into it. Mr. Duffy commented on the stormceptor; it is an extensive system and will need a detailed Operation & Maintenance Plan as to what will be done on annual basis and the Commission will want an annual report for it. Mr. Coakley said when retention structures are put that close to a resource area, there are issues with spills; how could they mitigate it or turn it off to contain any spills. Mr. Burkhardt commented that Frito-Lay may have information on it. Mr. Walsh commented that said it is probably in Zone 2 of the public water supply making it a critical area; they need to be able to shut down flows.

Mr. Walsh asked for public comment regarding stormwater only. Hearing none, the applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance to June 21, 2021 at 7:20 p.m.; Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

PUBLIC HEARING – Pine Hill Drive Lot 2A (Owen Hall, NBPIII Boylston, LLC) – Notice of Intent Application and Stormwater Control Permit Application to construct a 396,375 square foot industrial building for warehouse distribution. (DEP#115-~~xxx~~) Stormwater Control Permit SCP#2021-4

The hearing notice was read into record. The Developer is Northbridge (Owen Hall, Brian Orr, Greg Lauze); the Civil Engineers are Larry Beals, Matt Costa & Ben Enos (Beals and Associates). Mr. Beals gave a PowerPoint presentation. The project location is at Routes 290 & 140; it is a warehouse distribution facility; it is 55.5 acres; frontage is on Pine Hill Drive. He showed the wetland resource areas and property line; there is a vernal pool. He said the wetlands were originally delineated by Scott Heim (Northeast Ecological Services). He said the Conservation Commission confirmed the wetland boundaries in a Determination of Applicability July 16, 2016. They verified the wetland boundaries previously mapped. The facility is 396,000 square feet; he explained where the parking and docks will be; he showed the cut and fill areas. Retaining walls will be used where they cannot use a natural grade to avoid the wetlands; there is a wetland crossing in the middle of the access road where they will use retaining walls. He explained where the wetland replication will be. The utilities are underground. Disposal waste will be directed to the area adjacent to Pine Hill Drive. In the larger parking area on the bottom of the site there will be rain garden; the parking lot sheets off the paved surface into the rain garden and discharged into the subsurface infiltration areas; there are extensive infiltration areas throughout the site; permeable pavers will be used as well as filterra tree wells. The open bottom box culvert will be incorporated into a retaining wall. He said the stream that originates on the site is not listed on the USGS map as a stream channel; it develops into a stream channel further down. He said the presumption is that if it is not mapped by the USGS, it is presumed to be intermittent. They are filling wetlands as they cross the access driveway; it is the only place they have to access the site. He also explained the ways they are protecting the interests of the Wetland Protection Act.

Mr. Duffy asked where the water line was going to be run from and asked if there was water on Pine Hill Drive. Matt Costa said there was water on Pine Hill Drive; they will connect to that. Mr. Duffy commented with regard to peer review that they took the prior wetland flagging and had the points reassessed. Mr. Beals said they took the existing info and verified it and found it to be fairly accurate. Mr. Duffy asked if we would need to have it reassessed with our consultant that it is still accurate. Mr. Walsh said it would be practical to have a peer review. He recommended using Art Allen (EcoTec) since he did the site previously. The applicant will establish a 53G account with \$3,000. Mr. Hall said construction will start after receiving approvals from Conservation and the Planning Board (hopefully in the fall); it should be completed in 8-9 months. Mr. Duffy asked how much cuts and fills were anticipated for the project and would there be a lot of blasting? Mr. Beals said there will be blasting; Mr. Enos said cuts and fills range from 40 feet of cut to 30-40 feet of fill maximum (they will provide the cubic yardage); it is designed to be generally balanced. Mr. Coakley told them to review the town's Earth Removal Bylaw; they may need a permit.

Mr. Walsh asked for public comment. Hearing none, the applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to June 21, 2021 at 7:25 p.m.; Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – Jeff Walsh recused himself from the matter. There was a site walk on May 8th; Matt Marro provided a report with recommendations. He was asked to update the report and provide a schedule for getting the work done. Mr. Marro said he has been working with his client and John Grenier to get the updates; he has not had a chance to complete them yet. He is meeting Mr. Grenier this week to review the slope areas. He is working on updating the report which he will have ready well before the next meeting. The trees in the detention basins will be removed before the end of the week according to his client. For areas that don't require more thorough engineering input, stabilization will start this week and he will update the Commission by email as

they are slated to be done between now and the next meeting, i.e., when it happened, what was used for the stabilization, what was used to do the seeding; he will provide a full chronological record as it is occurring. They will be evaluating different methods for the steeper slopes. Mr. Duffy asked if he would submit something brief within the next day or two to exactly what sections of the site they intend to address without further review by the Commission. Mr. Marro said he would submit a letter by Friday on the sites that will be addressed without further review and when they are going to be done. Mr. Duffy said we were expecting that tonight and said we would like a schedule to be able to assess progress by; we need to see action. Mr. Marro said he would have it to the Commission by Wednesday. Mr. Duffy said he does not want to wait for the June meeting; by that time, it is getting beyond the growing season. There were no residents on the call tonight.

Lilymere Estates – Jeff Walsh recused himself from the matter. Mark Coakley did a site visit and said they are using bark mulch to stabilize the slopes, and it is not loamed and seeded. He wants to get ahead of it before letting another growing season go by. Chip Burkhardt would be concerned because we have had multiple discussions on slope stabilization and we don't accept bark mulch as a permanent stabilization. He was not sure what they agreed to, but probably not bark mulch. A letter will be sent to Jim Haynes letting him know that wood chips are not a permanent stabilization. He will also be asked to attend the next meeting for an update and overall schedule for completion.

Colin Novick, Greater Worcester Land Trust – DEP#115-408 (320 Sewall Street Pine Street Extension) & SCP-2017-1 (Pine Street Extension) – Mr. Novick said they are working the Parks Commission to figure out what their vision for the site is so when they to do the site work and button things up, they'll know what they are doing; the prior owner is willing to help with the work. He will file for an extension for the Order of Conditions and Stormwater Control Permit. The GWLT has acquired the property and is holding it while the town comes up with a vision for it and applies for a grant. They are the interim caretaker of the property until it becomes a town asset. Mr. Walsh said the former owner received the permits, but never completed and closed them out. He liked the idea of doing the work once, but on the other hand it could take a long time to reach a decision. He said the site, sooner rather than later, should be completely stabilized. Mr. Burkhardt said whatever is on the plans would be the priority. Mr. Novick said the Parks Commission is looking to regrade and relevel the bulk of the site for athletic fields. He said knowing what the grades will be ahead of time would be smart as opposed to reworking the site, vegetating it, ripping it up and doing it all over again; he is trying to narrow down where they are at. Mr. Burkhardt said he did not know if the Parks Commission would have the answer or the funds to do that for years. In the interim, the property needs to be stabilized. He said it may be helpful if the Commission knew the schedule/timeframe for what he described; that way he could be given better guidance for what we are looking for. Mr. Novick said the Parks Commission doesn't have a large budget to work from, so if someone has to grade and vegetate the site and the prior owner of the site was helping, it is a cost savings. He will talk to the Town Planner and the Parks Commission to get a sense of a timeframe and let us know. Mr. Coakley said the Commission's expectation by the fall is that there should be at least 70% vegetation covering the site and it should be stabilized. Mr. Duffy said in the interim, do an evaluation of the existing erosion control measures that were installed to see if they are in place and in good condition.

Consider issuing Certificates of Compliance for Pine Street Boylston Realty: ~~DEP#115-405 (Lot 1 Pine Street)~~; 115-406 (Lot 2 Pine Street); 115-407 (Lot 3 Pine Street) – Tabled to the next meeting.

369 Cross Street (The Haven) – Kelly Cardoza (Avalon Consulting) said DEP has issued a file number. Dan Duffy commented that there was correspondence from DEP and DCR and that DEP is requiring a Water Quality Certificate; they are asking for things different from what was discussed at our meeting and asked Ms. Cardoza to explain the changes and her responses. She said the first comment was that they did not meet the stream crossing standards so an analysis was done. She said it was clear that they were able to meet the requirements and not put in a potential 8x4 open bottom culvert which would not be consistent with what is there. The culvert is 20' long and 28" in diameter; they are proposing to put in two 24" culverts and believes that DEP will accept

that analysis. She was surprised about the request for a Water Quality Certificate and said they are not proposing any dredging or putting fill in that location. She does not believe it is required and can make a formal determination on it.

As far as the DCR, they wanted to go through the DEP process first and then answer DCR questions. They cannot proceed until they receive approval from the Conservation Commission as well as DCR. She explained the analysis and detail plan she sent. Mr. Duffy asked if the temporary repair was still being proposed. She said DCR has to approve both the temporary and permanent repair, but at this point Mr. Vignaly's questions are related to whether they need both cart paths. The two paved paths that cross over the area are not only for maintenance equipment, but also for safety, so they cannot be eliminated. Mr. Vignaly also commented that many references to the rock lined channel conditions are included in the response, but those alterations to the natural wetland channel were implemented by the golf course and this is the opportunity to 'improve' conditions that have been degraded. She said this was true, but it has been there before the Wetland Protection Act. Further discussions with the DCR are needed. Once it is approved, they would attempt to do it no flow if possible. Currently there is a 4x8 metal sheet over the area for safety. Mr. Duffy felt if they are this close to a permanent repair, he would prefer to do it once. Ms. Cardoza explained the sketch with the analysis that would meet only the minimum requirements of the stream crossing standards. There is not a substantial improvement for the species in the stream because of the conditions that exist. Mr. Coakley asked if we need to do an amended Order. Ms. Cardoza said if DEP agrees with them that it is acceptable, the Commission can issue the Order previously approved. Mr. Coakley said the Commission previously approved an Order of Conditions pending a DEP file number and no objections from DEP and DCR. The Commission can issue the Order, but if the DCR and DEP change the plan, the applicant has to come back and request an amended Order. If the DCR and DEP agree to the original plan, they can move forward.

There was no correspondence or emails for review tonight.

Having no further business to discuss, Dan Duffy made a motion to adjourn; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; Walsh-aye; motion approved.

The meeting adjourned at 10:55 p.m.