



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
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## **REGULAR MEETING MINUTES**

**DECEMBER 18, 2017**

Members Present: Dan Duffy, Mark Coakley, Jeffrey Walsh, Joe McGrath, Rebecca Longvall

Members Absent: Michael Ruggieri, Chip Burkhardt

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING continued – J&M Batista Family Limited Partnership (280 Shrewsbury Street) – Notice of Intent Application and Stormwater Control Permit Application** to redevelop the site for a retail use with a 9,600 square foot building as well as associated parking and a drainage system. The building will be partly within the 100-ft buffer zone. No alteration of wetland resource areas is proposed.

James Tetreault (Thompson-Liston) submitted revised site plans to the Planning Board and Graves Engineering for review. Because they previously misidentified the zoning of the parcel, the building was moved 5-ft to the south. Graves commented on the size of flow to the wetlands on the south boundary of the site and specifically asked them to study the entrance of the culvert. Mr. Tetreault said they used Scannell's Pine Hill Drive cul-de-sac drainage info to figure out and made the infiltration structure behind the building slightly larger; it is a small portion of the total flow to the culvert; a drainage report was prepared.

Mr. Duffy said the 12/15/17 Graves Engineering letter noted some outstanding issues related to the hydrology and stormwater management. Comment #16 said to provide calculations to show that the proposed storm drain outfall riprap apron is adequately sized to erosion. Mr. Tetreault said they referred to the chart on the ConnDOT Drainage Manual and did not do any calculations. Comment #19 related to post-development subcatchment. Mr. Tetreault said 1,130 square feet is reasonable and would not make a significant amount of difference in the calculations. Regarding Comment #26, Mr. Tetreault explained that the printout from CDS showed the TSS removal as a certain rate and said it is overkill on the catch basins; it will exceed 80%. Mr. Walsh said Graves is looking for a one-line calculation that DEP is now requesting; Mr. Tetreault will provide it.

Mr. Duffy asked how they will treat Wetland U. Mr. Tetreault said they will have a 4' black chain link fence; the plans will be revised to include it. The fence will be 5' setback at Wetland U15. Ms. Longvall asked if it could be supplemented with silt fence post-construction for stabilization. Mr. Tetreault said the Commission has an Order on the restoration area and can look at what's going on in that location. The Commission will want it stabilized before signing a Certificate of Compliance. Mr. Tetreault also agreed to place Conservation wetland signs with a spacing of one sign per every 15-20 feet.

The Operation & Maintenance Plan and drainage report include the construction phase and long-term O&M, which notes the different items they have to maintain on site during construction: catch basins (inspected monthly), CDS unit (inspected monthly) and infiltration structure (observed at inspection ports). There are also instructions to look at grass and vegetative areas for deficiencies. Post-development frequency is: CDS unit two times per year; detention/catch basins two times per year. Mr.

Coakley said there are a lot of moving parts to the drainage system and suggested we receive an annual O&M report along with construction inspection reports.

Mr. Walsh made a motion to close the Public Hearing for the Notice of Intent and Stormwater Control Permit applications; Joe McGrath seconded; all voted in favor; motion approved. Jeff Walsh made a motion to issue a standard Order of Conditions for DEP #115-413 adding Special Conditions #34 that the owner shall place a 4 foot black vinyl coated chain link fence adjacent to Wetland U; #35 owner shall place Boylston Conservation metal signs upon every other post (+20-ft on center spacing); #36 owner shall provide annual Stormwater Operation & Maintenance reports by February 1<sup>st</sup> for each previous year's operation; and #37 the applicant shall address comments #16 & #26 of Graves Engineering December 15, 2017 (letter to the Planning Board) to the satisfaction of the Conservation Commission. Joe McGrath seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue Stormwater Control Permit SCP-2017-4 conditional that the Commission receives the SWPPP prior to providing the permits to the applicant; Rebecca Longvall seconded; all voted in favor; motion approved.

**PUBLIC HEARING continued – J&M Batista Family Limited Partnership (270 Shrewsbury Street) – AMEND Order of Conditions DEP#115-385 and Stormwater Control Permit SCP-2016-2 to modify the work at the culvert crossing and the wetland replication area.**

James Tetreault (Thompson-Liston) said at the last meeting they proposed to remove riprap from areas shown hatched on the plan and additional replication area to achieve a ratio of replication to alteration 1.75 total. Art Allen (EcoTec) commented he would want to see the nature of the intermittent stream channel in and out of the box culvert addressed as well as the timing. Mr. Tetreault said they revised the plan to show that all the work would be done in the spring. Art Allen asked for a detail showing post-treatment of the channel. Sheet D8 of the revised plan (which addressed the wetlands restoration note) is the only page that was changed. Mr. Allen's comment was that the restoration of the wetlands at the stream crossing should include a detail for restoration of the stream channel within the wetlands and recommended using appropriately sized, rounded "river rock" gravel and cobble for the stream bed within staked and tied coir logs defining the stream banks. There was also discussion about the drop 35-ft out from the culvert entrance; it will have to go uphill from the restoration for a reasonable transition and drop. Mr. Allen emailed that he had received the revised site plan sheet D8 (revised through 12/14/2017) and Mr. Tetreault's summary of revisions email dated 12/17/2017 and was in agreement with the stream channel restoration detail and restored stream channel location as well as the revised notes.

Mark Coakley asked about access to the wetland replication area. Mr. Tetreault said it will be through the Scannell property. Mr. Duffy asked that if it is not accessed through the Scannell property, to inform the Commission as to how they plan to access it.

Mark Coakley made a motion to close the Public Hearing for the Amended Order of Conditions and Stormwater Control Permit applications; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue an Amended Order of Conditions to DEP #115-385 Site Plan of Land at 270 Shrewsbury Street, revised December 14, 2017; Jeff Walsh seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue Amended Stormwater Control Permit SCP-2016-2 adding Special Condition #21 requiring the owner to submit an annual Operation & Maintenance report on February 1<sup>st</sup>; Jeff Walsh seconded; all voted in favor; motion approved.

**PUBLIC HEARING continued – Scannell Properties #296 LLC (Shrewsbury Street, Map 9, 12, 13, Parcel (none shown) – Notice of Intent Application and Stormwater Control Permit Application.** The applicant, on behalf of the Town of Boylston, proposes to construct roadway improvements to 1,800 feet of Shrewsbury Street (Route 140) and south of 260 Shrewsbury Street. Construction of portions of the roadway, earthwork, side slopes, utilities, and stormwater system will occur in the buffer zone. The stormwater system will be improved to handle the additional impervious surface and BMPs will be constructed on the adjacent land owned by Scannell Properties #296 LLC.

Patrick Healy (Thompson-Liston) and Greg Russell (VHB Traffic Designer) were present. Mr. Healy said they addressed the comments from Graves Engineering and EcoTec through plan revisions, additional calculations and amended specifications. Mr. Andrade's review identified an issue that requires a waiver from the Stormwater Control Bylaw. They are asking for a waiver from strict compliance with Section 7.0 I. 1 and 2 of the Rules and Regulations to allow the slope of the structural stormwater BMP to be located within 50-ft of the property line and to allow the top of slope of the pond to be located within 75-ft of the public way. The pond was reconfigured to avoid the existing drainage pipe; the disturbance would be approximately 40-ft from the property line. The detention basin top of the slope would be 23' from the pavement and 17-ft from the right-of-way. They can fit the pond but can't meet all the setback requirements. Joe McGrath noted for the minutes that these two design criteria are additional design criteria in addition to what the state specifies, and having looked at the Stormwater Bylaw Regulations, he would not have any problem approving the waiver. The preference was to construct the basin so that it was not on the pipe, and therefore the proposed location is the only place where it will fit. The other outstanding issue questioned was the drainage at the top of the watershed by the Shell station. Mr. Healy said the manhole is outside the right-of-way in the Shell station driveway; it is angled away from the right-of-way into private property, but could not find exactly where the pipe goes.

Mr. Russell said the only changes to the plan were the addition of the erosion controls to protect Wetland T and a replication plan for the east side of Route 140 which was provided. Art Allen said the organics in the wetland materials were acceptable. Scannell Properties has reached an agreement with the property owner to allow the wetland disturbance and replication work. Scott Heim is assisting them with the replication areas on the development site and Art Allen observed the finished grading and where the proposed plantings would be; they will follow the same procedure for this proposed replication area.

Related to the stormwater basin, Mr. Healy noted that this stormwater feature is within the Scannell previously approved development site and asked that the Order of Conditions for that project be amended to include that so there is only one Order on the site. Mr. Duffy said we are not any closer to the wetlands than was approved in the existing Order of Conditions. The Commission finds that it is a de minimis change within previously approval limits of work and therefore does not require an amendment to the Order. The Commission reminded Mr. Healy that this revision be addressed in the as-built and final certification for the Scannell Properties project.

Joe McGrath made a motion to close the Public Hearing for Scannell Properties roadway improvements for Route 140; Rebecca Longvall seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions for the Shrewsbury Street (Route 140) Traffic Signal Installation for the Town of Boylston, Final Design, dated October 6, 2017, revised 12/11/2017; Joe McGrath seconded; all voted in favor; motion approved.

Joe McGrath made a motion to issue Stormwater Control Permit SCP-2017-6 adding Special Condition #21 that compliance with Regulations Section 7.0.I, numbers 1 and 2 are waived per the request of the applicant (Thompson-Liston letter dated December 13, 2017); Rebecca Longvall seconded; all voted in favor; motion approved.

Mark Coakley made a motion that the Commission finds that DEP #115-393 for the proposed roadway improvements for Shrewsbury Street Route 140 as they tie into DEP #115-393, VHB plans revised 12/11/2017, the changes are insufficient to warrant the filing of an amended Notice of Intent and there is no additional impact to the resource areas on site; Jeff Walsh seconded; all voted in favor, motion approved.

**PUBLIC HEARING – 85 Sewall LLC (85 Sewall Street) – Notice of Intent Application and Stormwater Control Permit Application** for the construction of two apartment buildings with associated septic area, parking lot and grading.

Scott Goddard, Wetland Consultant (Goddard Consulting) and James Tetreault (Thompson-Liston) were present representing 85 Sewall LLC and Bethlehem Bible Church (property owner). The parcel numbers were clarified, and Mr. Goddard was asked to provide the correct cover sheet for the next hearing. The property is located in between Route 140, School Street and Sewall Street. There is frontage on all three streets; it consists of 57± acres. There is an existing house at 85 Sewall Street. The property in its entirety was before the Commission several years ago with an ANRAD; the resource areas were delineated; they were peer reviewed by Paul McManus (EcoTec, Inc.). The copy of the ORAD is included in the application.

The proposed project land is up against Route 140. Mr. Goddard explained the 10-acre portion that was rezoned by vote at the town meeting to Mixed Use Industrial (formerly Rural Residential) which now allows multi-family apartments by Special Permit. He showed and explained the resource areas. The proposed activity will include the construction of two buildings (approximately 30 units in each), three stories each with parking spaces located in the center. There will be a one-way traffic access road off Route 140 (Shrewsbury Street) and a two-way traffic road access to Sewall Street; the access road will be 24-ft wide. Because the area of the access road from Route 140 will require widening, bank areas will be impacted. They intend to replace the existing culvert on the access road to Sewall Street with an open box culvert that will be sufficient to meet stream crossing standards. The septic system will be primarily in the front field closer to the rear of the properties off Maryann Drive. The proposed work is predominantly buffer zone work but there is one proposed wetland crossing. Mr. Goddard showed the existing crossing; there is a 24-inch reinforced concrete culvert with wing walls 20-ft wide. He said the existing culvert was a bottleneck to flow through the stream, requiring the larger box culvert. The culvert was replaced approximately 5-6 years ago during emergency repair provisions per the DEP regulations.

James Tetreault said roof runoff from the two buildings and all captured stormwater runoff will go through a CDS stormwater filtration unit and then to one of two inground infiltration/detention structures. He showed where the remainder of the captured runoff from the proposed parking and access road area will go; everything is being directed through the infiltration structures. Dan Duffy asked if they had received any feedback from the Board of Health relevant to the 100-ft setback for the septic system. Mr. Tetreault said he had discussions with the agent only and will need to discuss it with the board members. Mr. Duffy asked what is the closet setback to the resource areas along the roadway. Mr. Tetreault said the toe of slope is approximately 10-ft off the nearest resource area and the curb line is approximately 25-ft off.

Mr. Duffy questioned the existing culvert Mr. Goddard said was a bottleneck to the flows getting through the area and asked if they will move the bottleneck to another area. Mr. Goddard said there is no indication that it would create a back-flooding condition from it. It is still an open channel that moves through there. He said the channel beyond it is its natural width; it is wider than 24-in. Mr. Duffy asked about the stormwater analysis that was done, what was the capacity of the pipe. Mr. Tetreault did not have the report, but described the conveyance of flow. Mr. Goddard said there is very little new flow that is picked up and showed where the functional bottleneck happens because it is a 24-in pipe. Mr. Tetreault said in the 25-year storm what flow was not able to go through the culvert was just running over the cart path. Jeff Walsh said in the 100-year storm it overtops the cart path by approximately 1.5-ft. The 24-in diameter pipe under the cart path is a restriction, but it is such a small impoundment upstream that the water level that builds up, what can't go through the pipe goes over the road; either way it gets to the discharge point according to the hydrology calculations. Mr. Walsh asked if they could do recharge for the roof runoff near the buildings rather than concentrating all the infiltration in one location. Mr. Tetreault said the soils in the building area are not suitable for infiltration.

Mark Coakley asked if any of the pre-development area is flowing to Wetland C and what the impacts will be to removing this flow. Mr. Tetreault said rain could get to the very bottom of Wetland C; it is a small area that will be changed from contributing to Wetland C now vs. the future; a very small portion will be cut off. The Commission wants to see pre- and post-development on that area.

Mr. Duffy asked if any of the project area is part of Watershed Protection District, Zone 2. Mr. Goddard said part of it is – the Commission asked for the location to be shown on the drawings. Mr. Coakley commented that some of the work in the buffer zone is close to the resource area. He would like to see an effort to pull it back. Mr. Duffy said generally for projects like this we like to see a 25-ft setback. Mr. Goddard said the grading was made as tight as they can get it. Mr. Tetreault said some of the slopes could be made steeper. Mr. McGrath asked if there would be a Homeowners Association or legal entity that will be responsible O&M and stormwater. Mr. Goddard believes that is the intent. Mr. Walsh would like to see a construction detail for the open box culvert; the culvert has to be embedded 2-ft. He would like to review the elevation details. He would also like to see some creation of shade along the stream channel if possible and would like them to consider tree planting in the buffer zone to create shade. Mr. Goddard said because there is work closer in proximity than the Commission would like, there is an opportunity to recapture long-term unmanaged revegetation along the brook. Mr. Walsh asked if they are proposing to use riprap to stabilize the 1:1 slope. Mr. Tetreault said they left the option for riprap or erosion control blanket. Mr. Walsh would not like to see riprap and suggested grass or wildflowers that would thrive in that area if it can be stabilized.

Mr. Duffy said Planning Board and Conservation use the same consultant to review the hydrology. The Commission will want a wetland scientist to review the wetland crossing. Mr. Coakley asked who owns the pond. Mr. Goddard said the entire property is owned by Bethlehem Bible Church. The pond will be resold with the house at 85 Sewall Street and connected to the homeowner. Mr. Coakley's concern is that the pond manages the wetland resource areas and will need a management plan. He would like EcoTec's opinion on how it should be handled. Mr. Goddard said they will clarify the property lines on the plan. They are meeting with the Planning Board informally on January 8<sup>th</sup>. The 53G account was discussed. The amount will be determined at the next meeting.

Debra Toule (3 Maryann Drive) asked what numbers on Sewall Street will they be going through to get to the apartments. Mr. Goddard answered that to the left of the Askalis property she will be able to see the road cut. Ms. Toule asked if the septic system will come up to her property, which the applicant

replied it will (with a setback). She asked if there would be a privacy fence. Mr. Goddard said there would be some tree removal in the back corner. Mr. Duffy explained where the Commission has jurisdiction and that the fencing would be a Planning/Zoning issue; the septic system is a Board of Health issue. Under the Wetlands Protection Act the Commission can regulate what work occurs within the buffer zone.

Steve Harding (School Street) asked how many apartments there would be; the applicant replied 60. He asked what will happen the rest of the lot going up School Street. Mr. Goddard said at this time it is not proposed for development.

The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded; all voted in favor; motion approved. It was continued to January 22<sup>nd</sup> at 7PM.

### **COMMISSION BUSINESS**

Worcester Sand & Gravel – A revised plan was submitted to Langdon Environmental for review. The revisions related to the contents of the plan, not revisions to the plan. Bruce Haskell requested details on the material that was brought in to demonstrate that it was not impacted. Mr. Trotto said at the last meeting that most of the fill was brought in from a project in Marlborough and it has been inspected and certified. The documentation has not been submitted yet.

Barnard Hill – Request to Extend Order of Conditions (Rich Chehade) – Mr. Tetreault explained the situation. Mr. Duffy said per MACC guidance, any action on an expired Order is left to the discretion of the Commission. After further discussions and since the request for the extension was made before the expiration of the Order (but not 30 days prior to the Order expiring), Joe McGrath made a motion to accept the request to extend the Order for a period of two years to December 17, 2019; Jeff Walsh seconded; all voted in favor; motion approved.

Peter Bemis to discuss Stiles Road – Mr. Bemis said he was retained by the applicant but was unaware of the November 20<sup>th</sup> meeting at which the Commission denied the NOI and Stormwater Control permits. Mr. Duffy told him the Commission had to act on the applications and because there was lack of information that was requested, and no continuance was requested, the public hearing was closed, and it was denied. Mr. Coakley informed him he would have to refile. Mr. McGrath said the Commission can waive the town fees but not the advertising fee or the DEP portions of the fees. Mr. Bemis said he has put a great deal of time into the project and asked if the Commission would consider re-opening the hearing since it has a DEP file number and he would renotify the abutters. The Commission is not aware of the DEP re-opening an application after it has been denied. Ms. Longvall suggested Mr. Bemis contact the DEP Circuit Rider for guidance and provide the Commission with the response.

Longley Hill – There are areas of Lot 9 that are not vegetated on right hand side. Mr. Tetreault was told to remind his client that the Commission will not sign off on Certificate of Occupancy permits until all work is completed and the site is stable. Mr. Ansari has yet to secure a deal with Mr. Villani (abutter to Lot 11) to purchase a piece of land to put the septic on. The Commission needs to know how the lot will be stabilized.

Stormwater Waiver Request regarding 247 Mile Hill Road (Weir) – The project proposed is a two-lot subdivision at 247 Mile Hill Road. Connorstone Engineering is requesting a waiver from the Stormwater Bylaw because physical construction of a roadway or other infrastructure has not been proposed under

**December 18, 2017 Conservation Meeting Minutes**

the approved plan. Any future development on Lot 2 would be required to obtain a Stormwater Control Permit and/or Order of Conditions if applicable. Mark Coakley said if there is not a Certificate of Compliance on the original plan, it should be requested, and we table the waiver request to the next meeting. Mr. Walsh would like to treat the Certificate of Compliance for the original work and the waiver request separately. After much discussion, a decision was made to table the request to the next meeting and request a Certificate of Compliance for the original project from the engineer.

Vouchers were approved.

Correspondence and emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated November 20, 2017 with changes noted; Duffy/Coakley/Walsh/McGrath voted in favor; Longvall abstained; motion approved.

Confirm January 22, 2018 was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Rebecca Longvall seconded; all voted in favor; motion approved.

The meeting was adjourned by unanimous vote at 10:06 p.m.