



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 AUGUST 16, 2021

Members Present: Joe McGrath, Jeffrey Walsh, Dan Duffy, Chip Burkhardt

Members Absent: Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

The Chair opened the meeting at 7:00 p.m.

Jeff Walsh made a motion to confirm September 20th as the next meeting date; Dan Duffy seconded; all voted in favor; motion approved.

Dan Duffy made a motion to approve the June 21, 2021 Meeting Minutes; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to approve the July 19, 2021 Meeting Minutes; Dan Duffy seconded; all voted in favor; 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. Joe McGrath made a motion to accept the request for continuance to September 20, 2021 at 7:05 p.m.; Dan Duffy seconded; all voted in favor; 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)

Mark Richardson requested a continuance via email. Joe McGrath made a motion to accept the request for continuance to September 20, 2021 at 7:10 p.m.; Dan Duffy seconded; all voted in favor; 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. John Grenier and Attorney Matthew Watsky were present. Mr. McGrath noted that there was a response letter from Graves dated August 11, 2021 and response letter from J.M. Associates dated July 19, 2021. Mr. Duffy said Graves comments have been addressed pending the final SWPPP. Mr. Grenier said the site is relatively flat with good soils; the drainage system captures all the runoff through a series of catch basins that go into manholes and discharge water into one detention basin located in the center of

the northerly section of the site and a larger basin on the westerly portion of the site. They are waiting to see if Graves has any further outstanding items.

Because the hearing has been continued for many months with little discussion, Mr. Duffy asked Mr. Grenier to talk about the erosion controls proposed, construction, stormwater control, phasing, stabilization, etc. Mr. Grenier said the wetland resource areas are along the rear of property lines of the abutting properties on Sewall Street. To the west and southwest there is the main wetland which is fed by an intermittent stream that runs across Gulf Street and along the northerly property line. Silt fence and hay bales will be used; a stone apron will be at the entrance. They will first clear to the limit of work, install silt fence and hay bales, bring the site to grade, construct both basins, then stabilize the interior; the exterior of the basin will be stabilized at the beginning of construction. No materials will be stored within the 100-foot buffer; stockpile areas are in the central portion of the site; sheet 7 of 9 contains the protocol for site work which will be done in one phase. Mr. Duffy asked about the material of the erosion control blanket; it is shown sheet 9 of 9. Mr. Duffy asked about the detail and treatment for the rest of the disturbed area. Mr. Grenier said it will be yard area and loamed and seeded; it is noted on the landscape plan. Mr. Duffy commented on the slope areas between the units adjacent to the wetlands. Mr. Grenier said some units have walk-outs with a grade difference of 6-7 feet on the northerly and south westerly side. The closet limit of work to the wetlands is 8-10 feet away for units 10 & 12; from the resource area is approximately 20±-feet away; the overall disturbed area is 256,000 square feet. Mr. Duffy asked the construction schedule. Mr. Grenier said to get the infrastructure in the road will take a few months; construction of the units will be market dependent.

Mr. McGrath asked why the stream is presumed intermittent when it is shown as perennial on the USGS topo map. Mr. Grenier explained that the previously approved project had provided documentation specific to this site that it did meet the criteria for a perennial stream. Mr. Grenier needs to submit that as part of his filing. DEP commented that the applicant needs to provide a signed and stamped Stormwater Checklist. Mr. Grenier said it is in the drainage report.

Mr. Walsh said basin 1 calls for a 5-foot-high black vinyl chain link; basin 4 calls for a white split rail fence. He would prefer a 4-foot-high black vinyl chain link fence for both; Mr. Grenier agreed. Mr. Duffy said the Graves August 11th letter still notes an incorrect listing on of the plans that the site is located within the wellhead district. Mr. Grenier will revise it and provide a copy to the Commission.

Mr. Duffy's concerns are the proximity to the wetland resource on the two units and the areas around the basins. The Commission likes a 25-foot setback. He said having the site open for two years (and with the issues experienced with similar projects with dust, etc.), said the Commission would need more than what we have to document that it would not be a concern; we need better control if there are issues and they are not resolved, no additional work will be allowed until they are. He asked Mr. Grenier what he plans to do. Mr. McGrath said unless it is relevant to a jurisdictional area, it would be more of a Planning Board issue. Mr. Walsh asked the applicant not to strip the entire site until ground surfaces are permanently covered and stabilized. Mr. Grenier said all disturbed surfaces shall be stabilized with mulch to provide dust control a minimum of 14 days after construction in any portion of the site and where construction has ceased and or temporarily halted unless additional construction is intended to be initiated within 21 days. The contractor is responsible for the maintenance and repair of all erosion control devices within the limit of work, they shall be regularly inspected, and any sediment removed shall be disposed of outside the wetland buffer zone. Mr. Duffy asked how we enforce it. The language is not enough to ensure the applicant follows it. Mr. Grenier said Conservation does sign off on Building and Occupancy permits and could hold off signing them; he believes there are mechanisms. Mr. Walsh said the Commission can issue Enforcement Orders, and could require through a condition, copies of the NPDES reports, but we don't have the staff to enforce it if the developer doesn't provide them on time. Mr. Duffy said maybe we need to increase the oversight by our consultants to ensure we have adequate time for enforcement issues. Mr. McGrath said regular inspections and reporting could be a condition for both the Order and Stormwater Permit.

Mr. Grenier will pull back the limit of work in areas BV5, BV6 & BV7. Attorney Watsky asked the Commission if they view the buffer to the intermittent stream an important area that they would want a wider buffer and in return let the two units that have a narrower buffer zone get approved. Mr. Duffy said it looks like the driveway swings towards the wetlands in that section and asked if there was any reason it couldn't be flipped to swing away from the wetlands; it would resolve the issue with unit 12. Mr. Grenier thought he could extend it out slightly. Mr. Duffy asked if he could rotate the unit 10 90 degrees. Mr. Grenier said he could do it, but aesthetically, frowns on doing that; he will try. Mr. Walsh talked about the two wetland resource areas and is willing to broach the subject of what's worthy of extra protection.

The chair asked for public comment; there was none. Mr. Grenier will need to provide the intermittent stream information from the previous filing, revise the plan to show both fences around the stormwater detention devices will be chain link, look at the limit of work and proximity to the wetlands for units 12 & 10 and also some possible minor changes to the road. Mr. Grenier requested a continuance. Dan Duffy made a motion to accept the request for continuance to September 20, 2021 at 7:15 p.m.; Jeff Walsh seconded; McGrath/Duffy/Walsh voted in favor; motion approved (Burkhardt recused).

PUBLIC HEARING (continued) – 313 Main Street (Pond View on Main) – Notice of Intent Application and Stormwater Control Permit Application to construct a 94,000 square foot warehouse/storage building, driveways, parking areas, stormwater management facilities and associated site work. (DEP#115-432).

John Grenier and Mike May were present. Mr. Grenier gave an overview of the project. They are proposing to cut the westerly side; there is ledge in the area; there is a large amount of soil before reaching the ledge. A 2:1 slope at the toe slope is proposed as requested by Graves Engineering; a toe drain is proposed at the base of the slope. They are flattening an area to accommodate parking and loading areas on the easterly side of the building; beyond that is a 3:1 grassed slope. Mr. Grenier said Graves Engineering is in agreement with the design and drainage. With regard to the intermittent stream status, he did provide a copy of the analysis. This was a site that was previously approved. Natural Heritage provided a letter confirming there would be no impact from the project. The 2:1 slope will be stabilized and stone lined; the 3:1 slope will be stabilized, loamed, and seeded.

Mr. Duffy said there was an outstanding comment on soil testing. Mr. Grenier said they will be doing some confirmatory testing. The Commission will make that a condition. There was also a comment about a fence around the dumpster. Mr. Grenier said it is a compactor and will be fed from inside the building; a condition will be added. The Commission did receive the Graves Engineering letter dated August 9, 2021 as well as EcoTec's July 21, 2021 letter.

The chair asked for public comment; there was none. Jeff Walsh made a motion to close the public hearing for the NOI and Stormwater Permit applications; Joe McGrath seconded; all voted in favor; motion approved. Jeff Walsh made a motion to issue Order of Conditions DEP#115-432 with standard conditions and Special Condition #35. Soil testing as described in the Graves Engineering letter dated August 9, 2021, page 3, item 16 (attached) shall be performed prior to the start of work. Dan Duffy seconded; all voted in favor; motion approved.

Joe McGrath made a motion to issue Stormwater Control Permit SCP#2021-3 with standard conditions and Special Conditions #21. Soil testing as described in the Graves Engineering letter dated August 9, 2021, item 16 (attached) shall be performed prior to the start of work. #22. Any non-compacting trash container, have a volume greater or equal to 1 cubic yard, shall be enclosed by a fence capable of capturing wind-blown trash. Dan Duffy seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – 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

Todd Morey (Beals & Associates) and Owen Hall (Northbridge) were in attendance. There was discussion at the last meeting about a phased construction plan; it has been submitted; Mr. Morey explained the process. Previously there was approximately 10,000 square feet of replication area. It has been scaled down to 6,000 square feet with 4,900 square feet of disturbance. Mr. Duffy asked about temporary stormwater controls. Mr. Morey showed the temporary basins location. They will be providing a control set of documents after receiving all final approvals. With Commission concerns being addressed, the chair asked for public comment; there was none. Jeff Walsh made a motion to close the public hearing for the NOI and Stormwater Permit applications; Joe McGrath seconded; all voted in favor; motion approved.

Joe McGrath made a motion to issue Stormwater Control Permit SCP#2021-4 with standard conditions and Special Conditions #21. Limits of work shall be completely flagged prior to land clearing. #22. Phasing of work shall be per plans dated August 4, 2021, pages CP-1, CP-2, and CP-3. #23. EPA NOI and SWPPP will be provided to the Commission prior to construction. #24. SWPPP inspections shall be performed bi-weekly and after rain events and shall be provided to the Commission within one week of inspection. Dan Duffy seconded; all voted in favor; motion approved.

Chip Burkhardt made a motion to issue Order of Conditions DEP#115-434 with standard conditions and Special Conditions #35. Limits of work must be completely flagged prior to tree clearing. #36. Wetland and buffer restoration and wetland work must be completed in the first phase of the project. Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – 160 Shrewsbury Street (Nicholas Smith, Route 140 RW LLC) – Notice of Intent Application and Stormwater Control Permit Application for development of two industrial buildings totaling 680,400 square feet. (DEP#115-xxx) Stormwater Control Permit SCP#2021-5

Lauren Gluck, Wetland Scientist (Pare Corp) and Brittany Gesner, Project Manager (VHB) were in attendance. Since the last meeting there was a site visit with Art Allen (EcoTec) and they looked at the areas of concern. Mr. Allen's August 10, 2021 letter was reviewed and addressed. Ms. Gluck said all changes will be shown on a revised set of plans (VHB is currently working on them). Regarding Area 5 (Vernal Pool), it was delineated in April. When they went on site, the water levels were much higher (higher than the wetland line). There is a new beaver dam above where they had delineated hydric soils. They are redesigning the access with the goal to stay out of the wetlands and vernal pool. They will explore beaver management options and provide a beaver management plan to the Commission to curb the issue. Areas of the parking lot will be moved outside the 25-foot buffer zone. Regarding part of the stream that may be a bypass channel associated with Sewall Brook, Ms. Gluck said it is not a mapped perennial stream and asked the Commission to agree with their assessment that it is not part of Sewall Brook. Although Art Allen's report requested documentation be provided that it is not perennial, she thought because it is not a mapped perennial section of the stream that they would need to do that. In Area 1, Mr. Allen noted that a "finger-like projection" of wetlands extends into the proposed location of Building No. 1 and should be field delineated and located on the project plans. Ms. Gluck said no stream or wetland had been identified with the previous filing. It's possible when the silt fence was trenched, they disturbed the vegetation and it's acting as a shallow drainage swale that may occasionally pass runoff down slope. Their argument is that it is not a jurisdictional area; it is a drainage swale at best. Mr. Allen has not yet responded. A site visit is needed.

Ms. Gesner showed the locations that will result in loss of parking due to pulling the project out of the 25-foot buffer zone. They will not be able to do that in previously disturbed areas of the basin and driveway. They attempted to reroute the road to pull it outside the 25-foot, but the substantial growth of the wetland, due to the beavers, makes it nearly impossible to do that; they will do what they can to pull it outside the wetland limits. She did ask if the Commission was amenable to issuing the Stormwater Control Permit subject to staying outside all potentially jurisdictional areas in order to start site work so the building can be opened by the end of 2022. The Earth Removal Board issued a permit to begin work on September 1st. Mr. Duffy said potentially jurisdictional

areas if the upper stream was perennial would be riverfront area and if the finger in the middle of Building No. 1 is jurisdictional, there is a 100-foot. Ms. Gesner said they would stay out of even the potentially jurisdictional areas. There was discussion on how it could be documented. An amendment to the permit will be required.

The applicant requested a continuance. Jeff Walsh made a motion to accept the request for continuance for the Notice of Intent to September 20, 2021 at 7:20 p.m.; Dan Duffy seconded; all voted in favor; motion approved.

Joe McGrath made a motion to close the public hearing for Stormwater Control Permit SCP#2021-5; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue Stormwater Control Permit SCP#2021-5 with Special Conditions #21. Work on site may only be performed in WPA non-jurisdictional areas as shown on plan dated August 16, 2021 titled "Limit of Disturbance Plan". #22. All limits of disturbance will be delineated prior to any construction. #23. Applicant will regularly monitor all work to assure compliance. #24. Any additional work will require a revision to the Stormwater Control Permit filed with the Commission. Dan Duffy seconded; all voted in favor; motion approved.

PUBLIC HEARING – 11 French Drive (Tower Hill) – Notice of Intent Application for proposed entrance driveway improvements. (DEP#115-xxx)

The hearing notice was read into record. Rob Lucier (CNG Environmental) and David White (Tower Hill) were present. There are bordering vegetated wetlands on both sides of the driveway. The area to be improved is within the 100-foot buffer as well as the 200-foot Watershed. Existing conditions were explained. They propose to remove the kiosk and granite curbing; it will be a two-lane driveway entering the site. There is an issue with vehicle queuing on French Drive. The present gate will be replaced with an electronic gate; they are proposing wooden guardrails 1-1.5 foot off the pavement at the bottom to deter parking; they are keeping the turnaround area. An exhibit area with crushed stone is proposed. There is an existing swale and a landscape plan showing plantings in the area. They have filed with DEP and DCR. DCR comments related to planting enhancements inside the basin and driveway grading changes; they want a note stating there are no changes to the driveway grading. DEP commented they want a stormwater report. Mr. Lussier said they are proposing a reduction in impervious area; they did not include a full Hydro CAD stormwater model because they did not think it was necessary; there are existing stormwater controls on the area. Mr. Burkhardt said the Commission wants it documented. If they are removing certain structures and reducing the impervious surface it may not be required, but if DEP has requested it, did not think a narrative would be sufficient. The Commission's preference will not supersede what the DEP is asking for. Mr. Walsh talked about the ten stormwater standards they have to meet. Mr. Lussier will follow-up with DEP.

Mr. Duffy commented on the existing and net reduction proposed and asked what the stabilization was proposed for the area within the hay bales and outside guardrail. Mr. Lussier said it will be loamed and seeded. Mr. Duffy said the proposed rain garden planting area is a stormwater feature that was created as part of the road construction; they need to understand the design of it before altering it. Mr. Duffy would like to see more detail on it before approving it. Mr. White said the intent is to make a safer entry off French Drive and enhance what they represent going up the driveway. Mr. McGrath asked if they had been to the Planning Board; Mr. Lussier did not think it was jurisdictional to the PB. It was suggested they contact the Town Planner for confirmation. The chair asked for public comment; there was none. The applicant requested a continuance. Joe McGrath made a motion to accept the request for continuance to September 20, 2021 at 7:25 p.m.; Dan Duffy seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – Jeff Walsh recused himself from the matter. Mr. McGrath attended the Planning Board meeting and expressed the Commission's concerns about the lack of progress over the years and the Planning

Board requested a joint meeting with the Commission to discuss the next steps regarding enforcement. Nina Gardner will coordinate it. There are nine Orders that the Commission approved to extend for one year on 6/22/2020; they were never recorded. Mr. Anttila said Mr. Haynes did spread seed on the hills on July 26th.

Culvert Replacement on Stiles Road – Mr. Burkhardt explained that a call was received from Steve Mero (Highway Superintendent) months ago that the culvert was collapsing and was afraid it would wash out the road. Mr. Burkhardt gave him verbal permission to start replacement; the work is not complete yet. Mr. Mero needs to appear before the Commission to document the emergency approval. Mr. Burkhardt will follow up.

LDC August 4th Update – A letter dated August 4, 2021 was received from Wayne Belec (Land Design Collaborative) regarding the Enforcement Order on Stiles Road. Mr. Belec said they did not have enough time to submit an NOI; the Commission agreed to extend the time to the September meeting.

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) – Jeff Walsh made a motion to issue a Certificate of Compliance for DEP#-405 (Lot 1 Pine Street); Joe McGrath seconded; all voted in favor; motion approved. The others were tabled to the next meeting.

Review Draft Stormwater Rules & Regulations – The document was edited as follows: Page 7; Section C; Item 3a – Application Fees. The Commission would like to raise the application fees to \$100 for up to 2 acres, and \$200 for 2 or more acres. Page 8; Section C; Item 4a.iii – The additional fee for services should be raised to \$50 per hour. Page 19; Section N; Item 1.b Compliance with Federal and State Permits – The Commission would like to retain this section in the regulations. Page 24; Section I; Item 1 – Stormwater Management Design Standards: Per your question, please require hoods for Catch Basins on industrial and Commercial sites. Please also include the check for LUHPPLs and any solid/hydrocarbon impairment. There are no additional standards to include. Page 32; Section 10 – Surety. In the second paragraph, the second sentence, the words “Board of Health” should be changed to “Conservation Commission”. Page 35; Section 12 – Certificate of Compliance: Paragraph A should be changed to read: “... by submitting As-built plans stamped and signed by a Professional Engineer to the Conservation Commission. The Applicant must also identify any deviations from the Approved Plan on the As-built and provide evidence that these deviations do not materially impact the approved project. The Applicant shall also provide regular inspections sufficient to adequately document compliance.” Mr. McGrath will forward the edits to Cassandra and Emily at Tighe & Bond and hope to have a clean copy to vote on at the next meeting.

Correspondence/Emails: No additional correspondence tonight.

Having no further business to discuss, Dan Duffy made a motion to adjourn; Joe McGrath seconded; all voted in favor; motion approved.

The meeting adjourned at 10:30 p.m.