



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

### **NOVEMBER 16, 2015**

Members Present: Mark Coakley, Jeffrey Walsh, Chip Burkhardt, Rebecca Longvall

Members Absent: Joe McGrath, Shannon Holgate, Dan Duffy

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING continued – SAC Realty, LLC (200 Shrewsbury Street) – Notice of Intent Application and Stormwater Control Permit Application to expand the parking lot, upgrade the septic system, and install a drainage basin in the riverfront area.**

Renee McDonough (Goddard Consulting) said at the last meeting the stream was documented as intermittent; they have reconfigured the riverfront and revised the NOI to reflect that. Photos have been added to the stream calculations. The riverfront area has been revised to 113,327 square feet with 51,959 square feet in the inner riparian zone and 61,368 in the outer riparian zone. She explained the imagery showing the existing conditions. The stormwater basin is new; parking is reduced. The question was how does this comply with the Wetlands Protection Act; how can they get the project completed and in compliance? They are calling it a previously developed area which has to comply with the requirements of 310 CMR 10.58 a-g. “redevelopment within previously developed riverfront areas”: (a) they do believe it is an improvement, there is a stormwater basin that is not there now, they have a native planting area and reduced pavement; (b) Quinn Engineering has provided stormwater management; (c) they are a little close to the river because of the parking lot; (d) they do have some portions outside the riverfront area; (e) currently the existing degraded is about 30%, the new work will only be 3% more. Because they could not fully meet c, d and e, they have to meet f and g. (f) they are removing 9,000 square feet of debris; 7,000 square feet will be converted to stormwater basin; part stormwater basin and native planting area of 1,800 square feet. Once the debris is removed, it will be restored with a native shrub and seed mix. They were not able to fully make up 1:1 restoration, but that could be made up in g. (g) she believes they are doing that with the stormwater basin.

Chris Keenan (Quinn Engineering) said the plan was revised per Graves Engineering’s comments. He was asked the status of the site; is it a LUHPPL (Land Use with High Potential Pollutant Loads) site which requires an oil and grit separator? He said he does not feel the site is a LUHPPL site, but because they do have a fleet operation there, an oil and grit separator is proposed to the stormwater treatment. Jeff Walsh said in his opinion it is a LUHPPL because there is fleet storage and maintenance. They propose to fill in the gap and cut back the pavement by approximately 3,000 square feet. An asphalt curb will be installed as well as a 6’ chain link fence. The proposed parking spaces that were close to the resource area have been cut back.

Mr. McManus said what it comes down to is that you are dealing with the Redevelopment Section of the Regulations [310 CMR 10.58(g)] which is complicated. Does the change in the site represent an improvement with respect to resource area protection? The largest factor in reaching a positive conclusion is the stormwater management because there is a lot of asphalt and if it's not this applicant, someone else will use the property and there is no treatment of any kind at the moment. They brought treatment up to the current stormwater management standards; a net improvement in terms of resource area protection. In balancing that with terms of negatives, there is a small area on the south side where additional paving is proposed (undeveloped area currently) which is close to the wetlands; not within the riverfront, but in the buffer zone. Much of the parking lot at the bottom is open and unvegetated; it has all been historically altered in some fashion; there is a removal of vegetation and replacement with pavement, but it is not a natural situation there. The Commission is left with weighing that. Under the regulations, do we think the project as proposed is more protective of the resource area in general (than the existing conditions)? If so, we can approve it. The finding needs to be made in order to approve the project. They have satisfactorily answered Mr. McManus' questions. He asked them where the roof drainage was going and to clarify what's happening. Mr. Keenan said the front portion of the building has a sloped roof that runs to the ground; the remaining portion of the building has a downspout on the outside of the building which goes underground, and some interior drainage goes into the building and under the foundation; there is a single 12" corrugated culvert outlet.

Mark Coakley reminded those present that the Commission "may" permit it; not "shall" permit it; it is a judgment call and not mandatory that the Commission approve it. Chip Burkhardt made a motion to close the Public Hearing; Rebecca Longvall seconded; all voted in favor; motion approved. Mark Coakley made a motion that we issue a finding that the project causes no significant adverse impact; Chip Burkhardt seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue an Order of Conditions with Special Conditions #34 stating that the applicant shall submit an annual report in perpetuity on the Operation and Maintenance of the Stormwater management system to the Conservation Commission; and #35 the applicant shall submit an annual report to the Conservation Commission on the status of vegetation restoration for a period of five (5) years; Chip Burkhardt seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue Stormwater Control Bylaw Permit SCP#2015-3; Chip Burkhardt seconded; all voted in favor; motion approved.

Steve Sears (David E. Ross Associates) – Informal discussion regarding 114 Nicholas Avenue (Ken Rondeau) – Mr. Sears & Mr. Rondeau were present to get a general idea of what can be done before submitting an NOI. There was a lot of debris and fill; Mr. Rondeau regraded it; he did not remove any trees. Mr. Sears did some test holes in October to see what he was dealing with. His thought was that some of the new fill can be pulled out, a replanting done, and put up boulders. Members would be fine with a 4x4 cement or granite post with a conservation marker. The footpath will also want to be re-established; some sort of removal and demarcation for the jurisdictional area, natural plantings and natural growth. Include any repairs to the dock and the footpath in the filing. Jeff Walsh said there are two issues; one is filling in a floodplain; the other is whether a BVW was filled. Regarding the floodplain, it is not necessarily BVW, it could be upland; the equivalent of the new fill could be removed and a surface established to vegetate; it would change the shape of the floodplain line because it is based on an elevation. With respect to re-growing wetland vegetation, it looks like the ground water might be deep enough that may

or may not be conducive to growing wetland species. They were asked to try and reclaim the cattail areas. Mr. Sears will take the information back and prepare a NOI.

Sherry Fuller – Informal discussion regarding open Orders of Conditions DEP #115-229 and DEP #115-244 – Sherry and Bobby Fuller attended to ask what they could do (both Orders have expired). Water comes down into Plot C; Mr. Fuller thought it was supposed to go to the replicated wetlands on the right. The roadway now has drains and they are asking to bring Plot C up to the height of the road so the water goes to where it was intended; the drainage was never done. Since the Orders are expired, they will have to file a new NOI and submit plans. They were advised to contact the engineer (Thompson-Liston) for assistance.

**PUBLIC MEETING – Worcester Donuts, Inc. (270 Shrewsbury Street) – Request for Determination of Applicability** to install leaching trenches to replace the existing leaching pits.

James Tetreault (Thompson-Liston Associates) represented Worcester Donuts. They propose to install a leaching area to serve the facility and replace the leaching fields that are on fill and ledge. Deep holes were done in May and September at which time the native fill was still moist. Hay bales and silt fencing are proposed. Mr. Tetreault said at the time of the filing he thought it was owned by John DiPilato but it is actually owned by Worcester Donuts. He submitted a deed showing ownership (JM Batista Family LLP) which is a part of Worcester Donuts. Chip Burkhardt made a motion to issue a Negative Determination by Reason #3 and to install erosion and sediment control measures per the Thompson-Liston plan dated October 28, 2015; Mark Coakley seconded; all voted in favor; motion approved.

**PUBLIC HEARING – Boylston Public Library (695 Main Street) – Notice of Intent Application** for proposed site work to expand the existing paved parking area, create a second driveway curb cut, make landscape improvements and install a stormwater system in the 100 foot buffer zone.

Patrick Healy (Thompson-Liston Associates) was present along with Library Trustees. Mr. Healy said they plan to do internal renovations, part of which includes lowering the basement floor. There will be a grade change at the rear of the building and the parking lot expanded to allow 25 parking spaces; part of the parking area is within the 100' buffer zone. There are two parcels; one is 1 acre and the other is ½ acre; the work proposed is on the 1 acre parcel. Test pits were done for stormwater design. They propose to expand the parking lot in the southerly direction, raise the grade to match the grade of the existing parking lot, and also propose a stormwater collection system consisting of two catch basins going to an underground system of perforated pipes and crushed stone bed which gets them close to meeting the DEP guidelines for stormwater as far as meeting the requirements for infiltration, treatment and protective measures that are in place. DEP requires 44% pretreatment; they are at 43.8% and feel that is adequate for such a low use on the property. ESC will be at the limit of work; there be a temporary stockpile area outside the 100' buffer zone; a small temporary settling basin will be there; proposed work will be 45' from the wetland boundary. Restriping will be done to meet the dimensional requirements of the ADA; a one-way traffic pattern will be developed; the piped system will function to the 25 year storm; beyond that there will be an overflow system discharge. Where the grade of the door is being lowered, they will grade to blend it in with the driveway. There is a paved apron that collects roof runoff; they propose to put two extensions to the concrete aprons.

Snow storage area is on the southerly part of the driveway. Stormwater calculations were provided.

Dick Prince (Cottonwood Place) was concerned about the amount of water that would come from the area and where will the snow go? Mr. Healy explained that a landscaping strip is proposed at the back of the parking lot for snow storage; the slope is 3:1, and it blends in on the property before it gets to the stone wall. Regarding oil drippings, the runoff from the new paved area will be collected into a catch basin; it will have a trap on it so no floatables can get into the pipe. It will be maintained by the town.

Jacqueline Moore (1 Scar Hill Road) said the library backs on to her leach field and was concerned about water in the leach field and in her garden; she doesn't want any damage from water or runoff coming into her basement. Mr. Healy said the work is proposed at the rear of the library, the floor has been lowered by 1 1/2', the door and walkway would be lowered, reducing the grade. Chip Burkhardt said it is the same volume of water but it will be directed differently away from the building. The Commission would like to review the Graves Engineering peer review report as well as have a site visit. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Rebecca Longvall seconded the motion; all voted in favor; motion approved. It will be on the December 21<sup>st</sup> agenda at 7:00 p.m.

**REQUEST TO AMEND ORDER OF CONDITIONS DEP #115-356** – Act upon the request to alter the extent of the work proposed in the 100' buffer zone and as previously permitted and conditioned by the Conservation Commission to provide a paved parking area on the north side of the building by amending Order of Conditions DEP #115-356 issued to Charlies Jasiak, 730 Main Street.

Patrick Healy (Thompson-Liston Associates) and Kevin Allen were present. Last month paving the lot was discussed but the Commission needed stormwater calculations. Mr. Healy said they made a design that works with the site. It provides a reasonable level of treatment and allows them to do what they want to do. He has pulled the edge of the parking in and will put in a berm which will go into a grass swale and go over a spillway on the existing ground to get the discharge as far away from the wetland boundary as possible. There will be a sub-drain in the grass swale leading to the existing stone infiltration trench. It is a high ground area with not much vertical space to work with to do any kind of recharge; the existing infiltration trench is in place and functioning so he tried to keep that as the infiltration measure and to put a grass swale in as a pretreatment measure. Mark Coakley was concerned with what was going to keep them away from driving into it because there is no fence. Mr. Healy said the grade has been raised by 1' to get the water to flow. It was suggested that because there is a 2' drop and no lighting, curb stops should be considered. Mr. Healy wanted to make a change to one of the details he submitted--the concrete overflow spillway. Since it is late in the year to do that, he devised one that will work with a three-phase erosion control mat and asked for the Commission's consideration. The Commission accepted the change. Chip Burkhardt made a motion to amend existing Order of Conditions DEP #115-356 dated March 20, 2012 with all previous conditions remaining the same; Mark Coakley seconded the motion; all voted in favor; motion approved.

**COMMISSION BUSINESS**

Vouchers were approved.

There was no correspondence or emails for review.

Chip Burkhardt made a motion to approve the Meeting Minutes dated October 19, 2015; Rebecca Longvall seconded; all voted in favor; motion approved.

December 21<sup>st</sup> was confirmed as the next meeting date.

120 Nicholas Avenue Update – A site visit was conducted November 14<sup>th</sup>; the owner was told to file a Request for Determination of Applicability.

Chip Burkhardt received a call from Steve Mero regarding the tree clearing for the Highway Garage. Bill Manter (Planning Board) thought they took down too many trees. Mr. Mero said they did ask the tree company to take down a few extra trees because after taking down the discussed footprint of trees in the buffer zone they noticed there were some that were going to hang over. He thinks Mr. Manter was more concerned with the left side of the road where the skidder went down and took out three trees right up against the wetland flags. The Light Department wanted to run new poles down the left side (the existing poles are on the right). In talking to Mr. Mero, some of the trees were rotted in the middle and there was concern that in the future those trees would come down and block the driveway. It is concerning that they did take the skidder and took down trees against the wetland buffer line, but it appears it was done for safety reasons. Mr. Mero said it was himself and the Town Administrator who instructed the tree company to take them down.

Mark Coakley said one of the residents on Rocky Pond Road received a notice from the DEP Dam Safety Office saying that they needed to repair Rocky Pond Road; DEP indicated they did not need to take any action to fix the dam since the town maintains the culvert.

Mark Coakley made a motion to adjourn; Chip Burkhardt seconded the motion; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 9:35 p.m.