



Town of Boylston Conservation Commission conservation@boylston-ma.gov
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REGULAR MEETING MINUTES

SEPTEMBER 21, 2015

Members Present: Mark Coakley, Joe McGrath, Jeffrey Walsh, Dan Duffy, Chip Burkhardt, Shannon Holgate, Rebecca Longvall

Members Absent: None

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING continued – Thomas Mann, Landscaping Etc., Inc. (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.

Scott Goddard; Renee McDonough (Goddard Consulting), Chris Keenan (Quinn Engineering) and Paul McManus (EcoTec) were present. Mr. Goddard submitted updated site plans and explained the changes. The design has not changed, but some of the on site features have. He said his response to EcoTec's letter will have to take into account that they have been monitoring the streams on site. One stream has dried up to flag GC9; they have monitored it for a month and supplied documentation which he said now changes the riverfront standards. He is working under the presumption that it is an intermittent stream. Joe McGrath said that just because it is running dry in a low flow period doesn't mean it is instantly an intermittent stream; it has been classified as a perennial stream for years. Revised pages listing the correct entity, SAC Realty, LLC, were received. Mr. Goddard said the standards in the regulations talk about how a stream is determined to be perennial and intermittent; the perennial presumption. He explained the cycles of streams and the conditions. He is reporting that there is no water within the two stream channels; it resumes at GC9. Jeff Walsh asked Paul McManus (EcoTec) to review what was submitted tonight. The project footprint has not changed, but now with the riverfront area changed, the land in the back is no longer riverfront area; it would be potentially developable land in the future. A revised analysis will need to be done.

Mark Coakley said it is a significant change to the original NOI and was confused as to what is what and can't make a determination on the resource area tonight. Jeff Walsh does not feel comfortable acting on the resource area tonight. Dan Duffy asked how much of an impact there would be; Mr. Goddard said the analysis does not change much; it will now focus on the edge of the pavement and the plateau. The total amount of work in the riverfront is decreased. Chris Keenan (Quinn Engineering) showed where they are proposing to work (east of the garage and south of the existing building). He provided stream stats on both of the streams dated April 24, 2015. Graves Engineering has not completed their review for the Planning Board. Mr. Keenan said they did receive a comment letter from Graves Engineering and addressed the comments on the design of the stormwater basin, primarily that they have an infiltration basin on top of "D"

soils. He said one of the major changes is that it will remain in the same spot but will function as a detention basin. They do not have an area where they can provide recharge on site and have not provided recharge as part of the project. There will be approximately 6,000 square feet of pavement on HSG soils that would not be recharged in accordance with the Wetlands Protection Act; they would be providing stormwater management. The roof drains discharge in wetland 8.23; all of the existing pavement drains in the natural direction towards the wetlands. They propose installing catch basins and manholes through the existing paved areas and proposed paved areas. An asphalt berm will be installed on the low side of the parking lot.

Paul McManus said the regulation deals with the process - 10.58(2)(a)1.d. - and said that is the first question the Commission needs to think about...do any of the exceptions apply; the regulations tell you what finding you shall make. Chip Burkhardt made a motion to continue the evaluation of the plans that were submitted tonight using EcoTec to review the plans; Joe McGrath seconded; all voted in favor. Mr. McManus said that Mr. Goddard would be submitting a new numerical analysis of what their findings would indicate. Dan Duffy had some concerns with the proximity of the work in the southwest corner to the wetland areas. Mr. Keenan said the reason it is proposed is to maximize every inch of pavement; they have a lot of equipment to store. Steve Christy said he can't see that area being used because it is too small to store trucks. The biggest concern is the gate on the corner and trying to get trucks in (so they have the width to do that). Jeff Walsh would like them to take a look at see what will work for them (he is not in favor of zig zag lines up to the wetlands) for better protection of the wetlands. Chip Burkhardt is concerned about the runoff that supports the wetlands now since they will be taking water away. Joe McGrath asked if the limit of degraded riverfront area and previously developed riverfront area been addressed. Mr. Goddard said at the last meeting it was questioned whether it qualified as a redevelopment project or not and wants to see if the Commission is in agreement that they are doing the analysis as a redevelopment project. Mark Coakley said it is probably a redevelopment project, but the extent to which it is degraded is not is not settled. Jeff Walsh feels it is a redevelopment in that there has been a lot of riverfront disturbance. Mr. Keenan said Graves has not issued a final review. He said the Planning Board closed and approved the project at their last meeting with the requirement that they receive a satisfactory letter from Graves. Mr. Goddard went back to the revised NOI comment. Jeff Walsh said that he should provide the packet to the Commission and DEP and provide an affidavit of proof. Mr. McGrath made a motion that the applicant provides a revised NOI to the Commission. Mr. McManus commented that there are two meanings to that; one of the issues in terms of a revised NOI is if the project itself changes from what was advertised; he does not think that part has changed. What clearly has changed are the numbers on the forms, i.e., how much riverfront is on the site and area calculations. He said it is good practice for the Commission to have the NOI that reflects what the plan shows. Mr. McGrath said he wants the filing in our files to be as close to the reality of the project proposed. He revised his motion to say he does not believe the applicant has to re-advertise and re-open the Public Hearing, just submitting an amended NOI application along with the additional information is sufficient; Dan Duffy seconded the motion; all voted in favor; motion approved. The applicant requested a continuance. Joe McGrath made a motion to accept the request for continuance; Dan Duffy seconded; all voted in favor; motion approved. It will be on the October 19th agenda at 7PM.

PUBLIC HEARING continued – MA Department of Conservation and Recreation (West Boylston Street/Route 140) – Notice of Intent Application proposing stormwater and transportation improvements along the project limits to improve water quality and reduce the potential impact of accidental spills and releases to the Wachusett Reservoir and Stormwater Control Permit Application proposing stormwater improvements to the roadway, including catch basins and roadside swales, and construction of stormwater quality basins on adjacent lands of DCR to eliminate direct discharges to the reservoir and reduce the potential impact of accidental spills or release within the project limits.

Jeff Walsh recused himself from the matter. Joe McGrath read the Stormwater Application notice into record and opened the Public Hearing. Dan Duffy made a motion to approve the waiver to Section 9.01 of the Stormwater Control Bylaw Regulations and approve a Stormwater Permit; Joe McGrath seconded the motion; all voted in favor; Jeff Walsh abstained. Because the Stormwater Permit was waived, it does not have to be issued. Mark Coakley made a motion to close the Public Hearing; Joe McGrath seconded the motion; all voted in favor; Jeff Walsh abstained. Mark Coakley made a motion to issue a standard Order of Conditions for DEP#115-379; Chip Burkhardt seconded; all voted in favor; Jeff Walsh abstained. Rebecca Longvall made a motion to close the Public Hearing; Chip Burkhardt seconded the motion; all voted in favor; Jeff Walsh abstained.

PUBLIC HEARING – Town of Boylston (off Elmwood Place) – Notice of Intent Application and Stormwater Control Permit Application to construct a new highway department facility.

JP Parnas; Alyssa Peck (Weston & Sampson), Steve Mero and the Town Administrator were attendance for the project. The notice was read into record. It is a buffer zone only project. The proposed work includes clearing and grubbing, construction of a 14,600± SF pre-engineered metal building, a 2,400± SF salt storage fabric structure, full depth pavement construction and curbing, new closed drainage system, new cement concrete sidewalks, pavement markings, signage, loam and seed, site utilities, new septic system and other incidental work. A majority of trees will be removed; the back of the site will be enclosed with a security fence; the existing water line will be extended and a new fire hydrant added; telephone poles will be moved for the new transformer; a new septic system will be installed. An oil separator and tight tank which will take internal drainage to the vehicle storage building is proposed. Ms. Peck said they took into consideration an elevation which will allow them to grade prior to hitting the wetland buffer line. She described the catch basins and infiltration basins that will handle drainage. They are proposing some new trees for a buffer. Mark Coakley referred to Graves 9/18/15 letter Item 22. Their response is that the stormwater treatment units not only trap sediment and debris, but also trap oils prior to discharging the unit. Joe McGrath said if the building is properly secured for vehicle storage, it may not be an issue; only if it was an open storage. Ms. Peck said they can install a shut-off valve before it gets to the infiltration basin. Erosion measures will be placed around the entire site. The Commission recommended the Operation & Maintenance plan be a separate document. Joe McGrath asked the applicant if we could share the filing with our consultant who works with the Commission on the NPDES permitting and is currently looking at the impact of the Next Generation Permit that is coming out; it would help us with the stormwater plan; they had no issues. Ms. Peck said there is no work occurring in the buffer zone. Mr. Parnas said it was as much work to prepare for the permit as submit the NOI and would rather have it in place in case any questions came up. Dan Duffy said that beyond the BVW there is a stream that flows through and asked if it was perennial (looked like a blue line).

Ms. Peck said it fell under the thresholds to trigger it a perennial stream. Steve Mero said at this time of year it is dry; it is active in the spring. Dan Duffy said the USGS shows it as blue and is perennial, but the presumption is that if it shows up blue you consider it a perennial. Mark Coakley said Turflinks (a prior applicant) provided information that showed it overcame the presumption. Joe McGrath asked if there were any special requirements for the salt shed in terms of leaching salt; JP said it can be loaded directly into the salt shed; there is a raised platform; it is graded so that no water is running through it; there is curbing on the pavement. Jeff Walsh said he would like to see the elevation of the salt shed a little higher than the surrounding ground; Ms. Peck said it is approximately a foot higher. Graves Engineering has not reviewed Weston & Sampon's responses to their 9/18/15 comment letter. They are meeting with the Planning Board on Wednesday. Mr. Parnas addressed their response comments to the Commission's satisfaction. They met with the Fire Chief; he said the site plan and floor plan are both acceptable to the fire department, but did request a sprinkler plan for the building.

Mark Coakley made a motion to close the Public Hearing; Joe McGrath seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a standard Order of Conditions pursuant to receiving word from the applicant that the Planning Board has accepted the plan with no changes that would impact the wetlands or stormwater permit filing; Chip Burkhardt seconded. Mark Coakley asked if there would be any special conditions. Joe McGrath said we should specify that we receive the SWPPP prior to the beginning of work and a copy of the O&M be a separate document to be available on site in the garage. Mark Coakley made a motion to issue a standard Order of Conditions with Special Conditions #34 that we receive the SWPPP prior to commencement of work; and #35 a copy of O&M Plan to be supplied as a separate document. The Commission needs to receive word that the project has been approved by the Planning Board with no significant changes. Joe McGrath withdrew his motion. Chip Burkhardt seconded Mark Coakley's motion; Joe McGrath made an amendment to that motion that the Order be held contingent on receiving a DEP file number; Chip Burkhardt seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a Stormwater Control Bylaw Permit with two Special Conditions as stated for the Order of Conditions; Chip Burkhardt seconded; all voted in favor; motion approved.

Celeste Fay (19 Melrose Circle) attended to say that Kinder Morgan is putting in a natural gas pipeline through southern Boylston and asked where the Commission stood and if they were going to file any comments with the Federal Energy Regulatory Commission. It was suggested she contact Bill Manter (Planning Board) who is on several Mass Pipeline Associations. Joe McGrath said all Conservation Commissions in Massachusetts are represented by the MACC and on February 6th they sent comments on behalf of all the commissions and told Ms. Fay there is a copy of the letter on the internet if she wants to view it. He also suggested she attend a Selectmen's meeting since we are under specific rules as to what we can comment on and, unless there is a matter before us that is jurisdictional, we can't comment.

Longley Hill – Mr. Ansari provided a response to EcoTec's comment letter of September 19th. Jeff Walsh said he was before us a few months ago and had a lot of discussion about lack of erosion control, etc.; different location; same issues. Mr. Ansari said he is hoping for completion by October 31st. He will be working on Lot 7; the leaching field is not in which is why part of it is unstable. He will start Lot 6 after Lot 7 is stabilized. Silt fencing has been installed on Lots 5 and 6 on the lower side. Mr. Ansari wants to move the septic for Lot 11 if it passes perc tests. Chip had concerns about sediment getting into the wetlands from the southerly basin and said it

has happened in this area before; there is a lot of turbid water in the basins. Mr. Ansari said he will track it down and stop it; he thinks it is at the outlet pipe. Dan Duffy said there needs to be considerably more stabilization of areas that are vegetated; silt fencing is supposed to be the last line of defense and not a primary means of stabilization; specifically, Lots 5 and 6 need better stabilization. Mr. Ansari said he will grade out the backyard to where the slopes are and hydroseed on Lot 6. Dan Duffy asked when that will be done; by October 31st. He also said there are photos that show stockpiles and believes they are contributing a lot of the sediment getting into the basins. Mr. Ansari said those are on Lot 6; he will put silt fence around it. Mr. McManus recommend a temporary sediment trap be installed. Mr. Ansari said Lot 9 has taken well. Jeff Walsh said it's frustrating when we look at it and part of it's open and there are no erosion controls to capture the sediment before it gets down to the pond; he is basically relying on the pond as the last line of sediment collection and should not. Chip Burkhardt said he is glad he is making progress, but it is also frustrating since we've had this discussion many times in the past. Dan Duffy said that we are losing the growing season, and that we've had some very dry weather; it will change soon and told Mr. Ansari to take advantage of the weather we have.

COMMISSION BUSINESS

Vouchers were approved.

Review correspondence/emails:

1. An email was received concerning the filling of wetlands and a new dock at 120 Nicholas Avenue. Melanie will contact the homeowner for permission to access the property.
2. Chip Burkhardt made a motion to sign off on the Building Permits for Lots 25 & 39 Compass Circle; Joe McGrath seconded; all voted in favor; motion approved. Jeff Walsh recused himself from the matter. No further Building Permits will be signed until the Commission knows what lots Mr. Haynes owns. He will be asked to attend the next meeting with a site plan specifying the lots.
3. Chip Burkhardt made a motion to sign off on the Building Permit for Perry Road; Shannon Holgate seconded; all voted in favor; motion approved.

Joe McGrath made a motion to accept the Regular Meeting Minutes dated August 17, 2015 as amended; Chip Burkhardt seconded; all voted in favor; motion approved. Dan Duffy made a motion to approve the August 25, 2015 Site Visit Meeting Minutes; Jeff Walsh seconded; all voted in favor; motion approved.

October 19th was confirmed as the next meeting date.

114 Nicholas Avenue (Ratify Enforcement Order) – Mr. Rondeau received the Enforcement Order and enlisted David E. Ross Associates. Joe McGrath made a motion to ratify the Enforcement Order; Jeff Walsh seconded; all voted in favor; motion approved.

Ron Aspero (Informal Meeting to discuss Lot 5 Natures View Way) – The Commission had no concerns. He will be informed that he can proceed.

September 21, 2015 Conservation Meeting Minutes

Chip Burkhardt made a motion to adjourn; Joe McGrath seconded the motion; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 10:00 p.m.