



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

NOVEMBER 20, 2017

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

Members Absent: Michael Ruggieri, Rebecca Longvall

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' buffer zone. No alteration of wetland resource areas is proposed.

James Tetreault (Thompson-Liston) requested a continuance to the December 18th meeting in order to complete the necessary revisions to the Site Plan. Chip Burkhardt made a motion to accept the request for continuance; Jeff Walsh seconded; all voted in favor. It was continued to December 18th at 7PM.

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.

Per the discussion at the last meeting, James Tetreault (Thompson-Liston) revised the site plans and now proposes to remove all materials placed within the wetland at the driveway crossing and install a 2' thick Conigliaro block retaining wall 2' off of the outside of the installed curb to reduce the wetland alteration to 2,405 sf; the initial alteration was 2,181 sf. A wetland replication area of 2,976 sf off the wetland boundary between B7 & B11 and an additional 1,233 sf replication area off flags B11 & B12 is proposed totaling 4,208 sf, an increase over the 1.64:1 of replication approved in the Order of Conditions. The retaining wall will be on both sides of the roadway. Mr. Tetreault sent a copy the plans to Art Allen (EcoTec) and received an email message this afternoon. He said the work will need close supervision by the project wetland scientist (Scott Heim) "and/or" the peer reviewer (Art Allen) to ensure it is done correctly. Mr. Duffy commented that Mr. Allen is working for the Commission to oversee the project and give us advice; he is not working for the applicant and said to remove the word "OR"; the members agreed. It was recommended by Art Allen that the restoration and replication work be done in the spring.

Mr. Duffy said it looks like the streambed coming towards the culvert has been excavated and the water is free falling in some unstabilized areas. Mr. Tetreault was asked to show spot grades to show what it will look like when it's completed because it doesn't appear it was natural the way it is constructed now. The slopes from the stream restoration are loamed and seeded on the easterly corner of the cut around the building and there is a large area that is open where soil is exposed and then there is a vertical rock face. Though not the Commission's concern, it appears to be a safety issue having a rock slope that tall. Mr. Tetreault said he believes they need to do something at the top of it. Mr. Duffy asked what the transition is from where they stabilized to where the rock cut is (the section between the steep slope

and vertical rock that is unvegetated). Mr. Tetreault said riprap would be needed; it still needs to be buttoned up. Mr. Tetreault requested a continuance in order to address Art Allen's comments. Mr. McGrath wants to see more detail, given all the wetland areas behind the property, how they will access the site to do the wetland replication work. Joe McGrath made a motion to accept the request for continuance; Jeff Walsh seconded; all voted in favor. It was continued to December 18th at 7:30PM.

PUBLIC HEARING – Shrewsbury Homes, Inc. (Mill Road, Map 4, Lot 53) – Stormwater Control Permit Application to create a two-lot definitive subdivision (Avery Way).

The hearing notice was read into record. Mike Sullivan (Cornerstone Engineering) and Ron Aspero were present. Mr. Sullivan explained that it is a 3+ acre parcel, the ground elevation is about 400 at the wetlands and the high point of the property is around elevation 440, and they are proposing a total of two lots. There is a wetland at the rear of the property; the road construction is not within the jurisdiction of the resource area, but when construction for Lot 2 begins, a Notice of Intent will need to be filed since one of the houses is within the buffer zone. There are three abutters along Mill Road, a paper road to the westerly part of the property, and a 250' wide power easement to the rear. The lots will be serviced by a private driveway; it will not be a town road. It is approximately 300' long; it will have 18' of paved surface and a 60' diameter turnaround with a landscaped island in the middle. It is 3.75% upgradient from the road and constant all the way; stormwater will all flow in an easterly direction; there will be a swale running down the shoulder that will flow into a forebay that overflows into a drop inlet which will discharge into a series of subsurface Cultec drains. Subsurface testing has been done; there are no issues with groundwater. There will be a Homeowners Association; an O&M was prepared detailing what has to be done as far as maintenance on a quarterly, semi-annually and annual basis. Erosion controls will be implemented during construction; drainage was designed for a 100-year storm event; water will be supplied by a 2" main brought into the cul-de-sac. It has been approved by the Planning Board as a private road. There will be subsurface Cultecs for the roofs of the houses. They have an Earth Removal Permit; there is a 3,200-yard surplus that will be removed from the site.

Joe McGrath asked about the comment noted in the Graves Engineering letter dated November 7, 2017 regarding the maintenance of the subsurface infiltration chamber system and asked if the Commission was comfortable with it. Mr. Sullivan said there was discussion with the Planning Board and the only other option was going to a surface system in an area that they are reserving as a buffer to the neighbors. For the first year, the inspection ports will be done quarterly; the forebay will be inspected after every storm. Mr. Aspero will be doing them during construction; the HOA will be responsible to do them after the houses are built. There was question of who should do it, the homeowner or a professional. A condition will be added to the permit for annual reporting and maintenance and that it be prepared by an engineer or qualified professional. Mark Coakley made a motion to close the Public Hearing; Joe McGrath seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue Stormwater Control Permit SPC-2017-5 adding Special Condition #21 that the HOA/responsible party is required to submit an annual stormwater system inspection report to the Commission on or before February 1st of each year to cover the previous year's activity. Inspections and reporting must be completed by a qualified individual. Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – KHALID NASEEM, SYLVAN REALTY TRUST (Stiles Road, Map 20/Parcels 3&4) – Notice of Intent Application and Stormwater Control Permit Application for the construction of two single-family homes. Septic systems will be located on the side of the perennial stream; no wetlands will be altered; riverfront alteration will be less than 10%. Total land alteration will be 1.25 acres.

The applicant was not present; a request for continuance was not received. Mr. Duffy explained to the audience that if the applicant is not present and has not requested a continuance, the Commission has to act on the applications that were submitted. At the August hearing, Mr. Naseem was requested to supply a number of items to support the applications because the Commission felt there was insufficient information to act on the information contained in the submittal. The Commission has not received any additional information from the applicant since the request was made. Mark Coakley made a motion to close the Public Hearing for the Notice of Intent application; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to close the Public Hearing for the Stormwater Control Permit application; Joe McGrath seconded; all voted in favor; motion approved. Joe McGrath made a motion to deny Order of Conditions DEP #115-411 for Sylvan Realty Trust by reason c., which in part reads "the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act." Mark Coakley seconded; all voted in favor; motion approved. Joe McGrath made a motion deny Stormwater Permit SCP-2017-3 for Sylvan Realty Trust due to lack of information; Chip Burkhardt seconded; all voted in favor; motion approved.

PUBLIC HEARING – Route 140 RW LLC (Shrewsbury Street, Map 12, Lot 17-B) – Abbreviated Notice of Resource Area Delineation Application to consider an Abbreviated Notice of Resource Area Delineation to obtain formal verification that the four specific areas located within the previously disturbed portion of the subject property do not qualify as regulated wetland resource areas under the Massachusetts Wetlands Protection Act.

The hearing notice was read into record. Briscoe Lang, Environment Scientist (Pare Corp.) was present. The green cards were received; the ad fee is outstanding. Mr. Lang explained it is a 35± parcel. The center portion was previously disturbed based on a development plan and approvals issued a number of years ago; the remainder is undeveloped woodland, including portions to the north and south. There are four areas (Areas 1, 2, 3 and 4) that are the subject of the application, all within areas of the site which were previously disturbed.

In 2002, an Order of Conditions was issued. Major changes were made to the property until the land was sold in 2007 to Rand Whitney (which obtained permits as Route 140 RW LLC). Mr. Lang showed the then existing conditions which included the driveway access for earth removal and a summary of available data for the topography; it was undergoing a lot of activity. The project permitted in 2007 included a 400,000 sf warehouse with improved site access, circulation roadways, parking, truck loading areas, stormwater management, and septic system.

The four areas that are the subject of this request are all within the area of earth work and rock removal previously approved for development. No wetlands were identified in these areas (Areas 1, 2, 3 and 4) at that time. Mr. McGrath said there is a very large area of wetlands at the front of the property near the access road and the stream. Mr. Lang clarified that he was referring to the four areas in question now, and he agrees that as part of any future development, a more detailed wetlands delineation will be made of the entire site. Mr. McGrath said from the original NOI, there were proposed replication areas for replacement of wetlands altered for the road crossing that was permitted at that time. Mr. Lang said that there was replication shown in the vicinity of the crossing. He said the portions of the site he is asking the Commission to consider has clearly undergone some major disturbance over the past 10-15 years.

Mr. Lang said Area 1 is near to the westerly property boundary; there are large blocks of bedrock that have been cut, it has been excavated and reworked, there are piles of rock and other materials in the area, and it holds water to some depth (best estimate approximately 2'); it has enough hydrology and

allows some Hydrophytes to grow; there are no hydric soils. He is asking the Commission to find it non-jurisdictional as Isolated Land Subject to Flooding. Areas 2 and 3 are similar in character; separated by some distance; there are areas where there is a mosaic of wetland vegetation and upland vegetation. Area 2 has more of a depression in landscape. Area 4 appears to be an area of trapped surface water; there is a stone berm; no hydric soils. None of the areas have any connection to any river, stream, pond or lake. Areas 2, 3 and 4 do not hold enough water to qualify as ILSF.

After discussions, Jeff Walsh had no problem with issuing a negative finding. Mr. Duffy said Areas 2, 3 and 4 do not meet the ILSF definition; Area 1 looks as though it meets the definition but not by looking at the photos and seeing what is out there. Mr. McGrath looked at the site plan from 2008 and there was no topography or wetland areas indicated in those four locations. There is a Wetland A south of Area 4 but the pocket on the plan appears to be north of Wetland A.

There was discussion on closing out the prior Order when an NOI is filed. Mr. Duffy said when an NOI is filed, the Commission will request that the prior Order be closed out, including a report on the success of the wetland replication previously proposed. Additional replication or modifications should be proposed if the as-built replication doesn't meet the requirements of the prior Order. Any additional work on the property, proposed within a resource area (including buffer zone) requires subsequent filings. Mark Coakley made a motion to close the Public Hearing; Jeff Walsh seconded; all voted in favor; motion approved. Jeff Walsh made a motion to issue an Order of Resource Area Delineation, DEP #115-415, Accurate, adding that "Areas 1, 2, 3 and 4 are not jurisdictional. This ORAD only addresses Areas 1, 2, 3 and 4." Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – 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.

The hearing notice was read into record. Patrick Healy (Thompson-Liston), Greg Russell (Project Manager & Roadway Designer) and Brittany Gesner (Stormwater Engineer) from VHB were in attendance. Mr. Healy submitted a sketch and explained that there are two projects before the Commission: (1) NOI for the roadway work, and (2) letter asking to amend the plan for the Scannell property. The sketch shows the proposed stormwater basin for the roadway improvements; they are within the limit of work that was approved on the Scannell property lot. Mr. Healy is asking the Commission to consider amending the Order because it is within the previously approved work. He showed the new basin and explained the wetland boundary. Included in the package was an exhibit showing four areas where work would fall within the 100' buffer. There is over 1,800' of roadway where improvements will be made. At the signalized intersection of Pine Hill Drive there will be two through lanes in each section, a left turn to the north on Route 140 and a right turn to the south on Route 140. The pavement width is increased from the existing 42' to approximately 58'. There is one area beyond the buffer zone where there will be some direct alteration (23 sf of wetlands), with a proposed replication area of 194 sf. Art Allen reviewed the plan and provided initial comments (November 20, 2017 email) which Mr. Healy addressed and made the requested changes.

Greg Russell gave an overview of the project. They propose to replace the existing catch basins with deep sump catch basins; the roadway will be paved when the project is complete and graded into the existing slope on the east side. They will tie into the proposed grades on the west side (3:1 slopes); the

guardrail will be removed on that side; there will be fencing, a gate and driveway for town access to the proposed stormwater basin. Where they are encroaching on the wetlands they included cross-sections showing greater detail in these areas. Joe McGrath asked if the plan had to be reviewed by the Planning Board. Mr. Healy said the roadway work itself is not required to go before the Planning Board. Graves Engineering has reviewed the stormwater and roadway design and the PB had Jennifer Connolly (WSP) review the traffic portion. Mr. Russell said they received comments from both Graves and WSP regarding the preliminary design and have responded. Mr. Healy said the detention basin was revised today and submitted revised plans (Graves is in the process of reviewing). Ms. Gesner explained the catch basin outlets; the three catchments to the three design points. The pre-construction peak rates will be met by post-construction conditions at all design points. Mr. Healy talked about the existing wetland flagged as Wetland A that contributes to a headwall that goes into a pipe drainage system; they are not sure exactly where it goes but it does discharge into a swale between Pine Hill Drive and the Secured Financial property. The goal is to pick up all the expanded pavement into the drainage system and put it through a better treatment system. Mr. Russell said there will be a curb on the east side of the road to limit the amount of water; they are replacing the existing drop inlet; a new deep sump catch basin will tie into the existing system. The Commission is waiting for Graves Engineering's hydrology review. Regarding the wetland fillings and the replication (Sheet 9 of 47), Mr. Healy was looking for feedback on the cross-sections (3:1 slope with no guardrail). The Commission had no problem with a 3:1 slope. Regarding Mr. Allen's complete wetland delineation, they added all the flags on the plan.

Mr. Duffy asked about the source of the water that flows to the swale between Pine hill Drive and the Secured Financial Property (into Wetland T) and if the flows from this will be altered by the proposed work. Mr. Healy indicated that the 24" concrete pipe that is shown as going under the road from a wetland area (on the east side) to a manhole in the Shell station driveway. The plan shows a smaller corrugated metal pile discharging to Wetland T and Mr. Healy indicated that they believe that the 24" concrete pipe transitions to this smaller metal pipe between the manhole and the discharge location. Mr. Duffy asked if he could verify the actual construction of the drainage system in this area. The manhole is shown (with no outlet shown) in the Shell driveway and the end of the pipe is located where it discharges to Wetland T, but they don't know where it goes in between the two. Mr. Healy could not find any other structures. Mr. Duffy asked if it was possible it may be damaged during construction if it is located in the shoulder of the road that will be altered. Can the pipe be TV'ed (or dye tested) to confirm the flow that is assumed, and if the pipe is old, should it be replaced? Mr. Healy will contact the landowner to see if he can supply any information and/or get authorization to look on their properties. Mr. Healy requested a continuance in order to address Mr. Allen and Graves Engineering's comments. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded; all voted in favor. It was continued to December 18th at 7:45PM.

COMMISSION BUSINESS

Barnard Hill (Perry Road) – Mr. Tetreault submitted a letter dated November 16, 2017 in response to EcoTec's review letter dated September 28, 2017. A berm was paved at the catch basin at the low point of the main crossing; loaming has been done over the vortex discharge areas. Approximately 100 wetland flags were replaced. Dan Duffy said that one of the replaced wetland flags (A-17) is on the upland side of the silt fence. Mr. Tetreault will inform them. It was suggested he a look at the limits of disturbance that was on the original plan. He said that except for the replication areas, everything has been done or is in the process of being done. More permanent temporary stabilization is needed for the winter. The drainage is in and Perry Road has been paved to the intersection.

Worcester Sand & Gravel – Plans prepared by Thompson-Liston Associates and specifications prepared by Tighe & Bond were finally received. The Commission's consultant, Bruce Haskell (Langdon

Environmental) reviewed and commented. He suggested more detail to make sure the material is defined as native or natural soil so there will not be problems with it in the future. Verification is needed that they removed what the Commission wanted removed and, once removed, the Commission will do an inspection before they start backfilling. The specifications say the work will be under the supervision of an engineer, but the Commission does not know if that is full time observation. It was recommended that the Commission receive a source site package for any soils proposed to be imported from off-site. There was a previous discussion about the 50' high 3:1 slope and the use of an erosion control blanket or other measures rather than loam and seed for stabilization. It was noted in the specifications, but not on the plan. Tighe & Bond was asked to do an engineering analysis to demonstrate what they are proposing is adequate.

Mr. Trotto and Todd Kirton (Tighe & Bond) attended. They were told that the Commission discussed the matter briefly earlier. Mr. Kirton talked about the soils that are there now. Mr. Trotto feels he has enough material (that came from ET&L Route 20 job in Marlborough) to backfill and do compaction. Mr. Duffy said we need the documentation showing that testing was done, and we know where it came from. Mr. Trotto stated that the work will be done in stages. Tighe & Bond will observe and will be instructed to keep in close contact with Langdon Environmental, so the Commission has the opportunity to see before it is backfilled. Notice of work and a schedule was requested. Mr. Trotto said they can't start until the spring. Mr. Duffy said the erosion control fabric is in the specs but not on the plans. He said there is a longer slope than is generally accepted as a 3:1 slope with no breaks. If they can show that based on the material they are using and include an analysis showing that it is sufficient for the slope length, the Commission can consider it. The spec called for a coconut fiber matting. Mr. Duffy said to keep an eye on the inside of the slope where there may be stormwater coming down; may need to riprap the valley. Mr. Kirton will revise the plan to include the erosion control fabric. Mr. Duffy suggested he do an underline strikethrough of the specs and forward it to Mr. Haskell for his review.

Consider issuing a Certificate of Compliance for DEP File #115-388 (Leo Mastrototero, 240 Shrewsbury Street) – Having no issues, Joe McGrath made a motion to issue a Certificate of Compliance for DEP #115-388; Jeff Walsh seconded; all voted in favor; motion approved.

Consider issuing a Certificate of Compliance for DEP File #115-381 (Boylston Public Library, 695 Main Street) – Having no issues, Mark Coakley made a motion to issue a Certificate of Compliance for DEP #115-381; Joe McGrath seconded; all voted in favor; motion approved.

Longley Hill – Mr. Tetreault said the stones have been put half way up in the back of Lot 9. The slope will be sprayed with a seed mix, a jute mesh mat will be put down, and then a mat rated for use on a 1:1 slope. Lots 5 & 6 are loamed around the houses and driveways but not sprayed yet. Dan Duffy said last week the road was covered with mud to Stiles Road. It needs to be taken care of and buttoned up for the winter. Mr. Ansari is trying to work a deal with Mr. Villani (owner/abutter to Lot 11) to see if he can purchase a piece of land where he could put a septic. It is not possible to put a septic system behind Lot 11 because it was not graded to the original plan. Mr. Tetreault was reminded that the agreement with Mr. Ansari was that no Occupancy Permits will be signed by the Commission until all the work is done.

Land Transfer – Joe McGrath updated the Commission on the conservation lots. He will have the deeds transferring ownership to the Commission in December. Sudbury Valley Trustees has surveyed some of the lots and has agreed to help the Commission survey the remainder.

Compass Pointe – The Commission received a revised Site Stabilization Estimate Update for Compass Pointe from Graves Engineering. Jeff Walsh recused himself from discussions. It listed the lots that could

be released without the need for an increase in the bond. Mr. Duffy visited the site and updated the members with his observations. The building permit for Lot 12C was signed.

Scannell Properties – Mr. Healy discussed minor changes at the Scannell property. The first is a change to the replication areas adjacent to the road crossing to account for the ledge that was encountered while excavating to the subgrade for the replication area. They lost approximately 200 sf of replication area because of the ledge. They went back and looked and said without that 200 sf they are still at a replication ratio of 2:1. Mr. Healy and Art Allen discussed it and wanted it noted for the record. Mr. Healy said they had proposed a total filling of 4,234 sf; the actual came out at 4,001 sf. The replication area is approximately 8,800 sf total. It will be noted on the as-built plan. Mr. Duffy said there was also an issue with the basin on the southwest corner of the building. Mr. Healy said at pond 14 there was ledge; they have reconstructed the pond slightly so the ledge is not within the infiltration area; they raised the bottom of the basin and berm. It is not closer to the wetlands; they slid it up.

Mr. Duffy asked Mr. Healy about the correspondence regarding the excess fill that is not jurisdictional to the Commission. It was informational; Mr. Healy said they did file with the Planning Board. Mr. Duffy asked if the Stormwater Permit needed to be revisited. Mr. Healy said Graves is reviewing the stormwater calculations. He has asked Mr. Healy to update the calculations to show the additional one acre of the woods being turned into some other surface. The areas they are looking at now would be approximately another acre in three different areas. Mr. Duffy wondered if there would be an amendment or would it be a de minimis change to be reflected on the as-built. Mr. McGrath said if the calculations do not get worse, there should not be an issue. Mr. Walsh said if there is a new area, temporary stabilization would be needed. Mr. Healy said the area in question is .9 acres and explained the other possible areas.

FYI the informational plan for Bill Weir for a proposed subdivision – Joe McGrath said we will need a Stormwater Permit application for a subdivision; the current driveway runs through the wetlands. If they propose a road, an NOI will be needed as well.

Vouchers were approved.

Correspondence/emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated October 16, 2017 with changes noted; Chip Burkhardt seconded; all voted in favor; motion approved.

December 18th was confirmed as the next meeting date.

Joe McGrath made a motion to adjourn; Mark Coakley seconded; all voted in favor; motion approved.

The meeting was adjourned by unanimous vote at 10:24 p.m.