



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

**MAY 21, 2018**

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

Members Absent: Michael Ruggieri

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

James Tetreault (Thompson-Liston Associates) explained that the site has access on Sewall Street, Route 140 and he showed the location of Fountain Services and the house at 85 Sewall Street. It is an 11.6-acre parcel which has a sizeable drainage area to the north and east draining to the wetland and the intermittent stream out to the BVW; there is a 24" pipe that receives the drainage where it flows off-site. He showed the locations of the two apartment buildings that were originally proposed and the location of the three now proposed. Mr. Tetreault said this building layout ended up making more impervious surface than what was originally proposed to they made the infiltration structure larger (18 modules in a row and 3 rows deep). Revised plans dated May 14, 2018 were submitted to the Commission, Planning Board and a copy sent to Graves Engineering. The access road off of Shrewsbury Street will allow entrance and a right turn only exit. Most of the lot has very good gravel soil but changes about the middle of the building area. The wetland shown on the plan was previously the subject of an Order of Resource Area Delineation.

Part of the discussion at the last meeting was that the Commission members expressed the desire to try and move proposed work at least 25-feet from the wetland. They achieved this setback with the exception of the proposed crossing of the intermittent stream and near the corner of Fountain Services property. To achieve a 25-foot separation, they moved one of the buildings and the maintenance shed, and changed some grading in a few areas. In the access road area near the Fountain Services property, they included a 7-foot high retaining wall to be able to leave a setback of about 12-feet.

The site will have all of the drainage collected and directed to one of two infiltration galleys. One of the galleys (closer to the intermittent stream crossing) is projected to only outflow on storms bigger than a 2-year storm and the other location near the Shrewsbury Street entrance to the site is projected to overflow in the 10-year storm event.

Another issue raised at the last meeting was that there was a concern expressed about the “C” wetland and would the development be cutting off so much of its watershed that it would be negatively affected. Mr. Tetreault said when you run the numbers in the drainage report there is a reduction of about 5% (26,000 square feet) in area flowing to this location. In the post-development condition you get a little of what was wooded to be converted to open space that drains there and the result is just under 5% reduction expected in both peak flows and volumes to the “C” wetland. They proposed a change to the drainage system in response and submitted a separate drainage report specific to that. They did not feel that less than 5% was a significant change to the characteristics of the “C” wetland.

Water service will be provided from Route 140; the site is served by septic with multiple leaching areas. In response to Michael Andrade’s comment letter (1/26/2018), they were asked to calculate the amount of soil material that would need to be imported or exported based on the proposed development. Mr. Tetreault reported that around 20,000 cubic yards of material needs to be imported for the development.

Rebecca Longvall asked if the road was going to be accepted by the town or private; Mr. Tetreault said private. She asked if they had looked at any pervious pavement; Mr. Tetreault said not at this time. Mr. Duffy asked what was the minimum setback they could achieve in the section where they can’t get 2-feet, what is the distance. Mr. Tetreault said they have a retaining wall that is 7-feet high (resulting in 11-12-feet at the closet point to flag B11); 25-feet away would be in the sidewalk. The length along the access that they cannot achieve 25-feet is just over 200’ (B8 to B15). Mr. Duffy asked what percentage of the lot would be rendered impervious; Mr. Tetreault said in the 20%. Joe McGrath noticed on the plan that there appears to be a headwall and pipe crossing under the access road about one-third the distance from Route 140 to the building area. Mr. Tetreault said the road is slightly raised relative to the Fountain Services property; they are proposing to swale it on each side of the headwall and direct it under their access road. Mr. McGrath asked how many parking spaces are proposed for the project; 116. He was concerned with oil and gas separators in some of the catch basins for that amount of vehicles. The Commission could condition that no automotive repair can occur on the site. Mr. McGrath asked what would be stored in the maintenance building, e.g., road treatment or chemicals? Mr. Tetreault said it is unknown at this time. He asked if the O&M for the Stormwater Permit had been submitted. Mr. Tetreault said yes, it is part of the revised Stormwater Checklist.

Mr. Coakley said they had talked about a restoration plan for the “B” series wetlands because it is currently mowed. He would like to have a peer review to recommend a planting for that and also look at the plantings around the crossings. Once the applicant proposes a plan, EcoTec can review it. Mr. Tetreault said they could meet at the site (Scott Goddard, Art Allen and himself) to get Mr. Allen’s opinion. Mr. Duffy asked if there are oil & gas separator catch basins; Mr. Tetreault said yes. All the catch basins have hoods and run through a CDS unit. He was asked to come to the next meeting with the status of a shut-off mechanism. Mr. Duffy would like to know what the maintenance building will be used for, what potential chemicals may be stored in it, and how they will be stored. Mr. Duffy said there was discussion about evaluating the flows to wetland “C”. He asked about wetland “B” where they are taking all the flow for up to

the 10-year storm with none of it going back to feed that stream. Mr. Tetreault showed were a large majority is going to the stream now is the uphill watershed to the north and east.

Kevin Prendergast (59 Sewall Street) asked if the stream was the Malagasco Brook. Mr. Tetreault said it is not; it was misidentified. Mr. Prendergast said the USGS identifies it as Malagasco Brook and there are two dams with two reservoirs to contain it. He said the water drains out of the Malagasco swamp. Mr. Coakley reminded the audience that this is under a previous ANRAD and the wetland delineation was accepted as an intermittent stream. Mr. Burkhardt said they submitted an ARAD, it went through the Commission, and was approved. Mr. Prendergast is saying it is incorrect and that there were things that were missed. Mr. Tetreault said Mr. Prendergast is welcome to attend the site walk. Mr. Coakley said the delineation that was previously approved was approved by a peer reviewer employed by this Commission. Mr. Walsh explained that there is a difference between the drainage way, which is not jurisdictional to the Commission, and an intermittent stream and perennial stream. Mr. Walsh feels it is a drainage way that doesn't rise to the level of a stream as defined in the Wetlands Protection Act. An audience member asked if the stream ends up in the Wachusett Reservoir; the current understanding is that it flows under Route 140 in a culvert and to Sewall Brook. Mr. Walsh explained that the Commission has to look at the resource area as it is defined in our regulations and evaluate whether or not what they are proposing meets the performance standards for that particular resource area.

Mr. Duffy said the Commission is concerned because the project is in the wellhead protection area for the town's drinking water source, which is why they discussed having oil and gas separators, all the catch basins having to meet increased requirements for the stormwater system, and the fact that they have an increased percentage of TSS they need to remove before it goes into an infiltration area.

An audience member asked the Commission why they did not have an issue with the applicant keeping only 11-feet away from the brook. Mr. McGrath said the regulations do not mandate a setback. We ask for a setback, but the applicant is not required to meet it. Mr. Burkhardt said the town does not have a bylaw specifying a no-build zone. The applicant has done their best to keep the 25-foot setback from the wetlands. Mr. Tetreault explained that the only area where they cannot meet the 25-foot setback is at the back of Fountain Services property. The only way to achieve it would be to have the only access onto Sewall Street and they didn't think that would be desirable. They have made an effort by adding a retaining wall and trying to keep away from the wetlands.

Mr. Tetreault requested a continuance. Mark Coakley made a motion to accept the request for continuance to June 18<sup>th</sup> at 7PM; Jeff Walsh seconded; all voted in favor; motion approved.

### **COMMISSION BUSINESS**

Worcester Sand & Gravel (Stormwater Permit) – The Commission received the approval letter from Langdon Environmental regarding the evaluation of the soil sample test results. Mark Coakley made a motion to issue a one-year Extension Permit to Worcester Sand & Gravel for

Stormwater Control Permit SCP-2014-2 to May 21, 2019; Chip Burkhardt seconded; all voted in favor; motion approved.

Request for Certificate of Compliance (DEP#115-268) William Weir, 247 Mile Hill Road – The applicant submitted a letter from Connorstone Engineering with the requested information related to the extent of the existing wetlands and comparison to the proposed replication areas proposed under the original driveway plans from 2002. Having no further issues, Joe McGrath made a motion to issue a Certificate of Compliance to William Weir for DEP #115-268; Rebecca Longvall seconded; all voted in favor; motion approved.

247 Mile Hill Road Stormwater Waiver Request, William Weir (continued) – Mark Coakley made a motion to issue a Stormwater Waiver Request; Joe McGrath seconded; all voted in favor; motion approved.

Longley Hill Status (Geotechnical Solution for Stabilization of Lots 9 and 11) – Jeff Walsh recused himself from the matter. James Tetreault said Mr. Ansari has contacted Yankee Engineering and Testing. He will relay to Mr. Ansari that the Commission is requesting a geotechnical consultation be done and an outline presented at the June meeting.

Conservation Lot Survey Work – Joe McGrath asked to defer this topic to the next meeting.

Dan Duffy commented on Pine Hill Drive (FedEx). A planting plan was received that will need to be reviewed by Art Allen (EcoTec) for the clearing that encroached beyond the approved limits.

Dan Duffy noticed that the DCR work on Route 140 that came before Commission in 2015 has been finished since the fall, but not seeded or otherwise stabilized. A letter will be sent to the applicant asking that the site be stabilized in accordance with their Order of Conditions.

280 Shrewsbury Street – Dan Duffy said it appears they built a berm of woodchips at the edge before the slope. James Tetreault said that was done per Art Allen's suggestion.

270 Shrewsbury Street – Art Allen will be asked to do a site visit. Dan Duffy asked James Tetreault if he knew what the schedule was for the restoration work. Mr. Tetreault said they had a discussion last week and thought he would receive a call today about when somebody would be out there to make sure they were on the right page. He thinks they have a few more weeks to plant the wetland plants. Mr. Duffy was not sure if there was a condition relative to doing the additional work, e.g., in low flow conditions? Mr. Tetreault said it is in the works.

Chip Burkhardt responded to a complaint that there was a large dirt pile on 119 Nicholas Avenue. He did not see a pile of dirt at 119 Nicholas, but did see a pile of something near the pond at 120 Nicholas, possibly stone.

A complaint email was received that gravel fill was being placed into the water on Sewall Pond at 120 Nicholas. The owner will be asked for information as to why the gravel is there.

Ken Rondeau will be asked for an update to the work required on his property and to file for a Certificate of Compliance if the project is complete.

Mark Coakley updated the members regarding the Earth Removal Permit for the Pine Street project. The board could not come to agreement; a Cease and Desist was issued. There is an emergency meeting on Wednesday. They will create a 53G account and have an independent estimate of the material to be removed done by the town's engineer consultant.

Vouchers were approved.

Correspondence and emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated April 23, 2018 as amended; Jeff Walsh seconded; all voted in favor; motion approved.

June 18<sup>th</sup> 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 8:52 p.m.