



TOWN OF WESTBOROUGH
MASSACHUSETTS
Conservation Commission

Forbes Municipal Building
45 West Main St.
Westborough, MA 01581
(508) 366-3014

DATE: April 5, 2016

RE: Minutes of Meeting of February 9, 2016

Members Present: Chairman Koenigsberg, Member Buckalew, Member Kelley, Member Lundberg, Member Kessler, Member Cushing, Member Donley

Absent Members:

7:00pm – Hearing – Request for Determination of Applicability – Kearsarge Solar, LLC located at 238 Turnpike Road (Town of Westborough Wastewater Treatment Facility).

Materials submitted with this filing are a Request for Determination of Applicability entitled “Proposed Solar Energy Generation Project Westborough Shrewsbury Waste Water Treatment Plant 238 Turnpike Street (Rte.9) Westborough, Massachusetts” dated February 2016. and a plan entitled “Proposed Solar Facility: Westborough Waste Water Treatment Plant 238 Turnpike Road Westborough, MA 01581.” dated January 28, 2016.

Member Koenigsberg read the legal notice for 238 Turnpike Road.

Mike Lotti with Kearsarge Solar, LLC explained to the Commission what the proposed project at the Wastewater Treatment Plant entails. The Town has negotiated with Kearsarge to install a solar farm on a portion of land behind the Wastewater Treatment Plant. This area was historically used as the old filter beds and are no longer used by the Town.

The proposed work will involve the installation of a 950 kilowatt solar generation system, which will consist of about 2,970 PV modules installed on top of the old filter beds. There are several gravel piles that will need to be leveled and spread across the area before installation. All of the work is outside of the 100 ft River Front buffer zone, only a portion of the work is within the 100 ft Bordering Vegetative Wetland (BVW) buffer zone, all of the structures will be outside 50 ft from the BVW. The panels will be placed on mounting polls upon a gravel bed. There will be a fence surrounding the entire project with an access road and an emergency vehicle turnaround. Kearsarge was asked to leave a space for the proposed bike path between the Wastewater Treatment Plant and the solar project fence. Once completed the whole area will be hydro seeded with a solar mix for low growth. The area will only have to be mowed once or twice a year.

Member Buckalew asked about what the site line would be from the nearest house. Jack Goodall responded that the nearest home from the project was about 700 ft as measured through the trees.

Member Buckalew motioned to issue a Negative 3 Determination of Applicability with Special Conditions for Kearsarge Solar, LLC for the proposed solar energy generation facility located at the Town of Westborough Wastewater Treatment Plant, 238 Turnpike Road seconded by Member Kelley, motion passed 7-0.

7:15pm – Hearing – Notice of Intent – Cumberland Farms, Inc, 165 Flanders Road.

Materials submitted with this filing consist of a Notice of Intent entitled “Proposed Site Improvements Associated with Corporate Offices Relocation 165 Flanders Road Assessor’s Map #31, Lot #7 Westborough, Massachusetts Worcester County” dated January 25, 2016. Also a site plan entitled “ Site Development Plans for Cumberland Farms Location of Site: 165 Flanders Road, Town of Westborough Worcester County, Massachusetts Map #31, Lot #7” dated January 19, 2016.

Member Koenigsberg read the legal notice for 165 Flanders Road.

Mike Tierney from Cumberland Farms explained briefly to the Commission that Cumberland Farms plans on expanding the current Distribution Center at 165 Flanders Road by adding their corporate offices to this location from Framingham Ma. To do this, Cumberland Farms will need to expand the parking lot area to accommodate the extra employees. At this point in time, Cumberland Farms is not expanding the building however they may choose to go up in the future if needed.

Bill Goebel with Bohler Engineering explained the proposed project at 165 Flanders Road. Mr. Goebel first explained the existing conditions onsite to the Commission which the site has recently had major site improvements. The site is approximately 100 acres and is comprised of impervious cover, detention basins, grass, woodlands, and waterbodies/wetlands. Portions of the site are also located within the Cedar Swamp ACEC and the 100-year floodplain.

Mr. Goebel explained to the Commission the various changes and parking lot redesigns to accommodate the new employees. They will be redesigning the truck access to be where it was originally located on the northwest side of the building. There will also be a new security shack for the drivers to report to. There will also be an expanded tractor trailer parking area on the west side of the property that will also entail modifying the existing stormwater and constructing a small detention basin. Also on the west side of the property additional commissary employee parking will be developed so that these specialized employees do not need to enter through the main entrance and walk through the facility to get to the commissary. This will aid in meeting very strict sanitary codes.

Mr. Goebel explained to the Commission that there are many environmental constraints on the property and all attempts to mitigate stormwater, floodplain, and Riverfront regulations have been made. The Conservation Officer has met several times onsite and at Bohler’s office to review all the Wetland Protection Act regulations.

Member Koenigsberg asked if the volume on the compensatory storage was going to increase or decrease. Mr. Goebel stated that they are meeting all the requirements set forth by the Act. But

he doesn't have those exact numbers in front of him. Member Koenigsberg stated that should have been submitted with the filing. Mr. Goebel will submit those numbers to the Commission.

Member Koenigsberg asked that the area on the west side of the building be fenced or guardrail installed to prevent future encroachment.

Member Koenigsberg asked about the replication areas what is the plan to maintain or make sure the vegetation takes in that area. Mr. Goebel stated that they will do what's necessary for the Commission to be satisfied and the Conservation Officer stated that the Special Conditions addressed these concerns and the Conservation Officer will work with Cumberland Farms to monitor the vegetation.

Member Kessler asked if they used salt in the parking lot and would they be able to go to a low salt mixture. Mr. Tierney agreed to look into that.

Member Lundberg suggested that Cumberland Farms look into the snow removal near the riverfront and adding a guardrail to prevent pushing snow into the resource. Mr. Tierney stated that they are used to removing/stockpiling snow in other non-resource areas and this practice will continue but a guiderail was a good idea.

Member Buckalew motioned to grant a waiver from Section 8.1 of the Town of Westborough Wetlands Protection Regulations dated February 9, 2010 and revised through May 8, 2012 requiring a minimum setback of 20-50 feet for the Limit of Disturbance for any activity abutting an ACEC where the buffer zone has previously been disturbed. The activities that will occur closer than 20 feet but within previously disturbed areas include, the planting of three separate Riverfront Restoration Areas, paved parking, new truck access drive, installation of stormwater management basins, associated underground utilities, permanent metal guide rails to prevent further encroachment toward the resource areas, and associated grading and curbing. All work will be strictly overseen under the supervision of the Conservation Officer with stamped written certifications verifying that all limits of work have been surveyed by a professional Land Surveyor. In addition, stamped written certifications verifying that the proposed stormwater management basins are properly located and built will also need to be provided by the Professional Land Surveyor and Professional Engineer before final paving. The protected wetland resource areas and the ACEC will not be compromised with the granting of this waiver seconded by Member Donley motion passes 7-0.

Member Buckalew motioned to grant a waiver from Section 8.1 of the Town of Westborough Wetlands Protection Regulations dated February 9, 2010 and revised through May 8, 2012 requiring a minimum setback of 20-50 feet for the Limit of Disturbance for commercial, industrial, municipal, multi-family or other non residential parking lots. The proposed western parking lot expansion will encroach within 20-feet to a previously disturbed wetland resource area buffer zone. In addition, the Applicant may decide to fill in Wetland Series Flags LE9-145 thru LE9-157 to more adequately square off the proposed parking lot expansion. This small wetland/drainage conveyance channel is severely degraded and also contains a sewer manhole. In the event the Applicant decides to proceed with this modification it will be the responsibility of the Applicant's Professional Engineer to submit a revised plan and demonstrate stormwater compliance. This will be considered an administrative change and not a major modification and

as such, no public hearing will be required. All changes will be reflective within the final as-built. The protected wetland resource areas and the ACEC will not be compromised with the granting of this waiver seconded by Member Kelley, motion passes 7-0.

Member Buckalew motioned to issue an Order of Conditions for (DEP File #332-869) with Special Conditions 21-34 to Cumberland Farms, Inc located at 165 Flanders Road subject to receiving a formal DEP File Number seconded by Member Kelley, motion passes 7-0.

Member Buckalew motioned to issue an Extension Permit for (DEP File# 332-842) for Cumberland Farms located at 165 Flanders Road seconded by Member Donley motion passes 7-0.

7:30pm – Discussion – Carmax Wetland Planting Mitigation Modification located at 170 Turnpike Road.

The Conservation Officer and Austin Turner from Bohler Engineering proposed to the Commission some alterations to the supplemental plantings at the CarMax site at 170 Turnpike.

The Site Development Plans for CarMax dated October 7, 2014 show plantings in areas that were supposed to be clear cut and the Conservation Officer was able to keep that from happening therefore there is no need to have plantings installed in these areas. The Conservation Officer and Member Kessler visited the site and selected several areas that plantings would be more beneficial in providing cover and protection to onsite wetlands and to further protect the Blue-Spotted Salamander.

Member Koenigsberg asked if the Commission could do a site walk, this will be planned for a future date.

Member Buckalew motioned to authorize the Conservation Officer to develop an alternative BLSF Mitigation Area 1 and BLSF Enhancement Area 2 planting plan for CarMax located at 170 Turnpike Road. The revised plan would remove 280 total plantings from both BLSF Areas and the same quantity of plantings would be diversified within environmentally sensitive areas on the property. This will also better serve to protect the habitat and associated migration patterns of the Blue-Spotted Salamander seconded by Member Kelley, motion passes 7-0.

Member Buckalew motioned to issue a Partial Certificate of Compliance (DEP File# 332-843) for Toll MA Land II Limited Partnership located at 346 Turnpike Road seconded by Member Donley motion Passes 7-0.

Member Buckalew motioned to issue an Extension Permit for (DEP File# 332-757) for Exxon Mobil, Mass Turnpike Rest Area 6AW seconded by Member Kelley, Motion passes 7-0.

7:45pm – Discussion – Update on Sandra Pond Reservoir Watershed Activities.

The Conservation Officer explained to the Commission the job that was accomplished on Stand 8. J.B. Sawmill and Landclearing did the job and they were very successful and have completed all the associated work. Mike Johnson has been working on the main tributary to get it within stormwater compliance. So far he has done a great job and has been able to possibly add a walking trail to the inside of the guardrail he has graded the area and has made great progress there is still a little bit of work to be accomplished but it should be completed shortly.

Member Buckalew motioned to approve the meeting minutes of January 12, 2015 seconded by Member Kelley, motion passes 6-0.

Member Buckalew Motioned to adjourn seconded by Member Kelley, motion passes 7-0.
Time of Adjournment_____8:44pm_____

Respectfully Submitted,
Sheri Brown, Administrative Assistant

Chairman Koenigsberg