

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JUNE 1, 2015 MEETING**

MEMBERS PRESENT: William Chase (Chair), John Hadley (Vice-Chair), Charlene Hopkins (Vice-Chair), David Mercurio, David Eckhardt (Associate Member) and Clerk Toby Goldstein.

MEMBERS ABSENT: Mark Meola.

At 7:03 pm, Ms. Hopkins moved to open the meeting. Mr. Hadley seconded. All in favor.

Minutes of May 4 Meeting:

After review of the minutes by the Commission members, Ms. Hopkins moved to accept the minutes as amended after suggesting some changes. Mr. Hadley seconded. All in favor.

Public Hearing, Patrick Healy, P.E., of Thompson-Liston Associates, Representing Checker Realty, LLC, Request for Determination of Applicability, 216 West Boylston Street:

(Mr. Healy represented). The proposed work was the installation of a sidewalk in an existing lawn area. Mr. Healy began by informing the Commission that he met with Planning Board the previous week, and that hearing was continued to June 10. He brought drawings of the existing conditions with him, which he showed to the members, and pointed out the proposed work. He pointed out that they propose to install drainage at a small pond across the street, and overflow would be collected and discharged into the wetlands at the north end of the property. He also indicated that the wetlands adjacent to the pond casts a 100-foot buffer zone. Mr. Healy continued that the applicant is proposing a 19-space parking lot and to build a sidewalk; that will involve breaking up two tenant spaces. He added that they applied for site plan approval from Planning Board for the parking area and a special permit for business center use with three or more tenants. The sidewalk will be within the 100-foot buffer zone, but it will be 77 feet from bordering vegetated wetland and there will be no direct runoff to wetlands because of the grade. He continued that they are proposing pervious pavement also to address additional runoff, and he is not proposing stormwater management for the sidewalk. Mr. Chase added that there is a roof water issue because of the low yield aquifer. Mr. Healy asserted that the work is outside of the aquifer and said that they have received an opinion from DCR (on file) stating that they are not subject to the Wetlands Protection Act. Mr. Chase asked Mr. Healy about drainage into the parking lot? Mr. Healy replied that they are proposing pervious pavement to remedy this; he opined that it would also be very effective in preventing icing over in the winter, and asserted that the plan meets DEP stormwater policy.

Mr. Hadley asked if there are wetlands behind the building, to the left? Mr. Healy responded "yes" and that the wetlands were flagged about ten years ago; the work would flow into a swale and there will be no direct work within this 100-foot buffer zone.

Mr. Eckhardt asked if the implication was that the project depended upon the approval of Planning Board? Mr. Healy replied that, at the Planning Board hearing, some of the neighbors of the property suggested that they look at alternatives such as not having a curb cut on Shrine Ave. Mr. Mercurio asked where the curb cut would be, and the Concomm members mentioned a possible vernal

pool in the area where the condos would be. Mr. Healy pointed out the curb cut and noted that it would double the width to allow emergency vehicles to enter and exit, and with the pervious pavement and being four feet lower than the street, it will keep water from running down into the driveway. He added that they would like to start work as soon as the permits are in place.

Mr. Hadley then asked why the applicant cannot use the existing parking lot and build another sidewalk, instead of building a new parking lot? Mr. Healy responded that there are now two entrances on the south side of the lot, and the sidewalk would give access to those in the front of the parking lot; they are proposing 19 spaces, along with a turn around space; Mr. Chase did not see a problem with it, as there appeared to be water control. Mr. Eckhardt summarized, that the proposal is contingent upon Planning Board's decision, and could be re-submitted, but the question here is if the current plot plan is workable regarding the Wetlands Protection Act, and he opined that they have addressed all of the issues and the Commission members were next ready to hear questions and comments from the public.

First to speak was Linda Marshall of 49 Carol Drive, an abutter who lives across from the proposed work. She mentioned the history of work on the property; Mr. Chase, the owner of the property years ago, was going to do parking lot work, with entrance and exit from Shrine Avenue, which the residents opined was dangerous and would cause a lot more traffic; Mr. Chase gave as a reason that he cannot expect tenants to walk all the way around the building. Ms. Marshall commented that the present owners have 178 parking spots but use approximately 30-50 per day and none on the weekends, so why do they need to have a dangerous entrance/exit? She added that the neighbors feel very strongly about this and have been attending the Town meetings regarding this matter; they have drawn up a petition regarding this and gave a copy to the Commission (on file). The Concomm members replied that their concern was strictly the wetlands and the sidewalk, and whether or not the sidewalk work violated the Wetlands Protection Act; the parking lot was not their concern, unless the pitch will be such that water will run down. Mr. Eckhardt added that water will run away from the wetlands so erosion controls will not be needed, but Mr. Healy responded that there are some erosion controls planned and showed the members the on the map where they would be.

With no further comments or questions, Ms. Hopkins then moved to close the public hearing. Mr. Eckhardt seconded. All in favor. Mr. Eckhardt then moved to issue a negative determination, subject to the condition of erosion controls at the westerly end of the proposed new parking lot. Mr. Mercurio seconded. All in favor. Mr. Eckhardt instructed Mr. Healy that, after the next Planning Board meeting, if anything changes, he should come to the next Concomm meeting on Monday, July 6, to discuss it.

Informal Discussion Regarding 215 West Boylston Street, Request for Determination of Applicability:

Mr. Chase reported that he spoke with Building Inspector Chris Lund who had placed a temporary Cease and Desist order on the applicants' work, and Mr. Lund wanted to know if Concomm had any issues with the proposed work. DCR had no problem with the proposed work, and Mr. Chase said that so long as the applicants have a separator on the outside and a manhole Concomm has no problem with it; the applicants were then given a temporary order to begin work. David Femia, a member of the ZBA, mentioned that, according to conditions given by ZBA at their public hearing at which a special permit was issued to the applicants, that no work can be done outside of the building except perhaps the changing of a light bulb for example, but nothing involving lubricants or chemicals. Mr. Chase continued that there will be one separator outside, and there is one inside already, and these will also catch salt in the winter. Mr. Femia opined that the property was grandfathered, mentioning that, at the ZBA's public hearing, a man who was a former mechanic said that years ago auto repair work was done as prior use in that building while it was a bakery in another part of the building.

The Commission members will meet on Thursday, June 4, at 6:00 p.m. at the site to hold the public hearing for the Determination, as the Request for Determination of Applicability was not submitted soon enough to be advertised.

Discussion with Georgeann Keer Regarding Proposed Work at Quinepoxet Dam:

Ms. Keer works for the Division of Ecological Restoration of the Department of Fish and Game; they are doing a dam removal investigation for the Quinepoxet Dam; she had previously spoken with Mr. Chase regarding the project and Concomm's input. (She showed slides to the Commission members and explained the work that her agency does).

First was an overview that discussed the different types of dams in Massachusetts, Ms. Keer adding that there are over 3,000 of them. Then, the slides specifically discussed the Quinepoxet Dam, its specific location and problems with it which include problems with the flow of fish down the fish ladder as they are attracted to the aqueduct present. She said that the Nashua River Watershed Association proposed to her agency the project of investigating the possibility of removal of the circular dam. She continued that her agency is concerned with protection of water quality as most dams have sediment behind them, and protection of infrastructure and re-naturalizing of the wildlife habitats. At this point, she said, they are in the phase of feasibility investigation and data collection, and sediment collection is an important part of the process; she opined that probably a lot of sediment will not be fine sediment, so that it can just remain in place. She explained that they are developing a team, working with NRWA and DCR, and will let the Town know what they are doing. She mentioned that, according to information from the Historical Commission, the dam appeared to be carved into the landscape to push back the river from the entrance to the aqueduct, and this would probably lead to sediment that was more rocky rather than fine. Ms. Keer continued that MMI is looking to do sediment sampling with the use of DCR equipment within the next week or so, weather permitting, to tell them what types of sediment and how much material they have to deal with for excavation, off-site disposal and grading, and added that they do not want to negatively affect the aqueduct or water quality by removal of the dam. She added that they are hoping to have their work done by the end of June or else they need to re-apply for funding.

Ms. Keer next responded to questions from the Concomm members. She explained that the NWRA wants to look into the dam removal because the structure of the dam is an economic liability due to the cost of repair of such things as cracks in it and vegetation growing out of it, and they feel that it would make sense to remove it before it becomes an emergency situation as the dam does not really have a purpose. She said that the dam itself is DCR property and where they will be taking samples. Ms. Keer explained that all the information is needed before a final decision is made to take down the dam because it is so closely tied to the water supply, and opined that it would be beneficial to the fish that the area is noted for. She discussed that fund raising would be an issue affecting when the project might be completed (they are hoping for 2017), and discussed the large differences in cost between removal of the dam and repair of it.

Mr. Hadley asked Ms. Keer if her agency came before Concomm previously about other dam removal projects but did not re-appear, and she replied that Beth Lambert probably was the one who came before them several years previously. Mr. Femia next asked Ms. Keer if the dam is not doing what was intended for it to do when it was built? She replied that she believes that the intent was to widen the stream and allow the sediment to settle downstream, but explained that whether or not the dam is there, the sediment will settle downstream as long as it's flat in body and the hydrology reports will be used to help them to maintain the function necessary for the aqueduct and create a more natural, restored river in the upstream section. Mr. Femia expressed concern that the Commission be kept informed of what transpires in the research and will they have an opinion once all the information is

obtained, and Ms. Keer replied that she sees no reason why Concomm will not be kept informed and agreed with Ms. Hopkins that they will need to file a Notice of Intent. Mr. Eckhardt suggested that MACC could define Concomm's role and that Concomm might write a letter to weigh-in on funding for the project. Ms. Hopkins suggested to Ms. Keer that, when they have all of their information, to appear before the Commission. Mr. Chase mentioned that the fishing in the river is an important concern of the Town.

Afra Terrace Update:

Mr. Ali had submitted another "as-built" plan to the Commission, but Mr. Chase instructed the Commission and the Clerk that there still is information missing from the plan, such as areas for snow disposal, and there will be no approval of the plan until it is complete. Mr. Femia asked if there was anything legal that could be done to obtain compliance from Mr. Ali? Mr. Chase responded that Concomm needs wetland bylaws to be able to enforce, and added that they need the plan to close down the file. Mr. Hadley added that the condo association for Afra Terrace wants people to know what they are buying. Mr. Chase instructed the Clerk to send Mr. Ali a letter stating that the plan does not have what Concomm wants and cannot accept it until the information is on it.

Angell Brook Orders of Conditions:

They are applying for a full Certificate of Compliance, and Concomm is waiting for them to file.

I-190 Update Regarding MA DOT Work:

The applicants emailed the Commission to let them know that they were going to start their work this week but Concomm members opined that, due to the expected rain, they may not be able to do so.

Asian Longhorned Beetle Update (ALB):

Mr. Chase informed the Commission members that a resident told him of a supposed-ALB that she found on her property and is keeping in a jar for identification and possibly for appearance before the Commission. He told her that he would ask Mr. Eckhardt for his advice as to what she should do about this.

Wachusett Liquors Occupancy Permit Update:

The occupants are still there under a temporary permit.

Earth Removal Board Representative from Concomm:

Mr. Hadley offered to do this; he was unanimously accepted by the other Commission members as the representative.

Concomm Elections:

Ms. Hopkins nominated Mr. Chase as Chair. Mr. Hadley seconded. All in favor.
Ms. Hopkins and Mr. Hadley agreed to remain as Vice-Chairs.

With no further business to discuss, Mr. Hadley moved to adjourn the meeting at 8:15 p.m. Mr. Chase seconded. All in favor.

Submitted by: _____

Date accepted: _____