

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
AUGUST 3, 2015 MEETING**

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

MEMBERS ABSENT: Charlene Hopkins (Vice-Chair) and Mark Meola.

Mr. Eckhardt moved to open the meeting at 7:00 p.m. Mr. Hadley seconded. All in favor.

Informal Discussion Regarding Proposed Paving of Malden Street:

(Nancy Lucier and Ken Hodgson, on-call engineer for LEI, represented). This is a project that the Board of Selectmen would like to get done. Mr. Hodgson explained the project, describing it as a reclamation project, and they would churn up the pavement, the bituminous and the base, below Malden Street from Goodale Street to the end, over Malden Brook, and including 1,300 linear feet of Crescent St., from Malden up to Pine Arden. Mr. Hodgson added that WPA recent modifications included the allowance of pavement repair, which would include this proposed work. He continued that they would probably use straw wattles or haybales for erosion protection, depending upon which would be more secure. They also decided against flagging the limits of the wetlands there because, he asserted, that once off of the bridge, the area is all wetlands and a protected area, and they will have the same sort of erosion controls in place. Mr. Eckhardt advised Mr. Hodgson that, before making a formal filing, they need to indicate the erosion controls to be used and have a description of them in either a drawing or a verbal description of the scope of work such that the Commission could visit the site and identify what the applicants have described to them. Mr. Chase mentioned concern with the bridge, which may require new fencing and may need rip rap on the sides.

(Mr. Hodgson then showed the Concomm members a picture of the site). Mr. Hadley added that the street will not be widened at all. Mr. Hodgson then described that there would be a grinding process, with some excess being removed, rolled or compacted, and then paving on top. They would like to begin as soon as possible. Mr. Chase said that, if the applicants do not widen the bridge, then he has no concerns. Mr. Eckhardt said that, when they formally present, there will probably be a negative determination, with the condition of appropriate erosion controls in the buffer area associated with the bridge. He added that the next scheduled meeting is September 14, but if the applicants require a special meeting before that, the Commission will work with them to set up a public meeting so that they can begin their work. Mr. Eckhardt also instructed Mr. Hodgson to contact the Commission if anything new takes place and to ask them any questions. Mr. Hodgson asserted that the project is a straightforward maintenance project. The Concomm members agreed that they do need a meeting and to visit the site prior to the start of any work. (There was no comment from the public).

Public Hearing, West Boylston Masonic Association, Request for Determination of Applicability, 12 Church Street:

(Lawrence Salate represented). Mr. Salate stated that he represented Boy Scout Troop 151 and the Masons, who hold the charter to the Boy Scout troop. They are trying to obtain a permanent home and would like to install a centrally-located shed to contain all of their equipment. It would be in an area where they go camping. He described the proposed site, which is about 5 to 10 feet from a brook. They propose to have the shed sit on solder tubes about 2 or 3 feet above the ground to keep it dry and safe. The applicants also want to put a handicapped access on the other side of the building, which would be at the edge of the buffer zone; there would be a walkway to go to a handicapped door that they have for an elevator. (He reviewed a map of the site that was distributed at the July meeting with the Commission members). Mr. Salate added that they would probably pave or cement the surface. He acknowledged the area being in the setback. Mr. Chase responded that they may not be able to pave; he and Mr. Hadley thought that they will need to use dense grade stone. Mr. Salate added that the church (Freedom Church) where they would meet rents out its property and occasionally needs the handicapped access also. The Commission members discussed that the property is fairly flat, and opined that it would be a good project. With no public comment, Mr. Eckhardt moved to close the public hearing and issue a negative determination. Mr. Hadley seconded. All in favor. (In Mr. Chase's opinion, the applicants do not need erosion controls). (Mr. Salate added that they have filed with DCR, who okayed the project, and they will get a copy of the document for Concomm).

Public Hearing, DCR, Request for Determination of Applicability, Lancaster Street, Parcel 28 (Formerly Mazzolini's Dairy Barn):

(Paula Davison and John Scannell of DCR represented). Ms. Davison discussed the history of the structure which DCR is looking to demolish and remove. It had been a dairy barn, then was converted to an ice cream/breakfast shop in the late 1970's to 1980's. The State bought the property in 2009 or 2010. They are looking to demolish and remove the structure and pump out the grease trap, if present, and septic system; the work will be put out to bid for a contractor; they will receive an abatement, and have wetland flagging. Ms. Davison continued that erosion controls will be put into place and DCR will monitor the work. They are planning to do this in the fall of this year. She replied to Mr. Hadley that they will bid with an option to remove the floor, depending upon the price. She added that the Board of Health had no record on septic there. But she said that, in the front of the property, abandoned septic was found (full of sand), and they thought that probably a grease trap was properly removed also. Ms. Davison responded to Mr. Eckhardt that remediation needed to be done for asbestos and fluorescent tubes, but not for lead. With no further questions or comment, by the Commission or the public, Mr. Hadley moved to close the public hearing and issue a negative determination. Mr. Eckhardt seconded. All in favor.

Public Hearing, Patricia Austin, Mass. DCR, Notice of Intent, for Beaman Street and Temple Street:

As the wetland scientist who would be speaking regarding this Notice of Intent had not arrived yet, Mr. Eckhardt moved that the applicant allow the discussion to be moved from the scheduled time

of 7:15 to 7:30, allowing the 7:30 public hearing scheduled for DCR to be heard first; Mr. Hadley seconded. All in favor.

Public Hearing, John Scannell, DCR, Notice of Intent, Rt. 140/Rt. 12 Causeway Reservoir Crossing:

(John Scannell and Patricia Austin of DCR represented). Mr. Scannell discussed the reason for the proposed project. He said that there are a number of places around the reservoir where drainage discharges into Wachusett Reservoir untreated or minimally-treated. The first group of them were up along Route 140 in Boylston and Clinton a few years back, and MA DOT worked on those. Now there are three major projects, there is one crossing the causeway and the other two they will discuss later. The limits of work will be from up at the railroad bridge, down across the causeway entirely, then around the corner on to Beaman Street, to just past the low point on Beaman Street. The proposal includes two things:

1. To resurface the roadway, construct new catch basins and drainage system, which will, starting at the railroad bridge, collect drainage coming down from Route 12 as well as some cross-country drainage below Gate 25, which will go into a treatment system to be built adjacent to the reservoir.

2. At the other end, the remaining part of the causeway, drainage downhill from Rtes. 110 and along Route 140 as described above will be collected into the drainage basin to be constructed in that location.

(Mr. Scannell showed the Concomm members a map of the site and proposed work). Mr. Scannell continued that, being a sensitive area, parts of the basin would be planted with appropriate wetland plants; they will maintain them so that people can cross basins for access and walking, and may provide signage for the plants. Regarding recharge, he said that the State prefers it to be open as it is easier to maintain. Regarding maintenance, he said that DCR agrees to do all maintenance of structures off the roadway, and they do have a maintenance plan. Ms. Austin added that this is outlined in the submitted Stormwater Plan (on file), but there will be more details as it develops. Mr. Scannell added that all construction will be done by MA DOT, and they will put out bids for that work. Mr. Scannell and Ms. Austin replied to a question from Mr. Eckhardt that the drawing they were referencing was a "design-rate" drawing, and that they will provide Concomm with "as-built" plans.

Ms. Austin continued that DCR had been working on this project for a long time, and pointed out that they are handling design, and MA DOT is handling construction. MA DOT said that, if they obtain permitting by the end of the fiscal year, they will bid in the fall and start work in the spring of 2016, and Concomm will obtain a full set of plans before the start of work. Mr. Scannell added that MA DOT wants to move the entrance/exit of the parking lot at Gate 25, and bring it further down the street; also, Water District will replace water mains as part of the project. Mr. Scannell continued that they are also proposing a sidewalk right from the bridge, down across the causeway on one side and all the way up to the edge of the road, where there will be paved parallel parking. He mentioned that he spoke with Leon Gaumond and DPW previously regarding a sidewalk plan for the Town, and this was part of it, and asserted that the drainage project does not have to fit in strictly with road reconstruction standards, and that there are catch basins discharging into the reservoir and places on the roadway where water accumulates and road safety needs to be considered also. In response to a question from Mr. Mercurio, Mr. Scannell replied that grading would stay the same but the road will pitch back to the basins which will be on both sides. In response to a question from Mr. Eckhardt regarding elevation changes to make the water flow downhill, Mr. Scannell replied that they would not need them. Ms. Austin added that there would be temporary storage as the four basins will be lined (Mr. Scannell thought possibly with clay) in case of any spills.

Mr. Salate (of the Masonic Association) had a question from the public (he also said that he is on the Transportation Board). He said that he has concerns about there being a lot of dirt where the parking area is. Mr. Scannell replied that there will be paved parallel parking along that stretch. Mr. Salate asked about the church area and Mr. Scannell replied that the work will not go as far as the church. Mr. Eckhardt asked if work in the church area was part of a previous project or would be in a future project? Mr. Scannell replied that they are just considering now the drainage into the reservoir so they have not considered the church area; but he said that they would try to look at the church area, acknowledging that it would be a challenging site on which to place a gravel parking lot, considering there are wetlands that are fairly close to the area and then there would also be a need to access a handicapped route down to the church. Mr. Salate commented that people stop to take pictures of the church, and Mr. Scannell responded that there is not a place to fit a turnoff. He continued that they would be putting a sidewalk across the causeway all the way from the railway bridge, and the sidewalk will be on the same side as the pumping station and come across the causeway and end at the parking area.

Mr. Salate then asked Mr. Scannell if work could be done on the "S curve" at that area of the road? Mr. Scannell replied that this would be another project.

Mr. Eckhardt advised Mr. Scannell that the Notice of Intent authorizes the applicant to do the work shown on specific drawing(s), and asked him to come back if they are considering any significant changes in scope of the project, in which case an amendment would have to be considered. David Femia of the Zoning Board of Appeals, who was in the audience, then asked Mr. Scannell if the sidewalk would leave the road the same size and not take any area away from the road? Mr. Scannell replied "yes" and this was the end of any further questions or comments regarding the subject.

Mr. Eckhardt then moved to close the public hearing and issue an Order of Conditions for the project documented in Project File 607734, with Special Conditions for the applicants to notify the Conservation Commission for a pre-project meeting to review what they will be doing. Mr. Hadley seconded. All in favor. The Concomm members also advised Mr. Scannell to see them if their documents are revised. Mr. Eckhardt added that the applicants need to provide Concomm with final "as-built" and maintenance plans, and to contact them if there are any problems.

Public Hearing, Patricia Austin, Mass. DCR, Notice of Intent (2), for (1) Beaman Street (DEP File #327-0260) and (2) Temple Street (DEP File #327-0261), for Work for Stormwater Improvement Along the Project Limits to Improve the Water Quality and Reduce the Impact of Accidental Spills and Releases:

(Patricia Austin, Devleena Ghosh Brower, Alexander Fagnand and John Scannell represented). First, Ms. Ghosh-Brower discussed the Beaman St. (Route 140) project, which would run from Thomas Street to 180 Beaman Street. She described the area that the project would involve, and it will stop just short of Cutting Street. She stated that there will be some water main replacement work involved, which is exempt under utility maintenance. She showed (2) maps to the Concomm members. Ms. Ghosh-Brower pointed out that the wetlands are all delineated and she pointed out the 100-foot buffer zone to the Wachusett Reservoir bank and bordering land subject to flooding, also associated with the reservoir. She said that the proposed project will largely consist of stormwater and transportation improvements, and elimination of direct discharge into the reservoir. Mr. Fagnand added that stormwater quality improvement for the reservoir is the main focus of the project, and each area will have the maximum possible treatment of stormwater given elevation and space available. At the intersection of the first area, existing runoff from the roadway will be collected in catch basins and taken to a stormwater treatment unit. He mentioned that there will be 1,600% TSS removal. Mr. Fagnand pointed out where the water would flow. He then pointed out the next area; since that stormwater

drainage cannot get to a basin, they will again have deep-sunk basins and another proprietary treatment unit, and a pipe is oversized adding additional capacity. (Mr. Fagnand pointed out the highest point of the project, and that Station 9 is the lowest point). No filtering system is specified as yet. He added that there will be short-term road closure of not more than a month. Mr. Scannell added that they hope to bid the work in the fall, so they would begin work no sooner than the spring of 2016, and that they need to obtain federal funding before the end of the federal fiscal year. (Mr. Fagnand showed the drainage proposed on the map). Mr. Scannell continued that Water District plans to replace a water main, included as part of this project, which should result in savings instead of Water District having to do that separately and open the road again. Ms. Ghosh-Brower added that there will be no direct impact to any resource areas subject to the Wetlands Protection Act, there will be mainly 100-ft. buffer zone work, and there have been no comments on the DEP website and both NOI's do have file numbers from DEP; Mr. Scannell reiterated that there would be no additional impervious. Mr. Eckhardt instructed the applicants that the Commission is approving specific concepts documented on the drawings submitted, and if there are significant changes, the Commission wants to see them; Concomm also needs final drawings and a final maintenance plan. Mr. Fagnand said that the stormwater report included in the submitted paperwork (on file) has an operation and maintenance plan with requirements laid out by DEP. Mr. Eckhardt responded that, if the design changes that might impact revisions, they need to meet with Concomm before the work begins; they should contact Concomm with any questions and could have a special meeting if necessary. Mr. Eckhardt responded to a question from Mr. Mercurio that the stipulations of all three projects (these two NOI's and the previously mentioned Request for Determination) are the same but the applicant chose to file for three separate projects as the scopes are slightly different and possibly because they need to bid separately for each.

With no further questions or comments, Mr. Eckhardt moved to close the public hearing and issue an Order of Conditions for the scope of work shown for Route 140 from Thomas Street to 180 Beaman Street, on the Plans "Water Quality Improvement Project-Beaman Street/Route 140" and "Attachment E-Stormwater Management Report", dated July 2015, subject to the special condition that the applicant will advise Concomm of a pre-project meeting. Mr. Hadley seconded. All in favor.

Next, Ms. Ghosh-Brower discussed the South Bay project, Temple Street/West Boylston Street/Route 140, which runs from Boylston town line to approximately 185 Temple Street. She said this would be similar to the aforementioned project, and largely in Boylston (they have filed with that town, also). She showed the proposed work area and drainage in West Boylston on the map to the Commission members, starting at the Town line, pointing out Wachusett Reservoir, stopping about 600 feet past Muddy Brook Crossing. She indicated that the resource areas are the reservoir and the bank, and Muddy Brook with its bank and the 200-foot waterfront area. She also pointed out that the town line bisects the detention basin. She pointed out the 100-foot buffer zone, and that a small part of the grading of the detention basin is in the 100-foot buffer. Ms. Ghosh-Brower said that they have a hearing with the town of Boylston on August 20. She also pointed out a paved driveway off of Route 140, a recreation area, pump station, and Hartwell Street coming down to the "S curve." Mr. Fagnand continued that there will be stormwater improvements; there will be one collection area, with stormwater flowing upgradient to the high point, collected in catch basins, then flowing to a proprietary treatment unit and discharged to a four-bay, then to a detention pond, and will ultimately make its way out to the reservoir. He added that they are doing a feasibility study of aligning the "S curve" and pushing up the gradient; problem with that are that water quality of the reservoir is the primary concern, and it would take 5 to 6 years, and other transportation policies are involved. They would have to get a waiver from MA DOT because of sidewalks. He said that NWRA and DCR are interested in that project because of the dangerous curve and concern with hazardous spills reaching the reservoir. Ms.

Austin added that, if the drainage is taken care of first, it would be faster to get the other work done. Mr. Scannell commented that DCR wanted to do this, and Ms. Ghosh-Brower added that a lot of permitting would be involved.

With no further questions or comments, Mr. Eckhardt moved to close the public hearing and issue an Order of Conditions, to allow the work as shown on Plans "Route 140-South Bay" and "Attachment E-Stormwater Management Report", dated July 2015, subject to the following condition: applicant will advise of a pre-construction meeting. Mr. Hadley seconded. All in favor. (Mr. Hadley added that he will brief the Town Administrator on this at the August 5 Board of Selectmen meeting; Ms. Austin mentioned that they are having a public hearing with MA DOT on August 10; Mr. Hadley and Mr. Scannell replied to Mr. Eckhardt's question that Concomm members could attend the August 5 Selectmen's meeting).

Public Hearing, Geoffry Sheldon, Request for Determination of Applicability, 11 Maple Street:

Mr. Sheldon is looking to have Eversource install a new gas connection from Route 140 to his home at 11 Maple Street, using the Open Trench method (described in the filing-on file). Looking at a map of the site and where the work would be done, the Commission asked Mr. Sheldon if the work area is close to the brook? Mr. Sheldon replied that they can push it further away, but two rooms are on a slab so they cannot do that. The Commission discussed what they thought would need to take place, probably using wattles, the work probably taking place in one day, and a machine digging the hole, with all gravel being used as fill. With no further questions or comments, Mr. Eckhardt moved to close the public hearing and issue a negative determination with erosion controls as shown on the Eversource aerial photograph of the site (undated). Mr. Hadley seconded. All in favor.

17 Lost Oak Road, Lot 10, Request for Certificate of Compliance, DEP File #327-0050:

After review of the submitted Request paperwork and knowledge of the site by the Concomm members, Mr. Hadley moved to issue a Certificate of Compliance. Mr. Eckhardt seconded. All in favor.

Informal Meeting With MWRA:

(This was a discussion of work outlined in previous e-mails regarding water sampling at Wachusett Reservoir, as part of their water quality monitoring system). (Peter Grasso and Mary White represented). Mr. Grasso discussed the project, at the intersection of Route 140 and Route 12, on the reservoir side, stating that there will be three separate sampling lines down to the water under the bridge; there will be plastic 1-inch diameter piping, and the three lines will come down. They looked at different diameters. He described that a pump in a shed will draw samples. It will overcome 17-feet of static head and another 20-feet of friction. The pump will maintain suction. The design will replace floating pumps. Mr. Eckhardt opined that they will need a Request for Determination of Applicability, probably with a negative determination. Mr. Grasso added that this project is not in conjunction with DCR, but they worked with them regarding setting up the sampling lines. They are planning to do this by the end of November, before the frost begins. Ms. White said that they hoped to send Concomm a letter outlining the project and the exemption from the WPA so that they could receive a letter from Concomm. Mr. Chase added that the exemption and an "as-built" would cover the paperwork needed. Ms. White said that they can give Concomm a letter tomorrow. Mr. Eckhardt continued that they should give them the letter this week, and told them that it will be indicated in the minutes that he moved that the Conservation Commission authorizes Mr. Chase to review the communications from MWRA that it meets the exemptions and, if so, issue a letter of authorization. Mr. Hadley seconded. All in favor. Mr. Eckhardt added that they need to send to Concomm the proposed scope of work and a

second letter when complete with any changes. Mike Coveney from Water District added that Water District will look at the paving at the several pump stations.

Update on Quinapoxet Dam Project:

(John Scannell represented). Mr. Scannell informed the Commission that DCR is wrapping up their preliminary study of the Quinapoxet Dam removal, discussed at the June Concomm meeting (in minutes). Mr. Scannell said that he would talk to Georgeann Keer of the Division of Ecological Restoration of the Department of Fish and Game who spoke at the June meeting and Concomm would get a copy of the study results. He added that there will be a lull in the work, as they cannot go forward without being sure of funding.

Angell Brook Certificates of Compliance:

Regarding requests for a Certificate of Compliance for DEP File #327-206, the Commission members will wait to vote upon this until the September 14 meeting, at the request of Charlene Hopkins, who could not attend this evening.

Regarding the Request for Certificate of Compliance for DEP File #327-0248, regarding ALB tree removal at the development, with the Commission having reviewed the work done, Mr. Eckhardt moved to issue the Certificate of Compliance for Order of Conditions DEP File #327-0248. Mr. Hadley seconded. All in favor.

Request for Certificate of Compliance, DCR, Gates Brook Gate 25, DEP File #327-0259:

After review of the Request for Certificate of Compliance paperwork and discussion with DCR members present by Concomm, Mr. Eckhardt moved to issue the Certificate of Compliance. Mr. Hadley seconded. All in favor.

Afra Terrace Update:

With no representatives present to discuss the subject, and no further documents submitted to Concomm, the members decided to continue the discussion to the next meeting.

Update on 491 Prospect Street Dumping Issues:

Mr. Eckhardt reported that the Building Inspector thought that DEP would be interested in the situation as DEP Rules for Solid Waste are likely to apply there, but the superintendent is on vacation, so there is nothing further to report at this time.

Update on Wetland Bylaws:

The Commission members discussed the need for the bylaws, and whether or not to have Mark Archambeault incorporate the suggested changes by Planning Board previously. Mr. Mercurio thought that the Planning Board's changes would make the bylaws more palatable to property owners, whereas the original draft would be too restrictive. Mr. Chase believed that the Town needs the bylaws because the State will exempt the Town from theirs if the Town has its own bylaws. Mr. Hadley moved to accept the draft bylaws with the Planning Board changes. Mr. Eckhardt seconded. All in favor. The Commission members discussed the need for the new draft to go to the Bylaw Committee for approval (Mr. Mercurio is a member) and that it must get onto the warrant for the Town Meeting in October by September 1. Mr. Chase wanted the bylaws to get to the Bylaw Committee about a week or so before the Town Meeting to pass or not. The Concomm then discussed the necessity of the bylaws, based upon several incidences in the Town. They agreed that they stop violation, bring about immediate action, and

force the person(s) in violation to come to the next Concomm meeting to address the problem. Mr. Chase will notify Mr. Archambeault that the Concomm wants to incorporate Planning Board's changes. The Commission members then discussed their possible presentation of the bylaws for vote at the Town Meeting.

Minutes of July 13 Meeting:

After review of the draft minutes by the Concomm members, Mr. Hadley moved to accept the minutes as submitted. Mr. Eckhardt seconded. All in favor.

With no further business to discuss, Mr. Hadley moved to adjourn the meeting at 9:05 p.m. Mr. Eckhardt seconded. All in favor.

Submitted by: _____

Date accepted: _____