



Grafton Conservation Commission

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MINUTES of the GRAFTON CONSERVATION COMMISSION

May 5th, 2015

7:00 p.m.

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A meeting of the Grafton Conservation Commission was held in the Finance Committee Meeting Room of the Grafton Municipal Center on May 5th, 2015. Present were: Co-chairperson John Wilson, Co-chairperson Sandra Brock, Peter Finn, Heather Trudell, Kathleen Theoharides and Conservation Agent Maria Mast.

Co-chairperson Sandra Brock opened the public meeting at 7:05 p.m.

Peter Finn made a motion, seconded by Heather Trudell to accept the minutes of the April 14th, 2015 meeting as written. Motion passed unanimously. Document used: Draft Conservation Commission Minutes, dated 04/14/2015.

Peter Finn made a motion, seconded by Heather Trudell to accept the minutes of the April 21st, 2015 meeting as written. Motion passed unanimously. Document used: Draft Conservation Commission Minutes, dated 04/21/2015.

PUBLIC HEARINGS/MEETINGS:

DEP File # 164-889 - NOI, Application for Grafton Wetlands Bylaw Permit # 722 and Application for Stormwater Management Bylaw Permit # 15-001 (continuation) – Frederic Churchill – 114 Merriam Road, Lot 1 (Assessor's Map 59, Lot 24) The applicant is proposing the construction of a single family home, driveway, utilities, grading, landscaping and stormwater infiltration basin within the 100' buffer zone to bordering vegetated wetland and an infiltration basin, well, grading and landscaping within the outer riparian zone of the Riverfront Area. The applicant has requested a continuance of the hearing to the Commission's next scheduled meeting. Sandra Brock made a motion, seconded by Heather Trudell, to continue the hearing to 05/19/15. Motion passed unanimously. Documents used: Notice of Public Hearing; Correspondence from Scott Jordan of EcoTec, Inc., dated 05/05/2015; Agent's Report to Commissioners, dated 05/05/2015.

DEP File # 164-890 - NOI, Application for Grafton Wetlands Bylaw Permit # 723 and Application for Stormwater Management Bylaw Permit # 15-002 (continuation) – Frederic Churchill – 114 Merriam Road, Lots 2, 3 & 4 (Assessor's Map 59, Lot 24) The applicant is also proposing the construction of two driveways, utilities, grading, landscaping and three stormwater management basins within the 100' buffer zone to bordering vegetated wetland. The applicant has requested a continuance of the hearing to the Commission's next scheduled meeting. Sandra Brock made a motion, seconded by Heather Trudell, to continue the hearing to 05/19/15. Motion passed unanimously. Documents used: Notice of Public Hearing; Correspondence from Scott Jordan of EcoTec, Inc., dated 05/05/2015; Agent's Report to Commissioners, dated 05/05/2015.

DEP File # 164-897 - NOI, Application for Grafton Wetlands Bylaw Permit # 730 – Town of Grafton, Sewer Department – 9 Depot Street (Assessor's Map 124, Lot 63) The applicant is proposing improvements to the Wastewater Treatment Facility within the 100' buffer zone to resource areas. Applicants Paul Cournoyer, Town of Grafton Superintendent of Sewers, and Sewer Commissioner Dave Therrien were present. Dwight Dunk and William Dana Green of CDM Smith attended the meeting as representatives of the applicant. Mr. Green presented a project overview and proposed site plans. The proposed project upgrades are required to meet the new EPA NPDES regulations for discharge into the Blackstone River. Upgrades will include adding a new aeration tank and aerator, constructing a phosphorous removal and UV disinfection building, and installing a solar array to offset a portion of the increased energy usage. Mr. Dunk informed the Commission that some of

the proposed work will occur in Bordering Land Subject to Flooding and in the Riverfront Area, and that the project meets the criteria to be considered a Limited Project under DEP regulations. Mr. Dunk stated that the proposed placement of fill within the 100 yr floodplain will be mitigated by the creation of an additional 1300 cu ft of new floodplain as a result of excavation. The proposed solar array is located within the floodplain but designed so that the panels will be installed at a height 2 ft above the 100 yr flood elevation. The building improvements will incorporate gravel areas, porous pavement, roof infiltration systems and a green roof to maintain no net increase in impervious area on site. The work is scheduled to occur in phases with the solar array being installed last. The floodplain is also proposed to be utilized as the equipment laydown yard during construction activities. The plans and calculations have been referred to Graves Engineering, Inc. for peer review. At the applicant's request, the Commission determined to continue the hearing pending engineering peer review. Sandra Brock made a motion, seconded by John Wilson to continue the public hearing to May 19th, 2015. Motion passed unanimously. Documents used: Notice of Public Hearing; Proposed Site Plan and NOI, dated 4/29/2015; Application for Grafton Stormwater Bylaw Permit, submitted 05/01/2015; Agent's Report to Commissioners, dated 05/05/2015; www.mapgeo.com/grafonma/.

DEP File # 164-896 - NOI, Application for Grafton Wetlands Bylaw Permit # 729 (continuation) – Linda Snyder, Office of VP Operations, Cummings School – off Wildlife Drive (Assessor's Map 21, Lot 1A) The applicant is proposing maintenance on a sewer line within the 100' buffer zone to bordering vegetated wetland. Jim Pavlik of Outback Engineering and Skip Bigelow of Tufts University presented the revised site plan. The proposed plan has been revised to include comments made by the Commission at the previous meeting including the specification of a conservation seed mix, the addition of a water diversion bar and plunge pool in the temporary access road, and replacing the word "hay" with "straw" everywhere it occurs on the plan. A note was also added to state that the route of the access road and limits of clearing shall be field adjusted to avoid cutting and to preserve large trees. Peter Finn stated that he would like to include a condition that the Agent must approve the field location of the proposed access road prior to construction or tree clearing. The applicant submitted a request for waiver from the 25' no-disturb requirement as part of the proposed work will occur within 25' of the wetland boundary. John Wilson made a motion, seconded by Heather Trudell to accept the waiver. Motion passed 4 in favor, 1 abstention (Brock). Heather Trudell made a motion, seconded by Katie Theoharides to issue an Order of Conditions, including the conditions discussed at the meeting. Motion passed 4 in favor, 1 abstention (Brock). Documents used: Notice of Public Hearing; Proposed Site Plan, revised 04/27/2015; Notice of Intent and Application for Grafton Wetlands Bylaw Permit, submitted 4/9/2015; Agent's Report to Commissioners, dated 05/05/2015; www.mapgeo.com/grafonma/.

DEP File # 164-894 - NOI, Application for Grafton Wetlands Bylaw Permit # 727 (continuation) – Roscoe Bicknell, III – 12 Bicknell Road (Assessor's Map 38, Lot 21) The applicant is proposing the construction of a single family home and associated utilities within resource areas. At the applicant's request, Peter Finn made a motion, seconded by Heather Trudell to continue the hearing to May 19th, 2015. Motion passed unanimously. Documents used: Notice of Public Hearing; Notice of Intent Site Plan, dated 01/14/2015; Notice of Intent & Application for Grafton Wetlands Bylaw Permit, submitted 03/10/2015; Correspondence from Norman Hill of Land Planning dated 05/05/2015; Agent's Report to Commissioners, dated 05/05/2015.

DEP File # 164-893 - NOI, Application for Grafton Wetlands Bylaw Permit # 726 (continuation) – Ann Margaret White – 5 Sibley Street (Assessor's Map 84, Lot 5A) The applicant is proposing the construction of a single family home within the 100' buffer zone to bordering vegetated wetland. Applicants Sean Padgett and Ann Margaret White were present and the applicant was represented by Norman Hill of Land Planning, Inc. The lot does not meet the requirements of the Grafton Wetland Bylaw General Performance Standard #4. The applicant is requesting that the Commission waive this performance standard. The Commission asked the applicant if they would consider constructing the driveway out of a porous material such as pavers or gravel. The applicants stated that they would be open to the change in materials. The Conservation Agent consulted

with Town Counsel as requested at the previous meeting and the Agent relayed that Counsel has advised the Commission to evaluate the appropriateness of issuing a waiver by examining, on a case by case basis, if the proposed project would cause harm or benefit to the wetland resources on site. After reviewing the Grafton wetland bylaw and the specific conditions of this site, the Commission determined that the proposed project could be carried out without causing additional harm to wetland resources, therefore granting the waiver was in keeping with the intent and purpose of the bylaw. The Commission determined that on this site, the available area of upland was sufficient to accommodate the proposed homesite and associated activities without creating exceptional threats to the wetland resources that couldn't be overcome with the issuance of reasonable conditions. The Commission stated that special conditions for this site shall include a deed restriction that states that no additional buildings or impervious areas shall be added to the proposed site plan and that the deed restriction must be submitted to the Commission for review prior to the completion of the sale or transfer of property. Additionally, only native species shall be planted in the rain garden and an as-built plan of the house foundation and the stone wall must be submitted to the Commission. The 250 pound boulders shown along the 25' no-disturb boundary must be placed no more than 20" apart, or if desired, a solid stone wall may be substituted for boulders given the gateway opening in the stone wall has a width of no more than 20"; the boulders or stone wall must be placed a minimum of 25' from the delineated wetland boundary. If the boulders or stone wall are placed at a distance greater than 25' from the wetland boundary, then this location shall serve as the permanent no-disturb boundary, the entire area behind the wall must remain undisturbed and naturally vegetated, and no-disturb buffer signs must be placed on the stone wall. Peter Finn made a motion, seconded by Katie Theoharides, to approve the request for waiver from Performance Standard Number 4 of the Grafton Wetland Bylaw. Peter Finn made a motion, seconded by Heather Trudell to issue an Order of Conditions including the special conditions discussed at the meeting. Motion passed unanimously. Documents used: Notice of Public Hearing; Notice of Intent & Application for Grafton Wetlands Bylaw Permit, submitted 02/24/2015; Correspondence from Norman Hill of Land Planning, Inc., dated 05/05/2015; Correspondence from Ann Margaret White dated 4/15/15; Site Plan, revised 05/05/2015; Agent's Report to Commissioners, dated 05/05/2015; www.mapgeo.com/graftomima/.

DEP File # 164-892 - NOI, Application for Grafton Wetlands Bylaw Permit # 725 – Hilltop Self-Storage of Grafton, LLC (continuation) – 100 Milford Road (Assessor's Map 133, Lot 1B) The applicant is proposing the construction of 9 self-storage buildings with 1 building containing office space along with associated utilities, paving and earthwork within the 100' buffer zone to bordering vegetated wetland. A letter of concern to the Conservation Commission from an abutting Home Owners Association was presented for the public record. The applicant's representative, Travis Brown of Andrew's Survey and Engineering, Inc. stated that all concerns identified during the peer review performed by Graves Engineering, Inc. had been resolved and this was acknowledged in the most recent correspondence from Graves Engineering, Inc. Co-chairperson Sandra Brock questioned if the soil infiltration rates identified by Andrews Survey had been addressed in the peer review process. The Conservation Agent stated that they had not been. Mr. Brown stated that the soil classifications had been confirmed by on-site soil testing. The Commission stated that they would issue a condition requiring professional soil testing to confirm the infiltration capacity of the basin was indeed present as illustrated in stormwater calculations as well as a condition requiring additional monitoring after every rain event of 1" or greater within 24 hours over the 2 year period following construction to ensure infiltration was occurring at the engineered rate. This monitoring does not need to be performed by a professional and can be completed by the site owner but results must be reported to the Commission regularly. Additional conditions include; the use of sodium based deicers shall be prohibited on the premises, a copy of the foundation as-built plan must be submitted prior to building construction, and the required 25' no-disturb area signs may be placed on the chain-link fence shown on the proposed site plan. Peter Finn made a motion, seconded by Heather Trudell to issue an Order of Conditions. Motion passed unanimously. Documents used: Notice of Public Hearing; Correspondence from Travis Brown of Andrews Engineering and Surveying, Inc., dated 04/21/2015; Agent's Report to Commissioners, dated 04/21/2015.

ACTION ITEMS

DEP File # 164-864/WP# 699 – 2 Elliot Trail – This request for Certificate of Compliance was continued pending action from the applicant regarding the installation of granite post fencing, no-disturb wetland buffer signs, removal of erosion control materials, and establishment of vegetative cover. The applicant's representative, Mr. Beaudry, presented a revised site plan that incorporated changes requested by the Commission at a previous meeting to satisfy the existing Order of Conditions. These changes included the addition of post and rail fencing along the eastern side of the parking lot, removal of existing spoil piles to accommodate the new fence, the filling of an eroded channel to the southeast of the parking lot inlet structure, the installation of silt fence around work areas, and seeding of disturbed areas. The Commission stated that they were in favor of the applicant moving forward with the proposed work as shown on the plan on the eastern portion of the site, as it is necessary to attain compliance with the Order of Conditions. Mr. Beaudry also informed the Commission that he would soon be filing an RDA for the replacement of an existing fence located to the southwest of the parking lot. This future work is shown on the plan on the western portion of the site but not included in the work that will occur on the eastern portion of the site to comply with the Order of Conditions; the RDA for this work will be filed at a future meeting. The Commission took no other action at this time. Documents used: WPA Form 8A – Request for Certificate of Compliance, submitted 03/04/2015; Revised Site Plan, dated 04/28/2015; Agent's Report to Commissioners, dated 05/05/2015.

DEP File # 164-64 – 49 Edward Drive – Request for partial Certificate of Compliance. The Conservation Agent reported that the site was stable, the Order of Conditions had been met and an as-built plan was on file in the office. Co-chairperson Sandra Brock made a motion, seconded by Heather Trudell to issue a partial Certificate of Compliance. The motion passed unanimously. Documents used: WPA Form 8A- Request for Certificate of Compliance, submitted 04/28/15, As-built site plan dated 02/15/2006; Agent's Report to Commissioners, dated 05/05/2015; www.mapgeo.com/grafonma/.

DEP File # 164-662 & 164-663 – 29 & 31 George Hill Road – Request for Extension. The applicant stated that the two Orders of Conditions for these properties are due to expire May 30, 2015 and requested a one year extension as the properties have not yet sold and no work has been done. The Order of Conditions was first issued in 2007. Co-chairperson Sandra Brock made a motion, seconded by Heather Trudell, to issue a one year extension of both Orders of Conditions. The motion passed unanimously. Documents used; Correspondence from Bill and Erin Berardi received 05/04/2015; Agent's Report to Commissioners dated 05/05/2015.

OTHER ISSUES:

Operating norms for Concom
Changes to Regulations
Open Space Plan
Restoration Plans
Enforcement Orders
Subdivision Issues
Certificates of Compliance

REGULAR BUSINESS:

Review new filings
Review and approve bills
Review and approve minutes
Review correspondence
Review site inspections
Schedule site visits
Issue Order of Conditions
Conservation Land

Kathleen Theoharides made a motion, seconded by Heather Trudell to adjourn the meeting at 9:10 p.m. Motion passed unanimously.

Minutes drafted by Maria Mast
Approved on August 18, 2015