



# Grafton Conservation Commission

## MINUTES of the GRAFTON CONSERVATION COMMISSION

June 7, 2016

7:00 p.m.

A meeting of the Grafton Conservation Commission was held in Conference Room F of the Grafton Municipal Center on June 7, 2016. Present were: Co-Chairperson Sandra Brock, Peter Finn, Heather Trudell, Conservation Agent Maria Mast, and Conservation Assistant Leah Cameron. Scott Conway was absent.

Co-Chairperson Sandra Brock opened the public meeting at 7:11 p.m.

**May 3, 2016 Meeting Minutes** – Peter Finn made a motion, seconded by Heather Trudell, to accept the May 3, 2016 meeting minutes as drafted. The motion carried unanimously.

**Discussion Item: Brookmeadow Village retaining wall alternative for wildlife roadway underpasses** – The Commission discussed PVC fencing as an alternative to stone retaining walls at the wildlife roadway underpasses in Brookmeadow Village with Normand Gamache of Guerriere & Halnon, Inc. The proposed fence would be beige and would be embedded six inches in the ground and would stand 24 inches tall. Co-Chairperson Sandra Brock stated that a vertical face is what is required to direct wildlife into the crossing, so a fence would be sufficient. A retaining wall would be utilized in one location where it is visible from the roadway; otherwise, the fencing would be utilized in the woods. Co-Chairperson Sandra Brock requested a detail of the fence and the locations where the fence will be utilized on the plans be submitted to the office prior to installation. Peter Finn made a motion, seconded by Heather Trudell, to accept the proposed fencing as a minor project change. The motion carried unanimously.

**Notice of Intent #164-915 / Application for Grafton Wetlands Protection Bylaw Permit #748 / Application for Grafton Stormwater Management Bylaw Permit #16-1 – Grafton Hill Subdivision (Assessor's Map 47, Lot 48)** – The applicant, Westerly Side Grafton LLC, proposed the construction of a 23 lot subdivision within the buffer zone to resource areas. Joe Antonelis, George Connors of Connorstone Engineering Inc., and Scott Goddard of Goddard Consulting presented the project to the Commission. George Connors explained the alternatives analysis for the project. The alternatives were denied by the Planning Board. Co-Chairperson Sandra Brock pointed out that several of the alternatives included the usage of an adjoining parcel which is no longer part of the project, making those alternatives not viable. She also asked for the total amount of wetlands that they were proposing to fill. George Connors replied with a figure of 2,750 square feet. Co-Chairperson Sandra Brock asked if the two proposed lots which contain wetlands would be buildable lots and whether they would require additional fill to obtain buildable status. George Connors said that they would be buildable as they were proposed, without additional fill. Co-Chairperson Sandra Brock pointed out that the 25 foot no-disturb zone will need to be maintained, the lots will need to meet the bylaw requirement for 75% upland, and the proposed replication area will also have a 25 foot no-disturb zone. She stated that now is the time to explore the feasibility of lots 5 and 6 rather than seeking relief from the regulations for those lots in the future. The Conservation Agent asked if they considered an alternative which would curve the proposed roadway around the wetlands. George Connors replied that the Planning Board would not grant any waivers, so they had to return to the current plans. Co-Chairperson Sandra Brock asked if they had documentation of the Planning Board proceedings. Heather Trudell stated that she was satisfied with his presentation without needing paperwork to back it up. Co-Chairperson Sandra Brock stated that this Commission does not often approve projects that fill wetlands. Peter Finn and Heather Trudell stated that they felt that the applicant had exhausted the alternatives. Scott Goddard presented responses to comments from the peer review completed by EcoTec, Inc. He agreed to re-establish the wetland flags for the upper two wetlands and the flow path, as noted by Peter

Finn. The Conservation Agent also pointed out that EcoTec, Inc. mentioned bank being disturbed, which was not noted in the Notice of Intent. She also asked for a clear limit of work line to be added on the plans, particularly near the areas that are not being reflagged on site. Scott Goddard stated that they will be doing a deed restriction to prevent further fill, per comments from DEP. He proposed relocating the replication area to the end of the flow path. Heather Trudell said she would defer to EcoTec, Inc. for their opinion on the location. Co-Chairperson Sandra Brock pointed out that it is less likely to be impacted by residents in the newly proposed location. Scott Goddard stated that the areas of the lots that tail off around the subdivision will have deed restrictions on them. Co-Chairperson Sandra Brock requested a copy of the deed restriction language. She also asked for clarification about the detention basin, which will be turned over to the town and accessed via easements. She also informed the applicant of the following pending items for the application: the 25 foot no-disturb zone isn't shown on the plans, the 25 foot no-disturb zone signage locations are not shown, the plans mention *hay* bales and need to state *straw* bales, the surety bond details need to be worked out, the stormwater management report lacks a maintenance agreement, the potential for low impact development should be explored, and the revised plans will need to be reviewed by Graves Engineering, Inc. There were no comments from the audience. Heather Trudell made a motion, seconded by Peter Finn, to continue the public hearing for Grafton Hill Subdivision to June 21, 2016 at the applicant's request. The motion carried unanimously.

**Request for Certificate of Compliance – 32 Bernard Road – DEP #164-829 / WP #667** – The Conservation Agent visited the site and found the work to be complete, including native plantings. Heather Trudell made a motion, seconded by Peter Finn, to issue a Certificate of Compliance for 32 Bernard Road. The motion carried unanimously.

**DEP File #164-916 Notice of Intent / WP #749 Application for Grafton Wetlands Protection Bylaw Permit – 121 North Street (Assessor's Map 38, Lot 11)** – The applicant proposed the demolition of an existing house and construction of a new single family house within resource areas. Heather Trudell made a motion, seconded by Peter Finn, to continue the public hearing for 121 North Street to June 21, 2016 at the applicant's request. The motion carried unanimously.

**DEP File #164-917 Notice of Intent / WP #750 Application for Grafton Wetlands Protection Bylaw Permit – 88 Westborough Road (Assessor's Map 12, Lot 12)** – The applicant proposed the construction of an addition and the installation of stormwater control devices within the buffer zone to resource areas. Brian Milisci of Whitman & Bingham Associates presented the project to the Commission. The addition will be for a water treatment system. A stormwater quality system with a manual shutoff is proposed in case of future oil spills. The proposed improvements will eliminate the oil tank that spilled in the past because they are converting to natural gas. An 18 inch earthen berm will be created around the paved area for further containment. A wooden guard rail will be added to contain truck traffic, along with the 25 foot no-disturb zone signs, and no snow dumping signs. Co-Chairperson Sandra Brock asked for a copy of their permit from DEP for the treatment system. She also asked for a low permeability material to be added to the specifications for the berm. The Commission is awaiting the results of peer review. There were no comments from the audience. Heather Trudell made a motion, seconded by Peter Finn, to continue the public hearing for 88 Westborough Road to June 21, 2016 at the applicant's request. The motion carried unanimously.

**DEP File #164-918 Notice of Intent / WP #751 Application for Grafton Wetlands Protection Bylaw Permit / SW #16-2 Application for Grafton Stormwater Management Bylaw Permit – 103 Worcester Street (Assessor's Map 46, Lot 19) (Continuation)** – The applicants, Marc and Tina Theroux, proposed the construction of a commercial building and parking lot within a riverfront area. Peter Finn made a motion, seconded by Heather Trudell, to continue the public hearing for 103 Worcester Street to June 21, 2016 at the applicant's request. The motion carried unanimously.

**Request for Determination of Applicability – Keolis Commuter Services ROW** – The applicant, Keolis Commuter Services, proposed vegetation management and requested that the Commission determine whether the boundaries of the resource areas on the plans area accurately delineated. Kyle Fair from Fair Dermody Consulting Engineers presented the project to the Commission. In designated sensitive areas, sensitive area specific materials will be used. A copy of the Yearly Operational Plan was provided. There were no comments from the audience. Peter Finn made a motion, seconded by Heather Trudell, to issue a positive determination to confirm the accuracy of the boundary delineation and a negative determination for the work being exempt from regulation under 310 CMR 10.03(6)(b) and 310 CMR 10.58(6)(a). The motion carried unanimously.

**Notice of Intent #164-911 & Application for Grafton Wetlands Protection Bylaw Permit #744 - 25 R Trinity Ave (Assessor's Map 98, Lot 121) (Continuation)** – The applicant, the Grafton Water District, proposed the installation of a pump station with access road, site work, and associated utilities, including a bridge and temporary and permanent easements within resource areas. Matt Barry of Tata & Howard presented the project to the Commission. In response to the peer reviews that were completed, the access road is now proposed as porous pavement for infiltration which will be installed last so construction vehicles do not drive on it. The compensatory flood storage area has been minimized in order to maintain more of the existing vegetation. The dewatering will be directed into a settling basin with coffer dams for diversion, if necessary, but they are aiming to do the work in August when there is low flow. Co-Chairperson Sandra Brock referred the applicant to UNH's Stormwater guideline documents for the porous pavement specifications, especially the depth and structure needed for the traffic that will drive on it in the future. Peter Finn pointed out that the plans mention hay in the proposed erosion control sock. Matt Barry said that the plans will be revised to say straw. There were no comments from the audience. Due to a sensitive timeline, Co-Chairperson Sandra Brock made a motion, seconded by Heather Trudell, to close the public hearing and issue the Order of Conditions for 25 R Trinity Ave with the following special conditions: any additional peer review comments from Graves Engineering, Inc. must be addressed, detail for the porous pavement shall be updated, submitted to, and approved by the Commission, erosion control shall consist of straw, not hay, the porous pavement shall be tested after installation, and the porous pavement shall be vacuumed as specified in the Operation & Maintenance Plan. The motion carried unanimously.

**DEP File #164-910 Notice of Intent / WP #743 Application for Grafton Wetlands Protection Bylaw Permit – 13 West Street (Assessor's Map 74, Lot 28)** – The applicant, Brennan Salo, proposed the demolition of an existing house and construction of a new single family house within resource areas. Robert Murphy from Robert G. Murphy & Associates, Inc. presented the project to the Commission. Michael Burke, the new engineer for the project, was also present. They proposed replacing the existing eight inch pipe with a ten inch one, embedded in a three foot by three foot trench of stone with an impervious barrier on the abutter's side. There were no comments from the audience. Heather Trudell made a motion, seconded by Peter Finn, to close the public hearing and issue the Order of Conditions for 13 West Street with the following special conditions: the existing berm at the pipe location shall be maintained, the engineer of record shall be present during the pipe excavation and shall report his findings to the Commission, erosion control seed mix shall be planted in the replication area, the 25 foot no-disturb zone shall be delineated via boulders or split rail fence with the 25 foot no-disturb zone signage posted along the boundary, the Conservation Agent shall be notified 2-3 days in advance of the pipe excavation in order to observe if scheduling allows, and the work shall be completed during the dry season. The motion carried unanimously.

**DEP File #164-744 / WP #584 – 86 High Point Drive, Lot 7 – Request for two year extension** – The original delineation for the project was done in 2003. The permit was previously extended under the Permit Extension Act. This request was submitted before the permit expired. Heather Trudell made a motion, seconded by Peter Finn, to issue a one year extension for 86 High Point Drive. The motion carried unanimously.

**DEP File #164-121 & 164-238 / WP #70 – 3 Elliot Trail – Requests for partial Certificates of Compliance** – These requests were for partial releases from larger filings for the subdivision. Peter Finn made a motion, seconded by Heather Trudell, to issue the partial Certificates of Compliance for 3 Elliot Trail. The motion carried unanimously.

**DEP File #164-644 / WP #490 – 6 Aspen Avenue – Request for Certificate of Compliance** – The Conservation Agent verified that the required fence along the wall was completed. Peter Finn made a motion, seconded by Heather Trudell, to issue a Certificate of Compliance for 6 Aspen Avenue. The motion carried unanimously.

**DEP File #164-900 / WP #733 – 78 Magill Drive – Request for Certificate of Compliance** – The Conservation Agent verified that the work was completed. Heather Trudell made a motion, seconded by Peter Finn, to issue a Certificate of Compliance for 78 Magill Drive. The motion carried unanimously.

**DEP File #164-371, 164-483, 164-591, 164-480 / WP #216, 329, 438, 326 – 21 Magill Drive – Requests for partial Certificates of Compliance** – These requests were for a lot that was not near wetlands but was part of the larger subdivision filings. Heather Trudell made a motion, seconded by Peter Finn, to issue partial Certificates of Compliance for 21 Magill Drive. The motion carried unanimously.

**DEP File #164-64 – 71 Samuel Drive, Unit 1702 & 13 Lincoln Lane, Unit 6503 – Requests for partial Certificates of Compliance** – These requests were for individual condominiums within a larger subdivision filing. Heather Trudell made a motion, seconded by Peter Finn, to issue partial Certificates of Compliance for 71 Samuel Drive and 13 Lincoln Lane. The motion carried unanimously.

**Discussion Item: Appointing a Co-Chairperson or Vice Chairperson & a Lake Quinsigamond Commission rep** – The Commission decided to postpone this discussion item until there is a full Commission.

**Discussion Item: John Wilson** – The Commission recognized John Wilson's thirty-plus years of service to the Town of Grafton through its Conservation Commission, Lake Quinsigamond Commission, and Agricultural Commission. They also honored his pure will and fight to keep attending meetings despite health problems he was facing. The Commission decided to send a letter to the Board of Selectmen asking that the boat ramp by the dam on Lake Ripple be named in his honor. The Commission also decided to send a letter of appreciation for his service to his family, post something on the website in his honor, and send something to MACC.

Peter Finn made a motion, seconded by Heather Trudell, to adjourn the meeting at 9:36 p.m. The motion carried unanimously.

**The following items were postponed to the June 21, 2016 meeting:**

**Discussion Item: Notice of Violation – 15 Morgan Drive**

**Requests for Certificates of Compliance:**

**DEP File #164-602 / WP #449 – High Point Estates**

**DEP File #164-610 / WP #457 – High Point Estates Restoration**

**DEP File #164-611 / WP #458 – High Point Estates Off-Site**

**DEP File #164-656 / WP #501 – 96 High Point Drive, Lot 2**

**DEP File #164-658 / WP #503 – 92 High Point Drive, Lot 4**

**DEP File #164-681 / WP #526 – 88 High Point Drive, Lot 6**

**DEP File #164-743 / WP #583 – 84 High Point Drive, Lot 8**

**DEP File #164-850 / WP #685 – 78 High Point Drive, Lot 11**

**DEP File #164-742 / WP #582 – 54 High Point Drive, Lot 24**

**WP #637 – 46 High Point Drive, Lot 26**

**Documents discussed located in the Conservation Commission office:**

May 3, 2016 meeting minutes

Notice of Intent, Application for Grafton Wetlands Protection Bylaw Permit, Application for Grafton Stormwater Management Permit for: Grafton Hill Subdivision  
Requests for Certificates of Compliance & Certificates of Compliance for:

32 Bernard Road, 6 Aspen Ave, 78 Magill Drive

Notices of Intent & Applications for Grafton Wetlands Protection Bylaw Permits for: 121 North Street, 88 Westborough Road

Notice of Intent, Application for Grafton Wetlands Protection Bylaw Permit, Application for Grafton Stormwater Management Permit for: 103 Worcester Street

Request for Determination of Applicability & Determination of Applicability for: Keolis Commuter Services ROW

Notice of Intent & Application for Grafton Wetlands Protection Bylaw Permit & Order of Conditions for: 25 R Trinity Ave

Notice of Intent, Application for Grafton Wetlands Protection Bylaw Permit & Order of Conditions for: 13 West Street

Request for two year extension & one year extension permit for 86 High Point Drive

Requests for partial Certificates of Compliance & partial Certificates of Compliance for: 3 Elliot Trail, 21 Magill Drive, 71 Samuel Drive, 13 Lincoln Lane

Agent's Report to the Commissioners dated June 7, 2016

Minutes drafted by Leah Cameron

Approved on June 21, 2016