

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JANUARY 4, 2016 MEETING

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

MEMBERS ABSENT: Charlene Hopkins and Mark Meola.

At 7:01, Mr. Eckhardt moved to open the meeting. Mr. Hadley seconded. All in favor.

Public Hearing, Shannon Parker, TMC CF New England, LLC, Notice of Intent, for Cumberland Farms, 184 West Boylston Street:

(Matt Smith, P.E., Bohler Engineering, represented for the developer, T.M. Crowley). He explained that the applicant is proposing to construct a new retail store with gas station at Wachusett Plaza (he showed the Commission members a colored site plan). He said that the site had been prepared for a number of years, and the property appeared around seven years ago before the Conservation Commission. The property was developed for a liquor store, but that did not materialize. Mr. Smith said that the infrastructure includes drainage to wetlands. Cumberland Farms was looking for a 37,000 square foot lease lot; he added that similar facilities are in Grafton and Northboro. There will be six gasoline dispensers; the convenience store will be 4,800 square feet. He said that they will not modify access into the site, and that the property will be right-turn in only.

Mr. Eckhardt asked him if there was a pre-existing right turn lane from Route 12 at that location? Mr. Smith said "yes" and pointed out the red line showing the extent of the 100-foot buffer on the property. He said that they are proposing 2,500 square feet of work that is within Concomm's jurisdiction. He mentioned that the applicant needs variances from DCR for storage; the applicant has obtained approval from the ZBA; regarding Planning Board, they received a peer review letter and are in compliance with stormwater management policy. They are proposing a drainage system between the building and canopy underground, which will connect to pipes for underground recharge.

In response to a question from Mr. Eckhardt regarding perk studies, Mr. Smith replied that a number of test pits were conducted on the site and it was found to be a good area for perk. They will remove old septic system material from there. Mr. Chase pointed out wetlands to the left. Mr. Smith responded that Cumberland Farms will take care of the maintenance of the catch basins and stormwater management (Mr. Eckhardt said that the Commission needs documentation of this). In response to a question from Mr. Hadley regarding exit to the parking lot, Mr. Smith replied that they plan to have sidewalks for pedestrian access but there will not be the same connection that there is today. In response to a question from Mr. Mercurio, Mr. Smith replied that they are hoping to begin the work in the spring; they have a meeting scheduled with DCR on January 21, and hope to wrap up with Planning Board later in the month. Mr. Chase then mentioned the secondary aquifer that is present on the site and asked what the applicants propose to do regarding the gas tanks? Mr. Smith described the setup for the gasoline, which will include 20,000 gallon split tanks, double-walled, below ground, with

concrete slab. In response to a question from Mr. Mercurio, Mr. Smith said that they would be cribbed, or tied down, with pipes within pipes, meeting state and federal standards. (A citizen in the audience asked where Wachusett Plaza was located, and the Commission pointed it out on the site map).

With no further questions or comments, Mr. Hadley moved to approve the project and issue an Order of Conditions. Mr. Eckhardt seconded. All in favor. Mr. Eckhardt instructed Mr. Smith to have the developer notify the Commission when work will begin, and told him that, if there are any changes to the project, the Order of Conditions can be amended. Mr. Smith responded that the plans he submitted this evening has minor changes made in response to comments by Planning Board. Mr. Eckhardt also asked Mr. Smith for two additional completed sets of plans, one for construction and the second "as-built". (Mr. Smith gave the Clerk the new DEP file number for this filing, which is 327-0265). Mr. Eckhardt asked if this filing supercedes the previous one from 2009? He instructed the Clerk, if so, to write a note stating this and to combine the files.

Angell Brook Inquiries by the Board of Trustees:

One issue that was mentioned to the Commission was that markers were not installed that were supposed to be installed. Mr. Hadley then asked if all the properties have been sold? Phil Mallet of the Board of Trustees replied that the last one was sold last year. Mr. Chase asked if there is a copy of the maintenance plan? Mr. Mallet replied that they have a maintenance plan revised from 6/7/2011, which is slightly different than the documents that they have after a certain point. Mr. Eckhardt asked if the 2011 is the most recent, and Mr. Mallet replied that it was. He said that there is concern that the work will all be done right before the developer leaves, such as being sure that the retention ponds were done and evaluated correctly, and referred to problems that he asserted happened with the Hillside Village development. Mr. Hadley explained that the engineer would have to have everything signed off before issuing an "as-built" anyway. Mr. Mallet responded that there is an "as-built" from 6/22/15 and he contacted the engineering firm but it does not have a name on it. Mr. Hadley responded that the engineer for Keystone says with the plan that all had been done that the Commission needed and guarantees it; in addition, he cannot get back the bond that he posted without appearing before the Concomm to have it approved. Mr. Chase continued, that the markers for the "as-built" should still be there in the ground, and the Commission has not seen them yet; for a project of this size they usually do a site visit. Mr. Hadley added that the engineer who wrote up the plan must send it to the Concomm and they will do a site visit; the bond will not be released otherwise.

Mr. Eckhardt explained that there were two phases in the Angell Brook project, beginning originally on Angell Brook Drive as a 55+ development. Phase II on Emily Drive included (3) 40B units in the overall project, and it became a 40B; they filed a separate Notice of Intent. Mr. Hadley continued that the Planning Board would have requested the bond. Mr. Eckhardt said that the question is, since the Planning Board requested bond, should they be getting "as-builts" and release the bond? Mr. Mallet said that Planning Board has an "as-built" and they'll ask the Commission if it's correct or not. Mr. Chase said that the Commission will have to inspect the site and see the stakes. Mr. Mallet said that the Board of Trustees is on the agenda for the 17th (of January). Mr. Chase said that their engineer, Michael Staiti, also has to set up a maintenance plan. Mr. Eckhardt opined that it was up to the Commission to write a letter to the Trustees pointing out what the Commission needs; based on this evening's input, they understand that the Board of Trustees is looking for final completion of stormwater systems, and the Commission needs a satisfactory "as-built", so that they can issue a Certificate of Compliance, then Planning Board can release the bond. Mr. Mallet said that the developer needs a copy. He then asked, regarding the front area of the development, there is a great deal of wildlife, and does this have any bearing on what they need? Mr. Chase said this is strictly an engineering matter. Mr. Eckhardt added

that they prefer an independent engineer. Mr. Hadley instructed Mr. Mallet to give the Clerk the Trustees' e-mail information so that they can be kept up to date. Mr. Eckhardt said that the Certificate of Compliance will appear on the agenda of the meeting when it will be decided, and the Clerk will notify him when that will take place; it could be as soon as the February meeting. Mr. Chase told Mr. Mallet that a letter would go out this week.

Mr. Mallet then supposed that the stakes may not go into the frozen ground; Mr. Hadley said that the Commission cannot inspect it if there is snow on the ground anyway.

Mr. Mallet then asked, regarding the maintenance plan ongoing after Keystone Development leaves, it will be the Board of Trustees' responsibility, and he asked what would be the best method to assure maintenance is right regarding Concomm and Planning Board? Mr. Chase replied that the engineer should have it as part of a package for the Commission, and that Keystone needs a Certificate of Compliance from the Commission. He said that the maintenance plan should be part of his proposal for the Certificate of Compliance. Mr. Chase continued that the Commission will send a letter to the engineer, stating that the Certificate of Compliance cannot be issued until they receive what they need, and suggested that the Trustees follow up with the engineer to be sure he complies with the letter. Mr. Eckhardt added that if the developer says that he submitted the maintenance plan already, have him send the Commission another copy, and he instructed the Trustees to get back to the Commission or send a note if there are any questions.

Informational Discussion Regarding Algonquin Gas Main Project by David Eckhardt, P.E.:

(The Commission received an e-mail regarding this project, and Mr. Chase requested that Mr. Eckhardt look into the project and give a report at this meeting). Mr. Eckhardt explained that there are currently two gas main projects. One project will originate out of northern New Jersey, run across Connecticut and Rhode Island to the Boston area, with laterals going to Cape Cod, and a lateral 26 miles long and 18" in diameter going to West Boylston. A second one is planned originating in upper New York State which will not be discussed this evening. The Algonquin Project (being discussed this evening) has made a preliminary filing with the Federal Energy Regulatory Commission. He explained that affecting West Boylston is the 18-inch lateral off a 42" gas main in Medway (and a parallel 30-inch gas main) which runs to the Boylston/West Boylston line; the part in West Boylston runs .42 miles long and ends on Century Drive, at a new above-ground regulation and metering station (he pointed out the overall pipeline route which was laid out on a plan). Mr. Eckhardt explained that the pipeline will run 1,300 ft. long through West Boylston, with no residents located within hundreds of feet. The developer had a meeting, and it was planned out how Century Drive will tie into existing infrastructure. It lays out how it will cross wetlands. Mr. Eckhardt added that there will be an ongoing need for gas through the year 2020. He mentioned that he sent a copy of this information to Nancy Lucier, and that the Fire Dept. chief and Building Inspector are aware of this. Mr. Eckhardt suggested that gas pipelines should be handled properly by the board, who may not have jurisdiction but should have to deal with the developer and the public. Mr. Mercurio asked if Mr. Eckhardt thought that the project would go through? Mr. Eckhardt replied that the Federal Energy Regulatory Agency determined that it is needed, added that it is a multi-million dollar project, and it will provide fuel to make up for smaller amounts of nuclear energy being generated. He explained that it is wholesale natural gas, which goes to Eversource, who will sell it to citizens who want it. He added that, as part of the ESCO (sp?) project last year, Prescott and Crescent Streets were given the choice to switch to natural gas to save on energy costs. Mr. Hadley commented that the cost of electricity goes up every November because there is not enough natural gas to run the generators to produce the electricity but not as much is needed in the warmer weather. In response to a comment by Mr. Mercurio that he would like to know more about

the subject, Mr. Eckhardt explained that, if electricity is needed, it has to be obtained from somewhere, and commented that there will not be enough wind or solar power by 2025; he asserted that natural gas is the cleanest type of power with the least negative impact on the environment.

Mr. Mercurio then asked Mr. Eckhardt, if the pipeline taps into existing gas mains in northern New Jersey, why is it ending in West Boylston? Mr. Eckhardt explained that it would tap into a lateral to supply gas to the greater Worcester area and reiterated that the gas will be sold wholesale to Eversource, who can re-sell it to anyone. Mr. Hadley thought another reason is that it will be following the electric lines. Mr. Eckhardt continued that there will be minimal impact on West Boylston by the project. There will be slightly more tax revenue from the regulatory/metering station. He added that they must be sure that due process is granted to all stake holders and, if there is no jurisdiction, that must be voted on by the Commission.

Update on 491 Prospect Street:

Mr. Eckhardt discussed that there were two meetings involving the property owner, and an impasse was reached. The owner then returned with a lawyer. The result expected is that the owner will have to do restoration, pay a fine, and a wetland professional will determine if there is jurisdiction. He added that DEP is pleased with how this situation is progressing. In response to a question from Mr. Hadley, Mr. Eckhardt replied that the property owner will have to take out the dumped materials, and that it might qualify as suitable fill but he did not ask permission to deposit it there. Mr. Mercurio added that what the resident has been dumping may not be hazardous and that there are places that can process that material. Mr. Hadley commented that Concomm sent a complaint letter six months ago. Mr. Mercurio added that dumping of solid waste should not happen.

Discussion of Green Community Program:

(Concomm did receive printed materials explaining the program; Mr. Eckhardt was leading the discussion). Mr. Eckhardt believed that it would be wrong for the Town not to consider it, but began with six criteria of what must be done if the Town considers it:

1. Zoning amendments, including zoning changes or definitions of industrial facilities.
2. Expedited permitting for facilities in Criterion 1
3. Energy reduction program, which the ESCO program satisfied last year.
4. Fuel-efficient vehicle policy for non-emergency vehicles of less than 8,500 lbs.
5. Stretch building code-in danger because the energy people are not in-step with the state building code and it will be expensive to update the code.
6. Applicant must pay fee or take energy from investor-owned generating facility or someone already paying fee-Mr. Eckhardt noted that one resident obtains his power from Holden who pays the fee and that satisfies this requirement.

First of all, to work through these, Mr. Eckhardt will approach the Board of Selectmen to ask them if it can be approved as policy to investigate. They can then come back with the information they obtain. Mr. Hadley commented that the town of Boylston just joined the program. Mr. Eckhardt said that the Town would obtain a \$140,000 sign-up grant and applications are made in October. Mr. Hadley mentioned that Boylston bought electric hybrids for use in town and opined that West Boylston really does not have non-emergency vehicles. Mr. Mercurio asked if this program applies to municipal vehicles? Mr. Hadley replied that it does. Mr. Eckhardt explained that it applies to the four School Department vans, which were just replaced, pickup truck for DEP director, second pickup truck for DEP, and emergency vehicles (Fire, Police) are exempt. He continued that the Board of Selectmen needs to tell Concomm that they want to consider it. Then the Board of Selectmen and School Committee have

to accept all points in there as Town policy, and then they submit it to Town Meeting, where all boards must approve. Mr. Chase added that the Town has to accept the conditions. Mr. Hadley asked Mr. Eckhardt if he wanted a recommendation from the Concomm to the Board of Selectmen? Mr. Eckhardt responded that this board should be aware of this, if there is any discussion that it should not be done, tell them why, put together a program and see where the Town wants it to go with it. He said that the policy would apply to all Town departments. Mr. Chase suggested that, if they obtain the \$140,000 grant, some should be put away into a fund. Mr. Eckhardt added that Vinny Vignaly of Planning Board was aware of the suggestion that Concomm consider it.

Update on Wetland Bylaws:

Mr. Hadley informed the Commission members that the Selectmen will meet this Wednesday. Mr. Mercurio asked if Mr. Vignaly could send the Commission a copy with the latest changes, and instructed the Clerk meanwhile to leave a copy of the latest draft that the Concomm had in the mailbox for him. Mr. Hadley said that they will send it to Town Counsel for input when satisfied with the draft.

Minutes of December 7 Meeting:

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

With no further business to discuss, Mr. Eckhardt moved to adjourn the meeting at 8:10 p.m. Mr. Mercurio seconded. All in favor.

Submitted by: _____

Date accepted: _____