



TOWN OF AVON
2020 DEC 18 P 1:45
TOWN CLERK

Town of Avon

Conservation Commission

Members Present: Kevin Mooney, Edward Mekjian, John Costa, Christopher Canducci

Absent: n/a

Others Present: Clary Coutu, Keolis Commuter Services, Director of ENV; Matt Donovan, Fair Dermody Consulting Engineers, Mike Clements from Mass DOT, Division 5, Joe Karis, Karis & Karis Glass; David Mackwell, Frank Marinelli, Attorney

Meeting date: October 8, 2020

Chairman, Kevin Mooney announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Subchapter 20 and the Governor's March 23, 2020 Order imposing limitations on the number of people that may gather in one place, this hearing of the Avon Planning Board will be conducted via remote participation. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings as provided for in the Order. Chairman, Kevin Mooney reminded the viewing audience that persons who would like to view this meeting while in progress may do so by joining the Zoom link for the videoconference in session.

Chairman, Kevin Mooney called the meeting to order at 7:00 p.m. with the following members present: Ed Mekjian, John Costa, and Chairman, Kevin Mooney. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call. Mr. Canducci joined the meeting at 7:30 p.m.

Approval of the minutes

A motion was made by John Costa to approve the minutes for September 10, 2020, seconded by Ed Mekjian. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, Kevin Mooney voted aye. The motion carries.

A motion was made by Ed Mekjian to approve and sign the bill for the BETA Group for \$2,422.50 (Antone Road), seconded by John Costa. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, and Kevin Mooney voted aye. The motion carries.

Public Hearing for Keolis Commuter Services

Massachusetts Association of Conservation Commissions (MACC) and Massachusetts Society of Municipal Conservation Professionals (MSMCP) wish to provide our members with guidance regarding the application of the Wetlands Protection Act (M.G.L. c. 131, § 40) and Regulations (310 CMR 10.00) to vegetation management in railroad rights-of-way. This guidance explains our understanding of the proper application of the Wetlands Protection Regulations, which we believe is consistent with guidance that MassDEP has given in the past in response to questions in this area. This guidance responds to recent filings by MBTA/Keolis but may also be relevant to vegetation management by other rail companies.

The "work" is related to vegetation management, control and maintenance activities for the years 2021- 2025 for the

railroad right-of-way [FRA, 49 CFR 237]. The Vegetation management plan for the railroad incorporates the Integrated Pest Management (IPM) approach towards promoting a safer railroad for employees, passengers, and neighboring communities by means of implementing various approaches towards removal of nuisance vegetation along the ROW. This work includes both chemical and mechanical controls as represented within the VMP available for viewing at fdcrailroadvegetation.com. The attached previously approved wetland maps are provided for your review and final maps will be incorporated into the VMP as part of the Rights of Way Management Program 333 CMR 11.00 which incorporates 310 CMR 10.03 (6) to ensure protection of resource areas within your community.

Matt Donovan, Engineer discussed the work that will be performed for the applicant Keolis Commuter Services Represented by Fair Dermody Consulting Engineers to cut trees along the railroad right-of-way. . Matt Donovan and Clary Coutu, Keolis reviewed the Guidance to Massachusetts Conservation Commissions Wetlands Protection Regulations and Vegetation Management in Railroad Rights-of-Way.

Mr. Mooney and the Conservation Commission members have concerns regarding field procedures, wetland delineation, what is the closet distance from the wetlands to the train tracks. The wetland delineation was updated over a decade ago. The Conservation Commission is concerned that the only town water supply is close to the railroad tracks that are being sprayed. The Commission is very concerned about what is being done to protect the Town of Avon's water supply. The Conservation Commission has concerns about what methods and products will be used and they require safety data sheets and daily reports as part of the order of conditions. Mr. Mooney discussed section x alternate land use. Clary Coutu stated that the Vegetation Management Plan is approved by the state. The Conservation Commission will review the town resources.

Mr. Edward Mekjian is concerned about the town water well. The well sits on the Avon/Brockton line. He is worried about chemicals getting into well water. He is requesting a list of chemicals that will be used on a yearly basis. There will be a link online for the commission to review. The representative stated that the list will vary year to year and that the Avon Board of Selectman and of Board of Health received copies. John Costa asked questions regarding the list of chemicals and if it is cost effective not to spray.

?? A motion was made by John Costa for Mr. Mooney to consider a motion the boundaries are not , we do not believe the ... Nothing should be done chemically or mechanically, seconded by Ed Mekjian. A roll was vote was taken. Ed Mekjian voted aye, John Costa voted aye, Kevin Mooney voted aye. The motion carries.

A motion was made to close the hearing on Keolis Commuter Services Represented by Fair Dermody Consulting Engineers to cut trees along railroad right-of-way, seconded by Ed Mekjian. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, Kevin Mooney voted aye. The motion carries.

Public Hearing for RDA from Mass DOT-Highway Division for resurfacing Route 24 and cutting back trees

Route 24 (northbound and southbound) Re-surfacing (milling of pavement) on Route 24, including certain bridges, travel lanes, shoulders, and on/off-ramps, maintaining drainage structures and pipes, pavement markings, and related incidental work, Tree trimming for road safety maintenance, including selective removal of dead, dying or unsafe trees within the State Highway Layout ("SHLO") up to a maximum of 20-feet from the edge of pavement and/or a maximum of 15-feet of guardrails or ramps. Because MassDOT Highway is an agency of the Commonwealth, the enclosed RDA is being filed solely under the Massachusetts Wetlands Protection Act ("WPA") regulations, and not under any local wetlands bylaw or ordinance including payments of any filing fees or abutter notifications. The referenced pavement repair and resurfacing work within the SHLO and portions of the vegetation maintenance work within 6-feet of existing guardrails is exempt from review under the WPA as per 310 CMR 10.02(2)(b) (n & p), respectively. The proposed tree trimming work is beyond the required exemption limits. Therefore, an RDA filing is in order.

Mike Clements from Mass DOT, Division 5 discussed their plan for resurfacing Route 24 and cutting back trees. No chemicals will be used. They will be chipping trees, ramps at 139 and at Harrison Boulevard. Nothing is to be done near the catch basin near Central Street ramp.

Proposed motion with their standard conditions modified, erosion control waived, keep clean, anything that falls into

street picked up immediately, use silt fence, any work that causes erosion, photos taken before, during and after work.

A motion was made by Ed Mekjian to approve the RDA for MASS DOT-Highway Division for resurfacing Route 24 and cutting back trees, seconded by John Costa. A roll call vote was taken. Ed Mekjian voted aye, John Costa voted aye, Kevin Mooney voted aye. The motion carries.

Kevin asked for approval to sign for everyone, a roll call vote was taken. Ed Mekjian voted aye, John Costa voted aye. The motion carries.

A motion was made by John Costa to close the public hearing for the RDA from Mass DOT-Highway Division for resurfacing Route 24 and cutting back trees, seconded by John Costa. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, Kevin Mooney voted aye. The motion carries.

Notice of Intent for 540 Bodwell Street

NOI – 540 Bodwell St. Ext. – by Grady Consulting. Raze building and construct new building within 100' of bordering vegetative wetland. Applicant: CJ Shaughnessy R.T. (Assessors B8-1-8).

The applicants for 540 Bodwell Street asked to be continued to the next meeting to make changes to their plans requested by the Planning Board.

Public Hearing for 1 Kiddie Drive

NOI (Notice of Intent) – 1 Kiddie Dr. by Kelly Engineering Group. 18,000 SF, addition with associated parking, utilities and storm water management system in buffer zone (Assessors B6-1-1).

David Mackwell reviewed the site plans for 1 Kiddie Drive.

The following is the project description:

The proposed project will entail constructing a 18,000 s.f. addition to the existing building with associated parking, utilities, and a stormwater management system. Work is proposed in uplands and in the buffer zone to bordering vegetated wetland A. No work is proposed within the buffer zone to Wetland B and C. Additionally no work is proposed with the 100 year floodplain. No work is proposed within any wetland resource area. Portions of the building expansion and parking lot redevelopment are located within the 100' buffer zone to Wetland A. There is a proposed recharge system which is designed for a dedicated recharge volume of 1" of runoff over the proposed roof area. This recharge system is outside of the 50' buffer zone to Wetland A. A section of pavement to the southwest of the proposed building within the 100' buffer zone is proposed to be removed and will be replaced by green area which will enhance the buffer zone to the resource area. As shown in the Stormwater Management Report, the proposed project will result in a reduction of impervious area on site of approximately 5,700 s.f. Additionally paved area is being reduced on site by approximately 24,600 s.f. Water quality, peak runoff rates and recharge on site will all be enhanced as a result of this project. Page 3 An extensive stormwater management system will incorporate best management practices and an operations and maintenance program designed to treat, recharge, and detain runoff generated from the proposed development of the site. The stormwater management system has been designed to comply with Massachusetts Department of Environmental Protection Standards for stormwater management relative to redevelopment. During construction, an erosion control plan will be instituted to ensure that no sediment leaves the site, no resource areas will be negatively impacted and surrounding properties will be protected. Additionally a Stormwater Pollution Prevention Plan will be developed for the project and will be adhered to during construction. In summary the proposed project will have no adverse effects on the adjacent resource area.

Mr. Mooney discussed the bylaws, excavation, foundation, filling, volume of excavation and fill etc. in the buffer zone. The site will have no new disturbance. There needs to be a plan for snow location for a 30 inch snow removal along with a no salt zone in areas where stormwater devices need to have no snow storage and no salt signs. This will be added to the O & M and the documents will be updated with this additional information. Mr. Mooney received the recommendations from the Planning Board. There needs to be a representative from our engineer

(Jacobs/Driscoll Engineering). He will attach this to the order of conditions. Standard conditions, silt sack with six inch sock, no hay, they have 12 inch silt socks. They need a copy of the Avon standard conditions number 4. It will be part of the conditions.

Mr. John Costa asked where the trucks will be entering. The applicant stated that there is a ramp system (concrete apron) that allows the smaller trucks to get loaded. There were no questions from the public.

A motion was made by John Costa to approve the order of Town of Avon standard conditions, seconded by Ed Mekjian. A roll call was vote was taken. John Costa voted aye, Edward Mekjian voted aye, Kevin Mooney vote aye. The motion carries.

Set of standard conditions:

Erosion control inspection

Keep clean site

Clean up right away

Silt sock

Photos (before, during, after of the wetland area)

30 inch no snow signs

No salt signs

Fill, excavation volumes needed

Stormwater maintained according to the O & M Plan

A motion was made by John Costa to close the Public Hearing for 1 Kiddie Drive, seconded by Ed Mekjian. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, Kevin Mooney voted aye. The motion carries.

Mr. Mooney asked the members of the Commission if they would like to take the meeting notes. The Conservation Commission thinks an outside person would be best.

Discussion

The Conservation Commission discussed 8 and 10 Katherine's Way. Mr. Mooney suggested having a special meeting when the applicant comes in from 8 & 10 Katherine's Way. There may be a proposal of a new Certificate of Compliance and new Order of Conditions.

A motion was made by Ed Mekjian to approve and sign the bill for the BETA Group for \$2,422.50 (Antone Road), seconded by John Costa. A roll call vote was taken. John Costa voted aye, Ed Mekjian voted aye, and Kevin Mooney voted aye. The motion carries.

The discussion on the draft Conservation Commission Regulations will be continued.

The meeting of the Conservation Commission was adjourned at 9:05 p.m. The next meeting of the Conservation Commission will be determined.



Kevin Mooney, Chair



Ed Mekjian, Vice Chair

1. Notice of Intent for 1 Kiddie Drive
2. MassGIS's Online Mapping Tool for 1 Kiddie Drive
3. Response to Peer Review Comments for 1 Kiddie Drive
4. Site development plans for 1 Kiddie Drive dated August 10, 2020
5. Site Plans for 540 Bodwell Street Ext.
6. Grady Consulting, L.L.C. Stormwater Report for proposed Commercial Building 540 Bodwell Street, Ext.
7. Notice of Intent for 540 Bodwell Street, Ext.
8. Affidavit of Service, Appendix E for 540 Bodwell Street, Ext.
9. Request for Determination of Applicability ("RDA") from Mass DOT-Highway Division
10. Fair DerMody Consulting Engineers Request for Determination of Applicability (RDA) MBTA Right-of-Way Operated by Keolis Commuter Services (Purple Lines)
11. Guidance to Massachusetts Conservation Commissions Wetlands Protection Regulations & Vegetation Management in Railroad Rights-of-Way dated September 16, 2020