

Clayton Hutchinson, Chair
Linsie Dillon, Vice Chair
Patricia Wash, Secretary



Clifford Bassett
Deborah Cato
Jillian Miller
Steven Farquharson

Shannon Palmer, Conservation Administrator

Town of North Attleborough
CONSERVATION COMMISSION

43 South Washington Street, North Attleborough, MA 02760 | P (508) 699-0125 | www.nattleboro.com/conservation-commission

MINUTES
PUBLIC MEETING
49 Whiting Street, North Attleboro, MA
June 7, 2022 6:30 PM

A. ROLL CALL

Members Present:

Clayton Hutchinson
Linsie Dillon
Deb Cato
Clifford Bassett
Patricia Wash
Steven Farquharson
Jillian Miller

Members Absent:

Staff Present: Shannon Palmer, Conservation Administrator

B. HEARING AND MEETING ITEMS (6:32PM)

1. Notice of Intent (NOI), 461 East Washington Street, Michael Gazdacko, SE243-09--

The proposal is for redevelopment of an existing gas station and convenience store to include demolition of existing buildings and construction of new market, gas station, landscaping, and water quality improvements. Proposed work is located within Bordering Land Subject to Flooding and Riverfront Area (Ten Mile River). The Chair, Clay Hutchinson, read the legal notice into the record. Certificates of mailing were presented to the Commission in accordance with abutter notification requirements.

Danielle Dufault, Esq., Adler Pollock and Sheehan, P.C., representing the applicant Colbea Enterprises, LLC. addressed the Commission. The applicants are proposing to redevelop the site. They would like to raise and rebuild the gas station and corner market with installation of new underground storage tanks as well as upgrading the stormwater management for the site.

Mark Hollis, PE, DiPrete Engineering explained as part of the development process the corner lot will be joined to the Planned Business Development of the abutting shopping center. Mr. Hollis summarized the project:

- The site is 2700 sq.ft. gas station, convenience store with four fueling stations and a car wash.

- The three (3) ten-thousand-gallon storage tanks have been in place since 1979 and are constructed with single wall fiberglass, these will be replaced with two new 15,000-thousand-gallon double wall tanks.
- Stormwater from the site flows down East Washington Street and the rear of the site to the abutting property where there is a private drainage system.
- Regardless of the initial discharge all runoff ends up in the Ten Mile River culvert at the front of the site. None of the stormwater from the existing site is treated for water quality or TSS.
- The proposed design shows a 3600 sq.ft. Seasons Market with a coffee shop that includes a drive thru. A new canopy with 4 fueling stations along with 14 parking stations including two EVO fast charging stations, which should charge in 45 minutes.
- There are two affected resources areas on site, Riverfront Area and Bordering Land Subject to Flooding. The Ten Mile River runs under the site through a culvert and with the improvements proposed the water quality entering the river will be improved. Additionally, there will be a 7% decrease of impervious coverage of the site with the increase of landscaping islands which will decrease water volumes.
- The entire site is within BLSF and to comply with the WPA regulations there will be no additional impacts to the floodplain storage and an additional 104 cubic yards of flood plain storage will be provided.
- Stormwater design includes an underground storage system to provide peak flow mitigation and there will be no increase in flows at the site. The monitoring wells indicated the ground water table to be at three to five feet below the surface. Per the stormwater bylaw it requires 1 inch of stormwater on site however that it is not feasible for this site. Also, per the bylaw if retaining the water is not possible then the stormwater must treat 90% of TSS and 60 % total phosphorus, and the major component will be a jelly fish filter which will remove TSS and phosphorus while also providing bacteria and metal removal which will improve water quality. Additional TSS removal measures are oil/water separators equipped with emergency shut off valves.

Clay Hutchinson asks how the stormwater tank handles the peak flows during storms, does it hold onto the water or is it flushed out once it the peak is hit and is the jelly fish filter part of the system.

Mark Hollis explains the CulTech design of chambers holding the water and how it will process the flow through filters and will be continuously draining. The jelly fish filter precedes the system, so before the water gets to the main storage system it is process through a bypass manhole and that bypass manhole sends the water through jelly fish filter.

Clay Hutchinson also questions the gas tanks located partially below the ground water table.

Mark Hollis confirms the tanks will be partially in the ground water and the construction practices are to have a concrete slab on top to prevent any buoyancy.

Patricia Wash questions the location and regulations for a gas station in this location with the storage tanks below the ground water table.

Eric Simpson, Colbea Enterprises Environmental Specialist, responds the vast majority of tank systems are located below the water table. New England area has shallow ground water, ranges four to ten feet, and the storage tanks are designed to be underwater. MassDEP has no regulations with regards to location of a gas stations. The design is a double wall tank system that is fully monitored for any issues.

Deb Cato asks what is under the tank at ground level should a leak happen.

Eric Simpson responds the tanks are placed on a bed of pea stones and it is not a containment vault and goes on the explain the designs of a two-walled tank system and how it is monitored for any breaches. DEP regulations state if any leak happens the tanks would be shut off and emptied then tanks would be replaced.

Jillian Miller asks for clarification on any changes with the new design of the stormwater system with the existing drainage and will it be handling a greater amount of runoff.

Mark Hollis answered the design looked at the three development systems which are four designs points. Looking at the water flows to Elm and East Washington Street and the flow going out to those streets will be greatly reduced. The flow to the rear of the site will be equal and there will not be any increase of water to any one catch basin, so there should not be any capacity issues.

Motion to accept peer review proposal from Horsley Witten in the amount of \$3700.00 for 461 East Washington St., Notice of Intent made by Linsie Dillon and seconded Patricia Wash. Motion carried 7-0.

Motion to continue public meeting for 461 East Washington Street, Michael Gazdacko to July 12, 2022 at 6:30PM made by Linsie Dillon and seconded Patricia Wash. Motion carried 7-0.

C. COMMISSION BUSINESS

1. Request for Extension of Order of Conditions, Bungay Lake Associates SE 243-0895:

Motion to approve three-year extension of Order of Conditions, Bungay Lake Associates, SE 243-0895 made by Linsie Dillon and seconded Patricia Wash. Motion carried 7-0.

2. Workshop/Permission for property owner signature, 3 Diamond Street, Rami Sidani, North County Group:

Rami Sidani, P.E., North County Group Inc., representing the applicant, explained to the Commission this project is a continuation from the sewer extension with the front deck rebuild they saw in November (OOC issued ---SE 243-0. The house was built on the Falls Pond with a back deck in need of replacement due to the condition along with a concrete pad which is deteriorating. The pad is seven inches thick and on concrete piers in the lake. The proposal is to file a new Notice of Intent to remove the concrete pad but keep the piers and rebuild the deck with pressure treated lumber. They would need to install a turbidity curtain to prevent erosion into the pond.

Clay Hutchinson clarifies the portion under consideration is the southeast corner where it goes beyond the property line (onto the Commission's property) and that would require the Commission to sign the NOI as property owners.

Rami Sidani agrees that is correct.

Shannon Palmer states the limit of work extends into the pond on the Commission's property including a corner of the proposed deck and the turbidity curtain which would be in place before the work is started.

Rami Sidani agreed the turbidity curtain will be placed to prevent soil erosion and any debris going into the pond during construction.

Deb Cato questions the portion of the work on the Commission property the concrete piers on their property so if the deck is reduced the applicant would only need the permission to allow work in the pond.

Clay Hutchinson adds signing the application does not wave the Commission's right to reserve their property rights and it may be prudent to get an opinion from Counsel to confirm before the Commission signs the application. He adds the Commission should be able to reserve their rights to say

they do not want a permanent structure on town property even if opting to sign the Notice of Intent application.

Motion to obtain opinion from legal counsel and continue discussion to June 21, 2022, made by Linsie Dillon and seconded Patricia Wash. Motion carried 7-0.

3. Request for Minor Modification, 72 Elm Street, Storage USA Realty, Tariq Khalil, SE 243-0947:

Tariq Khalil, owner, Storage USA, explained the minor modification suggested by NAED at the corner of Orne Street and East Washington Street. There is a manhole and easement on the property and since the entire site is fenced in the NAED requested access to the easement. Storage USA has agreed to the suggested curb cut to allow truck access and to moving the guard rail across the river to ensure safety.

Shannon Palmer added turf stone is proposed in the area of the truck access to maintain a pervious surface. There is also the sewer easement that must be addressed, so the applicant revised the restoration area in layout but not size. Trees will not be planted in the easement, but it will be seeded and planted with shrubs in accordance with original approved landscape plan. These changes were necessary to accommodate both NAED and DPW easements.

Cliff Basset expressed concerns with the curb cut in that area because it might allow for more stormwater runoff to go through the pavers to enter the Ten Mile River faster than it would have going through culverts in the road and asked if it be the same elevation as it is currently.

Shannon Palmer adds this was the best solution where there was no change to the compensatory storage areas, and it is still impervious. She also reminded the Commission once water enters the catch basins it goes directly to the Ten Mile River.

Deb Cato states she understands the request from NAED and DPW however the Commission needs to verify that erosion won't impact the river and agrees with the turf stone in the area of the NAED easement.

Clay Hutchinson asks could a truck in theory access the easement even if the curb was still in place and still satisfied NEAD.

Tariq Khalil responded he had recommended that to NAED however the curb is too high for the trucks to access and also suggested a ramp like access, but NAED did not agree and asked for the curb cut.

Shannon Palmer will check with DPW to clarify the elevations of the cut and get their opinion for the Commission.

Motion to approve minor modification excluding the curb cut for 72 Elm Street, SE 243-0947 as shown on Site Improvement Plan prepared by HFA dated revised May 25, 2022, and requesting the applicant return to the Commission for approval on final condition that satisfies the concerns regarding the curb cut and stormwater made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0-1.

4. Vote to accept revised Conservation Restriction, Gregory Manor, Gregory Manor LLC

David C. Manoogian, Esq. representing the applicant Darius Gregory, explains the State Department of Environmental Affairs has made a few minor edits to the CR which now requires all parties of the Conservation Restriction to resign the document. Changes include expanding the prohibited activities and eliminating the automatic approval section.

Motion to approve and accept the revised Conservation Restriction from Darius Gregory on land located at 109 Mount Hope Street pursuant to Section 32 Of Chapter 184 and Section 8c of Chapter 40 of the Mass General Laws made by Linsie Dillon and seconded Patricia Wash. Motion carried 7-0

5. Approval of Minutes

Motion to approve minutes for April 26, 2022, made by Patricia Wash and seconded Linsie Dillion.
Motion carried 7-0

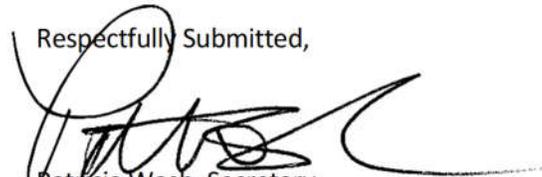
Motion to approve minutes for May 10, 2022, made by Patricia Wash and seconded Linsie Dillion.
Motion carried 7-0

Motion to approve minutes for May 24, 2022, made by Patricia Wash and seconded Linsie Dillion.
Motion carried 6-0-1

D. ADJOURNMENT

Motion to adjourn public meeting at 7:51PM, made by Patricia Wash and seconded by Linsie Dillion.
Motion carried 6-0.

Respectfully Submitted,



Patricia Wash, Secretary