
November 27, 2023
Conservation Commission
Attn: Charles Tirone
Reading Town Hall
16 Lowell Street, Reading, MA 01867

**Re: Response to Con Com Review
Notice of Intent
#87 Walkers Brook Drive
DEP File# 270-0777**

Dear Commissioners;

On Behalf of the Applicant, Leigh Enterprise LTD, CMG Engineering would like to thank the Commission for their continued review of the above noted project. During the initial site walk with the Commission on November 6, 2023, as well as the initial public hearing/meeting on November 8, 2023, there were questions, comments and suggested enhancements that were noted regarding the proposed improvement plan. We would like to take this opportunity to outline how the Applicant has, or intends to address all that has been noted. The following, in no particular order, are summaries or plan updates and/or written responses based upon the ongoing coordination with the Commission.

Proposed Stone Diaphragm: The enclosed site plans have been updated to reflect a new stone diaphragm adjacent to the existing paved area along the western portion of the site. The stone diaphragm will dissipate stormwater runoff rates assisting in the settlement of sediments prior to discharging to the wetlands. Location shown on Sheet UST-2.0 and detailed on sheet UST-2.1.

Stock Pile Area Relocated: The proposed stock pile area was relocated; new location is shown on sheet UST-2.0. The revised location is approximately 20-25 feet further away from the resource areas as was originally proposed. Alternate locations of the stock pile area are not feasible due to the access requirements that are required to be maintained for subject property as well as the abutters.

Contractor and Environmental Engineer Coordination Notes: Coordination notes have been added to sheet UST-2.0. These notes have been added to assure the contractor is aware of the necessary oversight and observation that are required by the environmental engineer.

Remove Notation to Existing CB north east side of canopy: Notation to an existing CB onsite has been removed as one does not exist. It was inadvertently shown by the surveyors.

Dewatering to Frac Tanks: Dewatering is not anticipated for this project. However, we have noted as part of the Contractor and Environmental Engineering Coordination Notes, sheet UST 2.0, that if dewatering is required, any water pumped from tank area will be stored in frac tanks onsite and managed in accordance with DEP requirements.

Replaced 8” Straw Wattles with 12” Mulch Sock. As requested, the detail and call outs for the erosion controls have been updated to reflect a 12” Mulch Sock in lieu of the straw wattles. See sheet UST 2.0 and UST 2.1.

Potential Illicit Discharge from the Site:

It was noted by the Commission’s Administrator, Charles Tirone, that he considers the stormwater runoff from the existing site into the DOT’s right of way and drainage system as an illicit discharge and that an enforcement order would be appropriate unless a valid order of conditions documenting the existing drainage conditions as approved by the Reading Conservation Commission. CMG has subsequently performed research (various materials attached) documenting the following;

1. No recorded order of conditions (or certificate of compliance) was found documenting approval of the drainage located within the DOT right of way.
2. 1959 - Altered DOT right of way layout showing taking of subject area along frontage of property.
3. Surveys subsequent to 1959; all reflect right of way layout as shown on proposed improvement plans.
4. 1969-Proposed Culverts and Driveway shown on development plan for Texaco.
5. 1970- Building and site for 85 Walker Brook Road, with subject culvert area, Constructed.
6. 1972 – 310 CMR 10.0 – Wetlands Protection Act enacted.
7. Definition of Illicit Discharge: Defined by 310 CMR 10.04 as “a discharge that is not entirely compromised of stormwater.” Note: Stormwater is the only discharge from the site.

We firmly believe that site’s existing stormwater runoff from the site should not be considered an illicit discharge for the following reason:

1. The existing building and site conditions predate the wetland protection act, therefore no order of conditions would have been issued for the subject property.
2. Stormwater discharge from the site does not meet the definition of an Illicit discharge per 310 CMR 10.04. There are no other discharges from the site.

Driveway Swales/Leak Offs and Swale along frontage of site within the DOT Right of Way:

The Commission and their Administrator had several comments regarding the need of maintenance and possible improvements to the drainage swale across the frontage of the property. Based upon the review that was performed, the drainage swale is located within the DOT right of way, and is the responsibility of the MassDOT.

The Applicant fully understands the concerns the Commission has regarding the noted offsite drainage swale’s conditions, and sees the benefit maintenance would have on this structure. However, the Applicant cannot have the proposed underground storage tank improvement project contingent on an offsite, unrelated matter that is not within their control.

With that said, the Applicant is not opposed to performing limited maintenance as a condition of approval stating the following (or similar language as deemed appropriate by the commission); “The Applicant must seek DOT approval to allow for the maintenance of the drainage swales along the frontage of the property as described on the revised plans (see sheet UST 2.0). Other site work activities may commence construction during the time in which DOT reviews the proposed maintenance plan. No Certificate of Compliance shall be issued until the DOT swale maintenance is complete, or documentation is provided that DOT has failed to approve the requested maintenance as proposed.”

The proposed maintenance is noted as the following (see sheet UST 2.0);

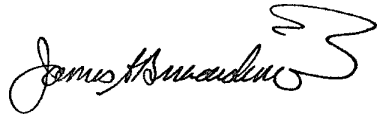
Maintenance within MassDOT Right of Way. Subject to MassDOT Review.

Remove accumulated sediment within the limits of the existing swale to an elevation of approximately 8 inches below inlet and outlet inverts and form to be nominally level. Stabilize using 6" thickness of 4"-6" of rip rap underlaid with filter fabric. Inlet channels at the curb breaks shall be reformed and protected with 4"-6" rip rap underlaid with Filter Fabric.

In addition to the Commission's comments as noted above, the Applicant has received the Notification of Wetlands Protection Act File Number letter from the DEP and their comments noted therein. A copy of the DEP follow-up correspondence, Stormwater Report and Stormwater Checklist demonstrating compliance to the DEP stormwater guidelines, that were prepared in conjunction with the DEP responses are also enclosed herewith.

The Applicant believes that they have responded to the outstanding questions and comments that have been received for this project. We look forward to the continued discussions on this matter with the Commission at their upcoming meeting. Please contact me if you need any additional information at (774) 241-0901.

Sincerely,
CMG ENVIRONMENTAL, INC.



James Bernardino, PE
Principal Engineer

Cc:
Leigh Enterprise LTD
MA DEP – Woburn, MA