



Town of Boylston Conservation Commission conservation@boylston-ma.gov
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REGULAR MEETING MINUTES

JANUARY 14, 2019

Members Present: Dan Duffy, Mark Coakley, Chip Burkhardt, Joe McGrath, Michael Ruggieri

Members Absent: Jeffrey Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC MEETING – 59 Warren Street (Shrewsbury Homes) – Request for Determination of Applicability Application for a proposed 2-lot subdivision. The proposed work will include the development of lot 2. All work is outside the buffer zone. The applicant is requesting confirmation of the delineation.

Vito Colonna (Connorstone Engineering) was present. At the December 17th meeting, the Commission voted to grant a waiver from the Stormwater Control Bylaw for the 59 Warren Street Subdivision provided the work stays under one acre, but requested the filing of a Request for Determination of Applicability to confirm wetland boundaries A9 through A-19. Mr. Colonna said MaryAnn DiPinto delineated the wetlands in August, but he did not submit a report. The proposed work is outside the buffer zone; the driveway is pitched away from the wetlands. Mark Coakley requested that the definitive line of work be shown on the plan and boundary markers be used. Mark Coakley made a motion to close the public meeting; Joe McGrath seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue a Negative Determination by reason #1; Joe McGrath seconded; all voted in favor; motion approved. The Determination will be held pending the receipt of a revised plan and delineation report.

COMMISSION BUSINESS

Jim Rotti (58 Mill Road) to discuss what can be done on his property – Mr. Rotti moved into his house in August. He was notified by the office after it appeared that tree clearing was being done in the wetlands. He said he was clearing dead trees and brush. There are also a few trees he would like to remove that could potentially damage his house. He asked if he could continue to hand cut (no equipment). Mark Coakley commented that dead wood is good habitat, beyond the exemptions for minor activities in the riverfront and buffer zone, the limit of work is the limit of work. Dan Duffy said that boundary markers were to be installed to show the limit of work; they were not. The erosion control line remains; the retaining wall is done. Mr. Rotti plans to loam, seed, plant and landscape in the spring. He would eventually like a fire pit, shed, and dock. The Order expires in May; a request to extend will be needed. It is a challenging site. He was told if he wants to go outside the limit of work, he needs permission from the

Commission who then makes the determination if it will be detrimental to the wetlands. He was told to identify the potentially damaging trees and contact the office so a member can visit the site before any work is done.

Consider extending Order of Conditions DEP#115-382 (Worcester Rifle and Pistol Club) – Al Bonofiglio and Tom LaRoche were present. Mr. Bonofiglio said the bridge was installed; the removal of the lead has not been done. He said the company that was going to do it went out of business and they have been unable to find another company in MA that can do the work. Mark Coakley suggested they contact MT2, a nationwide indoor and outdoor firing range lead reclamation contractor. Mark Coakley made a motion to extend Order of Conditions DEP#115-382 (Worcester Pistol & Rifle) for a one-year period; Chip Burkhardt seconded; all voted in favor; motion approved.

Consider issuing Certificates of Compliance for DEP#115-342 and Stormwater Control Permit SCP-2009-2 (Longley Hill) – Mr. Ansari's permits have expired and he was issued Enforcement Orders. He gave the Enforcement Orders to his engineer, James Tetreault. He was told that when permits are expired he has to refile and go through the entire process again. He said the work is finished except for the paving of the road, which will be done in the spring. He said everything is stable. If he plans to do any further work on the property, he has to refile. The hill is not stable on Lot 11; he agreed that more work needs to be done. Dan Duffy asked if the area where the equipment was stored was stable; Mr. Ansari said yes, it is grass to the stone wall. He said what is left is the berm, sidewalk and paving. It is up to Mr. Ansari to review the documents to determine if there is anything in the Order of Conditions and Stormwater Permit that pertains to the paving; if there is, he needs to refile. Joe McGrath suggested he ask James Tetreault to look at the remaining work, overlay it on the plan in the original Order and see if there is still work that needs to be done in the Conservation's jurisdiction. If the Commission receives a letter from James Tetreault that says the remaining work is non-jurisdictional to the Commission, he will not need to refile; if anything is, he should start the process to refile. Mr. Ansari asked if he could come back next month with the appropriate answer from James. The Commission agreed and said to have Mr. Tetreault attend as well. Mr. Duffy said the project will need to be closed out and he will need a Certificate of Compliance. There is still an issue with Lot 11 that the Commission is waiting for resolution on; the Commission wants the project done. Mr. Ansari was told that when he goes before the Planning Board for a sign-off, the Commission will be looking for as-built plans and documentation that the stormwater infrastructure was constructed as designed, is operating properly, and has been maintained.

Mr. Ansari said he is now focusing on the Stiles Road area and had the wetlands delineated by Scott Heim. He could not do perc tests because the water table is unusually high this year. Mr. Duffy said we received reports that someone was operating equipment in the wetlands. The Commission needs to look at the work he is doing and needs to file the appropriate plans. Mr. Duffy said he should file the plan with the Commission for a formal review of the delineation.

Annual Report – The annual report was reviewed. Dan Duffy will make edits and it will be forwarded to the Town Administrator's assistant.

Vouchers were approved.

Correspondence was reviewed for the proposed multi-family development project on Shrewsbury Street. A letter from Thompson & Liston was received with revised Site Plans that incorporated the changes from the Board of Health. There were no changes to the limit of work or any element of the drainage system. The changes were slight revisions to leaching trench, septic tank and pump chamber locations. They have added erosion control barriers to the plans on the wetland side of the force main leading to the leaching area north of the proposed apartment buildings. Mark Coakley made a motion that the changes are de minimis and no further action is necessary; Joe McGrath seconded; all voted in favor; motion approved.

Correspondence was received from NGI (Northeast Geoscience, Inc.) dated 12/17/18 to the Planning Board regarding Compass Pointe. The Planning Board's approval condition #30 stated "the lots on the plan identified as open spaces A, B, C and D shall be conveyed to the town under the custody of the Boylston Conservation Commission by a process and form approved by Town Counsel." In 2006, parcels B and D had been merged with parcel A and that only parcel A needed to be transferred. Parcel A is within 400-feet of the wells and is included in Zone 1 protective radius around the wells. The developer has not transferred the land in question to the town. It was requested by NGI, but nothing to date has happened. The Water District has asked to help motivate the developer to comply by withholding approval of the final lots until the terms are met. The Planning Board would have the jurisdiction for recommending approval since they issued the approval. Mark Coakley suggested writing a letter to the developer saying that they are close to wrapping up the project. Before you request a Certificate of Compliance, the Commission would like him to comply with the terms of the Planning Board's project that reverts to the open space property. Mark Coakley made a motion that Mr. Haynes be sent a letter asking that he comply with the Water District's request before requesting a Certificate of Compliance from the Commission; Chip Burkhardt seconded; all voted in favor; motion approved.

The Commission discussed the email request from Mr. Haynes regarding Certificates of Occupancy for Lots 1, 3, 24D & 45D. It appears that there no stabilization has taken place on any of the lots. There was a proposed 18" high rock wall that was to be built, the intent of which was to act as a barrier between people going from the backyard to where the clearing took place; it looks more like a step than a barrier. The Commission has accepted lots that have had some type of covering. Mark Coakley would be acceptable with 3"-4" of woodchips until the spring. Mr. Duffy said there are some areas where grading is needed. A letter will be sent to Mr. Haynes informing him that the sites are not stable and to stabilize them with 4" of woodchips or hydroseed and fix the wall. Mark Coakley made a motion to have Paul McManus (EcoTec) to do a site visit with regard to the Certificates of Occupancy and report on the stabilization, the status of the rock wall, and any other issues he observes on the site; Joe McGrath seconded; all voted in favor; motion approved.

The Conservation Commission is scheduled to meet with the Finance Committee regarding the budget on February 4th at 7:30 p.m.

Joe McGrath gave the members copies of the draft Wetland Permitting Procedures and Homeowner's Guide to Wetlands and Permitting he prepared. It will be revised and posted on the website.

Chip Burkhardt made a motion to approve the Meeting Minutes dated December 17, 2018; Mike Ruggieri seconded; all voted in favor; motion approved (Joe McGrath abstained).

February 11th was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Chip Burkhardt seconded; all voted in favor; motion approved. The meeting adjourned at 8:33 p.m.