



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

MAY 16, 2016

Members Present: Mark Coakley (left at 8PM), Joe McGrath, Dan Duffy, Chip Burkhardt

Members Absent: Jeffrey Walsh, Rebecca Longvall

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING – SHREWSBURY HOMES (Mill Street, Map 1, Parcel 129-1) – Notice of Intent Application to construct a single-family house including driveway, utility connections, septic system, landscaping and associated work.

Vito Colonna (Connorstone) and Mr. Aspero were in attendance. A DEP file number has not been issued yet. Mr. Colonna explained where the proposed project is; it is wooded and undeveloped; Newton Pond is the wetland. They are proposing a single-family house, septic system, driveway, utility connections and clearing required for access to the back of the house. Test pits were done in the front for the septic system. Erosion barriers will be placed around the limit of work. The amount of disturbance is 18,000± square feet. They will not be blocking the town drain in the street; they will be maintaining the flow path. Mark Coakley suggested boundary markers be placed at the limit of work because any work beyond that would be in the buffer zone. The plan was marked at five points, signed and dated. Joe McGrath said there should also be a condition stating that any additional work or expansion of the area of work requires additional review.

Mr. Shanahan (83 Mill Road) inquired about other houses being built in the area. Mr. Aspero explained the area and said two houses would be built and the roadway would be improved. Mark Coakley made a motion to close the Public Hearing; Dan Duffy seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a standard Order of Conditions adding Special Condition #34-applicant will install boundary markers with 4x4 wetland area nameplates at limit of work locations shown on plan dated 2/9/2016 and signed by the Commission on 5/16/2016; and #35-any work outside the limit of work shown on plan will require additional review by the Commission; Chip Burkhardt seconded; all voted in favor; motion approved.

PUBLIC HEARING – WORCESTER DONUTS (270 Shrewsbury Street) – Notice of Intent Application and Stormwater Control Permit Application to reconstruct the existing gas station and convenience store as well as the creation of two garage/storage buildings in the rear of the site. Access to the rear of the site will require a wetland crossing with an alteration of 2,183 square feet. In compensation a replication area of 3,591 square feet will be created.

James Tetreault (Thompson-Liston) and Matt Doyle (Worcester Donuts) were present. Mr. Tetreault showed the proposed construction and the existing footprint. The septic system leach field has been installed. The applicant would like to construct the gas station with a better layout with the “in” at the north and “out” on the south; one consistent flow of travel. There is currently no control over the drainage on this site; some drain to Route 140; everything else drains to Dragon 88; to the south the drainage area continues to the cell towers stopping short of the basin. He showed the wetlands boundaries

May 16, 2016 Conservation Meeting Minutes

from the RDA filing in December which were flagged by Scott Heim in 2002. Mr. Heim reflagged the wetland boundary shown on the plan; it not very different; it goes much further uphill in the latest version. The applicant wants to reconstruct the upper plateau, creating better parking and much better flow, creating more space for vehicles and create a connection down to a lower area where he would like to construct two buildings to serve as storage for his business. They will cross the wetland and create a replication area 1.64:1 ratio to the area altered, propose an open bottom culvert, and below have two catch basins going to a CDS unit for infiltration. All the drainage on the upper part would go to catch basins; drain manholes through a CDS unit use the existing discharge; a drainage report is included. The calculations show they are reducing the peak flow in the 2- 10- 25- and 100-year storms. Joe McGrath asked if the two white pads behind the main building are going to be diesel fueling stations; yes. He asked how they are going to keep a major diesel fuel spill out of the wetland area. Mr. Tetreault there are catch basins at the local low points and a spill would go to those catch basins and eventually those catch basins go through drain manholes to a CDS unit before any outflow. Mr. McGrath asked what the planned capacity is for the CDS unit; 2015. Mr. Tetreault was unsure how many gallons it would hold. Mr. McGrath asked about the traffic flow for the lower two buildings. Matt Doyle said there will be no traffic; it is only for Batista storage (covered bay parking garages); they will not service the trucks there. Mr. McGrath had an issue with only two catch basins on the side; he thinks they should look at some better potential spillage storage. Mr. Tetreault said there is another CDS unit down there, not just the catch basin. Mr. McGrath asked them to provide additional information on the capacity of the CDS units. Graves Engineering review is needed. Mr. McGrath was comfortable with wetland flagging but said it would be good to review the upper part of the wetlands (the area that has changed). EcoTec can review the replication area. Mark Coakley said the amount of impervious surface on the pre-crossing area is more impervious than before. Mr. McGrath asked what the plan is for the access road. Mr. Tetreault said a retaining wall is proposed for the property. The applicant is required to open a 53G account for peer review. Joe McGrath made a motion to contact Graves Engineering to review the Stormwater ramifications of the project in addition to the Planning Board ramifications and contact EcoTec to review the wetland flaggings at the north end of the site as well as the replication plan; Chip Burkhardt seconded; all voted in favor; motion approved. The applicant requested a continuance. Joe McGrath made a motion to accept the request for continuance; Mark Coakley seconded; all voted in favor; motion approved. It will be on the June 20th agenda at 7PM.

PUBLIC MEETING – SCANNELL PROPERTIES (220 Shrewsbury Street) – Request for Determination of Applicability Application to request confirmation of boundaries and jurisdiction of wetland resource areas surrounding the proposed development area only; no work is proposed at this time.

Patrick Healy (Thompson-Liston) delivered the \$7,500 for the 53G account. The property is still not under a Purchase & Sale Agreement. The frontage is between Landscaping, Etc., and Honematic. The wetlands can be accessed through the dirt roadways. There are three potential wetland crossings; in those areas they flagged both sides of the wetlands. If they negotiated a roadway on the one furthest to the north on the DMG property, the crossing would occur within 500' of a vernal pool and would require individual review from the Army Corps of Engineers; they are trying to avoid that. The plans show the wetland boundaries closest to the development site. They are looking at two different building layouts; it would be approximately 330,000 square feet. There would be a significant impervious area they would be looking to develop. A large amount of earth removal and earth alterations will be required. There are multiple wetlands with three different flow paths that go to the stream that goes into Sewall Brook. The top of the hill will be brought down approximately 50-60 feet. They are looking at three different accesses to the property: (1) through DMG property; (2) along the existing frontage to Shrewsbury Street, but would prefer not to use that because it is not an ideal place to come out of because there is a 5% slope; and (3) develop a route behind the property. They are looking to get authorization to proceed with the engineering by July 1st and would like the wetland areas and boundaries confirmed prior to that. A Notice of Intent would be filed in September. Joe McGrath said without having an engineering plan and knowing the actual impact on the wetlands, it is tough for us to make a determination. Mr. Healy would

May 16, 2016 Conservation Meeting Minutes

like all of the wetlands with flags on the plan and the vernal pools verified. Joe McGrath made a motion at the request of the applicant that we contract EcoTec for review of the wetland boundaries and delineation and vernal pool locations on site, cost of which to be taken from the applicant's 53G account; Dan Duffy seconded; all voted in favor; motion approved. The applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to June 20th at 7:30 p.m.; Dan Duffy seconded; all voted in favor; motion approved.

Worcester Sand & Gravel (Mike Trotto) Update – Mark Coakley said the Earth Removal Board met and reviewed the Langdon Environmental proposal. It met their needs and they fully endorsed it. The ERB asked Mr. Coakley to advocate that the Commission approve it. Joe McGrath made a motion to accept the proposal from Langdon Environmental, LLC dated May 13, 2016 for a review of the hill restoration at the Worcester Sand and Gravel property; Chip Burkhardt seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Reorganization of the Board – The members agreed that Dan Duffy will be Chairman; Jeff Walsh, Vice Chairman; and Mark Coakley the Earth Removal Representative; Joe McGrath will remain on the Stormwater and Open Space Committees.

Vouchers were approved.

Correspondence/Emails: (1) Graves Engineering Site Report for Compass Circle Phase 2; and (2) Notification of Environmental Impact Statement Comment period for the Algonquin Gas Pipeline extension into Massachusetts.

Sign Compass Pointe Performance Agreement Secured by Letter of Credit – Mr. Haynes provided a Performance Agreement Secured by a Letter of Credit for Phase 2 at Compass Pointe. It has been reviewed and approved Town Counsel. It needs to be signed by both the Commission members and Mr. Haynes. A Cease & Desist Order was issued in May for work being performed without a bond in place. The members will need to vote to remove the Cease & Desist and notify him. Dan Duffy reminded all that we are waiting for Mr. Haynes to bring in revised drawings showing the new grading which the Planning Board approved. Chip Burkhardt said the report from Graves included photos and documentation (erosion control is in place, some of the road work has been done; nothing negative). It was discussed keeping the Cease & Desist Order in place until the bond is in place, fully signed by both parties, and the revised plans received. Mr. Haynes will need to be informed that the Cease & Desist will remain in place (after signing the letter of credit). Dan Duffy asked if they are still working; Mark Coakley did not think so at the times he has gone by. The discussion was opened to the audience. Dwight Jones (250 Sewall Street) said he hikes the area almost every day and they have continued putting in the water main to the point where it is almost perpendicular to where the pond is. The street drains have pretty much been installed. The road has been continued around the corner and rough cut most of the way. They have not done all the stumping around the outside, but have done a lot of it. They have been stumping and grinding and cutting brush opposite the school. His biggest concern is the hillside that is 40'-50' high; it is dumped gravel. He said it is already starting to slope near the pond and it appears they moved the hay bales out further towards the pond to get the pitch from the hillside. The Commission felt Mr. Haynes ignored the Cease & Desist Order and said we should sign the bond to protect the town, but issue a Civil Violation Notice going back to the day we issued the Cease & Desist. The Graves report also mentions ongoing construction. Joe McGrath made a motion that we sign the Performance Agreement approved by Town Counsel securing by Letter of Credit the Performance Agreement for Phase 2 Compass Pointe; Chip Burkhardt seconded; all voted in favor; motion approved. Dan Duffy made a motion to issue a Civil Violation to KREG, LLC for failure to adhere to the Cease & Desist issued on April 26, 2016; Joe McGrath seconded; all voted in favor; motion approved.

May 16, 2016 Conservation Meeting Minutes

Joe McGrath told the members that he received a verbal report from Graves Engineering that they did the digital inspection of the storm drains at Compass Pointe and they were fine.

Joe McGrath attended an Applicant Advisory Committee meeting today with Goddard Consulting about a proposed project. Bethlehem Bible Church purchased the Lane property between School and Sewall Streets a few years ago. They also purchased a piece of land that Jimmy Ricciardi acquired in the auction, for a total of 67 acres. They are proposing a 3-phase housing development with a total of 36 homes. Phase 1 would have two entries off School Street; Phase 2 would have a single entry off Sewall Street that would connect to School Street; and Phase 3 would be the lower section closest to Route 140. It would be a standard housing project; there is nothing being proposed in terms of 40B or elderly housing. They have a preliminary Purchase & Sale with a builder but would not specify who it was. The plan is to file in the fall and start construction next year.

Shrewsbury Street Activity – Secured Financial (possible wetlands violation) – The letter mailed April 25th was returned due an incorrect address. It was corrected and sent May 11th. Joe McGrath will contact Mr. Ricciardi since his lot is the access road to that site.

240 Shrewsbury Street Activity (possible wetlands violation) – Leo Mastrototero represents 240 Shrewsbury Street. He received the letter in regard to filling the wetlands. Joe McGrath told him that it was a DEP inspector who reported it to us so we had to take action. Mr. McGrath said it does appear that there is an area behind the wood lot that has been filled with woodchips in the buffer zone of the wetland area. Mr. Mastrototero said he did spread the woodchips and they do store woodchips on site. He put them on top of the nursery area to keep it dust-free; he did not think that was filling in a wetland area and said he is staying inside the nursery area. He showed a site plan of the area. Chip Burkhardt told him that he is not supposed to work within 100' of the pond. When you make improvements in the buffer zone, it doesn't mean you can't do it, it means you have to come in front of us to talk about it. Joe McGrath said there was existing grass that he removed; chips were stored on the grass which is not allowed use unless he came before the commission. Mr. Mastrototero said he has no intent of filling in the wetlands. It was recommended that he file a Request for Determination of Applicability. The members will visit the site on Tuesday, May 24th at 6:30 p.m.

Review Revised Plans for 27 Flagg Street (Lindsay Katz) – Chip Burkhardt made a motion to accept the modified plans for 27 Flagg Street; Dan Duffy seconded; all voted in favor; motion approved.

The Occupancy Permit for 1001 Main Street (Tahanto High School) was signed. They were issued a Certificate of Compliance from the Commission on October 14, 2014.

Joe McGrath made a motion to approve the Meeting Minutes dated April 25, 2016 as amended; Chip Burkhardt seconded; all voted in favor; motion approved.

Discuss Conservation Land Management Approach – Joe McGrath was approached by Sudbury Valley Trustees to congratulate the Commission on the success of the warrant article at town meeting and the conservation lots. They understand there were negative comments by the BOS and others about the SVT, so as a token of their intent, they are offered to give us a cash/service donation of \$21,000 to pay for the surveying of the seven lots; no strings attached. Since we don't hold the deeds yet, he approached the Selectmen and Town Administrator to get approval to accept the donation, but they would not give it. He will be meeting with them at the next BOS meeting to discuss it further.

June 20th was confirmed as the next meeting date.

Joe McGrath made a motion to adjourn; Dan Duffy seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 8:45 p.m.