



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
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## **REGULAR MEETING MINUTES**

### **FEBRUARY 27, 2017**

Members Present: Dan Duffy, Rebecca Longvall, Chip Burkhardt, Mark Coakley, Joe McGrath

Members Absent: Jeffrey Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING – RICCIARDI BROTHERS continued (280 Shrewsbury Street) –**  
**Stormwater Control Permit Application** to screen and crush construction materials including loam, concrete and asphalt.

Mr. Ricciardi provided a topographical map and explained where they are working. The berm has been put in as well as check dams, jersey barriers and gravel. Mark Coakley commented that the SWPPP and dust control plans are boiler plate and suggested the Commission receive reports bi-annually. Having no further issues, Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue Stormwater Control Permit #2016-5, adding Special Condition #21 that the applicant shall supply an inspection report to the Commission with regard to the site conditions on April 1<sup>st</sup> and August 30<sup>th</sup> of each year for the term of the permit; Joe McGrath seconded; all voted in favor; motion approved.

**PUBLIC HEARING – PINE STREET BOYLSTON REALTY LLC (Pine Street-Lots 1, 2 & 3) – Notice of Intent Applications** to construct duplexes and associated site work.

This Public Hearing covered three (3) separate Notice of Intents. James Ricciardi, Mike May and John Grenier were in attendance. Mr. Grenier said the bank and/or wetland line is the limit of work. The stream was determined to be intermittent with a filing that was done by the YMCA. Construction of foundations and site grading is within the 100' buffer zone. All units will be walk-outs to meet the grading in the back to maintain the elevation on Pine Street. Perc testing done was outside the buffer zone. There will be one septic for the three duplexes (six units); a Homeowners Association will maintain it. There is a small area where there is some work proposed within the 100-year flood plain. They will be replacing the flood capacity with foot-by-foot elevations capacity with a 1:1 replication in the flood zone. The entire limit of work will have an erosion control barrier. Dan Duffy said the excavation to create a walk-out is close to the resource area and asked if they could maintain the elevation as in the front. Mr. Grenier said they could pull the grading back. Joe McGrath said we are going to ask to delineate to keep people out; it is very close to the resource area for Lot 3. Mr. Duffy wants to see a 25' no disturb buffer. The wetland boundaries were delineated by Scott Goddard and located by Jim Smith in December 2006. The Commission will want EcoTec to review the flagging. Mr. Grenier said they would file a SWPPP for a federal permit. The Commission will require proof that the three

lots are ANR lots. A condition will be to include monuments (stone or concrete). Mr. Grenier will note on the plan that house widths will be smaller. Action items: have EcoTec evaluate the wetland delineation for all lots, bordering land subject to flooding specific to Lot 1, and recommend a planting schedule for the BLSF replacement.

Teresa Prunier (abutter to Sewall Pond) had concerns about Sewall Brook and asked how was it determined from the overpass bridge to Sewall Pond as an intermittent stream when she saw it as perennial stream. Mr. Burkhardt explained that the USGS maps may have it listed as perennial, but about five years ago, the YMCA did a project and documented no flow conditions in a non-drought period to determine Sewall Brook was intermittent. She said when storm drains were put in they always went to a water source, is that the case with this. Mr. Grenier said currently there is no street drainage on Pine Street; there are no storm drains or catch basins; it is just for the yard. She said over the years, Sewall Pond has gone downhill from the beavers and storm runoff from Route 140.

Roy Cathline (108 Nicholas Avenue) asked if the Commission had taken into consideration people growing grass. Mr. Duffy said that is why we are asking for a larger natural buffer area from the proposed 5' to 25'. Chip Burkhardt said we are also requiring the applicant to install permanent markers.

Mike May explained that the YMCA owned a 29 acre parcel. He and Mr. Ricciardi purchased it for \$850K; they intend to preserve 21 acres of land at the camp. They want to give the camp back to the town. They tried to keep the buffer along the pond and around the streams intact in its natural state as much as possible, but there will be changes. They will turn over approximately 21 acres to the town or a non-profit who will work the Parks & Rec to have a camp there if the town chooses to keep it. Mark Coakley knows the residents are concerned with the pond and said we had complaints in the past about people expanding their lawns and have taken some enforcement action. If they want to get organized, he said there is some funding available from Conservation that we could use for preservation. Ms. Prunier said they had tried to create an association years ago and failed. Having the project go forward, if they formed an association they would be eligible for grants to work on the pond. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded; all voted in favor; motion approved. It was continued to March 20<sup>th</sup> at 7PM.

On another issue, Mike May asked for clarification of the wetland flagging that was done for Phoenix Communications years ago for 315 Main Street. He was told the filing never came to the Conservation Commission. For the 3-phase project they plan to do, if everything is outside 100' of the wetlands, the Commission would not need the wetlands delineated; we could do a flag inspection as part of the review of the NOI.

**PUBLIC HEARING – BOYLSTON CP, LLC (Cheryl's Way-Lots 10C-Map 7-Parcel 54; 11C-Map 7-Parcel 53; 12C-Map 7-Parcel 52; 13C-Map 7-Parcel 51; 13D-Map 7-Parcel 51; 14C-Map 7-Parcel 50; 15C-Map 7-Parcel 50; 16C-Map 7-Parcel 49; and 16D-Map 7-Parcel 48 – Notice of Intent Applications to construct duplexes and associated site work.**

This Public Hearing covered nine (9) separate Notice of Intents. Jim Haynes and John Grenier were in attendance. The roadway is constructed; it is Cheryl's Way. The drainage infrastructure is part of the drainage that goes into the entire subdivision and into a detention basin that is to the

south. They are before the Commission for installation of foundations for the balance of lots on Cheryl's Way; 18 units (9 duplexes) with associated grading are proposed. There are some cuts and fills; some cuts will be to the mounded areas to generate gravel material for fill. Most are outside the 100' buffer; the closest is on Lot 11C. The yards will be graded. There will be a common septic outside of the 100' buffer; a Homeowners Association will maintain the grounds and septic; it is an over 55 community. Mr. Haynes addressed comments made by Elaine Jones. He said the limit of work would be appropriate; the Planning Board approved the layout. The lots are part of the subdivision. On any of the lots on Compass they can have single-family or duplexes; it is allowed by right in that zone. Chip Burkhardt asked if the stormwater plan covers that disturbance and if they are bonded for it. Mr. Grenier was not sure the original stormwater plan included houses; he was told it did. He said common driveways are less impervious areas. Dan Duffy said there are many areas where they are disturbing beyond the limit of the houses and yards and asked about the disturbance of these areas. Mr. Grenier said they need to generate material to fill the area by cutting some of the mounded areas; trying to balance the site. Rebecca Longvall asked about landscaping. Mr. Grenier said he will plant for privacy. Mr. Duffy said it would be his preference to show some of the areas where they are just doing disturbance to generate fill material and it is not part of the long-term landscape; show it as being revegetated and not maintained in the future, and where it is close, maintain at least a 25' no disturb zone from the wetlands. Mr. McGrath would like those two lots to come out of the buffer zone and move the septic a little forward. Mr. Grenier will show the disturbance and plantings on the plan. Joe McGrath asked if the plan had been reviewed by Mike Andrade (Graves Engineering) for stormwater review; no. Mr. Grenier will forward it to him. The applicant requested a continuance. Joe McGrath made a motion to accept the request for continuance; Chip Burkhardt seconded; all voted in favor; motion approved. It was continued to March 20<sup>th</sup> at 7:30PM.

### **COMMISSION BUSINESS**

Barnard Hill (Perry Road) to discuss partial Certificates of Compliance – No representative attended.

7 Maple Way (to discuss proposed work) – Mark Coakley recused himself from the matter. Wentworth Moncrieffe attended on behalf of his brother for information about proposed work he would like to do on his property (level and cut trees, filling to extend the backyard, create walkways on both sides of the house, and possible temporary ramp for a landscaper to get his equipment to the back of the house). Mr. Moncrieffe was told there is a Superseding Order of Conditions. Chip Burkhardt showed him what was approved when it was built. It is in the buffer zone. The drainage for the runoff needed to be directed to Wetland J; that will have to be maintained. The Commission would require a grading design plan from an engineer. There is also a Conservation easement on the property. As long as the proposed work complies with the Superseding Order of Conditions it can be done. When they submit an RDA, they will need to bring the deed and conservation easement language.

Phoenix Management Company representative to discuss tree cutting at Timberbrook Condominiums – Judd Goodnow represented the management company. Chip Burkhardt received a call that Bartlett Tree was cutting pine trees at the edge of the wetland area in the 300 block of town homes and was instructed to drop the trees into the wetland area and leave them. While removing trees was a safety issue, Mr. Goodnow was informed you cannot do that; it is a

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violation. A crane could have been used to cut and remove the trees. Mr. Goodnow said there is no plan currently to take down any more trees. Rebecca Longvall explained that if work is within the buffer it would be to the benefit of the operator to check with the Commission first. Mr. Burkhardt said they should have a plan going forward. If he could provide a layout of Timberbrook and an aerial photo layout, the Commission can better decide if a filing is needed. Mr. Goodnow was given a copy of the Exempt Minor Activities in Riverfront Areas and Buffer Zones.

Patrick Healy (for Scannell) – Mr. Healy said due to a clerical error on the original Order of Conditions, a corrected Order was issued. Unfortunately, the original Order without the corrected page was recorded at the Registry of Deeds. There was discussion of signing the replacement Order again to put on record and place a note that the previous Order was recorded in error, have the Town Clerk certify a copy, or sign an Affidavit. Joe McGrath made a motion to issue an Affidavit regarding the corrected Order of Conditions copy for this project and authorize the Chairman to sign on behalf of the Commission; Mark Coakley seconded; all voted in favor; motion approved.

Mr. Healy submitted the required paperwork for the pre-construction meeting to be held on Wednesday. EcoTec will be asked to attend for the Commission. He also asked for permission to use 9" diameter coir logs in place of hay bales; they conform better to the shape of the land and are more effective; the Commission had no issues with that. Mark Coakley suggested bringing a detail plan to the pre-construction meeting so EcoTec will have a copy.

Borgatti Enforcement Order Update (280 Shrewsbury Street) – The green card was signed for but no one contacted the office. A Civil Violation was issued.

Longley Hill Update (EcoTec Site Visit) – Chip Burkhardt said after reading what Mr. Ansari sent and what Paul McManus has reviewed, the site is still not stable. Building Permits will not be issued. It's the same issues we have had for years; there are still some temporary fixes and the temporary fixes don't appear to be as permanent as they need to be. They are not installed properly, there is some silt fence that is droopy and not enough stakes, the hill slope is still slumping. There is also no plan. Joe McGrath made a motion to write a letter to be sent by certified mail that Mr. Ansari has to present a recovery plan certified by an engineer by the next meeting or the Commission will immediately start the enforcement action process, including \$100/day civil fines based on lack of compliance with appropriate permits; Chip Burkhardt seconded the motion; all voted in favor; motion approved.

Consider issuing an extension to DEP File #115-352 (ORAD for 85 Sewall Street) Bethlehem Bible Church – Mark Coakley questioned whether the parcel that bought from the town by Mr. Ricciardi and added was delineated. One of the parcels on the School Street side was not delineated. The town owned it and stopped delineation at a certain point; Bethlehem Bible subsequently bought it. It has been seven years, conditions have changed, and three members were not on the board at the time. Mark Coakley made a motion to deny the extension; Joe McGrath seconded; all voted in favor; motion approved.

Scannell Properties: Tree Cutting/Asian Long-Horned Beetle program; Performance Bond – To determine the performance bond needed, Joe McGrath made a motion that Melanie email Mike Andrade to estimate the value of the performance bond for FedEx/Scannell property project and

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forward it to Patrick Healy per his request; Mark Coakley seconded; all voted in favor; motion approved.

Vouchers were approved.

Correspondence/emails were reviewed.

Review Rules & Regulations for the Usage of Conservation Land (Joe McGrath) – Mr. McGrath met with the Selectmen in the beginning of February. The prior agreement is being redrafted by Town Counsel, but we may not need an agreement. Once the land passes into Chapter 97 protection, it doesn't matter who the custodian is, it's still Conservation land. Legislative action would be needed to take it out of Conservation status. The Selectmen did approve the draft regulations. The Conservation Commission, Planning Board and Parks & Rec all need to review for input. Two public meetings would then be scheduled for public comment; abutters will be notified. Once done and they have the agreement, the deeds can be transferred; progress is being made. Mr. McGrath will follow-up with Jeff Walsh (who was not at the meeting tonight), the Planning Board and Parks & Rec.

Chip Burkhardt made a motion to approve the Meeting Minutes dated January 23, 2017; Rebecca Longvall seconded; all voted in favor; motion approved.

March 20<sup>th</sup> was confirmed as the next meeting date.

Chip Burkhardt made a motion to adjourn; Joe McGrath seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 9:45 p.m.