



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

### **MARCH 20, 2017**

Members Present: Dan Duffy, Jeffrey Walsh, Rebecca Longvall, Chip Burkhardt

Members Absent: Mark Coakley, Joe McGrath

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING continued – 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 Intent. James Ricciardi, Mike May, John Grenier and Paul McManus (EcoTec) attended.

Mr. Grenier addressed EcoTec's March 10, 2017 letter. Lot 1 was modified to reflect the revised flood elevations. They pulled the grading back so they could take into account the flood storage that is needed and they are showing a small retaining wall (a 4' wall at the corner of the foundation). He explained the plantings beyond that (white pines on the slope and lowbush and blueberry trees every 6'-8'). On Lot 3, there was some grading within 5' of the edge of the wetlands; they pulled it back to be a minimum of 25' away from the edge of the BVW at the request of the Commission. For the benefit of Jeff Walsh who was not present during the initial hearing, Mr. Grenier gave an overview of the project from the last meeting. Regarding the DEP comments for Lot 1, they wanted to make sure the compensatory flood storage was addressed. Mr. Grenier explained the fill on the revised plan and the replication area.

Paul McManus recommended adding the number of plantings, the plant size and minimum size so when planting is being done, they will know where to plant. Rebecca Longvall asked the distance between the edge of the bank on Lot 1 and Flag 4. Mr. Grenier said they are within a few feet of it, but that's where they are doing some of their replication. They kept the unit as far from the wetlands while maintaining the minimum front and side yard setbacks. The houses will be smaller (but were not shown on the revised plan). Ms. Longvall asked how we can be assured that the buffer remains at 10' and the lawn does not encroach on the bank so the mitigation areas don't become part of the lawns. Mr. Burkhardt said we would add a condition that they put in monuments or boulders. Jeff Walsh said it might be a good idea if sod could be put down for stabilization for one year on the southeast corner from the outlet to the culvert.

Mr. McManus raised the issue of the regulations for BLSF concerning wildlife habitat study and the threshold of 10% or 5,000 square feet (whichever is less). Mr. Grenier said he did not have the total work area within the BLSF; he will need to calculate this and get back to the Commission. Mr. McManus said it would be 10% of the BSLF which is what the regulations

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talk about. Mr. Grenier said that in aggregate for the three lots they would be way below. Mr. McManus said you need to look at the site that is subject to the filing and the Commission could make a determination that the 10% is based on Lot 1 (where most of the impacts occur) or on the entire property subject to the filing they are reviewing. Mr. McManus' suggestion was to restore a multi-layer community throughout so when the project is complete there will be some habitat wildlife. He suggested plantings that will be a wildlife food source, which is what the regulations are looking for to bring back the lost habitat. Ms. Longvall asked if Fisheries and Wildlife would review it. Mr. Duffy said we need a determination based on the area to see whether it meets the threshold of needing a habitat assessment or not.

Doug Kimmens (25 School Street) said Pine Street will be paved and there will be additional building down the road. He discussed the stream, which he referred to as perennial. He has seen it flooded, with trout swimming in it, and dried up. With the street being paved, it will be widened; does that change the water runoff, and does it affect the vernal stream? Mr. Duffy said we have not seen any filing associated with that yet; we have to discuss the filing in front of us. When it does come before us, it will be assessed based on how they are proposing to manage water, etc. Mr. Grenier said the plans have been submitted and will be on the next agenda. There will be asphalt curbs and catch basins. They are going to stay within the existing right-of-way. There will be a sidewalk on one side, curbing, and the runoff from the improved roadway will be captured in catch basins to the end of the extended cul-de-sac, which will go into its own retention basin.

Cathy Nilsson (1 Pine Street) asked how they would widen the road; it's only wide enough for one car. Mr. Ricciardi said the town has a right-of-way; the actual road is wider than the width there now. It will be 22' wide with a sidewalk on the opposite side. Mr. McManus said based on this plan, her property line is approximately 10' off the existing travel way to the legal property line. Mr. Ricciardi said the taking is always there on every road in the event they want to widen the road or put sidewalks in. Roy Cathline (108 Nicholas Avenue) asked about the size of the houses. Mr. Grenier said the house on Lot 1 will be smaller by 8' on the width and will be included on the revised plan.

Karen Kalinowski (132 Nicholas Avenue) asked for clarification regarding the wildlife study. Mr. Duffy said the Commission is asking the applicant to come back with calculations to see if it impacts the threshold for doing a wildlife study. She is very concerned because any change in the water affects her yard. She used to have flood insurance, had it reevaluated, and no longer has to have it; she does not want it again; it is very expensive. Ms. Longvall said the buffer area will not change; it will remain 100' away from the bank. Ms. Kalinowski said she could not find the YMCA study proving that it was an intermittent stream. Mike May said Thompson-Liston evaluated the stream and a determination was made that the stream was not a perennial stream. Dave Kalinowski if that determination had to go before the Commission. Mr. Burkhardt said it did and a copy is in the YMCA file.

The applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance; Rebecca Longvall seconded; all voted in favor; motion approved. It was continued to April 24<sup>th</sup> at 7PM.

**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.**

With Commissioner Walsh recusing himself from matter, a quorum was not met. The applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance; Rebecca Longvall seconded; all voted in favor; motion approved. It was continued to April 3<sup>rd</sup> at 7:00PM.

**PUBLIC MEETING – BOYLSTON CP, LLC (Lot 17B Compass Circle) – Request for Determination of Applicability for the installation of drainage piping within the infiltration basin connecting the basin forebay with the main basin area and construction of a driveway to service a single-family lot.**

With Commissioner Walsh recusing himself from matter, a quorum was not met. The applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance; Rebecca Longvall seconded; all voted in favor; motion approved. It was continued to April 3<sup>rd</sup> at 7:30PM.

### **COMMISSION BUSINESS**

Worcester Sand & Gravel – Mr. Trotto attended with an update. He said some trees have been cut up to the neighbor's property; the rest will be done at the end of next week. They have stockpiled approximately 2,500 yards of material replacement. They will start cutting out the material in approximately two weeks. He was reminded that the Commission needs the revised grading plan before he starts work and to contact the office before any work starts.

Barnard Hill (Perry Road) to discuss partial Certificates of Compliance – Rich Chehade notified the office that they would not be attending tonight.

Borgatti Enforcement Order Update (280 Shrewsbury Street) – Mary Borgatti informed the office that the Borgatti's no longer own the property but did not know who it was sold to. After researching with the Assessors, it was determined that the new owner is J&M Batista Family Limited Partnership. They were the owners at the time of the violation. The Enforcement Order was forwarded to them; the green card was received today.

Longley Hill Update – Farooq Ansari, Andrew Liston (Thompson-Liston) and Paul McManus (Eco-Tec) were present. Mr. Ansari said he took care of the things on the ground (not all of them) Mr. McManus told him to. He was not able to take care of the slope behind Lot 5 and Lot 6 because of the snow; the slope goes into the detention ponds. He stabilized part of it, but not all of it. Mr. McManus said most of the long slope going down to the stormwater basins are vegetated. The areas immediately around the basins have been vegetated for quite some time. The upper terrace where the houses will be is where there are some big stockpiles that continue to erode. In the past several months, the things he talked about are dealing with material that is coming off the stockpiles. They put a stone lined swale to transmit water from the upper slope down the bottom because there is so much grade change; it was going down the grass and made a big gully. They created a trap at the top and put in a temporary structure to get the water down

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the channel; it has not been subject to a serious storm yet. Mr. Ansari said there was concern about a leak coming out of the two ponds; he replaced the caps and re-cemented it; he said there was no leak. Mr. McManus' concern is that there are two big stormwater basins; the one on the right on Lot 6 (has water), the one on the left on Lot 5 (has no water), but it used to pond water. Why is the one on the left not holding water? Mr. Ansari sees no signs of malfunctioning.

Jeff Walsh said there has not been enough effort when it comes to erosion and sediment control over the years. A more global approach to the project needs to be taken care of. Mr. McManus said the stockpiles continue to erode material and the traps and swales are an attempt to control that. MPDES says that soils that are not actively being worked on have to be stabilized with a cover within 15 days per the EPA stormwater requirements. Mr. Ansari said as soon as the snow melts he will be taking the stockpile out. The stockpile will be used to fill foundation holes. Mr. McManus explained where the ESC barrier is and said the silt fence is getting old, but it is toed in; it will have to be adjusted as work is being done. Mr. Duffy said a secondary barrier will need to be put in before the work becomes active. If the work doesn't take place, stabilization of the stockpile needs to be done. Mr. McManus said he could final loam and seed the areas behind the houses and be done with it. Mr. Ansari said he is going to do that. Mr. McManus suggested not starting until he can screen loam so it is ready to go and then work from north to south and where those piles are pull those materials over, get the back slopes done and get it covered. Mr. Burkhardt said it is good he will be moving the stockpile and using it, but he will be making the project more unstable unless he is ready to fill, grade and place loam. Mr. McManus agreed and said in the short term what he would be doing is going to make it worse.

Mr. Ansari asked if he could use the stockpile to fill the foundation hole. Mr. McManus said it is part of the program. If the area around the foundation site needs to be filled, do it as part of this program, but it is a bad idea is to pull the material from Lot 5 without stabilization. It should be done incrementally so that at any given time there is as little as possible that is recently disturbed. Mr. Burkhardt said that process goes with the spirit and intent of the original approval for the property; it was supposed to be open up two house lots, build two house lots, stabilize two house lots, and that is not what happened; the whole area has been opened up over a period of time; the whole site is not stable. He was concerned with the slope on Lot 11; there is nothing in front of us telling us what he is going to do with it. There was some work done, but structurally it is not sufficient. When we talk about a global or comprehensive plan, we are not talking about just the two lots, we are talking about the entire site and have been saying it for two years; the site is still unstable and he is frustrated. The letter Mr. Ansari submitted doesn't fully address what we need to see on the site. The entire site needs a plan for stabilization. He would not advocate signing off for another building permit until we have the plan that we asked for to get the entire site stable. He is patching the mitigation steps after erosion has already happened; he is not working his way out of it. Mr. Walsh gave examples on his perspective of what he has seen and what needs to be addressed and said it needs a lot of effort. Mr. Duffy's thought was to go forward with the earthwork but see Mr. McManus' suggestions be put in place as soon as they are disturbed and put down some erosion control fabric in addition to loam and seed. Mr. Walsh agreed that before we sign off on any more building permits, we need an action plan. Mr. Ansari needs to bring back a formal plan addressing each one of the areas where there is continued instability, how he is going to stabilize it, and how we are going to observe and document that the stabilization is complete and permanent.

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Mr. Ansari asked if it would be ok if he went ahead and finished the two house lots, get them graded, foundation holes done, but not build the houses. Mr. Duffy is not comfortable signing off on a building permit until we know how he is going to address the remainder of the project. We have been asking him; he has made some effort, but up to this point it has not been completely successful and we need to know what it is going to take to be successful and have a plan for how he is going to do that. Ms. Longvall said we need something more permanent and physical than just his word because nothing has been done in the grand scheme of things. Mr. Liston has talked with Mr. McManus and it is clear that there are a number of issues that all have to be working together. One of the key issues is to keep the water from the road from flowing past the catch basins and eroding the slopes. He said depending on how much is being disturbed, a foundation will stabilize the lots, but to get the foundation in is going to take machines and trucks, etc. and something would need to be done in the lower parts to protect it. Mr. Ansari asked for permission to do that. Mr. Duffy said in his opinion we need to see some of the other issues done before proceeding with the foundations. He does not have a problem with Mr. Ansari regrading the area and stabilizing it as we have talked about. Mr. Burkhardt said we need a phased approach going forward and he will be accountable for that phased approach. He was told at previous meetings to hire a professional engineer and come up with a strategy for the site. Mr. McManus suggested that the plan include the foundations because at a certain point, at the Commission's discretion, it will be appropriate to put in foundations. Mr. Duffy said we need a solid course of action that everybody is comfortable with going forward to resolve some of the lingering issues. Mr. McManus said the topsoil is very important. Step 1 on the plan should be to get "x" yards of topsoil to the whole back area ready to go; no additional disturbance happens until that is ready to go. The plans will be reviewed by EcoTec when completed by Thompson-Liston.

Scannell Properties Pre-Construction Meeting Update – All correspondence was reviewed.

Mike Ruggieri (interested in becoming a member) – Mr. Ruggieri is a Project Manager with Strategic Environmental Services and has been working with environmental companies for over ten years. He has done a good deal of work with MassDOT; he has a broad background. He recently moved into town and would like to be part of the Commission. Mr. Walsh explained what the Commission does as a whole; he told him we do our job and work well together. Mr. Ruggieri will contact the Administrative Assistant to the BOS to be put on their agenda to be appointed. Dan Duffy will email the BOS that the Commission recommends appointment.

Vouchers were approved.

Correspondence and emails were reviewed.

Chip Burkhardt made a motion to approve the Meeting Minutes dated February 27, 2017 with changes noted; Rebecca Longvall seconded; all voted in favor; motion approved.

April 24<sup>th</sup> was confirmed as the next meeting date.

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