



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

JULY 17, 2017

Members Present: Dan Duffy, Mark Coakley, Jeffrey Walsh, Michael Ruggieri

Members Absent: Rebecca Longvall, Chip Burkhardt, Joe McGrath

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC MEETING – RON ASPERO, SHREWSBURY HOMES (165 School Street) –
Request for Determination of Applicability Application to extend a 6” perimeter drainpipe from the back left corner of the house into 50’ of the buffer zone. An additional 6” pipe will start at the front of the lot and continue parallel with the first.

The meeting notice was read into record. Mr. Aspero gave a brief overview of the project. He explained where they would start the first drainpipe and add a second pipe from the perimeter drain because there is no place to daylight the perimeter drain. They will be crossing 50’ into the buffer zone. The two 6” pipes will be solid pipes, not perforated; crushed stone and riprap will be used to contain any water and minimize erosion. A mini-excavator will be used; the operation will take one day. Wood chips will be used to stabilize what they disturb. Jeff Walsh made a motion to issue a Negative Determination by reason #3 adding a condition that 10’ of erosion control barrier is to be placed at the downstream end of the work (the pipe) during construction activity; Mark Coakley seconded; all voted favor; motion approved.

PUBLIC HEARING – JILL MARCOTTE, SCANNELL PROPERTIES #296 LLC –
Notice of Intent Application for the construction of a driveway stub, including clearing and grubbing, placement of fill, slope stabilization and a culvert in the 100’ buffer zone.

The hearing notice was read into record. Patrick Healy (Thompson-Liston) and Brisco Lang (Rand Whitney’s Wetland Consultant) were present. Mr. Healy provided an aerial photo to better understand the project. He indicated where Rand Whitney had previously begun development at 160 Shrewsbury Street and where Scannell Properties is currently developing the site. The two parties have come to an agreement to extend the driveway stub to Scannell’s property line. It will allow the successor to extend it into future development at 160 Shrewsbury Street. They created an easement over the Scannell lot to reach the Route 140 RW LLC property. They are looking for permission to extend the driveway stub on the Scannell property; they have filed a Notice of Intent for work on the Route 140 RW LLC property. There is approximately 45’-50’ of fill proposed on the Scannell site. A culvert is proposed to carry runoff across the fill section. The work on the 140 property totals approximately .24 acres of land that includes the clearing and establishment of a temporary sedimentation basin in the fill area; the additional land area that is affected on the Scannell property is approximately 6,000 square feet.

They are proposing riprap 1:1 slope; the sediment control barrier will be extended to the limit of work. Culvert calculations were provided. A copy of the Planning Board approval for the site plan change was also provided as well as a copy of Graves Engineering comment letter.

The additional impervious area at the Scannell site requires them to collect stormwater and direct it into the treatment system. A catch basin is proposed at the lowest point. He provided revised stormwater calculations for the overall distribution center site showing they have the capacity to do that and still meet the requirements not to increase the peak rate flow. He is asking that the Commission finds that changes proposed ($1/10^{\text{th}}$ of an acre of alteration and 4,000 square feet of impervious area) to be a minor alterations to that project. They did not file a new NOI because DEP does not allow two active Orders of Conditions on the same property.

Whether or not a public hearing and notification of abutters was needed for the Order of Conditions was discussed. If the Order for Scannell is amended, a public hearing is required. It is an additional impact, though limited and minor compared to what was originally permitted. Mr. Healy is asking that the Commission, relative to the scope of the project, find that the changes are minor. Mr. Healy did notify abutters for the NOI on the Route 140 RW LLC property and said the abutters are essentially the same if they were required to amend the Order. Mr. Coakley asked for confirmation of what was covered under the existing Order. Mr. Healy showed the line where the fill is being placed up to; they are proposing to extend the fill to the property line. Mr. Coakley asked what the additional alteration of the buffer zone impact is and was told approximately 6,000 square feet. Mr. Healy said the site as a whole is 45 acres with 18 acres of buffer zone disturbance. Jeff Walsh made a motion that the Commission finds that the applicant's request to consider the work on the Scannell property associated with the new stub road to be de minimus in the context of the work already approved by final Order of Conditions, DEP#115-393 issued by this Commission, and therefore the applicant does not have to request a public hearing to amend the Order of Conditions for the proposed stub road work on the Scannell property; Mark Coakley seconded; all voted in favor; motion approved.

160 Shrewsbury Street (Rand Whitney) – Mark Coakley asked how close the proposed work is to the resource area. Mr. Healy said they are right outside of wetland flag F9; the road was moved over to avoid direct impact to the wetland. Because the original Rand Whitney Order has lapsed, Dan Duffy asked if we could put a condition on this Order that the original Order be cleared (a Certificate of Compliance issued). After discussions, it was the consensus of the members that an Order can be issued for the stub work independent of the prior Order being closed out. The Commission was not comfortable with the work immediately adjacent to the resource area. Mr. Healy said if there is a minimum setback the Commission would be comfortable with, a retaining wall could be put around that section. Mark Coakley felt a 10' offset from the resource area to the limit of work is reasonable; the members agreed. The Commission was satisfied with the peer review from EcoTec but not sure about Graves Engineering. Brisco Lang (Pare Corp) said the only concern Rand Whitney would have is that the geometry of the intersection remains adequate and that it would still be able to accommodate the trucks it was designed for. Mr. Healy said they could provide the 10' by shifting the road slightly. Mr. Healy requested a continuance. Mark Coakley made a motion to accept the request for continuance; Jeff Walsh seconded; all voted in favor; motion approved. It was continued to August 21st at 7:00 p.m.

PUBLIC HEARING – KHALID NASEEM, SYLVAN REALTY TRUST (Stiles Road, Map 20/Parcels 3&4) – Notice of Intent Application for the construction two single-family homes. Septic systems will be located on the Route 290 side of the perennial stream that bisects the site; according to the NOI, no wetlands will be altered; riverfront alteration will be less than 10%.

Khalid Naseem and James Patterson (Ancora) were present. An Order of Conditions and Stormwater Permit were issued in June 2008, which have since lapsed. Two single-family homes on two separate lots are proposed. The intent is to use a shared septic system. Each will have a separate septic tank. The effluent will be discharged through a shared pipe down to the pump chamber and pumped to the leaching field. It follows the existing cart path and crosses the perennial stream which flows west to east. On the southeastern corner there is another perennial stream. There are two existing culverts; they propose to replace them with new 5' wide by 2' deep box culverts. Mr. Patterson said no changes have been made to the plan that has expired. Mark Coakley said there was a special condition about a deed restriction on Lot 1 on the expired Order. There was no information in the previously filing regarding peer review. Dan Duffy asked if there was any detail on the force main and box culvert. He asked how deep below the culvert the force main is. The note on sheet C3 says it is immediately beneath the proposed box culvert. The Commission would like to see a foot or two of separation. Mr. Duffy questioned the methods to be used to construct it and the impacts during construction. There was a question as to what the pump "house" on the plan was referring to and if it should be labeled as a pump "hose". The area will need to be reflagged; the Commission will need information on the delineation. Mr. Patterson said it states that it was done in accordance with the Wetland Protection Act, but it does not say who did it or when it was done. The erosion controls need to be clarified. The limit of work will need to be shown on the plan. Jeff Walsh had a concern with the crushed stone swale for the stream pumping and re-routing and wondered if it would make more sense to discharge the water into or closer to the stream channel.

Cherilyn and Mark Dzwilewski (185 Stiles Road) were concerned about the number of trees that would be lost because of the highway behind them. Mr. Duffy said the Commission would like a limit of work to be put on the drawing so we have an understanding of what the clearing will be. Mr. Naseem said he would only cut the trees as necessary.

Jeff Walsh said there is a perennial stream and the Army Corps stream crossing standards are applicable under the Wetlands Protection Act; he would like the design engineer to look into it. He realizes there is an existing stream culvert there, and the culvert they are proposing is probably closer to being more compliant, if not being fully compliant compared to the existing culvert, but it needs to be evaluated and compared to the stream crossing standards and they need to let the Commission know if it complies with the current standards or not. Mr. Duffy told him to see if there are areas where they could meet the 25' no build zone from the limit of work to the resource area; permanent markers will be required for future residents. Mr. Walsh asked Mr. Patterson to include on the detail sheet how they will deal with the cutting fluids from the two wells. Mr. Patterson requested a continuance. Jeff Walsh made a motion to accept the request for continuance; Michael Ruggieri seconded; all voted in favor; motion approved. It was continued to August 21st at 7:15 p.m.

PUBLIC MEETING – MARLON MONCRIEFFE (7 Maple Way) – Request for Determination of Applicability Application to install stone steps going down both tiers of lawn on garage side of house.

Mark Coakley recused himself from the matter. Mr. Moncrieffe provided photos from the contractor showing where the stairs would be as well as the wetland boundary. The contractor will work from the top tier. With the Commission being satisfied, Jeff Walsh made a motion to issue a Negative Determination by Reason #3; Michael Ruggieri seconded; all voted in favor; motion approved.

LEI (200 Shrewsbury Street) Review Plan Modification – Chris Keenan (Quinn Engineering), Steve Christy and Tom Mann (property owners) attended. Mr. Keenan said the hay bales and silt fence were restored immediately after the last meeting. All stockpiles have been removed from the site. He reiterated that the primary component of the drainage system was in place before LEI took occupancy; there was protection in place. They have finished some of the basin work; it has been loamed and seeded. There are some minor items with the stormwater basin that need to be finished. He addressed the storage of equipment in the resource area and the buffer zone.

The paving is completed; curbing around the limit of paving will be done this week. If the Commission approves the revisions with the relocation of the material bins and the revised landscaping, they expect to be completed within a few months. Mr. Christy said there is no threat to the wetlands of any runoff. The remaining work is outside the Commission's jurisdiction.

The proposed work moves the bin to the backside of the building; it is a small increase in impervious area. The only other change proposed is the landscaping along the front of the property. Mr. Keenan explained the detailed landscaping plan that is proposed for the front of the property. A planting plan was also submitted; they want to address the site distance and make it visually pleasing at the same time. The original plan showed leaving the trees that were there. Mark Coakley said if there is shade contribution from what is there to the riverfront, they should be replaced in kind (shade to shade). He asked about the runoff from the storage areas and where it is going. Mr. Keenan said there is a catch basin located in the back of the building. There is curbing along the paved area to prevent anything from reaching the wetlands. Mr. Duffy said the original plan had the snow storage area in that corner. Mr. Keenan said they can still provide snow storage in that area and also opened up an area where they can provide snow storage. Mr. Walsh said to work the snow away from wetland resource areas, not to the resource areas because of the trash, debris and sand. The O&M plan will be revised and it will be included on the plan. He asked about the wall by the entrance. Mr. Keenan said that will be a 12" fieldstone landscape wall. Mr. Walsh said to be sure it is out of the right-of-way. Mr. Keenan will submit revised plans and revised O&M plan. Mr. Duffy said it is less impact than was approved, but to make sure the changes are included on the as-built plan when applying for a Certificate of Compliance. Jeff Walsh made a motion to accept the proposed changes including the yet to be submitted plans showing snow storage areas, and the Commission allows this work under the existing Order of Conditions DEP#115-378; Mark Coakley seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Worcester Sand & Gravel – Mike Trotto and Todd Kirton (Tighe & Bond) attended. Mr. Duffy commented that we are at a point again to get the work done and stabilized before the growing season is over. The last plan we received was a grading plan showing activity on the neighbor's property. A few meetings ago the neighbor came in hoping to have a conversation because there was no agreement in place but Mr. Trotto did not attend. Mr. Trotto said there is still no agreement in place; the grading plan is being worked on. Mr. Kirton met on site with Thompson-Liston; there may need to be some more surveying done and he needs to factor in any access agreement for the residential property owner. Mr. Trotto said they will get the access, but the homeowner wants something elaborate. Jeff Walsh said he needs to design the project whether or not he enters into an agreement with the neighbors. Tighe & Bond will present their plans along with Thompson-Liston for design approval; they will oversee the fill being removed by Worcester Sand & Gravel. Mr. Kirton said their scope of work is dependent on the grading plan. Mr. Duffy would like them to work with our consultant (Laura Bugay, Langdon Environmental) so she will have an opportunity to review the information so that approval might be given at the August meeting.

Longley Hill – Michael Ruggieri visited the site and updated the Commission. Mr. Ansari will be asked to attend the August 21st meeting and to bring a representative from Thompson & Liston with him.

Consider issuing Certificates of Compliance for DEP#115-190 (RSJ Realty) and DEP#115-282 (William Masiello) 389 Central Street – Mark Coakley recused him from the matter. Jeff Walsh made a motion to issue Certificates of Compliance for DEP#115-190 and DEP#115-282 for 389 Central Street; Michael Ruggieri seconded; all voted in favor; motion approved.

Vouchers were approved.

Correspondence/emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated June 19, 2017; Jeff Walsh seconded; all voted in favor; motion approved.

August 21st was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 9:48 p.m.