



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

APRIL 22, 2014

Members Present: Mark Coakley, Jeff Walsh, Chip Burkhardt, Joe McGrath, Shannon Holgate

Members Absent: Charlene Franz

Others Present: See Attached Sign-In Sheet

Recorder: Joe McGrath

PUBLIC HEARING continued – **File #115-373; SC-2014-1: (Youssef Chehade)**, Cross Street – **Notice of Intent and Stormwater Control Application** to construct a residential subdivision of up to 46 lots located on the easterly side of Cross Street and north of the present terminus of Jacobson Drive in Shrewsbury.

Representatives Present: James Tetreault, Thompson-Liston; Mr. Richard Chehade, Paul McManus, EcoTec (Commission's Wetlands Engineer). The Commission visited the site on 19 April, 2014, and Paul McManus has also reviewed the site. Mark Coakley, Jeff Walsh, and Joe McGrath attended the site visit and walked the wetlands boundaries. The Commission had expressed a concern about restricted water flow into the Pond in the A-B Wetland area due to house lots. Mr. Tetreault provided drainage calculations which were reviewed by Jeff Walsh, and no significant impact to water flow into the pond was apparent. The Applicant also submitted revised boundaries for the perennial stream on the property. Paul McManus indicated that the riverfront area demarcation had been adjusted to more accurately reflect the stream boundary. After discussion, it was noted that an Alternative Impact Analysis for the RPA is required. The applicant's representative will provide the analysis. It was noted that the Wetlands Replication area will be in the inner riparian zone. It was noted that Lot 7 will require a Declaration of Restriction to meet the requirements of the Natural Heritage Endangered Species Program. Mark Coakley recommended that we add a Special Condition to the NOI requiring that the Commission receive proof that the Natural Heritage Declaration of Restriction is recorded along with the Order of Conditions. It was noted that the Planning Board will be approving the subdivision plans on 28 April, 2014. The applicant will be requesting that one of the sidewalks on the access road to Cross Street be eliminated in order to reduce the impact of the wetlands crossings. The Commission agrees that this change is desirable.

Paul McManus reviewed the jurisdictional situation with the C wetland area. He feels the area is under Federal Jurisdiction, and not subject to state regulations, but the applicant agreed to place restrictions on lots 36 and 38 to protect the area from encroachment. An additional discussion was held on the grading required for the replication area next to the stream. The applicant agreed to adjust the replication area to avoid any disturbance to the stream. Mr. McManus also recommended that the applicant provide additional detail on the culvert at station 15 as he was

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concerned that the culvert would not correctly straddle the stream. The applicant agreed to provide the detail. Jeff Walsh then requested that the head wall grading on plan sheet D1 include a protective geotextile sheet to avoid erosion. He also recommended that on plan sheet G2, the 3 vortex units be moved closer to the right of way for easier maintenance. Jeff also noted that lots 3, 5, 6, 7, 8, 11, 13, 15, and 43 have work in the buffer zone, and will require a special condition on the NOI to catch any amendments. He also noted that on Sheet D5, the plastic grates on the outlet should be replaced with steel. Jeff also had a question about the hydrologic connections on the retention basin and overflow area, which was answered by Mr. Tetreault. Dan Kilpatrick, Shrewsbury, an abutter, had a question concerning endangered species, which was addressed by Mr. Tetreault. A motion was made by Mark and seconded by Chip to accept the applicant's request for a continuance. A motion was then made by Mark and seconded by Chip to continue the matter to the next regular Commission meeting on 19 May, 2014, at 7PM.

PUBLIC HEARING – SCP-2014-2: (Worcester Sand & Gravel), Mill Street – Request for Determination of Applicability and Stormwater Control Application to remove gravel from an embankment that is situated 100' of the bank to Newton Pond.

Representatives Present: Larry Green, Thompson-Liston, and Mr. Mike Trotto from Worcester Sand and Gravel. Mr. Green reviewed the site plan and previous gravel removal, some of which took place in a buffer zone. They are proposing additional gravel removal, then grading and erosion control, all work to be done outside the buffer zone. No stabilization other than grading is proposed. The applicant also proposed a permanent berm adjacent to the resource area to protect it. Jeff Walsh requested loam & seed stabilization on the remaining soil once the removal is complete, to which the applicant agreed. Chip Burkhardt recommended that the berm be checked prior to completion to validate that only natural materials are used. It was also recommended that the additional changes agreed to for stabilization be added to the plan. Mr. Charles Gray, an abutter on Flagg Street, requested that some effort be made to limit access for dirt bikes, to which Mr. Trotto agreed. Robin Quist, an abutter at 28 Mill Road, expressed concern about the grading near her property, and on Heywood Street, which was addressed by Mr. Green and Mr. Trotto. A motion was made by Joe and seconded by Chip to close the Public Hearing, which was passed unanimously. A motion was made by Mark and seconded by Chip to lift the outstanding Enforcement Orders against this location, which was passed unanimously. A motion was made by Mark, and seconded by Chip to issue a SCP with all standard conditions, and one special condition to require a 4" loam layer and seeding of disturbed areas after final grading. Another special condition was added to require a revised plan with the loam and seed area and truck right-of-way detail added. The motion passed unanimously. A motion was made by Jeff to issue a negative determination for reason #3, seconded by Joe and passed unanimously. Jeff Walsh requested that Mr. Trotto work to mitigate the steep slopes in the area as soon as possible, to which he agreed.

Longley Hill (Mr. Farooq Ansari) – Enforcement Order Discussion. A motion was made by Mark and seconded by Jeff to ratify the Enforcement Order. The motion passed unanimously. Mr. Ansari then requested that the Commission sign off on an Occupancy Permit for Lot 8, and on Building permits for several other lots. Mr. Ansari provided pictures of the mitigation work, which were reviewed by Paul McManus and several Commission members on 14 April. It was noted that Mr. Ansari has paid the Civil Violation Order that was issued by the Commission. Paul McManus reviewed the information he provided on 2 April, and 15 April, 2014. He reviewed the status of the forebay and basin behind Lot 1, which was full of sediment. The

failure of this device allowed overflow to impact the brook. The forebay has subsequently been partially cleaned out. The Commission has requested that the applicant provide a plan to showing the emergency work done, and the work that will be done to fully remediate the retention basin and forebay on Lot 1. A discussion followed about the general drainage patterns on both sides of the road high point and the status of the other basins and other mitigation efforts that the applicant has performed. Paul McManus is concerned that a significant rain event might cause another failure. Mr. Ansari has committed to fully stabilizing the entire site by the end of the grading season. Chip Burkhardt commented that almost no stabilization has been done on any unfinished areas, which was required by the Order of Conditions. He has also not cleaned the road completely. Mr. Ansari indicated that two large areas on the right side of the area will be stabilized by the end of May.

Paul McManus feels that Lot 6 and Lot 11 are the two critical lots that need to be stabilized first, and that parts of Lot 7 and Lot 8 be stabilized as soon as possible. Jeff Walsh commented that Mr. Ansari's work has been reactive, and that he is not providing source control on any of the lots. It was noted that there has not been a focused effort on erosion control, and that the wetland area adjacent to the brook has been damaged. Mark then made a motion which was seconded by Jeff that the Commission not approve the requested occupancy permit for Lot 7 unless erosion control is in place and reviewed by the Commission. The motion was approved unanimously. A motion was made by Jeff that no additional building permits will be issued until Lots 6 and 11 are stabilized, and that the Commission will consider issuing only one additional building permit once this stabilization is reviewed. The motion was seconded by Joe and passed unanimously. The Commission reviewed Mr. McManus' pictures of the sites.

Frito-Lay SWPP Plan Review – Mr. Gino Porter, and Mr. Alden Jones, from Frito-Lay appeared to review the training certifications and the training content, and the result of valve testing. Mr. Porter indicated that he will be modifying the valve cover for the spill cut-off to improve its accessibility. It was recommended that Frito-Lay contact the Water Department to update as-built plans and get their advice on the cover change. The Commission thanked Frito-Lay for their prompt response to this issue.

Compass Pointe – Enforcement Order Discussion – Jeff Walsh recused himself on the matter. Bob Clark, Clark & Mott Construction, advised the Commission that work on opening and raising the catch basins had been completed. David Esposito and Laurie Esposito, owners on 2 Compass Circle, are concerned that the road in front of their house has not been completed. The Commission remarked that they have had no update from Jim Venincasa as to the status of the project, including the amount of space currently open and the status of the bonds. Judy Ostertag, 10 Compass Circle, commented that the road drains are not working effectively. Jeff Walsh, public citizen, commented that some of the matters are the jurisdiction of the Planning Board. The Commission advised Mr. Clark that only work that is in-progress on those lots previously approved by the Commission may continue.

200 Shrewsbury Street (Former Iccarino Property) – A motion was made by Chip Burkhardt and seconded by Jeff Walsh to approve Certificates of Compliance for Files #115-26, and #115-34, for 200 Shrewsbury Street. The motion was passed unanimously.

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Mount Pleasant Country Club – A motion was made by Chip and seconded by Joe to accept the proposed plan change for re-routed utilities that was received 22 April, 2014. The motion was approved unanimously.

COMMISSION BUSINESS

Vouchers were approved.

A motion was made by Mark and seconded by Jeff to approve the Meeting Minutes dated March 17, 2014, which was approved unanimously.

Confirmed May 19th as the next meeting date.

The meeting was adjourned by unanimous vote at 10:15PM