



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

APRIL 25, 2016

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

Members Absent: Jeffrey Walsh, Shannon Holgate

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING – KREG, LLC (Lot 64 Sewall Street) – Notice of Intent Application to work on a single family lot including driveway construction.

John Grenier (JM Grenier Associates, Inc. was present for the applicant. The lot is located to the south of the subdivision on Sewall Street. They are within the 200' riparian zone to Sewall Brook which runs across the frontage. The house is outside the 200' riparian zone. The only disturbance will be for driveway access. There will be 3,300 square feet of disturbance within the riverfront; no disturbance along the frontage. There will be erosion control barriers for the grade; access of the driveway is proposed. The septic is behind the house 300+ feet away. Mark Coakley said being reasonably close to the 5,000 square foot 10% allowance, 4x4 concrete posts with boundary markers should be used and included on the plan. The plan was marked up and signed by the Commission members. Mr. Grenier will provide a revised plan. 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 a standard Order of Conditions to include Special Condition #34 that the applicant shall place Conservation boundary markers at the locations as shown on the plan signed and dated at the Conservation Meeting on April 25, 2016; Dan Duffy seconded; all voted in favor; motion approved.

Worcester Sand & Gravel – Mr. Trotto was previously issued a Cease & Desist and Violation Notice under his Stormwater Permit because additional material was removed beyond what was talked about and the “snow” fence had fallen down. Mark Coakley attended the Earth Removal Board meeting on April 11, 2016 and Mr. Trotto was allowed to continue the work in order to comply with the original stormwater management plan. It was requested that the Commission hire a third party engineering firm to review the work.

There were complaints from abutters as well as Chip Burkhardt about the fill and questioned whether it was clean fill. The scope of the work is to certify that the fill is clean. A 53G account needs to be established in order to hire a third party engineering firm. Chip Burkhardt said we need someone who can oversee and certify that fill is clean. Dan Duffy said the overall slope stability needs to be addressed (long-term stabilization) as well. Both an environmental and geotechnical review is needed. The board suggested Tighe & Bond since they can handle both aspects. Mark Coakley made a motion to approach Tighe Bond to look at the project with the

scope of the work being the geotechnical stability and the vegetation of the slope as well the chemical composition of the fill, and to make sure it meets all applicable state regulations; Joe McGrath seconded; all voted in favor; motion approved.

Mr. Trotto said they have been working since the last meeting but are behind schedule due to the rain. He said they are bringing in glacial till/virgin soil from Wagner's project. Mark Coakley said it is reported to have bricks. Dan Duffy said it would be helpful for the firm we hire to receive reports signed and certified from the site that the fill is clean and what the quality is. Mark Coakley said it would be beneficial for him to have that information available when he meets with the consultant.

Chip Burkhardt went to the site after the Earth Removal meeting and the fill he saw was absolutely not clean fill; absolutely not virgin material; it is construction and demolition debris loaded with bricks, asphalt, and concrete mixed in it. He was concerned about the stumps he saw and them getting buried; that will not be suitable from a geotechnical standpoint. In his opinion it should be removed and suitable material replaced over the entire area. Dan Duffy said it should be stopped until it can be investigated. Kim Ames (Earth Removal Board) said she saw some bricks and a structure but didn't see any asphalt. She observed them bringing in fill but didn't see dirty fill and thinks the Commission is exaggerating. Chip Burkhardt reminded her that the approval was to bring in clean fill. Marie Phillips (5 Heywood Street) said she has been watching them from day one and the fill is not clean. Mr. Trotto was told to stop all work until Tighe & Bond is involved. Mr. Trotto agreed to pay for the scope of work needed and will provide \$5,000 for a 53G review fee account.

Farooq Ansari – Longley Hill Erosion Control Update – EcoTec submitted a site inspection report. Mr. Ansari showed photos of the site and said he believes he has addressed EcoTec's concerns and the work would be completed by tomorrow; he is making progress. He will contact the office in a few days so EcoTec can conduct another site visit. Dan Duffy had a concern mostly related to the basins with the discharge to the wetlands and said the other lots need to be stabilized. He asked if Mr. Ansari cleaned the temporary basins. Mr. Ansari said they have pumped most of the water out; when it dries out he will dredge them. He said silt had accumulated in the pond, but the water level is below the discharge point so any rain will be contained in the ponds. He spread out the water over the whole area. Dan Duffy asked where he pumped it to; Mr. Ansari said on the grassy areas.

Informal Discussion regarding DiPilato Property (Route 140) – Patrick Healy (Thompson-Liston) was present as the representative for Scannell Properties who is proposing a distribution center. There are zoning amendments on the town meeting warrant. They are proposing a zoning change to include all DiPilato property and a portion of Worcester Sand and Gravel to be a FBD (Flexible Business District) which is currently residential. It is a 40 acre site next to Honematic. They have done exploratory drilling and test pits. Scott Heim (Northeast Ecological) delineated the wetlands. They would like to file a Request for Determination of Applicability. Joe McGrath asked for them to open a 53G account and he will ask EcoTec to confirm the delineation work. Mr. Healy said the properties are not yet under a Purchase & Sale Agreement. He said they will file a Request for Determination of Applicability and provide \$7,500 for the 53G review account.

COMMISSION BUSINESS

Vouchers were approved.

Correspondence/emails were reviewed: Compass Pointe – Elaine Jones (220 Sewall Street) said the road around the loop is done. There is no road bond in place and Mr. Haynes was told at the last meeting not to continue until the bond is in place. Dan Duffy made a motion to issue a Cease & Desist until the bond is satisfied; Chip Burkhardt seconded; all voted in favor; motion approved. Mr. Haynes will also be asked to bring in revised plans as promised from the last meeting. Ms. Jones said she did have concerns about stump grinding and coloring of wood chips. This is not jurisdictional to the Commission.

Shell Activity – Mark Coakley said it appears they are processing gravel. The owner of record is Secured Financial Group in Leominster. They will be asked to come to the next meeting to inform us what is going on. The Earth Removal and Zoning Boards will also be made aware.

2016 Annual Report & Record Keeping Proposal (Tighe & Bond) – Emily Scerbo was present. Before discussing stormwater management, Mark Coakley explained the situation with Worcester Sand & Gravel. They have an open permit with the Stormwater Management Bylaw and have done some mining and removed a large amount of fill and replaced it with suspect fill. Because it is abutting residences up the hill, we want to make sure both geotechnically and environmentally that the fill is done to the specs and safe. Dan Duffy said there are two issues: the long-term stability of the slopes, and the fill being used. In addition to what was visibly obvious, the concern is what is not obvious. Ms. Scerbo said Tighe & Bond can handle both aspects. She will review the plans and provide an estimate. Chip Burkhardt will be the contact person. Joe McGrath made a motion that Chip Burkhardt has the authority to approve the work and allow them to start the project so we don't have to wait until our next meeting to vote pending receipt of Mr. Trotto's money for the 53G account; Mark Coakley seconded; all voted in favor; motion approved.

Stormwater Management – Joe McGrath asked Ms. Scerbo to update the Commission on this years' NPDES permit application. The permit that was to be issued in 2006 was just approved. Ms. Scerbo said the proposal that the town signed may be the last annual report under the 2003 requirements, but every year they do a thorough review and check in where they are. She said we are in the 13th year of the 2003 permit; the new permit did come out; they have been preparing for the new permit since 2008. It is more time-consuming than the original permit. The 2003 permit was pretty open ended and gave communities quite a bit of flexibility to meet the six minimum control measures: public education, participation, illicit discharge detection and elimination program, construction site runoff control, post-construction site runoff control, stormwater management. Boylston historically has done well and is in a good place for the new permit. The town's municipal separate storm sewer system has to be municipally owned or operated along with town-owned property. The town is responsible for requiring long-term operation and maintenance of BMPs on private property.

Joe McGrath asked if we have to file a 2016 filing under the old permit; Ms. Scerbo was not sure. July 1, 2017 is the effective date. The new requirements are in the same six categories but with more detail and record keeping. There are higher costs for the illicit discharge detection elimination program (which we are at a very low risk). She said they have been at every outfall

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in Boylston; there are no issues; they only found one. Under the new permit, every outfall will have to be re-visited and more testing done. Another part is the impaired waterways requirement; there are a few in Boylston. It is not just water bodies in Boylston; it is overlapping watersheds. There are some different plans and pollutant loading assessments with those requirements. The EPA wants you to evaluate where you are polluting these water bodies that have listed impairments not meeting the Clean Water Act uses. Joe McGrath said that is one thing to look at this year because we have a corner of three different watersheds in town.

Ms. Scerbo explained the urbanized area. She said the town educates and has adopted bylaws town wide. When the permit goes into effect, we have 90 days to file an NOI and stormwater management plan concurrently. Ms. Scerbo said we have a full year to get the stormwater management plan done, but the planning ends up formalized in the NOI application that goes to EPA. She also said it doesn't benefit the town to do more than what is in the permit. Boylston is in compliance. Mark Coakley said we will have a problem with the field work. Joe McGrath said we could talk to other organizations, e.g., Mass Audubon. Ms. Scerbo will update and do the reporting.

Review Revised Plans for 27 Flagg Street (Lindsay Katz) – The plan was not received. A reminder letter will be sent.

Compass Pointe (DEP#115-275 & DEP#115-331) superseding letter for file – Mark Coakley made a motion to sign a letter to be used for title search inquiries on closings; Dan Duffy seconded; all voted in favor; motion approved.

Dan Duffy made a motion to approve the Meeting Minutes dated March 21, 2016 as amended; Joe McGrath seconded; all voted in favor; motion approved.

May 16th was confirmed as the next meeting date.

A letter of resignation was received from Shannon Holgate. He was sent an email thanking him for his time. The vacancy will be put on the website.

Joe McGrath gave the members an update on the Compass Pointe bond matter. We have not heard back regarding scoping on Phase 1 drainage. We have instructed Graves Engineering to do a visual TV inspection of the drains; we are waiting to hear back. He did receive a response from Graves regarding revised figures to complete the work under the bonds. We don't want to continue to negotiating the bond payoff until we hear about the storm drains. Graves Engineering also provided a new bond figure for the Phase 2 stormwater management portion of the project (\$150,111); it will be forwarded to Jim Haynes (KREG, LLC).

Dan Duffy made a motion to adjourn; Mark Coakley seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 9:00 p.m.