



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

OCTOBER 17, 2016

Members Present: Jeffrey Walsh, Rebecca Longvall, Chip Burkhardt, Mark Coakley

Members Absent: Dan Duffy, Joe McGrath

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

Mr. Ricciardi requested a continuance by fax. Jeff Walsh made a motion to accept the request for continuance; Mark Coakley seconded; all voted in favor; motion approved. It was continued to November 21st at 7PM.

COMMISSION BUSINESS

Jim Haynes (Temporary Lot Stabilization) – Jeff Walsh recused himself from the matter. Mike Andrade (Graves Engineering) emailed the Commission regarding his conversation with Mr. Haynes to utilize the woodchips/grindings he has stockpiled onsite for temporary stabilization in lieu of loam and seeding, which is typically required. He felt it was a fair proposal and acceptable, but the decision was not his to make. Mark Coakley asked if that would change the bond estimate, Mr. Haynes said it does. The last bond estimate was \$280K; \$150K has already been posted. He is not going to ask for a reduction to the bond that is in place now. Chip Burkhardt said that from an erosion standpoint it is a good erosion control measure. Mr. Haynes said it allows him to keep working, and the product is on site if anything is disturbed. Hay bales and silt fence are in top condition; he invited any of the members to walk the site. He said he has \$400K in place if something needs to be done at this point. The Planning Board is looking into that and feels confident that there is enough money in place right now. They have finished lots that are paved; he said there is no chance of him abandoning the project at this particular point; he wants to work right through the winter. Mr. Coakley asked procedurally if there was a third-party agreement with town counsel; no. In talking with Mike Andrade about this application, it would not be necessary to do a third-party agreement. Mr. Coakley said conceptually he does not have any problem with it, but before he would sign off on any building permits, he wants to make sure what is covered vs. what the town has; he wants verification from town counsel that based on Graves' estimate that what we have would protect the town's interest. Mr. Haynes agreed that was fair. The building permit will be signed once verification is received from town counsel. Mark Coakley said to have Mike Andrade correspond with town counsel, and have town counsel get something to us.

Compass Pointe Civil Violation Hearing – The Hearing is scheduled for November 7th at 2:30 p.m. Joe McGrath's email said if it were the Commission's preference to withdraw the Civil Violation since Mr. Haynes is in compliance, he would agree with that. Mr. Haynes said when he received the Cease & Desist Order he stopped road construction; he did not work on the cuts and fills. They went back to the beginning of Phase 2 and starting putting in water lines. The day he received the Cease & Desist, he called the town's attorney and started the paperwork for the bond. Mark Coakley said his understanding is that there is a difference of what is in the town's control and what is open. If Mr. Haynes provides something before the trial date, we will have Town Counsel notify the Magistrate's Hearing Officer and withdraw the Civil Violation.

Mr. Haynes submitted a request for a Certificate of Compliance for Lot 64 Sewall Street, DEP# 115-384. A letter dated October 17, 2016 from J.M. Grenier & Associates states that it complies with the Order issued. Chip Burkhardt made a motion to issue a Certificate of Compliance for DEP#115-384 (Lot 64 Sewall Street); Mark Coakley seconded; all voted in favor; motion approved. The paperwork will be issued at the November meeting.

Longley Hill Update – Mr. Ansari intends to be back on the job next week and finish more work before starting the foundation. Jeff Walsh wanted to hear specifics of what he accomplished from the last meeting. Mr. Ansari seeded some of the areas that were wide open on Lot 6 where the detention basin is behind the house. The hill that was made out of loam has been hand seeded; check dams were installed so no water will make it down to the pond; extra hay bales were put in. He straightened out the silt fencing on Lot 5 and put in extra hay bales. The work is continuing on the sediment trap below Lot 5. Lot 7 is fully stabilized; grass is growing; it has been sold; the new owners will maintain it. Mr. Ansari said the catch basins were cleaned before the last meeting; there is no silt in any of the basins.

200 Shrewsbury Street (SAC Realty/LEI, Inc.) Request to Revise Plan – Chris Keenan (Quinn Engineering) attended. LEI is looking to make two changes to the plan. Previously the Commission approved an area for four material storage bins (30x30) to hold mulch, sand, crushed stone, etc. They are asking to relocate the four storage bins to the front left corner of the lot, out of the inner riparian zone, to an area that is completely outside of the riverfront and the buffer zones. The second change regards the existing area with semi-natural vegetation to the right side of the existing driveway. At the public hearing, the Commission asked to keep that area natural. Mr. Keenan said it is overgrown and blocks sight distance. The electric company has limbed it and the DPW cut back some of the branches at the request of the LEI. They would like to landscape it with low growth shrubbery to fit in with the natural landscape. Mark Coakley said it should be native material. Chip Burkhardt said they need to follow the riverfront restoration guidelines because it will be in the resource area. The Commission wants the planting schedule reviewed by EcoTec. Mr. Keenan will submit a revised plan after meeting with the Planning Board and Building Department.

Worcester Sand & Gravel – Marc Richards (Tighe & Bond) and Mr. Trotto were present. Mr. Richards spoke with Laura Bugay about pulling out all the material that is there, mechanically processing it to a uniform dimension so it looks better, and sampling the material, but he felt that would bring up issues interpreting what the data means because there is asphalt in it.

In the last few days (and he has not discussed this with Ms. Bugay yet) there was discussion about Worcester Sand & Gravel pulling out all the material that is there and using it for their

main operation. The identical material they currently sell, which is a recycled fill, will be used to fill back in where the material came out of. It is a much better material; graded and uniform. The abutting property owners would like their backyard lowered in order to have a level lot; the material would go back in at approximately the same limits; the material comes off the backyard and vertical slope, the clean material goes back in, and everything is loamed and seeded. Mr. Richards said the material Worcester Sand & Gravel manufactures and sells every day would be used to go back in, knowing that it does contain concrete and asphalt, but no debris (his interpretation of the definition). If the Commission agrees, they will finalize a restoration plan with the proposed grades and layering. Ms. Bugay can witness the material being removed and the new material coming in.

The Commission needs to hear from Ms. Bugay before making any decision. No planting will happen this season, but hay bales, silt fencing and other measures can be used and put in place for the winter. Jeff Walsh said he would be looking for more than erosion controls at the toe of the slope for the winter; he expects to find something part way up. Chip Burkhardt said conceptually we agree, it is a regulatory approved material, but to make sure Mr. Richards contacts Ms. Bugay. Mr. Richards will submit a plan for the next meeting to include the neighbor's lot, narrative, cuts and fills, sequencing and an anticipated schedule. They will do a joint submission with the Earth Removal Board.

Leo Mastrototo (240 Shrewsbury Street) to discuss Order of Conditions – Mr. Mastrototo said after reviewing the scope of his plan with DEP, he realized he misunderstood the condition that he agreed to. He thought boulders would be placed at the resource area, not in the buffer zone. Condition 34 states that “boulders are to be placed 50’ from the edge of the wetland resource area upon completion of work.” The Commission wants 0’-50’ to remain in a natural state. Mr. Mastrototo said that would not be practical because 50’ from the actual resource area would cut the nursery in half and render it useless. He would like to propose instead of putting something in the buffer zone; maybe put something along the slope of the resource area to keep anything from getting into the wetlands; some kind of marking (boulders, wood post, etc.). He is not comfortable with a barrier on the property. He asked if the condition could be stricken from the Order, procedurally it cannot. Jeff Walsh explained the process to him. The issue is to protect the wetland resource areas so that it will not happen again. The intent was not to take away the land that he was using for his business. Mr. Mastrototo is willing to work with the town, but he is not willing to put boulders in the middle of the buffer zone. He said he did not understand what the Commission said and he cannot allow a barrier. He has cleaned up the site in the last 20 years; he was only using the nursery area for things he thought would not be harmful to the environment, such as storing logs and wood chips. It will eventually again be used as a nursery. Mark Coakley said the hearing was opened, acted on, and closed. We are not allowed to change it unless we re-open the hearing. It will have to be amended which will require abutter notification and advertising. Mr. Mastrototo will need to provide a sketch with measurements where he wants the boulders or demarcation to be other than what is spelled out in the condition. The Commission will not be comfortable with no barriers.

Consider issuing Certificate of Compliance to DEP#115-211 (14 Woodland Drive) – Having no issues, Chip Burkhardt made a motion to issue a Certificate of Compliance to DEP#115-211; Jeff Walsh seconded; all voted in favor; motion approved.

Vouchers were approved.

October 17, 2016 Conservation Meeting Minutes

Correspondence and emails were reviewed.

Chip Burkhardt made a motion to approve the Meeting Minutes dated September 19, 2016 with changes noted; Jeff Walsh seconded; all voted in favor; motion approved.

November 21st was confirmed as the next meeting date.

PUBLIC HEARING – SCANNELL PROPERTIES (220 and 290 Shrewsbury Street) – Notice of Intent Application and Stormwater Control Application to construct a distribution center, associated loading area, trailer parking, employee parking, access road, utilities, site grading, and stormwater management systems on a site of approximately 106 acres on the westerly side of Shrewsbury Street (Route 140) with access through #290 Shrewsbury Street.

Patrick Healy on behalf of Scannell Properties made a request to withdraw without prejudice the Notice of Intent and Stormwater applications; they will be filed at a later date. Mark Coakley made a motion to accept the request to withdraw the applications without prejudice; Jeff Walsh seconded; all voted in favor; motion approved.

Chip Burkhardt made a motion to adjourn; Mark Coakley seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 8:45 p.m.