



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
221 Main Street, Boylston MA 01505 \*\* Telephone (508) 869-6127 \*\* Fax (508) 869-6210

## **REGULAR MEETING MINUTES**

### **APRIL 24, 2017**

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

Members Absent: Jeffrey Walsh

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 Intents. John Grenier and Mike May attended. Chip Burkhardt read EcoTec's letter of April 7, 2017 regarding Lot 1. It is Mr. McManus' opinion that the current plan complies with the regulatory performance standards for Wetland Resource Areas on the site, including Bordering Land Subject to Flooding (BLSF). The proposed planting specification has been modified to require an assessment by a wetland scientist of the planting area hydrology that will result from the more extensive BLSF mitigation area excavations. He believes that this approach is the most appropriate and will result in the most effective revegetation of the mitigation area. Mr. Grenier said there were no issues with Lots 2 and 3 since they are further away from the resource area. He said there are some cuts on the corner of Lot 1; they reduced the footprint of what they are going to build so that it is at the minimum setback to Lot 2. Mark Coakley said boundary markers are needed because of the proximity to the houses. The plan was marked up to include the boundary markers per the NOI for Lot 1 Pine Street revised 4/7/17; Lot 2 revised 1/31/17; and Lot 3 revised 3/13/18. The 53G account has not been funded; documents cannot be released until all fees are paid.

Dave Kalinowski (132 Nicholas Avenue) said the YMCA study said it was an intermittent stream and found it to be vague; it was done only from Sewall Pond to Sewall Street. Mr. Burkhardt addressed the perennial portion. The stream was originally on the USGS map as a solid blue line; originally it was a perennial stream. When you go for a reclassification, they don't reclassify the entire length of the stream; they pick a section on the property that is viable to the project. Because it is classified as an intermittent stream does not mean that it is not going to flow. It has to be documented by a qualified person. Mark Coakley said there is a statutory floor that they had to reach and they provided photographic evidence on two individual days in a non-drought period; they met the regulatory threshold. The Commission visited the site; there was no evidence to rebut it. Bonnie Johnson said it is an intermittent stream.

Mr. Kalinowski spoke with Mass Wildlife who said Sewall Brook is classified as a cold-water fishery resource which means it is a protected brook. Mr. Grenier said there is no habitat. Mr.

**April 24, 2017 Conservation Meeting Minutes**

Burkhardt explained that if it was mapped out for an endangered species, it would have to go through Mass Wildlife or Natural Heritage.

Mark Coakley made a motion to close the Public Hearing for Lot 1 Pine Street; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions for Lot 1 Pine Street DEP #115-405, adding Special Condition #34 that Conservation Boundary Markers are to be placed as indicated on the NOI Plan dated 4/7/17; Chip Burkhardt seconded; all voted in favor; motion approved. Mark Coakley made a motion to close the Public Hearing for Lots 2 and 3; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions for Lot 2 Pine Street DEP #115-406, adding Special Condition #34 that Conservation Boundary Markers are to be placed as indicated on the NOI Plan dated 1/31/17; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions for Lot 3 Pine Street DEP #115-407, adding Special Condition #34 that Conservation Boundary Markers are to be placed as indicated on the NOI Plan dated 3/13/17; Chip Burkhardt seconded; all voted in favor; motion approved.

**PUBLIC HEARING – PINE ST. BOYLSTON REALTY LLC (320 Sewall Street) – Notice of Intent Application and Stormwater Control Permit Application** for work associated with the construction of a four-lot residential subdivision including construction of three two-family dwellings at the end of Pine Street, an existing dead end street. Pine Street is to be extended by 130 feet to install a cul-de-sac turnaround. Work on the remaining larger lot is to include demolition/rehabilitation of existing structures, beach rehabilitation and site grading.

John Grenier and Mike May were present. Green cards were submitted; there was an outstanding ad fee of \$54, money is needed for the 53G account, and the owner of the property needed to sign the Stormwater Permit application (which was done at the hearing). There is work within the buffer zone. They propose to improve Pine Street, extend and pave the entire length, provide a paved cul-de-sac at the end and propose three new lots in the extension and cul-de-sac area. There is a 41' wide right-of-way currently. They are keeping a narrow pavement width of 20' with a 4' wide sidewalk on the south side. They are able to treat the runoff; there are catch basins along the road and at the end of the cul-de-sac that will have deep sumps in them that will transfer the water into a sediment forebay that will go into an infiltration basin. They are keeping the units close to the street with walk-out basements and flat back yards. There is a vegetated wetland; beyond that is Sewall Pond. The infiltration basin is designed to manage a 100-year storm event. They will maintain the existing drainage pattern where the runoff is now in the westerly direction towards Sewall Pond. It has been reviewed by Graves Engineering and signed off by the Planning Board. The buffer zone runs through a portion of the basin and yard grading. No units are within the 100' buffer zone.

On the former YMCA side of the property, mainly regrading work is proposed, partially in the buffer zone. Mike May said they are going to work with the town or a non-profit entity for improvements to the "YMCA" property. They are rehabbing multiple structures, providing parking, creating fields, and improving the beach area. Mr. May said the intent is to preserve Camp Harrington; the purpose of the development is to offset and subsidize the cost of the acquisition of the land and to allow them to facilitate the preservation of the land and donate it to the town, a 501C3 or a non-profit entity.

## April 24, 2017 Conservation Meeting Minutes

Mr. May said there have been discussions with Parks & Rec about potentially working with a management organization or Friends of Camp Harrington (which should be created within the next year or so); while they remedy the land and structures and prepare it for re-use as a town-owned asset. They will gift it to whatever entity takes title to it. Mr. May's thought process is to rehabilitate the beach and some of the buildings; remove the pavilion, and create a craft center; some structures will be removed. The Pine Street Extension project was approved by Planning Board with the understanding that the work on the YMCA side is not part of any development plans whatsoever. Mr. May said the work proposed is part of this filing. Joe McGrath said if we include all the activities in the Order of Conditions, it will include the six homeowners and they will legally be responsible for it. He also said people in the subdivision can't even get onto this land and doesn't understand why he is proposing it as one project. Mr. May said the parcel will have a separate deed. Mr. McGrath said then we would have no problem treating it as a separate project. Mr. Burkhardt agreed it would make it cleaner if it was filed separately. Mr. Coakley said it would be in their best interest to file with the Earth Removal Board and create a plan that is not jurisdictional to the Commission; we can focus on the subdivision. Later in the meeting it was clarified that the YMCA side of the project will require a Stormwater Permit from the Conservation Commission as it is over one acre of land disturbance.

The April 18<sup>th</sup> Graves Engineering letter talked about cuts and fills, earth removal and a construction sequence. The Commission asked where is the material moving on the site? John Grenier said regarding the subdivision, the elevation of roadway is following very close the existing grades on the site. They are proposing some fill in the front yards off Pine Street Extension and sloping it back close to existing grades; some material will be taken from the other side. They will bring in fill for foundations. Mr. Duffy said we want the general location for stockpiling shown on the plan. He said the majority of the impact from the subdivision is on Lot 1 where there is a lot of regrading going on and close to the wetlands. He asked if they could leave the backyard, i.e., not a walk-out, as is to minimize the amount of regrading that needs to be done in that area. John Grenier said he can pull it back closer to the buffer for more offset. The Commission will want EcoTec to review the delineation of the wetland line. Mr. Grenier will submit a revised NOI. They are asking for a stormwater waiver to the 5' high, vinyl coated, black chain link fence; a white split rail fence is proposed around the infiltration basin. They are also asking for a waiver from the location of basin itself as it is closer to the property line than allowed. Bonnie Johnson said there is an issue with stormwater coming down Sewall Street to Pine Street. Mr. Grenier said he will review it to see what can be done.

Steve McCarthy (14 Abbey Road) had concerns with cutting into the hill, exposing the trees and having it wide open from Route 140 and Abbey Street for work proposed on the YMCA side of the property. What happens with the runoff from the YMCA camp? Mr. Duffy said the Commission will be looking for an amendment to the filing next month. He explained that part may be a separate application. A large amount of the work is outside of the Commission's jurisdiction. They will have to go through the Earth Removal Board process which includes a plan submittal and ESC plans for before and after.

Kevin Schiavone (15 Abbey Road) sees a lot of earth removal being taken out now. He has heard about the design being proposed but hasn't seen a formal plan; shouldn't there be one before any earth removal is done? When can he see it? Does the town have any input for what it may be used for? Mike May said he has met with Parks & Rec and the SVT and crafted a plan and assessed it with the structures. There is a plan in draft form for how Parks & Rec would like

## **April 24, 2017 Conservation Meeting Minutes**

to see it done. It rehabs or removes existing structures. The removal of gravel is for open play space. The goal is to take the gravel out (any cost recovery they get will help subsidize the cost of the remediation) and leave a 15'-20' buffer and trees along the Abbey Road bordering properties; they will put replacement trees in place. Mr. Coakley said they will require a Stormwater Permit. Mr. Schiavone said 15' is not very much privacy. The neighbors would like a buffer of trees. Mr. May said he is committed to talking to the neighbors for input and feedback. Dave Kalinowski is concerned with stormwater. The Sewall Pond water level today is 3"-4" higher and there is only one outlet. He would like to clean it out. He was advised to talk to Mr. Buxton. Mr. McGrath suggested contacting the DEP Circuit Rider.

The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded; all voted in favor; motion approved. It will be on the May 15<sup>th</sup> Agenda and 7PM.

### **SCANNELL PROPERTIES SITE DISCUSSION – Nathan Morries, Hal Pierce and Dave Outerson.**

Nathan Morries (Arco General Contractor), John Fontana (Site Supervisor), Hal Pierce (Site Engineer), Paul Pless, Assistant Supervisor, Patrick Healy (Thompson-Liston), and Art Allen (EcoTec) were present.

Dan Duffy said the Commission had concerns with some of the reports from EcoTec indicating that some of the measures that were to be put in place before activities took place were not and sediment was flowing offsite. While the Commission appreciates the efforts taken to date, the latest report looks like there are some of the same issues we had encountered earlier. He asked how they are addressing it, assurance that over the next year that it will not be a recurring problem, and that they are in compliance with all the approvals and permits they were issued. Mr. Fontana said one of the biggest issues is the existing stream crossing around the access road. He said of the major items Mr. Allen flagged on his first inspection report was the temporary access road with the silt fence on both sides; the water built up to the top of the silt fence and flooded the entire roadway. There are two existing 12" concrete culverts and a single 18" metal pipe going under it. They are looking to replace them with larger 24" culverts. It would take ten 24" culverts to pass the 10-year storm.

Mr. Duffy said it was his understanding that it was going to be temporary situation with minimal traffic. He thought the permanent crossings were going to be done earlier than the August date included in the latest schedule. There was also a fair amount of discussion during the hearing about the culverts being replaced during low flow or dry conditions. With the current weather, they may not want to start digging; it may create more problems. Mr. Fontana said traffic now is very limited; tree clearing has been done. Mr. Allen said the primary issue came up when the two existing 24" culverts got blocked. The property owner dug an auxiliary channel along that cart path down to the lower 12" culvert which had completely failed before this project started. When this project came in, the vehicles were driving over it, stirring up the silt on the road and it was discharging over the silt fence; it was a combination of things. They are permitted to replace those culverts; it was originally approved and proposed to be part of the water line project later in the construction sequence. Mr. Allen believes they have the temporary access road situation temporarily under control. It doesn't appear heavy equipment is running much over the road now. His current concern is the perimeter control (sediment control on the larger site). The site

## April 24, 2017 Conservation Meeting Minutes

was under control last Friday; no unauthorized discharges or any sediment was leaving the site. They have been improving some of the controls along the main stream side (east side) as they went and had some settling basins and filtration but they need more of that along the whole east side. Mr. Fontana said that was done today. Mr. Allen recommended installing perimeter controls on the part of the site where they are starting to stump and expose soil. Mr. Duffy said those are some of the things that concern him. Clearly our plans say they can clear the trees, but before they start digging stumps, the perimeter controls are required to be in.

Mr. Allen said they have proven to him that they know how to do the work; every time he brought up a concern they addressed it. They need to be more proactive on their part rather than reacting to Mr. Allen's inspections. The Commission would like to see the Stormwater Control Inspection reports.

Mr. Fontana addressed the culverts that were initially discussed. If it is going to overwhelm the existing culvert, would the Commission prefer to let them open it up or let it back up into the wetlands area? Mr. Duffy would prefer to have some type of erosion control in there. Mr. Allen said the site is clear of trees. There was some excess clearing at the main site entrance that he noted and they identified that and cordoned it off and there is a plan to monitor it and do replanting if necessary. There is unauthorized work in the buffer zone. It will be an agenda item for June. They were thanked for coming in.

**PUBLIC HEARING – 313 MAIN STREET REALTY LLC (313 Main Street) – Notice of Intent Application and Stormwater Control Permit Application** for work associated with the construction of an 18,500-square foot office/warehouse building to include construction of driveways, stormwater management facilities and site work.

John Grenier requested a continuance. Joe McGrath made a motion to accept the request for continuance; Rebecca Longvall seconded; all voted in favor; motion approved. It was continued to May 15<sup>th</sup> at 7:30 p.m.

### **COMMISSION BUSINESS**

85 Sewall Street 40B Project Discussion – Mark Arnold (Goddard Consulting) gave an overview of the proposed 40B project. There is a single-family house and existing fields by the pond that are maintained. There is a wetland to the north. The rest of the site is forested. There will be 92 total units; 23 will be affordable; it is light density construction for a 40B project. Dan Duffy asked about the impacts on the wetland resource areas. Mr. Arnold said the project has no wetland resource impact. There are two crossings; they are using existing culvert crossings off of those areas; they are not crossing any wetlands. There is no work in the resource area, but there is considerable work in the buffer zone. He did not know the exact amount of area that will be disturbed. Filings for a stormwater permit, SWPPP and a NPDES will be required. Mark Coakley asked if there were a lot of cuts and fills; yes. He informed him that as a matter of practice we take individual filings for the lots that have work in the buffer zone. Mr. Arnold said he understands that but because the project is filed as a 40B, the ZBA will be taking over the permitting process. Mr. Arnold was informed that would not be the case for the NOI; it is a state permit. Mr. Arnold said as they see fit they will file accordingly. He does not think they will be filing for individual lots. He was told if there is work in the buffer zone he will need to file. Mr. Duffy asked if there was any concept for the drainage for the subdivision. Mr. Arnold said there

## April 24, 2017 Conservation Meeting Minutes

will be some detention basins and infiltration basins. Mike May asked if they will be exiting on Route 140. Mr. Arnold said there will be one access off Route 140, Sewall Street and School Street. The Route 140 access is in the Wellhead Protection District Zone 2. Regarding the septic, Mr. Arnold said the plan is to have individual septic systems for the single-family houses; the condos would have a shared system. Bill Manter asked where the outlet pipe on Route 140 goes; it goes to Flagg Cove and to the reservoir which is part of watershed (near Town Well #2).

Kevin Prendergast (59 Sewall Street) said access off of Sewall Street will follow the existing driveway. Mr. Arnold said they are following the existing way, but it will be widened. Mr. Prendergast said there is a swamp on either side. Mr. Arnold said no houses are proposed in the wetlands resource area. The project is before Mass Housing; the site walk was last week; approval may be in 4-6 weeks from Mass Housing followed by joint comprehensive permits from the Planning Board and Conservation Commission. There are no mapped endangered species. Mr. Goddard said Mass Housing will take comments from the boards for a 60-day period. Mike May said \$50K has been allotted for legal and engineering expenses.

Worcester Sand & Gravel – Mr. Trotto called the office to say he would not be attending tonight. Matt Phillips (5 Heywood Street abutter) was present. With the drawing submitted to the office last month by Mr. Trotto, Dan Duffy said one of the concerns is that it shows significant grading within the Phillips' yard. Mr. Trotto wanted to start work, but the Commission does not want him to start work until there is an agreement in place with the Phillips. Mr. Phillips is continuing to work with Mr. Trotto, but an agreement has not been reached. He hopes to have a conclusive answer by the next meeting.

Barnard Hill (Perry Road) Lot Releases – Mark Coakley said there will be more requests for Occupancy Permits and suggested we attach with the Occupancy Permit standard language letting the homeowner know that they are responsible for stabilizing the lot unless there is an agreement made at closing. Chip Burkhardt will draft the language.

Enforcement Order Update (280 Shrewsbury Street) – The Enforcement Order was mailed to the owner of record, J&M Batista Family Limited Partnership on March 6<sup>th</sup>. The green card was signed on March 15<sup>th</sup>. As of today, no one has contacted the office. A Civil Violation will be issued.

Mike Ruggieri was welcomed as the newest Commission member.

Certificates of Occupancy for Compass Circle Lots 2 and 7 were signed. Going forward, Mr. Haynes will be given the lot stabilization language as well.

Longley Hill Update – Mr. Ansari did not have a plan with him tonight; only a sketch that showed all the lots. It should have included a plan. The TLA letter (May 2, 2017) says what should be done, but we still don't have the detail or schedule. Mr. Ansari said he is waiting for the Commission to give him the go-ahead. The Commission is still not sure what he is going to do. Mr. Ansari said Andrew Liston came out and walked the site. His first recommendation was to stabilize the stockpile on Lot 5 and Lot 6. Mr. Ansari wants to start filling the foundation hole, grade it and stabilize it. Joe McGrath said what was presented was not a plan; it's a list of recommendations; we need specific steps. Lot 11 is not built on. Mr. Ansari asked if he could

## April 24, 2017 Conservation Meeting Minutes

he screen and place the loam; he doesn't want to wait another month. Chip Burkhardt said we talked about it at the last meeting and at previous meetings, and we still don't have what we requested. Rebecca Longvall said he should have taken the list of recommendations, broken it down and discussed it with Mr. Liston; that wasn't done. A plan would give direct action items and time frames. Mr. Burkhardt is not in favor of doing any work until we get what we asked for. Mr. Ansari asked if he got the information tomorrow could he get the ok to start instead of waiting another month. Mr. Burkhardt said we only meet once a month. He told him previously to rank them in order of risk; it is not sequenced; it's a list of suggestions; it's not a plan. Mr. Duffy said we would like a plan from a registered engineer. Mr. McGrath would like the preparer of the plan to present it. The Commission did agree that as long as there is adequate siltation fence downgradient of the streaming on the top of plateau, not down to the toe close to the basin, Mr. Ansari could screen the loam, but that is all he can do; he cannot spread it, only take it from one stockpile, screen it and put it in another stock pile, making sure there is sediment controls around both stockpiles. Before it is spread, the Commission we would like to see a plan as to where it is going to go and how he is going to stabilize it once it is spread out. Mr. Ansari will be asked to notify the office when the erosion controls are in place before screening.

Lot 6 Nature's View Expired Order of Conditions – No action necessary.

It was noticed that LEI, 200 Shrewsbury Street, is using the detention basin as a parking area for their excavator; they are not allowed to store equipment in the buffer zone; the area is not stabilized. Steve Christy will be requested to attend the May 15<sup>th</sup> meeting for a project update.

Vouchers were approved.

Correspondence and emails were reviewed.

Chip Burkhardt made a motion to approve Meeting Minutes dated March 20, 2017; Rebecca Longvall seconded; all voted in favor; motion approved; Joe McGrath abstained. Chip Burkhardt made a motion to approve Special Meeting Minutes dated April 3, 2017; Rebecca Longvall seconded; all voted in favor; motion approved; Joe McGrath abstained.

May 15<sup>th</sup> was confirmed as the next meeting date.

Chip Burkhardt made a motion to adjourn; Joe McGrath seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 10:00 p.m.