



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

JUNE 19, 2017

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

Members Absent: None

Others Present: See Attached Sign-In Sheet

Recorder: Jeffrey Walsh

PUBLIC HEARING – J&M BATISTA FAMILY LIMITED PARTNERHIP (280 Shrewsbury Street) – Notice of Intent Application to restore a portion of the bordering vegetated wetland on the southerly boundary of the site that a lessee has filled over.

James Tetreault (Thompson-Liston) was present. Green cards were provided. 600 square feet of wetlands were filled. The wetland is on the south boundary of the lot and the filling occurred on the east side toward Shrewsbury Street and the northeast corner. Mr. Tetreault discussed the flaggings of the wetlands – flags up to U10 were done as part of flagging another parcel and the remainder were done for this filing. Additionally, many cores were installed by Scott Heim (wetland consultant) to approximate the edge of wetlands prior to the filling occurring. Mr. Tetreault discussed the proposed work which includes restoring the filled area and installing plantings proposed by Scott Heim (wetland consultant). Joe McGrath asked if markers could be installed so this does not happen again. Mark Coakley said there will still be activity on top of what is being restored. The Commission discussed placarding or marking the area with boulders or fencing (a 5' buffer around the limits of work starting at the property line between U9 & U10 and going around to U16). Joe McGrath made a motion to close the Public Hearing; Mark Coakley seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions, adding Special Conditions #34 that the proponent is to install a fence 5' north of wetland flag U9 through U16, split rail or approved equivalent; and #35 install silt fence and erosion control barriers at the uphill limit of the restoration area. Joe McGrath seconded; all voted in favor; motion approved. The Order will be held pending a DEP file number and the \$36.00 ad fee.

COMMISSION BUSINESS

LEI Project Update (200 Shrewsbury Street) – Chris Keenan (Quinn Engineering) was present. The issues are (1) erosion controls are in poor condition in many places; (2) vehicles, trailers and equipment were parked in the contractors' yard before the stormwater system was on line; and (3) equipment stored in the buffer zone or resource areas during construction activities. Mr. Keenan said drainage improvements were done; the drainage, new catch basins, manholes and stormceptor unit were all in place before they took occupancy of the building. The detention basin had not been finished, but was roughed in place so they had some storage capacity during construction. Mr. Keenan said they were finishing the design of the stormwater basin, installing

the overflow spillway and the outlet structure, and equipment was in the basin while they were working. After speaking with his client, Mr. Keenan found that they had an excavator parked in the detention basin for approximately 3-4 weeks over the winter. Mr. Keenan informed them that was not allowed and will make sure it is removed.

Joe McGrath said random dump truck loads of materials are stored in areas of the lot that the Commission was told would only be for parking; none of the piles have been secured or have ESC measures in place. The Commission was of the understanding that the materials would be stored down on the south side of the building. We would like the applicant to go back to what they told us they were doing. The stormwater and detention basins were designed to support the parking area, not additional material on the site. Mr. Keenan agreed; there should not be material stored on site other than the designated material storage areas. He provided the revised plans to the Commission showing the relocation of the material storage areas from next to the SW basin to the SE property corner and adding plantings between Shrewsbury Street and the new material storage areas.

Dan Duffy expressed frustration of not completing the work (e.g., paving and SW basin construction) before the site started being used for the applicant's business purposes. He said there is still equipment parked within the 100' buffer which is not in compliance with the Order of Conditions and suggested the applicant review the Order of Conditions and fully comply with it. Mr. Keenan agreed and said many of the items should have been taken care of long before they got to this point. He said it would be helpful if the Commission would set deadlines in which to complete the work. Mr. McGrath said he would like to see it complete before we consider the request to the change. Material stockpiles in the parking area are not in compliance with the approved Order of Conditions and subject to immediate fines. The Commission would rather come to an understanding with the applicant than issue an Enforcement Order. Mr. Keenan committed to replacing/repairing the erosion controls by the end of this week and any stockpiles that are unsecured in the buffer zone removed. The Commission would like a reasonable schedule for completion for the rest of the work that was part of the original Order of Conditions. Mr. Burkhardt said we would expect the schedule before the next meeting and significant progress made. Any materials stored in the buffer zone need to be removed immediately. Mr. Keenan will ask the principals to attend the next meeting.

Worcester Sand & Gravel – No one was present for the applicant. Chip Burkhardt expressed concern that no progress is being made. Joe McGrath was concerned that the site is becoming a public safety issue. Mr. McGrath made a motion to send a certified letter to Mr. Trotto notifying him that fines under the Stormwater Control Bylaw will begin on Monday, June 26, 2017; Chip Burkhardt seconded; all voted in favor; motion approved.

Longley Hill Update – James Tetreault (Thompson-Liston) gave an update. There is an area that was stripped of topsoil and is bare on Lot 6 and the edge of the excavation is nearly vertical. There has been significant disturbance and alteration in areas that were not going to be touched. Mr. Tetreault reviewed the list of work recently completed. The SW basin nearest Central Street has not been mowed yet. Chip Burkhardt said the schedule Mr. Ansari agreed to has not followed. Mr. Tetreault said he is in partial compliance with each of the items. He has put in an effort and there has been a lot of rain making it hard to work on some slopes. Mr. Burkhardt said Mr. Ansari should have communicated that to the Commission. The Commission will require a

weekly update to be provided until the work itemized on the Thompson-Liston letter of May 16, 2017 letter has been completed.

Marlon Moncrieffe (7 Maple Way) – Follow-Up to February 27th Meeting – Mark Coakley recused himself from the matter. At a previous meeting, Mr. Moncrieffe's brother requested approval to fill in a portion of the backyard, remove some trees and install steps on the side of his home. The Commission had three concerns that needed to be addressed by Mr. Moncrieffe: (1) there is a superceding Order of Conditions. Mr. Moncrieffe said the contractors are aware of it and said the fill they would use would be in compliance; (2) that existing drainage patterns need to be followed, especially the drainage directed to area J. Town & Country Landscaping (who will be doing the filling) send him an email stating that the grading will remain the same and nothing will change with the drainage pattern. He also had an email from the contractor doing the steps stating that nothing will change with the drainage pattern; and discussed the temporary ramp the landscaper will use to bring his equipment around to the back. Mr. Moncrieffe said he read the deeds and covenants and did not find any language that prohibited this type of temporary structure.

Chip Burkhardt said there is a Conservation easement through the property and there are restrictions about what he can do with the property because of it. In addition, there is work that will occur within the buffer zone. Either a Notice of Intent or a Request for Determination of Applicability needs to be filed for the work to be permitted. Rebecca Longvall referred Mr. Moncrieffe to the Mass DEP website and suggested that he file a Notice of Intent. Mr. Moncrieffe decided to put the filling on hold. He will file an RDA to replace the steps.

Ron Aspero (to discuss the drain near the wetlands at 165 School Street) – He is looking for an outlet for the perimeter drain. They could go through the back of the property but it puts them into the buffer zone by 50'. He would use a mini-excavator and the operation would take one day. The foundation drain, a 6" pipe, would extend into the buffer zone. Mr. Aspero will file a Request for Determination of Applicability for the next meeting.

Scannell Property Site Discussion – The Commission briefly discussed the project including recent reports from EcoTec discussing the stream crossing construction.

Email response from Jim Cozza (100 Nature's View Way) – Chip Burkhardt spoke with the homeowner and looked at the stormwater basin from the abutting property. They have been putting grass clippings in it and there are branches in it as well. They planted a garden away from the basin, but Mr. Burkhardt doesn't think it will affect the function of the basin. Mr. Cozza said he wasn't fully aware of the requirements when he purchased the house. The basin does need maintenance. Mr. Burkhardt told him if he is working with Mr. Goulet to clean the basin, he should send us some pictures of the progress. He made him aware that it is a violation to use it for debris. Melanie will check to see if they were required to file annual Stormwater Operation & Maintenance reports. If so, the applicant, James Goulet will be notified to send in a report once the maintenance is done. They may want to consider requesting Certificate of Compliance as well.

Consider issuing a Partial Certificate of Compliance to Stormwater Permit SCP#2016-1 (29 Flagg Street-Lindsay Katz) – Michael Sokolowski, Bob Clarke, and Lindsay and Chris Katz were present. Bob Clarke said they submitted a plan to Mike Andrade (Graves Engineering)

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because he wanted to relocate the detention pond; they made a temporary one. They have a \$150K bond on the project with the Planning Board; they are not looking for a bond reduction; the owners need the Occupancy Permit to move into their house. They have to slope it after they get the fill for the pond. Chip Burkhardt asked what was the rationale for changing what was approved and was told they wanted a bigger back yard. Mark Coakley said there are no ESC barriers installed. He said there is a tree line next to the pond and explained where there is silt-laden water and where is it uncontrolled, 3:1, 4:1; when he was there it was sloughing. Mr. Burkhardt was hesitant because we have been in this position before where people have asked the Commission to sign off on the Occupancy Permit saying they will do the work, and years later when the house is being sold and the work was not done they are back before the Commission. The plan was given to Graves last week; it does not have Planning Board approval yet. Mr. Burkhardt asked how can we sign an Occupancy Permit without the work being complete. He understands that from a practical standpoint there is a bond in place and if the work doesn't get done, the town can attach the bond. Mr. Coakley said if the erosion controls and best management practices are in place, the Commission would not have any objections. The Commission will sign the Certificate of Occupancy after the erosion controls (silt fence and straw wattles) are installed. The ESC measures will be installed within the next few days. Once done, a Conservation member will visit the site and notify the office that the work has been done.

Vouchers were approved.

Correspondence and/or emails were reviewed.

Chip Burkhardt made a motion to approve the Meeting Minutes dated May 15, 2017; Joe McGrath seconded; voted 6-0-1; motion approved.

July 17th was confirmed as the next meeting date.

Joe McGrath said he is almost finished reviewing the proposed regulations for the conservation land with the other town boards. He needs to schedule two public hearings, hopefully to be done in August.

Mark Coakley made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 8:55 p.m.