



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

FEBRUARY 26, 2018

Members Present: Dan Duffy, Mark Coakley, Jeffrey Walsh, Joe McGrath, Rebecca Longvall

Members Absent: Michael Ruggieri, Chip Burkhardt

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING – 85 Sewall LLC (85 Sewall Street) – Notice of Intent Application and Stormwater Control Permit Application for the construction of two apartment buildings with associated septic area, parking lot and grading.

James Tetreault (Thompson-Liston Associates) requested a continuance to the next scheduled meeting. Joe McGrath made a motion to accept the request for continuance; Jeff Walsh seconded; all voted in favor; motion approved. It was continued to March 19th at 7PM.

COMMISSION BUSINESS

Jim Haynes to discuss (1) Compass Point Bonding, and (2) Gravel Pit Stream – Jeff Walsh recused himself from the matter. Mr. Haynes requested to transfer his \$120,000 Planning Board Bond to the Conservation Commission to release five lots (Lot 16, 60, 61, 1A and 3A). Dan Duffy forwarded the request to Town Counsel's whose response was that "one cannot unilaterally change the obligation secured by a Letter of Credit (from completion of subdivision work to completion of conservation/site stabilization work) or change the named beneficiary (from the Planning Board to the Conservation Commission) without the bank's approval and modification of the Letter." He suggested that Mr. Haynes return his original Letter of Credit to the bank and ask the bank to issue a new Letter of Credit in the amount specified to secure the work required by the Conservation Commission. Mr. Haynes would like at least three lots released tonight. Mark Coakley felt Town Counsel would not look favorably on doing that since the town's interest is not covered until the bond specifies the Commission as the recipient. Mr. Haynes felt his word has been good the past three years and he has done everything he said he would do. Nothing against Mr. Haynes, but the Commission would be more comfortable with something in place before releasing any lots and agreed that if a Letter of Intent was received from the bank, they could approve the request.

Worcester Sand & Gravel (Langdon Environmental Proposal for WS&G) – Mike Trotto and Todd Kirton (Tighe & Bond) were present. Dan Duffy said there were a few outstanding issues. Mr. Kirton said he provided Bruce Haskell (Langdon Environmental) with finalized documents the last week (updated specs, project narrative and the plan from December).

Regarding the soils that were already delivered to the site from a location in Marlborough, Mr. Duffy said we received only two pages of a 200+ page lab report regarding the soils for one sample from 9" to 18". We were expecting a "typical" soils package that is prepared for a construction site with potentially contaminated soils.

As part of his review, Mr. Kirton looked at historic aerials of the area where the soils were excavated to get a better understanding of its appearance-wise and its history. He said it was a former orchard that was left dormant until recently developed. WS&G and T&B will attempt to get more information on the soils. If they are not successful, the Commission suggested having some samples tested. If they decide to take this option, the sampling needs to be coordinated with Mr. Haskell.

Mr. Kirton will work with Mr. Haskell as to how many tests should be done and where, what it is analyzed for, etc. He will ask if Mr. Haskell would like to be present as well. Mr. Kirton said Mr. Haskell's other concerns have been addressed and Thompson-Liston updated the plans accordingly. Mr. Duffy said the Commission could approve the remediation project subject to Langdon's approval. Mark Coakley made a motion that we proceed with the approval of Langdon Environmental without necessitating another meeting; Joe McGrath seconded; all voted in favor; motion approved.

The Commission will act on the Cease & Desist, Civil Violation and Stormwater Permit at the next meeting.

Request for Certificate of Compliance (DEP#115-268) William Weir, 247 Mile Hill Road – Tabled to the next meeting.

247 Mile Hill Road Stormwater Waiver Request, William Weir (continued) – William Weir was present. Mr. Duffy explained that we received the Stormwater waiver request for his subdivision. After researching the file for the original driveway, we found there was no as-built plan or Certificate of Compliance. There was a large amount of wetland work involved. The Commission needs an as-built plan or certification that the original driveway was done as permitted to close out that project. Mr. Weir spoke to Ross Associates (original engineer) and was told there was never an as-built plan prepared. His current engineer (Connorstone Engineering) is handling his part of the property. Mr. Duffy asked that he have a consultant review the original Order for the driveway construction and the requirements (area of replication for wetlands that were filled in to build the driveway) and note on the plan that everything was done according to the Order. Mark Coakley said to have Ross Associates or Connorstone request the Certificate of Compliance.

Longley Hill Status Updates – After James Tetreault's latest inspection report, Dan Duffy visited the site and sent a response to him with his observations. Mr. Duffy's biggest concern is the repairs they made to the upper slopes of Lot 9 where they put in the erosion control fabric; it failed. Everything from the backyards on Lots 5 and 6 is going down toward the basins; they have stabilized the slopes between the back of the lots and the basins. Mark Coakley

commented that during heavy rains the water goes by the last catch basin and into Central Street. James Tetreault submitted a schedule to address the two house lots and the road.

Motion to Approve Survey Work for Commission's New Commission Land – Joe McGrath said that several years ago the Sudbury Valley Trustees (as part of the Tri-Town Partnership) paid to have some lots surveyed. He will find out the number of lots left to be surveyed and come back with an estimate before asking the Commission to fund the work.

Stiles Road (Peter Bemis) – Mr. Bemis will be informed that the Commission is requesting he submit a new filing for both the Notice of Intent and Stormwater Control Permit. The original applications were denied on November 20, 2017 because the information submitted by the applicant was not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. The Commission can waive the town's filing fees, but he will be responsible for the advertising fee, abutter notification and any DEP filing fees. Mr. Bemis previously said he spoke to the DEP who said the Commission can reopen a closed file and use the same DEP file number, and the DEP will waive their fees, but has yet to provide the Commission with any documentation from the DEP stating that in writing.

2018/2019 Budget Request to the Finance Committee – Dan Duffy will be unable to attend the meeting on March 5th. Joe McGrath will take his place. Rebecca Longvall and Jeff Walsh will also attend if available.

Vouchers were approved.

Correspondence and emails were reviewed.

Review & Approve Meeting Minutes dated December 18, 2017 and January 22, 2018 – Mark Coakley made a motion to approve the December 18, 2017 Meeting Minutes; Rebecca Longvall seconded; all voted in favor; motion approved. The January 22, 2018 Meeting Minutes were tabled to March 19th.

March 19th was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved.

The meeting was adjourned by unanimous vote at 7:48 p.m.