



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

JUNE 16, 2014

Members Present: Mark Coakley, Chip Burkhardt, Joe McGrath, Charlene Franz

Members Absent: Jeff Walsh, Shannon Holgate

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC MEETING continued – (Peter Coskie), Lot 2 Reservoir Street – Request for Determination of Applicability to construct a single-family home to include construction of a sewage disposal system, well, driveway, and associated site grading.

Present: Rob Oliva (David E. Ross Associates) and Peter Coskie. After reading Paul McManus' (EcoTec) letter of May 22, 2014, Mr. Oliva agreed that an NOI would be required for the project. They will redesign and propose to move all work outside of the buffer zone and riverfront area. They will use erosion and sediment controls at the limit of work. Mark Coakley suggested the applicant ask for a continuance until they can provide the revised plans with soil logs. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded the motion; all agreed; motion approved. It will be on the July 21st Agenda at 7:00 p.m. unless the applicant notifies the office.

Mark Coakley mentioned to Mr. Coskie that Paul McManus and the Commission would be interested in helping him prepare a management plan to maintain the wet meadow in the event the property should change ownership.

COMPASS POINTE – Status Report with Steven Kressler (Financial Diagnostics) – James Venincasa and Mr. Kressler were present. Graves Engineering submitted a Site Visit report this afternoon for the meeting in response to the issue of burying rebar. Chip Burkhardt said several test pits were conducted and there was not the large volume of rebar remaining as was in the photos that were submitted. Chip said some lots have stabilization and runoff issues and the commission is not clear on the lots and lot numbers. Mr. Venincasa said he sent an email with the book and page number of the 81X plan and the ANR plan. He said it was confusing because of the way the name was recorded. Chip said it was confusing because the lots have changed. Mr. Kressler gave a copy of the 81X plan and lot changes to the members. Chip asked if they compared it to the plan on file with the commission. Mr. Venincasa said the lot lines have changed. The plan submitted to the commission is not the true plan for construction, is not what was filed with the commission, and more than likely not in compliance with the Order of Conditions. If it is not what was filed, it needs to be amended.

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Mark Coakley said the bonding is broken out by individual lots and some of those lots are no longer on the plan. Mr. Venincasa said he had Graves Engineering revise the plan. He was asked if the lot numbers still corresponded with the bond. Mr. Venincasa said the lots are smaller, along with the square footage. He was told that the commission has to follow the plan that was recorded. Mr. Kressler said he will do it our way. Chip Burkhardt said it is not our way; his client signed up to the project and a certain set of conditions. Mr. Venincasa has been given leeway and some sites are still unstable, there is still erosion, and they still continue to do things they were told not to do. No work means no work. Mr. Venincasa owns the responsibility for all the lots because the permit was issued to him, including Mr. Aspero's lot (lot 56). Mark will contact Mr. Aspero.

Mark said there are three bonds in place; two for Conservation (ESC & Wetlands) and one for the Planning Board (Subdivision). The bond states that the work is to be completed by the developer by November 30, 2013. Mark told Mr. Venincasa that we need copies of the bonds because they don't match with what we have on file and they are expired. He was told to reference bond numbers and be sure the lot numbers match up as well. The bond issue at this point is not satisfied.

From the last meeting, Mr. Venincasa was asked for a current certified plan signed by a registered engineer. Mr. Venincasa gave a copy of the 81X plan (which he said shows lot number changes only) signed by a land surveyor and dated 2012. Chip asked if a land surveyor is the same as a registered engineer. Mr. Kressler said they both have the same authority. Mr. Venincasa said a land surveyor prepares ANR lots. Chip asked where is the comparison between the two plans and what was recorded with the Order of Conditions. It is not the commission's job to do his homework. He asked where is the change sheet and current construction plan we asked for at the last meeting. There is a process to be followed and Mr. Venincasa chooses to ignore that.

Mark Coakley made a motion to table the Enforcement Order for the burying of rebar; Joe McGrath seconded the motion; all agreed; motion approved.

Mark Coakley will speak with Mr. Aspero. He will also work with Graves Engineering for a punch list of action items. Mr. Venincasa will provide copies of bonds, bond numbers and lot numbers. Joe McGrath suggested his engineer prepare an overlay so we can see the difference between the two. Because referencing Phase I and Phase II of the subdivision plan is too confusing, Mark suggested using different terminology (consistently). Mr. Venincasa was told to prepare a status report of what he thinks is covered and what he thinks is bonded. It was suggested that Mr. Venincasa set up a matrix by lot and square footage to show what the original bond covered, what has been completed, what is open and what remains. Action items for next meeting: punch list from Mike Andrade, bonding evidence of corrected current bonds, and erosion and sediment control bonding matrix.

Mark Coakley asked about taxes that are in arrears. Mr. Venincasa said they came up with a plan today regarding the taxes and it will be resolved by tomorrow. Mark said per instructions of Town Counsel and the Town Administrator, we are not allowed to inspect. This would include the ESC bonding permit, not the Order of Conditions. The ESC permit is not valid, and based upon advice of Town Counsel, Mr. Venincasa was instructed that there is no work to be done on the site.

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For the benefit of those in the audience, Mark said at the last meeting we engaged Graves Engineering to do site work concerning the dumping of rebar on the site, which has been removed. Mike Andrade also had some comments about sediment and control and, as a result of the report, the commission will come up with a punch list for the items that are jurisdictional to the commission. There are some notations about land transactions, but they are not jurisdictional to the commission.

It was discussed that pending the outcome of Town Counsel and the Town Administrator whether a special meeting is needed to vote for Mr. Venincasa to continue working. Joe McGrath made a motion to allow the current chairman, Mark Coakley, to communicate to the project's owner their ability to continue if current outstanding issues which are blocking work are resolved; Mark Coakley seconded the motion; all agreed; motion approved.

COMMISSION BUSINESS

Vouchers were approved.

Chip Burkhardt made a motion to approve the Meeting Minutes dated May 19, 2014; Joe McGrath seconded; all agreed; motion approved.

Administrative Assistant Hours – Melanie has put in a request for four additional hours per week to maintain the level of efficiency and productivity of the office. Approximately two years ago the hours were reduced. There has been an increase in foot traffic as well as attorney issues with projects that are above what was budgeted for. It will be paid out of a non-budgetary line item. Joe McGrath felt the request is justified because in addition to issues mentioned, she has the additional requirements related to the Stormwater Bylaw. Joe questioned should the commission approve a larger number of hours or leave it at four hours. Melanie agreed four hours would be sufficient. For the fiscal year it would be approximately \$4,400. Statutorily it is an approved use of the Wetlands Protection Fund. It would be less than 10% of what is currently in there. A budgetary reminder will be made the new Chair to include the hours in the FY16 budget. Joe McGrath made a motion to approve the request for an additional four hours per week starting July 1st, money to come out of the Wetland Protection Fund for FY15 only; Chip Burkhardt seconded; all agreed; motion approved.

Stormwater Annual Report – The Annual Report was due the end of May. Emily Scerbo (Tighe & Bond) prepared the report. Joe McGrath made a motion to expend \$3,000 from the Stormwater Expense Account for the Stormwater Annual Report and NPDES Permit; Chip Burkhardt seconded; all agreed; motion approved. Mark Coakley made motion to amend the motion to expend \$3,500; Joe McGrath seconded; all agreed; motion approved.

Reorganize the Board – Mark Coakley made a motion to nominate Jeff Walsh as Chairman and Joe McGrath as Vice Chairman; Chip Burkhardt seconded; all agreed; motion approved. Mark Coakley will be the representative for the Earth Removal Board.

Joe McGrath made a motion to recognize Charlene Franz for her work and contributions to the Commission over the past six years; Chip Burkhardt seconded; all agreed; motion approved.

July 21st was confirmed as the next meeting date

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Newton Pond – Chip Burkhardt spoke with Phil Nadeau (DEP). Mr. Nadeau did not think we had the authority to enforce against the town of Shrewsbury. Chip said we are still waiting for them to tell us what they did and why. If they built according to the Dam Safety Regulations, then they are in violation of the Wetlands Protection Act. Mark Coakley said that if a resource area is changed after-the-fact, it is jurisdictional. Mr. Nadeau offered to host a meeting at the DEP office with Boylston and Shrewsbury. Joe McGrath suggested contacting the MACC. They will give a free consultation with an environmental lawyer who can give a legal opinion. Chip will contact them.

Sewall Pond – Joe McGrath will contact MaryAnn DiPinto for an update.

Wrack Meadow – Joe McGrath will meet with the Town Administrator to talk about giving a presentation to the Board of Selectmen. At previous meetings with the BOS, the selectmen had an issue with removing land from potential revenue status. They have since reduced the amount of land they are asking for. None of the land is commercially viable, but does have some monetary value in terms of how they preserve the land. The Conservation Commission could hold the easement or Sudbury Valley Trustees could. The Board of Selectmen would have to approve a discussion with SVT. The status on private lots is approximately 400 acres. Boylston is doing very well for participation. The date for the grant is now September/October. There is a minimum requirement of 500 acres needed to obtain grant money. There is a great deal of potential if the Board of Selectmen can see the viability for it.

Longley Hill – Mr. Ansari will be asked to attend the July 21st meeting for a status report. He will be told the Commission wants to see progress on loaming and seeding. He will also be told to replenish the 53G account with \$2,500.

Charlene Franz made a motion to adjourn; Chip Burkhardt seconded; all agreed; motion approved. The meeting was adjourned by unanimous vote at 8:15 p.m.