



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

APRIL 23, 2018

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

Members Absent: Dan Duffy, Joe McGrath

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) provided the Commission with recent updates from the traffic engineer and architect concerning Sewall Street access and the building layout. The road will change to allow exits in both directions at Sewall Street, but no entrances. The 24' width was reduced to 20'.

There is also a change to the building layout (breaking the second building into two smaller buildings in different locations). The proposed wetland crossing will remain in the same place. There are some changes to the slopes to make them more moderate. Dan Duffy's email had concerns related to the setback from the work to the resource areas. The Commission prefers a 25-foot setback from the wetlands. Mr. Tetreault did not think that would be possible given the location of Fountain Service's property line and the location of the wetland. He explained where they could get a 25-foot setback. He would ask the Commission to accept that getting by the property corner and going to the east side of the wetland, that there is no room for a 25-foot setback; there would have to be a 10' high wall. They would like to make a compromise of a smaller wall (5'-6') with a 10'-12' setback. They will work to move things around. The infiltration areas will remain the same. Mr. Duffy's email asked if the infiltration area required that they be within 25 feet; Mr. Tetreault said no; they can pull back the slope.

Ms. Longvall asked if the septic was going across the wetland; Mr. Tetreault replied yes. He said they will use a recirculating sand filter; it will go over the culvert and be inside a sleeve. He was asked if there were any structures. He said on the left side there was a maintenance building which will be shifted. He was also asked what type of pavement will be used. Mr. Tetreault said BCI pavement with concrete walks. Mr. Coakley asked if there was more impervious area. Mr. Tetreault said a little more. The NOI needs to be revised because it is materially different. Mr. Burkhardt commented that there is no 53G account established for the project. It was agreed that \$2,000 would be provided for peer review. Mr. Coakley talked about

recharging roof runoff on Wetland C; Mr. Tetreault will follow up. Mr. Tetreault was asked to include pre- vs. post water balances to the resource areas. A plan for the resource area will be required before issuing an Order. Mr. Tetreault requested a continuance. Mark Coakley made a motion to accept the request for continuance to May 21st at 7PM; Jeff Walsh seconded; all voted in favor; motion approved.

PUBLIC HEARING – Sylvan Realty Trust (190 & 194 Stiles Road) – Notice of Intent Application and Stormwater Control Permit Application for the construction of two residential houses with two wells, two driveways and one shared soil absorption system, including on-site mitigation systems with associated grading and stabilization of the work limits. The project includes a Conservation Restriction on approximately 7.5 acres of riverfront area.

Peter Bemis (Engineering Design Consultants) and Khalid Naseem were present. Two four-bedroom houses are proposed. Mr. Bemis submitted field notes, a report from EcoTec, and explained the revisions to the plan dated 4/23/2018. Erosion control mats will be on both driveways with filter strips along the edge. The septic is a shared system (Presby). EcoTec delineated the wetland flagging. He explained the area where they observed some household debris, which will be removed and disposed of by hand. Mark Coakley asked about the construction apron. Mr. Bemis said it already exists and is in the same vicinity. Both houses are outside the 50' buffer zone. Mr. Walsh felt there were no issues with respect to the development or configuration on the two lots or the shared septic system on the front of the property, but there was a question of whether or not to remove the existing culvert that at one time had enforcement action by the Commission. Jeff Walsh, Mike Ruggieri and Dan Duffy visited the site on April 7th. Mr. Walsh said they were comfortable with the wetland boundaries as shown by the delineations; everything appeared to be in order as far as the delineation of the wetlands is concerned and identification of the resource areas. A condition is needed to be sure that the trash that is found is removed, not re-buried. Mr. Ruggieri asked if the soil with the trash could be reused. Mr. Walsh noted that there is a standard condition about what constitutes useable fill. A special condition can be added stating that any excavation that unearths material that is unsuitable needs to be disposed of properly (sorted) and the soil reused.

With regard to the culvert (steel corrugated metal pipe), Mr. Ruggieri thought it would do more harm than good to update it. Mr. Coakley said if there is a Conservation Restriction on the rest of the property, there would be no reason to go out there. Mr. Bemis said the pools associated with it now probably won't exist anymore if it is taken out and will change the hydrology downstream. Jeff Walsh asked do we want it removed and, if so, what mechanism would be used to remove it. Mr. Bemis said the house will be put on the cart path which will stop any traffic from going there. Ms. Longvall said asked if the CR was going directly behind the house. Mr. Bemis said the riparian zone will be the limit of restriction. She felt the CR should be marked. The CR details can be discussed with the applicant and Town Counsel at a later date since the CR is a condition of the Order. She felt that if it is not impeding the flow, leave it as is, but if it does impede or there is a potential to, they may want to take it out while they have the chance. Mr. Walsh did not see any ongoing problematic erosion. Conditions are needed for (1)

what to do with the soil, (2) language for the Conservation Restriction, and (3) rubbish removal on 194 Stiles Road.

Regarding stormwater, Mr. Bemis explained all the details on the SWPPP plan and the erosion control measures for the limit of work. Mr. Burkhardt made a motion to close the public hearing for the Notice of Intent and Stormwater Control Bylaw Permit applications for 190 and 194 Stiles Road; Jeff Walsh seconded; all voted in favor; motion approved.

Mark Coakley made a motion to issue a standard Order of Conditions #1-#33 with Special Conditions #34-#36; Rebecca Longvall seconded; all voted in favor; motion approved. The Special Conditions are as follows: #34-recording of a permanent Conservation Restriction acceptable to the town prior to the Conservation Commission's authorization to proceed with construction. #35-any on-site soil reused in connection with this project shall be clean soil. Any reused soil shall contain no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard pipe, tires, ashes, refrigerators, motor vehicles, farm implements or parts of any of the foregoing. Said debris, rubbish or refuse shall be separated from the on-site soil and properly disposed of off- site. #36-during excavation, if any soils are encountered that exhibit signs of chemical or oil contamination, work shall cease and the applicant shall follow appropriate investigative and/or corrective actions (e.g., notification under the Mass Contingency Plan). Mark Coakley made a motion to approve the revised plans dated 4/23/2018; Jeff Walsh seconded; all voted in favor; motion approved.

Jeff Walsh made a motion to issue Stormwater Control Bylaw Permit #2018-1 for property located at 190 & 194 Stiles Road; Rebecca Longvall seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe (Bond Update) – The Letter of Credit for \$120,036.00 was received from Rockland Trust.

Worcester Sand & Gravel (Stormwater Permit) – The final project narrative, project specifications and proposed grading plan was received tonight. It needs to be reviewed by Bruce Haskell (Langdon Environmental). Mark Coakley made a motion to authorize the Chair to act on the Commission's behalf pending approval of Langdon Environmental's report on the remediation work; Rebecca Longvall seconded; all voted in favor; motion approved. Action on the Stormwater Permit was tabled to the next meeting.

Tom Beals (Lot 7A & 7B Gulf Street) Informal discussion about changes on the lots – Chip Burkhardt recused himself. Mr. Beals wanted to show the proposed changes on the lots before proceeding because the Commission did not have the full building plans at the time of the approval. Mr. Beals said he would come back when he had them. On Lot 7A, the footprint reasonably fits what was originally proposed. On Lot 7B, the back has come out approximately 7 feet (slightly bigger footprint). Mr. Beals wanted to make sure the Commission did not have any issues before he proceeds with the foundations. The limit of work has not changed; there

is slightly more impervious with the house. Mark Coakley made a motion that the Commission finds that the changes are de minimis and no further action is necessary on the part of the applicant; Jeff Walsh seconded; all voted in favor; motion approved.

Request for Certificate of Compliance (DEP#115-368) Richard Small (45 Main Street, TM Electronics) – Andrew Liston (Thompson-Liston) and Doug Small were present. Not all of the work contained in the Order of Conditions issued was completed. They did a lot of work to expand the pavement to put in the drainage system and stopped; the economy changed within the company. They would like to close out the Order because the building is being sold, and would like a Certificate of Compliance for the work that was done. Since the work does not comply with the approved plans, the Commission needed to make a determination that there is no negative impact. Jeff Walsh visited the site and observed a stormwater depression. Mr. Liston said there was supposed to be a basin in that area, but it was not constructed. The members agreed to issue a Certificate of Compliance referencing the revised plan and stating that the original Order of Conditions was not done to completion, but the Commission is satisfied that there is no greater impact on the resource area. Mark Coakley made a motion that the Commission finds there is no greater impact on the resource area with the revised plans versus the original plans submitted; Rebecca Longvall seconded; all voted in favor; motion approved. A copy of the revised plan will be recorded with the Certificate of Compliance.

Request for Certificate of Compliance (DEP#115-68) William Weir, 247 Mile Hill Road – Mark Coakley said the Commission agreed to issue a waiver for the Stormwater once the original file was closed. Mr. Weir showed the area proposed for the replication. The main culvert was widened significantly. Since that was not what was proposed for the replication, Connorstone Engineering did not feel comfortable writing a compliance letter. There are more wetlands now than when they started. The wetlands were flagged a few months ago to the edge of the road. Mark Coakley said if Connorstone could tell us there is a comparison (previously there was 750 square feet in the area and now there is 900 square feet), he would have no problem issuing a Certificate of Compliance. Jeff Walsh said we need documentation that the wetlands in place now are substantially equivalent if it was a replication area and there is no negative impact to the wetlands. If Connorstone (or a wetland scientist) will render their opinion, we can issue a Certificate of Compliance.

247 Mile Hill Road Stormwater Waiver Request, William Weir (continued) – Tabled to the next meeting.

Longley Hill Status (Bond Update) – Jeff Walsh recused himself. James Tetreault was present for Mr. Ansari. A bond was to be submitted for review to the Commission before signing any Occupancy Permits; it was not received. Mr. Ansari asked Mr. Tetreault to estimate the cost on Thursday; Mr. Tetreault declined because they do not do pricing estimates. Mr. Ansari said if the board authorizes Mike Andrade (Graves Engineering) to prepare an estimate, he will post the bond amount. Mark Coakley made a motion to authorize Graves Engineering to provide an estimate for site stabilization for Lots 5, 6, 8, 9 & 11; Rebecca Longvall seconded; all voted in favor; motion approved. Mark Coakley made a motion to accept the bond in lieu of finished

work for Occupancy Permits for Lots 5 & 6; Mike Ruggieri seconded; all voted in favor; motion approved. Mr. Tetreault will contact Graves Engineering and copy the Commission.

Vouchers were approved.

Correspondence and email were reviewed.

Jeff Walsh made a motion to approve Meeting Minutes dated March 19, 2018; Mark Coakley seconded; all voted in favor; motion approved.

May 21st was confirmed as the next meeting date.

Mark Coakley discussed the Earth Removal Permit before the ERB for the Pine Street project (Y Camp). The cuts are bigger than the fills; they are looking for an additional 40K-50K cubic yards Earth Removal Permit to correspond with the site plan they agreed upon. The ERB bylaw allows for the collection of a fee for extracting material off the site, but not all ERB members are in agreement to do that. The applicants are requesting a waiver of the fee with the justification that the purpose of them taking on the job was a lower environmental impact to the town than a 40-house subdivision. It was further said that if they have to come up with another \$40K, the project is a lot less viable. Mr. Coakley was asking the position of the Commission. The fee is a “may”, not a “must”. After much discussion, opinions and possible solutions, Mr. Coakley will advocate that they come to a compromise and, if not, he will vote to impose a fee.

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

The meeting was adjourned by unanimous vote at 9:26 p.m.