



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
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## **REGULAR MEETING MINUTES**

**JULY 16, 2018**

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

Members Absent: Chip Burkhardt, Michael Ruggieri

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

James Tetreault and Scott Goddard were present. A withdrawal request was prepared and a new filing was submitted. Mr. Duffy explained for the audience that the filing has been before the Commission since December and not all members were present for each meeting where it was discussed. In addition, one member resigned. The Commission needs a quorum of members present each time the project is discussed in open public hearings to vote on the project. It was suggested that it might be in their best interest to withdraw the application and resubmit it to start the public hearing process over again. The new filing was not received in time to advertise for this meeting. The formal hearing process will begin in August. Scott Goddard said they will verbally withdraw the application at the end of this hearing.

Mr. Tetreault pointed out the changes that were made on the plan. Michael Andrade (Graves Engineering) asked that they show the exact footprint of each building; it is now referenced on the plan. In response to the Planning Board requesting a basketball court, they are proposing a small court and enlarging the playground area. They are proposing a fence along the Route 140 access road and will contact Fountain Services about putting the fence on their property because the space is tight.

Given that the project is located in a Critical Area, a previous Commission concern was to show they are adequately prepared for a significant spill. Mr. Tetreault said they have upgraded the CDC unit; it holds 520 gallons of oil storage and believes it is better protection than providing outlet control as requested by the Commission. It is uncertain if the buildings will be heated with gas or fuel oil, but more than likely gas will be used.

Mr. Duffy questioned storage vs. outflow control regarding spills. Mr. Walsh said it does not have the land uses with the high pollutant load but, because it is in Zone 2, the Critical Area does apply. He was not sure if a shutdown device is necessary. Considering the amount of oil storage of the proprietary unit, he is comfortable with the storage proposed. Mr. Tetreault said part of the Planning Board's Special Permit will be to deal responsibly with how any infiltration is done and that there will be reasonable measures in place to address any possible spill. Mr. Coakley believes the bylaw requires an active measure be in place. Mr. Walsh said it would come under Zoning, not 310 CMR. Mr. Tetreault said they agreed to either provide additional storage or an active measure shutdown device if oil is used. There will be a special condition that no automotive repair can occur on the site. Mr. Tetreault said the O&M for stormwater was submitted to Graves Engineering.

Paul McManus (EcoTec) did a site inspection of Wetland B on June 7, 2018. The applicant was going to schedule the EcoTec site walk with Mr. Prendergast and Mr. McManus, but Mr. McManus visited the site before the visit could be set up; they did speak with Mr. Prendergast. His opinion was that if the area is allowed to continue to vegetate naturally, with control of invasive species, natural wetland functions will likely be enhanced further. The letter also included possible mitigation. Mr. Goddard felt it would be better to leave the natural buffer. The Commission did not want it mowed going forward. Mr. Coakley said that the idea of having the assessment of invasive species has merit and it should be included as a special condition.

Regarding the Malagasco Brook that Mr. Prendergast (59 Sewall Street) was concerned about, Mr. Tetreault reported that Malagasco Brook is not shown on the DCR mapping; it is the tributary but not in the tributary that flows towards Malagasco Brook to the reservoir. From the audience, and based on other projects he has been involved with in the area, John Grenier explained the culverts that are there and the culverts that go to Spruce Pond. Mr. Tetreault said the elevation is 474 and not in the flood zone. Mr. Walsh asked if the FEMA flood map for the site was provided. Mr. Tetreault will check and provide it if not.

Mr. Tetreault requested that the applicant be allowed to withdraw NOI DEP File No. 115-416 with the intent to submit a new filing to address the Commission's quorum. Mr. McGrath made a motion accept the request for withdrawal without prejudiced; Mark Coakley seconded; all voted in favor; motion approved.

**PUBLIC HEARING (continued) – 299 Sewall Street LLC (Map 7; Parcels 37, 38 & 39)** – Notice of Intent Application and Stormwater Control Permit Application for the construction of 30 senior housing units, access driveways, stormwater management facilities and associated site work.

Jeff Walsh commented that Mr. Grenier is here on behalf of a developer who is also working with Compass Pointe. He has had to recuse himself from business with Compass Pointe because of the company he works for doing work for the Commission on that project. Because it a different project but the developer is the same, he did not think it was a conflict but wanted to disclose that information. Mr. Duffy said the Commission does not intend to hire an engineering consultant directly; the Commission is relying on the Planning Board's review; therefore, does not see it as a conflict.

The property is the old gravel pit along Sewall Street on the westerly portion. It is being combined with the "horse property" (299 Sewall Street) to have the appropriate acreage (over 10 acres) for an over 55 project. The main portion is the southerly portion, and Map 7, Parcel 39 (the gravel pit) is the northern portion. The property is segmented; there is an intermittent stream channel that goes under Sewall Street towards the left and runs along the Pine Street property to the pond.

Thirty units are proposed (26 in the main portion; 4 in the northerly portion); there is work proposed within the 100' buffer zone (all the buffer work is for an infiltration basin that will receive runoff from the paved surfaces). On the northerly side, the 100' buffer runs through the middle of the proposed housing **units**; the detention basin and recharge basin are located along Sewall Street. Soil testing was completed.

Runoff will be captured through a series of catch basins and drain manholes which discharge water through a forebay; they meet DEP stormwater requirements for pre-treatment and recharge to groundwater on both the south side and north side. Roof runoff from the northerly units will also be recharged. They have been to the Planning Board; it was reviewed by the Planning Board's outside

consultant and all concerns have been addressed; the hearing was closed. Revised plans dated 6/21/2018 reflecting the changes have been submitted. There is some increased grading; they are leaving a buffer around the entire perimeter along the intermittent stream corridor. Open space areas will include a victory garden and small picnic area; sidewalks are proposed within the inner part of the site; it is cluster-type development. Mark Coakley asked who delineated the wetlands and where was the report. Mr. Grenier said it was performed by Matt Marro but did not know if he filled out the field report. The Commission will want EcoTec to confirm the delineation of the wetlands and that information needs to be put on the plans.

Regarding the flood zone delineation, Mr. Grenier said there is a flood zone that follows along the stream channel that runs along the edge of the stream channel along the southerly side and a little bit on the northerly side; the elevation varies from approximately 425, (5' grade change along the stream channel); they are not proposing any grading within that. No grading within the flood zone on the southerly side; on the northerly side there will be a small amount of clearing but no proposed grading; no filling within the flood zone. The existing house will come down. Mr. Coakley would like to see the demolition sequence for the house because it is in the buffer zone. There will have to be erosion controls in place prior to demolition. Mr. Grenier will push the limit of work out for construction purposes. There are storm structures behind the buildings to recharge the roof runoff.

They are asking for waivers to stormwater: (1) Section 7.0.1.2 requiring the interior top slope of detention and infiltration system to be at least seventy-five feet from subdivision boundary line, the disturbed zone to be at least fifty-feet from the property line, and the basin to be screen from adjacent lots by evergreen trees and shrubs. They are requesting 20'-25' for the proximity of the basin to Sewall Street because it is the lowest part of the site. (2) Section 7.0.1.4.e requiring vinyl coated black post and rail fencing around the basin. The applicant is proposing a white split rail fence as a substitute for aesthetic reasons; scattered arborvitaes will be planted. It can be gated or have the ability for a section to be removed for access to the basin. Mr. Walsh asked about the stormwater cuts and fills. Mr. Grenier said there are more than 100,000 cubic yards net cut to be moved, not all taken off site. The Commission will require temporary stabilization. Mr. Coakley said a construction sheet is needed.

Items needed: (1) more copies of the revised plans, (2) ESC plan for the demolition of the horse farm, (3) construction sequence plan, and (4) information regarding the wetlands delineation.

Mr. Duffy asked the Commission if we want our consultant do a peer review of the delineation. Mr. Walsh would like EcoTec to review the delineation. Joe McGrath would like Graves to review the Stormwater Control and O&M plan. Mr. Duffy said we want a more formal sequence and stabilization plan so that the entire site is not disturbed at the same time without stabilization to address both erosion and dust concerns. Mr. Coakley wants stamped cuts and fills calcs for what will be used on site as well as what is being exported. A 53G account will be established by the applicant and funded with \$2,500. Mark Coakley made a motion to request EcoTec review the delineation of the wetlands; Joe McGrath seconded; all voted in favor; motion approved. Mr. Grenier will provide the documentation to Paul McManus and inform Matt Marro. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance to August 20th at 7PM; Joe McGrath seconded; all voted in favor; motion approved.

**Compass Pointe DEP #115-414** – Jeff Walsh recused himself from the matter. Mr. Duffy commented that based on plans approved by the Board of Health after the Order of Conditions was issued, the buildings are 20' closer around the perimeter than what was approved. In addition, tree clearing went beyond what was approved in the Order of Conditions. Mr. Grenier showed the limit of clearing that was

part of the approved plan and the tree line that is there now. He showed the only area where there was additional tree clearing. Mr. Duffy stated the building that looks closer to the pond. Mr. Grenier said the unit model was modified (rotated) and the limit of work is about the same. They are proposing additional plantings. Mr. Duffy asked if they only took down trees; Mr. Grenier said it was stripped. Mr. Duffy asked why they did not come back and ask for approval before doing it. The Commission was planning on that remaining a natural area. Mr. Duffy was frustrated because the applicant is a very experienced developer and clearly knows he is not supposed to be working in areas without the Commission's approval. Mr. Coakley said it is a greater impact to the buffer zone than what was approved. Mr. Duffy said it is a violation of the permit issued. He was also disappointed that a different plan was submitted to a different town agency than what was approved by the Commission and they didn't come back and ask for approval. The Commission's approval is not just the limit of work, our approval is everything on the drawing. A Cease and Desist was issued until they can demonstrate that what has been installed has complied with what was approved. It should be for everything except stabilization; the site needs to be stabilized. There is also an issue with dust. It should not be up to the Commission to let the applicant know he has a dust problem; it is in his permits and approvals. It is evident that it has not been maintained. Joe McGrath made a motion to issue a Cease and Desist for Lots 24B, 45B and 46B Compass Circle for failure to clean and sweep Compass Circle; location of buildings closer to wetland resource areas and in different locations than shown on the approval plan dated 10/16/2017. No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued or modified to regulate said work. The property owner shall stabilize all exposed areas to prevent further violations of the Act; Mark Coakley seconded; all voted in favor; motion approved. The Enforcement Order was given to Mr. Grenier.

## COMMISSION BUSINESS

Reorganize the Commission – The Commission was reorganized as follows: Dan Duffy, Chair; Jeff Walsh, Vice Chair; Mark Coakley, Earth Removal Representative; Joe McGrath and Chip Burkhardt, Stormwater & Open Space Committee Representatives.

Consider a Certificate of Compliance for Brian & Angela Bartlett (DEP #115-387), 9 Boulder Way – Having no outstanding issues, Jeff Walsh made a motion to issue a Certificate of Compliance for DEP #115-387, 9 Boulder Way; Joe McGrath seconded; all voted in favor; motion approved.

Barnard Hill (Perry Road–Revised Plan) – James Tetreault said at the last meeting there was discussion because the infiltration area on Lot 13 was not installed prior to moving in. They asked if the Commission would accept an infiltration basin being installed on Lot 16 to make up for the omission. The Commission agreed but wanted revised plans. Mr. Tetreault revised the grading plan that covered the lots and requested an Amended Order of Conditions to refer to a plan which states there will be an infiltration area on Lot 16. The Commission previously signed the Occupancy Permit. Mr. Duffy asked if the developer had put up the conservation sign restrictions. Mr. Tetreault did not know. He was reminded to include them when he applies for a Certificate of Compliance. Mr. Walsh said to relay to his client that before hydroseeding the lot is a good time to put them up. Because one edit needs to be made to the revised plan, it was tabled to next month.

Longley Hill Status (Geotechnical Solution for Stabilization of Lots 9 and 11) – Mr. Ansari requested that the plan and letter submitted by Mr. Tetreault tonight needs to be revised. The Commission will have no problem with a 2:1 slope; they have concerns with slopes steeper than 2:1. Mr. Duffy said if it is a 1.5:1 slope with riprap, we would need to see the size of the riprap and an engineered design showing the size is approved. Mr. Tetreault said he would say the size is a minimum of 100 lbs. Mr. Duffy said it

appears that on Lot 5 the topsoil was spread but it was not hydroseeded, only weeds are growing. Mr. Tetreault will ask Mr. Ansari.

Mr. Duffy asked what the overall plan is to finish the project. Mr. Tetreault said berms need to be put in front of Lots 5 and 6, some berms need to be replaced on the other side of the road, a plate needs to be put in on one of the catch basins, the detention basin needs to be cleaned, sidewalks need to be done, street trees, and then final paving.

Vacant Seat on the Commission – A message was left for the woman who expressed interest in becoming a member, but she never returned the call. Mr. Duffy made an announcement that anyone who is interested in becoming a member should contact the Conservation Commission as well as the Board of Selectmen.

Joe McGrath said the EPA has issued the new MS4 Permit process for NHPES. Emily Scerbo (Tighe & Bond) is preparing document showing what the town needs to do to be compliant with the new permit next year.

Mark Coakley summarized the ERB meeting for Pine Street. The applicant's attorney found a boiler plate law that calls into question the authority of the bylaw as adopted by the town saying the Planning Board has authority, not the Earth Removal Board. The discussion was tabled until Town Counsel can review the bylaw.

Vouchers were approved.

Correspondence/emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated June 18, 2018; Jeff Walsh seconded; all voted in favor; motion approved.

August 20th was confirmed as the next meeting date.

Jeff Walsh made a motion to adjourn; Joe McGrath seconded; all voted in favor; motion approved.

The meeting was adjourned by unanimous vote at 9:30 p.m.