



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

MAY 19, 2014

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

Members Absent: Jeff Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING continued – **File #115-373; SC-2014-1:(Youssef Chehade)**, Cross Street – **Notice of Intent and Stormwater Control Application** to construct a residential subdivision of up to 46 lots located on the easterly side of Cross Street and north of the present terminus of Jacobson Drive in Shrewsbury.

Revised plans were received per the request of the Commission and agreement with the Natural Heritage Endangered Species Program. They met informally with the Planning Board to discuss the elimination of a sidewalk on Perry Road and narrowing the traveled way of Perry Road. They are awaiting approval from the Planning Board on the Modification of Subdivision Plans which have been submitted. The effect is to minimize the alteration and footprint to 4,710 square feet. The plans now show the wetland boundary change suggested by Paul McManus (EcoTec).

Mr. Tetreault then addressed the concerns of Jeff Walsh from the last meeting. On Sheet D1, a notation was added to include the placement of a layer of Mirafi 140N fabric below the stone on the detail of the headwall with scour protection. The five proposed Vortex units have been moved to the edge of or just within the Perry Road right-of-way for accessibility for maintenance. Sheet D5 was changed to reflect that galvanized steel grates shall be used instead of plastic. A Declaration of Restriction was added to Lots 36 & 38 to surround the federal jurisdiction “C” series wetlands. Monuments are included on the plan. Replication was revised to keep some trees. Total riverfront area is 717,189 square feet. They are proposing to alter 44,204 square feet. No work to be done in the inner riparian zone except for the crossing. The 4” diameter culverts at wetlands crossing 15+00 have been eliminated. They are now proposing a 20’ wide open bottom box culvert. Flow in the ponding area above the crossing will continue to seep through the cart path dike as it currently does.

Paul McManus said that in his original letter of March 28, 2014, he did not include the proposed wetland replication plantings, but did address his concerns in his letter of May 14, 2014 as well as his comments regarding the revised plans dated May 8, 2014 at the Commission’s request. Sheets D3 and D4 are dated May 19, 2014. The Commission was satisfied and there was no audience comment.

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There was discussion concerning the review of the final grading on Lots 3, 5, 6, 7, 8, 11, 13, 15 and 43. If the limit of work and/or amount of impervious area is increased, it will require a review to determine if a new or amended approval is required. Mr. Tetreault said the Declaration of Restriction has not yet been recorded. It will need to be recorded and proof given to the Commission.

Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded; all agreed; motion approved. Joe McGrath would like to require peer review during construction. Mark Coakley made a motion to issue a standard Order of Conditions referencing plans entitled "Barnard Hill" Modification of Definitive Subdivision Plan of Land in Boylston & Shrewsbury MA dated 05/08/14 with Sheets D3 & D4 dated 05/19/14, adding Special Conditions (35) the invert at station 15.0 shall be certified by a competent hydrologist to match the preconstruction condition; (36) if the limit of work and/or amount of impervious surface is increased on Lots 3, 5, 6, 7, 8, 11, 13, 15 and 43, the Commission will require review to determine if a new or amended approval is required; (37) the Declaration of Restriction shall be recorded with the Registry of Deeds and proof provided to the Commission prior to the issuance of a Certificate of Compliance; and (38) the Commission shall require bi-weekly status reports to its office. A construction monitor shall be appointed by the Commission for the duration of the project at the applicant's expense. Joe McGrath seconded the motion; all agreed; motion approved. Joe McGrath made a motion to issue Stormwater Control Permit SCP-2014-1 with standard conditions for the Barnard Hill project; Chip Burkhardt seconded; all agreed; motion approved.

PUBLIC MEETING – (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. Mr. Oliva explained that it is a 6± acre parcel that was carved out from 61 Reservoir Street. There is an existing gravel drive. It will have a walk-out basement, and the deck is on the first floor. The deck is in the riverfront area. The 100' buffer zone and 200' riverfront area overlap. Mr. Oliva said the area of the house has been flagged. Joe McGrath said the buffer zone and riverfront areas need to be on the same plan. There are no flags on the locus that was submitted. Joe does not feel comfortable closing the Public Meeting without a site inspection and/or peer review. The corner of the house and corner of the deck are in the 200' riverfront. Currently the area is mowed and maintained as a wet meadow. There was discussion as to whether there should be a restriction to keep it as a wet meadow should the property change ownership. Peer review is needed. EcoTec will be asked to look at the project at the Commission's expense. The applicant requested a continuance. Joe McGrath made a motion to accept the request for continuance; Chip Burkhardt seconded the motion; all agreed; motion approved. It will be on the June 16th Agenda at 7:00 p.m. Mark will contact EcoTec.

COMMISSION BUSINESS

Vouchers were approved.

Chip Burkhardt made a motion to approve the Meeting Minutes dated April 22, 2014; Joe McGrath seconded the motion; all agreed; motion approved.

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Reorganize the Board – Table to June meeting.

Compass Pointe – Present were Steven Kressler (Financial Diagnostics) and Mike Madden (Clark & Mott). Chip Burkhardt told Mr. Kressler that we have been asking Mr. Venincasa to come in for months with a plan and tell us what his next steps are (stabilization, open more up, etc.). As of tonight, he has not provided any information. He further told Mr. Kressler that we are in the process of issuing an Enforcement Order because Mr. Venincasa is in violation of the Order of Conditions; specifically Special Condition #24 (burying/using construction debris as fill for some of the houses). Chip walked the site and found signs of asphalt, concrete and bricks being used as fill. Joe McGrath also visited the site. Mr. Madden said it has been removed. Mark Coakley is not satisfied because the Commission doesn't have evidence that it was removed. Mr. Madden said they have equipment and they can dig it up. Mr. Burkhardt said the Commission continually has to have these discussions after many years. The project is in the Zone 2 aquifer and is potentially in violation of the Wellhead Protection Bylaw.

There is also uncertainty as to whether the project is in compliance with bonding requirements with regards to the ESC bylaw. Mr. Venincasa chose to bond the entire project in fragments. Mr. Kressler said Phase I is complete. Mark asked if all disturbed or unstable areas have been seeded/hydoseeded, and further stated that unless grass grows, it is not stabilized and that we have had problems with this in the past. The lot numbers have been changed, but the Commission is not in receipt of a recorded engineering letter stating that. Chip suggested the Commission withhold any approvals until evidence of compliance is submitted. House numbers have changed, lot numbers have changed, it's not known if it is stable or not stable, etc. Joe McGrath said if lot lines/numbers have been changed, Mr. Venincasa should have filed an Amended Order of Conditions because the plan referenced in the submittal on file references the old lots. We need a current certified plan signed by a certified engineer, change sheet from the prior filing, and current construction plan. The Order could be invalid if the plans don't match.

Mr. Kressler said it is not a dumping site and wants it to be pristine and safe. He said he verifies that the site is pristine and worthy to develop three more lots. Joe McGrath told him the issue is that Mr. Venincasa continues to make changes and fails to notify us of the changes.

The Commission wants to see a plan, signed by a certified engineer, on how the site has changed compared to the current plan; and what we approved and what we see now. The Commission will contact Graves Engineering to meet Mr. Kressler on site. The Commission also wants more detail on the bonds.

Lori and David Esposito (2 Compass Circle) were told by Mr. Venincasa that their house was in Phase II, and that is when there would be a road. They believe their house is part of Phase I. After hearing more issues from the Esposito's, Mark told them the Commission has done and will continue to do its best to uphold the conditions imposed on the property, but that some issues are outside the jurisdiction of the Commission. Ms. Esposito said her land is not stable. Mark explained that stabilization means that when it rains, nothing leaves the property. He also told her that before the Commission authorizes any more work, Mr. Venincasa will have to meet the stabilization measures.

Mr. Kressler was told to become familiar with the Order of Conditions because it has a detailed construction sequence and plan. It is not the Commission's job to figure out the changes. Mr.

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Kessler requested a copy of the draft minutes when prepared, and this matter will be on the June 16th Agenda at 7:30 p.m.

Longley Hill – Mr. Ansari was present. Mark Coakley drove by the site and observed a lot of activity; silt fencing, open lots, mulching, basins are still silty, Stiles Road still muddy. He was given an A for effort, but the results are not great. Sod was brought in for the front of a house on Lot 8. Where the cut is on Lot 11 nothing is done. Mr. Ansari said the water is connected to the detention basin and said there are no water runoff issues. He said the road is clean. The entire front yard is mulched on Lot 8 and sod put in. He will put a berm where the driveway is. The rear banking was mulched; they are currently doing the right side. He has a crew of three working to keep the project going. He said he needs the Commission to sign-off for building permits in order to continue. He suggested holding the Certificate of Occupancy Permits if the Commission is not satisfied. Mark Coakley told him silt fencing and hay bales need to be installed properly. Joe McGrath made a motion to sign off for Building Permits on Lots 5, 6 and 7; Chip Burkhardt seconded the motion; all agreed; motion approved. The Enforcement Order will remain in place.

Newton Pond Update – Chip Burkhardt spoke to the Town Administrator who said to gather information and send it to the DEP. He also received permission to use Town Counsel's services.

June 16th was confirmed as the next meeting date.

Joe McGrath made a motion to adjourn; Chip Burkhardt seconded; all agreed; motion approved. The meeting was adjourned by unanimous vote at 9:30 p.m.