



Town of Boylston

Earth Removal Board

221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6064** Fax (508) 869-6210

MEETING MINUTES

Wednesday, September 20, 2023

CHAIRMAN: Jamie Underwood
MEMBERS PRESENT: Mark Coakley, Janet Lombardi, Jack Wentzell, Kim Ames
OTHERS PRESENT: Paul Dell'Aquila, Town Planner
MEMBERS ABSENT: None
RECORDER: Recording

Mr. Underwood opened the meeting at 6:00 p.m.

Review Minutes – The Board reviewed the minutes of March 22, 2022 and May 4, 2022.

Ms. Lombardi motioned to approve the minutes for May 4, 2022 and Mr. Wentzell seconded; all voted in favor. Ms. Lombardi motioned to approve the March 22, 2023 minutes and Mr. Coakley seconded; all voted in favor.

Public Hearing-313 Main Street- Mr. Underwood called the public hearing to order for Main Street on Pond, LLC. Mike May, the owner was present. He gave an overview of the project to the Board. It is going to be a warehousing/distribution building. He stated it is a challenging site with ledge. In 2021 the owner decided to redesign the project because of the market and interest rates. They have a preliminary plan for the site for Commercial use rental and small business use rental. There are no other similar locations in Town. This site is Industrial Park zoned. It has a federal rural development component. The roadway is jointly owned by Frito Lay and Main Street on Pond, LLC. Mr. May told the Board there was a 9-month delay in this project due to the fact they were negotiating the removal of a transformer owned by Frito Lay that was in the middle of the road to his property.

They are designed to be small units with non-bearing walls so that these smaller spaces can be rented. The design is further away from wetlands. He intends to go to Planning Board and present new plan with revisions and ask for an extension. He has been in front of the Planning Board and still has a year on the permit. Mr. May intends to ask for new extension and new timeline from Planning Board. He also went to Conservation. He received a notice regarding work on the site. There was a displacement of water. One building was proposed before and now he intends to put two additional smaller buildings. It will be 30,000 square feet less than the original plan presented.

He had the excavator leave 30 to 50 feet not touching topsoil so that there would be further buffer.

Mr. Dell'Aquila interjected to explain to the Board that the reason Mr. May was before the Board because the work done without permit. Mr. May was trying to get work done in a timely manner. When they were notified to stop work, they did not have any additional work done.

He did have a third-party document what was taken off site. He has receipts and will submit those to the Board. Mr. May acknowledged the fact that he did work without a permit. So far, they have removed about 2,000 yards of soil removed. The Earth Removal Board needs the documents and receipts of what was removed in order to determine the fee. They are trying to get a balanced site.

They will not know how much will be removed. Most of it is gravel, not loam. The loam is stockpiled in the back of the property. There is a pile in front waiting for a permit from Earth Removal so they can proceed with blasting.

Mr. Coakley stated there was an enforcement order. Matt Morrow was supposed to submit that. Mr. May does have that for Conservation.

Mr. May wants to clarify he wanted to maintain enough of a buffer. He acknowledged the fact that he did not obtain an Earth Removal Permit before he removed material. The Board discussed fees and penalty fees. Mr. May anticipates 4,000 yards to be removed. The Board briefly discussed the fee with Mr. May and it can be broken into three (3) payments. Mr. May will provide a Log of trucks that are run. Mr. May stated 2,000 yards have already been removed and another 2,000 yards are still on site. Mr. May will provide logs from trucks that have removed soil. This will determine what the fee is.

Mr. Coakley expressed concern that they cannot see what the project will look like when it is finished. Mr. May stated his engineer will have a draft plan ready in a few days. Mr. May wanted to know if the Board had concerns. Ms. Lombardi stated only concern is how much is being removed from the site. The Board mentioned stabilization of the site and its meaning. Mr. Coakley doesn't have a problem issuing the permit because there are other Boards that need to sign off.

The Board discussed how much can be removed from the site and the permit should state not to exceed 10,000 yards to be removed from the site. The Enforcement Order must be cleared up then Earth Removal Permit would be valid. The wording in the permit should state that as a contingency. The Board cannot determine mass balance without the correct plan. Mr. May stated he will go back to the Conservation and Planning Boards with his new plan.

After additional discussion, Mr. Coakley suggested the Board issue a permit for a small removal of 6,000 cubic yards subject to verification and Mr. May would pay a 1/3, 1/3 and 1/3 of the fee and clean up the site, then come back when the plan is finalized for a new permit.

The Board needs receipts and logs from drivers of what is being removed for verification.

The Board reviewed a draft of the permit.

Ms. Lombardi motioned to approve Permit 2023-001; job location 313 Main Street Boylston for Site Plan dated 4-22-21. The Board is allowing removal of material not in excess of 10,000 cubic yards to be mass balanced and 6,000 cubic yards to be exported from site. Two thousand cubic yards have already removed. Payment of earth removal fee will be at increments of 1/3, 1/3 and 1/3 of \$2000.00. This permit is subject to verification by the Board. Mr. May must submit documents showing material that has been removed and will be removed on a weekly basis.

Mr. Coakley seconded; all voted in favor by roll call vote:

Mr. Coakley - yes

Ms. Lombardi - yes

Mr. Underwood - yes

Ms. Ames - yes

Mr. Wentzell - yes

No penalties will be imposed for doing work without a permit. If Mr. May removes any material without permit again, he will be fined.

Ms. Ames motioned to close public hearing and Ms. Lombardi seconded; all voted in favor by roll call vote;

Mr. Coakley - yes

Ms. Lombardi - yes

Mr. Underwood - yes

Ms. Ames - yes

Mr. Wentzell - yes

Mr. May asked for clarity as to what is required if you demolish a building. Mr. Coakley reviewed the bylaws with him.

Mr. Dell'Aquila informed the Board there is a new application for an Earth Removal for Lots 7 and 8 on North Side of Sewall Street. This is an ANR lot. They are claiming up to 25,000 yards. The Board discussed a date to meet for this application and agreed upon Wednesday, October 18, 2023 at 6:00 p.m.

Mr. Coakley motioned to adjourn at 6:59 p.m. and Ms. Ames seconded; all voted in favor.

Meeting Materials:

Earth Removal application 313 Main Street (on file in PB Office)