



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

MARCH 21, 2016

Members Present: Mark Coakley, Jeffrey Walsh, Joe McGrath, Dan Duffy, Chip Burkhardt, Rebecca Longvall

Members Absent: Shannon Holgate

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING – Kenneth Rondeau (114 Nicholas Avenue) – Notice of Intent Application to remove earthen fill that was placed within a wetland buffer zone and replant wetland plants; place large boulders for demarcation.

Steve Sears (David E. Ross Associates) and Mr. Rondeau were present. The intent is to remove the 8"-15" of recent fill (approximately 250 cubic yards) which is in the flood zone. The area has been filled by previous owners dating back to the early 1940's-1960's. There was no tree cutting. The proposed plan shows stripping the area back to what it was and reseeding and replanting. There will be a 4x4 concrete post with the Conservation boundary marker at the limit of work. Mr. Sears will work with Mr. Rondeau so he will know the exact amount of fill that needs to come out as well where to plant. There is an existing boardwalk that Mr. Rondeau wants to re-plank; there will be no digging. Mr. Rondeau was informed that he can maintain the area as long as the activities do not threaten erosion to the bordering vegetated wetlands. He would need to file with the Commission if he intends to put a building, shed, etc.

Susan Hudson (120 Nicholas Avenue) asked if trees that were cut in the past would have any impact on the water table. Jeff Walsh said it would not. Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded. The motion was withdrawn in order to take care of the outstanding Enforcement Order issued on August 26, 2015. Mark Coakley made a motion to vacate the Enforcement Order; Joe McGrath seconded; all voted in favor. Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded; all voted in favor. Joe McGrath made a motion to issue a standard Order of Conditions for DEP#115-383 referencing the restoration plan dated January 2016 as submitted to the Commission; Rebecca Longvall seconded; all voted in favor.

Jim Haynes (Compass Pointe Update) – Jeff Walsh recused himself from the matter. Kent Oldfield (New England Engineering), John Grenier (JM Grenier Associates) and Mr. Haynes were present. Chip Burkhardt noticed that they are starting to clear behind the elementary school (trees are cut down and they are starting to grub stumps). Where they are working is potentially not stable and that area is not bonded. The Commission has concerns before they move forward. Mr. Oldfield provided a sketch/plan of what is built, not built, what is cleared, and stormwater detention basins that they would be improving for periodic cleaning and controlling any

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stormwater on site. He also included a watershed divide on the plan between the two basins. Trees are cleared and they hope to move forward with earth removal. There will be small infiltration areas in certain locations; there will be stabilization in place; forms will be onsite for inspection. Joe McGrath asked if the road had been rough cut. Mr. Oldfield said it has been tree cleared. He is working with Mike Andrade (Graves Engineering). Mr. Haynes said they anticipate opening some house lots in May. Mark Coakley said before they move ahead a bond is needed and explained what was covered under the original filing. Town Counsel is currently negotiating with the bondholder. The Planning Board broke the project up into three phases: Phase 1 includes the two entrance roads and the loop road between those roads; also included in the first phase is the roadway which will allow drainage and access to the Detention Basin A which is located by the Girl Scout Camp. Phase 2 will include the rest of the loop road of the site as well as the Detention Basin B. Phase 3 will include the cul-de-sac as well as the remaining tasks on and of the site. Mr. Haynes said they are following the same sequence. They were asked if they would need an Earth Removal Permit. Mr. Oldfield said with the original roadway design that was done as part of the plan there was going to be a lot of earth removal, but they revised the site plan so there will not be as much earth work. Mr. Grenier said all the drainage areas are remaining the same. Mark said the basins and calculations are changing. Mr. Grenier said all they are doing is modifying some of the slopes on the roads; everything going to the catch basins remains the same. Mr. Oldfield said it is the same location. Graves Engineering is reviewing the plans per the Planning Board. Melanie will ask that all Graves correspondence be copied to the Commission. Mark said if the drawings have changed, they should ask us to amend the Order of Conditions so that the revised drawings will be reflected on the as-built plans. They can log, but they can't grub until we know what the plans looks like. The Commission's position is to look out for the best interest of the town and that requires a bond to be in place. Joe said there is no road drainage system at this point and that was one of our primary concerns; the road has to be completely rough cut and the stormwater drainage in place before the houses lots can be started. It was suggested that they get on the next agenda, take a look at the delta between the plans and if they think the changes are significant hold a public hearing to amend the Order of Conditions, or if they feel the changes are relatively minor, the Commission can amend the Order. Chip Burkhardt made a motion to sign the Building Permits for 17B & 20B Compass Pointe; Joe McGrath seconded; all voted in favor; motion approved. Lot 64 Sewall Street will require a Notice of Intent.

COMMISSION BUSINESS

Vouchers were approved.

Correspondence/emails were reviewed.

Consider issuing a Certificate of Compliance for DEP#115-151 (32 Linden Street) – Chip Burkhardt made a motion to issue a Certificate Compliance; Dan Duffy seconded; all voted in favor; motion approved.

Consider issuing a Partial Certificate of Compliance for DEP#115-79 (101 Adams Road) – Dan Duffy made a motion to issue a Partial Certificate of Compliance; Joe McGrath seconded; all voted in favor; motion approved.

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Worcester Sand & Gravel (Mike Trotto) Enforcement Order Update – Joe McGrath received two emails from Andrew Liston who is engaged by the Trottos. Mr. Liston said they have done some restorative work and replaced the fence at the top of the hill. Joe informed him that was not sufficient; in order to remove the Enforcement Order we need a plan and to have him come in. Mr. Liston indicated he would be here this evening. Kim Ames (Earth Removal Board) called Mr. Trotto Friday because he was moving rocks to get ready to bring fill in; he was told to stop. Marie Phillips (5 Heywood Street) said he is taking fill from the slope and moving it to a wall near the water. She said he has infringed on the 40' buffer; the orange fence is about 8' from her property. Jeff Walsh said there are two sets of rules that have to be followed; ERB and Conservation Commission. There are limits on what we can do; we are concerned with stabilization. He has gone beyond the confines of what he was approved for. Dan Duffy said at the last meeting we held off imposing any fines because we thought they would appear at this meeting. Joe McGrath made a motion to issue a Civil Violation Notice according to the Stormwater Control Bylaw and starting tonight we issue one every day until such time the situation is remediated; Chip Burkhardt seconded; all voted in favor; motion approved. Kim Ames will deliver it in the morning. Joe McGrath will follow up with Andrew Liston.

Conservation Land Article (update) – Joe McGrath thanked Dan and Mark for their support. The article was modified and accepted by the Selectmen for inclusion in the warrant. The BOS is concerned that the Commission would arbitrarily put a nuclear disposal site or medical waste site on the conservation land and wanted him to come up with a process where there is a review of any changes to the regulations regarding the use of the land; he is working on it. Mark Coakley said there was not a lot of negativity; people were concerned about having a voice in the process (possibly while drafting the policy). Dan Duffy thought the Selectmen were concerned that we were going to put in restrictions that don't allow anything on the land, and also that it would attract out-of-towners to the property. At the meeting, Mike May brought up the fact that the DCR has an annual budget for land use acquisition and they have been very aggressive in going after land in tax title. Because this particular land does contribute to the Wachusett Reservoir Watershed area, it would be high on their priority list if we didn't do anything with it.

Applicant Advisory Committee Meeting Report regarding possible distribution center along the Route 140 corridor – No members were able to attend due to it being rescheduled. At this time, all that is known is that a representative for Federal Express approached the town about taking over the Rand-Whitney site (behind Fuller RV). No plans have been submitted as yet, but they will require approvals from all town boards.

Mark Coakley said there is some activity behind the Shell station. Members will take a look and it will be on the next agenda.

Longley Hill Erosion Control Conditions – Paul McManus (EcoTec) will visit the site and report back. Mr. Ansari will be invited to the next meeting.

Barnard Hill – Mark Coakley drove by the site and said it is in very good shape aside from street sweeping.

Chip Burkhardt made a motion to approve Meeting Minutes dated February 22, 2016; Joe McGrath seconded; all voted in favor; Jeff Walsh abstained; motion approved. Dan Duffy said that after the public hearing for 27 Flagg Street there was a report from Graves Engineering

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addressing the plan we approved (making revisions to it); what the Planning Board approved was different from what we approved. The applicant (Lindsay Katz) will be asked to provide a revised plan for the Commission's review and for the file.

April 25th was confirmed as the date for the next meeting.

Mark Coakley made a motion to adjourn; Rebecca Longvall seconded; all voted in favor; motion approved. The meeting was adjourned by unanimous vote at 9:15 p.m.