



Regular Meeting and Public Hearing

Monday, April 13, 2009

ATTENDANCE:

MEMBER	PRESENT(x)	ABSENT(X)
Neil Bagdis	X	
Julie Jacobson		X
David L. Bennett	X	
Henry B. Stidsen, Jr.	X	
Pamela Vasil	X	

Other Attendees: Robert P. Clark; William A. Coyle, P.E. and Shelley Hammond of Coyle Engineering; Sam Chapin, P.E. of Brown & Caldwell.

Chair, Neil Bagdis, called the meeting to order at 7:07 p.m.

**Temporary Accessory Use Apartment Renewal:** H.S. made motion, seconded by D.B., that Board accepts Temporary Accessory Use Apartment renewal of William Beaudry, 3 Pond Street, Unanimously approved.

**Continuance of Definitive Plan, Spaulding Woods, proposed 6-lot subdivision, 0 Pleasant ST (Map 11, Lot 16). Owners Robert Clark and Raymond Daly, 84 Coderre ST, Boylston, MA. by William Coyle and Shelley Hammond of Coyle Eng.**  
Coyle update:

- DPW and water line approved by Water Board.
- Sam Chapin of Brown & Caldwell, engineer for landfill assessment:
  - discussed conditions with DEP: Spaulding Woods had filed application; issues need to be addressed.
  - DEP needs 94 days to complete process.
  - NB wanted denial without prejudice or unlimited extension.
  - DEP's concern: two lots with dump portion on them. An unknowing homeowner cannot disturb those parcels.
  - Need deed restriction that will pop up every time they go through title search on any deeds that are affected by landfill.
  - Another condition strongly suggested: Take the landfill out of lots 3 and 4. Would those lots qualify for the 60,000sf? Board is concerned.
  - Owners accept that they will miss this year's building cycle.
  - Sam Chapin spoke with Phil Smith twice at length today. DEP wants more, a "post closure use permit", to be rolled into this application.
  - PB stated we are not going forward; too many loose ends. Original filed Sept. 2008, now through April 2009, dragging this out.

B.Coyle stated they are done with engineering for the roadway design. Still need to go to Conservation re: wetlands. B. Clark: Water Dept. did not want to approve unless it was looped. If we didn't loop, would have to run it down Davis Hill Road. Plans show it as looping.

- Joe Thompson, PMLD foreman, has some issues.

- B.Coyle: Planning Board has their responsibilities, Conservation has theirs, PMLD has theirs, etc. If lots or anything else changes, applicant would have to come back to Planning Board to request an amendment to the Decision.
- Status with Lot 5 needing denial from the Building Commissioner. Would not be a buildable lot, still haven't filed for a Special Permit. Applicant intends to.

Closure permit to DEP requires 94 days.

- DEP has 24 days to review for administrative completeness.
- Planning Board does not have to enforce DEP's conditions. Landfill has to be mowed once a year. Pass that along via a covenant to homeowner. It is not Planning Board's responsibility to enforce that.
- Sam C: it is DEP's responsibility to enforce through whoever owns those lots.

DEP will issue post-closure permit attached to both lots, by chain of title. Permit on the 30 acres, would carry through onto the parcel.

- Lots 3 and 4 are encumbered; there would be conditions on the use of the land. Asked Phil Smith today. Any house would be at least 100' and no ground disturbance within 50' of landfill.
- With additional monitoring afforded by gas monitoring of lots, part of this monitoring goes below water table; water tested clean.
- The only potential hazard is methane gas.
- Put additional ones to screen the whole profile. Conditions would be gas monitoring and the two setback zones 50' and 100'. We get to vet this internally.
- High level of comfort; when broken out, the post-closure only makes sense.

Instead of taking a vote, perhaps compromise with another continuance.

- Engineer stated it is a complicated project.
- Owner B.C. asked if Board could extend 60 days. Plans need to show where the gas wells are going to be.
- A.Livdahl: Can't you just put a condition on the approval?
- S.Chapin feels DEP will issue these permits. They will provide the public health and safety.
- In addition to DEP, the BOH should be giving us guidance because it is a health issue. B.Clark: I think DEP would be the one. I think BOH would defer to DEP. In some towns engineering departments handle. This is a public safety, not a public health, issue.
- DEP is going to monitor the wells at any time. Could a citizen of the town request this? B.C. [Not needed] because of the way it tested out. S. Chapin: Prior to a building permit being issued, gas monitoring at the wells. It is such an old site. Newer ones do require testing.
- This was a burn dump; most of the organic matter that would be decomposing was completely burned.
- P.V. Once there is a test site, DEP can go and test it for any reason. There is an easement on the land. B.Coyle: Environmental consultant is waiting on bank testing.
- B.Clark: Still have to file NOI for roadway work; we're moving forward.

H.Stidsen: I believe it was an open-face dump. I never saw a fire there. Right below it was the swamp. Nothing was cleared. They would push it over with the town bulldozer.

B.Clark: All they found was bottles. They closed the dump in 1968.

Issues to resolve:

- Special Permit
- Conservation: the flags changed.
- Culvert: Part of the wetland area.
- Leaves and debris.
- DEP: Wait for the post closure permits; this would be required before building permits could be issued.
- Easement to the monitoring wells.
- 100' buffer zone: No occupied buildings within this range.
- 50' buffer zone: No disturbance within this range.
- PMLD concerns: B. Coyle to work on those.

B.Clark: Insert note on the plan saying post-closure permits would need to be issued prior to building permit approval.

- On the entire 30-acre parcel, something needs to be in the plan so it won't come up every time the lots change hands. B.Clark: Put on lot layout plans, the ones that get recorded.
- B.Clark: Water Board approved it. They are very happy based on the looping.
- Conservation Commission: Need to file a Notice of Intent (NOI) with them.

Chair asked Bob Clark to call Nancy when ready, get things to us well in advance of continuance.

P.V. made **motion**, seconded by H.S., **for continuance at the September meeting, the latest being September 25.** Atty. Livdahl agreed to prepare a summary letter.

D.B. suggested P.B. send BOH a letter concerning the fact that part of two lots are in close proximity to the former landfill. Does the BOH have any issues? Please get back to us.

END OF HEARING – CONTINUANCE UNTIL SEPTEMBER

**Minutes:** N.B. asked for bullets in minutes. On a motion (H.S., D.B.), minutes of March meeting were approved by a 3-1 vote.

**Fees:** Continue discussion to May meeting.

N.B. stated he was told by C.Riches that boards and committees are not supposed to meet on an election day. Meeting date, therefore, was scheduled for Wednesday, May 13, 2009.

A motion (H.S., P.V.) to adjourn was unanimous in favor.

Respectfully submitted,

Nancy Wilby