



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

**APRIL 22, 2019**

Members Present: Dan Duffy, Chip Burkhardt, Joe McGrath, Mark Coakley

Members Absent: Michael Ruggieri, Jeffrey Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING – 58 Mill Road (James Rotti) – Notice of Intent Application** to construct a 30'x30' patio on the upland peninsula. The application also includes the placement of an 8'x16' prefabricated roll-out dock system.

Mike Sullivan (Connorstone Engineering) was present; the applicant did not attend. Green cards were submitted; DEP has not yet issued a file number. There is an existing cart path that the applicant will not change. He wants to build a 30'x30' patio on the peninsula. It will be built around the trees; no substantial vegetation will be taken out. He also wants an 8'x16' prefab dock on rollers. Erosion controls will encompass the work area. Mr. Duffy asked what materials would be used for the patio and the details. Mr. Sullivan thought it would be a bluestone patio with open joints. The top soil will be removed and gravel put down with a wheelbarrow; all work will be done by hand or possibly a Kubota. There will also be a fire pit and a pergola. Mark Coakley said there will be excavation and a machine will be needed. Mr. Duffy said there is no information provided as to what he will be doing or how he will be doing it; more specifics are needed. Having not approved any docks, Mr. Coakley asked if DEP needs to sign off; it depends on the body of water. It is not a Great Pond, but he was not sure about this particular situation after reading the regulations; jurisdictionally is not addressed. Mr. Sullivan was told to reach out to the DEP for clarity. Mr. Sullivan requested a continuance. Mark Coakley made a motion to accept the request to continue; Joe McGrath seconded; all voted in favor; motion approved. It is scheduled for May 20<sup>th</sup> at 7PM.

**PUBLIC HEARING – 58 Mill Road (James Rotti) – Amend and Consider Request to Extend Order of Conditions DEP #115-386** to construct a shed which includes an expanded limit of work in the rear of the property.

Mike Sullivan (Connorstone Engineering) said the applicant is looking to extend the Order for three years; all that is left is landscaping. The applicant also wants the Order to be modified to include a 12'x16' shed. It will have a 4" concrete pad; the shed will be on top. Silt fence will be installed around the work area. It was originally 47-feet to the pond; it is now 40-feet. Some trees will be removed. Chip Burkhardt didn't think any trees would have to be removed in the area where the shed will go in. The members agreed that the changes are de minimus. Chip

Burkhardt made a motion to close the public hearing; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue an Amended Order of Conditions for DEP#115-386 with two additional Special Conditions; (1) This Amended Order of Conditions refers to DEP File Number 115-386 issued on May 24, 2016 to Ron Aspero (Shrewsbury Homes) and recorded in Book 57552, Page 277 at the Worcester District Registry of Deeds. All previous conditions shall remain in effect. The minor modification to the plan is to allow for a new shed which includes an expanded limit of work to the rear of the house. The shed will be constructed with a 4" concrete slab over a crushed stone base as depicted on plan dated March 26, 2019 by Connorstone Engineering. Sediment and erosion control measures will be modified as needed. (2) Modification to Special Condition #35 as follows: The applicant will install boundary markers with 4"x4" wetland area sign plates at limit of work locations shown on plan dated 5/16/2016 and March 26, 2019. Chip Burkhardt seconded; all voted in favor; motion approved.

Joe McGrath made a motion to extend Amended Order of Conditions DEP#115-386 for one year to expire 4/22/2020; Chip Burkhardt seconded; all voted in favor; motion approved.

### **COMMISSION BUSINESS**

Consider issuing Certificate of Compliance for DEP#115-172 (Catherine Clark, 84 Coderre Road) for 77 Coderre Road – Having no outstanding issues, Chip Burkhardt made a motion to issue a Certificate of Compliance for DEP#115-172; Joe McGrath seconded; all voted in favor; motion approved.

Dan Buddenhagen – 387 Central Street (informal discussion about possible garage construction)  
It was explained to Mr. Buddenhagen that anything within 100-feet of a resource area is the jurisdiction of the Wetlands Protection Act which the Commission administers. He would need a Request for Determination of Applicability or a Notice of Intent depending on the proximity to the wetland. A Certificate of Compliance was never requested for the project; one is needed along with an as-built plan. It was suggested he work with an engineer to get an as-built plan and request a Certificate of Compliance. He can bring in the new filing at the same time for what he is proposing to do.

Scott Rossow – 20 Oak Hill Lane (informal discussion about what he can do on his property) – Mr. Rossow purchased the property in November. He was told by the previous owners that they received verbal approval to clear brush; there is no Order of Conditions or Determination on file. He would like to continue clearing (not past the rock wall) and put in a pool. Chip Burkhardt told him that for any construction, a filing is needed and explained the Commission's jurisdiction. Dan Duffy suggested he have a plan prepared with grading to show minimal impact to the wetlands. The Commission frowns upon any disturbance within 25-feet of a wetland. The removal of the prickly bushes and the pool can be done in the same filing.

Worcester Sand & Gravel Report – Mr. Trotto sent an email that said "work on the Heywood St. slope continues when it is dry enough to use the equipment up there. WSG should be into the Phillips property by the middle of May. When we can then pull out the tree stumps and start excavating the top soil and gravel on the property. I will give you another update in May." He

will be asked to attend the May meeting. Mr. Trotto did not send in a request to extend his permit. He will be reminded to get it in before the next meeting.

Discuss Stormwater Regulations Compliance – Joe McGrath said the Agreement with Tighe & Bond for stormwater permit services is up for renewal. They have always come in under budget. Joe McGrath made a motion to continue using Tighe & Bond for NPDES Stormwater compliance as related to the NPDES Stormwater Permit; Chip Burkhardt seconded; all voted in favor; motion approved.

Email from Dan Duffy regarding resignation as Chairman – Because of his work schedule through June 2020, Dan Duffy will step down as Chair and Jeff Walsh (Vice Chair) will chair the meetings. Also discussed was the email from Michael Ruggieri saying that he is relocating next month. He did, however, ask to remain as a member. While there is no regulation that says you have to be a resident to be a member, it would be easier to reach a quorum with a Commission of five. Mr. Ruggieri's attendance at meetings was also considered and it was the consensus that with a longer commute he could possibly miss more meetings. He will be thanked for his service on the Commission and asked if he is willing to resign. He is welcome to come back to the Commission should his situation change.

Consider changing meeting night to Tuesday – The meetings will continue to be held on Mondays for the time being.

There were no vouchers were approval tonight.

Correspondence and emails were reviewed. The NPDES Permit has been renewed by the EPA until June 30, 2022. James Riccardi submitted his Stormwater Report for the Route 140 project. Regarding the email from the Water Enforcement Officer, Jeff Walsh will be asked to visit 364 Mile Hill Road for a possible violation for operating a dry well that dumps in the wetland. Dennis Costello (BOH Health Agent) will also be reminded to visit the site.

Joe McGrath made a motion to approve the Meeting Minutes dated March 18, 2019; Chip Burkhardt seconded; all voted in favor; motion approved.

May 20<sup>th</sup> was confirmed at the next meeting date.

Joe McGrath made a motion to adjourn; Mark Coakley seconded; all voted in favor; motion approved. The meeting adjourned at 8:26 p.m.