



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

### **JANUARY 27, 2020**

Members Present: Joe McGrath, Dan Duffy, Mark Coakley, Jeffrey Walsh

Members Absent: Chip Burkhardt

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING (continued) – 11 French Drive (Tower Hill Botanic Garden) – Notice of Intent Application and Stormwater Control Permit Application** to redevelop the Tower Hill Botanic Garden main entrance off French Drive

Michelle Kayserman (Samiotes Consulting), Laura Knose (Ryan Associates), and Grace Elton (Tower Hill) were present. They are now proposing a much more reduced project. The walls will remain as is, there will be no tree clearing, no impact to the wetlands. They will only be removing the gate house and impervious surface and patch where the gatehouse was. There will be minimal work for the electrical. They have to meet with MEPA. There will only be work in the buffer zone. Joe McGrath said that they could withdraw the NOI and file an RDA. They were asked about the sign. They will have to talk with MEPA because the sign is within the buffer zone. Jeff Walsh would like to see it moved; a smaller sign and pruning the saplings is good for the sight line (the Commission does not have jurisdiction regarding the sign). Grading was MEPA's biggest concern. Mr. McGrath wants to see erosion controls by the roadway during construction. Mr. Walsh said the new plans should be sent to DEP because the scope has changed. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Dan Duffy seconded; all voted in favor; motion approved. It was scheduled for February 24, 2020 at 7:00 p.m.

**PUBLIC HEARING – 11 French Drive (Tower Hill Botanic Garden) – Stormwater Control Permit Application** to redevelop The Ramble, Plinny's Allee, Parking Lot and Stoddard Connection at Tower Hill Botanic Garden.

Michelle Kayserman (Samiotes Consulting), Laura Knose (Ryan Associates), Grace Elton (Tower Hill), and Patrick Burke (WDA Design Group) were present. Two areas are hydrologically disconnected. Ms. Kayserman said the Ramble is the new children's center at the end of Plinny's Allee; it is a wooded area. Plinny's Allee is a grassy area with trees on both sides. There will be an impervious surface (boardwalk with gaps in it and crushed stone underneath). A mini-drywell will bring it to a larger drywell that has a pop-up overflow for stormwater to continue down the hill away from pedestrian area. Because the children's garden is a wooded area (which will have a large number of under-plantings), all the walkways are a poured in place rubber surface, a pervious surface, and rock layer underneath it. There are underdrains and area drains to collect the water to various drywells. The bathroom building has a roof drain that is connected to a drywell and the pavilion also has roof drains connected to a drywell. Ms. Knose said there will be very selective tree clearing. An assessment was done on the trees; the garden will have substantial plantings. Dan Duffy asked about the pond and was told it will be manmade and will be supplied by potable water. It will be turned off and emptied in the winter; it drains into the

drywell if it exceeds the storage area. Mark Coakley asked about the pre- vs. post-calculations and was told it is reduced. Mr. Duffy asked the flow rate out of the overflow drains; will there be erosion concerns? Riprap overflow around the grates to prevent scouring at the rims was recommended. Ms. Kayserman said there are two stormwater reports and two O&M plans because they are using two consultants. The Commission will need a consolidated O&M plan and suggested they have a Master Plan for the segmented projects. The Commission will require an annual report which will include a condition for a yearly report that includes the detail of the result of the inspection. Mr. Duffy asked about the O&M requirements during the construction process. Ms. Kayserman said the contractor will make sure there are no steep slopes, the grades are not exposed, and maintain the erosion controls. The long-term O&M for Tower Hill is the drywells and area drains. Mr. Duffy asked about the construction erosion controls and how the steeper slopes will be stabilized. She said it is mostly fencing around the trees, silt fence along the limit of work. The steeper slopes will have plantings that will stabilize them. The slopes are not more than 3:1 and will be established; jute netting is available if needed.

Plinny's Allee will have a mini-drywell which goes to a larger drywell with a pop-up overflow. Diamond piers are used under the boardwalk which protect the tree roots; at grade a porous pavement will be used. They plan to start work in the spring and finish in the fall. The Commission is concerned with the steeper slopes being graded and stabilized.

Stoddard Connection, Ms. Kayserman said they are removing all stairs; making a circuitous path from the parking lot to the gazebo, across the road, and winds back to the Stoddard Center. Ms. Kayserman showed the trench drains which take the water away so there is no puddling regarding stormwater. The new entrance drive will have two catch basins that go to a manhole which will be treated with the larger parking lot system. The roof runoff will remain as part of the existing system.

Mr. Burke said they are proposing to resurface some portions of the parking area and expand other areas; the fire access will be the secondary access. He explained the drainage design, rain gardens, swales, pipe system, water quality structure for pretreatment and grading; they are meeting pre- and post-discharge; they are in Zone B for the water supply protection area; he said they meet all the water quality control standards; he described the erosion controls proposed. They added 240 parking spaces, increasing the total number of parking space to 518. Mr. Burke said there will be pretreatment of the swales with elevated yard drains; the stormwater quality system does the pretreatment; he talked about the rain gardens. If there is any oil spill, it will be collected in deep hooded catch basins throughout the site and into the CDS stormwater treatment unit. Mr. Duffy had a concern about any impact to the residence shown on the plan. Mr. McGrath had a concern about the direction of the riprap. The Commission would like to see it on the other side of the fire road. Mr. Burke said they were trying to control it around the house so it would be directed to the emergency road. Mr. Walsh said based on the topography on the proposed hydrology plan, he did not see it going towards the residence; it does head toward the emergency road. The Planning Board will be doing a peer review of the stormwater management system. Mr. Coakley would like to see more detail on the O&M plan because there are a lot of moving parts to it. There will also be an annual report requirement. The construction Stormwater Management Plan is going to be critical.

Esther Rhatigan (875 West Main Street) had concerns about the trench towards Route 70 and anything that had to do with the parking lot; Route 70 already drains a lot water into her yard; a good portion of her land is considered wetlands because of that. Water is trying to creep further into her yard; she does not want lose more yard because of the improvements to the garden center. Mr. Duffy explained the pre- and post- calculations that it is one of the conditions that the Commission has to ensure that the stormwater flows post-construction are no more than what they are pre-construction. More impervious

area is being created which will increase the runoff and the quickness of the runoff, but the intent is to mitigate that by the creation of the basins, infiltration galleys and rain gardens. The Commission we will have our consultant review it and evaluate the plans to make sure they agree that the post-construction flows are no more than what exists now.

Mr. McGrath suggested asking Graves Engineering (Jeff Walsh abstained from the discussion) to review the ESC plan for the parking lot construction and all the work in the Ramble, Stoddard Connection and Plinny's Allee. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Dan Duffy seconded; all voted in favor; motion approved. It was scheduled for 7:10 p.m. on February 24<sup>th</sup>.

### **COMMISSION BUSINESS**

Compass Pointe Update – Jeff Walsh recused himself from the matter. John Grenier (Engineer for Compass Pointe) and Paul McManus (EcoTec) were present. Mr. Grenier said he was asked to look at the site in conjunction with the report from EcoTec and input from Matt Marro (Wetland Consultant for Compass Pointe). He presented an overall plan detailing some punch list items for what needs to be completed or "tuned up" throughout the site. Not shown on the plan are two detention basins. Mr. Grenier said the individual Orders of Conditions were taken into account with EcoTec's report and Matt Marro's report for continuous slopes that are adjacent to wetlands which would span over a number of different lots. Detention basins on the northern and southern part of the site need to be mowed annually; the developer will make sure they get mowed; Mr. Grenier said they are stable and functioning properly. On the southern side of Cheryl's Way, the slope varies and said at the steepest it is approximately 2:1 and is natural; there are areas where it feathers out to 3:1 to a flat slope on the western portion of the site. The slope is mulched and starting to decompose. Dan Duffy said that's not permanent stabilization; it is to be removed and loamed and seeded. Mr. Grenier said the mulch did a great job stabilizing, decomposing and can be seeded for further stabilization until nature takes it over. Mr. Duffy said again that mulch was to be temporary stabilization until weather conditions existed when the work would be completed. Mr. McGrath said that Mr. Marro's report was to indicate when that would be done as well as the slopes. Mr. Duffy said it was clearly the intent of the developer to remove the mulch and loam and seed. Mr. Grenier said that was not his understanding because to remove the mulch on the south side and try to loam and hydroseed it would be working backwards; the Commission's point exactly. Mr. Duffy questioned whether the conversation should continue without the developer being present to talk about what he is willing to do and not do. The Commission has had conversations in the past when Mr. Marro was here and made representations to what Mr. Grenier is now saying is not his understanding. Mr. Grenier said he met onsite with Mr. Marro and that was not what his discussions were. The Commission needs the applicant here to discuss what he is going to do, not different consultants saying different things.

Mr. Grenier discussed the trees that are supposed to be planted off the back of the driveway off of Cheryl's Way; they will be planted in the spring. There are some slope areas that are mulched at the newly constructed homes; other areas need to be stabilized. He explained that the midway area (Cheryl's Way and northern portion of Compass Circle) needs to be stabilized. Mark Anttila (Lot 16D, #46A & #46B Compass Circle) said he has had erosion problems on and off since he moved there. Mr. Grenier said he did not look at that portion; he was asked to include it on the plan. Sod has been put down on the units on the northwest portion site; some stabilization is needed; tree plantings are needed on the northern section of the site. Mr. Grenier said there are no impacts to the wetlands, all the erosion controls that were in place held up, but there are some areas that need to be "tuned up". Mr. Grenier is looking to make sure everything is completed and stabilized to get a Certificate of Compliance

for all the work within the buffer zone. Mr. Duffy said the whole area is not stabilized; there are areas where there is significant erosion. He said it is very specific what the stabilization needs to be; at a minimum, it needs to have topsoil and seed; the Commission allowed the use of wood chips as a temporary erosion control measure, but it was never the intent that it be permanent. The Commission wanted (and it was discussed with Mr. Marro at the last meetings he attended), an engineer to come in and provide a set of stamped drawings; some slopes are steep, it may be more than topsoil and seed that is necessary. Mr. Grenier said there were some areas on Cheryl's Way where they used jute netting on the slope. Mr. McGrath explained the area where something more than loam and seed is needed and believes the slopes are steeper than 2:1.

The Commission was not satisfied with the plan shown tonight. Mr. Grenier was asked if the Commission was going to get a report from Mr. Marro with the slope angles and all the other information promised, which is what the Commission was expecting tonight. Mr. Grenier said he met with him on Saturday; they visually looked at the slopes; there were some areas that needed attention. Mr. Grenier said in general, the vast majority is stable. He said the steepest slopes he saw were in the range of 2:1. Mr. McGrath again asked if the Commission was going to receive the report from Mr. Marro. Mr. Grenier said his plan is not as-built plan. Mr. Duffy said the Commission has been asking for them to shoot the top and bottom of slopes and calculate what the grade is; do some cross-sections. Mr. McGrath said from the EcoTec report, more mulch has been added; areas have been re-mulched; they have only refreshed the temporary stabilization and done nothing for permanent stabilization.

Mr. McGrath said the Commission appreciates that he is focusing on this, but would like to see Mr. Marro's report, and would like to have Mr. Haynes and Mr. Marro, in addition to Mr. Grenier, attend the next meeting to finally put some permanent stabilization plans and timelines together. Until then, the Commission will not entertain a reduction in the bond.

Mr. Coakley said would like to see a draft O&M Plan; an annual status report will be required when and if a Certificate of Compliance is issued. It may be expanded to include regular reports for stabilization activities related to the slopes. We also need as-built plans for the basins to be sure they were built in accordance with the design. Paul McManus said a Certificate of Compliance would probably not happen until at least the fall. Mr. Anttila asked if the detention ponds are the responsibility of Compass Pointe Estates, not just the 55+ community; and was told yes. Peter Garry (3B Cheryl's Way) commented that the jute netting is not stabilizing the slope. Mary Garry commented that Mr. Marro's report was to include each lot be listed.

85 Sewall Street Apartments (Wetland Resource Area Disturbance) – Gordon Temple, Project Manager, (Brookside Apartments) was present as well as Paul McManus (EcoTec). Mr. Duffy asked Mr. McManus if the streambed was disturbed or whether there was some improvement to the area because the Commission's understanding was that the culvert would be installed without any disturbance to any wetland, including the streambed and anything to the side of the streambed. Mr. McManus said there was an existing cart path with a culvert (approximately 15' wide). The new crossing is much wider. The box extends over both ends, primarily the downstream end. They did disturb the area under the box. The plans say that the channel should be replicated. Friday afternoon Mr. Temple sent pictures that he has subsequently created a channel under it. He said when the culvert was removed, they mimicked the pipe the entire 41-foot width. Mr. Temple also met with their engineer, James Tetreault; they reviewed the plans. Mr. McManus asked what the material is on the bottom and sides of the bank. Mr. Temple said  $\frac{3}{4}$ " stone. Mr. McManus said to check it in big rain events in the spring. Mr. Duffy asked what would be the permanent stabilization of the ground surface under the culvert. Mr. McManus said nothing will grow except on the edges and thought bare ground may be ok; it will not be subject to precipitation. Mr.

Duffy will contact Mr. Tetreault to ask him to evaluate the concern about the streambed flooding and potential for erosion from overbank. Mr. McManus suggested he also look within the channel itself. The stump grinding berm in the area below the block retaining wall was discussed. Mr. Temple asked when should the stump grindings be removed. Mr. McManus suggested before the growing season. Because of the proximity to the wetland, Mr. Temple will contact Mr. McManus before removing it. He showed photos of the storm tank that was changed from concrete to plastic. Graves Engineering submitted a letter stating they had no engineering related issues with the substitution. Mr. McManus did comment that before they work in the areas of the leach field and in the back, they need to address the erosion controls.

85 Sewall Street Apartments (Brookside Apartments) Bond Update – Town Counsel’s revised draft was sent to Mr. Venincasa’s attorney, Cathy Netbum, on December 18, 2019. No communication has been received since that date. Currently the town has no protection should he walk away. Mr. Venincasa had issues with the original Stabilization Estimate from Graves Engineering (\$812,905). Jeff Walsh recused himself. The Commission said they would entertain something else but he needed to propose it. There was discussion about how much longer the Commission should let the project go on without a bond. Graves Engineering sent a revised Stabilization Estimate with an amount of \$166,978. The Commission had asked for a construction sequence to see if stabilizing would be adequate. Mr. Duffy said the Graves estimate was to take the loam at site, spread it, seed it, and walk away. The question was whether that would be sufficient if we had areas that were partially paved without the stormwater system; we were looking for the sequence as to whether the stormwater system was in before creating impervious area; we have nothing in the documents that have been submitted explaining or describing it. That is what the Commission requested along with working with the attorney to get a bond posted which Mr. Venincasa said would be done within a week. Mr. Temple was asked the status of the stormwater system. He said the infiltration system is 90% completed; all the structures are in except for two. Mr. Duffy asked about the storm treatment system; Mr. Temple said it is in. The sequencing the Commission asked for is moot because most of what we asked for is in. Dan Duffy made a motion to accept the Graves Engineering estimate detailed in the November 18, 2019 letter of \$166,978 for site stabilization to include spreading existing loam on site, hydroseeding and maintaining sediment and erosion controls; Mark Coakley seconded; all voted in favor; motion approved. Mark Coakley made a motion that the bond be in place by February 7, 2020 or an Enforcement Order will be issued; Dan Duffy seconded; all voted in favor; motion approved.

Worcester Sand & Gravel Update – Mr. Trotto dropped off a brief letter outlining the status of the project. He did not send the photos in time for the meeting. It will be on the next agenda.

Dragon 88 Update – No communication has been received. Mr. McGrath will contact Mr. Chow; will be discussed at the next meeting.

Mike May (Off Cross Street) Update – No communication has been received; will be discussed at the next meeting.

Longley Hill (EcoTec Site Inspection) – According to EcoTec’s January 10, 2020 Site Inspection Report, Mr. Ansari is not finished and therefore not eligible for a Certificate of Compliance. Mr. McManus said the vegetation was cut; there were 1’-2’ saplings. They were cut a foot off the ground. Mr. McManus told Mr. Ansari that it is supposed to be mowable. His recommendation to the Commission was not to give him a sign-off until a mower can actually be used on all the areas that are supposed to be mowed twice a year. Currently there are substantial areas where a mower cannot be used. Mr. McManus said the forebay on Lot 1 appears to be totally full and non-existent in terms of storage. The bottom of the rear basin is above the lowest outlet elevation. Mr. Ansari may have substantial work to do to get the

grading of the stormwater system in line. The Commission has no certification that it was built to plan. The outlet pipe to the headwall needs to be sealed. Mr. McManus was asked his opinion of the stability of the sloping wall on Lot 11. Mr. McManus said it is still actively eroding. He also commented that some of the silt fence has been in so long they cut it with a knife and the toe is on the surface; Mr. Walsh would rather not have flaps left.

Pine Street Site Inspection – Mr. McManus said Lot 1 was under construction. The lower end of the stump grinding berm needed attention. Mr. Coakley asked if the flood storage was to spec. Mr. McManus said it is currently rough graded and needs to be done to spec. They are still using the crossing to get to Camp Harrington; the erosion controls are not intact. A request for an Occupancy Permit will not be signed by the Commission until the compensatory flood storage is reviewed on Lot 1.

Lilymere Site Inspection – Dan Duffy said the gravel pit area disturbance did not look like it was 25-feet from the edge of the BVW. Mark Coakley said the detention basin is closer than 25-feet. Mr. McManus explained where there is a big hole which is good for drainage. He also pointed out where there was a cut down, but on the top of the cut where it transitions to the natural slope, there was a pile of stump grindings, some of which were piled up against the erosion controls. Mr. Haynes said he would clean it up. It is close to the stream but was approved that way. Mr. McManus was more concerned about the slopes that go into the bowl; the erosion control barrier needs attention. Mr. Haynes will be contacted about the hay bale line on the northern lot north of the infiltration basin and the barrier on the south side.

Consider issuing Certificate of Compliance for DEP#115-385 and SCP#2016-2 (270 Shrewsbury Street) J&M Batista/Worcester Donuts – Based on EcoTec's January 21, 2020 review of the As-Built Plan, Mark Coakley made a motion to issue a Certificate of Compliance for DEP#115-385 and Stormwater Control Permit SCP#2016-2; Jeff Walsh seconded. There was discussion about the O&M Plan and Annual Reports. Joe McGrath made a motion to revoke the previous motion and made a motion to issue a Certificate of Compliance for DEP#115-385 and Stormwater Control Permit SCP#2016-2 to include ongoing conditions to submit an O&M Plan and Annual O&M status reports for the Stormwater Control Permit; Dan Duffy seconded; all voted in favor; motion approved.

Vouchers were approved.

Correspondence was reviewed.

Budget Meeting Reminder (Monday, February 3<sup>rd</sup> at 7:30 p.m.) – Joe McGrath will attend the budget meeting.

Jeff Walsh made a motion to approve the Meeting Minutes dated December 16, 2019 with changes noted; Mark Coakley seconded; all voted in favor; motion approved.

February 24, 2020 was confirmed as the next meeting date.

Dan Duffy discussed Requests for Certificates of Compliance. What 270 Shrewsbury Street originally submitted was not acceptable. An as-built drawing overlaying the proposed conditions is needed so we can see what the differences are. The applicant needs to describe any changes; we should not have to rely on our consultants to tell us what the changes are; the applicant should be telling us specifically when it comes to wetland replication; they should be giving us a report on the replication. He is concerned with the replication on other projects (Compass Pointe, Pine Street). An engineer's stamped

drawing showing proposed and as-built, and any discrepancies between the two, along with certification that it was built in accordance with the design is needed. Mark Coakley said we should do a peer review of the certification for significant projects. Mr. Duffy said the peer review should start with proper documentation from the design engineer. Joe McGrath suggested writing document guidelines for larger projects and include it as conditions in the Order of Conditions and Stormwater Permit. It is in the regulations but the Commission could include more detail of what the as-built plan has to include. We need to hold people to the regulations or we will deny the Certificate of Compliance.

Mark Coakley made a motion to adjourn; Dan Duffy seconded; all voted in favor; motion approved. The meeting adjourned at 10:00 p.m.