



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

### **FEBRUARY 16, 2021**

Members via Remote: Joe McGrath, Dan Duffy, Mark Coakley, Jeffrey Walsh

Members Absent: Chip Burkhardt

Others Participating Remotely: Scott Heim (Northeast Ecological Services) Anna Chase and Matt Ladewig (ESS Group); Peter Collins (Lake Quinsigamond Commission); Patrick Healy (Thompson-Liston); Bill Manter, Mark Richardson (Worcester Horticultural Society); Vito Colonna (Connorstone Engineering)

Recorder: Melanie Rich

Joe McGrath, Chairman of the Conservation Commission, opened the Zoom meeting at 7:03 p.m. and announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Boylston Conservation Commission meeting will be conducted via remote participation only. It is being recorded for rebroadcast on WBAC.

Commissioner Roll Call: Dan Duffy, Jeff Walsh, Mark Coakley, Joe McGrath

**PUBLIC HEARING (continued) – 260 Shrewsbury Street (Dragon 88) – Notice of Intent Application** to divert stormwater runoff from the fill slopes as well as stabilizing non-vegetated or sparsely vegetated slopes due to the former placement of unauthorized fill which impacted and created Bordering Vegetated Wetlands. (DEP#115-427)

Scott Heim (Northeast Ecological Services) attended with an update. He attended a site walk with DEP on February 2<sup>nd</sup>. They had very few questions; he has not heard any response. He believes they are working on the 401 Water Quality Certification application. He requested a continuance. Mark Coakley made a motion to accept the request for continuance to 7:10 p.m. on March 15<sup>th</sup>; Dan Duffy seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC MEETING (continued) – 100 School Street (Roland & Janice Lizotte) – Request for Determination of Applicability Application** to remove a full exotic invasive plant including the roots.

Glenn Krevosky (EBT Environmental Consultants) said Ross Associates picked up the wetland flags. The last time they were in front of the Commission we wanted to do a site visit to know where the wetlands were and know that they were going to be upgradient the wetland boundary for exotic plan removal using a small excavator and smoothing the ground. They also wanted to show DCR that they are not removing exotic invasive plants in the wetland. The plans shows where the riverfront area is and the wetland lines; the work will be upgradient of that. He would like to set up a site when the weather is appropriate.

Dan Duffy said it would be helpful if there was a limit of work and where they are doing the activities and asked if it could be placed on the plan before they do a site visit; Mr. Krevosky will do that. He noted what they want to remove up to the wetland line and leave all native species intact. They are not looking to expand the lawn, only to remove the exotic invasives with a two-year review. The applicant requested a continuance. Jeff Walsh made a motion to accept the request for continuance to 7:15 p.m. on March 15<sup>th</sup>; Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC HEARING (continued) – Newton Pond (Shrewsbury/Boylston) – Notice of Intent Application** to implement a long-term vegetation management plan at Newton Pond to manage dense growths of invasive and nuisance aquatic plants. Aquatic plant management actions may include herbicide and algaecide treatments, harvesting, and bottom sealing. (DEP#115-430)

Joe McGrath disclosed that at the request of the applicant's engineer, he attended a zoom call on February 9<sup>th</sup> with Braded Stone (Shrewsbury Conservation Agent). Newton Pond is shared with Shrewsbury and they are also considering an NOI for the project. They did not discuss any items relevant to the hearing tonight. He made it clear to the applicants that he could not voice any opinions or make any comments. Mr. Stone did ask some questions about abutter notification.

Anna Chase (ESS) said since the last meeting she provided sample language that could be used relating to notification procedures of abutters and conditions. Mr. McGrath asked about the DEP comments. She said they made changes to the NOI page specifying the area of the pond between the two towns. DEP said the applicant should clarify if portions of the pond with native plant species, but without dense coverage of exotic species, will be treated under this management plan, and if so, explain how the entirety of the proposed work qualifies as an Ecological Restoration Limited Project. She said the treatment will use selected methods whenever feasible to control the exotic species while minimizing impact to the non-target species in the pond. The exotic species targeted are all reproduced by vegetative means. The application of the herbicides has a greater impact on the invasive species rather than on the native species. DEP also mentioned that Newton Pond along with upstream Sewall Brook and downstream to Mud Pond & Quinsigamond River are designated as Coldwater Fisheries and that the applicant should verify that proposed management techniques will not adversely affect cold-water fish species. She said the proposed management techniques are not anticipated to have negative impacts on cold-water fish species. She said reduction in the high biomass of the exotic plants currently found is anticipated to have positive or neutral impacts on conditions that are relevant for cold-water fish species. The decrease in the abundant invasive plants is expected to decrease oxygen demand during the growing season.

Mr. McGrath asked if she included that statement she just made in the revised NOI submitted; she said no, she only sent the revised single page but can provide answers in a written format. Mr. McGrath's preference was to respond so it can be kept with the NOI; all members agreed. The proposed notification plan should be in the narrative as well. Mr. Duffy said at the last meeting we talked specifically about the chemical treatments and the potential impact to animals that may use the pond and whether something more direct to the abutters to the pond should be given notice rather than posting on a tree that may not be seen. It was recommended that pets should not be on the water for a certain period of time and thinks the direct abutters should be made aware of that risk. Mr. Coakley asked if there is a master schedule proposed. Ms. Chase said the project is a toolbox of different approaches they could use; they do not know exactly what is going to be required going forward. They have a good idea of what will be implemented this year based on the 2019 studies. During the duration,

there will be ongoing monitoring to decide what will be used with a year-end report and recommendations for the next years' treatment.

Mr. Coakley asked if there is a hotline number for interested parties that have questions. Peter Collins (Lake Quinsigamond Commission) said people call the Commission which will most likely be referred to him or other members; people can also email. Mr. Coakley would like communication of what is taking place to be put in writing in the submission and conditions. Mr. McGrath said various contacts will be required and was also a concern of Brad Stone. Mr. Coakley would like the communication specified such that if there is a concern to call this number; we want to make sure everybody knows. Mr. McGrath said it is important to have a contact because we won't know the details until we receive the notification. There should also be a condition that the Commission receives notification more than 48 hours; one week or ten business days would be appropriate so we can put it on the town website. Mr. Duffy appreciated the contact info, but he was still of the opinion with respect to chemical treatments, if we had a date certain, we would know all the abutters were notified of when the treatment would happen, but we are leaving the treatment open to any time over the next five years. Matt Ladewig (ESS Group) suggested as part of the notification to provide a contact person for that year's treatment. Mr. Duffy asked if they were willing to provide notification to the abutters before a chemical treatment. Mr. Collins said yes but did not see a big issue to do a mailing and will do that.

The proposed draft special conditions (Anna Chase 2/1/21 email) were shared. Mr. McGrath said the conditions need to be more extensive. He asked the members if they had any questions on the revised NOI. Mr. Coakley commented that at the last meeting we talked about the possible need for a peer review in terms of our experience level. Mr. Duffy asked what direction Shrewsbury was moving in with their review process. Mr. McGrath said their primary concern was that their Commission would not know when a treatment was pending and wouldn't have the answers from abutters. There was a comment from DEP that we should coordinate conditions with Shrewsbury. Mr. Duffy was somewhat comfortable but didn't have enough knowledge to be 100% comfortable with what will be done. Joe McGrath made a motion that we request the applicant to allow us to do a peer review on the project at the applicant's expense and establish a 53G account; Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-nay; Coakley-aye; McGrath-aye; motion approved.

Matt Ladewig clarified that ESS is not going to do the herbicide treatments; their role is to oversee the management of the pond and advise the Commission with their unbiased opinion when they come back with the annual report what they recommend for the next year. Mr. McGrath commented that was the reason to do a peer review since we don't have the specifics of when and what chemicals are going to be applied at this point. Mr. McGrath will follow up with Paul McManus about recommendations for peer review after this meeting. Mr. Duffy said we don't need a full analysis, only a review that it is consistent with best practices.

In summary, a request was made for the applicant to provide in writing their responses to DEP comments and provide written details on the abutter notification plan, including a handwritten letter to each abutter and notice to the Commission; the Commission decided to do a peer review on the project. If Shrewsbury does a peer review, we can piggy-back off that; if not, Mr. McGrath will get the cost estimate and advise the applicant accordingly. Mr. Coakley commented that the special conditions need to be ironed out per the 2/1/21 email. Mr. McGrath would like to wait until we receive the narrative and other information from the applicant. Ms. Chase requested a continuance. Mark Coakley made a motion to accept the request for continuance to March 15, 2021 at 7:20 p.m.; Jeff Walsh seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC HEARING (continued) – 178 Main Street (Bill Manter) – Notice of Intent Application** to construct a duplex within the buffer zone associated with the bank of an intermittent stream. No alteration of resource areas is proposed. (DEP#115-429)

Patrick Healy (Thompson-Liston) and Bill Manter participated. Mr. Healy said they worked with the applicant to adjust the location of the building, change the grading, and eliminate the retaining wall to address the Commission's concerns. They are working on the septic system design. There is a revised driveway; it will be a shared driveway between the two units of the duplex; the existing home will have a cross easement to allow access. The grading in the back has changed, the grades were flattened. The foundation is 25-feet away from the flagged resource area, the deck is 25-feet at its closest point, and the closest alteration (the overflow pipe for the roof drains) is 15-feet away.

Mark Coakley mentioned DEP's comment that the applicant proposes to remove scrub vegetation and plant attractive shrubs; DEP recommended that native shrubs be planted. Mr. Walsh said the original plan did not call out specifically for junipers and would like to leave the applicant some flexibility to choose his own plants as long as they are native and the species and quantities are provided on the as-built plan. Mr. Healy said that condition is acceptable.

Mr. Duffy asked the grade on the west side of the proposed duplex. Mr. Healy said it is a 4:1 slope that will be lawn. He asked what the treatment is between the building and the stockade fence. Mr. Manter said they need to relandscape the entire property and will start with hydroseeding the slopes. When that is stabilized, they will work on the shrubs. The stockade fence will run from the deck to the slope which will protect the resource area. Mr. McGrath confirmed that the limit of work on the south end of the property is the sediment and erosion controls line shown on the plan. Since the acceptance of this permit is conditioned on the purchase of Parcel A from the abutter, Mr. Manter was asked the status on that. Mr. Healy said in full disclosure, the Healy Realty Trust is not him and he has no interest in the project. It would be necessary to comply with zoning. The next step is to go to the Planning Board with an ANR plan under the Subdivision Control Act, followed by the Board of Health for the septic system approval. Mr. Manter said the purchase of the extra 35-feet is solely to gain square footage (they need to retain 125-feet of width area from the front to the rear foundation). Mr. Duffy said the plan does show a fence as part of the parcel. Mr. McGrath told the applicant that the Commission has small plaques he could attach to the fence that indicates anything beyond that area is a resource area.

Mr. McGrath asked for public comment. Hearing none, Jeff Walsh made a motion to close the public hearing; Dan Duffy seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved. Joe McGrath made a motion to issue Order of Conditions DEP#115-429 with the following conditions: #35-the applicant will use native species for all revegetation areas. #36-this Order is effective based on the purchase of Parcel A as shown on the revised plan dated February 5, 2021. Failure to purchase the parcel will require the applicant to reappear before the Commission. #37-any change to the septic plan approved by the Board of Health which impacts a resource area must be submitted to the Commission prior to construction. #38-the applicant will post conservation resource monuments on the rear fence [to be provided by the Commission]. #39-no activities shall occur south of the proposed erosion control line. Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC HEARING – 11 French Drive (Worcester County Horticultural Society) – Notice of Intent Application** to install a perimeter fence to enclose the majority of the contiguous property. (DEP#115-xxx)

The Commission received a copy of correspondence from the Division of Fisheries and Wildlife in response to the applicant's filing in compliance with the rare wildlife species section of the Wetlands Protection Act. This was initially proposed as an RDA and, at the request of the Commission, withdrew that application and filed an NOI. Mr. McGrath thanked the applicant.

Since no DEP file number has been issued yet, Mark Richardson (Director of Horticultural for Tower Hill), presented to allow the members to ask questions and voice any concerns. Tower Hill has chosen to fence in the property due to illegal hunters, local individuals, ATVs, mountain bikes, and white tail deer entering the property. The contractor is River Valley Fencing; the fence proposed is 8-feet. He submitted an RDA for the Watershed Protection Act through the DCR and received notification they will need to file for a variance. MESA did not feel the project would result in a prohibited take of state-listed species. Mr. Richardson explained the overall plan. In the more sensitive areas, they intend to install as much of the fence as they can by either galvanized t-posts driven into the ground using hand tools or attaching the fence to the existing trees by fence posts. The majority of the fencing along the western edge would be installed by skid steer driving in pressure treated posts. There are two specific areas where crossing over a resource area is necessary. On the eastern portion there is a beaver pond; they would cross over the small brook and attach the fence posts attached to trees on either side of the open brook and drag it across. On the southern edge, there is an old farm pond, they want to take the fence across the stone dam which will have no impact to the resource area. There are stone walls on each side of the driveway on the southwest corner of the property; they will be on the interior side of the stone walls; the wetland is on the exterior side.

Mr. McGrath asked the members that given the scale of the project and two small crossings are involved was it the Commission's preference to have a peer review. Mr. Walsh did not think it was necessary. Mr. Duffy wanted to talk about the fence and what are the impacts to other wildlife beside deer, and should we get some advice with regards to that; that is one of the areas of the WPA the Commission is asked to consider; he does not have the expertise to offer a good opinion. Mr. Richardson said the fence has 6" spacing on the verticals and on the bottom is 4" and gets larger as it heads towards the top. Most small animals are freely able to move through the fence; coyotes would have difficulty. Mr. Walsh commented that CMR 59 speaks to rare wildlife and Natural Heritage provided documentation they are satisfied with the species. Mr. Duffy felt it would be in our interest to get an expert opinion on that.

Mr. Coakley commented on the NOI that they propose no alterations to the wetland resource areas; he needs someone to tell him putting a fence through a resource area is not an alteration. Mr. Richardson said he struggled with that; it was hard to quantify. He associated alterations as soil impacts, vegetation removal, installation of stormwater management tools; he said the act is specific to the height of the fence. If it were 6-feet, it would be considered an exempt minor activity, not subject to the act; he wasn't sure how to quantify the alteration. He hoped to let the Commission know that he would propose some invasive species removal on portions of the property as some means of restoration but not sure how to go about it. Mr. Duffy said we requested at the last meeting that they go back and consider a layout that did not include those impacts. With the note being the crossing to the northern part of the property it would seem it would be easy to go around the wetland area; and the same on the other crossing and they could avoid crossing the wetland altogether. Mr. Richardson said he did consider it but because there is the riverfront area that runs straight through the middle of property, there is no conceivable way to do that without only fencing off approximately under half of the 170 acres. Mr. Duffy asked why they couldn't follow the outline of the wetland to the northern part. Mr. Richardson said there is riverfront area and the garden that has substantial planting and showed where the ATV activity is. Mr. Duffy said there is one finger of wetland area that goes up that they propose to cross. Why can't they go around the outline of the wetland area and tie back in on the other side where

they are proposing that crossing. Mr. Richardson said there is a beaver pond, it is a wide area, and they would be cutting off a large part they are trying to protect. He said it is not two separate sections, is wet, and it would have more impact. Mr. Duffy said we need better mapping or to walk the site when conditions allow. Mr. McGrath said it would help to see the construction detail from the fence company, how they plan to cross the two wetland crossings, how far back from the wetlands will the posts be located and identify how the fence will be mounted. Mr. Duffy still questioned why he can't go around the finger; the area directly south of that is the same beaver pond and it shows the line going right up to the edge of the wetland. If he can do it there, why can't he do it around the remainder of that finger. Mr. McGrath asked again is this something we want to engage a wetland scientist for a peer review. Mr. Coakley agreed, specifically how is putting a fence in a resource area, not an alteration. Mr. Duffy is concerned with overall habitat. Joe McGrath made a motion to institute a formal peer review to include the specific questions of alterations to the wetlands and the perimeter of the fence regarding resource areas; Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-nay; Coakley-aye; McGrath-aye; motion approved. The Commission will contact our consultant for a cost estimate and let the applicant know.

Mr. McGrath asked for public comment. Bill Manter noted that the Planning Board was not aware of the scope of this project with the recent Tower Hill site plan review that was before the board. He believes they will be subject to site plan review again. He is very concerned that it will drive the white-tailed deer towards Route 70 and there will be more accidents. Joe McGrath made a motion to accept the request for continuance to 7:25 p.m. on March 15, 2021; Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC HEARING – Avery Way (Shrewsbury Homes) – Request to Amend Stormwater Control Permit SCP-2017-5 to add abutting land to create two additional building lots.**

This was discussed at the last meeting and the Commission felt a revised permit was needed. Vito Colonna (Connorstone Engineering) explained that the original approval was for a two-lot subdivision; Lot 1 has been developed. 61 Mill Road became available and they want to add it into the subdivision and divide it into two lots. The front lot with the existing house will have its own access off Mill Road. The acreage is increased from 3 to 5.3 acres. There are wetlands on the far east of the site; there is an Order for Lot 2. The drainage system has been installed (large drywell with an inlet near the intersection). The only modification to the roadway system would be to widen the first 100' of the roadway up to the first driveway (18' to the 20' of pavement). They did verify that there was sufficient capacity to handle the extra 2-feet of pavement; it can still infiltrate the 100-year storm event. They added a small swale down the shoulder and a small infiltration area to drain the small driveway that may come down towards the road. It also has capacity for the 100-year storm event. The tree line has been pushed back. The grades work well for the house development; no large cuts and fills needed. Drywells were added on the two houses for the roof runoff. Stormwater was reviewed for the Planning Board by Graves Engineering. Mark Coakley said on behalf of the Earth Removal Board he wants to see cuts and fill calculations included with this submission. Mr. Colonna said it will be a net balance and will include it.

Joe McGrath asked for public comment. Hearing none, Jeff Walsh made a motion to close the public hearing; Mark Coakley seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved. Mr. Walsh made a motion to approve the addition of Lots 3 & 4 to the existing Stormwater Control Permit SCP#2017-5 adding Special Condition #21 that all prior conditions remain in effect and the applicant is to submit cuts and fill calculations before the permit is released; Joe McGrath seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

**PUBLIC HEARING – 11 French Drive (Tower Hill Botanical Garden) – Request to Amend Stormwater Control Permit SCP-2020-1** for proposed changes to the site plan to include Meadow grading and Barn paving.

Michelle Kayserman (Samiotes) and Laura Knosp (Ryan Associates) participated. The project currently permitted and under construction is the expansion of the parking lot to the barn, the construction of the Ramble, and some work in the Stoddard area. She showed the area where the paving would be for the barn and where the gravel area was. The applicant would like to pave the gravel area for vehicle accessibility. A rain garden is proposed. The stormwater runoff is not increased is the 100-year storm. They also want to expand the limit of work in the meadow area. They have some excess soil they want to retain on site. They propose to regrade the meadow area and create high spots; there will walking paths and will tie in with the existing grade. The area is proposed to be vegetated as it is currently.

Joe McGrath asked how much more impervious area for the parking lot is planned and was told 10,000± square feet; the current area is a dense gravel packed area. The previously permitted and approved calculations were modeled with a curve number of 96; going from a 96 to 98 impervious area; minimal increase in runoff. He asked what the planned use was for the material being excavated, will it be taken off site. Ms. Samiotes said the area is being proposed as a mill and overlay; it is putting asphalt on the gravel base already there. Mr. McGrath said a lot more soil will be exposed during regrading of the meadow and asked what the plan was to maintain the soil on site and avoid runoff during construction. Straw wattles with silt fence are proposed on the lower portion of the limit of work and is proposed to be permanently vegetated with a perennial mix. Mr. McGrath asked if the plan was to regrade a small area, reseed, and move on or will it be exposed all at once; she said exposed all at once.

Jeff Walsh recommended that in addition to the perimeter erosion controls to use some interior erosion controls at the base of the hills to interrupt flows across the work area and temporary stone check dams. Mr. McGrath asked if they were altering the SWPPP and was a new one filed as part of the request for the amendment. Ms. Samiotes said a SWPPP has been filed; it has not yet been amended. Mark Coakley asked the acreage that will be exposed all at once and was told approximately 70,000 square feet. He would like a construction sequence identifying the areas where they will stockpile and what erosion controls will be around the stockpile. She said showed the areas they are using for stockpiles; the soil will be spread out to accommodate the grading plan. Mr. Coakley asked how many cubic yards are cut. She said they are adding fills (small mounds), not cutting. Dan Duffy asked the grade of the slopes from 532 to 548; she said they are matching what is existing. He asked if they plan to use an erosion control fabric in addition to seed and topsoil for stabilization. Ms. Samiotes said for temporary purposes until the seed takes they could. He said there is a 16-foot tall 3:1 slope and said it's not going to stay there. She agreed and said either a fabric mat would be needed or some type of additive like a hydroseed mix to hold the ground; she thought a fabric mat would do an excellent job. Mr. Duffy also questioned the elevated levels of arsenic indicated in their cover letter and asked what types of levels they are seeing with respect to the standards the state has, especially where there will be an area for children. Ms. Knosp did not have the figures but said it was tested and were not overly concerning. Removing them from the site was costly so they wanted to find an alternate use for them. She can get the test results to us. Mr. Duffy asked if there was any health risk assessment done to determine the appropriateness of the levels of arsenic with the proposed use. She said the levels are not high, but high enough that it is costly to remove. Mr. Duffy wants to see more information on it.

Mr. McGrath asked for public comment. He asked if Samiotes will be onsite during the work and was told they will be there during the construction process. Mr. McGrath said there will be a condition that

weekly reports for this part of the project are submitted to the office because so much land is going to be open at any given and because of the serious erosion and sediment control issues in the past.

The applicant requested a continuance. Mr. McGrath made a motion to accept the request for continuance to 7:30 p.m. on March 15, 2021; Jeff Walsh seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

### **COMMISSION BUSINESS**

Compass Pointe Update – Jeff Walsh recused himself from the matter. An email was received from Attorney Watsky that no representative would be on the meeting this evening; no work was done due to weather conditions. Mr. McGrath asked for public comment. Hearing none, moved on to the next agenda item.

Kim Ames Donation of Land Update – Tabled to March. Joe McGrath received some information from Town Counsel for alternative methods of accepting the land donation. He will summarize it for presentation at the next meeting.

1240 Main Street (Limit of Work Summary) – Information was received from the owner regarding the scale of the work. Work was noticed and the Commission thought there may be a requirement for a Stormwater Control Permit due to the size of the work. They were also concerned there might be a resource area on the north part of the site under the jurisdiction of the WPA, but it was reviewed by a wetland scientist and determined not to be. Connorstone Engineering prepared a sediment control plan which showed the limit of work. Calculations were done and it was just under one acre; they didn't feel they needed to file for a Stormwater Control Permit. It was also indicated on the plan what erosion controls to be used during construction Joe McGrath asked if the calculation included the lower area where the utility line is being run; Mr. Van Dessel said it did.

Dan Duffy was fine with it if it is under an acre and appreciated the erosion controls being proposed; all members agreed. Mr. McGrath asked for public comment. Hearing none, Mr. McGrath made a motion that based on the information provided by Mr. Van Dessel, the proposed activity on the site is not subject to the jurisdiction of the Wetland Protection Act or the town's Stormwater Control Bylaw based on the plan presented before us; Jeff Walsh seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved. Mr. Van Dessel was thanked for providing the information and for his cooperation.

Pine Street Order of Conditions DEP#115-405 (amendment or as-built submittal) – There are requests for Certificates of Compliance for DEP#115-405 (Lot 1 Pine Street); 115-406 (Lot 2 Pine Street); 115-407 (Lot 3 Pine Street); DEP#115-408 (320 Sewall Street Pine Street Extension) & SCP-2017-1 (Pine Street Extension). They have not been issued them yet because there was a flood storage area that was to be relocated. Information was received but Mr. McGrath could not make a determination based on his knowledge whether we needed to amend this file because it relates to DEP#115-405 specifically, or whether we could accept the relocation of the flood storage area as part of the as-built plan submittal.

Paul McManus' comments were as follows: it was a complicated issue due to the fact that there is a floodplain that drops in grade across the property. He attached a sketch figure that was used in establishing the actual floodplain limits. The Bordering Land Subject To Flooding ("BLSF" = floodplain) provisions of the Wetland Regulations require incremental (1-foot topo increments) compensation for any fill in the floodplain, such that at every 1-foot increment, the post-construction available storage at



each elevation matches the pre-construction storage at that elevation. The submitted DJ & Assoc plan proposes to create a side channel off Sewall Brook (the Brook is labelled “flood channel”) significantly downstream of where the BLSF was filled for the house. This proposed modification to the approved project does not comply with the Wetland Regulations for BLSF. Notwithstanding the above BLSF compliance issue, I would also have concerns about the proposal as follows: My recollection (I did not field verify) is that the proposed side channel would be located within an existing vegetated area, where the proposed work would alter and potentially destabilize the Banks of Sewall Brook.

He also advised that the Order would require an amendment and public hearing. David Sadowski (D.J. & Associates) said the area proposed for the flood storage is at a lower elevation than the area that is first depicted in that particular lot. Regarding the vegetation, the area to be restored with wetland vegetation is not near where vegetation could exist which is why they chose the lower down slope. He said the flood storage comment was correct, it does not provide the same elevation storage as previously approved by the Commission. Mr. McGrath said that was sufficient requirement for the Commission to request that we go through a formal amendment to the Order. The applicant needs to submit for an amended Order of Conditions and we will consider it at a future public hearing. Mr. Duffy commented that as Mr. McManus indicated, our ability to permit the project was based on the availability of flood storage capacity at the same elevation. If that were not proposed, we would have not permitted the filling of that area. He said it is a high standard and one that will be very unlikely to overcome to be able to replicate that flood storage capacity at any other elevation. He told the applicant to consider that when he makes the application. Mr. McGrath clarified that the impact only pertains to Lot 1. The Commission agreed to wait until the issue of Lot 1 is addressed before issuing Certificates of Compliance for the remaining lots. Mr. Duffy wants to be sure that the as-builts are complete for each of the lots.

85 Sewall Street Order of Condition Attorney Edits – Melanie said the attorney noticed two clerical errors on the Order (“partial instead of parcel” and Page “51” instead of Page “50”). He asked permission to correct them. Joe McGrath confirmed after speaking with him that because the edits were minor, the attorney was allowed to change them and has forwarded a revised recorded copy of the recorded Order. It was noted for transparency.

Mark Coakley made a motion to approve the Meeting Minutes dated January 19, 2021 as amended; Dan Duffy seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

Mark Anttila asked if there was anything the Commission should be doing at Compass Circle. Joe McGrath said when the weather permits, the Commission will again be asking them to address the issues. Mr. Anttila commented that the dam has been signed over to Boylston CP, LLC. He also commented that the original Order notes that certain parcels will be conveyed to the town under custody of the Commission. Mr. McGrath explained the process which takes at least a year and begins with the applicant making a formal request to the town to take ownership. Mr. Duffy said one of the lots was the actual dam which we don’t have to take. He thought there was something the Water Department was going to accept ownership of and thought it might be good idea to bring it up to Town Counsel for the status. Mr. Anttila asked if all the Orders had to have Certificates of Compliance before the subdivision is accepted. Resident Jeff Walsh explained that process for him.

Kim Ames joined at this point. Joe McGrath told her he received information from Town Counsel and once reviewed, will contact her. She also said the Camp Harrington site is not stabilized and suggested a site visit be made. The land has been conveyed to the Worcester Land Trust. She thought Earth Removal needs to be involved as well.

**Conservation Meeting Minutes – February 16, 2021**

March 15<sup>th</sup> was confirmed as the next meeting date.

Jeff Walsh suggested moving confirmation of the next meeting date to better identify continued hearings, as well as review/approve the meeting minutes to the 7:00 p.m. time slot.

Having no further business to discuss, Mark Coakley made a motion to adjourn; Joe McGrath seconded; roll call vote: Duffy-aye; Walsh-aye; Coakley-aye; McGrath-aye; motion approved.

The meeting adjourned at 10:18 p.m.