



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

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REGULAR MEETING MINUTES

APRIL 26, 2021

Members via Remote: Joe McGrath, Dan Duffy, Mark Coakley, Chip Burkhardt

Members Absent: Jeffrey Walsh

Others Participating Remotely: Scott Heim (Northeast Ecological Services), Peter Collins (Lake Quinsigamond Commission), Michelle Kayserman (Samiotes), Laura Knosp (Ryan Associates), David White (Tower Hill), John Grenier; Patrick Healy (Thompson Liston); Matt Marro, Mark Anttila, Mary & Peter Gary

Recorder: Melanie Rich

Joe McGrath, Chairman of the Conservation Commission, opened the Zoom meeting at 7:01 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: Chip Burkhardt, Dan Duffy, Mark Coakley, Joe McGrath

Dan Duffy made a motion to confirm May 17th as the next meeting date; Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved. Joe McGrath made a motion to approve the March 15, 2021 Meeting Minutes; Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

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) was present. DEP completed its technical review of the 401 Water Quality Certification application and determined that based on information presently in the record, the permit will either be denied or will contain conditions that would significantly modify or restrict operation of the project or activities as proposed. Additional information in support of the permit application was requested. Mr. Heim said they have six months to submit information and hopeful they can get it stabilized by late summer/early fall. He asked for a continuance. Mark Coakley made a motion to accept the request for continuance to May 17, 2021 at 7:10 p.m.; Dan Duffy seconded; roll call vote: Duffy-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).

Peter Collins (Lake Quinsigamond Commission) was present. Joe McGrath said the Commission received permission from the applicant to begin a peer review but had to wait until the funding was acquired from the Town of Shrewsbury; it was received today. The pond management specialist, Paul Mitchell, was advised to begin

his review. Mr. Collins said that puts them in a dilemma since the Town of Shrewsbury has already approved the project. The issue being they only have a certain window to do the treatment which is rapidly closing. At this point, his feeling is that they can plan the treatment on the Shrewsbury side of the pond and Boylston can do what they can do; he does not see any significant problems he can't address with the peer review. Mr. McGrath commented that Dr. Mitchell said he could turn it around quickly. He will circulate the results before the next meeting in order to prepare draft conditions and bring it to a close. Mr. Collins requested a continuance. Joe McGrath made a motion to accept the request for continuance to May 17, 2021 at 7:15 p.m.; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

PUBLIC HEARING (continued) – 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#115-431).

The applicant emailed a request to continue. Mark Coakley made a motion to accept the request for continuance to May 17, 2021 at 7:20 p.m.; Dan Duffy seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

PUBLIC HEARING (continued) – 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 Consulting), Laura Knosp (Ryan Associates) and David White (Tower Hill) were present. Ms. Kayserman said based on comments from Graves Engineering they made modifications. Originally around the barn there was stone dust and paving was to be up to the dumpster pad. The stone dust will now be paved. In the back there are compost bays; inside the segmented walls will be natural vegetation. It was assumed previously that the stormwater sheets all different ways. Graves wanted additional survey information in the area. They provided that and modified the stormwater calculations and provided a trench drain to collect runoff from parking lot or compost bays. There is a sump to the trench drain and a catch basin with oil hood and solid cover that will provide pre-treatment TSS; it will go to the previously permitted swale and to a sediment forebay and rain garden; the rain garden has been expanded. Riprap has been added to the outlet and dimensions of the previously permitted riprap area were provided.

For the meadow area, they are adding soil to make valleys and hills. As part of it they were rerouting two drainage pipes; temporary check dams will be in place during construction. The area will be seeded with a meadow mix; a mesh material will be used to stabilize the slope (which will last approximately two years). Erosion controls will be placed along the outside perimeter. They raised the bottom of the previously permitted basin to allow for two feet of separation to groundwater; an additional rain garden was provided.

Graves Engineering provided response letters dated March 24, 2021, April 23, 2021 and April 26, 2021. Based on the last response letter, Ms. Kayserman agreed that all the open issues have been answered satisfactorily. Joe McGrath asked if we had an updated SWPPP plan that includes all the new activities. Ms. Kayserman said there is an original plan on file and once the modifications are approved, the site people can modify the SWPPP since it is a live document filed by them. She said they can supply it later and it can be a condition of approval. Mark Coakley wants to see an O&M plan filed as a special condition. Ms. Kayserman said an O&M plan was submitted for the BMPs and none of the modifications affect the types of BMPs or how they need to be maintained for their life. Mr. McGrath said the O&M plan should refer to the full inventory of BMPs that are part of the project so the Commission knows.

Dan Duffy asked if the compost area was new. Ms. Kayserman said it was not shown in the original material, but the resubmitted material did have it. He wanted to know more about it, specifically related to sediment that might get into the trench drain and are the proposed controls adequate to manage it. He asked what the surface under it was. Ms. Knosp said it would be concrete. He asked about the base at the bottom of the plan. Ms. Knosp

said there are aeration chambers to speed decomposition. She was asked how much yard waste they expect to manage on a regular basis. She did not have a cubic volume but said it would be mostly the woody material on site, all garden materials. She was asked how they are going to manage the stormwater from that area. Mr. Duffy thought there was going to be a higher sediment loading and was included in their calculations; he was told it was. Stormwater will go into the trench drain; the drain will have a sump to it; it will overflow to the catch basin that has a 4-foot sump with an oil hood; it will be pre-treated. A deep sump catch basin with a hood provides 25% TSS removal; a sediment forebay provides 15% TSS removal; the rain garden provides 90% TSS removal. Graves had concerns and recommended the secondary catch basin structure. There are several areas where sediment can accumulate without affecting the stormwater treatment. Mr. Duffy asked for the details and size of the trench drain. She explained the details for the standard trench drain and said the sump is 2-3 feet deep; the width is 1-foot; length unknown. He said it doesn't take into consideration the open compost area and is concerned about the overall maintenance since it will be 7-feet deep. What capability does Tower Hill have to clean it themselves, or how will it be cleaned out? Ms. Kayserman said they do have catch basins that need to be maintained. Ms. Knosp said Tower Hill will hire someone to clean out the catch basins so they are compliant with the O&M plan. Mr. Duffy said there will be a lot more material getting into that particular catch basin. The specifics need to be included in the O&M plan; it can't be done at the same frequency as the rest of the catch basin cleanings. He thinks they will have issues with the 4" trench drain as well. Chip Burkhardt had the same concerns with the sediment and byproducts of composting as well depending on the volume; leaves and woody waste are a concern. Ms. Knosp said some of the bays may be used for gravel storage; it gives them the ability to maintain the waste on site. Mr. Burkhardt said it was good to have air structures to speed up decomposing but it needs to be addressed separately in the O&M plan. Ms. Knosp said they have to apply for a composting permit with the state. Mr. Duffy commented again that the trench drain is going to have issues right away; not sure it will work well. Ms. Kayserman corrected earlier information and said the trench drain is 12" not 4".

Regarding the meadow plan, Mr. Duffy commented that we had a question at an earlier meeting about the presence of arsenic levels in the soil. The response came from the architect; he thought it would be from an LSP. It says because of this particular situation it is exempt from the Mass Contingency Plan. He asked from a practical standpoint (where there is active recreation and children), have they done a risk assessment of the proposed use area. Ms. Knosp said they have and that the levels are well below the threshold for the type of use; it will be fully vegetated; no contact for children or adults with the soil; no reason it would happen here. David White said the intent of that area is to have a fully vegetated field with a path for walking, not for digging. He said at the Ramble where there will be a play area for children, are all the soils have been imported so there will be no risk. Mr. Duffy was expecting to get an opinion from an LSP; those that have opined are not the technical experts in the areas associated with health risk assessments and contaminated soils. Mr. White believed an LSP did look at the soils and did provide the levels of arsenic. Looking at the various tables, the levels of arsenic are well below casual contact standards, and now that the large pile is comingled, the levels of arsenic that has always been present is probably less than that now. Mr. Burkhardt commented that it sounded like the solution to their problem was to dilute the soil by mixing it with clean soil. Mr. White said his comment was misinterpreted and explained further. Mr. Burkhardt said he should be mindful saying they mixed soils together and the concentrations are now less. He did appreciate that they recognized that it could be a potential risk for young children in a play area and implored them to manage it properly and if they do have an opinion from an LSP to follow it closely.

Mr. McGrath asked how the water off the roof of the maintenance building and the paved area is being managed. Ms. Kayserman explained how it is being controlled to go into the parking lot and into the swales and rain garden; the trench drain is for the compost bays. Mr. McGrath asked if there was any collection of water off the roof of the building or does it sheet to the paved area and was told it sheets to the pavement and would run off into the parking lot into the forebay and into the rain garden.

Mr. McGrath asked for public comment. Hearing none, Mark Coakley made a motion to close the public hearing; Joe McGrath seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

Needed by the Commission are: (1) a modified O&M plan; and (2) site detail shown on the plan for the actual storm drain and trench drain that will be built at the rear of the building so all detail is available to the contractor. Joe McGrath made a motion to issue amended Stormwater Control Permit SPC-2020-1, conditional upon receipt of a modified O&M plan for the project; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

PUBLIC HEARING (continued) – 8 Gulf Street (Boylston CP, LLC) – Notice of Intent Application and Stormwater Control Permit Application to construct 20 senior housing units, access driveway, stormwater management facilities and associated site work. (DEP#115-xxx) CHECK, Stormwater Control Permit SCP#2021-1).

Chip Burkhardt recused himself from the matter. John Grenier attended. He was reminded to provide green cards. The property is 11.3 acres located at the corner of Gulf and Sewall Streets. Proposed is a 20-unit residential age-restricted housing development consisting of single units and duplexes. The main access is off Gulf Street with a driveway that goes through the center of the site; a smaller access drive will service five units; and a second driveway will service nine units. Impervious areas from the road and units will be captured through a street drainage system; the vast majority of the site flows to a detention basin in the westerly portion of the site. There is a smaller basin on the northerly portion that captures water from the smaller driveway. During construction there will be an entrance way with a stone apron; silt fence and haybales will be used. There will be an onsite septic system; water will be brought down Gulf Street into the site. Graves Engineering did have comments the applicant needs to address.

Dan Duffy said the Commission will need more detail on staging and sequencing; a stabilization plan with actual details that demonstrate what the various materials will be on the various areas on the site; and a definition of loam, topsoil or what is going to be used so there will no confusion later in the project as to what that material actually is. Permanent slope stabilization needs topsoil; what is proposed is prepared surface and erosion control mat and seed. He felt these are some of the minimum items the Commission needs to see before even considering approving the project. Mark Coakley didn't see any details on the delineation; nothing from a wetland professional. He wants a site visit to confirm the wetland boundaries or have it done by a consultant. Mr. McGrath would like a peer review of the wetland flagging and the plans; Mr. Grenier agreed. The Commission needs to know how the wetland flags were established. Mr. Grenier said they were defined and were based on a previous flagging. The existing NOI has expired. Mr. Duffy said that per DEP, the Commission cannot accept any flagging done on any permit that is expired. Mr. Coakley said it looked as though they were within a few feet from the wetland flags. Mr. Grenier said they maintained 25-feet limit of disturbance. Mr. Duffy said if there was an opportunity, to pull it back behind units 11-6. Mr. Grenier said he wanted to give them a lawn area. Mr. Coakley said that Graves had a comment about excessive clearing of the sites to the abutters and recommended putting screening and shrubs. The applicant will create a 53G account for the review with \$2,500. Mr. Grenier will need to reflag the wetlands and notify the office before our consultant does a site visit. Mr. Grenier requested a continuance. Joe McGrath made a motion to accept the request for continuance to May 17, 2021 at 7:25 p.m.; Dan Duffy seconded; roll call vote: Duffy-aye; Coakley-aye; McGrath-aye; motion approved (Burkhardt abstained).

PUBLIC HEARING (continued) – Lots 1 & 2 Perry Road (C J & J Consulting, Ltd.) – Stormwater Control Permit Application to construct 2 single-family houses, septic systems and associated site work. (Stormwater Control Permit SCP#2021-2).

John Grenier attended. He was reminded to provide green cards. Graves Engineering peer reviewed the project. Mr. Grenier submitted revised plans to Graves last week. Graves wanted them to size some of the drain lines, which they did. They also installed an underdrain into the infiltration basin. There are cross easements; prior to the lots being conveyed he will provide the Commission a copy of the cross easements; all the drainage is primarily on lot 2. They are requesting waivers from Section 7.0.I.2 and 7.0.I.4.e. for practicable and aesthetic purposes.

Dan Duffy commented that the vegetation proposed on slopes at the last meeting are now gone. Mr. Grenier said they were going to plant along the hilly side of lot 1, but at the request of the client will do 6" of mulch and let the slope go natural. Mr. Duffy had a problem with that. 2:1, 3:1 slopes 14-feet high that they will be putting wood chips on is not stabilization. Mr. Grenier said there is ledge there also. Mr. Duffy is not comfortable approving something that high with wood chips. Mr. Grenier asked if he could reintroduce on the plan including something that would creep and hold it down. Mr. Duffy would be looking for the density of plantings as well as vegetative material to allow it to grow; Mr. McGrath agreed. Mr. Coakley said the screening hedging needs to be screened from the road. The plan shows the guardrail. Mr. Grenier said along the frontage where the driveways would be there is no longer a guardrail, only a retaining wall; the grade was brought up to street level. The sidewalk drops to a spillway. Mr. Coakley said since there is no guardrail, he would like to see a fence along the street (split rail fence and screening). The waiver request needs to be revised.

Mr. McGrath asked for public comment; there was none. The Commission needs a revised plan with the vegetation for the slope, revised waiver request, and need to hear back from Graves Engineering. Mr. Grenier asked for a continuance. Dan Duffy made a motion to accept the request for continuance to May 17, 2021 at 7:30 p.m.; Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

PUBLIC MEETING – 211 Mile Hill Road (Summer Star Meadow, LLC) – Request for Determination of Applicability to develop trails on conservation land for public use.

The hearing notice was read into record. Dan Stimson (Sudbury Valley Trustees) was present. They will be building off existing forest roads and footpaths; the intent is to create a single footpath as well as a connection to a planned parking lot (which he believes are outside of the wetlands); it will be an easy trail, characteristic of the wheelchair path at Summer Star on Linden Street which will allow visitors to get from the parking lot to the gardens; other users can use it as a footpath. He described where the paths would be and the areas they would discourage visitors from. Mass Americorps will be used in August for a 10-day hitch; only hand tools will be used; no cutting of mature trees. Joe McGrath commented that even though the parking area might be out of the wetlands' jurisdiction, it may be within the jurisdiction of the town's stormwater permit and would like to see the plans. Mr. Stimson said they are in the process of site plan review. Mr. McGrath said they should come before the Commission to see if a stormwater permit is required for the project. Mr. Simpson said no additional material is being brought in; it will be a natural footbed using hand tools, clearing a foot trail with an approximate 6-foot corridor; the tread of the trail would be less than 3-feet; some portions are wide forest roads. An engineered wood fiber base for the easy trail would be brought in for wheelchairs (for an ADA path). Mr. McGrath noted the crossing over an active section of the swamp. Mr. Simpson said that is a granite box culvert that the stream flows through; it is in good condition.

Mr. McGrath asked for public comment. Hearing none, Joe McGrath made a motion to close the public meeting; Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved. Joe McGrath made a motion to issue a Negative Determination by Reason #2; Chip Burkhardt seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – At the last meeting, the Commission requested an update on what's going to be done now that the growing season is upon us. Matt Marro has been on the site; some areas to be re-loamed; he is working with the applicant on when it will be done; trees growing in the detention basin near Mr. Haynes' residence are to be removed this week; he is in the process of compiling maintenance data on every lot. He said the lots held up well over the winter, no new erosion; no siltation into the wetlands; silt fence is down throughout the site; he instructed Mr. Haynes to put it back up. He is in the process of doing a soils evaluation in the area by

the driveway extension and work into the 25-foot zone. He will be meeting with Paul McManus and will formalize a report to the Commission.

Dan Duffy asked Mr. Marro for clarification on what his understanding of loam was; is it the hydroseed product that was applied last fall? Mr. Marro said no, conventional loam will be used between units 3 and 5, the areas by unit 7, and the area behind lot 8; lots 2 and 4 seem to be growing in; adjacent to lot 2 will need additional work. Mr. Duffy said we requested from the applicant the breakdown and schedule for when it is going to be done; when will we have that in hand. Mr. Marro said he would get us something by May 7th. Mr. Duffy said he should coordinate with the applicant so there will be defined deadlines for when it will happen. Mr. Marro will do that and also provide a status report on the detention basin. Mr. Duffy commented that where the woody vegetation was cut down last year, the roots should come out. Mr. Marro will notify his client. A site visit was scheduled for Saturday, May 8th at 9:00 a.m. meeting at Mr. Haynes' house.

Mr. McGrath asked for public comment. Mark Anttila (46B Compass Pointe) commented that the Order expires in July and the extensions were not recorded; Mr. Marro will follow up. Under Section 17 of the Emergency Act, permits in effect as of March 10, 2020 will not expire during the emergency. Mr. Anttila asked about the detention ponds and fencing. It was explained that it is done near the end of the project and a Certificate of Compliance will not be issued until it has been done.

Kim Ames Donation of Land Update – Joe McGrath did contact the Town Treasurer to discuss a possible deed in lieu of foreclosure so the Commission could accept it and put in Conservation status. The tax attorney said that in addition to the tax lien there are two utility liens. The acceptance of a deed in lieu of foreclosure would not be practicable. The town has already initiated an official court process for the land taking. The Commission has withdrawn the request from the Treasurer at this time.

Right of First Refusal 210 Shrewsbury Street Off and Off Pine Hill Drive – Joe McGrath made a motion that Commission has no interest in obtaining the land; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

Consider issuing Certificates of Compliance for Pine Street Boylston Realty: ~~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). Joe McGrath made a motion to keep it on the agenda but to pass over it tonight; Mark Coakley seconded; roll call vote: Burkhardt-aye; Duffy-aye; Coakley-aye; McGrath-aye; motion approved.

(1) Letter from Earth Removal Board to James Ricciardi regarding Camp Harrington – Informational letter to the Earth Removal Board stating that Mr. Ricciardi is no longer responsible for the work on the site. No action required by the Commission. Mark Coakley as ERB did not know it was taking place but said it may come to the Commission to see if the Order is in compliance with that particular parcel. Dan Duffy asked when the Order expires and if they are adhering to stabilizing areas. The new owners will be invited to attend the next meeting and also have Paul McManus (EcoTec) do a site visit.

(2) NGI Letter regarding Compass Pointe Monitoring Well Testing – Informational copy of the Planning Board letter that they are monitoring the wells at Compass Pointe on behalf of the Water District. Eventual responsibility will be the Compass Pointe HOA. Mark Coakley commented that he did not believe that the UV systems that were supposed to be put in were put in. No action needed for Conservation.

(3) National Grid re New England Power Company Utility Line Maintenance – Informational letter. They are planning on replacing one of the utility lines. It is not believed to require any action on the Commission's part because it is covered under a state permit.

369 Cross Street (The Haven) – DEP has not issued a file number yet. Patrick Healy said the concerns are with the permanent culvert replacement, not the temporary repair. It was left with the Commission that if changes were made to address DEP comments, they had to come back. They are in the process of trying to resolve the issue with the circuit rider.

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

The meeting adjourned at 9:26 p.m.