



Town of Boylston Conservation Commission conservation@boylston-ma.gov
221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6127 ** Fax (508) 869-6210

REGULAR MEETING MINUTES OCTOBER 18, 2021

Members Present: Chip Burkhardt, Joe McGrath, Jeffrey Walsh

Members Absent: Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

The Chair opened the meeting at 7:00 p.m.

November 15th was confirmed as the next meeting date. Chip Burkhardt made a motion to accept the September 16, 2021 Meeting Minutes; Joe McGrath seconded; Burkhardt-aye; McGrath-aye; Walsh-abstained; motion approved. Chip Burkhardt made a motion to accept the September 20, 2021 Meeting Minutes as amended; Jeff Walsh seconded; all voted in favor; 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) attended with an update. They are still addressing DEP's comments regarding the 401 Water Quality Certification. Survey work has been done; test pits need to be done; the slope is very well vegetated. The Commission has not issued an Order of Conditions in the event there are DEP requirements that should be included in it. Mr. Heim requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to November 15, 2021 at 7:05 p.m.; Jeff Walsh seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – 205 School Street (Sandeep Shah) – Notice of Intent Application and Stormwater Control Application for proposed construction of a single-family home and accessory building. (DEP#115-437) Stormwater Control Permit SCP#2021-6

Ron Aspero was present and asked for a continuance. Jeff Walsh made a motion to accept the request for continuance to November 15, 2021 at 7:10 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – 26 Boulder Way (Ken Sydow) – Notice of Intent Application to demolish an existing cottage and construct a two-bedroom, single-family home and garage. The building site is almost entirely within the 100' buffer zone to the vegetated wetlands along Rocky Pond. (DEP#115-~~xxx~~)

The hearing notice was read into record. Ken Sydow and Brandon Ducharme (David E. Ross Associates) were present. Mr. Ducharme gave an overview of the project. There is an access drive, existing shed in the back, existing drilled well, septic tank and pump chamber, force main that pumps up along the existing common driveway and access to a leaching field that is beyond the limit of the 100-foot buffer

zone. He showed the resource areas and proposed footprint. They pulled it back approximately 6-feet from what was the existing face of the building along the pond. He showed where they are proposing to put the access driveway; it will be a walkout design given that the grade currently falls towards the pond; a walkout in the basement and a proposed deck are tied into the back of the structure. The new sewer line will be connected to the existing septic tank and pump chamber. In order to use the existing well, it will have to be housed in a manhole to get driveway access. There are a few small retaining walls (3-feet with the tallest point being 5-feet). They are proposing Cultec subsurface leaching chambers that will work with the gutter system for infiltration. DEP issued a file number today and commented on the existing dock as to whether or not there was a Chapter 91 permit issued for it. Mr. Ducharme said they do not have anything prepared to address that tonight but will take note of it.

Jeff Walsh asked the intention of the ground cover around the house, specifically between the house and the water, and was told they will use wood chips and leave the vegetation. Joe McGrath asked about the slope from the water facing the house to the edge of the pond to understand the height between the water and the house. Mr. Ducharme said the deck is a first-floor level with a walkout to the back; it is somewhat exposed; there is an existing 2-3-feet wide concrete pad that wraps around the house that the dock is tied into; it will be left in place. Once the structure is removed the grade will be restored as is. Mr. Burkhardt asked what is planned for under the deck. Mr. Sydow said he is planning a covered patio. Mr. McGrath said we will need to see that detail on a plan. Mr. Burkhardt said to include any other existing structures that are integral to the dock that are remaining. Mr. Ducharme said he could border it with a recharge trench with crushed stone so if it goes off the patio it will get infiltrated as opposed to directly running off.

Mr. McGrath asked about the septic system (jurisdictional under the Stormwater Control Permit) and if they had to do any construction past the tank; was it all going to remain with the same tank, same pump, they don't have to resize the leach field, and was told it is. He asked if the leach field for a one-bedroom cottage was adequate for that house. Mr. Sydow said it is a two bedroom; the leach bed gallon size will handle almost three. Mr. McGrath asked if they had been to the Board of Health yet. Mr. Sydow said years ago. Mr. McGrath said if he is establishing a new primary connection from the house into the connection, he couldn't imagine that he wouldn't have at the least, to inform the Board of Health.

The Chair asked for public comment; there was none. Joe McGrath made a motion to close the public hearing; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a standard Order of Conditions with standard special conditions, not be released until a revised set of plans are received showing the surface to be created underneath the deck and appropriate drainage to be added to the surface, and identifying the disposition of the concrete walkway whether it will remain in place or be removed; Jeff Walsh seconded; all voted in favor; motion approved.

PUBLIC MEETING – 24 Sewall Street (Scott Hodgson) – Request for Determination of Applicability Application to repair a failed sewage disposal system.

The hearing notice was read into record. Patrick Healy (Thompson-Liston Associates, Inc.) was present. It is a 150-year-old farmhouse with an outbuilding and farm foundation. The cesspool failed. A pump septic system is proposed. It is a constrained lot with a wetland and tributary to the reservoir; riverfront area; primary and secondary protection area; there is no option for the location of the replacement of the septic field. They have applied to the Board of Health for a number of local upgrades. The septic field is greater than 50-feet from the BVW but there is a small buffer zone fill that goes beyond it to meet the breakout requirements. The plan did not show the erosion & sediment controls. DCR has also provided comments to the Board of Health; the next BOH meeting is November 8th. A Presby system is proposed; conventional tank with pump chamber that pumps up a few feet. Jeff Walsh thought the biggest threat

would be erosion during construction. Mr. McGrath would like to see the sediment and erosion control plans for the site. Mr. Walsh would be comfortable putting in a condition being specific to the location downgradient of all disturbed areas that are within the buffer zone and include a requirement for a specific type of erosion control. Mr. Healy said he would propose to put in straw wattles and silt fence given it is a drinking water supply.

The Chair asked for public comment. Jeff Radliff is purchasing the property and asked what he can do, mainly about tree and brush clearing; it was explained to him. Joe McGrath made a motion to close the public meeting; Jeff Walsh seconded; all voted in favor; motion approved. Jeff Walsh made a motion to issue a Negative Determination by Reason #3; with Condition #1-applicant must use both straw wattles and silt fence as sediment and erosion control measures and provide the Commission with a detailed stamped plan showing locations of all measures prior to the start of work; #2-the applicant will provide the Commission with all correspondence from the MA Department of Conservation Recreation considering their findings on this project; #3-silt fence and straw wattles will be shown on the plan and placed down gradient of any earth disturbing activities within the buffer zone. Chip Burkhardt seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – Jeff Walsh recused himself from the matter. John Grenier (Engineer) and Attorney Matthew Watsky were present. Mr. Grenier said the Commission wanted the applicant to address some erosion issues on the site and prepare a plan for how he is going to wrap things up and move forward. The environment consultant, Matt Marro, walked the site and did a fairly detailed analysis of the different lots associated mainly with the rear side of Compass Circle and Cheryl's Way. There are three spots where there has been rutting on the parcels that are at the intersection of Compass Circle and Cheryl's Way. There are low spots in the backyard areas and the sheet flow concentrated at some of the low spots and created rutting down the slopes. In order to address them, they are proposing to line the ruts with filter fabric along the trough of the rut and use 6" minus riprap stone; the machine will come in through the low side. They will fill it up so it is flush with the right side. That should help hold it while it stabilizes. They are looking to do it as soon as possible. Attorney Watsky said Mr. Marro's report does address other details around the site.

Mr. Burkhardt said the report was received at 6:02 p.m. today; there has not been sufficient time to read it. He also said it didn't completely address the letter that was sent to Mr. Haynes. What was requested specifically was a schedule outlining the plan for complete slope stabilization for review at the meeting on October 18th. What was received is not a schedule. Attorney Watsky said they are presenting the schedule right now to do the work before the end of October. Mr. Burkhardt said that is not acceptable because this has been happening on this project for at least two years. If there is not a schedule in writing and it is not documented, it doesn't exist. This is a frustrating project.

As a Commission member, he was not comfortable signing off on filling over rocks and saying these slopes are stable. There is an issue with the entire slope, and have said it numerous times, it is too steep. We do not believe it meets what was approved. It may be a stop gap measure for rainstorms going forward, but it is not a comprehensive plan to stabilize the slope. He did not feel what was requested was submitted. Mr. Marro has given us some updated reports, Mr. Burkhardt has walked the site a number of times, he personally does not agree with what Mr. Marro says that things are stable. Mr. Burkhardt said there may be some things growing on there now but it's not the vegetation that they planted; he can see where the slope is sloughed off and sediment against the erosion and sediment controls at the bottom. If those controls were not there, it will be breached and there will be an issue with the Wetlands Protection Act. These are not new things; we have talked about them and asked

many times. Mr. Burkhardt was very frustrated and didn't know what else to do to implore upon Attorney Watsky and his client that small stop gaps measures are not stabilization. It's not meeting the requirements that were set, which is why the Commission has asked for some surveying to be done.

Joe McGrath said he is not an engineer, nor did he have time to review it. We have asked several times for either as-built plans or surveying information regarding slopes; we have no way to assess what Mr. Marro is saying, is it a long-term fix or a stop gap or short-cut to get to it. We have no way to assess it without that information. He is glad to see that some activity is taking place, but not sure if it is the right activity and can't comment on it not being an engineer. He suggested we talk to Graves Engineering and have them look at it and see what progress they think is being made on this activity. A little progress is good but would like to see a lot more.

Attorney Watsky said they have Orders that are in effect; this is not a request for a certificate of compliance yet. What Mr. Grenier designed is intended to address the Commission's concern about a sudden erosion that happened during a storm and to get it stable. They are asking for approval to go ahead and get the work done because they view it as necessary to control the erosion. Mr. Burkhardt asked why he didn't have a written plan in front of him, a document from either the owner of the property or from Mr. Grenier or from Attorney Watsky that outlines what they are proposing to do, and the timeline. It would have addressed the submitting of the plan and schedule as asked for. Mr. Grenier said this is the plan and they plan to do it immediately. Mr. Burkhardt said there was plenty of time to submit something in writing instead of coming in and bringing a document; what if we have concerns, he is not an engineer. The reason and rationale for asking for it before the meeting was that if we had questions, we could go to the professionals that work with the Commission and work with the Planning Board. Mr. McGrath was not comfortable proceeding until we get a professional engineer review of the proposed action. We also don't want his client to expend the cost of doing this if it is not going to be an acceptable measure. We can ask for an accelerated review so we can get back to you this month. All agreed that was fair.

The Chair asked for public comment. Orni Wartinen (5B Cheryl's Way) would like Graves to look at it from an engineering standpoint. Mr. Burkhardt said we have asked the Planning Board to engage Graves to do that; it was one of the outcomes of the special meeting we had last month. We can follow up with Planning Board. Mark Anttila (46B Compass Circle) said he had sent DEP information on Orders of Conditions and tolling for expiration dates to the office. Attorney Watsky was not aware of it; the email from Kimberly Roth will be sent to him. Town Counsel is researching extension permits for Orders that were not recorded. Attorney Watsky said under the COVID Extension Act, Orders were extended for an additional 15 months; the majority of the Orders are extended through November 2021 by operational law. June 2020 extensions are still valid.

Mr. Grenier will send the information to Mike Andrade; Mr. McGrath will email Mike Andrade to let him know.

176 & 179 Stiles Road (no NOI filing or request received from Land Design Collaborative for Farooq Ansari) – Joe McGrath will contact Wayne Belec at LDC for a status update.

25-foot No Disturb Policy Update – Joe McGrath forwarded the policy to Town Counsel; he has not heard back; he will follow up.

Mr. McGrath received the draft Conservation Restriction regarding the Frem property at Cyprian Keyes and has forwarded it Town Counsel and the Board of Selectmen.

Request for Certificate of Compliance for Longley Hill Subdivision (Farooq Ansari) – Jeff Walsh recused himself from the matter. The report received from Paul McManus (EcoTec) dated October 15, 2021 pointed out deficiencies. Mike Andrade (Graves Engineering) is reviewing the engineering status of the project. The EcoTec report will be forwarded to Mr. Ansari and he will be requested to provide his plan to address the issues. No certificate will be issued tonight.

Potential New Member Introductions (Kylie Reynolds, Caleb Beals, Ron Aspero) – Mr. Aspero attended. He has been a developer and builder in town for over 40 years. He was on the committee that established the Limited Impact Development for Subdivision, Planning, Conservation, and Highway Supervisor. He understands what he would be reviewing and could give another point of view based on his experience, and he has experience with stabilization. Mr. Walsh said Commission needs people who are able and willing to learn the regulations, listen to testimony, apply the testimony against the regulations, and try to make informed decisions that comply with the regulations; he thought Mr. Aspero would be a good Commissioner and hoped the Board of Selectmen would appoint him. A Commissioner needs to be objective. Mr. Aspero felt this Commission was exceptional compared to others he has worked with. Because of the Commission's level of professionalism, it reflects highly on the town. Mr. Aspero would recuse himself when needed. He will go through ethics training for guidance. Mr. McGrath explained that all members are part of the Massachusetts Association of Conservation Commissions (MACC). There is a handbook, and they offer training throughout the year. Mr. Burkhardt said Mr. Aspero put in one of the first low impact development subdivisions with rain gardens and would be a welcomed member. Mr. Burkhardt will send an email to the BOS Administrative Assistant and copy the Town Administrator. He needs to go to the Town Clerk's Office for the paperwork. Once appointed, he will need to be sworn in and take the required courses. Mr. McGrath will follow up with the other two to see if they still have an interest.

Meeting Minutes Transcription – Because of the length of meetings and the after work that follows, the question of hiring someone to help Melanie transcribe some of the meeting minutes came up. Joe McGrath was not sure of the process, but the Conservation fund can be used since it is one of the allowable expenses. Chip Burkhardt made a motion that on an as-needed basis, we engage help with transcribing Conservation meeting minutes to be paid for out of the Conservation fund; Joe McGrath seconded; all voted in favor; motion approved.

Correspondence was reviewed. Graves Engineering provided a Site Stabilization & Drainage/Stormwater estimate for 8 Gulf Street (\$438,649). It will be forwarded to the applicant.

Having no further business to discuss, Joe McGrath made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved.

The meeting was adjourned at 8:50 p.m.