



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
DECEMBER 20, 2021**

Members Present: Chip Burkhardt, Mark Coakley, Ron Aspero, Jeffrey Walsh

Members Absent: Joe McGrath

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

Chip Burkhardt made a motion to confirm January 24, 2022 as the next meeting date; Mark Coakley seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to accept the November 15, 2021 Meeting Minutes; Ron Aspero seconded; Burkhardt/Coakley/Aspero voted in favor; Walsh abstained; 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) requested a continuance via email. Chip Burkhardt made a motion to accept the request for continuance to January 24, 2022 at 7:05 p.m.; Mark Coakley 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 recused himself from the matter. Patrick Healy (Thompson-Liston Associates) was present. Since it had been more than three years since the wetlands were flagged, they had a wetland scientist look at the flags and a plan was submitted showing the previous and new flagging. Minor adjustments were made to the walls and silt fencing. They proposed to upgrade the existing cart path crossing. An outbuilding is proposed. Culverts will be replaced with 24" diameter culverts. A filing has been before the Commission before in 2008 & 2015 and is essentially the same scope as 2015.

Mr. Healy said they would like to use the first quarter-acre as the staging area before the trees are cleared and the silt fence is installed. He showed the boundary where the erosion & sediment controls are proposed. He also showed the area where he would propose a temporary barrier across the wetlands; there will be an entrance mat. Topography goes down towards the stone wall. Mr. Walsh suggested they install the silt fence as early as they can with trees coming down. Mr. Healy said the initial entrance is outside the buffer zone. The staging area would be beyond 50-feet of the BVW. Mr. Coakley suggested a 53G account be established because of the crossings.

The Chair asked for public comment; there was none. Mark Coakley made a motion to close the public hearing; Jeff Walsh seconded; all voted in favor; motion approved (Aspero was recused). Mark Coakley made a motion to issue an Order of Conditions with Special Condition #35-work for the stream crossing shall, to the extent possible, be completed in low flow conditions. The Commission to be notified 7 days prior to the commence of the stream crossing. Jeff Walsh seconded the motion; all voted in favor; motion approved (Aspero was recused). The applicant will provide \$2,000 for a 53G account for a third party to inspect the stream crossing while under construction. Chip Burkhardt made a motion to issue Stormwater Control Permit #SCP-2021-6 for 205 School Street; Mark Coakley seconded; all voted in favor; motion approved (Aspero was recused).

PUBLIC HEARING (continued) – 750 Main Street (Keith Lewis) – Notice of Intent Application and Stormwater Control Application to replace the existing building and parking lot with a new building, parking lot and drainage system. (DEP#115-xxx) Stormwater Control Permit SCP#2021-7

Keith Lewis was present and requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to January 24, 2022 at 7:10 p.m.; Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC MEETING – 726 Main Street (Gregory Cincotta) – Request for Determination of Applicability Application to replace existing 15'x24' garage with 18'x24' garage and repave existing driveway, widening it by 3-feet

The meeting notice was read into record. Greg Cincotta was present. The house was built in 1910; the garage around 1997; it is within the 100-foot buffer zone; the wetland flagging was done. He plans to demolish the garage and rebuild it and widen it by 3-feet. Erosion controls will be installed. Mark Coakley commented that the stream by Jasiak's is flagged perennial; it has never been overcome. He said the Commission needs to make it clear that they are not accepting any wetlands delineation; it is a Determination only for redevelopment of the property. There is no elevation shown on the plan so it is not known where the erosion controls will be; they need to be on the plan.

The Chair asked for public comment; there was none. Chip Burkhardt made a motion to close the public meeting; Mark Coakley seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue a Negative Determination of Applicability by Reason #2; Jeff Walsh seconded; all voted in favor; motion approved. The Determination will be held pending receipt of the plan showing the erosion control placement and the Commission's approval.

PUBLIC MEETING – 120 Nicholas Avenue (Susan Hudson) – Request for Determination of Applicability Application to maintain existing walkway to pond and dock; maintain existing rock embankment to brook/stream and duck pond

The meeting notice was read into record. Susan Hudson was in attendance. Ms. Hudson said nothing has changed and would like to continue maintaining the existing walkway to the pond and dock and also maintain the existing rock embankment to the brook/stream and duck pond. The project has been before the Commission several times. The members had no objections. Chip Burkhardt made a motion to close the public meeting; Mark Coakley seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue a Negative Determination of Applicability by Reason #2 adding that the work is maintenance of an existing walkway; Jeff Walsh seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – Jeff Walsh recused himself from the matter. Matt Marro was present for discussion. A comment letter from John Grenier dated 11/12/2021 was received in response to Graves Engineering's questions. The only outstanding issue from Graves 11/24/2021 comment letter is #2-the engineer shall show on the plans the route that equipment will take to access the work area and how the access route will be restored after construction. Chip Burkhardt said Mr. Marro is well aware of all the questions we have for Compass Pointe. Mr. Marro said he did speak with Mr. Grenier today and discussed the stabilization and agreed with Mike Andrade's comments. The outstanding issue is that Mr. Grenier put in an access route but nothing for restoration. Mr. Marro will address it and report back to the Commission. Mark Coakley said the best time to do it is while the ground is frozen. Mr. Burkhardt reminded Mr. Marro that it is only temporary stabilization; it does not take the place of the permanent stabilization the Commission is looking for on the slopes around Compass Pointe. There are still outstanding issues; they are working with the Town Planner and Planning Board.

The Chair asked for public comment. Orni Wartinen if the list of open action items being prepared by the Town Planner was received and was told no. Mr. Burkhardt will follow up with the Town Planner. Mr. Wartinen asked about Town Counsel checking the validity of Orders of Condition. The email from Mark Anttila was sent to Attorney Watsky but was told it is the applicant's responsibility since it is their Order. Mr. Marro will inform Attorney Watsky about it tomorrow.

Farooq Ansari asking for Building Permit Sign-Off for Lot 11 Longley Hill – Mr. Ansari requested this be tabled to the January meeting.

Farooq Ansari Response to EcoTec Site Visit - 176 & 179 Stiles Road (Request to extend NOI filing from Land Design Collaborative for Farooq Ansari) – A letter dated 11/23/2021 was received from LDC requesting another extension for the NOI and Restoration Plan. Members agreed to one more extension before stronger enforcement will be taken; it has been delayed for some time. The Commission received an email from an abutter asking why the town hasn't forced the developer to meet the town's obligations.

500 Main Street (Request to Waive Stormwater Control Bylaw) – A letter dated 11/17/2021 was received from Thompson-Liston Associates asking for a waiver. It is for the construction of a single-family home and driveway; a subdivision in name only; disturbance is less than one acre. Having no objections, Mark Coakley made a motion to grant the request for a waiver for the requirement for a Stormwater Control Bylaw submission per the Thompson-Liston letter dated 11/17/2021; Jeff Walsh seconded; all voted in favor; motion approved.

25-foot No Disturb Policy Update – Tabled to the January meeting.

Chip Burkhardt has been involved in discussions with the Board of Selectmen regarding Camp Harrington; the BOS will have the authority to potentially expend the funds passed at Town Meeting. There are open Orders of Condition on the property. Mike May and Jimmy Ricciardi are moving forward with earthwork to remove some of the soil piles to fix the toe of the slope and to stabilize the slope. Mark Coakley commented that there was an Earth Removal Permit granted for one of the newer houses on Pine Hill Drive; they have a significant amount of loam. It was mentioned to them that Camp Harrington may need to purchase some loam and was given contact information.

Consider Request for Certificate of Compliance (DEP#115-420) and Stormwater Control Permit SCP#2018-3 for 85 Sewall Street – Matt Marro said the as-builts are near completion and certification will be forthcoming. He asked if the Commission could do a site inspection. Mark Coakley suggested

EcoTec do a site inspection. Jeff Walsh recused himself from outside engineering discussions. Chip Burkhardt said we will want to have EcoTec look at the wetlands, restoration, and invasive species management, and have Graves Engineering review any of the stormwater structures. Mr. Burkhardt will contact Paul McManus and Mike Andrade.

Comment on 40B Application for 100 Shrewsbury Street (LIP) – It will be a 90-bedroom single multi-family building. Mr. Healy said they have the initial hearing with the ZBA on January 10th. There is an ANRAD which left the issue on the riverfront because they were not able to show during the drought last year that it was intermittent and not able to do it this year because of the rain so they are focusing development on the front end of the property. The ANRAD is still in effect. The resource areas were identified and delineated and confirmed with the exception of riverfront; currently it is presumed to be perennial.

Informal Discussion with DJ's Landscape Construction RE: Elmwood Place (Patrick Healy) – DJ's existing operation is more than 50-feet from the wetland boundary; a portion of the property has an erosion control barrier; he was advised to extend it past his yard to have a complete barrier. He is proposing to put in concrete block enclosure bins for bark mulch. The area is in the buffer zone, no grading will be done, vegetation will have to be cleared and silt fence installed around the boundary. Mr. Healy asked if the Commission would want an RDA or NOI? After further discussions, the Commission recommended an NOI be filed to look at the entire parcel and the impacts; the grading of the lot, spillage of mulch, the base of the slope where the material could accumulate, how to secure the boundary (hard boundaries are needed). Also, if they are leasing the entire parcel, why does the work have to be done near the resource area?

Correspondence and emails were reviewed.

Mark Coakley said the Earth Removal Board has a request for a permit for Lots 7 & 8 on Sewall Street and asked if the Stormwater Bylaw allowed breaking up individual lots and was told no. If they are disturbing more than one acre it is subject to the Stormwater Bylaw.

Having no further business to discuss, Mark Coakley made a motion to adjourn; Chip Burkhardt seconded; all voted in favor; motion approved.

The meeting was adjourned at 8:35 p.m.