



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 17, 2022

Members Present: Joe McGrath, Chip Burkhardt, Ron Aspero, Jeffrey Walsh 7:45 p.m.

Members Absent: Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

Ron Aspero made a motion to set November 21, 2022 as the next meeting date; Joe McGrath seconded; seconded; all voted in favor; motion approved. Joe McGrath made a motion to approve the September 19, 2022 meeting minutes; Ron Aspero 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) was in attendance. He had nothing new to report. He submitted information to the DEP approximately four months ago and hasn't heard back. He is waiting for the Water Quality Certification. Mr. McGrath said we did reach out to the Circuit Rider to see if she could contact the department handling it; it has not generated anything as yet. Mr. Heim requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to November 21, 2022 at 7:05 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC MEETING (continued) – 11 French Drive (Worcester County Horticultural Society) – Notice of Intent Application for proposed repairs to existing gazebo footings with Helical Anchors and installation of a curtain drain.

Rob Lussier (CMG) was present. He said at the last meeting it was agreed that the trench drain proposed around the gazebo needed to be removed; DEP agreed. It has been removed from the site plans and structural plans; only Helical Anchors are being proposed. Some of DEP comments were substantial but with the removal of the trench drain were addressed. There was a fee adjustment which has been paid. Mr. McGrath wanted to confirm that the information submitted to the office dated 10/5/22 which we received on 10/11/22 included the response letter to the DEP; it did. He asked if it also included the revised NOI; Mr. Lussier said there is a Revised Form 3 which includes the adjustment to the permitting disturbances to the wetland as well as disturbances to the buffer area which are already in Form 3. Mr. McGrath asked if they are taking the curtain drain out and is the replacement to allow the groundwater to sheet flow in its normal method; Mr. Lussier said it was. Mr. McGrath what's being done to prevent any construction material from getting into the pond. Mr. Lussier said there are two lines of erosion controls: one is going around the existing gazebo, and one along the pond. Mr. Aspero asked the material of the pad. Mr. Lussier it is a blue stone flag stone type of the material. They plan to do a 4" thick concrete slab and put stone veneer on top of that; ¾" crushed stone is under that and then a foam material to allow water through.

The Chair asked for public comment; there was none. Mr. McGrath made a motion to close the public hearing; Mr. Aspero seconded; all voted in favor; motion approved. Mr. McGrath made a motion to issue a standard Order of Conditions 21-34; Mr. Aspero seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – 100 Shrewsbury Street (Trailside Apartments, Steven Venincasa) – Notice of Intent Application to construct a residential apartment building and small commercial building on the 19.24-acre site located on the southeast corner of Shrewsbury Street and Sewall Street. (DEP#115-XXX)

Patrick Healy (Thompson-Liston) was present. DEP has not yet issued a file number. Graves Engineering submitted a review letter dated October 11, 2022 noting stormwater issues which Mr. Healy said should be resolved for the next meeting. He asked for a continuance. Chip Burkhardt made a motion to continue the public hearing to November 21, 2022 at 7:10 p.m.; Mr. Aspero seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – 220 East Temple Street (Keith's Music House) – Notice of Intent Application and Stormwater Control Permit Application to construct a small addition to the existing building and construction of associated improvements on the site. (DEP#115-445); (SCP-2022-5)

Patrick Healy (Thompson-Liston Associates) was present. No peer review comments have been received. Mr. Healy asked for a continuance. Chip Burkhardt made a motion to continue the public hearing to November 21, 2022 at 7:15 p.m.; Mr. Aspero seconded; all voted in favor; motion approved.

PUBLIC MEETING – 3 Hall Pond Road (Nancy Madore & Christine Brazauskas) – Request for Determination of Applicability Application to remove existing cesspool and replace it with a Title 5 sewage system.

The meeting notice was read into record. No representative was present. The Commission reviewed the submittal. It's a repair of an existing system. They asked for a waiver for the square footage. All work is within the buffer zone. It is 100-feet from the high-water mark. There is no work proposed within 25-feet of the wetland.

The Chair asked for public comment; there was none. Chip Burkhardt made a motion to close the public meeting; Joe McGrath seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a Negative Determination of Applicability by Reason #5 that the exemption due to repair of the septic system is not subject to the Town's Stormwater Control Bylaw; Ron Aspero seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Mr. Burkhardt received a call from Kristin Las, Assistant Town Manager in Shrewsbury, commenting on the dust on the roadway on Route 140 from Pine Hill Drive; they need to dust control and sweep; he will contact her. He will also contact Steve Mero (Highway Superintendent) to have him speak to the folks.

Thomas Rudman (47 Perry Road) to discuss concerns with stormwater issues at Barnard Hill – Jeff Walsh recused himself from the discussion. Mr. Rudman said the sidewalk has not been put in and dirt is flowing into the street; the drains that had basins have so much dirt that plants are growing out of them. He spoke to National Home Builders and was told there are other concerns about the retention area. He works for the EPA and reported it to the DEP and USEPA Construction Stormwater Engineer. The catch basin near his house was empty. He would like information on the retention basin.

Jim Brown (National Home Builders) conveyed three homes; they have five under construction in the new section of Barnard Hill. He said someone that works for them was approached because whoever put in the retention basin didn't put in outlet drains. He said neighbors have approached them with concerns about the 100-year storm if the retention area is not going to drain properly; there is already sitting water. The only other concern is that they are building on Barnard Hill; people have moved in; and they are getting close with three others. The system at the end of Barnard Hill is not completed yet. He is not sure if all the catch basins have siltation bags. Mr. Burkhardt said it puts the Commission in a unique situation because there was the original owner of the property and all of the filings were for the subdivision, not for individual lots. As houses sell, we've been issuing Partial Certificates of Compliance; all the permits are still open; construction is not complete. Mr. Burkhardt felt the issues can be addressed. The Commission would like to see the stormwater basin and piping and retention basins installed, but in that particular subdivision, some of that is part of individual people's lots. He said if the basin wasn't holding water he would be concerned. There should be a design overflow structure; they are designed to hold at least a 100-year storm; it was approved to the standards at the time of design; we will verify installation when they come for a Certificate of Compliance for the entire project.

Rich Chehade (Barnard Hill Estates) said he has been negligent with cleaning the silt sacks. He had someone take care of it today. Mr. Burkhardt said he is not the only one building the houses. Mr. Chehade said Perry Road is finished. The detention basin is complete. He spoke with James Tetreault (Engineer) and Michael Andrade (Graves Engineering). He said inspections were done for the entire site for the Planning Board. According to Mr. Chehade, he said the detention basins have been removed as items on Perry Road because Graves said they were built to specification. Nicole St. Cyr said she read that Graves was not happy with the inspections and were not being done according to their specifications. The Commission has not read those letters. Mr. Chehade said if Graves says it's not to their standards, then he has to fix it. As far as the issue at Mr. Rudman's home, he said they are going to put in sidewalks. Regarding the end of Barnard Hill Road, they took out all the silt sacks, new ones are being installed. He said Shrewsbury is not allowing them to use Jacobson Drive as an exit for construction vehicles so they have large trucks travelling the road. If they could put their finish coat on, they could put the grates in. Mr. McGrath asked if he had a timeline for the topcoat. Mr. Chehade said when construction is over. A resident asked if the topcoat has to be done in order to do the retention area on Lot 42. Mr. Chehade said Mike Andrade told him that's on his end of things and they can reach out to him. Mr. Chehade said they did do work in the basin; the infiltration system is not installed. Mr. Andrade said if it was installed now, the amount of silt and sand that would go in, the town would be in a difficult situation when they accept the road. Mr. Chehade said it is still going to the detention basins. Mr. Burkhardt explained how the infiltration basin works; you are trying to trap the sediment before it goes to the infiltration system or any of the stormwater basins themselves. Certain stormwater standards have to be met for sediment control. You don't want that in the infiltration system because you would have to clean the infiltration system; you want to trap that before. In some projects they might install them first but they might have another mitigation plan to control the sediment. We have seen them put in both towards the end of a project and the beginning of a project. Mr. McGrath said the applicant is allowed under state and federal regulations to have one set of stormwater controls during construction, which are meant to be temporary, and to be remediated and replaced by permanent stormwater control devices when the project is completed and they are ready to file for a Certificate of Compliance. Mr. McGrath said it is appropriate to contact Mike Andrade and have him copy the Commission on any information.

Mr. Burkhardt asked the homeowner what he's expecting tonight. Mr. Chehade has done the reporting and has addressed some of the issues and has a plan to address other issues. Mr. Chehade asked the Commission if the silt sacks on Perry Road are needed any longer because there is no more construction. A resident said until the sidewalks are done, it's still open construction. Mr. Chehade was told to replace

the silt sacks. Mr. Burkhardt told him to go back and look at the plans that were approved. He also suggested Mr. Chehade put some check dams in immediately where the sidewalk is going to go to keep the sediment from washing into the street. The Commission will ask James Tetreault to come to the next meeting with an update

Consider issuing a Certificate of Compliance for 85 Sewall Street, DEP#115-420 – Jeff Walsh recused himself from the discussion. Matt Marro was in attendance. It was Mr. Marro's understanding based on the talks he had with the engineer that worked with Mike Andrade that all the issues that Mr. Andrade had were resolved and that the Commission issued a Stormwater Certificate of Compliance. The Commission had specific questions on Special Conditions #34-#37 of the Order of Conditions. Mr. Marro has not finalized any report yet; he wasn't involved in the earlier invasive species management. He asked if he writes it up, is the Commission going to have EcoTec review it or can he have them go out with him and look at it. The members agreed it would be a good timesaver. Mr. McGrath will contact Paul McManus. Once that is clarified we can close it out.

Compass Pointe Update – Mr. McGrath noted earlier that there is no new information for tonight; we are still waiting for additional information and as-built plan.

Boylston Library Discussion with Patrick Healy – Mr. Healy said there is an eroding problem at the back corner of the library parking lot. The lot was repaved; they had designed a stormwater system to handle the expanded part of the parking lot; the existing part of the parking lot was not changed in elevation; just repaved. It has developed a settled low point in the back corner and there is some water running down the slope toward the abutter's property. They are looking at options on how to address it to provide additional infiltration. He had a plan to install a drywell and the DPW has time to fit it in their fall schedule. The Library Trustees voted Wednesday to fund the installation of the drywell. It is just inside the 100-foot buffer zone but solves an ongoing erosion issue. He was asking the Commission if they can proceed. Mr. McGrath said it is exempt from the Stormwater Bylaw because it is not a commercial entity or subdivision and there is minimal disturbance and improvement to existing conditions. In summary, Mr. Healy came before the Commission with a minor correction to an issue with drainage in the parking lot of the Boylston Public Library; the members had no issues, it is not subject to the Stormwater Control Bylaw, and he was permitted to proceed.

Jeff Turgeon was before the Commission last month. He has been working with the Parks and Rec to bring Disc Golf to the Hillside property; a lot would be on protected property. They are not planning to take out any protected plant species; they are looking to remove invasives; they are not disturbing the ground area. They propose to put up disc baskets (fence post) and on the t-box side would create a level area in the dirt with a box frame and fill it with stone dust or dirt. They can use paver stone, cement, or matting. He is looking to get some perforated rubber mats. For the area that goes along the woods, they are talking about areas that already exist between trees, and taking out some of the invasive brush, cutting back a few branches, taking out some saplings. He said there is an old trail that runs from Route 70 to the cleared area that is overgrown. It does fall within the 200-foot buffer zone. From hole to use they will use natural contours, wood chips and signage. It intersects with other trails but you can see others walking on the trails. Mr. McGrath asked how they will deal with parking and trash. Mr. Turgeon said he has a plan to install 5-6 trash bins; volunteers would maintain them. There are two options for parking: at hillside or in the lot at the soccer fields; signage will be needed. Mr. Burkhardt said to look at baskets 12, 13, 14 because hunting is allowed on town property. Mr. Turgeon said the buffer zone for hunting is well outside of it. Mr. Healy commented that going down the old farm road there is a 12-acre historical preservation restriction on part of Hillside; no work can happen there. Mr. Healy said Mr. Turgeon would want the local Historical Commission to support any work in that area and not sure he would get that support. Mr. Healy asked who the intended audience of the Disc Golf Course was and

what percentage would be Boylston residents. Mr. Turgeon did not have any statistics on that. Mr. Healy's concern is committing open space that has been bought and paid for by the residents of Boylston to people outside and not having it used principally used by Boylston; same as issues when we look at other sports teams using the fields here that volunteers have paid for, etc.; they don't want league teams coming in renting the fields. Mr. Turgeon said the town has full control over it. If they want to reserve it certain days and times for town resident use only, they can do that. He said the fundraising that would go into it would be at no cost to the town. Mr. McGrath asked what the approval process was. Mr. Turgeon said they had mentioned the historical nature of the property and making sure there were no concerns and they didn't necessarily talk about having to go to a specific commission but they did say the next step after Conservation would be to make sure the Selectmen approve it. Mr. Walsh said they have a number of boards to work with and glad they were here. There are other restrictions on the property. The Gough house and a certain amount of land is protected, question of transmission easements, water lines, easements, NHESP, DCR. There are a lot of different boards they will need to talk to. From the Commission's standpoint it is a low or no impact activity. Mr. Turgeon will continue to work with Parks & Rec

There was no correspondence or emails for review this evening; additional items were addressed.

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

The meeting was adjourned at 8:30 p.m.