



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

July 17, 2023

Members Present: Mark Coakley, Chip Burkhardt, Jeffrey Walsh, Ron Aspero, Joe McGrath, Lucas Rose

Members Absent: None

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 schedule August 21, 2023 as the next meeting date; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to approve the June 20, 2023 Meeting Minutes; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to approve the July 10, 2023 Special Meeting Minutes; Jeff Walsh seconded; all voted in favor; motion approved.

PUBLIC HEARING – Lot 2, 100 Shrewsbury Street (Brookside Apartments, LLC) – Stormwater Control Bylaw Permit Application for the proposed construction of a 6,000 square foot non-residential building, new septic system, and stormwater BMPs. (SCP#2023-1)

The hearing notice was read into the record. Patrick Healy (Thompson-Liston) and Cohen Babcock (Trailside Apts) were present. An NOI was previously issued for the overall construction for the apartments and garages (lot 1). Mr. Healy is before the Commission for a Stormwater Control Permit for the non-residential component on lot 2. The building will have a 3,200 square foot clubhouse for residents, and a 2,400 square foot retail space for 2 tenants (TBD). There is an additional pervious driveway to allow for a potential drive-thru lane. It will not be a food service; the system capacity is not there. A hydrodynamic separator is proposed for pretreatment for the small impervious area; stormwater will be infiltrated. Mr. Healy said it fits in well with what was previously planned for the stormwater system. Graves Engineering has completed their review for the Planning Board; the items are minor; no substantive changes to the calculations.

An Order of Conditions was issued for the overall development of the site; the Stormwater Permit for the apartment site was part of the Comprehensive Permit that was issued by the ZBA. The Commission wanted to see the application for this part of the project that's not subject to Chapter 40B. Mr. Coakley would like to see the Graves review before voting. He wants to make sure that snow storage on the commercial lot is not in sensitive areas. Mr. Healy pointed out where they were and will provide a revised plan to the Commission.

The Chair asked for public comment; there was none. Ron Aspero made a motion to close the public hearing; Jeff Walsh seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue Stormwater Control Permit SCP#2023-1 with standard conditions #1-22 and adding Special Conditions #23-The applicant shall revise the Post-Construction O&M Plan to include snow storage areas as depicted on a revised plan of Post-Development Drainage Areas, last revised on 7/13/2023. A copy of the revised plan shall be submitted to the Commission; and #24-The applicant shall provide an annual report to be issued on the anniversary of the conclusion of construction detailing stormwater related activities during the period. Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC HEARING – Lot 11 Longley Hill Road (Farooq Ansari, Central Street Boylston Realty Trust) – Request to Amend Order of Conditions DEP#115-442 to reflect plan revisions made by the applicant and contractor without Conservation approval.

Jeff Walsh recused himself from the discussion. The hearing notice was read into the record. Green cards were received; the ad fee has not been received. James Tetreault (Azimuth Land Design) and Farooq Ansari were present. They are requesting the Order be revised to include the revised plan dated July 28, 2023. He said all but one change was forced on him because they were out of his control. The septic system leaching area was to be accessed through an easement behind lots 7-10. The contractor said the path wasn't where it was supposed to be and had to find another way not to go over the easement. He also said the Board of Health agent asked them to do an additional perc test in the area of the reserve system which made it larger; the applicant had to purchase land from lot 10 to fit the reserve area. The applicant also changed from an on-grade garage with a house to a drive under garage which pushed the house closer to lot 10. The retaining wall moved several feet further away from Longley Hill Road because when they started doing the work, one of grades was not as depicted on the plan and said it had to be moved back so there wouldn't be a stability problem. He said they worked out a way with the existing wall with the house position to leave it in place and not fill over it. Mr. Tetreault said the applicant should have come back to the Commission with the changes but didn't and said there is a prospective homeowner waiting to move in. He said the bottom line is that the applicant made one discretionary change which lessened the alteration.

Mr. Burkhardt said the Commission has two letters dated July 5, 2023 from Charles Mello, PE (one received on July 10th; one received on July 14th) with slightly changed wording. Mr. Tetreault said one letter includes the "proposed grading information"; the other includes "topographic information". Mr. Burkhardt said it doesn't answer the question the Commission asked for; and he is not sure what Mello is certifying. Mr. Coakley wanted to see the March 31, 2022 plan since Mello is saying the June 28, 2023 plan is the same. In the file there was a certification letter from MF Engineering Designs dated May 16, 2022, signed by Carlos Ferrera, PE, referring to the plans dated March 31, 2022. There are two different structural engineers which is confusing to the Commission. Mr. Coakley pointed out that the July 5th letter from Charles Mello states that there is no difference between the June 28th plan and the March 31st plan with regards to the proposed grading yet Mr. Tetreault just gave a presentation showing that it is different. Mr. Tetreault said it has less 1:1 grading than the previous version. Mr. Burkhardt said the July 5th letters are vague and confused as to why there are two stability letters from two different structural engineers. Mr. Ansari said Carlos Ferrera was not available; Mello was readily available. Mr. Burkhardt said Mello has had no involvement in the project; he's saying he reviewed the two plans and saying the recommendations in that letter remain the same. He is opining on recommendations he didn't make. Mr. Burkhardt was struggling with that and said we made it very clear, and were clear from the beginning, that slope stability is a concern. We want to ensure the slopes are stable. We don't want it turned over to the homeowner and have an issue. We wanted a clear description; he was concerned with the additional potential loading and weight at the top of the slope. The letter doesn't answer the question he was asked to answer. It's on the plan, but there's no narrative on how it was done.

Mr. McGrath said the only comment in the letter is about grading. It doesn't speak to anything related to slope stability or the additional impact on the top slope, which is specifically what we asked the engineer to address. Mr. Ansari said he can have Mello look at it again and write another letter referring to slope stability if that's what we're looking for. He was told numerous times that it's not what the Commission wants; he has to comply with the rules that are set forth in the approvals for the project. Most of this work was not brought in front of us; the slope has been an issue for the Commission since the beginning of the project. We have been very specific in the last two meetings, which he was present for and is captured in the meeting minutes. For him to come back and ask what do we want is extremely

frustrating. We received a letter that's very vague, the timeline is confusing, and there is no consistency in what's going on. We have revised plans, had specific actions we wanted addressed, and they're not addressed in the letter. There's nothing that says the Commission's concerns are addressed. The file would have to be deciphered; nothing is clear.

Mr. McGrath said it's the Commission's discretion to consider either accepting an amended Order of Conditions or request a new NOI based on the scope of the change. He suggested we submit this amended Order for peer review and see if the nature of the changes submitted are minor and don't impact any issues related to the site because the Commission could not sign off on an Occupancy Permit based on what was submitted tonight.

Mr. Tetreault asked for a continuance to the next meeting. A structural engineer should be reviewing it because of the nature of the site and the changes (the retaining wall was moved; the location of the septic system was changed) and compare it to the previous Order of Conditions and previous plan submitted in 2022 and tell us if it is a significant change and all the impacts of the change have been identified. We will reach out to Graves Engineering. The first question to ask is, were the changes detailed in the new plans significant enough to the site to justify filing a new NOI as opposed to an amendment. The second question is, in our engineer's opinion, do any of those changes affect the stability of the slope.

The Chair asked for public comment; there was none. Joe McGrath made a motion to accept the request for continuance to 7:05 p.m. on August 21, 2023; Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC MEETING – 211 Mile Hill Road (Summer Star Meadow) – Request for a Determination of Applicability Application to remove 3 trees, construct a gravel pad for storage trailer, and modify the existing 4-bedroom farmhouse. Most of the proposed work is located within the 100' BVW buffer.

The hearing notice was read into the record. Jim Pavlik (Outback Engineering) and Scott Steeves (Project Manager) were present. They are proposing to do preliminary site preparation work in advance of modifications to an existing 4-bedroom house. It's a 55-acre site with approximately 1,500 square feet of frontage along Mile Hill Road. The existing house, driveway and some stone foundation walls are within the 100-foot buffer. A silt fence was installed to protect the wetlands from erosion. As part of the prep work, three trees will need to be removed, and a gravel pad is proposed for the storage trailer where materials from the house will be stored. They will be back before the Commission of any additional site work. Mr. Coakley asked if the well would be adequate for future use and was told it would be.

The Chair asked for public comment; there was none. Joe McGrath made a motion to close the public meeting; Mark Coakley seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a Negative Determination by Reason #3 and include the following conditions: Install and maintain erosion controls as shown on submitted plan dated June 28, 2023; Jeff Walsh seconded; all voted in favor; motion approved. The Determination will be held pending receipt the of ad fee.

COMMISSION BUSINESS

Informational Submittal – 220 East Temple Street (Patrick Healy) – Stormwater System Adjustments to SCP#2022-5 – Patrick Healy (Thompson-Liston) was present and explained how upon excavation for the proposed infiltration basin, shallow and surface ledge conditions were discovered in areas where the pond was proposed to reside. The shape of the infiltration pond was adjusted to avoid excavating the

ledge present. The new pond layout still upholds a 25-foot offset to the proposed septic system trenches which has also been reconfigured to still comply with Title 5. The proposed pond has been reshaped slightly and the outlet control structure orifice controlling the 25-year storm has been raised by 0.2 feet to mitigate the peaks rate of flow. The Commission had no issues.

Consider issuing a Partial Certificate of Compliance for 13 Jacobson Drive (formerly #4) Lot 44 Barnard Hill Subdivision, DEP#115-373 – Jeff Walsh recused himself from the discussion. Patrick Healy (Thompson-Liston) was present. It's the last lot on Jacobson Drive; everything is completed; photos were provided. Joe McGrath made a motion to issue a Partial Certificate of Compliance for 13 Jacobson Drive (formerly #4) Lot 44 Barnard Hill DEP#115-373; Mark Coakley seconded; all voted in favor; motion approved.

Informal Discussion – Tina Greenlaw re 627-629 Cross Street and what she can do with her property – Tina Greenlaw, Mike Starvaski (14 Stiles Road), and Dan Santimaw (Beehive Builders) were present. Different options were discussed. The Commission can only give guidance, not tell them what to do. When they have a surveyor or engineer draw the plans, the wetland boundaries will be confirmed, and depending on how much area will be disturbed will determine what they need to file with the Commission. Nothing will preclude them from doing construction but it was suggested to have Natural Heritage Endangered Species Program review whatever they decide because of spotted salamanders.

Discuss Construction Activity on Stiles Road – Mr. Aspero visited the site Friday after the rain and provided photos. The gravel pile that was there for many years was removed. Prior to the removal, the pile diverted the water to Nick Argento's side of the street. He said on the left side of Longley Hill there appears to be a 4" minus berm but didn't know if it was filtered water because it was coming through quickly as opposed to it was supposed to have something in it to contain the water. There was a depressed area in the back with wetland plants in it. There was a breakout on both sides. Some of the outfall was from Stiles Road; part was from Argento's old driveway. There were some old metal culverts in Stiles Road. They've been testing there, but not official testing. They are doing exploration and probably crushed some of the metal culverts. Mr. Walsh said although the gravel from a long time ago was removed, Mr. Ansari was supposed to create a way to channel the water coming down old Stiles Road before it got onto the pavement to turn right and go over the brook. It was working until they went up there a few years ago; since then, every time there's heavy rain there's been some problems. It's been an ongoing problem and Mr. Ansari doesn't seem to fix it. Mr. Aspero asked how we can get it managed. He does have an Enforcement Order which he continues to drag his feet on. Mr. Coakley said they should reach out to the Marshalls because his driveway. Mr. Aspero said it may be a simple fix on the right side of their driveway to change the swale into the woods. Steve Chwiecko (179 Stiles Road) wants to know what the town is doing about it since it's happened multiple times and also wants to know when we're going to hold Mr. Ansari accountable. The Commission has issued an Enforcement Order and has been in to discuss the project, has done some work, but the work is not adequate. We've done what we could to get the remaining work out of him under the Enforcement Order and will send him a certified letter telling him we want a response by the next meeting and want a remediation plan and a schedule for completing the work under the current Enforcement Order. Members will visit the site and discuss it at the next meeting.

Finalize Reorganization of the Commission – The Commission confirmed that Mark Coakley will be Chair; Jeff Walsh will be Vice Chair; Joe McGrath will fill in as needed; Mark Coakley will remain as the representative on the Earth Removal Board; Joe McGrath will remain on the Stormwater Committee with Lucas Rose joining; and Jeff Walsh will be the representative on the Master Planning Steering Committee.

Review Correspondence/Emails/Additional Items: Ron Aspero, as a resident, wanted to discuss 428 Green Street. He was asked to build a house and recently brought into the project. The driveway is located on Green Street by the Falby forestry property towards Northborough almost at the bottom of the hill past Mile Hill Road. Mr. Coakley said there is a culvert close to the end of the driveway; there was no filing. He didn't think it was perennial but probably within 100-feet of the entrance to the driveway. Mr. Aspero had taped off a distance of 190-200 feet. Patrick Healy (Thompson-Liston) was involved in the work that was done. Mr. Healy was asked if there was an Order of Conditions and was told no. He also said the area wasn't disturbed so there is no Stormwater Permit. Mr. Aspero showed where it had been cleared and stumped, beyond that he could see a clearing in the trees. He asked if it was an area of Isolated Land Subject to Flooding. Mr. Walsh explained that ILSF has to store at least one-quarter acre foot of water at an average depth of at least 6" once per year with different way to document it. Mr. Aspero said the client is having Mr. Healy flag the area. He showed where he potentially planned to stockpile materials and redo the driveway. Mr. Walsh said if he was permitted to proceed, he didn't see any issues.

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 8:55 p.m.