



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 16, 2019

Members Present: Joe McGrath, Chip Burkhardt, Mark Coakley, Jeffrey Walsh

Members Absent: Dan Duffy

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC HEARING (continued) – 11 French Drive (Tower Hill Botanic Garden) – Notice of Intent Application and Stormwater Control Permit Application to redevelop the Tower Hill Botanic Garden main entrance off French Drive.

Michelle Kayserman (Samiotes Consulting) and Grace Elton (Tower Hill) were present as well as Laura Knose (Ryan Associates) and Dick Malcom (CSL Consulting). Ms. Kayserman explained the overall site plan of the areas proposed for development. At the last meeting for the NOI and Stormwater applications for the entrance drive, they were directed to submit stormwater calculations for the other areas being proposed (which are out of the wetlands jurisdiction). They are requesting to submit the stormwater calculations under a separate Stormwater Permit application, excluding the entrance drive. The Commission had no objections to separating the projects because they are disconnected. Mr. McGrath said the Ramble, Plinys Allee and the parking area should be considered one project from the Stormwater Bylaw prospective. Joe McGrath made a motion to accept the applicant's request to separate into two projects from a jurisdictional perspective; one for the entry drive which will require both a Wetlands Protection Act filing and a Stormwater Permit filing, and one for the remainder of the construction activity on top of the site itself which will require a Stormwater Permit; Mark Coakley seconded; all voted in favor; motion approved.

Jeff Walsh visited the site. He expressed his concerns about the amount of clearing proposed. He is hesitant about allowing clearing everything as proposed in the right-of-way for the line of sight and asked that they take another look and not do a lot of vegetation clearing in the wetland. The applicant requested a continuance. Chip Burkhardt made a motion to accept the request for continuance; Mark Coakley seconded; all voted in favor; motion approved. It was scheduled for January 27, 2020 at 7:00 p.m.

PUBLIC MEETING – Sewall Street (Eversource Energy) – Request for Determination of Applicability Application to install approximately 331 linear feet of 12-inch diameter natural gas distribution pipe via directional drill (HDD) within Sewall Street.

Rebecca Weissman (SWCA) and Jennifer Buttaro (Eversource) were present. Eversource's existing gas pipeline ends at the brook. It is needed for the new developments that are being constructed. The entire line will be installed by Horizontal Directional Drill (HDD). The entry point will be south of the brook near Morgan Circle. Ms. Weissman explained the process. It will go under the brook; the pipe will be 10-feet below the boxed culvert. Geotechnical investigations were done. The only surface activity where there will be ground disturbance is at entry and exit points; they are exempt minor activities under the Wetlands Protection Act. The bore that will install the pipe below the resource area is Land Underwater and Bank and also Bordering Land Subject to Flooding; there will be no grading changes to affect the area. Silt fence will be installed along the road and at the entry and exit points; there is a contingency plan in place; a compliance monitor will be present during the process; there will be no stockpiling on site, it will be taken offsite daily; the area within the paved road will be restored; construction is expected to start mid-April and take approximately 2-4 weeks to complete. Mark Coakley commented that they are in the Wellhead Protection District and need to contact the Water District. Mark Coakley made a motion to issue a Negative Determination by Reason #3, adding a condition that they are to notify the Water District and provide proof of notification to the Conservation Commission; Chip Burkhardt seconded; all voted in favor; motion approved.

Compass Pointe Update – Matt Marro emailed this afternoon requesting the matter be continued to the January meeting; he is waiting for materials from the engineer.

85 Sewall Street (Brookside Apartments) Bond Update – A draft Performance Agreement was received today. It will be forwarded to Town Counsel for review.

COMMISSION BUSINESS

Worcester Sand & Gravel Update – Bruce Haskell (Langdon Environmental) emailed a summary of an inspection that was conducted on November 8th. Chip Burkhardt visited the site and said the finished grade was almost complete but the slope had not been stabilized. The fill material for the slope is substantially complete, but not loamed and seeded (which will not happen this year). At the toe of the slope the Commission would like to see straw wattles or silt socks. Mr. Trotto will put down wattles. He was told to take pictures and forward them to the office.

Dragon 88 Update – An email was received from Albert Chow regarding the progress. Scott Heim was unable to flag the wetlands because of the snow cover. Mr. Chow forwarded a grading plan prepared by Thompson-Liston; it does not show an area of work. Dumping was done in the resource area.

Consider Extension Permit Requests for Orders of Condition DEP#115-391 and DEP#115-392 (Lot 7A and Lot 7B Gulf Street) Ball Hill Property Management (Tom Beals) – Chip Burkhardt recused himself from the matter. Tom and Cindy Beals attended. Joe McGrath explained that the Commission was concerned because there had been no activity and asked Mr. Beals what his future plans were. If no activity is planned, the Commission would not extend the Orders. Mr. Beals said they had financing issues and the project is on hold until they can secure another

lender; he did not have a timeframe for work to begin. Jeff Walsh made a motion to extend DEP#115-391 (Lot 7A) and DEP#115-392 (Lot 7B) for three years; Mark Coakley seconded; all voted in favor; motion approved.

Consider Extension Permit Requests for Orders of Condition DEP#115-394 and DEP#115-395 (Lot 9A and Lot 9B Compass Circle) KREG, LLC (Jim Haynes) – Jeff Walsh recused himself from the matter. Having no issues, Mark Coakley made a motion to extend DEP#115-394 (Lot 9A) and DEP#115-395 (Lot 9B) for two years; Chip Burkhardt seconded; all voted in favor; motion approved.

Consider Request for Certificate of Compliance for Longley Hill DEP#115-342 and Stormwater Permit SCP-2009-2 – A letter was received from Daniel J. Tivnan, PLS, H.S.&T. Group, Inc. certifying that the subdivision has been built in substantial compliance with the proposed subdivision plans; he also signed the as-built plan. Mr. Tivnan is a Land Surveyor, not a registered Professional Engineer (PE). Based on the complexity of the project, and the recent complaints, Mark Coakley was inclined to reject the request if it was not certified by a PE. Joe McGrath said all the detention basin structures on that property have to be cleaned and rebuilt before the project was done; some have been dysfunctional for quite some time. Chip Burkhardt visited the site and had concerns. At Stiles Road where the cart path goes up the hill he could see evidence of recent erosion heading toward the brook. It doesn't appear it made it to the brook because there are some barriers, but it will make its way into the brook. Mr. Burkhardt said the hill slope does not look stable; it is starting to shift and would cause substantial damage to the resource area. Joe McGrath made a motion that based on the complexity of the project and the issues that Commission had with the project before, that the Commission request a final peer review of the project by EcoTec. The last inspection was September 16, 2019 and pointed out several areas that require work; the Commission has no proof or cannot determine from the information submitted that the work was actually completed. The Commission has 21 days to take action; there are numerous issues to be addressed that cannot be done within 21 days. An option would be to deny the request and ask him to refile it after a site inspection has been completed; the Stormwater Bylaw requires a Professional Engineer review. Mr. McGrath rescinded the early part of his motion and made a motion that the Commission reject the request for a Certificate of Compliance for both the Stormwater Permit and the Order of Conditions based on the fact that the information submitted was not done in accordance with the Stormwater Control Bylaw or the Massachusetts Wetlands Protection Act; Mark Coakley seconded. Jeff Walsh read CMR 310.05.(9)(d) Certificates of Compliance. Joe McGrath withdrew his motion based on the criteria. Mr. Burkhardt felt the Commission did not have sufficient information to make a determination; he has concerns about the property being stable, among other issues; the basins may have been constructed and compliant but they have been used for sediment retention during the project and the Commission does not have verification they have been cleaned and removed and functioning as designed. Mark Coakley felt the site is not stable. The Commission will request Paul McManus (EcoTec) to conduct a site visit and report. Mark Coakley made a motion to deny the request for a Certificate of Compliance for the reasons that the site is not stable and the applicant has not provided proof that remediation of the

previously noted issues with the drainage structures has been given to the Commission; Chip Burkhardt seconded; all voted in favor; motion approved.

Tina Greenlaw (627-629 Cross Street) to discuss building on her property – Tina Greenlaw and her father were present. She would like to subdivide the land and construct one or two houses; there are wetlands on the lot. Mr. McGrath explained that the Commission does not keep people from building, but wants to make sure what is built does not impact the resource areas. Working with an engineer and having the wetlands delineated would be the first step before the Commission could offer advice.

Consider Certificate of Compliance Request for 583 Central Street, DEP#115-136 (Donald LaCoy) – Mr. LaCoy was present; he is selling the house. Having no issues, Joe McGrath made a motion to issue a Certificate of Compliance for DEP#115-136 (583 Central Street); Jeff Walsh seconded; all voted in favor; motion approved.

Mike May (Off Cross Street) Update – No filing was submitted. He did not respond to a second request email. It was tabled to the January meeting.

The FY21 budget was received. Joe McGrath will follow through.

270 Shrewsbury Street will be on the January agenda for a Certificate of Compliance. The information will be forwarded to Art Allen (EcoTec) for review. Dan Duffy's comments will be forward to James Tetreault (Thompson-Liston) asking him to have responses ready for the meeting.

Inspection Reports were received from Paul McManus (EcoTec) for Pine Street and Lilymere Estates. The reports will be sent to the applicants letting them know the Commission is concerned with EcoTec's findings of deficiencies identified in the letters. They will be asked to address them and provide a status update to the Commission within two weeks.

Vouchers were approved.

Review correspondence/emails

Mark Coakley made a motion to approve the Meeting Minutes dated November 18, 2019; Chip Burkhardt seconded; all voted in favor; motion approved.

January 27, 2020 was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved. The meeting adjourned at 8:25 p.m.