



# Town of Boylston Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)

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## REGULAR MEETING MINUTES JANUARY 22, 2024

Members Present: Joe McGrath, Ron Aspero, Jeffrey Walsh, Lucas Rose

Members Absent: Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

The meeting was opened at 7:00 p.m.

Tuesday, February 20, 2024 was confirmed as the next meeting date. Ron Aspero made a motion to approve the December 18, 2023 Meeting Minutes; Joe McGrath seconded; all voted in favor; motion approved.

### **COMMISSION BUSINESS**

Consider issuing a Certificate of Compliance for 80 Pine Hill Drive, Stormwater Control Permit SCP#2021-4 (Matt Costa-Beals Associates) – A Certificate of Compliance for the Order of Conditions was issued at the last meeting. Joe McGrath made motion to issue a Certificate of Compliance for 80 Pine Hill Drive, Stormwater Control Permit SCP#2021-4; Lucas Rose seconded; all voted in favor; motion approved.

CMRPC (to discuss the Low Impact Design [LID] they are working on with the Planning Board) – David Maugham-Brown (CMRPC representative) and Paul Dell'Aquila (Town Planner) were in attendance. The Planning Board is trying to bring all town regulations about LID and Stormwater in sync; they were offered a grant from CMRPC for the review. Mr. McGrath commented that our consultant, Tighe & Bond, is currently drafting revisions for LIP. Mr. Maugham-Brown explained the LID analysis/recommendations that were done to date and commented that they were exemplary to the extent where it complied with best practice. Mr. McGrath said CMRPC reviewed the original 2007 regulations instead of the revised version that the Commission adopted 2022. He also said we are in the process of looking at another set of revisions to the regulations and the bylaw based on two things: (1) the continued request from the state for phosphorous control within the town especially around Newton Pond, and (2) there is a new set of Wetlands Protection Act regulations coming out this spring; the intent is to bring the WPA regulations more in line with the Stormwater Handbook the Water Protection Act. The Commission is happy to take their recommendations and consider them for recommendation and incorporate them into what we receive from Tighe & Bond. Mr. Walsh suggested creating a new section for erosion and sediment control. CMRPC will update their analysis using the newer regulations and will get back to us within a few weeks. Once we receive the analysis, we can set-up a meeting with Mr. Maugham-Brown, the Town Planner, Tighe & Bond, and himself, to consider their proposed changes.

Parks & Recreation (to discuss grant for MA Trails) – Pam Frechette and Arielle Strzelewicz (Parks & Rec) were present. Ms. Strzelewicz explained that they would like to develop the Harrington property further and are in the process of writing for a grant with Mass Trails. There is a trail that is part woodchips and

part crushed aggregate. They would like to have another trail that runs along the edge and connects into a loop; the woodchips would be changed to more crushed aggregate. They would also like to extend a boardwalk trail to access the back portion of the property and explained the changes; they don't need the boardwalk now but wanted to see what the Commission envisioned for the property. Mr. McGrath said what would trigger permitting with us would be any changes to gradation and any new work in a wetland resource area or within 200' of the pond. The boardwalk would require a full filing and any gradation of the road within 100' of the wetlands on the north side would require permitting. Minor grade changes would require a Request for Determination of Applicability to look at the impact of the work proposed. Mr. McGrath said surveying assistance or engineered plans they may need should be included in the grant. The Commission will require erosion and sediment control measures during any work which would be putting up either a silt fence or hay bales. Camp Harrington is deeded to the town. Mr. McGrath asked if they considered putting it into a Conservation Restriction and was told not at this time. He explained that the way it's deeded there is nothing stopping the town from selling the lot for use for something else. A CR puts a box around it so that should they want to do that, there is a check and balance process to make sure any conservation activity that happens on the site is replicated at another point, or something similar. Once they have a plan, they can come back so we can look at it.

Stormwater Drainage Issue at 126 Central Street – A few weeks ago Mr. McGrath was contacted by Steve Mero and April Steward to look at a drainage problem at 126 Central Street. When the DPW paved Central Street they put a berm on the hill from the top of the hill and brought the berm down just before the 126 Central Street driveway. The intent was to capture runoff from the roadway and get it into a low area. He was going to put a small berm in the town right-of-way at the top of the driveway to keep the water from going down the homeowner's driveway. The homeowners were adamant that they did not want their driveway disturbed and didn't want the berm. They asked Mr. Mero to put two curb cuts in the berm so there is a curb cut up from the driveway and another one 20' up. Those two curb cuts take about 95% of the water that comes down Central Street in a major rain event and takes it into a low area that was once connected to the wetland area, but when the driveway went in it severed that connection. There is a culvert that Mr. Mero will check to see if it's blocked. The problem now is the water that comes into the low area to the left of the driveway, it fills up the low area and it tops the driveway and finds its way across to the wetland area. The homeowners are concerned about an icing problem in the winter. Mr. McGrath was asked to look at it and give them his recommendations. He stated that he is not an engineer or the whole Commission. He asked the members to take a look at it and then come back and let him know what they think. He thought there were only two things to fix it: (1) put the berm in, or (2) have the homeowner put a culvert in at the low spot so the water that goes down into the low area on the left side of the driveway has a conduit to go across.

The homeowner is not happy about the berm in their yard, which is town property, and not happy with the curb cuts. Mr. McGrath said even though the homeowner maintains they've never had runoff on their driveway, they have had runoff on the driveway. It's evident by the erosion on the side of the driveway that water has gone over there before, before the berm was put in. The homeowner recommended that Mr. Mero pull the berm out all the way up to the top of the hill, but from a stormwater perspective we don't want to let the water flow down over his land because it will end up in the neighbor's yard. The homeowner's other recommendation was that Mr. Mero put in a catch basin storm drain and run a pipe under their driveway to bring the catch basin over to the other side, but there are issues in terms of funding. Mr. Aspero said the water was going there anyway because of the crown in the road; it was dropping over the side; now it's point loading in those two areas. He thought if the berm was left intact and put in enough of a crown it would keep the water on the road and allow it to go down further. Mr. McGrath commented that Mr. Mero did that on the Bay Path side; it's no higher than 3" above the roadway surface. It's working on the Bay Path side but the homeowner won't accept it on that side. The bottom line is that the town could put the speed bump in because it is in the right-of-

way and the town can't do any culvert work because it would be using public funds to facilitate private property. Mr. Mero and Mr. McGrath agreed that you don't want to pull the berm out because the whole point of stormwater management is to get the water where you want it to go, not have it flow freely and put salt in other people's backyard.

Mr. Walsh's opinion was that a catch basin by itself, even a double inlet catch basin, doesn't have the hydraulic capacity through the grade to pick up this water. He thought unless the grades and amount of shoulder, either one is very restrictive, the town has every right to raise up the portion of the driveway in the right-of-way and continue the water flowing past it, regardless of whether the homeowner likes it. Looking at the big picture, he doesn't see any jurisdiction with the Commission right now. With respect to the Stormwater Bylaw and its regulations he didn't see any jurisdiction. Mr. McGrath said we are doing this as a favor to Mr. Mero and out of respect to the homeowner. Mr. Walsh would like to think an agreeable solution could be achieved but from a hydraulic perspective, the stormwater management, the best thing to do is pass the water down to where it finally enters off the road and gets into the area it gets to either way, whether it crosses their yard or not, and alleviates the problem of the water crossing the yard where maybe not so much concentrated flow passed until these cuts in the berm are made. Mr. McGrath didn't think anyone could come up with something the homeowner would be happy with but we can at least try and look at some alternatives.

Declaration of Covenants and Restrictions (Joslin property) Update – The Joslin property was sold to Tower Hill and they decided they wanted to put it into a Conservation Restriction with the Commission as the custodians. They had their attorney prepare a legal document asking us to take custodianship ahead of time and acknowledge the fact that it's going to eventually go into a CR before the deeds are transferred. Eventually the Conservation Commission's name would be on the deeds and we would be responsible for it. Mr. McGrath had concerns about the legal status of the Commission to sign a document like that; we have never done that before. He did contact Town Counsel and is waiting for his reply. He said Tower Hill has announced that they will put walking trails and shelters on the site. If we are the custodians and they're putting structures and trails on the site, there needs to be a maintenance agreement in place for them to maintain it because the Commission is not in a position to maintain them. And, since they are going to advertise access to that site as part of their offering, it's a way for them to create revenue but the liability would go to the town. He told Town Counsel we would not be doing anything until he gives us his opinion. Mr. McGrath asked Tower Hill to come in and talk about it but they didn't show. He will contact them again. He said there are alternatives: they could go to Sudbury Valley Trustees or the Worcester Land Trust and they could take custodianship and work out something with them rather than with us. We definitely need a Conservation Agent with everything on the horizon. As we get more conservation land, someone will have to look at it for signage, access, etc. Mr. Walsh said if we take on the property and manage a CR, he will want it available to anybody to use at no cost. When it's fenced off and part of Tower Hill, that's not in harmony with Boylston managing the conservation land.

Review and Revote Tighe & Bond 2024 Stormwater Program Assistance Proposal – Mr. McGrath said Tighe & Bond gave us two proposals this year instead of one. One was to do the phosphorus control at Newton Pond, and there's still the remaining work that has to be done for the NPDES 2 permit report and the Mass Stormwater report that has to be done every year. We voted on an earlier proposal for that work at a previous meeting but the amount on the proposal was wrong. We now have the correct one. Joe McGrath made a motion to approve the \$20,500 proposal from Tighe & Bond for Engineering Services for Fiscal Year 2024 for Stormwater Assistance; Lucas Rose seconded; all voted in favor; motion approved.

Review Northborough Reservoir Dam Partial Removal Project in Boylston and Shrewsbury Letter – Mr. McGrath explained the email from the floodplain people at Conservation and Recreation for the state basically stating that once we receive information from the Town of Northborough and their consultant for the impact of removing the dam at the reservoir, since all of that water ends up in Boylston, that we need to inform them of what the impacts are. When they come before us, we will require that they be responsible, at their expense, for providing the reports that the state requires.

Revise Special Conditions #32 to include applicant recording approved Plans at the Registry of Deeds along with the Order of Conditions (add also to Stormwater Permit when it's revised) – Joe McGrath made a motion to accept the revisions as proposed; Jeff Walsh seconded for discussion. Mr. Walsh was not sure of the answer and would like to research it further. He wasn't sure if the Registry of Deeds allows the filing of construction plans. The motion was withdrawn and the discussion was tabled until next month. Mr. McGrath will ask Tighe & Bond when he speaks to them.

Correspondence: Jeff Walsh recused himself from the discussion. Matt Marro sent in a request for a Certificate of Compliance and an as-built for multiple Orders for Compass Pointe. Joe McGrath made a motion to send Compass Pointe as-builts and Certificate of Compliance request to Graves Engineering for review once they are considered sufficient to process; Ron Aspero seconded; all voted in favor; motion approved. The applicant will be asked to provide \$3,500 to cover the cost of review.

We also received a Certificate of Compliance request from Longley Hill Lot 11 but have not received the as-built yet. The applicant will be asked to provide \$2,000 to cover the cost of review. It will be sent to Graves Engineering for review after receiving the as-built.

Mr. McGrath and Mr. Walsh will be attending the Stiles Road consideration meeting tomorrow at 9AM.

Mr. Walsh commented from last month on the drainage problems going out to the lower part of Stiles Road along Longley Hill. He visited the site a few days after that meeting and found that where the contractor for Farooq went up and knocked down the pile of dirt to do soil testing there was a breach of the stream that runs alongside Stiles Road. Mr. Walsh explained where the water was staying in the stream and coming down. He said what happened was that the water level rose and sticks got stuck on some saplings and leaf litter clogged it and blocked the flow of water which caused the water to flow onto Stiles Roads and run down the hill. He contacted the Highway Department and showed them photos. It was fixed and it won't be a problem again because the pile of dirt is back where it was, the debris has been moved out, and piles of dirt are back in place so any water coming down is forced back into the stream as it was before Farooq knocked the piles over and walked the machine up the street to do the soil testing.

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

The meeting was adjourned at 8:45 p.m.