



Town of Boylston Conservation Commission conservation@boylston-ma.gov
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REGULAR MEETING MINUTES JUNE 22, 2020

Members via Remote: Joe McGrath, Chip Burkhardt, Dan Duffy, Mark Coakley, Jeffrey Walsh

Members Absent: None

Others Participating Remotely: Patrick Burke (WDA Design); Mike Trotto; Bruce Haskell (Langdon Environmental); Scott Heim (Northeast Ecological Services)

Recorder: Melanie Rich

Joe McGrath, Chairman of the Conservation Commission, opened the virtual meeting at 7:00 p.m. and announced it is being held via video conference. He informed everyone that they can email him at (jmcgrath@boylston-ma.gov) with any questions which will be answered during the meeting; they can dial in as well.

Commissioners Participating: Jeff Walsh, Mark Coakley, Chip Burkhardt, Dan Duffy, Joe McGrath

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 (DEP#115-425)

The applicant requested an extension via email to continue the hearing to the next meeting in order to complete the DCR Variance process. Jeff Walsh made a motion to accept the request for continuance to 7:00 p.m. on July 20th; Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – Perry Road (Map 13/Parcel 21-K AND Map 18/Parcel 3-2) (Security Monitoring Holdings, LLC) – Stormwater Control Permit Application to construct a single-family house, septic system and associated site work, with a driveway off Perry Road (SCP#2020-2)

Mr. May requested a continuance to the next meeting. Chip Burkhardt made a motion to accept the request for continuance to 7:15 p.m. on July 20th; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – 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-____)

Scott Heim (Northeast Ecological Services) participated. An Enforcement Order was issued to Mr. Chow in February 2020. Mr. Heim delineated the wetlands in December 2019/2020; there are 15 flags that go along the base of the slope and tie into flag A26. In 2002 he delineated the wetlands and explained it was shown in the A series of flags (prior the fill being placed there); 1,342 square feet of wetlands were impacted. Wetlands were created due to the placement of fill and additional drainage from the north (1,179 square feet), resulting in a net loss of 150 square feet. It is a very steep slope (30-foot drop). They are proposing to stabilize the slopes by diverting any sheet flow from the northeast to reach the area of

fill with a 2-foot wide, 1-foot deep drainage swale to capture the runoff and direct it to the northern part of the slope; 100 lb. riprap will be used and the slope will be hand raked. For the remainder of the slope they will loam, hydroseed, and use a heavy-duty control mat for stabilization over the entire exposed material. The property owner acquired it in 2005, said he never authorized the fill, but noticed people going in the back and placed concrete barriers to prevent any more access, said he doesn't know when the fill was placed there. Mr. McGrath said 150 square feet of wetlands is lost and the owner is not proposing to pull any fill out? Mr. Heim said he is not sure if equipment can get in to stabilize the slope; it a steep and long slope. At 270 Shrewsbury Street there was an NOI in 2016 (flags A15-A12); somewhere between 2002 and 2016 there was more BVW; the wetland line increased substantially. It appears the filling has gone onto the adjacent property. Are they going to stabilize that area as well? Mr. Heim said they do propose to stabilize that as well. He believes Mr. Chow has a cordial relationship with the property owner and thinks they would be amenable to it. Mr. Duffy asked if the property information in the proposal is for both parcels and was told no. He would like to see more information on the discharging system. With the description of the steepness and height of the slope, he wondered how they plan to get the topsoil on it. Mr. Heim said there are some gullies and large debris; some larger material can be reached with a bucket to stabilize the upper portion. The lower portion would have to be done by hand. They can put straw wattles along the entire wetland line. Mr. Duffy asked about the matting to be used. Mr. Heim said it was recommended by the engineer.

Mr. Duffy said the plan needs to be stamped by an engineer. More definition and understanding of what is going on is needed, e.g. a written narrative of how the construction will occur; (pull the large boulders and hard material off the slope, grade as much as they can with a bucket at the top, describe the type of equipment used; the areas below will have the topsoil applied and raked by hand). Erosion controls at the toe of the slope need to be included. He also has concerns with stabilizing a 2:1 slope, 30-foot drop. Mr. Burkhardt asked if there was any way to get back the 150 square feet that was lost; Mr. Heim didn't think so because it is a big gulley and slope and no way to get equipment there safely. Mr. Coakley said there was a delineation in 2002; and asked if was there a filling associated with it. Mr. Heim said it was done for Mr. Dipilato and not sure; he will check with the engineer. Mr. Coakley asked the origin of the sheet flow. Mr. Heim said in the areas to the east there is a leach field behind the building and it gradually slopes to the southwest. Mr. Walsh is concerned about the riprap and how it is going to be placed and wants to see the construction details of the cross section of the down swale. Mr. Duffy had the concerns of how it is going to be constructed. Mr. Walsh said it is work within a resource area, but not too concerned with methodology as compared to a wetland crossing impact. He wants to know that they can get erosion control barriers around the bottom, grade it up without losing debris, use stabilizing materials, build the riprap channel, hydroseed, use erosion control matting; he wants to see it back to being stable. Mr. Duffy is willing to accept what is being proposed in a manner that it be done once and done right. He wants to understand how it will be done so we can be satisfied that it will be done correctly. Mr. McGrath explained the area he would like marked with conservation signs and wants to see a letter of understanding or agreement between Mr. Chow and the Batista Family Limited Partnership that allows Mr. Chow to access the Batista property. The members will be satisfied with documentation that Mr. Chow can access the Batista property and what work can be done. It was suggested that because Mr. Heim's expertise is in wetlands restoration, that an engineer from Thompson-Liston be present at the next meeting or a peer review done.

Mr. McGrath asked for public comment. Hearing none, the applicant requested a continuance. Dan Duffy made a motion to accept the request for continuance to July 20th at 7:30 p.m.; Mark Coakley seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Update and Bond Status – Jeff Walsh recused himself from the matter. Mr. McGrath recapped that the Commission continues to work with the applicant, his engineer and wetland specialist to get the plan and appropriate bond back in place for the remaining work on Cheryl’s Way and Compass Circle. It was left at the last meeting that one of the Commissioners would coordinate a meeting with Mike Andrade (Graves Engineering) and Paul McManus (EcoTec).

Mr. Duffy visited the site with Mr. Andrade, Mr. McManus, John Grenier (Engineer), Matt Marro (Wetland Specialist); the applicant was present as well. They walked the entire site and looked at various conditions in portions of the site with the primary objective for everyone to be on the same page with regard to different conditions and areas, and so the Commission can review with our engineer what is necessary from the Commission’s perspective in order to prepare a new estimate for the bond. Not a lot had changed since the members last visited the site. Some of the vegetation started, but none of the areas observed in May were stable. The biggest point of discussion on the site was with respect to the slopes that exceed 2:1, which was the maximum design condition which was part of the NOIs for the various lots. Several of the slopes on Cheryl’s Way and Compass Circle exceeded 2:1. In discussion with our engineer and our wetlands consultant, their concern is that even if some vegetation becomes established, whether it is an acceptable as-built condition based on what the design called for and what was a good engineering practice. In his discussion as a member of the Commission to the applicant and his engineer was that slopes steeper than 2:1 that are covered by bark mulch and hydroseeded would not be approved by the Commission; if he is proposing something other than what was designed and approved we would need a new submittal from the engineer to certify that what they are proposing to do is acceptable from an engineering perspective. The applicant was adamant that he wanted the opportunity to take all of the slopes and allow them to become vegetated; he will maintain the bond. Our engineer and wetlands consultant felt there might be a line that needs to be drawn with respect to less than 2:1 and steeper than 2:1. They did walk around the houses at Compass Pointe (#39-#43). The slopes behind 39 and 40 were extremely steep; they observed the toe of slope was at the edge of the water and it was discussed as to whether that was the result of recent beaver activity raising the level of the pond and he suggested they submit an as-built plan comparing it to what the design was. If the toe of slope is where it was approved and subsequent beaver activity raised the pond level, that’s one condition, but if the toe of slope has extended closer to Spruce Pond it will have to be reviewed and evaluated. It was left that the Commission needs additional as-built information from the applicant’s engineer to do an accurate estimate for bonding purposes and was advised this morning from our engineering that it was not received.

Mr. McGrath said last week he received a request from Attorney Watsky asking for Occupancy Permits for two more houses that are in the areas of concerns. Attorney Watsky was aware that we would not sign Certificates of Occupancy until the bond was restored. He asked Mr. McGrath if he would send a request to the insurance company (Burr Insurance Agency) to add additional monies to the performance bond. The letter was sent on June 17th. The intent is that the bond will be fully restored to the original amount of \$151,000 prior to the inadvertent reduction. At that time we can consider the Certificates of Occupancy with the understanding that the final bond amount is determined. We can then discuss reducing or increasing the bond. Mr. Duffy commented that 39 and 40 appear to be occupied. Mr. McGrath said he did allow one permit to be signed because the homeowners moved out of their homes.

Mark Anttila (46B Compass Circle) said they have been watering the hills that have been hydroseeded but very little has taken; on the left side of Cheryl’s Way there is no grass after hydroseeding. He asked who is responsible for the beavers raising the water. Mr. McGrath said it depends on the impact it has

on the area and whether it is considered a watershed or resource area. Mr. Coakley said the Commission does not get involved unless there is an impact to an infrastructure. Mr. Duffy asked if it is impacting the dam on Spruce Pond. Mr. Coakley asked about 39, 40, 41, 42 where some large trees had some unusual felling techniques; Mr. Duffy said that's where they were focusing on. Mr. Coakley asked what he found by the hydrant; Mr. Duffy said they looked at it and it was the consensus that if the area at the end of the pavement is stabilized with topsoil and seed, the sediment trap beyond the fire hydrant appears to be constructed as designed; it continues to receive sediment from the edge of the road and the trap itself. They agreed to get it stabilized and see if works as designed. Mr. Coakley said the plans he saw didn't have any impervious surface down there; it looked like a lot more paving than was on the plan.

Mr. Anttila asked who was responsible for the dam on Spruce Pond and was told ultimately the HOA; it is between them and the Planning Board. The Commission would not take action unless there was an impact to the resource area. Mr. Anttila was told he could contact the Office of Dam Safety as well as the Water Department. He asked who was responsible for the detention pond and was told the HOA. Mr. McGrath said as a part of the Stormwater Management Plan, the structures need to be maintained; it is the responsibility of the builder until it is turned over to the HOA. There will be a final review of the infrastructure including basins as part of the sign off for a Certificate of Compliance.

Mr. McGrath asked for further public comment; there was none.

Patrick Burke (WDA Design Group) to discuss the May 12, 2020 Graves Engineering Letter (Peer Review #4) regarding Tower Hill – Will be discussed in July.

Worcester Sand (Mike Trotto) Update/Bruce Haskell Inspection – Mr. Trotto and Bruce Haskell participated. Mr. Trotto said Mr. Haskell was there today, took photos and it looks good. Thompson and Liston and Tighe & Bond need to sign off. Mr. Haskell did an inspection in early May; seeding, stabilization and final grading was left to do. He was there today and said the site has been regraded, stabilized and the grass is growing very well. Hydroseeding has not taken on the slope but it is entirely covered; it appears to be starting. Tighe & Bond will need to prepare a final report; an as-built plan will be submitted. Mr. McGrath noted that we received the soil compaction results testing and all passed. Mr. Haskell will prepare a summary and forward it to the Commission; when the grass is stable, he will do another inspection and report.

Mr. Hayes requested extensions to the following Orders of Conditions on Cheryl's Way: 115-396, 115-397, 115-398, 115-399, 115-400, 115-401, 115-402, 115-403 and 115-404. Mr. McGrath recommend a one-year extension. Mr. Coakley asked if there was a Stormwater Permit involved. They would be covered under the overall Stormwater Permit; the lots came in after the Stormwater Permit was issued. Mr. McGrath made a motion to issue a one-year extension for DEP numbers 115-396, 115-397, 115-398, 115-399, 115-400, 115-401, 115-402, 115-403 and 115-404; Mark Coakley seconded; all voted in favor; motion approved.

Earth Removal Update (Lilymere) – Mr. Coakley said they are making progress moving materials around on site. He drove through the site on Sunday and noticed they had a lot of final grade that has been loamed, but not hydroseeded; it was very dusty. He will reach out to Nina Gardner to have her contact Mr. Haynes about the schedule for hydroseeding. Mr. McGrath said it appears they are making substantial progress on the site and some of the areas look as though they are at final grade conditions. Mr. Coakley would like to know the delay in hydroseeding because there is a lot of square footage ready to be hydroseeded now and there has been no progress in several days.

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Correspondence was reviewed. The Annual Report from Frito-Lay was received. There was also an email from Mark Richardson, Director of Horticulture (Tower Hill) about replacing the existing concrete footers with helical piles under the existing gazebo and asked what is required from a filing perspective. Mr. McGrath said it will require a Request for Determination of Applicability because of the proximity to the resource area.

Dan Duffy made a motion to approve the Meeting Minutes dated May 18, 2020 as amended; Joe McGrath seconded; all voted in favor; motion approved.

July 20th 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 8:21 p.m.