



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
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**REGULAR MEETING MINUTES  
JANUARY 24, 2022**

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

Members Absent: None

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

February 28, 2022 was confirmed as the next meeting date. Chip Burkhardt made a motion to accept the December 20, 2021 Meeting Minutes as amended; Jeff Walsh seconded; Burkhardt/Coakley/Aspero/Walsh voted in favor; McGrath abstained; 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) requested a continuance via email. Chip Burkhardt made a motion to accept the request for continuance to February 28, 2022 at 7:05 p.m.; Jeff Walsh seconded; all voted in favor; motion approved.

**PUBLIC HEARING (continued) – 750 Main Street (Keith Lewis) – Notice of Intent Application and Stormwater Control Application** to replace the existing building and parking lot with a new building, parking lot and drainage system. (DEP#115-440) Stormwater Control Permit SCP#2021-7

Keith Lewis requested a continuance via email. Chip Burkhardt made a motion to accept the request for continuance to February 28, 2022 at 7:10 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

**PUBLIC MEETING – 425 Green Street (Mark Lambert) – Request for Determination of Applicability Application** to remove trees around the lawn perimeter edge.

The meeting notice was read into record. Mark Lambert was present. He said there is a great deal of tree cover over the house causing moss and mildew; he plans to do some tree removal as well as tree trimming; stumps will be removed. Most of the work will be around the house; some work is being done by the brook. Jeff Walsh did notice that the trees are leaning in toward the house.

The Chair asked for public comment; there was none. Chip Burkhardt made a motion to close the public meeting; Mark Coakley seconded; all voted in favor; motion approved. Jeff Walsh made a motion to

issue a Negative Determination by Reason #2; Ron Aspero seconded; all voted in favor; motion approved.

## **COMMISSION BUSINESS**

Compass Pointe Update – Jeff Walsh recused himself from the matter. An email from Attorney Watsky was received this afternoon regarding the work to stabilize the slopes in the designated locations. He was also of the opinion that the Orders are still valid. Work to stabilize the areas of the slope where there was erosion began but stopped when the weather turned cold; it will begin again when the weather allows. The Slope Stabilization Plan detail dated 11-12-2021 shows a fabric layer under the stone. The contractors, at least in certain locations, although instructed to do so, did not follow that plan detail and started work at the top of the slope having omitted the fabric. The omission will be addressed when work commences again. Fabric will be laid along the lower areas of the slope where the stone was not yet placed and the stone will be raked from where it was placed at the top of the slope down to the lower areas of the slope onto the fabric. Fabric will then be placed in the upper part of the slope and new stone laid over the fabric.

Regarding the validity of Orders of Conditions 115-396 through 115-404, Attorney Watsky said they are still valid. His email went on to say that Mr. Haynes filed a request for extensions by email to the Commission on June 20, 2020 and the Commission never acted on them. This was untrue as Ms. Rich has the paperwork to show they were extended and the original extensions were sent to Mr. Haynes to be recorded at the Registry on July 29, 2020; it is also documented in the meeting minutes of June 22, 2020. Chip Burkhardt will inform and supply Attorney Watsky & Mr. Haynes with that paperwork and let them know that the client failed to act. Mark Anttila commented that there are expired Orders; Joe McGrath said Attorney Watsky verbally agreed at an earlier meeting that his client would provide a full listing of what he thought was the status of all Orders and Permits. Mr. Burkhardt will also ask Attorney Watsky to provide the status of every Order. Mr. McGrath will follow-up with the Town Planner for a status report on the list the boards are working on.

Jonathan Howley Request for Certificate of Compliance DEP#115-426 (68 Reservoir Street) – Ron Aspero recused himself from the matter. Joe McGrath made a motion to issue a Certificate of Compliance for DEP#115-426 (68 Reservoir Street); Jeff Walsh seconded; Burkhardt/Coakley/McGrath/Walsh voted in favor; Aspero was recused; motion approved.

176 & 179 Stiles Road (Request to extend NOI filing from Land Design Collaborative for Farooq Ansari) – A letter dated January 20, 2022 was received from LDC requesting another extension for the NOI and Restoration Plan. The survey work has been done and they are in the process of preparing the NOI and mitigation plan. It will be on the February agenda.

Mr. Burkhardt said there are other issues that are still not complete; correspondence was received from residents about sweeping the roadway and finishing/cleaning up the issues that were on that roadway. Mr. Burkhardt saw that it was not swept. The two issues are: (1) the erosion from 179 Stiles Road and (2) a second erosion issue that came from the Longley Hill subdivision. Mr. Ansari will have his crew sweep the road tomorrow.

Farooq Ansari asking for Building Permit Sign-Off for Lot 11 Longley Hill – Jeff Walsh recused himself from the matter. Mr. Ansari was told he could file the Stormwater Permit application. In Mr. McManus' January 24, 2022 letter, it is unclear to him at this time whether the access road disturbance would be partially within the wetland buffer zone. Mr. McGrath suggested Mr. Ansari provide a plan for that and either file an RFD or NOI on that work.

Farooq Ansari Response to EcoTec Site Visit and Request for Certificate of Compliance DEP#115-342 and Stormwater Control Permit SCP#2009-2 Longley Hill – Jeff Walsh recused himself from the matter. Mark Coakley said we have an as-built, but it's changing because of the secondary basin being added per Paul McManus; the temporary basin is becoming a permanent basin.

Mr. Ansari said he has done everything our consultant wanted. Mr. Burkhardt told Mr. Ansari that he is not doing what Mr. McManus wants him to do, he is doing things he was supposed to do from the beginning of the project to meet the requirements of the approvals he received; he's not supposed to ask the Commission or the Commission's consultant what to do. The Commission has been very clear on those numerous times; it is not what Mr. McManus wants; it is what he is required to do if he wants to close this project out. Mr. Burkhardt also noted that Mr. Ansari filed for a Certificate of Compliance before the work was done; he said the work was done but it appears he was trying to close out the project before completing the required work. Mr. Burkhardt is frustrated with the whole project. The Commission has been asking for these things to be done for years, glad they are being done, but they are Mr. Ansari's requirements and have been from the beginning.

Based on the opinion of Mr. McManus' January 24, 2022 letter, the Commission could issue a PARTIAL Certificate of Compliance for the site making clear exception to Lot 11. There were a few minors issued that need to be addressed. Mr. Burkhardt said Mr. Ansari does need valid permits to do any work for Lot 11 and Stormwater because it was part of a larger disturbance. If he intends to move forward, he needs to file for that lot. Mr. Ansari said everything is done and clean on the project; Mr. Burkhardt disagreed. The slope behind Lot 11 is not stable. Mr. Ansari will have to have a substantial plan to make sure that hillside is stable. Mr. Burkhardt is of the opinion that it will fail and will fail into a newly built house. Mr. Ansari said he will first stabilize the slope and then build the house. Mr. Burkhardt said there was a question of issuing a PARTIAL Certificate of Compliance with an Enforcement Order in place (from 2014). Mr. McGrath felt that based on Mr. McManus' letter, the Enforcement Order could be released and a PARTIAL Certificate of Compliance issued for Lots 1-10.

Jeff Walsh, commenting as a citizen, interpreted Mr. McManus' letter as speaking to protection of the wetland resources on the site with respect to issuing an Order of Conditions. He wasn't speaking to any engineering issues and doesn't know where that stands; has there been a review of the stormwater systems by either a consultant to the Commission or to the Planning Board? He understood that was happening a few years ago but doesn't know where it stands today. Mr. Ansari was asked the status with the Planning Board. He said they are on the verge of closing it out. He said Michael Andrade (Graves) sent a letter to HSP to address concerns. James Tetreault met the HSP engineer and can now respond to Mr. Andrade's letter before going to the Planning Board.

Mr. Coakley said based on the temporary sedimentation basin now becoming a permanent, and an as-built plan not being approved by any civil engineer associated with the town, the Commission should hold off issuing a PARTIAL Certificate of Compliance until it is cleared up with Graves. Mr. McGrath would like to see the correspondence for the review; Mr. Burkhardt agreed. Mr. Ansari was asked to have James Tetreault copy the Commission on Graves Engineering's correspondence. The Commission needs the latest correspondence from Graves Engineering and updated as-builts before issuing a PARTIAL Certificate of Compliance.

Mr. Ansari asked if the south end of Lot 7R had to be included on the as-built plan and was told yes because it is now part of the stormwater management system. Mr. Coakley said the added stormwater feature that Paul McManus suggested we keep on the plan should have detail showing the depth and size, rather than just showing a rectangle; members agreed.

25-foot No Disturb Policy Update – Joe McGrath said Town Counsel suggested it be made a regulation rather than a policy; a regulation has more power than a policy. A public hearing will need to be held; it does not have to go to town meeting. He was not sure where it would be placed, e.g., General Bylaws, etc. We do not have a Conservation Bylaw, but under the state Wetlands Protection Act, we do have the legal authority to promulgate a regulation for this. It does not need to tie to a town bylaw. Mr. McGrath will check with other towns to see which way they went, policy or regulation. He asked that it be tabled until there is more clarity on how to administer and enforce it.

Possible Adoption of a Community Preservation Act for Boylston – Susan Jones was present. There is a citizens' group that is looking for the Commission to supply a letter supporting their request. Joe McGrath said it would have to go through town meeting once the state accepts the application. If the town did enroll in the CPA, a member would have to be on the Committee. Ms. Jones said they are looking for the support of the Commission and said we would benefit from it. 10% of the funds go to Open Space and Recreation; 10% to Historic Preservation; 10% to Affordable Housing; the town decides at town meeting which projects to approve with the remaining 70%. She explained how it began and how it works. The members did not disagree with the process but not sure they could provide a letter of support because the Commission does not preserve land; we don't take ownership of the Conservation land; the town does, and that is through the Board of Selectmen. Ms. Jones asked if the Commission could give a vote of support that it is a good idea. The Commission would be in support of it going on the town warrant. Joe McGrath made a motion to approve the submittal of the enrollment in the Community Preservation Act and recommend it be placed on the warrant for consideration; Ron Aspero seconded; all voted in favor; motion approved.

Annual Report – Chip Burkhardt made a motion to approve the Annual Report; Mark Coakley seconded; all voted in favor; motion approved. It will be forwarded the BOS Administrative Assistant.

Patrick Healy Letter on behalf of Brad Brigham and DJ Davidian for Elmwood Place – The letter asked to remove the stumps before the NOI is submitted. It is work within a buffer zone or potential resource area without an approved plan. Jeff Walsh visited the site; with exception of 3-4 stumps that are on a slope, the rest are on flat. He would not have a problem if they did not touch the 3 until the NOI is filed; erosion controls are needed, pull the stumps and haul them away, no stripping of topsoil, no regrading, as little disturbance as possible, and put some type of physical barrier up to keep people off the loose material. He thought it was an insignificant threat to the wetlands if the 3 stumps at the bottom are left. Mr. Healy said he plans to have the NOI filed for the next meeting. Mark Coakley added that we are not going to allow them to take those three tree stumps out; they will have to bring the machine back in. Ron Aspero also did not see an issue removing the stumps up above and addressing the ones below at a later date. Mr. Burkhardt said members agreed with as little disturbance as possible they can remove the stumps on the upper flat area as long as it is still amenable to do that. Jeff Walsh made a motion that the Commission allow by way of email as notification to the landowner that the landowner be allowed to remove the stumps on the upper portion of his property across Elmwood Place from the Highway garage and the three stumps on the south end the area nearest the wetland be left in place. Erosion control barrier to be provided before the stumps are removed, not buried on the property. Once the holes are filled in and the stumps removed, a temporary barrier be put up to dissuade people from driving/parking in this area. The applicant will mark the stumps to be removed and contact the office before removing them. Joe McGrath seconded; all voted in favor; motion approved.

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

The meeting was adjourned at 8:52 p.m.