



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
221 Main Street, Boylston MA 01505 \*\* Telephone (508) 869-6127 \*\* Fax (508) 869-6210

**REGULAR MEETING MINUTES  
FEBRUARY 28, 2022**

Members Present: Chip Burkhardt, Joe McGrath, Ron Aspero

Members Absent: Mark Coakley, Jeffrey Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

The Chair opened the meeting at 7:00 p.m. March 21, 2022 was confirmed as the next meeting date.

**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 telephone. Chip Burkhardt made a motion to accept the request for continuance to March 21, 2022 at 7:05 p.m.; Joe McGrath 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 March 21, 2022 at 7:10 p.m.; Ron Aspero seconded; all voted in favor; motion approved.

**PUBLIC HEARING – Elmwood Place Main Street (Brad Brigham)** – Notice of Intent Application and Stormwater Control Application for proposed work in the buffer zone to clear land, grade a gravel surface lot, and construct material storage bins to support the excavating and landscape contractor businesses. (DEP#115-~~xxx~~) Stormwater Control Permit SCP#2022-1

The hearing notice was read into record. Patrick Healy (Thompson-Liston) was present. The Commission asked that everything the applicant wanted to do be included on the plan. Mr. Healy showed and discussed the ultimate buildout of the property (not what is being proposed today) which included a commercial building, parking, outside storage; a wetland crossing with a large culvert, and proposed material storage bins; it will be a contractor's yard.

They are proposing to construct a gravel surface lot with material storage bins for bark mulch, crushed stone, materials a landscape business would use. A small retaining wall is proposed on two sides of the triangle with a maximum of 4-feet high large blocks. There were previous discussions about what measures could be implemented to prevent loam from the bark mulch bins from running downslope into the wetlands. They are proposing a crushed stone dike around the lower limits and also using it as a

stormwater control device. They would like to expand the operating yard on the side where there was tree clearing; an erosion control barrier will be placed at the limit of work; a construction mat will be used. Calculations were provided for the Stormwater Control Permit. Copies of the previous wetland delineation was provided with the NOI proving that it was not a perennial stream.

Joe McGrath asked if it needed Planning Board review since we typically have Graves do a stormwater review. Mr. Healy did not think it did because no structures are being proposed; the total area of disturbance is approximately 55K square feet. For the size and scope of the project, it will not require a stormwater review. Joe McGrath made a motion to close the public hearing for the Notice of Intent and Stormwater Control Bylaw Permit; Ron Aspero seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue Stormwater Control Bylaw Permit SCP#2022-1 with standard conditions; Joe McGrath seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue a standard Order of Conditions which will be held pending receipt of a DEP file number; Joe McGrath seconded; all voted in favor; motion approved.

### **COMMISSION BUSINESS**

Tom & Nancy Buckingham to discuss 246 Central Street – The Buckingham's were asked to attend because the Commission received notice that work was being done in a resource area. Chip Burkhardt said there was discussion that it was to divert water but is part of a larger problem that is more than their backyard. Not knowing what the plan for the property was, thought it would be good to discuss what is happening overall and the expectations.

Mr. Buckingham said what they were doing was exploratory; they did remove part of the dams. Significantly more water has been noticed over the years. Ron Aspero visited the site and noticed trenching in the area and the water had dropped. Mr. Buckingham was trying to figure out how to change the water situation. He said there is a culvert that comes from the storm drains off Bay Path Drive and further down is a cart path. There are also beavers. He has spoken with some trappers. He wants to restore the property to its normal flow. A neighbor commented that they can no longer use a tractor to cut their grass because of the saturation. Mr. Burkhardt told them they can't go into the resource area with a machine and do work, and explained what exploratory work is under the Wetlands Protection Act. They need to contact the Commission before doing anything and they need a plan; a permit is required. Mr. McGrath noted that some trees were cut for access. It was explained to the Buckingham's that trees can be removed on their property if they are not in a resource area. Mr. Buckingham asked where they go from here. Mr. McGrath said the Commission is not saying they can't hire a trapper to help them but said it would be a good idea to contact a wetlands specialist to give them a definitive plan on how to deal with the beaver problem and also address the permitting requirements for the wetland areas before they do any additional work. According to state law, the Commission should have issued an Enforcement Order but understands they are trying to resolve a critical issue on their property and the adjacent neighbors. Going forward, the Commission is asking that they stay within the regulations that the state has the Commission administer. It will also ensure that if water is diverted off the site that it is not going somewhere it shouldn't. Once they are given a plan for how to remediate it, they can come to the Commission and get the appropriate permits. There are two form filings that apply to Conservation; (1) a Request for Determination of Applicability if the wetland scientist believes the activity is exempt from the Wetlands Protection Act; or (2) a Notice of Intent if the wetland scientist feels there is significant work, e.g., trenching, rerouting water. Mr. Buckingham said they plan to start with a beaver trapper.

Consider signing Certificate of Occupancy for Lot 7B Gulf Street (Jim Vadenais) – Chip Burkhardt made a motion to sign the Certificate of Occupancy for 3 Gulf Street (Lot 7B); Ron Aspero seconded; all voted in favor; motion approved.

A Request for a Certificate of Compliance was received this afternoon for 85 Sewall Street. It will be forwarded to Graves Engineering for review.

Compass Pointe Update – An email was sent to Attorney Watsky asking for verification on Orders of Conditions DEP#115-396 through 403. The Commission has evidence that they were extended at our meeting of June 22, 2020 to June 21, 2021; we asked Mr. Haynes to opine on that when he stated they were valid because of the COVID Extension Act. The previous letter did not address DEP#115-394, 395 or 414. Mr. Burkhardt's email said these three Orders are related to work at Compass Pointe and seem to have been forgotten. Attorney Watsky was asked to confirm that these were not only recorded, but that they are valid and in good standing for work either completed or being completed at Compass Pointe.

Attorney Watsky replied in part that the extended Orders were valid until October 2022. Melanie reached out to the Circuit Rider who confirmed they are valid until September 26, 2022. Attorney Watsky will address the Commissions questions on the issues more fully and requested to be put on the March 21<sup>st</sup> agenda.

No updates from the Town Planner or the Planning Board. Joe McGrath will follow up with the Board of Health. The Town Administrator will be asked to share any information/correspondence with the Commission about the project being placed on the warrant because they are not in compliance; Joe McGrath will follow-up.

Masaud Rahimi Razin to discuss Lot 43 Barnard Hill – Patrick Healy said he spoke to Mr. Razin.

Review Stormwater Regulations (Tighe & Bond) – Tabled to the next meeting.

Correspondence and emails were reviewed.

Farooq Ansari Request for a PARTIAL Certificate of Compliance DEP#115-342 and Stormwater Control Permit SCP#2009-2 Longley Hill – No updated materials were received; tabled to March.

176 & 179 Stiles Road (Farooq Ansari) – No Notice of Intent filed yet. Mr. Belec requested another extension in order to collect signatures from abutters.

Chip Burkhardt made a motion to accept the January 24, 2022 Meeting Minutes as written; Joe McGrath seconded; all voted in favor; motion approved.

Wetland Setback Policy – Joe McGrath checked approximately forty Commissions. The only Commissions that made it a regulation were those that have a Wetlands Protection Bylaw. Surrounding towns have it as a policy. More discussion at the next meeting when all members are present.

Having no further business to discuss, Joe McGrath made a motion to adjourn; Ron Aspero seconded; all voted in favor; motion approved.

The meeting was adjourned at 8:40 p.m.