



Town of Boylston Conservation Commission conservation@boylston-ma.gov

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REGULAR MEETING MINUTES MARCH 21, 2022

Members Present: Chip Burkhardt, Joe McGrath, Ron Aspero, Mark Coakley, 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. Chip Burkhardt made a motion to confirm April 25, 2022 as the next meeting date; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to approve the February 28, 2022 meeting minutes; Ron Aspero seconded; Burkhardt/McGrath/Aspero agreed; Coakley/Walsh-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 April 25, 2022 at 7:05 p.m.; Mark Coakley 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 April 25, 2022 at 7:10 p.m.; Jeff Walsh seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Update – Jeff Walsh recused himself from the matter. An email was received from Attorney Watsky. Chip Burkhardt let those present know that all Orders of Conditions DEP#115-396 through 403 as well as DEP#115-394, 395 and 414 are valid. Attorney Watsky let the Commission know that now that the frost season is over, work on the slope began today behind Lots 4A and 4B Cheryl's Way consistent with the plan that John Grenier prepared and the Commission approved. Onni Wirtanen (5B Cheryl's Way) said riprap was spread on 4A; he did not see what was put down on the slopes; he believes they put more stone on top of the slope. Mr. Burkhardt said the approved plan required laying fabric in the channel before the riprap was placed on it; if that did not happen, it was not done per the approved plan.

Jim LaVallee (56 Oak Hill Lane) discussion about water on property – Mr. Lavallee attended to ask for suggestions/advice from the Commission about the water problem on his property which is getting worse. The fire ponds are overflowing and there is a swamp that the beavers took over. Beaver eradication was suggested for the swamp and to contact the Fire Department about the fire ponds. Mr. Lavallee said there is a neighbor across the street that has a sump pump on their side yard where there is significant water which comes down into the storm drain in front of his house through the drainage easement; Chip Burkhardt said it could be jurisdictional. Mr. McGrath said the town is an abutter to the back of his lot; the town could have some responsibility. Mark Coakley said if the root of the problem is on the town's property we would support work on it, but we have no resources. Mr. Burkhardt does not see any easy solution but said we will work with him and help as much as we can. Mr. Lavallee has already spoken with Steve Mero (Highway); he will contact the Fire Department next.

Colin Novick (Greater Worcester Land Trust) to discuss Sewall Street property – Colin Novick, Mike May and Jimmy Ricciardi were present. Mr. Novick said they want to be sure of what they were doing so when the equipment is there, they are only doing it once. There are stumps that need to be removed; the fill on site is being used for the slopes. To bring the tallest slope to grade they will need to be bring the bottom out 10'-15'. They are asking for an amendment for the left and right sides of the tallest slope that currently have a layer of wood chips. According to the original Order of Conditions, they would need to be scraped, loamed and seeded. The chips have been there approximately 4.5 years. They are trying to work with what they have on site. They don't enough loam for the entire site. They are going to remove the debris and fill and get the central slope to where it should be, loam and seed it; they would like to leave the two areas that have stabilized for such a long time as is.

Chip Burkhardt said the Commission always looks at bark mulch as a temporary stabilization measure. We have had particular issues on other projects where people have wanted that to be a permanent stabilization or try to plant grass on top of the bark mulch. Mr. Novick said it has started to degrade and starting to grow; he said it will naturalize. He wants a hardship amendment for those two side slopes.

Jeff Walsh didn't see it as a hardship since Mike May and Jimmy Ricciardi were the original applicants for the project and were obligated to do the work to begin with. They wanted to take down trees, remove earth, and stabilize the site. They took down the trees, removed the earth, but did not stabilize the site and sold it to the Land Trust; the most important step which was their obligation was missed. Mr. Novick said the site is almost done in accordance with the Order of Conditions, except for the side slopes. Mr. Burkhardt said if it was proposed in the beginning it would have been worked in; the Commission would be more amenable than after the fact. Mr. Walsh wants to see the site stabilized. He wants to see slopes that exceed what was proposed and make sure they are stable from both erosion control and slope stabilization. Mr. Ricciardi said they will be stabilized per the plan. Mr. Burkhardt told them a formal filing is needed and the Commission will be amenable to reviewing it.

Review Stormwater Regulations (Tighe & Bond) – Cassandra LaRochelle (Tighe & Bond) will be invited to the next meeting for a presentation of the changes.

25-Foot No Disturb Policy Update – Joe McGrath believes it should be a policy rather than a regulation as suggested by Town Counsel. He provided samples of towns where some had it as a policy, others as a regulation. The towns that had it as a regulation also had a Wetlands Protection Bylaw, which Boylston does not have. He will prepare a draft policy for the next meeting. Once the Commission agrees on it, a public hearing will be scheduled.

176 & 179 Stiles Road (Farooq Ansari) – Mr. Belec requested another extension; said he plans to file this week.

Consider issuing a Certificate of Compliance for 85 Sewall Street, DEP#115-420 and Stormwater Permit #SCP-2018-3 – A review letter from Graves Engineering dated March 11, 2022 was received. The Commission cannot act on the Certificates until the outstanding issues are addressed. A copy of the letter will be sent to the applicant.

Correspondence/emails were reviewed.

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 8:19 p.m.