



Town of Boylston Conservation Commission conservation@boylston-ma.gov
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**REGULAR MEETING MINUTES
MAY 16, 2022**

Members Present: Chip Burkhardt, Joe McGrath, Mark Coakley

Members Absent: Jeffrey Walsh, Ron Aspero

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 set June 27, 2022 as the next meeting date; Joe McGrath seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to approve the April 25, 2022 meeting minutes; Joe McGrath seconded; Burkhardt/McGrath voted in favor; Coakley 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)

James Tetreault was present and said they have received permission from Mr. Chow and Wing Hing Realty Trust to do the excavation; he asked for a continuance. Joe McGrath made a motion to accept the request for continuance to June 27, 2022 at 7:05 p.m.; Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC HEARING (continued) – Lot 11 Longley Hill Road (Farooq Ansari) – Stormwater Control Bylaw Permit Application to construct a single-family home on Lot 11 Longley Hill. Stormwater Control Permit SCP#2022-2

James Tetreault (Azimuth Plan Design) was present. He explained the location and submitted a plan with the proposed rip rap stabilization of the slope behind the house, erosion control matting, and shrub plantings on the slope off the front. The Commission asked for drainage calculations showing that the proposed interceptor trench was a reasonable size. Mr. Tetreault said the numbers show the 100-year storm. It showed that the 6" deep 18" wide trench was a reasonable design for the drainage area. The Commission also asked that a structural engineer examine the proposed stabilization slopes. A letter dated May 16, 2022 from Carlos Ferreira, PE (MF Engineering & Designs, Inc.) was received. Mr. Ferreira stated that it was his professional opinion that the slopes will be safe. Mr. Tetreault explained that it would be graded to a 1:1 slope, the force main will be installed, gravel will be placed over the slope, filter fabric, and then place riprap. The front slope is proposed to be vegetated with at least 24 different shrubs. The construction sequence for the slopes was modified on the plan.

Mr. Burkhardt asked if there was a concern where the force main is that it could be a slope failure point. Mr. Tetreault said there is a toppled wall that covers part of the slope which will be reused as a low retaining wall on the right side. They do have Board of Health approval for the septic system. Mr. Coakley commented that when the slope was exposed, a great deal of the erosion was caused by groundwater. He asked if any consideration was given to that since the septic system is upgrade. Will any fluid run down because they are adding to the groundwater? Mr. Tetreault said the system does meet the breakout requirements for separation of leeching area to down slope. Mr. Coakley asked if the cuts and fills are net or is more coming out and was told more is coming out. The septic system will be a net import. There is an easement plan created by an ANR. Mr. McGrath asked about top of slope. He said there is a significant height difference between the top of the riprapped area and towards the reserve area for the septic. He asked was the direction of the water flow directly down to the slope area or off to the sides; Mr. Tetreault said it was down. Graves Engineering has not reviewed it. The Commission would like to have Graves look at the waterflows on the site. There could potentially be a lot of water going into the interceptor trench drain and into the roadway. Mr. Coakley would like to see why it can or can't be done to intercept the runoff above the septic system. Mr. Tetreault didn't think there was that much area above. Mr. Burkhardt said because we have always had a lot of concern for erosion and slope stability, we could include an ongoing condition that once construction is completed, there be annual yearly inspections for three years or so to make sure the plan holds true. The stamped letter from the structural engineer states that as long the slopes are constructed per the revised plan, the slope is safe. Mr. McGrath is more concerned about the water flow on the slope itself. He didn't feel comfortable that what's done on the plan to address the disposition of the groundwater coming over the top of the hill and over the septic system is properly being routed in the right place. It's not clear in the structural engineer's letter. Mr. McGrath commented that interceptor drains work well for the first year then loses efficiency because of leaf buildup, etc. Graves Engineering will be asked to review both this application and the NOI.

The Chair asked for public comment; there was none. Mr. Tetreault requested a continuance. Mark Coakley made a motion to accept the request for continuance to June 27, 2022 at 7:10 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – 0, 176 & 179 Stiles Road (Central Street Boylston Realty Trust) – Notice of Intent Application to restore impacted BVW and stabilize buffer zone ground cover due to construction related sediment deposits within Stiles Road and on abutting properties, and confirmation of resource areas.
DEP#115-xxx

The hearing notice was read into record. Ad fee and green cards are needed; there is no DEP file number. Mike Scott (Land Design Collaborative) was present. Scott Heim (Northeast Ecological) delineated the wetlands. Mr. McGrath said it is labeled as Cold Harbor Brook but not a principal branch; it is an intermittent channel. Mr. Scott explained Longley Hill and the unimproved portion of Stiles Road. He showed the areas of soil testing and where the machine caused the damage resulting in flow onto the road which was responded to after receiving an Enforcement Order. Three landowners, Ansari, Chwiecko, and Marshall were affected. Approximately 420 square feet of wetlands require cleaning and reseeding. Two small areas below Stiles Road on either side had minor siltation. Mr. Heim will oversee all the work.

Mr. Coakley asked if there was a planting schedule and was told no. Mr. Burkhardt asked if the wetland seed mix alone was going to be sufficient to hold the soil in or is some type of low shrub needed. Mr. Scott will check. Mr. McGrath noted that a very comprehensive email was received from Karlene Schwartz, 152 Stiles Road. EcoTec will be asked to review the delineation and the restoration plan.

The Chair asked for public comment. Paul Labelle, 155 Stiles Road, said the work proposed is to preserve the stream. He took exception to “intermittent” and said he has never seen it stop flowing in over 20 years. Mr. Burkhardt and Mr. Coakley explained how it was mapped by the USGS and classified as an intermittent stream. Mr. McGrath explained that the mitigation plan submitted would be the same whether it was ruled intermittent or perennial stream. He said if abutters don’t approve of the Commission’s filing, they can appeal to the DEP. Mr. Labelle had a concern with the lots that are below him where it is already being cleared and if the buffer is far enough from the stream to not destroy the wetlands when Mr. Ansari constructs houses. Mr. McGrath said the two things the Commission should do as part of the permanent conditions of the Order would be to delineate the wetlands areas post-restoration with the appropriate markers, and stipulate in the restoration Order that no work should be done until the restoration is complete.

Mr. Scott requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to June 27, 2022 at 7:15 p.m.; Mark Coakley seconded; all voted in favor; motion approved. \$1,500 will be required for the 53G account.

PUBLIC HEARING – 80 Pine Hill Drive (NBPIII Boylston, LLC) – Amend Order of Conditions DEP#115-434 to allow restoration of the disturbance within the jurisdictional area of the wetland resource area buffers created by contractor field changes.

The hearing notice was read into record. The ad fee is needed. Matt Costa (Beals Associates), Owen Hall (Northbridge Partners), John Diaz and Chelsey Barron (Arco) were present. Additional work to be done caused the expansion of the limit of work; it was noted by Art Allen (EcoTec) on April 4th. They then filed for an amendment. Mr. Costa said Mr. Allen was on site last week and had no issues with the erosion controls and there was no additional expansion of the limit of work. Mr. Costa said they have identified other areas that will need expansion of the silt fence. The restoration will be seeding and bringing it back to the original grading. They have surveyed located the existing silt fence and used that to delineate the silt fence on the plan; they worked with Arco to define exactly what would be needed for expansion limits. Mr. Allen’s comment discussing with Arco the wetland replication area is shown on the updated plans dated May 10th to consolidate the wetland areas. Mr. Costa explained the area they will need to access due to the change in the grade, they need to cut 2’-3’ to make it level with the wetland so it will function as a wetland. They would also like to remove 4-5 mature trees; a large amount of material will need to be hauled out and replaced with hydric soils; it will be outside the 25-foot buffer, fabric will be used as well as stone and swamp mats in order to reduce the impact.

Mr. McGrath noted that the Commission received a letter dated May 4th from Art Allen (EcoTec) confirming that he received and reviewed the information and found it satisfactory. Mr. Coakley would prefer they don’t stump trees for habitat; it will be deferred to Mr. Allen.

Owen Hall commented this was a miscommunication and that they value the Commission and the town and want to good for the town with this development; he appreciated the Commission’s willingness to work with them. Joe McGrath made a motion to close the public hearing; Mark Coakley seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue an Amended Order of Conditions for DEP#115-434 with amended plans dated May 10, 2022. Mr. Costa said one of Mr. Allen’s comments was to have the work completed by May 20th and asked if that could be extended. The members agreed the work is to be done by June 30th. Mark Coakley seconded; all voted in favor; motion approved. The motion was amended to include Special Condition #37-This Amended Order of Conditions refers to DEP File Number 115-434 issued on August 17, 2021 to NBPII Boylston, LLC and recorded in Book 66038, Page 320 at the Worcester District Registry of Deeds. All previous conditions shall remain in effect. The modification is to allow restoration of the disturbance within the jurisdictional area of the wetland

resource area buffers. Joe McGrath amended the motion to include Special Condition #37; Mark Coakley seconded; all voted in favor; motion approved.

PUBLIC HEARING – Boylston Conservation Commission to update Section 6–Permit Procedures and Requirements; Sections 6, 7, and 11; and Sections 6.I and 12–Project Completion/Certificate of Completion of the Stormwater Rules & Regulations.

The hearing notice was read into record. Mr. Burkhardt would like to have all members present for the discussion. Chip Burkhardt made a motion to continue the public hearing to June 27, 2022 at 7:20 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – Lot 11 Longley Hill Road (Farooq Ansari) – Notice of Intent Application to construct a single-family home on Lot 11 Longley Hill. **DEP#115-xxx**

The hearing notice was read into record. The filing will be referred to Paul McManus (EcoTec) for review. James Tetreault requested a continuance. Chip Burkhardt made a motion to accept the request for continuance to June 27, 2022 at 7:12 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Consider issuing a Certificate of Compliance for 85 Sewall Street, DEP#115-420 and Stormwater Permit #SCP-2018-3 – A letter dated April 27, 2022 was received from Mike Andrade, Graves Engineering. All open items from the previous review have been acknowledged regarding stormwater, including the installation of the hoods on the storm drain catch basins. The as-built is in substantial compliance with the Stormwater Control Bylaw Permit. With regard to the Order of Conditions, the Commission would like a response from the applicant that Special Conditions #34-#37 were complied with. Joe McGrath made a motion to issue a Certificate of Compliance for Stormwater Control Bylaw Permit SCP-2018-3; Mark Coakley seconded; all voted in favor; motion approved.

Compass Pointe Update – Mr. McGrath was unable to complete the update letter for Mr. Haynes and Attorney Watsky for this meeting. He hopes to have it ready for the June meeting. No new information has been received.

25-Foot No Disturb Policy Update – Joe McGrath made a motion to table this item until a future meeting; Mark Coakley seconded; all voted in favor; motion approved.

Correspondence and emails were reviewed. Joe McGrath will follow up with the email from Maya Nanjundaswamy.

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

The meeting was adjourned at 8:30 p.m.