



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

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REGULAR MEETING MINUTES FEBRUARY 13, 2023

Members Present: Chip Burkhardt, Joe McGrath, Ron Aspero

Members Absent: Jeffrey Walsh, Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

Ron Aspero made a motion to confirm March 20, 2023 as the next meeting date; Joe McGrath seconded; all voted in favor; motion approved. The January 23, 2023 Meeting Minutes were tabled to March 20, 2023.

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. Joe McGrath made a motion to accept the request for continuance to March 20, 2023 at 7:05 p.m.; Chip Burkhardt seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Fuller RV Wetlands Violation on Route 140 RW LLC Property (158 & 160 Shrewsbury Street) – Bobby and Sheri Fuller attended. The Commission received a letter from Morgan Lewis who represents Route 140 RW LLC. They claim that Fuller is filling on the shared property boundary and property behind the current RV garage which is accessed by an easement; a number of violations were alleged. Bobby Fuller said all of the paperwork for Plot C is the same size as it has always been. He said many years ago when Dave Donahue owned the property, a drainage easement was never completed and water came directly onto Plot C. Mr. Fuller spoke with Nick Smith (Rand-Whitney) who needed more land; the Fullers sold Rand-Whitney 1,500 square feet of the entrance to Plot C and was told Mr. Fuller could park on both sides of it; they gave Mr. Fuller stone to keep the water from getting onto Plot C. The deed for the easement states that Rand-Whitney will control the water. Rand-Whitney added a curb and Mr. Fuller was told the only way to fix that would be to bring Plot C up to the level of the access road. They lost approximately 50% of the entry way because of the curb. They think that Mr. Fuller altered the right-hand side of the entry way. Mr. Fuller said he only removed poplar trees which made it appear bigger.

Mr. McGrath wanted to clarify that the people who gave Mr. Fuller the stone are the people who are complaining about the project; Mr. Fuller said that was correct. Mr. Fuller said the lot may be higher with the stone but the size of the lot is exactly the same. Mr. McGrath asked how close they were to the

brook. Mr. Fuller said there is nothing over the bank. Mr. Burkhardt read the complaint that says on January 23, 2023, outside of regular business hour, members of the project's management team observed Mr. Fuller placing fill, gravel, and stone within the 100-foot buffer zone, and within the Commission's 25-foot no-disturb zone. Mr. McGrath reminded him that when they first fitted out the side, they did the same thing. They made changes in the area without talking to the Commission first. Anything he does in the resource area, and it was made it clear to him in the past, that he at least needs to come and talk to us and tell us what's going on ahead of time. Mr. Fuller said they only use it for parking.

Mr. McGrath told him any Orders he had are expired. If they did any work within 100-feet of the resource area it is a violation of the Wetlands Protection Act. Mr. McGrath said if they have existing drawings, they can show us on modified drawings what they've done. The members said he could start with a Request for Determination of Applicability. We will need a plan that shows where the material is being placed, where it is in relation to the wetlands flags, and where it is in relation to the brook. Mr. Burkhardt said they are basically having runoff issues from the construction project on the hill and Mr. Fuller has worked with the engineering firm that's doing the work. The current owner of the property has been working with their agent to mitigate that and part of that was to install a berm and give them stone to do that. It's a bit confusing if they were giving him the material that they would then come back and say that they are doing work within the buffer zone. If it's truly just putting stone down and helping with the water issues that are there, he didn't think the Commission would have a problem. Something beyond that is a different story. Mr. Fuller just wants to be able to use it without having to use a loader to pull the RVs out. They were told they are not to do any more work on site. Mr. McGrath will reach out to the attorney and Lauren Gluck (Pare Corp).

Consider issuing a Certificate of Compliance for 85 Sewall Street, DEP#115-420 (Brookside Apartments) –
No information received.

Consider issuing a Certificate of Compliance for 21 Woodland Drive, SCP#2020-3 – Tabled to the March meeting.

Review Correspondence/Emails/Additional Items: (1) The town voted to establish the Community Preservation Committee; it will be comprised of nine appointed members with one being from the Commission. Joe McGrath made a motion to appoint Ron Aspero as the Conservation Commission representative on the CPC; Chip Burkhardt seconded; all voted in favor motion approved. (2) Information/materials were received from Fisheries & Wildlife related to the new BioMap. It will be brought to the next meeting so all members can review it. (3) Camp Harrington-Pam Frechette, Parks & Rec Coordinator attended to briefly discuss plans for Camp Harrington.

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 8:00 p.m.