



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

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REGULAR MEETING MINUTES APRIL 10, 2023

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

Members Absent: Ron Aspero

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

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

Joe McGrath made a motion to confirm May 15, 2023 as the next meeting date; Jeff Walsh seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to approve the February 13, 2023 Meeting Minutes; Joe McGrath seconded; all voted in favor; motion approved. Jeff Walsh made a motion to approve the March 20, 2023 Meeting Minutes; Joe McGrath seconded; Walsh/Coakley/McGrath voted in favor; motion approved (Burkhardt abstained). Joe McGrath made a motion to approve the March 13, 2023 Camp Harrington Site Visit Meeting Minutes; Jeff Walsh seconded; all voted in favor; motion approved. Joe McGrath made a motion to approve the March 28, 2023 25 Ethan Allen Drive Site Visit Meeting Minutes; Jeff Walsh seconded; all voted in favor; 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. Jeff Walsh made a motion to accept the request for continuance to May 15, 2023 at 7:05 p.m.; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC MEETING – 150 Shrewsbury Street (Fuller RV) – Request for Determination of Applicability Application to place a layer of crushed stone on the rear of Plot C to control mud to prevent sinking when parking on the lot.

Sheri and Robert Fuller were in attendance. Mr. Fuller showed a plan pre-Rand Whitney and said the access road, the entry to Plot C and the river are the same. He said water was coming into their property. They have already put some stone in and would like to finish it, but not expand it. Mr. McGrath said they had made it bigger in the back because they'd done work behind the last RVs that were there. Mr. Fuller said they have never put anything over the original banking. He said Dave Donahue made that in return for an easement to his landlocked property. Ms. Fuller said they are backed up to the drainage. Mr. McGrath said he was on site with another Commissioner and they noticed two areas with fresh fill; one was in the back behind the last line of RVs; it didn't go into the hatched area. There was also fill up by the front. There is a berm that Rand installed and that drainage easement is for a drain that's in the road. That water will be taken off the road down to that drain. Mr.

Fuller said it is not capped; it's raised to put the final coat of asphalt on. He said when they realized the problem they had, Rand lowered the catch basins but there are two that clog when it rains hard. When they were notified by the Commission, they were spreading stone. If they receive permission, they will continue to put stone down. He said two stock trailers and a truck will be coming out; they will place stone there and relocate the trailers and truck. The RDA says to place a layer of crushed stone on the rear of Plot C but it didn't show the limit of work. Mr. Walsh would have no issues with them placing stone on the surface where they are parking the trailers and motorhomes, but not down the hill. They need to provide a plan to the office at least a week before the meeting showing the limit of work so it can be reviewed. They were told to measure from the road drain and stake it out. Mr. Fuller also mentioned the poplar trees he pulled out. Mr. Burkhardt suggested they revise the request and ask for permission to do vista pruning as needed to prevent damage to the motor homes. Ms. Fuller asked for a continuance. The Chair asked for public comment; there was none. Joe McGrath made a motion to accept the request for continuance to 7:10 p.m. on May 15, 2023; Jeff Walsh seconded; all voted in favor; motion approved.

PUBLIC MEETING – 320 Sewall Street (Terramor LLC) – Request for Determination of Applicability Application for Camp Harrington access improvements. The project location is 320 Sewall Street, Boylston MA referred to as Assessor's Map 7, Parcel 30. The applicant making the request is Walker Korby, Terramor LLC, 54 Old Stage Road, Montague MA 01351.

Walker Korby (Terramor), Pam Frechette and Alison LeBlanc (Parks & Rec) were present. They propose to improve the parking area with crushed stone and then grade it. They are only restoring what is there; it will not be expanded. On the current access road there is some pavement; it turns into gravel and loam to the drop off. They will stay 100 feet away from the pond. They will add compacted stone, shape it and grade it. While preparing the plan Mr. Korby noticed that some lots went across the access road; the access road is not town owned property. They will make a woodchip path border off the parking area to a point where the current road is on town property; from the top the slope to the water will be gravel; a silt fence will be installed for the limit of work. Ms. Frechette said there will also be a sign along the trail.

The Chair asked for public comment. Theresa Prunier (Corderre Road) asked if the access road would allow parking on the property. Mr. Burkhardt said there is a parking area currently; the proposal is to improve the parking area and establish a walking path to the pond; it is not a driving access to the pond; it is 100 feet away from the pond. The parking area is approximately 3,000 square feet. She asked if it was established as a park and Ms. LeBlanc said it was; there was a state grant that allowed them to take ownership of the property to preserve it for passive recreational use. Ms. Prunier's biggest concern was the number of cars because of the problems they have with stormwater runoff on that end of the pond. She asked if people would be bringing in boats, canoes or kayaks. Mr. Burkhardt said that would be a discussion with Parks & Rec; what the Commission has is jurisdictional; how it gets used in the future is not. Ms. Prunier asked if the access road would be considered a right-of-way. She was told it's not an access road, it's a 5-foot-wide walking trail. George LaRassa (126 Nicholas Ave) asked if there would be swimming in the pond and would they clean it out. Ms. Frechette explained that this is only for trail construction; there is no bigger plan for the property as yet. Should they get another grant for Phase 2, it will be advertised on the Parks & Rec website.

COMMISSION BUSINESS

Consider issuing a Certificate of Compliance for 21 Woodland Drive, SCP#2020-3 – Joe McGrath recused himself. Jeff Walsh made a motion to issue a Certificate of Compliance for 21/23 Woodland Drive, SCP#2020-3; Mark Coakley seconded; all voted in favor; motion approved.

Greg Rozak (to discuss tree cutting) – (197 Sewall Street) Mr. Rozak was present. He said he removed 13 pine trees because 3 of them were leaning heavily towards his home; after cutting found that 7+ were infested with ants. He explained that a year ago a pine tree was hit by lightning and destroyed 2 maples next to it. Another snapped $\frac{3}{4}$ and landed in his driveway on the bedroom side of his home. About a month ago an uprooted tree took down some wires. He didn't realize he had to notify the Commission. He thought he could cut without digging. It was done in one day, clean cut; no stumping. He apologized if he did something wrong; he was doing it to protect his home and the power lines. Mr. Burkhardt said they spoke and would never begrudge anyone for removing trees if there is a true emergency to the house. He said almost everything in Mr. Rozak's yard is jurisdictional under the Wetlands Protection Act. Mr. Rozak knows that. He reminded him that the Commission has to be notified. The Commission is pretty lenient; we don't want to see people's houses or septic systems get damaged. They appreciate that he didn't use a machine or dig out the stumps. Mr. Rozak provided photos that were sent to the members, Steve Mero recommended that he not let the chips go anywhere further than the work. He takes pride in his house and wouldn't do anything to jeopardize it. He asked about burning where the cement boundaries are. Mr. Burkhardt said it should probably be on the house side of the markers. He shouldn't be doing anything on the other side of the markers.

Beavers – Mr. McGrath said one of the headwaters for French Drive is behind 25 Ethan Allen Drive. There are at least two beaver dams; down Stiles Road there are two more. The gentlemen from Mass Wildlife said they would have to do a seek and destroy all the way down past Stiles or they'll keep coming back. There wasn't a problem, the homeowner was afraid the water was going to come onto his property at some point; nothing was seen so it couldn't be declared a public health hazard; it's the homeowner's responsibility. Mr. McGrath recommended that if he wanted to break up the dams, which is his purview because the dams are on private property, he has to come before the Commission to file and RDA or NOI dependent on the amount of breakage he wants to do. Mass Wildlife didn't think it was the place for a beaver deceiver device.

Discuss Road Acceptance: Pine Street Extension, Longley Hill Road, Compass Pointe, Cheryl's Way, Northeast Way & Southwest Circle

Jeff Walsh recused himself. The opinion of the Commission was that if there are no Certificates of Compliance on any of the properties, the Commission shouldn't approve them for acceptance. Mr. McGrath thought a letter should be written to the Board of Selectmen telling them the issues that have not been resolved. Mr. Burkhardt thought there were open issues on both Pine Street and Longley Hill Road that have not been resolved. With regard to Longley Hill Road, the Commission has a letter from Graves Engineering listing the deficiencies that is at least two years old. We have nothing from Graves Engineering saying that it has been resolved. Mr. Ansari said he should have the letter "pretty soon". Mr. Burkhardt said the Commission will not meet again until after the Town Meeting. We can't act on it without a meeting and before town meeting. Mr. Ansari was told he had a year since the last town meeting to provide the documents but hasn't; we don't have a supportable position to say we approve the town to accept the road; we don't have a legal way to act on it. Mr. Ansari asked if they would accept the road with conditions and was told that's up to the Selectmen. The Commission's position is that we don't have a Certificate of Compliance, we don't have the punch list items from the engineer that his concerns were addressed; we don't have as-built plans, Mr. Ansari said he had one with him. Mr. Burkhardt said he has been told numerous times that it is not the Commission's job to manage his project, it's his. The Commission is not going to recommend that the town accept the roadway; the risk is too high. Once the roadway is accepted, they can walk away and it's the town's responsibility to finish it; the Commission will not put the town in that position.

During the meeting it was learned that the Commission did issue a Certificate of Compliance for Pine Street Extension; there are no issues. The Commission will recommend acceptance of the roadway.

Bart Laganelli (8A Cheryl's Way) asked what conditions of Compass Pointe are not being satisfied for the Commission. Mr. Burkhardt said there was a letter from last January where every board listed their issues with the project that had to be resolved. Mr. McGrath said at the end of Cheryl's Way there is an open area that was supposed to have trees planted and stabilized. Mr. Laganelli said that area is split between the four houses that are at the end of Cheryl's Way. He said it is two separate lots. Mr. McGrath said we don't have as-builts for that section of Compass Pointe. He was not sure if there was a road in there that is clear enough that we would ok approval. The Commission has not received any information from Matt Marro about his stabilization plan. Mr. McGrath will reach out to him.

Correspondence and emails were reviewed.

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 8:50 p.m.