



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

221 Main Street, Boylston MA 01505 ** Telephone (508) 869-6127 ** Fax (508) 869-6210

REGULAR MEETING MINUTES OCTOBER 16, 2023

Members Present: Joe McGrath, Ron Aspero, Jeffrey Walsh, Lucas Rose

Members Absent: Mark Coakley

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

The meeting was opened at 7:00 p.m. November 20, 2023 was confirmed as the next meeting date. Joe McGrath made a motion to approve the September 18, 2023 Meeting Minutes; Lucas Rose seconded; McGrath/Aspero/Rose approved; Walsh abstained; motion approved.

Continued PUBLIC HEARING – 428 Green Street (Eric & Peggy-Anne Preusse) – Notice of Intent Application to bring the existing site work into compliance and to propose the construction of a single-family home on the lot. (DEP#115-~~xxx~~)

Ron Aspero recused himself from the discussion. Scott Goddard (Goddard Consulting) and Kevin Aspero (Shrewsbury Homes) were present. Revised plans were submitted in response to Art Allen's (EcoTec) 10/7/2023 report. Mr. Goddard said the changes are minor and include the driveway now being pitched toward the filter strips along the driveway, modification of the planting and restoration plan that include a small area of BVW clearing that was done without authorization, and the stockpile and planting for the riverfront area. The plan also includes a small stormwater feature as well as additional narratives on soil amendments for the plantings. DEP has not yet issued a file number. Mr. Goddard described the project for Mr. Walsh who was not at the last meeting.

Mr. McGrath said last month there was a question of whether or not this would constitute a limited project based on exceeding the 5,000 square foot disturbance. It wasn't mentioned in Art Allen's peer review so the Commission is assuming that the application that was filed was acceptable. Peer review commented that the alternative analysis for the riverfront area was utilizing an easement on adjacent property for the driveway; Mr. Goddard pointed it out and was told that it was New England Forestry land. Kevin Aspero said it came from the original piece of property that was subdivided from; there is no access to it. Peer review also commented that it would exceed the maximum 300-foot common driveway regulation in the zoning bylaw. If a waiver was requested, Kevin Aspero said it would be difficult and complicated to build a driveway. The Commission also had a concern about water coming off the driveway onto the roadway. Mr. Goddard explained the lower part of the driveway that will be pitched down with the filter strips breaking it up along the way so any water going into the crushed stone will settle. Once it's stabilized the water should be clean water; it's a velocity issue to stop the water from creating an erosive channel. There is another sediment trap for discharging on the site. Mr. McGrath asked if Kevin Aspero could do some of the mitigation before they start the house construction to keep everything off the road during the construction phase. Mr. Aspero said they would like to start doing the work as soon as possible to get it done before the winter. Mr. Goddard asked if they could do some remedial work on the site before an Order is issued. Mr. Aspero would like to install erosion controls and do what they can to stabilize it before the frost. Mr. McGrath said the Commission's

concern is that if we close the public hearing without DEP comments, should there be comments, the hearing will have to be reopened and readvertised which would delay the project further. Mr. Walsh also had a concern about that as well. There was discussion about letting some work proceed through an Enforcement Order. Ron Aspero (4 Redwood Circle) wasn't sure if the plantings could be done this year because of the amount of time left. The Commission does not need a public hearing to issue an Enforcement Order. Mr. McGrath suggested getting a detailed letter as to what work they want to do under an Enforcement Order. The Commission could decide to issue the EO to permit the work; it is an ongoing threat to that body of water and to Green Street. The EO can be ratified at the next meeting. Mr. Walsh said it would address the time sensitive issue of dealing with sediment stabilization and erosion control at the front. He would not be inclined to start dealing with restoration, even if they could plant, until hearing from the DEP and until we issue an Order of Conditions. The stabilization erosion control issues are not emergencies, but time is of the essence. Mr. Goddard suggested Mr. Aspero state his reference in accordance with the site plan. The Commission was not comfortable with that and wants a delineation of exactly what activity is going to take place under the Enforcement Order because we are issuing it at risk until the DEP has completed their review; the site plan may have to be changed. Mr. Walsh noted that the town has the Mullin Rule in place and he will read the minutes and/or watch the video so he can vote at the next meeting.

There was no public comment. Mr. Goddard requested a continuance. Joe McGrath made a motion to accept the request for continuance to November 20, 2023 at 7:05 p.m.; Lucas Rose seconded; all voted in favor; motion approved.

PUBLIC MEETING – 21 Adams Street (Andrew Porter) – Request for Determination of Applicability Application to repair the existing deck and 4-season porch.

Cindy Forgit was present for Andrew Porter Contracting. The piers (14'-16' in height) are deteriorating and the applicant would like to repair them. Temporary supports will be placed on the ground; they don't have to dig into the ground; the footings may need to be replaced and there would be some limited excavation. The Commission had no issues. There was no public comment. Ron Aspero made a motion to issue Negative Determination #3; Joe McGrath seconded; all voted in favor; motion approved.

PUBLIC HEARING – 18 & 20 Boulder Way (Michael Holyoak) – Notice of Intent Application to combine the parcels under a single common ownership. (DEP#115- ~~xxx~~)

Michael Holyoak was present. The hearing was unable to be opened because inadvertently the wrong description was advertised. The Commission apologized; it will be readvertised at the Commission's expense with the correct description and included on the November 20, 2023 agenda at 7:10 p.m.

PUBLIC HEARING – 22 Diamond Hill Ave (PGK Properties, LLC) – Stormwater Control Bylaw Permit Application to construct a private street and two single-family homes. (SCP#2023-2)

Patrick Healy (Thompson-Liston) was present. At the last meeting he came before the Commission asking for a waiver to the requirements of the Stormwater Control Bylaw. The Commission was not supportive and Mr. Healy submitted an application for a Stormwater Permit. The site is a small subdivision roadway built to common driveway standards with two single-family homes; total area of disturbance is just under two acres (87,000 square feet). Low Impact Development techniques are proposed to be used. Proposed is an 18-foot wide paved driveway coming in with two driveways going to the single-family homes. Along the common driveway there will be open grass swales with culverts under the driveways. Each driveway will have a tree box filter for pretreatment; there is an infiltration basin within the cul-de-sac. He did speak with DCR and they agreed they did not need a permit from

them but would like to monitor the project for any signs of erosion or sedimentation into the protected resources. Graves Engineering completed a review through the Planning Board. Roof runoff can be taken from each of the homes to the infiltration system; they are only dealing with the road and driveway runoff. There is an erosion and sediment control plan with the sequence of work. There are three phases of construction: the roadway and the stormwater; and one for each of the single-family homes. The plan includes the details and grading. He is designing the septic systems for the houses and will be submitting them to the Board of Health. The subdivision plan has been approved by the Planning Board.

Mr. McGrath commented that we may have outdated plans, but Mr. Healy explained that they had to submit two plans to the Planning Board. One was a conventional plan that conforms with the subdivision rules, and an alternative plan which required some waivers. There was no public comment. Joe McGrath made a motion to close the public hearing; Lucas Rose seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue Stormwater Control Bylaw Permit #2023-2 with standard conditions #1-#22; Ron Aspero seconded; all voted in favor; motion approved.

PUBLIC HEARING – 211 Mile Hill Road (Summer Star Meadow, LLC) – Notice of Intent Application to construct a new replica historic farmhouse and modify an existing structure for educational purposes. The two structures, parking, portion of the new septic field and associated grading are within 100' of the BVW. (DEP#115- xxx)

Jim Pavlick (Outback Engineering) was present. A DEP file number has not been issued yet. They are filing the project with the Planning Board for Site Plan Review and will be meeting on November 6th. It has been sent to Graves Engineering for review. An RDA was previously filed to start some of the prep work around the farmhouse. Mr. Pavlik said the project is very minor. There is an existing stream heading north, and an unnamed tributary they call Summer Star Creek that flows in Wrack Meadow. It is surrounded by SVT property as well as Conservation parcels. They are looking to preserve the site and keep the historical significance of the site. Shalin Liu wants to create a historical replica home that would be a new structure, and to modify the existing house to be a viewing barn. A few parking spaces are proposed; the complex is approximately less than a half-acre. They will be connecting trails which the Commission reviewed. Dan Stimson (SVT) received authorization a few years ago. Mr. Pavlik provided drainage calculations; the wetlands were flagged by their scientists. They will be shortening the existing gravel driveway for the proposed parking. The existing house will be made smaller; a new septic system will be installed. There is an existing well along the 25-foot buffer; the flags have been located within the 100-foot buffer zone. There is an existing retaining wall that may be impacted; the old stone foundation is on the 25-foot buffer; they will keep the work upgradient of that. Mr. Pavlik will have to determine if the retaining wall is a safety hazard. Septic plans have been submitted to the Board of Health.

Mr. McGrath asked who flagged wetlands or how recently it was done. Mr. Pavlik said it was done this past summer and originally flagged three years ago. Mr. McGrath said the only concern is that, although we appreciate the effort to stay out of the 25-foot no disturb, almost all of the work is within the buffer zone and there is a significant amount of wetland property around the site. He asked if the Commission would prefer to have the wetlands flagged by our peer review engineer. The review would only be for the area where the construction is going to be where the replica house is going to be built; the members agreed. Markers should be put in to identify the edge of the wetland areas. There was no public comment. Mr. Pavlik requested a continuance. Joe McGrath made a motion to accept the request for continuance to November 20, 2023 at 7:15 p.m.; Lucas Rose seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Stacy Plunkett (21 Adams Street) wanted feedback from the Commission about a preliminary room addition to her house to put in a swim spa and hot tub. She came to the Commission previously about a pool which didn't transpire. They are very close to the wetlands and wanted to know if it would be possible or not. The Commission didn't see any issue but suggested she follow the same process as she did with the porch and file an RDA. She should include details from the pool company as to how they will handle the cleaning and maintenance process of the pool. Mr. Walsh said we will want to know where any discharge from the pool, whether it's chlorinated or salt, water will go.

Stormwater Update: Annual NPDESII Permit Approval, and Lake Phosphorus Control Plan for Newton Pond – The annual NPDESII Permit was signed by the Town Administrator and filed. Mr. McGrath said because of high phosphorus levels in Newton Pond, the state asked both Boylston and Shrewsbury to put together a response plan. A memo of our approach plan for this year has been submitted but we need to review it and make some changes to the way we handle some things on the Commission in order to accomplish that. It only relates to the drainage areas that are shown on the map that refer to the water that's going into Newton Pond. We need to remove approximately 80 pounds of phosphorous per year going into the pond. After totaling up all of the phosphorous mitigation that the town has in place (the BMPs which are the public storm drains, anything related to development, and anything related to road improvements), it totals 2 pounds.

One of the things that was looked at was could we include private development in the area that has included a BMP (e.g., road drainage as was done as part of Frito-Lay and other buildings). We could but there are certain conditions that have to be met. The private landowners and private companies would have to certify under the penalty of law that their efforts to limit the amount of phosphorus being emitted from their privately owned system is done on a regular basis, etc. Going forward, we should draft a condition to put into the Order of Conditions certifying that any activities or projects in the area under question contain certification that we can capture what they're doing to control phosphorus in their development. What is the town going to do if all of our collected efforts to date don't add up to 80 pounds needed to be included in the memo? The recourse may be that the town would have to pay for new BMPs in those areas that contribute to Newton Pond.

We need to consider if we want to go private companies and have them reword their annual report to include the statement about certifying under the penalty of law. Mr. McGrath has an issue asking a private developer to swear that they are complying with the municipal permit. He will ask Town Counsel for his opinion about getting current annual reports retrofitted to include that language. He will also draft language for a new condition for the next meeting. He asked Tighe & Bond what Shrewsbury was doing but they didn't know. The Town of Shrewsbury has never been very communicative with Boylston in the past. The stormwater management budget for the next few years should be increased by approximately \$2K for annual reporting, but in year 4 or 5 of the mitigation plan we need to come up with some way of financing additional BMPs if it's required. Should Newton Pond come off the list of Great Ponds, it would fall out of this program. Mr. McGrath will ask Tighe & Bond about including the condition in the Stormwater Permit. He will also contact the Blackstone River Coalition for any phosphorous data upstream and downstream of Newton Pond they may have.

Master Plan Implementation Committee Representative – Joe McGrath made a motion to accept Jeff Walsh's volunteerism to be appointed the Commission's representative to the MPIC; Lucas Rose seconded; all voted in favor; motion approved.

MVP Steering Committee – Ron Aspero made a motion for Joe McGrath to fill the vacancy left by Chip Burkhardt on the MVP Steering Committee; Jeff Walsh seconded; all voted in favor; motion approved.

Vote to close out Conservation 53G completed (or never started) project accounts and refund balances
– The accounts were reviewed and Joe McGrath made a motion to approve closing out accounts #1-#11 and transferring account #12; Ron Aspero seconded; all voted in favor; motion approved.

Stiles Road Update – Tabled.

Correspondence and emails were reviewed.

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

The meeting was adjourned at 8:46 p.m.