



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

SEPTEMBER 16, 2019

Members Present: Chip Burkhardt, Mark Coakley, Dan Duffy, Jeffrey Walsh

Members Absent: Joe McGrath

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

PUBLIC MEETING – 320 Linden Street (Daniel & Ruangrawee Duffy) – Request for a Determination of Applicability application to construct an in-ground swimming pool.

Dan Duffy recused himself as a Commissioner. The meeting notice was read into record. Matthew Marro (Environmental Consultant) contracted by Synder Pools was in attendance. He showed where the work proposed will be confined except for a few trees that need to be removed to create a retention wall; trees will be replanted (two will be stumped; one will not); low lying shrubs around the pool are also proposed. Mr. Duffy said they did look at alternative locations for the pool placement, but the areas had rock and there is a septic system. The pool will be kept far away from the septic system and pipe; a 6-foot high retention wall will be built. Erosion controls (hay bales) will be placed around the temporary impact area. The duration of the project is two weeks. Mark Coakley made a motion to close the public meeting; Jeff Walsh seconded; all voted in favor; motion approved. Jeff Walsh made a motion to issue a Negative Determination (Reason #3) per the plan entitled "Proposed Swimming Pool" for 320 Linden Street, Boylston MA dated August 30, 2019; Mark Coakley seconded; all voted in favor; motion approved.

COMMISSION BUSINESS

Compass Pointe Residents (Complaints regarding Wetlands and Erosion) – Jeff Walsh announced that he is recusing himself from the matter because the company he works for (Graves Engineering) has done business previously with the Commission on this site.

The Commission notified Paul McManus (EcoTec) to conduct a site visit, but unfortunately the report was not ready for tonight's meeting. Onni Wirtanen (5B Cheryl's Way) spoke for the residents who attended to express their concerns about issues with the retention pond, water runoff eroding the slopes, hay bales, silt fencing, impact to the wetlands, steep slopes (waffling and depressions) and grading. They have discussed the issues with Mr. Haynes and said he is using site materials (mulch) to stabilize the slope as well as jute netting. They were here asking for assistance from the Commission to see what can be done and looking for peace of mind. Mark Antilla said there is a significant slope where the two new homes will be built. The HOA

has not been established yet by the community. When it is transitioned, they want to understand their liabilities are.

Mr. Duffy said mulch was used as a temporary measure while construction was occurring. The Commission required Mr. Haynes to put it down after he finished the grading, before he built the houses, because he had to limit the amount of exposed surface that was subject to erosion while the construction was going on. Mark Coakley explained that because there was so much open space, the Commission limited how much he could open up at any given time by square footage; he had to sequence and stabilize it instead of leaving it open. Mr. Duffy said there are a few areas the Commission has jurisdiction over. He explained that any project that disturbs more than one acre of ground surface, and is not a single-family residential home, is subject to our Stormwater Regulations. There is also specific permitting related to the Wetlands Protection Act for some of the individual lots. The two potential areas where we have jurisdiction are the specific lots that have Orders of Conditions and the road. Mr. Coakley said everything the residents are talking about needs to be permanently stabilized before the Commission can issue a Certificate of Compliance. Mr. Duffy said part of the Commission's concern is if the Order of Conditions is not closed out and the property transfers, whoever owns that property is responsible since the Order travels with the property. Mr. Antilla said they are asking today for the Commission's assistance in asking the builder to provide a remedy that will be permanent.

Matt Marro (Marro Environmental Consulting) is working with Mr. Haynes to rectify any problems; he has walked the site. Paul McManus from EcoTec has also walked the site but not yet provided a report. There are areas that are temporarily stabilized; there are some areas that need work. He suggested (on behalf of Mr. Haynes) that Mr. McManus visit the site with himself and John Grenier to look at the areas and come up with a solution. Mr. Duffy said the Commission needs to review the permitting to see what the final proposed surface treatment is. Mr. Coakley said all the slopes need to be loamed and seeded. The builder is responsible for the Order of Conditions on the entire road system. Mr. Duffy explained the process of the Order of Conditions and said the Commission has control of all of it pertaining to the Stormwater Control Permit, but enforcement on an Order of Conditions is against the property owner.

Citizen Jeff Walsh (35 Glazier Street) said when he conducts reviews for other municipalities on behalf of a Planning Board, the town wants to make sure all the departments are satisfied with the work. They typically have an engineering company review the construction related work. If there was an Order of Conditions for the road or road related infrastructure, it needs to be closed out before the municipality accepts the public way. As far as Orders on individual lots, it is a separate issue not associated with a public way.

The Commission cannot issue a Certificate of Compliance until the plan that was approved is complete and an as-built plan stamped by an engineer is received and reviewed by the Commission's consultant. Mr. Coakley said the Commission agreed that the wood chips are temporary until the project is complete; it is still an active construction site. The residents have been communicating with the builder. Mr. Marro was asked to come back to the next meeting

with work that has been done or a plan. An agenda item was scheduled for 7PM on October 21st.

Longley Hill Estates (Malfunctioning Retention Ponds) – Steve Chwiecko (179 Stiles Road) had concerns about the retention pond system for Longley Hill Road and said it is not working properly; one of the retention ponds discharges directly onto his property and has done so for the six years he has lived there. He would like the problem to be solved before the town accepts the road. Dan Duffy explained that some ponds are designed as retention and are meant to hold water, others are designed as detention to hold the storm surge and drains out at the end. Mark Coakley said the catch basins are installed but may not be capturing as designed until the final pavement is done. The developer has not submitted a request for a Certificate of Compliance or an as-built plan. Paul McManus (EcoTec) has been notified to conduct a site visit, but the report was not ready for tonight's meeting. Mr. Chwiecko was given the response Mr. Ansari provided today.

Perry Road/Barnard Hill Discussion (Declaration of Restriction) – Paul McManus (EcoTec) will be asked to do a site visit.

Dragon 88 Update (260 Shrewsbury Street) – David and Albert Chow were present. There was a complaint of illegal dumping in a resource area behind the restaurant. Mr. Chow said he purchased the property from Mr. Dipilato in 2005. Chip Burkhardt visited the site and contacted Mike Sokolowski whose loader was on site. Mr. Sokolowski said he was not doing any work, and only pushed the fill over to clean it up. Someone dumped soil on his property in an area that needs approval from the Commission. Mr. Chow was told since he is the property owner, he is the responsible party for what happened and may be responsible to remove it. Mr. Chow said he only cleaned up the area and at least a few truck loads were brought in; not sure what the material is or where it came from. Mr. Duffy said if it is within 100-feet of a wetland, the Commission requires a plan of what they are going to do to mitigate the issues associated with the dumping. Mr. Chow could do it on a voluntary basis or the Commission can take enforcement action to require him to do it; the Commission would rather not take enforcement. Mr. Walsh said the if material was pushed into the wetland it has to be removed. Mr. Chow was told to come back to the next meeting to provide an update on who he has hired and what the schedule is for a filing.

Vouchers were approved.

Correspondence and emails were reviewed.

Jeff Walsh made a motion to approve the Meeting Minutes dated August 19, 2019; Chip Burkhardt seconded; all voted in favor.

October 21st was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Jeff Walsh seconded; all voted in favor; motion approved. The meeting adjourned at 8:35 p.m.