



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
221 Main Street, Boylston MA 01505 \*\* Telephone (508) 869-6127 \*\* Fax (508) 869-6210

## **REGULAR MEETING MINUTES OCTOBER 21, 2019**

Members Present: Joe McGrath, Chip Burkhardt, Mark Coakley, Dan Duffy

Members Absent: Jeffrey Walsh

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

Compass Pointe Update – Matthew Marro (Environmental Consultant) was in attendance for Mr. Haynes. At the Commission's request, Paul McManus (EcoTec) conducted an inspection of the subdivision on September 6, 2019 and provided his report in a letter dated September 20, 2019. Mr. Marro said Mr. Haynes is in the process of cleaning up the area where there was a breach because of the recent rainstorm. He will be preparing a stabilization plan; it is too late in the season to loam and seed. The temporary mulch will come out and a seed mix will be used on the slopes. Mr. Marro thought the slopes were 2:1. Joe McGrath visited the site last week and said the slopes will be more aggressive behind Lot 9D. He asked how will Mr. Haynes access the slopes without damaging the homeowner's property. Does he have the right or an agreement with the homeowner since he sold the property? Mr. Marro said heavy equipment will be needed. He will have a comprehensive plan by November 7<sup>th</sup>. Chip Burkhardt said John Grenier should also be involved since he did the design. Mr. McGrath said there are a number of areas that are open that need to be stabilized and until a stabilization plan is received, the Commission will not sign off on Occupancy Permits.

Mr. Duffy did not think the trees for Lot 28A & 2B that were part of the mitigation plan that was required due to the foundation being put in the wrong location, were installed. Mr. Coakley said as of September 20<sup>th</sup> they had not. The Commission wants to know when and what was done to address the issues in Mr. McManus' report. Mr. McManus will be asked to visit the site again. Mr. Marro will attend with him. The Commission is requiring a detailed stabilization plan, e.g., how Mr. Haynes will access the property, how he will start, what has he done, how he will finish, and reports provided to the Commission every two weeks. Onni Wirtanen (5B Cheryl's Way) agreed it is too late for seeding and said the slopes are not 2:1. Mr. Marro will return to the November 18<sup>th</sup> meeting with a stabilization plan.

Steve Venincasa to discuss the bond for Brookside Apartments (85 Sewall Street) – Mr. Venincasa was trying to understand the rationale for the bond amount (\$812,905). He said should he not be able to finish the project the town would only loam and seed it, not install the drainage system. He was not questioning the Commission's authority but objected to the timing of the bond. He typically posts a bond when a house is occupied. Chip Burkhardt explained the Stormwater Control Bylaw and the need to bond; there have been other projects in town that

were not completed. The Commission will work with him, but he needs his engineer to propose something and why he is doing it.

**PUBLIC HEARING – 11 French Drive (Tower Hill Botanic Garden) – Notice of Intent Application and Stormwater Control Permit Application to redevelop the Tower Hill Botanic Garden main entrance off French Drive**

Grace Elton (CEO, Tower Hill), Tom Ryan (Ryan Associates), and Michelle Kayserman (Samiotes Consultants) were present. The project is to improve the visibility and sight lines of the front entrance for safety. Mr. Ryan said they will be taking out the gatehouse which has a great deal of asphalt around it; they will be taking away some permeable surfaces. They are widening the entry way, removing the walls and looking to do clearing to open up the view to the intersection from both sides and to put plantings in at ground level. Ms. Kayserman gave a PowerPoint presentation showing the existing conditions, soil erosion and demo plan, and the plan layout. Mr. McGrath asked if they are planning to remove trees in the BVW; she was not sure if they were in the buffer or the BVW. They propose to leave a 6" stump (not clear cutting) and will mitigate with low native perennial non-invasive plantings to allow for the visibility. Mr. McGrath asked about the drainage. Ms. Kayserman said currently the drainage sheets downhill towards the wetlands. They are reducing the total impervious area for the section. They are not proposing any formal drainage, but are improving the area. Mr. McGrath asked about the catch basin. She said it is a standalone drywell to keep the area dry. The wetlands were recently delineated by WDA. Mr. McGrath asked about the headwall adjacent to the wall. One is steel; one is concrete and both look to be in reasonable condition. Dan Duffy was not pleased with all the trees to be removed particularly in resource areas. He asked if there was a way to take out some of the understory to improve the sight lines and leave some of the taller trees. The shading does provide benefit to the wetlands. Mr. Coakley said they hit the alteration threshold when they change the shading. He proposed that EcoTec review the stormwater management. Mr. McGrath asked why they wanted to remove the trees on the other side further up and was told it was to have a place where they can exhibit plants. Mr. Coakley said he understands the rationale for putting up a display area, but if any effort could be made to move it as far back from the resource area up the hill, he would feel better about it. Mr. Burkhardt said the submittal states that the work is within the buffer zone only; if they propose to cut trees in a resource area it constitutes work in a resource area. Ms. Kayserman said they are classifying it as temporary work because they would be replicating the plants lost and they are not uprooting the stumps which does provide habitat. Mr. Duffy said the area is being altered and they are removing the shade. If they could show that the plants they are putting back are not going to alter the shade characteristics for the resource area, the Commission could possibly consider it. They will provide \$5,000 for engineering costs. Mr. Coakley commented that the construction sequence should be included on the plan. The applicant requested a continuance. Mark Coakley made a motion to accept the request for continuance; Dan Duffy seconded; all voted in favor; motion approved. It was scheduled for November 18th at 7:30 p.m.

## **COMMISSION BUSINESS**

Dragon 88 Update (260 Shrewsbury Street) – An email was received from Albert Chow (October 15, 2019) stating that they have hired Thompson-Liston Associates to survey the land as well as Scott Heim and will keep the Commission updated when they have reports.

Worcester Sand & Gravel Complaint/Site Inspection and to consider extending Stormwater Control Permit SCP-2014-2 – Mr. Trotto was present. Dan Duffy visited the site last week with Mr. Trotto, his consultant, and Bruce Haskell (Langdon Environmental). Chip Burkhardt also visited the site on Sunday. Mr. Haskell provided his findings from the October 3<sup>rd</sup> and October 18<sup>th</sup> site visits. There is still a lot of work to be done. The yard is getting close to being done; the grading is almost complete. Mr. Trotto said he put down the topsoil (will hydroseed next week), planted trees and bushes today; tomorrow the fence will be installed. Mr. Duffy said there has been some material from the yard pushed over the slopes, but there is still a significant fill required to bring them back to the 3:1 condition.

Mr. Trotto provided a work schedule for Heywood Street from today, October 21<sup>st</sup> through the week of November 17<sup>th</sup>. He said the work should be completed by Thanksgiving. Mr. Duffy said not listed was putting down an erosion control fabric. Mr. Trotto said he did put down straw wattles. Mr. Duffy said once it is seeded, put the erosion control fabric down immediately and it will hold it until the grass grows next spring.

The homeowner was present and agreed the property is more stabilized and trees are where he expected them. He asked what the purpose was for the fence was at this point. Mr. Coakley said it was in the plan the Commission agreed to. Mr. Duffy would not have a concern if there was no fence once there is a 3:1 slope since the safety concern goes away. The homeowner would like to see the fence behind the tree. Mr. Trotto was reminded that the Commission has been very patient and it is time to finally finish the work or enforcement action will be started since there are still hazardous conditions and safety issues on the site. Mr. Trotto was asked and agreed to provide \$2,000 into his 53G account for inspections. He will attend the next meeting. Mark Coakley made a motion to extend Stormwater Control Permit SCP#2014-2 to June 30, 2020; Chip Burkhardt seconded; all voted in favor; motion approved.

Longley Hill Site Inspection – Mr. Ansari said since the EcoTec inspection on September 17, 2019 he said he has done a great deal of work. The road has been repaved, the catch basins cleaned and fixed, landscaping trees are complete, and most of the boundary markers are in. He is waiting for his engineer to prepare the as-built plan. Once he gets the as-built plan he will open the outflow and apply for a Certificate of Compliance. Mr. Duffy asked him about the sparse vegetation at the south end of lot 6. Mr. Ansari said it is stabilized and there is no erosion, but he will look at it. He will work on lot 11 eventually.

Steve Chwiecko (179 Stiles Road) was before the Commission last month with a concern about the operation of the retention ponds. He said the report does not prove that the ponds are operating properly. Mr. Coakley explained that the applicant has to request an as-built plan

stamped by a certified engineer stating the system is operating as designed. The town's engineer will also verify that it is working as designed.

Perry Road/Barnard Hill Site Inspection – Richard Chehade was present. EcoTec conducted a site visit on October 10<sup>th</sup> to report to the Commission what was needed to stabilize the site for the final part of the growing season and the winter. Mr. Chehade said they have scheduled a surveyor to reestablish the wetland flags. They have sold lot 3; the subcontractor will put hay bales and silt fence at the bottom of the slope tomorrow. Mr. McManus' report said where Barnard Hill (unpaved section) connects to Perry Road (paved section) there should be a crushed stone construction entrance. Mr. Chehade said there has been a lot of activity and they are clearing a few lots, lot 17 was used as a storage area; lot 20 is a staging area. They are removing everything off Perry Road, preparing for sidewalks, and the berms are going in within the next two weeks. The subcontractor for lot 3 has a proposal to do the drainage and water for the rest of the work on Barnard Hill Road possibly this winter. He was told that if he is not working there to put in 6"+ of gravel to block it off. Any active lots need to be stabilized.

Possible Erosion Threat off Cross Street – Mike and Patricia May were present. On October 10, 2019 Paul McManus (EcoTec) conducted a site visit relative to the Barnard Hill Subdivision and observed a potential erosion threat off Cross Street. Dan Duffy asked if there had been a filing with the Commission since it appeared to be within the jurisdiction of the Wetlands Protection Act. Mr. McManus also expressed a concern that there was a wattle that had been covered with or partially disturbed with fill material. Mr. May explained that while putting together for one or possibly two ANR lots (lot K was transferred to them), they had a wetland scientist (Jim Smith) to do the survey and John Grenier (engineer) develop a plan. They had to bring in a significant amount of fill. He said he researched the wetland and it is a federal jurisdiction wetland, not a state regulated wetland. He made sure any of the work was 25-feet away from the wetland. He said grading has been done on the second lot to bring it up to road grade. He said wattles were put down and they put a retaining wall outside of the wattle; he was unaware that rocks were dropped on the wattle until he was notified by the Commission. Joe McGrath said lot K was under the NOI that was filed for Barnard Hill. Mr. Coakley said the original filing surveyed to the end of the property; did not go beyond. For the purposes of the Commission's approval it was a BVW and was included in the calculations of the site and the restoration area. Mr. May should have filed a Request for Determination of Applicability and a Stormwater Control Bylaw Permit. He is in violation of the town's Stormwater Control Bylaw. Mr. McGrath said because of the question about the wetland and when the Commission reviewed it as part of the project, it was considered a state jurisdictional wetland. Mr. May needs to file a Request for Determination of Applicability so the Commission can look at what his wetland scientist says and why they feel it is specifically not jurisdictional. The Commission will want to see the documentation that resulted in it being classified as a federal jurisdictional wetland. He also needs to file for a Stormwater Control Permit. Until then, Mr. May was told to reinforce the erosion and sediment controls and don't do any more filling; if there are any blowouts stabilize them. Mr. McGrath said when he took ownership of lot K, he took responsibility for any permits on that parcel.

Consider request for Partial Certificate of Compliance (Longley Hill DEP#115-342 and Stormwater Permit SCP-2009-2) for Lot 5, #15 Longley Hill Road – Attorney Mark Tilden was present asking for a partial Certificate of Compliance for his clients. Because a major stormwater structure (basin) is on Lot 5 and there is no as-built plan showing it is working or meets the current standards, the Commission could not issue a partial Certificate of Compliance.

Boundary Markers – The Commission approved purchasing 250 boundary markers at a cost of \$450.

Vouchers were approved.

Correspondence/emails were reviewed.

Mark Coakley made a motion to approve the Meeting Minutes dated September 16, 2019; Chip Burkhardt seconded; voted 3-0-1 (Joe McGrath abstained); motion approved.

November 18<sup>th</sup> was confirmed as the next meeting date.

Mark Coakley made a motion to adjourn; Chip Burkhardt seconded; all voted in favor; motion approved. The meeting adjourned at 9:23 p.m.