



**Town of Boylston** Conservation Commission [conservation@boylston-ma.gov](mailto:conservation@boylston-ma.gov)  
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## **REGULAR MEETING MINUTES**

### **AUGUST 18, 2014**

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

Members Absent: Shannon Holgate

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING (continued) – (The Haven Country Club), 369 Cross Street – *Notice of Intent and Stormwater Control Application*** to renovate the existing 18-hole golf course, including conversion of rough areas to create new forward tees, renovation of selected existing tees, bunkers and greens, modification to irrigation system, repair of selected existing headwalls, relocation of approximately 225 +/- feet of paved cart path and removal of selected trees.

Present were Kelly Durfee Cardoza (Avalon Consulting), Regan Remillard, Brian Lynch & Todd Sauer (The Haven Country Club). The concerns from the last meeting were: (1) how the construction would be managed in a way that the commission would feel comfortable; (2) the outstanding DEP comment letter, and (3) where they were with DCR. Ms. Cardoza submitted a construction phasing plan with a letter and comments from Martin Jalonski (DEP) who now considers the file complete. Ms. Cardoza showed a revised plan that indicated the discreet zones. The plan will be filed with the Commission and DEP (per DEP comments on August 18<sup>th</sup>). Description of the changes can be found in Ms. Cardoza's letter to the Commission dated August 18, 2014. The point person will be Todd Sauer. He will email the Commission when the work will be done, when erosion controls will be put in place, and when inspections are needed. Ms. Cardoza will be asking for a waiver from the as-built record drawings and in lieu supply photographs and certification from the engineer of record that the work was done in compliance with the plans. If there are changes, they would be pointed out at the time of compliance. Joe McGrath said that would be acceptable and to reference the original plan and the changes that were made, but a vote will be needed to waive the standard condition. Ms. Cardoza submitted an additional letter which chronicles where they are with DCR. She met with Nancy McGrath who said work in a secondary zone was fine and explained how the DCR zone goes across the site. All requested information was sent to DCR and Ms. McGrath will be issuing a Determination. Ms. Cardoza submitted an email describing the terms of the Determination. The project plans will be modified so DCR can issue a Determination and then file an application for a waiver they believe will rise to the level of alteration that was not pre-existing. She explained the changes on the revised Construction Phasing Plan. She asked if the Commission could approve the project pending receipt of the plans from the engineer. Joe McGrath said we would want to wait in the event there are more changes to the plans. Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded the motion; all agreed; motion approved. Joe McGrath made a motion to issue a standard Order of Conditions adding Special Condition #33 – proponent shall

provide the Commission with an annual summary of the progress, and #34 – proponent shall notify the Commission five days prior to commencement of work on Zones A-Q. Special Condition #30 will be revised to read “Upon completion of all work regulated by this Order, the applicant shall submit with their request for a Certificate of Compliance, a photo representation and exception report in writing signed and stamped by a professional Engineer or Land Surveyor registered in the Commonwealth of Massachusetts certifying that the site has been developed in accordance with the conditions of this Order, and the site plan referenced within. The Commission reserves the right to request an as-built plan should the Commission feel there are inconsistencies between the exception report and the approved plans.” Mark Coakley seconded the motion; all agreed; motion approved.

Mark Coakley made a motion to issue Stormwater Control Permit SCP-2014-3; Joe McGrath seconded the motion; all agreed; motion approved. Documents will be held pending the receipt of revised plans.

**INFORMATIONAL MEETING with Sudbury Valley Trustees (Ashley Davis, Land Protection Specialist) to discuss Wrack Meadow Woods.**

Ashley Davies was present. Joe McGrath said she was absolutely critical in getting the Landscape Protection Grant Program enacted and receiving the grant money. The granting authority is the Massachusetts Executive Office of Environmental Affairs. Ms. Davies said the grant received was \$1.47 million will be divided by three partners (Sudbury Valley Trustees [SVT], Town of Northborough & Town of Berlin). The Town of Boylston decided not to participate as an actual partner at the onset so it is not qualified for funding, but whatever work is done in Boylston, some share of the SVT grant money will go towards it. Jeff Walsh asked if the town had participated from the onset, would we have received some of the grant money. Ms. Davies said that if some of the parcels they had looked at in the beginning were part of the project, yes. Joe McGrath said they tried, but the Selectmen would not give the committal to participate. He said that hopefully by going after non-developable or non-commercial parcels for inclusion into the project we can add some land into the total scope of the project even though we don't qualify directly for funding.

Ms. Davies talked about tax title and how it would help the project to create a trail system with kiosks. After a previous presentation with the Board of Selectmen, the BOS was not aware of what was in tax title. Ms. Davies did research and showed a map and explained what parcels were town-owned, privately owned, 61A (very limited), and which were uncertain. The Selectmen asked what would be the change to tax title with Article 97; there would be no change in tax income. The land Sudbury Valley Trustees (SVT) would be purchasing outright is valued at \$28.00/year. That would be the total loss of tax revenue to the town. Joe McGrath asked how much the uncertain parcels are worth. Ms. Davies did not know. Joe McGrath said the Commission could send a letter to town counsel to ask for a quote for SVT to look at. He explained that if there is no tax title, it needs to be surveyed and then go to land court. He also said a great deal of the land is wet and/or undevelopable. After another presentation to the Board of Selectmen, they did vote to proceed to the next stage of the process. The Town Administrator is part of the review process. Ms. Davies said the Selectmen were concerned as to what they were getting to convert the lands into Article 97. SVT is a creator of trails and kiosks and advertising the area as an asset to the community. SVT prepared material to bring to the Selectmen which included the cost for SVT to do (staff time, materials, volunteer time). Joe

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McGrath noted that the owner of Summer Start Wildlife is also interested once their project is complete. Jeff Walsh asked what the chances are for development on the parcels; slim to none. The landfill is not officially closed because of post-closure testing that has never been completed and cannot be used for commercial development or access. Ms. Davies said she will look into getting an appraisal to proceed to feel comfortable with the land taking under Article 97. Joe McGrath said what they are looking for specifically from the other members of the Commission is first, the approval to proceed, and second, would the Commission feel comfortable with taking responsibility for the land under Article 97. One of the options is that SVT could monitor the lands for the Commission. Ms. Davies said the SVT would ask in return for a trail easement to be able to maintain them.

Mark Coakley said we don't have any Article 97 responsibility and it would be an extra responsibility for the Commission. Joe McGrath said the Commission would manage the restrictions and have SVT (or someone else) monitor them which would reduce any workload. An additional budget may be required. Mark Coakley suggested it be included in the presentation as a line item.

Title on the uncertain lots would have to be cleared along with the budget issue (adding a separate line item in the Conservation budget). It will need to be done in perpetuity to make sure it continues. Ms. Davies said she will ask her staff if they have any sense of how much they could help out with the monitoring. Joe McGrath will identify and get recreational use for the land; work it into the Selectmen's presentation; provide Article 97 information; and work with the Open Space Committee.

**INFORMATIONAL MEETING** with John Gregoire (MWRA) to discuss a project at the South Dike of the Wachusett Reservoir (at the intersection of Routes 62 and 70).

Present were John Gregoire (MWRA), State Representative Harold P. Naughton, Jr. and Susan Templeton (Representative Naughton's office). Mr. Gregoire presented information and explained that the trees in the toe of south dike must be cleared per the Office of Dam Safety. Zones 4 and 5 are most critical for dam safety seepage. He said every two years they must report to the Office of Dam Safety and, since they are the owners, are responsible for corrections needed. They have to file with MESA. There is an exemption in the wetlands regulations but they are working in a resource area. There was concern of clearing and replacing the wetlands. Mr. Gregoire said Dam Safety requires remediation of seeps. A Notice of Intent will need to be filed. A Stormwater Permit may also be required.

**PUBLIC MEETING** – (Ray Cardogno), 199A School Street – *Request for Determination of Applicability* to replace an existing septic system.

After brief discussion, Joe McGrath made a motion to close the Public Hearing; Chip Burkhardt seconded the motion; all agreed; motion approved. Mark Coakley made a motion to issue a Negative Determination by reason #3; Chip Burkhardt seconded the motion; all agreed; motion approved.

**COMPASS POINTE** – Status Report. Jeff Walsh recused himself from the matter. James Venincasa and Bob Clarke were present. The map with the lot numbers has been resolved. Mr. Clarke said Lot 55 was loamed and seeded last week; the owner did not want hydroseed. An

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email was received from Jessica Rubinow, the homeowner, clarifying that her husband and herself agreed to not have hydroseed sprayed on their lot, and after seeing what their neighbors went through last year with their lawns, opted to hold off and have Bob's crew put down Scott's fertilizer and grass seed at this time. Lot 36 has been loamed and grass is coming up. They did work in the back of Lot 38. Joe McGrath visited the site and asked about the dirt between Lots 55 and 56. Mr. Clarke said it belonged to Ron Aspero (Lot 56). Lot 30 is loamed; they are waiting for driveway to be put in and will then rake and seed. Mark Coakley made a motion to sign the Occupancy Permit for Lot 36; Chip Burkhardt seconded the motion; all agreed; motion approved. Mark Coakley said the only impediment is that Lot 55 is not bonded. Lot 30B, 35A and 55 are not currently bonded because of the items outlined in Graves Engineering letter of July 31, 2014. Situations have changed as to what is open, completed and what is bonded. The work was completed out of compliance. Since it has been loamed and seeded and not an impediment to the rough work necessary to stabilize the site, Mark Coakley made a motion to sign the Occupancy Permit for Lot 55; Chip Burkhardt seconded the motion; all agreed; motion approved.

Graves Engineering Revised Site Stabilization Estimate is \$171,364 (letter dated July 31, 2014). Mr. Venincasa was told to find out what he needs to do and contact his bonding person and talk with Mike Andrade. Mr. Venincasa said he is working with an Graves Engineering to verify the amount of bonding needed and agreed to provide the Commission with proof of sufficient bonding to meet the requirements of the Order of Conditions and Stormwater Permit. The Commission feels that he is out of compliance at this time, and that no further work should occur on the project until he satisfies the requirements of the Order of Conditions and Stormwater Permit.

With regard to the road, Mr. Venincasa said it was staked along the center line (more discussion on this next month). The Espositos (Lot 21A) said their lot is not stable according the Graves Engineering letter dated July 31, 2014. They were also upset about the road.

### **COMMISSION BUSINESS**

Vouchers were approved.

Chip Burkhardt made a motion to approve the Meeting Minutes dated July 21, 2014 with changes noted; Joe McGrath seconded the motion; all agreed; motion approved.

September 15<sup>th</sup> was confirmed as the next meeting date.

Intermunicipal Agreement for Matching Funds (2014 CIC Grant) – Joe McGrath made a motion to continue the membership and expend \$4,000 from the Wetlands Protection Fund Account; Chip Burkhardt seconded the motion; all agreed; motion approved.

Consider issuing a Certificate of Compliance to William Whitehead (DEP File Number 115-369) – Mark Coakley made a motion to issue a Certificate of Compliance; Joe McGrath seconded the motion; all agreed; motion approved.

Consider issuing Certificates of Compliance to Summer Star Wildlife – 690 and 696 Linden Street (DEP File Number 115-358) and Stormwater Control Permit SCP#2012-2

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Rene Gagnon (Outback Engineering) and Tim Hess (DSA Architects) were present. Mr. Gagnon said that all construction with the exception of the loop road is done. To date, some concrete tracks have been installed and some have been formed, but no pavement yet. Joe McGrath disagreed and felt there was a lot of open dirt and adjacent areas are not stabilized. Jeff Walsh said there is still disturbed area. Mr. Gagnon said as far as stabilization, they are not doing a lot of seeding; they are maintaining a natural feel of the site with forest composted mulch or a forest mat.

Under the Stormwater Permit, Mr. Gagnon said everything is in and to elevation; roof drain system, roof runoff into a rain garden, recharge beds and parking area. Asked if that area is permanently stabilized, he said the forest composted mulch and plantings are complete. They were asked if they did work on the crossing. Mr. Hess said that when the trails were originally presented, SVT would have discussed the wetlands crossing. The larger loop trail was completed by AmeriCorps and did not have a wetlands crossing, or not to the extent that was described earlier. Joe McGrath said we need a revised as-built to show the reduced work. Mark Coakley said the site is unstable and reluctant to sign off on a Certificate of Compliance if anything in the 200' riparian zone is not stable. Jeff Walsh said the site needs to be permanently stable. Mr. Hess said the client has determined a date (September 20<sup>th</sup>) for a party for the crew and team involved in the project. Jeff Walsh explained what the Building Department would be looking for in a Certificate of Compliance and what we are looking for which is not strict compliance for permanent stabilization, but is site erosion stabilization. They were told they don't need to close out the Order of Conditions for an Occupancy Permit; they need to have the site stabilized. Mark Coakley said as long as they inform us of what they are planning and that they will be sweeping it after the party, it would be agreeable to the Commission. Joe McGrath agreed that they have done a good job keeping the site clean. They were asked to give us a 5-6 day notice and we want to see concrete slabs, grass plantings, landscaping for the swales and composted mulch; we don't want to see subsoil.

Longley Hill Update – Mr. Ansari said Lot 10 is completed. It has been regraded, loamed, hydroseeded, stormwater is done, backyard is covered with hay so the grass will grow, and grass is growing on the right side.

Mr. Ansari met with the hydroseeding people regarding the steep hill on Lot 11. They will be putting tackifier down. There were no issues with the last rain storm. The detention basins did not top off or overflow. Jeff Walsh asked about the dark colored water going to the two basins in the Spring and what it looks like now. Mr. Ansari said it is much lighter in color now because there is a lot more grass. He will be putting a berm down when Lot 7 is done. He will be working in between Lots 7 & 8 tomorrow.

Newton Pond Update – Chip Burkhardt talked to MACC. The representative agreed that the Commission does have jurisdiction and cited cases from other towns. Chip asked her to forward those references before going further.

Sewall Pond Update – Chip Burkhardt talked with Dick Buxton and the site was surveyed. Joe McGrath emailed MaryAnn Dipinto who said they are working with Mr. Buxton and are fine with what was being done to date.

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Route 140 (across from Capello's storage lot) – There are no ESC measures in place. Joe McGrath visited the site in response to a complaint that came into the office. There is an Order of Conditions (DEP #115-350) on the property which is owned by Robert Fuller. An Enforcement Order was issued for (1) failing to install erosion control measures at site of earth filling at the northwest corner of the lot, and (2) filling the site with soil containing construction debris, bathroom tiles and other masonry. In addition, the applicant will be made aware that the Order expires on September 21<sup>st</sup>. Joe McGrath made a motion to issue an Enforcement Order to DEP #115-330 as stated above; Chip Burkhardt seconded the motion; all agreed; motion approved.

30 Stiles Road Violation – Joe McGrath visited the site in response to a complaint that came into the office. Jerry and Brett Sarno (owners) were in attendance. There was a formal complaint filed for roof repair, deck replacement and a culvert from basement to side. Joe McGrath observed that tree cutting was done along with work in the buffer zone and a hand-dug trench about 3' deep from the basement to the wetland. He informed Mr. Sarno that the stream the trench is going to is part of the watershed. He was asked what the intent of the trench was. Mr. Sarno said he wanted to keep the bulkhead from leaking, and that the trench was not intended for a sump pump. Mr. Sarno was informed that he could voluntarily file a Notice of Intent or he could be issued an Enforcement Order. Chip Burkhardt explained the process and what is needed and told them it does not mean that no work can be done, but that they would have to file with us. A remedy is needed for the trees that were cut. The wetlands will need to be delineated. Mr. Sarno agreed to file an NOI because he said he wants to correct what was done wrong. The Commission did sign off on the Building Permit for work on the building only. No site work until Order of Conditions is issued.

Chip Burkhardt made a motion to adjourn; Jeff Walsh seconded; all agreed; motion approved. The meeting was adjourned by unanimous vote at 10:10 p.m.