



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

**OCTOBER 15, 2018**

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

Members Absent: Dan Duffy

Others Present: See Attached Sign-In Sheet

Recorder: Melanie Rich

**PUBLIC HEARING – Shrewsbury Homes (Lot 2 Avery Way) – Notice of Intent Application** to construct a duplex with associated site work within the buffer zone.

Mr. Aspero said he was previously approved for a two-lot subdivision (Stormwater Control Permit 2017-5). The building and work fall within the 100-foot buffer. The maximum disturbance is 40-feet off the wetlands. He explained that the original subdivision had a single-family home; the driveway total calculation used was 4,000 square feet; they are at 3,700 square feet (under the additional driveway of impervious area). There will be town water and underground electric. He plans to start with the road in the spring. Mark Coakley asked the probability of the yard expanding beyond the pitch. Mr. Aspero didn't think it would given that the nature of the building is a duplex. The Commission will require wetland boundary markers. Having no other issues, Mark Coakley made a motion to close the public hearing; Joe McGrath seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a standard Order of Conditions adding Special Condition #34 that the applicant is to install three wetland boundary markers at the limit of work as shown on the plan titled "Lot 2 Avery Way" dated 9/10/18; Joe McGrath seconded; all voted in favor; motion approved.

**PUBLIC HEARING – Richard & Karen Prince (Cottonwood Place & Main Street) – Notice of Intent Application** to construct a single-family house & grading for a new sewage system within 100' of a bordering vegetated wetland.

Steve Sears (David E. Ross Associates), Richard and Karen Prince were present. Mr. Sears explained that they intend to build a one-story home on a two-acre lot. There is a very small portion of the home in the buffer zone. The closest work to the wetlands is 70-feet. Straw wattles will be used; it will be loamed and seeded. Joe McGrath made a motion to close the public hearing; Chip Burkhardt seconded; all voted in favor; motion approved. Joe McGrath made a motion to issue a standard Order of Conditions; Chip Burkhardt seconded; all voted in favor; motion approved.

**PUBLIC MEETING – Bradley Brigham (Elmwood Place) – Request for Determination of** Applicability to confirm the boundaries of the bordering vegetated wetland and confirm that the stream bisecting the property is intermittent.

Patrick Healy (Thompson-Liston Associates) was present for the applicant. The property is located across from the highway garage. There is a pond to the south. The BVW extends to the property and there is a stream course that comes from Flag Pond through a culvert under Elmwood Place, which goes into the larger pond. Scott Heim (Northeast Ecological Services) flagged the wetlands. His report noted that there is not a high likelihood of the stream being perennial and that they should follow up. Mr. Healy provided photographs of the stream specific to the area in question for several days in July. They want to confirm the types of resources as well as the wetland boundaries before proceeding with development. Jeff Walsh commented that an ANRAD filing would have been cleaner, but an RDA is acceptable according to the regulations. Mr. Healy said if it was not as clear-cut as he believes it is, he would have filed differently. Joe McGrath said if the Commission issues a Positive Determination, it does not mean that we are okaying the wetland boundaries, it only means that we think there is enough jurisdictional area in the project to warrant the filing of a Notice of Intent. The applicant cannot file an NOI and say the wetland flaggings are correct because the Commission approved a Determination. Mark Coakley said if the purpose is to clarify the issue as to whether it is perennial or intermittent, he is comfortable with documenting in the minutes that they overcame the presumption. A site visit will take place on Saturday, October 27<sup>th</sup> at 8AM. Mr. Healy requested a continuance. Mark Coakley made a motion to accept the request for continuance; Joe McGrath seconded; all voted in favor; motion approved. It is scheduled for 7PM on November 19<sup>th</sup>.

**PUBLIC MEETING – Town of Boylston (293 Shrewsbury Street) – Request for Determination of Applicability Application** to construct a new connecting roadway between Shrewsbury Street and School Street.

Patrick Healy (Thompson-Liston) was present for the town. Also in attendance was Greg Russell (VHB Project Manager). An RDA was filed to determine if the work proposed would be subject to a Notice of Intent. He showed the exiting property; there are two parcels of land opposite Pine Hill Drive; wetlands were previously confirmed with the Route 140 improvement project. There was work done on the specific property approximately six years ago by the Fuller family; it was determined at that time that there was a BVW offsite to the north (he showed the location where the buffer zone extends slightly). There was previously a BVW in a depression trapped along Route 140 (that issue was resolved with the drainage improvements); it is no longer considered a BVW. The RDA is asking whether the roadway construction and the stormwater basins would be subject to a Notice of Intent. The stormwater basin is outside the 100-foot buffer zone, but there is some grading that extends into the area of previous fill. Some fill will be removed to create a hydraulic connection from the overflow spillway to the pond to the abutting property where the runoff would enter the culvert under Route 140. Scott Heim (Northeast Ecological Services) provided a report. He also flagged the two isolated vegetated wetlands close to Cross Street. The roadway design will maintain those two depressions in an undisturbed condition. The application filed is asking whether the boundaries of resource areas depicted are accurately delineated, and whether the work depicted is subject to the Wetlands Protection Act. Art Allen (EcoTec) provided a Peer Review Report. It stated that the existing RCP outlet is not depicted on the project plans and was concerned as to whether the proposed stormwater system was designed taking into account the existing stormwater discharge. He

said he spoke to Mr. Healy regarding this concern and he stated that he believed it would not impact the design, but would research the implications of the existing culvert. Gregg Russell (VHB Design Engineer) confirmed that the cross-culvert was designed for the swale to go under the roadway; it does have the capacity. Mr. Healy said the plan does not reflect all of the existing conditions on Route 140; the pipe discharge was changed after the survey was completed. They are currently preparing an as-built. Mr. Allen wanted to be sure that the cross-culvert had the capacity to take the flow that is coming in that direction.

There will be some grading in the buffer zone. Joe McGrath asked how far away from the BVW will the work be; Mr. Russell said 50-feet. Mark Coakley was comfortable issuing a Negative Determination with conditions since it was reviewed by Art Allen.

Irene Symons (429 School Street) said her land is very wet and they don't have town water; she is concerned about her well. Mr. Healy said that her property is uphill of the work to be done. Matthew Nachtrieb (400 School Street) said he has issues with flooding because of the fill that was put in. Joanne Panarelli (434 School Street) asked how she will be affected. Mr. Russell said the drainage should not change. Robert Mecca (379 School Street) said the road slopes down from the intersection and asked if there would be any impacts. Mr. Russell said there should not be any impacts. Mr. Mecca said there is a culvert under his driveway that has a lot of water with rain and melting. Chip Burkhardt said it would possibly be better for him because currently without the infrastructure in place there is nothing to retain the water when it rains. The structure will hold the sediment and percolate the water instead of letting it run down School Street. Ken Linell (437 School Street) had concerns about his well, but his property is also uphill of the work to be done.

Joe McGrath made a motion to close the Public Meeting; Mark Coakley seconded; all voted in favor; motion approved. Mark Coakley made a motion to issue a Negative Determination by Reason #3, adding a Special Condition that "the applicant shall install continuous erosion controls at the downgradient limit of work"; Chip Burkhardt seconded; all voted in favor; motion approved.

**PUBLIC HEARING – Town of Boylston (293 Shrewsbury Street) – Stormwater Control Permit Application** to construct a new connecting roadway between Shrewsbury Street and School Street.

Patrick Healy (Thompson-Liston) said that the town purchased two properties; one is 2.8 acres, the other approximately one-half acre. It will be before the Planning Board on November 7<sup>th</sup>. On the south side of the roadway there will be a swale coming down to the culvert. He showed the stormwater basins on Cross Street, where the roadway will be and how far the improvements will go.

Mr. Russell said the proposed roadway will start at the driveway to the northeast at Cross Street, curb in (Cross Street will be discontinued north of the Sportsmen's Club driveway), carry around to a four-way intersection with School Street and carry through to the new signal at Pine Hill Drive. He explained in detail the overview of the project. Mr. Walsh asked about the

topography. Mr. Russell showed the section and said it was fairly steep going down Route 140 (it will come down at a 6% grade). They tried to balance it for constructability sake so they don't have to excavate or bring in extra fill; they will be bringing some fill in to smooth out the grade. There will be 2% cross-slopes along the entire roadway until they get closer to Route 140 where it is a 3% cross-slope across the entire roadway. Joe McGrath asked what is going to happen from a construction perspective on the part of Cross Street that is being abandoned. Will it be returned to permeable surface? Mr. Russell showed the area that will be permeable. They will strip the existing pavement, loam and seed it. They are leaving a section for the Sportsmen's Club (their access will now be on School Street). Mr. Russell said erosion and sediment controls will be placed starting at Route 140 to the limit of work on School Street, the other side of School Street along the limit of grading back to Cross Street, and also on the west side of School Street to protect the two isolated wetlands. The construction access is needed on the plans.

Matthew Nachtrieb (400 School Street) said the water that used to go into the low empty field now goes into his front yard. He asked how the infiltration structure would help. It was explained that having a structure in place (where currently there is none) will direct a portion of the water into swales.

The Commission prefers to wait for a review from Graves Engineering (they will review it on the Commission's behalf while working with the Planning Board). Mr. Healy said the town has advertised for bids and asked that if the Commission has any specific suggestions or recommended improvements to the plans he would like to receive them tonight to be able to address those while the bidding period is open. Mr. Coakley said to stabilize construction entrances. Mr. Healy hopes to have Graves' review prior to the November 7<sup>th</sup> hearing. Mr. Healy requested a continuance. Joe McGrath made a motion to continue the hearing to November 19<sup>th</sup> at 7:30PM; Mark Coakley seconded; all voted in favor; motion approved.

### **COMMISSION BUSINESS**

Consider Request for Certificate of Compliance for Attorney Fitzgerald (on behalf of Charles George) DEP #115-175 (115 Stiles Road, Lot 4A) – Jeff Walsh visited the site; it is stable. Chip Burkhardt made a motion to issue a Certificate of Compliance for DEP#115-175; Joe McGrath seconded; all voted in favor; motion approved.

Consider Request for Certificate of Compliance for Lindsay Katz (Stormwater Control Permit SCP-2016-1) 29 Flagg Street – The engineer (John Grenier) provided a letter indicating that the basin as installed functions as designed and is in compliance with applicable stormwater standards. Jeff Walsh visited the site and said it looks good. Chris Katz said the maintenance for the basin is included in the deed. No as-built plan was submitted. An as-built plan is needed before a Certificate of Compliance is issued. It was suggested that Mr. Grenier provide a letter that the work was done in accordance with the plan; it should be signed and stamped. The Katz's have been living in the home on a temporary Occupancy Permit. Joe McGrath made a motion to sign the Occupancy Permit for SCP2016-1; Chip Burkhardt seconded; all voted in favor; motion approved. Mr. Katz will provide the documentation for the next meeting.

Consider Request for Certificates of Compliance for James Goulet (Nature's View, 383 Sewall Street) DEP#115-367 and Stormwater Control Permit SCP#2013-2 – Brian Waterman, WDA Design Group, provided a letter stating that based on review of the as-built survey information and field visits, the roadway and its appurtenances, including the infiltration basins, were constructed in substantial compliance with the approved drawings and the site is now fully stabilized. Chip Burkhardt made a motion to issue a Certificate of Compliance for DEP#115-367 for James Goulet (Nature's View Way); Joe McGrath seconded; all voted in favor; motion approved. Chip Burkhardt made a motion to issue a Certificate of Compliance for Stormwater Control Permit SCP-2013-2; Mark Coakley seconded; all voted in favor; motion approved.

Lori Nebel (Potential Commission Member) – Ms. Nebel was unable to attend tonight.

Wetland Permitting Procedures – Mark Coakley said the instructions for Wetland Permitting Procedures for the town of Norton are very useful and suggested they be edited for Boylston. Joe McGrath will prepare procedures for Stormwater as well.

Vouchers were approved.

Correspondence/emails were reviewed.

Chip Burkhardt made a motion to approve the Meeting Minutes dated September 17, 2018; Mike Ruggieri seconded; all voted in favor (Joe McGrath abstained); motion approved.

November 19<sup>th</sup> was confirmed as the next meeting date.

Lilymere Estates Bond Estimate – Jeff Walsh recused himself from discussions. The bond estimate received from Graves Engineering is \$540,626. Mr. Haynes will have a bond prepared.

Joe McGrath let the Commission know that they have not yet found a surveyor to survey the Conservation lots.

Mark Coakley made a motion to adjourn; Chip Burkhardt seconded; all voted in favor; motion approved. The meeting adjourned at 9:32 p.m.