



Town of West Boylston

140 Worcester Street, West Boylston, Massachusetts 01583

Conservation Commission Meeting Minutes

Date / Time / Location of Meeting

Monday, 4/5/2021/6:00p.m./ MEETING TOOK PLACE AT WEST BOYLSTON SENIOR CENTER, 120 PRESCOTT ST., WEST BOYLSTON, MA; FACE COVERINGS WERE REQUIRED AND SOCIAL DISTANCING TOOK PLACE.

Members Present

William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair), Emily Eaton, Carl Haarmann and Clerk Toby Goldstein.

Members NOT Present

N/A

Invited Guests

N/A

Welcome – Call to Order

Time: 6:00 p.m.

Approval of Previous Minutes

3/1/2021

Motion Originator Ms. Eaton

Motion Seconded Mr. Haarmann

Treasurer – Financial Report

Mr. Chase reviewed the report prior to the meeting.

Motion to Accept N/A

Seconded N/A

At 6:00 pm, Mr. Haarmann made a motion to open the meeting. Mr. Hadley seconded the motion. All in favor.

Public Hearing, David Pare, Notice of Intent, 14 Bowen Street, Lots 2 and 3, DEP File #327-0282 and 327-0283:

(Glenn Krevosky, David Pare and Kathleen McGonagle represented). (Mr. Chase read aloud the public hearing notice; he explained that the property is at the backside of Franklin and Prospect Streets). Mr. Krevosky began by informing the board that he and the applicant submitted the Notice of Intent paperwork and all necessary materials and payments with it and notified the abutters as required. He said that they received a variance from DCR in the initial waiver of the owner-occupied lot. He described that the first lot abuts Franklin St. and explained that it is exempt due to being owner-occupied. He said that there is existing electrical utility going underneath the existing driveway to the barn. He also explained that the property was surveyed by Jarvis Land

Surveying and they are putting together the ANR for each lot. In response to a question from Cynthia Cloutier, 2 Bowen Street, who was present at the meeting, Mr. Chase explained what an ANR plan is.

Mr. Krevosky continued that, on Franklin St., the driveway going up will be pushed over down near the property line, and the electric utility will go up along that driveway through the easement access to the barn. He reminded the board, and informed others present, that DCR had gone through their process, and the original wetland lines were agreed upon through a Determination of Applicability from the Conservation Commission. He explained that a perennial stream runs on the property and described where it is located, and it has the 200-foot riverfront area which coincides with the primary protection zone. He noted that DCR requires that they stay out of that 200-foot zone which they have on each lot. Referring to Franklin Street, Mr. Krevosky noted that there will be grading, erosion controls, and boulders required by DCR to delineate and keep them out of the wetland area; he said that there is city sewer there; they will install Cultec units, which are infiltrating units, for water to runoff from the roof to the ground. He said that DCR required them to look at the water table and keep the Cultecs a minimum of two feet off the water table. They need to insure for zoning that all setbacks are maintained. Mr. Krevosky explained that they will obtain ANR plans from Planning Board that show they conform with zoning but they wanted to go through DCR and Concomm first.

Mr. Krevosky continued, regarding Lot 2, that they showed DCR that they can construct an 8.4-foot retaining wall which would not be within the 200-foot zone and explained, regarding his plans for grading the lots, that they will add backfill eventually on lot 2 and pointed out where the boulders will be (they will already be out there). He said that there will also be a fence system which will indicate the 200-foot zone. Mr. Krevosky discussed a letter from DPW regarding tying in the property with sewer stub. He noted that there will be a Cultec unit here, too, to take runoff into the ground, and both lots will have calculations for this. Mr. Krevosky asserted that they satisfied DCR that they will protect the water source, which is the Wachusett Reservoir.

In response to Mr. Hadley, Mr. Pare replied that there are stubs for water and sewer on Franklin St., and on Prospect St. there is water on the street. In response to a question from Mrs. Cloutier, Mr. Krevosky, referring to the map, pointed out the existing driveway and explained that the new one will be pushed over (Ms. McGonagle stated this also), and it will still touch part of the old driveway but will come straight up and run parallel to the property line. He pointed out the property line and existing driveway, and noted the driveway will be pushed over six to seven feet.

Mr. Chase then referred to the tree line on the left, and to verify his question about the location of the driveway, Ms. McGonagle replied that it will be pushed over about 6 or 7 feet from the existing driveway; Mr. Chase asserted that there are trees that have to come out, about 10 or 12 feet from Mrs. Cloutier's property. Mr. Krevosky continued, explaining that where the existing driveway leaves Franklin St., on the east side of the driveway will stay the same distance, keeping 10 feet off the property line according to the Town's bylaws. Mr. Krevosky then explained to Mr. Chase that any trees after 10 feet will stay there, then going towards Prospect St. is where the new driveway will be. Mrs. Cloutier opined that she did not agree as to where the driveway is and that it will not be a six or seven-foot difference. He noted that Jarvis laid out this lot, and that they went in front of the Planning Board. He asserted that the frontage on the lot is not in wetlands, and wanted them to look at the frontage on Franklin St. He described that the driveway will begin 10 feet off the property line and that will be maintained. Mr. Chase asserted that there are wooden stakes in the wooded area up the drive and his understanding is that is the property line. In response to Mr. Chase, Mr. Krevosky replied that they told the surveyors to pin out all corners of the lot and give a copy to the applicant; he asserted that this will insure that the drive won't get any closer than what the plan shows, and they will maintain the 10-foot setback from the existing property. (Mr. Hadley added that the applicant cannot get a building permit if something is done incorrectly according to zoning). Mr. Krevosky continued that the Building Inspector will look over the plans by Jarvis and Existing Grades (his company), all erosion controls, the 200-foot riverfront area, 200-foot primary protection zone, the four corners of the house, Cultec units and the driveway's position on lot 3 to be sure that proper distances are maintained. Mr. Chase responded that the applicant will need a certified plot plan to obtain a building permit. He explained that the Concomm certifies their portion of the permit this evening, including setback from the wetlands, where buildings will actually be, property lines, who owns what, that setbacks are met and that there are no violations of the Wetlands Protection Act, and then they will go to Planning Board and then to the Building Inspector.

Mrs. Cloutier then commented that she lived in her home 22 years, and was told that this was a nonbuildable area. Mr. Chase responded, asserting that Mr. Krevosky has done his work correctly. Mr. Krevosky

added that they are dealing with the Wetlands Protection Act and Watershed Protection Act and noted that they had three hearings with DCR to finalize the plans to satisfy them that they protected the riverfront area (and he discussed his background delineating wetlands). Mr. Chase added that water has to stay on the lot and asserted that Mr. Krevosky has made sure of that in his plans. (Mr. Krevosky explained the system that would do that and the requirements). He continued that erosion controls were explained in the filing paperwork; he explained that there is a tire scrubber on the road to take off sediment from the road, he went over the erosion controls which include wattles and silt fence which will protect the resource areas (he mentioned that S & M Farms will install them since they have special equipment)(he opined that they are experts and reasonable). Mr. Krevosky noted that they will minimize alterations (they explained this to DCR); he described that the view into the woods from Franklin St. and Prospect St., said that the lots are small, and also noted that DCR required the boulders and fencing. Mr. Chase noted that there is not a lot of usable space. Mrs. Cloutier responded that they can see what has been cut down and opined that the property is spongy, especially after it rains. Mr. Chase and Mr. Krevosky replied to her that the house will be about 30' x 50' in size. She was concerned that, if there is heavy snow or rain water, that water would run off the hill onto her property as they are at the bottom of the hill, and asked if there would be any precautions for avoiding heavy runoff onto their property? Mr. Krevosky replied that there is a culvert on Franklin Street next to them and there are two of them on this property. Mrs. Cloutier responded that one of the culverts does get filled up. Mr. Krevosky responded that they can maintain it and be sure the opening stays there and explained that this is why they use the Cultec units. He noted that the State (DEP) did not require them to control the stormwater, but they did do it for DCR and asserted that they do that everywhere they work. Mr. Chase added that West Boylston is made up of mostly wetlands so the Concomm wants that to be done. Mr. Krevosky then discussed the property with Mr. Chase, noting that it is upgradient of wetlands and he asserted that it is on the side of the hill and not where the ground is spongy down below. He noted that there is a wetland system that runs in the middle of the lot. Mr. Chase added that there is a lot of natural peat there. Mr. Krevosky added that muddy areas have swamp there, but upland areas have pine, cherry and hickory trees and dry soil.

With no further questions or comments by anyone present, Mr. Hadley made a motion to close the public hearing. Mr. Haarmann seconded. All in favor. Mr. Hadley then made a motion to accept the plans as submitted and issue an Order of Conditions for Lots 2 and 3, 14 Bowen St. Mr. Haarmann seconded. All in favor. Mr. Krevosky added that they are staking everything out, and said that they will build exactly as on their plans. He continued that they will obtain a substantial compliance letter from their engineer, and the Conservation Commission can come out to see the property before signing off with a Certificate of Compliance.

Public Hearing, Pan Am Railways, Request for Determination of Applicability, Rights-of-Way in West Boylston:

(Mr. Chase read aloud the public hearing notice). Mr. Chase explained to all present that this is maintenance that is done every year; it is to indicate sensitive areas on the rights-of-way in West Boylston along the Pan Am Railway route for treatment with herbicides. This is ONLY for indication of the areas to be sprayed, not for the actual application of the herbicides. With no questions or comments by anyone present, Mr. Hadley made a motion to close the public hearing. Mr. Haarmann seconded. All in favor. Mr. Hadley then made a motion to issue a negative determination. Mr. Haarmann seconded. All in favor.

Public Hearing, Sturbridge Warren LLC, Notice of Intent, 0 Bowen Street, DEP File #327-0281:

(Scott Goddard represented). (Mr. Goddard disclosed that he had a financial interest in the LLC). (Mr. Chase read aloud the public hearing notice). Mr. Goddard informed those present that the property in question is a vacant lot on Bowen Street, and an ANRAD was filed (and an ORAD issued) to verify the wetlands. He explained that there is an intermittent stream on the property (referring to a map) which flows across Bowen St., through a culvert system, and he showed the resource area, showed the bank area (he noted that there is no BVW next to it), and invasive plants, and it eventually discharges out to the east. He added that the property has sewer and does not need septic. Mr. Goddard said that they have gone through a review process with the Building Inspector who asserted that this is a grandfathered lot so it conforms with zoning for the purpose of building. He explained that the applicant is proposing the building of a single-family house and accessory garage to utilize the space effectively as there is a larger area to the south on the lot. He noted that the property is divided by a stream channel. He added that there is a proposed driveway, a 32' x 64' house footprint, a front-load garage and deck in back, a walkway with footbridge (which will not touch the bank) over the stream channel, and the walkway will go to a detached garage with a front entry and grass around it; there will be a small yard around the perimeter of the

property. He said that all work would be out of the wetlands except the bridge crossing, which he said would not be like a culvert; he said that it will meet stream crossing standards and described that there will be a nine-foot clear span over the intermittent stream. Mr. Goddard noted on the map that there are nuisance plants along the stream banks and they plan to remove those and replant more desirable native plants (in red on the map). He noted the undisturbed buffer zone (brown). They will have a post and rail fence to define the area adjacent to the stream. In response to Mr. Chase, Mr. Goddard replied that he did not have a detailed planting plan yet, but plans to remove knotweed and introduce non-invasive shrubs, and noted that there will be asphalt on the driveway.

In response to a question from Ms. Eaton regarding the garages and driveway, Mr. Goddard replied to her and Mr. Chase that they will need two curbscuts. In response to a comment from Mr. Hadley that water will get into the basement, Mr. Goddard replied that the house is set to be at grade; he explained that in the back there will be a walk out, and they will bring the grade up on the front. He explained the existing and proposed elevations. He described that there will be a slab grade on the ground outside the wetland elevation and built up from there, so that the property gets elevation in the front; the slab will be on grade with the upland portion of the site. In response to questions from Mr. Hadley and Ms. Eaton, Mr. Goddard explained that the slab floor will be above ground water, there will be an in-ground basement, there will be in-ground elevation in the front, the foundation will create a retaining wall, they will bring soil down in the back so that the back walk out will be at the existing grade, and there will be no grading going on in the rear part near the wetlands. Again Mr. Goddard described and pointed out existing and proposed grades and grade changes. In response to Mr. Mercurio, he replied that the basement will be 8-feet high and the size of the entire lot will be 200' by 130'. (Mr. Chase added to Mr. Mercurio that they're grandfathered in). Mr. Hadley commented that he did not think they could build there. Mr. Chase responded that DEP suggested backup for the ANRAD determination (done several months ago by the Concomm) with a third-party such as VHB. Mr. Goddard added that DEP wanted them to quantify bank impacts, and they plan to use bridge slats to allow light to get through the bridge; there will be a 4-foot width on both sides, and they plan to remove weeds and put the bridge in and shading impact will be minimal. He asserted that they will be well below the number required for wild habitat evaluation for bank work alteration. Mr. Goddard replied to Mr. Haarmann that the distance will be 100 feet from the house, across the bridge, to the garage, which might be a front-load garage but more likely to have barn use. Mr. Goddard added that the house is planned to be 32' x 64', with a generic box design. He said that potentially the aforementioned garage will be a non-garage parking location rather than garaging vehicles there. Mr. Chase opined that they could have the garage underneath as well as in front; Mr. Goddard responded that they could just have the parking in the front, then have the garage/ barn in the back. Mr. Goddard then discussed the bridge with Mr. Haarmann and Mr. Chase; Mr. Goddard said that the bridge will sit by its own weight, and they discussed various things that they could use but Mr. Goddard asserted that the weight of it will cause it to stabilize itself. When asked by Ms. Eaton and Mr. Chase about DCR's findings, Mr. Goddard responded that the property with its stream did not trigger DCR's review, as that stream is not on DCR's own maps because it is not a DCR map tributary.

Mr. Hadley then commented that the water that runs downhill comes from the Wachusett Country Club area, and Mr. Goddard responded that they are not proposing to interrupt water flow. Then Michael Looney and Caitlyn White, who live at 37 Bowen St., opined that there should be a drainage plan. Mr. Hadley opined that there is always water there and mentioned a house that was built on Henry St. at least ¼ mile away that gets water in the basement. Mr. Looney commented that they get water in their basement. Mr. Goddard responded that they plan to elevate the grade of the house, they will not fill or change the stream channel and asserted that a single-family house is exempt from stormwater management regulations under the Wetland Protection Act; he asserted that the water that flows into that wetland now will continue to flow into that wetland. In response to a question from Ms. Eaton, Mr. Goddard responded that water will sheet off and make it back into the wetland as it does now. He noted that they will be creating some additional impervious surface, but reiterated that because it is a single-family house, the regulations exempt it from stormwater management. Mr. Hadley commented that they still need to protect the neighborhood, in his opinion. Mr. Chase and Mr. Goddard asserted that a foundation can be put down there. Mr. Goddard attempted to explain how the stream drains (Mr. Chase showed Mr. Looney and Ms. White on the map an area about 30 to 40' wide as it flows out the back) and responded to them that regulations do not require a drainage plan and they disagreed with him as to where the water flows. Mr. Looney and Ms. White claimed that, as the water continues out back, that it is part of their property, and Ms. White commented that there is swamp there with willow trees that are the only things that suck up the water, and they claimed that contractors have walked away from their property who tried to help with their drainage. Mr.

Goddard responded that he had not studied their property, but opined that their property could be further into the water table or other wetlands than the property in question. Mr. Goddard said that, if the Commission wants, the contractors can add impervious surfaces, add subsurface recharge supplements onto the site plan and asserted that drainage measures can be used either below or on the surface to bring water into the stream system and it will navigate in that direction as it does today. Mr. Chase opined that Cultec units would be superfluous on that lot.

Paul Anderson of Planning board (and 55 Bowen St.), asked how they can build there at all? Mr. Goddard replied that, if the work is within the 100-foot buffer zone, they must obtain the approval of the Commission, but they do not need that if it is outside the 100-foot buffer. In response to Mr. Mercurio, Mr. Goddard replied that he is the owner of the property.

In response to David Femia (of the Zoning Board of Appeals), Mr. Chase replied that the stream is about four feet wide, and the bridge edges are outside of the stream's banks. Mr. Goddard added that it is 1.2 times the "bankfull width". In response to Mr. Femia's question about overflow of the stream, Mr. Chase opined that the width of the bridge will be good, commenting that the stream channel is a pretty deep channel and wet most of the year; Mr. Goddard added that, in the past, it was likely to do that, but pointed out that the upper bank is steep (he showed how it was cut), and opined that this part is unlikely to overflow. He explained that past the initial deep channel cut, it is likely the flooding will spread out. In response to Mr. Mercurio, Mr. Goddard replied that there is no wetland alteration proposed (he pointed out where they will take out the invasive species); Mr. Chase added that they will do reclamation (red area). Mr. Anderson and Mr. Femia discussed the weed removal, and Mr. Chase responded that the applicant can come back at a later time with a plan for dealing with invasive species. Mr. Goddard added that the barn will be more accessory use and that primary parking will probably be at the house. Mr. Chase noted that the main issues are the effects on the lot itself and the effect on the neighbors' properties.

In response to a question from Ms. Eaton, Mr. Goddard replied that they can make the front grade higher but cannot alter the back as technically they would be altering wetland. Mr. Hadley opined that they will bring more water onto other properties. Mr. Goddard responded that they can add infiltration units to impervious surfaces and submit a planting schedule for the restoration area. Mr. Mercurio commented that he is concerned that they should watch out for the neighbors' properties; Mr. Goddard responded that they want to make modifications in the plan to discuss at the next meeting. In response to Mr. Femia, Mr. Chase replied that the building question is outside the purview of the Concomm and that their question is if the work on the lot can be done reasonably; he commented that he wants to give the applicant a fair chance to do what he is allowed to do. Mr. Goddard added that the work is not in the wetlands but adjacent to the wetlands, and, because of drainage concerns, he is requesting to continue the public hearing to the next meeting to make some modifications to address the concerns. Mr. Chase also suggested doing something to anchor the bridge as it might be a potential problem. Mr. Looney and Ms. White commented that they have tried to get workers to do drainage of the water but claimed that they would not do it, as there is a gasline there (they pointed it out) so that they cannot dig or do any form of drainage there; they hoped that everyone involved could work together. Mr. Goddard responded that he would look into that, and also offered to Mr. Looney and Ms. White to go look at the property after the meeting (they said that they would do that). Mr. Looney asserted that even when it is a dry time, there is still moss and water near the garage (Mr. Chase agreed), and Ms. White claimed that five or six contractors would not do work there, and it was said that nothing would ever be built there; she noted that it was August and dry when they bought the property.

With no further comments or questions at this time, Ms. Eaton made a motion to continue the public hearing to the next meeting (May 3). Mr. Haarmann seconded. All in favor.

Other Business:

Minutes of March 1 Meeting:

After review of the draft minutes by the board members, Ms. Eaton made a motion to accept the minutes as written. Mr. Haarmann seconded. All in favor.

Informal Discussion Regarding Hanioti Properties LLC, Dairy Queen Request for Determination of Applicability:

Mr. Chase informed the board of the applicant's proposal to build a patio out front of the Dairy Queen building. He said that the board stopped them from doing that, but Mr. Hadley and Ms. Eaton asserted that they are in the process of doing that. Mr. Chase responded that they do not need a permit, and that they are outside the 100-foot buffer zone, explaining that ten feet from the end of the building is the end of the zone; he explained that the problem is that they are not building on their property, and that they are outside of 200-feet of a stream in back of their parking lot. He asserted that it is just in Concomm's purview. (The board members discussed the land that customers park on and who owns it).

In response to Mr. Mercurio, Mr. Chase explained that the applicant is outside of the 200-foot zone, Mr. Chase added that he was trying to get them to redesign, and mentioned possibly an entrance down onto Danielian Rd.; they would also have more parking that way. He said that Glenn Krevosky thinks that he has a way to do it and he has looked at it. He responded to Ms. Eaton that the applicant is looking for federal money.

Treasurer's/Financial Report:

Mr. Chase reviewed the most recent report prior to the meeting and discussed it with the board members.

Informal Discussion Regarding Dennis Minnich Property:

Mr. Chase explained this situation to the board; DCR had requested Chief Minnich to install 16 Cultec units on his property. Mr. Chase asserted that Mr. Minnich's house is exempt but his addition is not and he is waiting to see what the plan originally stated that was submitted when Chief Minnich filed with the Concomm, but thought that Mr. Minnich might have to install one unit in front and one in back. Mr. Chase responded to Ms. Eaton that DCR has jurisdiction as Mr. Minnich is in the watershed, but asserted that it should be done through the Conservation Commission, and Mr. Chase did not think that Mr. Minnich would have to refile with the board.

NEXT SCHEDULED MEETING – MAY 3, 2021, LOCATION TO BE DETERMINED.

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With no further questions or comments, Mr. Haarmann made a motion to adjourn the meeting at 7:08 p.m. Ms. Eaton seconded. All in favor.

Submitted by: _____

Reviewed by: _____

Date submitted: _____

