



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **Conservation Commission Meeting Minutes**

|  |
|--|
| <b>Date / Time / Location of Meeting</b> |
|--|

**Monday, 9/13/2021/6:00p.m./ MEETING TOOK PLACE AT WEST BOYLSTON SENIOR CENTER, 120 PRESCOTT ST., WEST BOYLSTON, MA**

|                        |
|------------------------|
| <b>Members Present</b> |
|------------------------|

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

|                            |
|----------------------------|
| <b>Members NOT Present</b> |
|----------------------------|

|                       |
|-----------------------|
| <b>Invited Guests</b> |
|-----------------------|

**N/A**

**Welcome – Call to Order**

**Time: 6:03 p.m.**

**Approval of Previous Minutes**

**8/2/2021**

**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 6:03 pm, Ms. Eaton made a motion to open the meeting. Mr. Mercurio seconded the motion. All in favor.

**Continued Public Hearing, Steve Cooley, on Behalf of Bethlehem Bible Church, Notice of Intent, 307 Lancaster Street:**

(Scott Goddard represented). (Mr. Chase read the public hearing notice aloud). (Mr. Mercurio recused himself, as he was an abutter of the project, and left the room during the hearing). Mr. Chase told Mr. Goddard that he had questions for him. First of all, he referred to an email from Board of Health dated 9/9/21 (he read this aloud also), which noted that the applicant had not submitted a revised septic system plan to the Board of Health yet. Mr. Goddard responded that they will be doing so, but asserted that the footprint of the system is on the latest plan of the site and it is outside of the 100-foot buffer zone and is not part of this application. Mr. Chase then asked about the plan for the new entryway; Mr. Goddard replied that it was submitted to MA DOT, it is the one shown on the latest print and is also

not in the buffer zone so that it also is not part of the NOI application. Mr. Chase responded that it would be, and asked if the applicant has shown how sheet water will be dealt with? Mr. Goddard replied that they will not be changing the drainage system. Mr. Chase then asked about the size of the parking lot and if it is based on numbers of people or cars, and why Planning Board approval of the parking has not come to the Commission? Mr. Goddard replied that they met with Planning Board, who said that they will not issue anything further without Concomm and Board of Health approval; Mr. Goddard explained that this is why he wants to obtain the Order of Conditions this evening. Mr. Chase said that he would only give approval subject to approval from Board of Health and MA DOT. In response to Ms. Eaton, Mr. Goddard replied that they submitted their plans to MA DOT several weeks ago and it is going through their review.

(With no further questions from the board members, Mr. Chase asked for questions from the audience). Emily Donovan from 26 Lancaster Meadows commented that the site walk of August 26 was helpful, and she opined that the overall plan will improve the area. One major concern that she said many residents had was the tree line behind 6 Lancaster Meadows and the house next to it, and she said that she was told that all of those trees will be cut down, so that the first two houses on the right will lose all their trees; she thought that there were property line questions and questions about some of the trees being removed. Mr. Chase opined that the property line should be surveyed. Ms. Donovan responded that this is in the process of being done, and she wondered if there was any way to postpone the vote this evening? She mentioned concerns about trees coming down changing the character of the neighborhood, as well as allowing noise and light pollution, and she referred to the Concomm meeting of August 2, noting that Mr. Chase mentioned that FEMA might get involved, that the Concomm needed Board of Health approval before they could give approval and that the board did not want to do a site walk yet in case the plans changed. Mr. Chase explained that he thought that he would go to the site visit planned by Mr. Goddard and the residents to answer questions of the board (there was no quorum present), and he wanted to see certain things such as the trees; he noted that the Commission is not involved with fencing or lighting. In response to Mr. Chase, Ms. Donovan replied that she had already attended Planning Board's public hearing on the matter at the beginning of June.

Next, Ronda Farraj of 21 Lancaster Meadows noted that the distance from Lancaster Meadows to the new driveway was said to be 300 feet but is really about 420 feet. She expressed concern about accidents. Mr. Chase responded that this is a Planning Board matter, and the Concomm is involved with water running down the street that must be disposed of as the property is upgradient. Ms. Farraj mentioned the stream and two culverts which need to be cleaned regularly. Mr. Chase responded that the applicant will need a maintenance plan. Mr. Goddard opined that this was a MA Highway matter. Philip Philbin of 264 Lancaster St. claimed that MA Highway did not install the pipe there and that the church did that. Mr. Goddard asserted that the pipe under Route 110 has been there a long time and was not installed by the church. (He and Mr. Philbin disagreed as to who installed it and whose responsibility it was). Mr. Goddard described that the first of two catch basins is located down the street in the right-of-way and the culvert is in the right-of-way, with an easement at the 90-degree bend. He said that all the piping is 12-inch piping. Mr. Chase suggested bringing this up with Planning Board.

Ms. Farraj discussed concern about the water not being obstructed from going into the wetlands and opined that it will puddle and freeze in the cold weather. Mr. Chase responded that this is a Planning Board concern regarding safety. Ms. Farraj responded to Mr. Chase that Vincent Vignaly of Planning Board recused himself from this discussion at the Planning Board meeting because of his role with DCR. Mr. Philbin asked about how many people the size of the septic system would be based upon? Mr. Chase replied that this usually goes to Planning Board first and then comes to the Concomm. Mr. Chase thought that the applicant was not going to pave the top but only use stone; Mr. Goddard replied that it will be paved. Mr. Goddard commented that the septic system will be greater than 100 feet from the wetlands and under the parking lot and is designed for that; he noted that it will be a pressure system. Mr. Chase added that the system has to be within Concomm's jurisdiction for them to have influence on it. He replied to Mr. Philbin that it will be underground, close to the water table, but that it is a Board of Health issue and the applicant must prove to Board of Health that the system will work. If the Commission issues the Order of Conditions, the applicant must go to Planning Board, who will handle items such as lighting, traffic, amount of greenery and clear space and ratio of asphalt; the Concomm needs to know such information as snow storage and location of retention ponds. Mr. Chase replied to Mr. Philbin that the septic will be just outside of the wetlands, and explained that they need a certain amount of water to stay on the property for recharge. Mr. Philbin commented that he was surprised that the septic system is going to be underground, especially a pressure system. Mr. Goddard replied to Ms. Donovan that the septic system will be paved

over and asserted that it always has been that way on the plan. Mr. Chase then showed Mr. Philbin where it is on the existing plan. Mr. Philbin then asked Mr. Chase, if the stream overflows (and he said that it had done so before), where will the water go? Mr. Chase replied that it will go back into the wetlands, which is where it is supposed to go; depending on the pitch, the water will go downhill (he pointed this out on the site map).

Mr. Goddard noted that the only updated plans were handed out at the aforementioned site walk; there were (2), and they had added a fence and reduced lighting, both in response to the abutters' concerns. He said that the proposed fence will be six feet high (Mr. Chase noted that they would need a permit to have a higher one). One resident (not identified) opined that they need to have the fence at least ten feet high. Mr. Chase noted that Planning Board can make changes in the lighting; Ms. Farraj claimed that, at the Planning Board meeting, the applicants said that they won't make concessions with regard to that. In response to Ms. Farraj, Mr. Chase replied that the applicant will not build right up to the water and noted that they are allowed to go up to 25 feet from it; he added that decisions of this board are also checked by DEP and DCR. Mr. Goddard asserted that they were closer to the water before than what they are proposing now when they submitted an application several years ago. Referring to the map, Ms. Farraj asserted that the proposed work will go right up to the water on the side; Mr. Chase responded with the opinion that it will be far better than what is there now for the overall protection of what is there. Ms. Farraj responded that they will have to take the applicant at his word, claiming that there has been animosity from the church. In response to Ms. Farraj, Mr. Chase asserted that the Concomm will issue a strict Order of Conditions and can cancel this anytime if the applicant violates what the board writes. He asserted that Mr. Goddard's calculations and figures are correct and that the Commission will inspect it. Mr. Goddard reiterated that most of the questions are for Planning Board but Mr. Chase explained that he is allowing everyone to air out their concerns and comments. Ms. Donovan reiterated that they still do not know the property line, and Mr. Chase reiterated that they need a surveyor for the property line. Mr. Goddard explained that they cannot put up the fence without surveying the property line. Ms. Farraj opined that the applicant wants the Planning Board and Conservation Commission to give approval without making concessions to the neighbors. Mr. Chase responded that, from a technical aspect, he sees that the engineer's work is correct.

In response to Warren Heller of 6 Lancaster Meadows, Mr. Chase replied that the Board of Health of Worcester reviews an issue, sends back suggestions and then the West Boylston Board of Health votes on it. Then David Femia of 86F Sterling St. (and a member of the Zoning Board of Appeals), Mr. Chase and Mr. Goddard discussed what the applicant must go by in designing the septic system, such as the size of the congregation that the septic must accommodate. (Mr. Chase discussed and explained use of a dosing system, where a smaller system can be used but the air pressure is impacted). Mr. Chase responded to Mr. Femia that it will not impact the watershed. Mr. Goddard responded to Mr. Chase that the septic system will be outside the 100-foot buffer. Mr. Chase added that he did not know if a soil test had been done. In response to Mr. Femia, Mr. Chase replied that the proposed driveway is tentatively okay with restrictions. Mr. Goddard acknowledged that other agencies needed to approve various aspects of the project such as MA DOT issues, sight line issues and Board of Health issues, and requested that the Concomm close the public hearing this evening as he did not think it made sense to keep it open. Ms. Donovan responded that the applicant does not have the final plan. Mr. Chase responded that someone needs to keep the process going and that Concomm's permission can be taken away if necessary. Mr. Goddard asserted that this is only true if work is in the buffer zone. Mr. Chase reiterated that Mr. Goddard's numbers worked. Mr. Chase then reiterated to Ms. Farraj that the applicant is proposing work outside of the buffer zone so that they can do what is on the plan unless Planning Board allows him something else, and replied to Mr. Philbin that the applicant did calculate for overflow. Mr. Chase opined that Mr. Goddard did everything correctly and he would give approval with basic conditions; he did not think that he could hold up the process if the work was done correctly. He explained to Ms. Donovan that the calculations were based on everything being paved. He discussed with her how the calculations accounted for sheet water based on everything that he's shown such as parking spaces, medians, plant growth and the two basins below (he pointed out where the basins are). Mr. Chase replied to Mr. Heller that the plans they are going by are dated 9/8/2021. In response to Mr. Femia, Mr. Chase replied that the board will monitor the compliance by the applicant with the conditions given. They will also monitor the new septic system (even though Mr. Chase noted that they usually do not do that). Mr. Goddard opined that conditions for the septic would be outside the Commission's purview, but Mr. Chase responded that he would monitor it as a resident.

With no further questions or comments from anyone present, Ms. Eaton made a motion to close the public hearing. Mr. Haarmann seconded. All in favor. Ms. Eaton then made a motion to approve the plan as written and issue an Order of Conditions with normal conditions. Mr. Haarmann seconded. All in favor. (Mr. Chase explained to Mr. Heller that this includes the entryway by MA DOT, any changes in water or sheet flow, drainage, septic size and what the applicant is doing with it and parking lot size, and is subject to Planning Board and Board of Health approvals). (Mr. Chase told Mr. Heller that he will give a copy of the Order of Conditions to him for the residents when it is written up).

**Other Business:**

**Informal Discussion Regarding 0 Bowen Street:** As Mr. Goddard was the applicant for the NOI on this property, Mr. Chase told him who will probably do a peer review on the property, and that the next Concomm meeting will be October 4. Mr. Chase discussed with Mr. Femia the possibility of the Town purchasing the property.

**Minutes of July 12 meeting:** After review of the draft minutes by the board members, Ms. Eaton made a motion to approve the minutes as written. Mr. Haarmann seconded. All in favor.

**85 Franklin Street:** Mr. Chase discussed an email from Vincent Vignaly (in his role with DCR); Mr. Chase summarized that DCR asserted that water from the property goes directly to Wachusett Reservoir, but Mr. Chase asserted that this was not so, and he explained where the water does go. He agreed with Mr. Mercurio, who asserted that it is not a stream if it dissipates. Mr. Chase told the board that he was not going to send a letter to censure the property owner.

**Extension of Negative Determination for DCR/Lily Ponds Maintenance of Invasive Species:** (Mr. Chase explained the maintenance program to Ms. Eaton; Mr. Mercurio opined that this is a good maintenance program). The board agreed to extend the expiration date (which would have been 9/22/21) for three years.

**Treasurer's/Financial Report:** Mr. Chase reviewed the most recent report prior to the meeting and this was not discussed this evening.

**NEXT SCHEDULED MEETING – OCTOBER 4, 2021, AT THE WEST BOYLSTON SENIOR CENTER.**

.

With no further questions or comments, Mr. Mercurio made a motion to adjourn the meeting at 6:57 p.m. Ms. Eaton seconded. All in favor.

**Submitted by:** \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_

**Date submitted:** \_\_\_\_\_

