



Town of West Boylston

140 Worcester Street, West Boylston, Massachusetts 01583

Conservation Commission Meeting Minutes

Date / Time / Location of Meeting

Monday, 12/5/2022 6:00p.m./ MEETINGS TAKING PLACE AT WEST BOYLSTON TOWN HALL, LAND USE MEETING ROOM

Members Present	William Chase (Chair), Emily Eaton, Carl Haarmann, Colin Cahill, Jeffrey Perkins (Associate Member) and Clerk Toby Goldstein.
Members NOT Present	David Mercurio (Vice-Chair)
Invited Guests	N/A

Welcome – Call to Order

Time: 6:00 p.m.

Approval of Previous Minutes

Minutes of 11/7/22 Meeting

Motion Originator Emily Eaton

Motion Seconded Colin Cahill

Treasurer – Financial Report

Mr. Chase reviewed the report prior to the meeting; he briefly discussed with board this evening.

Motion to Accept N/A

Seconded N/A

At 6:00 pm, Mr. Chase called the meeting to order.

Public Hearing, Michael Coveney, on behalf of West Boylston Water District, Request for Determination of Applicability, for water main replacement and associated work on Lee Street (from the intersection of Goodale Street to just north of the Malden Brook culvert crossing), West Boylston, MA:

(Michael Coveney and Michael Ohl represented). (Ms. Eaton read aloud the public hearing notice). Mr. Coveney explained the proposed project, which was for water main replacement; he described that the existing one is way off the road in certain areas, and about 10-12 feet deep in some places, and not very easy to fix if it breaks and that they want to move it out into the actual paved section of the road. Mr. Chase commented that

the Town does not own the entire paved area, and Mr. Coveney responded that it will be only a small area of the paved section.

David Femia, Clerk for the Zoning Board of Appeals, asked how long the project would take? Mr. Coveney replied probably from April to November. In response to Ms. Eaton, Mr. Coveney replied that they are waiting for a loan from the State, and if it is approved in January they will send bids out for work, so possibly they will do the job from April to November of 2023. He responded to Mr. Chase that where they start will depend on the contractor and they need to coordinate with DPW. In response again to Mr. Chase, Mr. Coveney replied that they will put the water towards the left side of Goodale Street as one goes up the hill, but they do not know the details yet for where the drainage water will be placed. In response to a question from Mr. Femia as to whether the work will disturb the residents, Mr. Coveney replied that the residents will have water, maybe through a temporary main or away from the existing main, leaving it in service. Mehrded (sp?) Namin of 157 Lee St. asked where they connect and who hooks up the homeowners? Mr. Coveney replied that the water dept. will do this, but they just go to the property line. Mr. Femia, Mr. Chase and Mr. Coveney then discussed reasons for the main replacement, including asbestos piping; Mr. Coveney explained that most of it will remain in the ground and they will not cut it, but they will need hazmat workers only at sections of the main where they need to cut a piece of the asbestos piping. Mr. Coveney also replied to Mr. Femia that they will begin work in the spring, not in the winter.

Mr. Chase said that ponding of water at the top of the hill was the only problem that he could see. He explained to Mr. Femia that DPW will put in storm drains. Mr. Namin mentioned a water problem that he has (Mr. Chase was aware that water goes into the driveway and explained that the road pitches and catches the water). Mr. Namin asked if there will be paving of the road after the work is complete? Mr. Coveney replied that the plan was to pave this year but they had to put in the new water main first before the paving could be done. Mr. Namin also explained that they have a well at the bottom of the hill, and the water pressure is low; he asked if that will improve? Mr. Coveney replied that the pressure will not increase but he explained that they will improve the age of the water main and that part of Lee St. is a boosted system so that it doesn't eat gravity from the water tank; he suggested that Mr. Namin can put his own pump in. He said to Mr. Namin that DPW probably won't do anything until next year.

With no further questions or comments, Mr. Chase made a motion to close the public hearing. Ms. Eaton seconded. All in favor. Ms. Eaton then made a motion to approve the proposal as written, according to the plans dated November, 2022 (Lee Street Water Main Replacement) and issue a negative determination. Mr. Haarmann seconded. All in favor.

Other Business:

Minutes of November 7, 2022 Meeting: After review of the draft minutes by the board members, Ms. Eaton made a motion to approve the minutes as written. Mr. Cahill seconded. All in favor.

Informal Discussion Regarding 0 Bowen Street:

(Scott Goddard represented). Mr. Goddard explained that the last time he met with the board (November 7), they had an informal discussion to facilitate his appeal to DEP of the non-issuance of the Order of Conditions for the above property; he told the board what DEP was looking for and submitted revised plans, of which DEP wanted Concomm feedback. It was agreed that he would come back before the board in 30 days for additional feedback. Mr. Chase responded that, in the meantime, CPC and the Town were interested in purchasing this property and asked Mr. Goddard if he had any interest in doing this? Mr. Goddard replied that, for now, he was just looking for feedback on the revised plans for DEP; he asserted that they were prepared to issue a Superseding Order of Conditions but wanted the Commission to give additional comments. Mr. Chase did not think that anything really changed regarding the board's opinions, but added that it was up to the individual members. Mr. Goddard asserted that DEP will approve the project, but Mr. Chase opined that this could end up with residents going to court if the Town objects to DEP's approval. In response to Ms. Eaton, Mr. Goddard replied that selling the property to the Town was an option. Mr. Chase suggested meeting with the Town Administrator and opined that this would be the best route to take in order to avoid problems if for all concerned. Mr.

Haarmann commented that he could not find fault legally with the plan, but did not see how they would address the neighbors' problems with water and would rather that the Town make an offer. Mr. Haarmann opined that Mr. Goddard had the right as owner of the property but did not see the proposal working properly. Mr. Perkins opined that Mr. Goddard would not be causing the problem but would not be helping, and he and Ms. Eaton opined that it could be a worse situation for the neighbors.

Joseph Menendez of 51 Bowen Street asked about illegal dumping there, for example of grass and pumpkins, and suggested that signs could be installed to warn against doing that. Mr. Chase responded that, if the Town could purchase the property, then they could control it. Mr. Perkins suggested posting "No Trespassing" signs, explaining that if they are posted and someone still does it, they know it is illegal. Mrs. Menendez replied that the message would be there if they did that.

Mr. Goddard thought it would be best coming from Chair Chase to Judy Schmitz of DEP, with whom Mr. Goddard met twice, and discuss these comments, the board's thoughts regarding the revised plans and the ideas regarding purchase of the property by the Town. Mr. Chase replied that he needed to go to the Town Administrator first and thought he could probably do that this week. Mr. Goddard reiterated that there should be a response to DEP from the board but Mr. Chase reiterated that he needed to speak with the Town Administrator first..

Mr. Femia then asked about the Worcester Land Trust being involved? Mr. Chase explained that CPC money would be used, but someone else must control the money and that would be the Greater Worcester Land Trust. He asserted that there would have to be drainage work and placement of a pond. There would have to be a contract with Land Trust in which all of this would be stated. They would set up controls in the beginning. Mr. Femia, Mr. Chase and Mr. Perkins then discussed possible controls being specified and wording, and Mr. Chase noted that there will be restrictions on the use of the CPC money. Mr. Chase explained to Mr. Menendez that if CPC is not interested, he did not think the board will go along with this but DEP can supersede them so that Mr. Goddard can build on the property. But he noted that Mr. Goddard must also go to other Town boards. However, he did not think they would reject the project because the Town also has drainage problems that they need to deal with, and Mr. Goddard had previously noted adjacent properties that are guilty of violations such as filled wetlands. Mr. Femia asked, if the Town does not buy the property and the neighbors keep being flooded with water, can they sue the Town? Mr. Chase replied "yes". In response to Mr. Menendez, Mr. Chase replied that he will see the Town Administrator, then CPC. He also responded to Mr. Femia that this will be on next month's meeting agenda, which will also be on the Town website.

2023 Concomm Meeting Schedule:

Ms. Goldstein had distributed a tentative meeting agenda for 2023; there were no disagreements or comments except that Ms. Eaton opined that the July meeting should be held on July 10 rather than July 3 because of the July 4 holiday. The board agreed with this.

Update on 256 Worcester Street Tree Cutting:

This matter was discussed at the last meeting. It involved complaints by the neighbors of this property about trees being cut down. Mr. Chase explained to the board that he resolved this; an agreement was written up between the neighbors and Mark Meola, owner of the property, and signed. The Concomm had no jurisdiction on this.

Update on Enforcement Order for Prospect Street:

Mr. Chase informed the board that he will meet with the Building Inspector about this tomorrow (this subject was discussed at the last meeting; there was dumping of containers and waste on this property). Mr. Chase said that he postponed the agreed upon \$25,000/day fine for 30 days, and it will be exercised tomorrow.

Treasurer's/Financial Report: Mr. Chase reviewed the most recent report at the meeting and discussed it briefly with the board.

Miscellaneous Mail and Paperwork: Mr. Chase had reviewed any mail prior to the meeting and informed the board that there was nothing of importance for them to go over this evening. He mentioned that he will send correspondence to DEP regarding 0 Bowen Street after meeting with the Town Administrator.

NEXT SCHEDULED MEETING – MONDAY, JANUARY 9, 2023, AT WEST BOYLSTON TOWN HALL.

With no further questions or comments, Mr. Perkins made a motion to adjourn the meeting at 7:10 p.m. Ms. Eaton seconded. All in favor.

Submitted by: _____

Reviewed by: _____

Date submitted: _____