



## Town of West Boylston

140 Worcester Street, West Boylston, Massachusetts 01583

# Conservation Commission Meeting Minutes

### Date / Time / Location of Meeting

Monday, 6/5/2023 6:00p.m./ MEETINGS TAKING PLACE AT WEST BOYLSTON TOWN HALL, LAND USE MEETING ROOM, #120

### Members Present

William Chase (Chair), Emily Eaton, Carl Haarmann, Jeffrey Perkins (Associate Member) and Clerk Toby Goldstein.

### Members NOT Present

Colin Cahill

### Invited Guests

N/A

### Welcome – Call to Order

Time: 6:00 p.m.

### Approval of Previous Minutes

Minutes of 5/8/23 Meeting

Motion Originator Emily Eaton

Motion Seconded Jeffrey Perkins

### 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, Ms. Eaton made a motion to open the meeting. Mr. Haarmann seconded. All in favor.

**Public Hearing for NKM Holdings, LLC, Request for Determination of Applicability, for the construction of (14) storage units, 22' wide x 25' long, on a vacant lawn area of 543 Prospect Street, West Boylston, MA:**

(Mr. Haarmann read aloud the public hearing notice). (Nick Markopoulos and David Sadowski represented). Mr. Sadowski informed all present that this evening he would present the plan that they put together in two sheets, one to show the existing conditions and one showing where the proposed garage units would be placed. He explained that a wetland scientist delineated the wetlands and he showed the location of the delineation flags that were placed there (which are off of the property) and how far away they are. He mentioned that the proposed work site would be behind an existing farmhouse on an adjoining property. Mr. Sadowski

pointed out the 100-foot buffer zone and noted that no work would be done within the 100-foot buffer zone. He described that there is a water holding area down below from Interstate 190 and noted that it was not maintained for more than five years so they really do not have jurisdiction over it anymore. He also pointed out area off their property which is owned by the State. Mr. Chase added that there was a log taken out of there a couple of weeks ago and that it is a detention pond for the highway.

In response to Mr. Chase, Mr. Sadowski explained where the catch basins discharge water and that Pinecroft Dairy is on top; he also pointed out the existing parking area. Mr. Chase added that he saw the area, and that the paved area is about 40-50 feet in size and coming off of the back of the building, and there is a chained-off dirt area behind it. Mr. Markopoulos added that there is an existing paved area. Mr. Sadowski replied to Ms. Eaton that the proposed work will not be in the paved area, only where there is dirt or grass. Mr. Sadowski explained where everything will be located, and noted that, behind the dairy, are some picnic tables and a fence line, all on a gentle slope. The board and representatives all discussed that the proposed work site is on Pinecroft property, behind the dairy. Ms. Eaton asked how much of the grass areas will be paved? Mr. Markopoulos explained that the storage units will be located on slabs, with paving in-between (to Mr. Chase), and they may use crushed stone there (Mr. Chase explained this material, most likely dense grade stone). Mr. Sadowski explained that it will be a hard surface that can be rolled down upon but not pavement, and that the units will have a garage door, unlike a regular storage unit. In response to Mr. Chase, Mr. Sadowski replied that only the building will have impervious material.

Mr. Sadowski then continued that they have proposed an interceptor trench that's 90-feet long, that will go to some recharge chambers. He then described the Pinecroft property. He showed everyone the dairy, paved area, dumpsters, pointed out the 90-foot-long interceptor trench which will go into recharge chambers, and then where an emergency overflow will come out. Mr. Markopoulos replied to Ms. Eaton that they will have an open area about 80 feet wide to access the storage units; Mr. Sadowski described this. He explained to Mr. Chase that there will be grates to go over the trenches and described them; he described these and added that they will be deeper and wider to hold runoff. He noted that there is a catch basin at the top already, in the dairy area, and a hump in the other area to prevent sheet flow (he pointed out and explained all of this). He explained that right now the drainage pattern takes water across to two catch basins (he pointed these out also).

In response to Mr. Chase, Mr. Sadowski discussed having a maintenance plan; he explained that they would have an O & M log and that the system would be cleaned out and filled in in the spring and fall. They would bring this log to the appropriate enforcement agency in Town. In response to Mr. Haarmann, Mr. Sadowski explained that water will flow into a 90-foot interceptor trench, and off of that is a pipe that goes to a Cultec chamber, 3' x 8' with two feet of sand and 8 inches of stone, with an impervious membrane separating them (chamber was referred to as a "doghouse"). The water then goes into the ground and percolates. There is an existing water flow that hits the hill and some of it goes in but in a large enough storm, all of the water will go downhill to the holding area. Mr. Chase replied to David Femia (of ZBA, who was present in the audience) that the board will request maintenance of the system as part of their permitting but DPW will probably be responsible for reviewing the maintenance, and he also replied that this has nothing to do with MS-4.

Resident Mrs. Patrick Ludden of 235 Woodland Street, who was in the audience, stated that, as an abutter, she had concerns about this. She asserted that she had not heard or seen anything about this proposed project. Mr. Markopoulos showed the plans to her, and he and Mr. Sadowski explained where the disturbance will be and how they will deal with green areas. In response to Ms. Eaton, Mr. Sadowski replied that the closest that they would work would be 7 or 8 feet from the 100-foot line of the wetlands, and added that they will be downgradient and not even above the wetland. Mr. Chase also said to Ms. Eaton that it will be a confined area. Mr. Patrick Ludden of 235 Woodland Street asked how they will address the grade? Mr. Sadowski replied that the slope that is there will remain. Mr. Markopoulos added that they will probably bring in some fill-in. Mr. Sadowski further described to Mr. Chase and Mr. Femia that there will be an eight-foot wall, and the pitch will be 3 feet higher than the wall, and the storage units will be pre-manufactured.

Mr. Ludden asked Mr. Chase if the property is subject to the Wetlands Protection Act? Mr. Chase replied that it is not (the Luddens, Mr. Chase, several board members and the applicants looked at watershed maps). Mr. Sadowski determined that the property is in the secondary aquifer.

In response to Mr. Femia, Mr. Markopoulos replied that each storage unit is individual. Mr. Sadowski added that each one will have two garage doors, 22' x 25'. In response to Mr. Femia, Mr. Sadowski replied that they still needed to appear before Planning Board before they would be ready to begin. In response to Mr. Haarmann, Mr. Sadowski replied that there will be five feet of space between the units (he explained drops and the interceptor trench). He noted that the units will sit just above the trench so that water will come down but not run into the four units below. He added that they will work with the soil and stability and noted that they have 18-20" of topsoil now because of farms that have been there over the years. He also explained that they did not want there to be an eyesore to the public so they are working with the grade that is there.

In response to Mr. Femia, Mr. Sadowski replied that they will meet the setback requirements, but he did not know the frontage at that time. Mr. Chase opined that it is a legitimate lot and it will be grandfathered. He added that it will have "usual and customary usage," is a corner lot, and eventually water will run off because of the pond at the bottom of the property, but they are trying to stop it. Mr. Chase and Mr. Sadowski explained that they will try to recharge the existing secondary aquifer. Mr. Chase agreed with Mr. Femia that some of Prospect Street is in the aquifer.

Mr. Ludden opined to Mr. Chase that the property is in the Zone A floodplain (referring to the map previously mentioned), but Mr. Chase asserted that it is in the secondary aquifer. Mr. Sadowski asserted that they will be approximately 40 feet higher than the floodplain. Mr. Chase noted that the maps may not be accurate. Mr. Sadowski (looking at the plan and showing it to Mr. Ludden) showed him the elevations and how high the water would have to go for it to go onto Mr. Ludden's property; he also showed him his property and where the pads for the storage units will be located.

In response to Mr. Femia, Mr. Sadowski replied that there will be a fence, and he described it and how the pads for the units will be seen and pointed out Mr. Ludden's property in relation to the fence. He asserted that extending the fence will not help the line of sight of the neighbors. Mr. Chase opined that making the fence higher or netting it would make it worse and it will be seen no matter what is used for the fence. Mr. Sadowski then discussed the State right-of-way and access of the property with Mr. Femia. He also explained to Mr. Femia that an easement cannot be taken away and it can be used by others and driven on, although it cannot be blocked or have a structure or septic put there unless the State allows it. Mr. Femia, Mr. Chase and Mrs. Ludden disagreed with that, but Mr. Sadowski responded that he thought it's up to the wording of the easement.

Mr. Sadowski then gave the Luddens a set of plans, and showed them the existing conditions except for things that can be moved. Mr. Chase responded to Mr. Femia that there will not be a big drop down from the units (18 feet), as it will be stepped down, and Mr. Sadowski added that there will only be a six-foot change in elevation overall. Mr. Sadowski then showed the easement to Mr. Femia and Mrs. Ludden. He explained the right-of-way to Mr. Femia, and pointed out the 25-foot buffer.

Mr. Chase then said to Mr. Sadowski that he wants a maintenance plan and to whom it will be sent in the "Conditions" section of the Determination paperwork. He responded to Mr. Femia that the enforcing agency can issue an Enforcement Order if this is not done. Mr. Sadowski agreed that they will be responsible for that. Mr. Chase responded to Mr. Ludden that this project requires Town approval, not approval from the State. Mr. Ludden questioned this as he opined that the property was in the flood zone according to what he saw on the maps. Mr. Sadowski responded that some of it is, but not the property involved in the project. He continued, opining that there is no way that water will come up over the height of the highway and then run down into Mr. Ludden's basement. He thought that the wording should be changed to state that "the project area itself will not be within the 100-year flood zone" and it will be changed on an updated plan. Mr. Sadowski then explained the areas on the maps and opined that they cannot look at every individual area, so they issue letters notifying parties of map changes. Mr. Ludden responded to Mr. Sadowski that they had lived in their house over 20 years and only had water in the cellar twice; Mr. Chase noted that it came through the walls, not from around the property. Mr.

Sadowski explained that water does not come up Woodland Street, but it runs under the bridge and that is where the floodzone is. Mr. Chase reiterated that, if the board issues the negative determination, the conditions will be that the project is subject to a maintenance plan, and they want to receive revised plans.

With no further comments or questions, Mr. Haarmann made a motion to accept the proposal as written and issue a Negative Determination. Mr. Perkins seconded. All in favor. Mr. Sadowski added, to Mr. Ludden, that he will bring in some views of the garage units and doors and give that to the Luddens and the board with the revised plans so everyone can say that they saw them.

**Other Business:**

**Remembrance of David Mercurio:** A long-time Conservation Commission member and Vice-Chair, as well as member and office holder on several other Town boards, Mr. Mercurio passed away in May. Mr. Chase asked the board members for opinions regarding what the board might want to do as a tribute to Dave. Mr. Femia suggested dedicating conservation land in the Town to Mr. Mercurio, perhaps putting benches there as one idea for the property. Mr. Chase and Ms. Eaton thought that this was a good idea and Mr. Chase mentioned that a walking path was being discussed and he would look into that; he said that he will have an answer at the July 10 meeting.

**Vacant Seat on Concomm Board:** Mr. Chase discussed that there was now a vacancy for a full member on the Concomm board, due to Mr. Mercurio's passing, and he suggested recommending Mr. Perkins for full membership; as an Associate Member, he was technically next in line to fill the seat. Ms. Eaton made a motion to promote Mr. Perkins to full member. Mr. Haarmann seconded. All in favor. Mr. Chase said that he will send this recommendation to the Town Administrator, who will send it to the Board of Selectmen to list the vacancy, and they will vote on this at their next meeting.

**Reorganization of Conservation Commission Board:** Mr. Haarmann made a motion to re-elect Mr. Chase as Chair for another one-year term. Ms. Eaton seconded. All in favor.

**Vote on Signatures Required by Accounting Department:** (This is required for the beginning of each fiscal year). Mr. Chase suggested that all board members be allowed to sign. Mr. Haarmann made a motion to allow all board members to sign. Ms. Eaton seconded. All in favor.

**Minutes of May 8, 2023 Meeting:** After review of the draft minutes by the board members, Ms. Eaton made a motion to approve the minutes as written. Mr. Perkins seconded. All in favor.

**Treasurer/Financial Report:** Mr. Chase discussed this briefly with the board.

**Miscellaneous Mail and/or Paperwork Including Correspondence from DCR, DEP and MACC:** This was not discussed this evening.

**Next Scheduled Meeting: JULY 10, 2023**

With no further discussion taking place, Mr. Haarmann made a motion to adjourn the meeting at 7:02 p.m. Mr. Perkins seconded. All in favor.

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

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

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

