



Town of West Boylston

140 Worcester Street, West Boylston, Massachusetts 01583

Conservation Commission Meeting Minutes

:

Monday, 10/2/2023 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 and Clerk Toby Goldstein.

Members NOT Present

Colin Cahill, and Jeffrey Perkins (Associate Member)

Invited Guests

Gates Brook Landing Condo Association (Donna Rezuze and Frank Surowiec represented)

Welcome – Call to Order

Time: 6:00 p.m.

Approval of Previous Minutes

Minutes of 9/11/23 Meeting

Motion Originator Emily Eaton

Motion Seconded Carl Haarmann

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. Mr. Chase called the meeting to order.

Informal discussion, Gates Brook Landing Condo Association, regarding 250 and 256 West Boylston Street:

(Donna Rezuze and Frank Surowiec, both residents of the condominiums and representing the Condo Association at 250 Worcester Street, represented). Ms. Rezuze explained that the Condo Association was waiting for DCR feedback on the situation as they met with them again; this was discussed at previous Concomm meetings, involving cutting down of trees by Mark Meola, owner of 256 Worcester Street. Ms. Rezuze mentioned that they also had an informal meeting with the Town Administrator, Jennifer Warren-Dymont and also asserted that Mr. Meola was doing more work on the access road. Ms. Rezuze said that a formal complaint had been written by the

Condo Association but not filed yet with the Building Dept. and Conservation Commission as she was waiting for advice from Ms. Warren-Dyment. She said that Ms. Warren-Dyment got back to her Thursday and said they could file a joint complaint. Ms. Rezuze explained the history of the situation; she said that Mr. Meola had been working on his property at the ice cream business for quite a while (Mr. Chase added that it was for over a year). Mr. Surowiec continued, adding that he was a general contractor so he is familiar with the proceedings. Mr. Surowiec opined that this area was a "no fly zone," where they do not question anything involving waterways, watersheds, or conservation land. He expressed frustration and opined that there was a lack of transparency here. He continued that he had an informal discussion with Joe Ursoleo, also of 250 Worcester Street, and Mr. Meola quite a while back, and claimed that he came home in September, 2022 and found a huge machine, its operator and Mark Meola close to the property line, with no warning or notice. Mr. Surowiec said that he informed the Building Inspector, George Tignor, that someone was up there, and Mr. Tignor replied that Mr. Meola was told verbally from the Town that he could remove three or four trees, behind the garage behind the ice cream business, but asserted that he was no where near there, 200-300 yards from where he was allowed to cut. Mr. Surowiec claimed that Mr. Meola just thought that he could do the cutting but did not want to hear any restrictions. Mr. Surowiec said that a Cease and Desist Order was issued by Mr. Tignor. Ms. Rezuze explained that, after Mr. Surowiec spoke to Mr. Meola, one day they saw many trees coming down at 256 Worcester Street (Mr. Meola's property). Mr. Chase responded that it was his understanding that, when the machine came, and they were given a Cease and Desist Order, that is when the Concomm became involved. Mr. Surowiec claimed that, one day after he met the machine operator and Mr. Meola in the woods, Mr. Meola continued to work and cut 47 trees down, and that the Building Inspector issued a Cease and Desist Order. Ms. Rezuze continued, that they said that someone would have to come down to clean up the trees and smaller trees and brush, and reiterated that the Building Inspector issued a stop work order. Mr. Chase added that then he met with everyone. Ms. Rezuze and Mr. Surowiec replied to Mr. Haarmann that three large, healthy trees on their property were taken down by mistake (they showed the board color photos). Mr. Chase noted that he wanted prints from a surveyor but none existed that he knew of. Ms. Rezuze continued that they met with Bernadette DeBlander from DCR at the property, and said that she was told by the Town that a letter was supposed to come from DCR, as she asserted that DCR has more control over the primary waterzone than the Concomm. They were concerned with what Mr. Meola was doing with the emergency access road because he gets very close to the primary waterzone. Mr. Chase responded that he knows where it is but does not have that in print. Ms. Rezuze reiterated that mature trees were cut down, and she opined that Mr. Meola has to follow the bylaws, site plans and standards of the Town, and showed the board photos depicting that fresh dirt was moved and where (she pointed out the areas in question, Mr. Meola's property and the residents' property). Mr. Surowiec complimented Ms. Rezuze's fact finding, and opined that there had never been one time that Mr. Meola acquiesced. He claimed that Mr. Meola was insulting to them as a group and wished that Mr. Meola would have allowed them all to work together. He reiterated that he will bring his technical expertise (as a general contractor) to use when possible and commented that this situation has annoyed the homeowners.

Mr. Chase responded that he believed that Site Plan Review had been done and approved already; he would have to get the documentation. Ms. Rezuze opined that a lot of work was done before Mr. Meola had it approved, because she asserted that there were no permits pulled when she looked for them. Mr. Chase responded that they can only go back three years. Ms. Rezuze commented that Mr. Meola started working three years to the day after he had permits. Mr. Chase added that the Building Inspector is the Concomm's code enforcer and they work according to what he tells them. Mr. Surowiec added, that when Ms. DeBlander from DCR came up there, she was concerned with the amount of sediment on the access road after the tree cutting, and she said that she was not pleased with this, but that, the Saturday after her visit, machines were out again working and blowing leaves and sediment. Mr. Chase responded that he met with Bernadette before, and that was a concern that they had. He explained that Mr. Meola then put one wattle below, and she wanted more wattles, along with for Mr. Meola to clean up; Mr. Chase opined that this was the cleaning up that Mr. Surowiec just mentioned. Mr. Chase added that he went back there later in the week and he told Mr. Meola that he would like to see more wattles going up the hill. Ms. Rezuze asked Mr. Chase if there was a site plan that was approved? Mr. Chase replied that it was before three years ago, and he replied to Ms. Rezuze that Mr. Meola is compliant now. He said that he knows that trees were taken down on the residents' property but they need to know where the property lines are and then they must go down and look at it. He asserted that someone must have surveyed the property at one time because he had to go to Planning Board and they would require stamped records from a surveyor, but

he does not have that information and opined that Planning Board probably does. He asserted that it was Mr. Meola's obligation to get the information. Mr. Surowiec opined that this adds to the lack of transparency.

Mr. Chase commented that he had thought that he would hear an actual complaint this evening. Mr. Surowiec responded that they wanted to talk about the signed letter (dated 12/19/22, signed by Mr. Surowiec, Mr. Ursoleo and Mr. Meola), which came from the Building Inspector's office. Mr. Chase responded that he thought that, when this letter was signed, there was an agreement between the Condo Association and Mr. Meola. Mr. Surowiec looked at the letter and commented that he noticed there was no signature from the Building Inspector. Mr. Chase responded that he witnessed and notarized it, and explained that Mr. Tignor is responsible for enforcement of this board. Ms. Rezuze questioned the site plan, because Mr. Meola did not have an engineer looking at the property. Mr. Chase responded that originally Mr. Meola would have had an engineer before doing the work and that is how he obtained his permit. Ms. Rezuze reiterated her opinion that Mr. Meola had not pulled any permits to do that work. Mr. Chase responded that it is Mr. Meola's obligation to answer their questions; he needs to determine the property lines with a surveyor. Ms. Rezuze said that they are getting a large amount of sediment going into their drainage and she and Mr. Surowiec added that they spent money to clean up sediment that resulted from what they considered a stream of water coming down (Mr. Chase opined that a lot of that sediment comes from their other neighboring property, a church). Mr. Chase explained that, about 10 to 12 years ago, Mr. Meola took fill from the sewers, and Mr. Chase told him that an engineer should come in and okay this so that there would be virgin land when it is compacted; he does not know if that was done. He also commented that Mr. Meola was going to chip wood and spread it to solidify the banking but did not think that was done. Ms. Rezuze opined that the amount of land moved, the equipment in there and trees removed had to affect the water flow. Mr. Chase opined that it was dry until the rainy summer. He said that Mr. Meola needs to have the property flagged. Mr. Surowiec noted that the boundary markers are almost all gone. Mr. Surowiec added that they are asking the Town to be involved so that the residents are notified of what goes on, and the residents are all on alert. Ms. Rezuze opined that Mr. Meola is not within reason. Mr. Chase commented that it is usually in the plan to have meetings and inspections prior to construction.

Mr. Surowiec asked Mr. Chase if the Conservation Commission has the authority to write a letter asking Mr. Meola for compliance? Mr. Chase replied that they need violations, and to know if they have the purview. He reiterated that Mr. Tignor is the code enforcer, and supposed that there must be paperwork somewhere. Ms. Rezuze commented that she heard that Mr. Meola plans to develop something like a mini golf course on his property. She said that she asked him not to take down any more trees on their property, and said that he accused them of "causing him enough problems." Mr. Chase opined that they wanted to do a letter quickly. Ms. Rezuze responded that the Building Inspector did it. She said that she asked for permits that were pulled, but opined that the secretary (Sheryl Keddy) thought it was agreed upon, and Ms. Rezuze claimed that they never saw the letter and obtained it by mistake. She said that the Building Inspector said that Mr. Meola was in compliance with the road but the letter said that there had to be a buffer zone. Mr. Chase explained that the point of the letter was that he tried to resolve the situation but this was a private agreement. Mr. Surowiec opined that sometimes a situation is about getting along and trying to comply but opined that Mr. Meola does not understand that, and claimed that Mr. Meola gave the Condo Assoc. a low offer for the necessary repairs, according to quotes that they obtained. Ms. Rezuze added that they wanted Mr. Meola to realize the damage that was done. Mr. Surowiec added that, if most of what the residents wanted happened, they would not be here this evening, and that they wanted to be treated fairly. He also claimed that Mr. Meola did not consult anyone and thought that it was alright to do so. Ms. Rezuze added that they are asking Mr. Meola to follow the bylaws.

Mr. Chase responded that he told Mr. Meola that the purpose of the letter was to get along with the neighbors; he added that they removed the Cease and Desist Order to clean up the trees, and he even went back there with DCR and DEP to inspect the situation. Ms. Rezuze commented that Mr. Meola did not cut dangerous trees, but only mature, healthy ones, which she claimed Ms. DeBlander of DCR did not understand. Mr. Chase said that Mr. Meola said they were not on the residents' property but only leaned on their property. Ms. Rezuze responded that the trees were on the other side of the access road, and that they have had trees fall on their property and she opined that there is now no stability in the ground. Mr. Chase responded that it is alright if no roots were taken and Mr. Meola did not do that, and in this town a resident does not need permits to cut down trees on their private property.

Mr. Surowiec asked Mr. Chase what he can do? Mr. Chase replied that he would like to see the history of the complaints in print, and Ms. Rezuze replied that she had that with her and Ms. Goldstein printed it out for the

board. Mr. Chase replied to Mr. Surowiec that the access road is a dead issue, as the Fire Dept. Chief visited the site and said that it was never used for access except for emergency road in case a building goes up although it is not suitable for that and only Mr. Meola is really able to use it. Mr. Chase said that Mr. Meola has to come up with a plan to stabilize the soil; he and the board will meet with Mr. Meola and ask him what he is going to do, and Mr. Chase, the board, Ms. Warren-Dymont and the residents will meet again to discuss what the Town is going to do. Ms. Rezuze responded that there are a lot of restrictions that Mr. Meola must follow as an abutter and being in the secondary waterzone and reiterated that they are getting a lot of water and sludge and have spent a lot of money, and she opined that if Mr. Meola had an engineer and a site plan maybe it wouldn't have been as bad. But Mr. Chase responded that all he is entitled to do is putting soil in. Mr. Surowiec and Ms. Rezuze reiterated that Mr. Meola cut down trees on the property line, described where they were and that the property line markers are down. Mr. Chase said that there are certain things that he needs to have; this includes how many trees that will be taken down in addition and make it all part of one agreement on what the residents are looking for.

Mr. Surowiec said that the board will see what they spent to the left of the access road in repairs. Mr. Chase responded that Mr. Meola is entitled to put in soil, but that he will have to put the property markers back. He said to Mr. Surowiec that Mr. Meola did not mention how many trees he was going to take down; Mr. Chase said that he told Mr. Meola not to clean cut, but that he cannot stop him from doing that. Mr. Chase explained that clear cutting takes away stabilization of the ground. Mr. Chase said that Mr. Meola told him that he cut down some trees, went somewhere, then came back and saw that more trees were cut down. Ms. Rezuze added that Mr. Meola told her that his men got carried away with their cutting. Mr. Chase commented that he always wanted the Town to require a permit for tree cutting. Mr. Surowiec opined that Mr. Meola does not listen and that something is required from the board. Mr. Chase responded that the board will meet with Mr. Meola next week and hear what he has to say, and commented that all the board wants to do is comply with the law and try to have everyone get along. Ms. Rezuze responded that, in the meantime, the residents do not want him to do any further work. Mr. Chase responded that he will not be able to do anything until it is in print, and it will have to be compliant with this board. He noted that he can only speak for this board and the information must go through other boards such as Planning Board. All of the residents' questions will have to be answered when the board meets with him. They will spell out what they want, for example flagging of the property line. In response to a question from Ms. Eaton, Mr. Chase instructed the residents to send a letter to Ms. Goldstein, giving at least a rough estimate of what they spent on repairs. In response to Ms. Rezuze, Mr. Chase asserted that Mr. Meola won't touch the land, and that they have to see it stabilized; he will be looking at the whole property, which contains two different lots, one residential and one commercial, with commercial being more stringent in its requirements. Mr. Surowiec and Ms. Rezuze then discussed the history of the original EPA signage that was there and that no one was allowed to touch the property. Mr. Chase responded that, according to Town law, Mr. Meola can do what he wants on his property; in response to an earlier question about the Earth Removal Board, Mr. Chase replied that Earth Removal cannot touch Mr. Meola since he brings in less than 500 yards of earth, which is the limit that they allow, and Mr. Chase asserted that Mr. Meola had been filling for years but it is always under that amount; Mr. Chase asserted that the Commission enforces what is within its purview (trees, drainage) then the Building Inspector needs to issue building permits and is responsible for enforcement.

Mr. Chase continued that DCR and DEP said that this is out of their jurisdiction, which brought the situation back to the Commission, explaining that the Concomm deals with secondary aquifer situations, whereas DCR and DEP deal with primary. He explained that this is why the board walks the property and needs the actual property line marked. He said that only a surveyor can remove the property markers. (The residents and the board discussed what they think might have caused the markers to disappear, but they did not really know). Ms. Rezuze noted that a lot of weeds have grown there.

Mr. Chase told the residents that the board will do a site visit and notify them about it. He opined that the responsibility is on Mr. Meola to do what is necessary. He said to Ms. Rezuze that the board will get back to them after meeting with Mr. Meola.

Other Business:

Minutes of September 11, 2023 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.

Next Scheduled Meeting: OCTOBER 10, 2023 SPECIAL MEETING AT 5:00 PM AT TOWN HALL (with Mr. Meola); NOVEMBER 6 is the next monthly, regularly scheduled meeting.

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

Miscellaneous Mail and/or Paperwork Including Correspondence from DCR, DEP and MACC: There was no mail or paperwork that Mr. Chase needed to discuss with the board this evening.

With no further discussion taking place, Ms. Eaton made a motion to adjourn the meeting at 7:11 p.m. Mr. Haarmann seconded. All in favor.

Submitted by: _____

Reviewed by: _____

Date submitted: _____