

**MINUTES**  
**WEST BOYLSTON CONSERVATION COMMISSION**  
**AUGUST 1, 2016 MEETING**

**MEMBERS PRESENT:** William Chase (Chair), John Hadley (Vice-Chair), David Eckhardt (Associate Member), David Mercurio and Clerk Toby Goldstein.

**MEMBERS ABSENT:** Mark Meola.

At 7:01 p.m., Mr. Eckhardt made a motion to open the meeting. Mr. Mercurio seconded. All in favor.

**Public Hearing, Town of West Boylston, Board of Selectmen, Request for Determination of Applicability, Malden and Crescent Streets:**

(Scott Morrison and Ken Hodgson represented). Mr. Hodgson showed the Commission members a map showing Malden and Crescent Streets. The project proposed was for pavement repair, resurfacing and reclamation of existing roadways within the right-of-way configuration on Malden Street, from Malden Brook easterly to Goodale Street and Crescent Street from the Malden Street intersection to a point approximately 500 feet from that, just short of the bridge. He described that they would pulverize the top twelve inches of pavement, move that around and compact it basically in the confines of the roadway, and place four inches of new asphalt on top. He pointed out the scope of work area on the map. Mr. Hodgson added that there was an overlay of asphalt last fall placed by DPW at the other end of Malden Street up to the other side of the bridge. He mentioned doing sawcuts, and pointed out where that would be done, up to Crescent Street, and pointed out where overlays were also done last fall in that area. Mr. Hodgson continued that there would be minor movement of signs, mailboxes and drainage structures, and that the work would be outside of any wetland zones. He said that they would protect the flat area with haybales. He mentioned that the work would be considered exempt under the Wetlands Protection Act as highway maintenance. They are looking for confirmation of exempt status, and the job is out to bid now. The plan is to have a contract signed in two to three weeks (bids must be in by August 11), and to start work shortly after that, after deciding among bidders and obtaining bonds.

Mr. Eckhardt asked Mr. Hodgson if he has chosen erosion protections for the vicinity of the wetlands and if that is noted on the drawing? He replied that they noted both haybales and silt fence so that they can use either type depending on the location. Mr. Chase suggested that wattles might be easier to use. Mr. Hodgson responded that the reason they have haybales is that, on the bridge deck, there is not much room and they may need to use haybales and weigh them down.

In response to a question from Mr. Hadley, Mr. Hodgson replied that they will begin where the previous overlays stopped (he showed the Concomm members where overlays stopped), and go from Goodale Street up to where the overlay stopped on Crescent St. Mr. Hadley commented that he was told that the overlay on Crescent St. put down last fall was only temporary. Mr. Hodgson responded that they want to do reclamation in that area and that they can always amend their plan. Mr. Hadley responded that DPW's director told him that it was just temporary and they will go over it again with

overlay. Mr. Hodgson added that they will try to keep a twelve inch base of pulverized material where they can, with four inches of pavement on top so they can adjust shoulders.

In response to a question from Mr. Chase, Mr. Hodgson replied that, for the most part, no berms will be needed.

David Femia of the ZBA, who was present in the audience, asked how long the project would take once started? Mr. Hodgson replied that it would be about a month. Mr. Hadley commented that there would only be one way in and out of the road for many drivers. Mr. Hodgson responded that they are used to conditions like that and there will be traffic controls.

With no more questions or comments, Mr. Eckhardt moved to close the public hearing and issue a Negative Determination, with the conditions of erosion controls, as shown on "Pavement Improvement Project", five sheets, dated 7/11/16. Mr. Hadley seconded. All in favor.

**Request for Certificate of Compliance, Stephen Recupero, S & S Farms, for Lombard Avenue, DEP File #327-0087:**

(Mr. Recupero represented). Mr. Recupero was seeking a Certificate of Compliance for an Order of Conditions from 1995; this was a cloud on title, considering that he was selling his property. There had been two extensions to the Order, but there was never a Certificate of Compliance requested or issued. After discussion by the board that the work was completed, Mr. Eckhardt moved that they issue a Certificate of Compliance for the S & S Farms Retaining Wall Project. Mr. Hadley seconded. All in favor.

**Other Business:**

**Rotti Informal Discussion:**

Albert Rotti wanted to replace rotting pipe on his property on Lancaster Street; he spoke to Mr. Chase and he suggested that Mr. Rotti come to the meeting. Mr. Rotti showed the Concomm members photos; there is a 25-foot wall casing that he wants to remove. Mr. Mercurio opined that he should be allowed to do it. Mr. Chase said that there is a farm pond present, and the Commission probably did not have jurisdiction. Mr. Rotti added that pigs can get water from there; there is perhaps 1 ½ feet of water. With no further discussion, Mr. Eckhardt instructed the Clerk to capture in the minutes, that Albert Rotti of 46 Lancaster Street appeared before the Conservation Commission to discuss plans to do maintenance on underground piping and the board unanimously decided that they do not have jurisdiction.

**Update on Work at Gerardo's Bakery:**

Mr. Chase commented that, after doing some calculation, he thought the situation looked good and that Gerardo might not have to go to court, but Mr. Chase is waiting for the engineer to contact him for verification of this.

**Update on Lily Ponds Project by DCR:**

Mr. Eckhardt discussed that DCR uses herbicides against invasive species at the Lily Ponds, and he speaks with DCR on occasion about this.

**Baldarelli Request for Amended Order of Conditions:**

Ms. Goldstein had to leave for a short time to print out emailed information from John Farnsworth regarding the requested Amended Order of Conditions, therefore the discussion was postponed until after the Angell Brook discussion.

**Update on Angell Brook by Board of Trustees:**

(Carlton Barstow and Ann Walsh represented). Mr. Barstow mentioned an email that he sent to the Commission, which they said that they received. It included a letter from Michael Staiti, the developer, written by his engineer, saying that the risers for Basins 1 and 2 are not in and should be taken off of the O and M plan, but that this is acceptable. Mr. Chase responded that, if the engineer says that this is not necessary, that is all that he needs. (Mr. Hadley wanted to verify that the engineer did in fact state that; Mr. Barstow confirmed that and said it is in the aforementioned letter). Mr. Hadley asked Mr. Chase if he was satisfied with the information received. Mr. Chase responded that the letter must be stamped or notarized so that he knows that the engineer was the one who signed off on it; notary states that the engineer is taking responsibility for what is decided. The Trustees need proof that the engineer was actually involved. Mr. Barstow said that he also sent the letter to Planning Board for their input, and that he revised the O and M plan the way he thought it should be written, to include the differences with the risers. Mr. Chase said that would be alright, so long as the engineer stamps it. In response to a question from Mr. Barstow, Mr. Chase replied that they did not need the engineer's letterhead, just that it be notarized or has the engineer's stamp. Mr. Barstow asserted that the Trustees are pretty well set regarding what they need, and they will send the Concomm copies of any correspondence to keep them informed. He hoped that they would have everything done by the September meeting (September 12 due to the Labor Day holiday). Mr. Hadley suggested that they meet with Planning Board before that for their approval, then come before Concomm with the material. Mr. Chase said that for the Commission, there are only a couple of technicalities that they need resolved. Mr. Barstow added that Mr. Staiti said that all mistakes were made in the fore bays, but they were not verified and it is not known if they have been corrected. They said that they will have Planning Board comment on whether or not they still need work done.

**Baldarelli Request for Amended Order of Conditions, DEP File #327-0236:**

(John Farnsworth represented). Mr. Farnsworth informed the Commission members that he filled out the Amended Order request, with conditions, and emailed that to the board (this was printed out by the Clerk during the Angell Brook discussion). He explained that the Order had not been recorded, amended or extended since 2010. He added that they had an automatic extension for five years due to State law, but have had amendments so they have been before the Concomm every year, and will record it this time. In response to a question from Mr. Chase, Mr. Farnsworth replied that they still do not have MEPA paperwork completed. Mr. Farnsworth said that he wanted the Commission to add comments to the proposed Amended Order. He added that he is going to see Nancy McGrath of DCR this week. Mr. Chase responded that the Commission will do what she says to do.

Mr. Eckhardt instructed that, until the negotiations are complete, that this Amended Order will be considered a draft, and when negotiations are complete, for Mr. Farnsworth to send a second draft, and the Concomm will review it and ask any questions that they might have prior to the September meeting; he would like the Commission to be able to make a motion at the September 12 meeting. Mr. Chase asked if the culvert was going to be on Ed Baldarelli's property? Mr. Farnsworth responded that the entire project is on Ed's property. Mr. Chase asserted that they might qualify for a bridge grant. Mr. Farnsworth also noted that Ed Baldarelli has had to go through the back of the property meanwhile to gain access. Mark Brodeur (former Building Inspector), who was in the audience, asked if there was a

right-of-way onto Prescott Street? Mr. Farnsworth responded that Baldarelli Brothers, Inc. had blocked that access. Mr. Chase told him to let the Commission know what Ms. McGrath says, and that the Commission will plan to see him at the next meeting.

**Informal Discussion with Mark Brodeur Regarding Partial Certificate of Compliance, 135 Afra Drive (this was not on the agenda, due to need to discuss arising within 48 hours of the meeting):**

Mr. Brodeur explained that he and his wife were selling their condominium at 135 Afra Drive, part of the Afra Terrace development; they were to close on Friday of that week, and the lawyer informed them of an outstanding Order of Conditions and he did not know what he needed. Mr. Chase responded that he would need a partial Certificate of Compliance, which had been issued for other units, because the work had not been fully completed at the project. The Clerk had informed Mr. Brodeur that there were two Orders of Conditions for the project, and he did not know which one needed the partial release. Mr. Eckhardt moved that the Commission issue a partial Certificate of Compliance for 135 Afra Drive, West Boylston. Mr. Hadley seconded. All in favor. Mr. Brodeur will find out for the Clerk which DEP file number applies to his unit and let her know so that she can process the form; when completed, she will leave it for Mr. Brodeur to pick up.

**Minutes of July 11 Meeting:**

After review of the draft minutes by the Commission members, Mr. Eckhardt moved to accept the minutes as submitted. Mr. Hadley seconded. All in favor.

With no further business to discuss, Mr. Hadley moved to adjourn the meeting at 7:44 p.m. Mr. Eckhardt seconded. All in favor.

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

Date accepted: \_\_\_\_\_