

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JULY 11, 2016 MEETING

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

MEMBERS ABSENT: David Mercurio and Mark Meola.

At 7:00 p.m., Mr. Eckhardt made a motion to open the meeting. Mr. Hadley seconded. All in favor.

Public Hearing, James Keller, Request for Determination of Applicability, 491 Prospect Street:

(MaryAnn DiPinto represented). Mr. Eckhardt first read the public hearing posting. Then, Ms. DiPinto discussed what Mr. Keller was doing on the property (this work is being done under the terms of a Mass DEP Administrative Consent Order)(he previously had complaints against him discussed by Concomm, DCR and DEP, mentioned in previous minutes). She said that Mr. Keller was told he needed to delineate the wetlands on the property; Ms. DiPinto said that she flagged it, and mentioned that a stream shows up as a river on the site map (she showed this to the Commission members) and she was not going to dispute that. Mr. Chase mentioned that DEP had declared a drought situation. Ms. DiPinto continued that Mr. Keller filed with DCR, and they were printing a variance. She put a 200-foot circle on the streambank, and it comes halfway up his property. She showed the Commission the riverfront area and the first 200-foot zone. She said that, in the back of his yard, Mr. Keller deposited asphalt, concrete and pipes and they have been ordered by DEP to be taken out (she mentioned that Mr. Keller was not present this evening because he had an injury to his leg and was staying with family elsewhere). She estimated that the work will be done in the fall of 2016, and described that they will go out with DEP and a DEP excavator will be used to take out the solid waste, and if DEP finds the fill material that Mr. Keller used to be acceptable, it will be allowed to remain, and then they will loam and seed on top (Mr. Chase reminded her that they need a clay blanket as well-this was discussed at the previous meeting). The Commission members felt that there would be a negative determination, and Ms. DiPinto responded that the applicant was looking to obtain that. Mr. Eckhardt asked her to discuss conditions that she thought would be appropriate for the scope of work. Ms. DiPinto responded that they would use erosion controls, probably wattles; the work would be scheduled when the equipment is available and the weather is satisfactory; and any solid waste that is removed will be disposed of properly. Mr. Chase added that they must file dumping certificates with DEP. In response to a question from Mr. Eckhardt about the expected schedule, Ms. DiPinto replied that they would probably do this in late fall of 2016. In response to a question from Mr. Chase, she replied that Nancy McGrath is their contact at DCR. Mr. Eckhardt asked her if the work will be complete by the first snowfall? She replied that it would be. With no further questions or comments by anyone present, Mr. Eckhardt moved to close the public hearing, and issue a negative determination subject to the following conditions:

1. Standard erosion controls at the toe of the slope-either haybales or wattles.

2. Any solid waste will be disposed of legally.
3. Concomm will be notified in advance of the start of work.
4. Concomm will have access to the work area during normal business hours.
5. The Conservation Commission will be notified when work is complete in order to inspect.

Mr. Chase instructed Ms. DiPinto to provide copies of the dumping certificates also. (Mr. Hadley suggested that they might be able to start the work early in order to start some grass growing on the area; Mr. Chase added that, if it is too late for that, winter rye can be planted). Mr. Hadley seconded the motion. All in favor. Mr. Eckhardt added that they should notify the Commission if there are any problems or changes that come up to the work.

Request for Partial Certificate of Compliance, Lot 8A Garside Drive, DEP File #327-0199:

(Susan Meola represented). Ms. Meola showed a map of the site to the Commission members. She mentioned that the owner is looking to place a house on the lot. Mr. Chase responded that they need a small amount of land for reclamation. Ms. Meola asked him if grass can be planted there also? Mr. Chase replied that he would get that in writing. With no other questions or comments from anyone present, Mr. Eckhardt moved to issue a Partial Certificate of Compliance for Lot 8A, Garside Drive, West Boylston, MA. Mr. Hadley seconded. All in favor.

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

(John Farnsworth represented). Mr. Farnsworth updated the Commission members on the status of the project, discussed at the May 2, 2016 Concomm meeting. He said that they are still waiting for Chuck Caron (of DCR) to finish the MEPA paperwork, but asserted that it was not an emergency. Mr. Chase responded that MA DOT wants to put down cement abutments there, and commented that he did not know why it was taking so long to complete the MEPA paperwork. Mr. Farnsworth continued that Nancy McGrath of DCR will not move forward until they hear from MEPA, but they can go through the process and have it be contingent on that. At Mr. Eckhardt's request, Mr. Farnsworth discussed the changes in the project that required the amended Order; he said, in July, 2015 they changed from planks (4-36") to (2) 48-inch, and just re-aligned it. They also updated the limit of work, they added a silt-boom below if needed and found steel plates to move Mr. Baldarelli's machine, as he noted that Mr. Baldarelli cannot go in through #277 (detailed changes are listed in request for amended Order, which is on file). In response to a question from Mr. Chase, Mr. Farnsworth replied that Mr. Baldarelli had spoken with Val Pruneau, who represents the people who have the abutments. Mr. Eckhardt commented that they are technically requesting a modest change to the scope of the existing work. Mr. Chase responded that they changed the location of the bridge and the length of the curbcut. With no further questions or comments, Mr. Eckhardt moved to accept the applicant's 7/11/16 request for amended Order of Conditions. Mr. Hadley seconded. All in favor.

Discussion with Angell Brook Board of Trustees:

(Carlton Barstow and Phil Mallet represented). Mr. Barstow discussed that the Board of Trustees was making progress regarding the Angell Brook developer (Michael Staiti) becoming compliant with issues that needed to be resolved before turning the development over to the Board of Trustees. But, he said that there were still six outstanding issues. They are waiting for confirmation by Keystone Development and the Planning Board that the work was complete, including repavement of the rotary, placement of hoods on the catch basins, and receipt of written confirmation that the work was complete.

One issue he discussed was the Operation and Maintenance plan. Six-inch pipes with risers were supposed to be capped. Mr. Barstow said that he has walked the detention ponds that are seen on the design drawings but the risers and drainpipes are not located where they should be as indicated on the design drawings. Mr. Mallet added that they are not on the "as-built." Mr. Barstow continued that the "riser" and "drainpipe" should extend outside the detention ponds, but are not; they are in the middle and edge but not extending out of the detention ponds. He asserted that if they are not there or not needed, then they should be taken off of the drawings and O and M plan. One reason that he gave for this is that, years from now, Planning Board members would see them on the plan and assume that they are there. Mr. Chase responded that they need a plan by a third engineer. He explained that the Building Department okayed the first one, and the second is the "as-built" of what is actually there, so they would need a third engineer and another "as-built." Mr. Hadley asked if Planning Board signed off on the "as-built?" Mr. Barstow replied that they did not. Mr. Mallet added that, until the work is completed to theirs and Planning Board's satisfaction, the bond with the Town will not be released. He said that they will send a letter to Michael Staiti to have an engineer come in, state if those items are not needed and stamp the plan, or if they are needed, they need to be on an "as-built." Mr. Eckhardt continued that, as a board, the Commission has a contract with Keystone Development, and that they have not proved that the detention ponds have been satisfied and will not get the bond returned until the Board of Trustees signs off on that. Mr. Barstow reiterated that the information is on the design plan but not the "as-built", and that someone has to say if they are needed, and if they are, there must be another "as-built." Mr. Mallet added that the design drawing came before the Concomm, and the "as-built" confirms that the work was done correctly or not. Mr. Hadley asserted that the developers want the bond and will do what they are asked. Mr. Barstow said to Mr. Chase that he has seen everything else. Mr. Mallet asked if Vinny Vignaly of Planning Board needed to go out to the site? Mr. Chase said that he did not need to do that because the "as-built" states that it has not been done. Mr. Mallet reiterated that they need to communicate with Keystone and ask them to tell the Board of Trustees "yes" or "no" in a stamped letter. Mr. Eckhardt added that, once the Board of Trustees and Keystone agree, Planning Board can go out to the site and verify that certain things are done. In response to a question from Mr. Mallet, Mr. Chase said that they can tell Keystone that they met with the Conservation Commission and they told them what is needed. Mr. Eckhardt added that Keystone can call Mr. Chase if they have any questions.

Update on Gerardo's:

The Commission received several letters from DCR regarding the work at Gerardo's on their driveway, stating that they were found to be in non-compliance, and Mr. Chase said that he disagreed with DCR and that he is waiting to hear from Gerardo's engineer.

Minutes of June 2 Meeting:

After review of the draft minutes by the Concomm members, Mr. Eckhardt made a motion to accept the minutes as submitted. Mr. Hadley seconded. All in favor.

Statement from Mr. Eckhardt:

(Mr. Eckhardt made a statement that he wanted the following in the record): "The West Boylston Conservation Commission held no Executive Sessions in either Fiscal Year 2016 or Fiscal Year 2015. At this time, we know of no minutes of Executive Sessions that have not been released to the public."

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With no further business to discuss, Mr. Eckhardt moved to adjourn the meeting at 7:41 p.m. Mr. Hadley seconded. All in favor.

Submitted by: _____
Date accepted: _____