

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
FEBRUARY 22, 2016 MEETING

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

MEMBERS ABSENT: John Hadley (Vice-Chair) and Mark Meola.

At 7:00, Mr. Eckhardt moved to open the meeting. Ms. Hopkins seconded. All in favor.

Public Hearing, Town of West Boylston Board of Selectmen, Request for Determination of Applicability, Crescent, Goodale, Prospect, Central and Franklin Streets:

(Ken Hodgson and Scott Morrison represented). Mr. Hodgson explained the project, which would be the extension and reconstruction of sidewalks and related site work at the above locations and outlined where the work would be done. The proposed work will include new curbs, reconfigured curbs and reconfiguration of curbs; wheelchair ramps will be constructed. He said that they will do work on one side of each street, and will switch sides in different areas. (Mr. Morrison showed the Commission members a map indicating wetland impact). He stated that, on Franklin Street, they will have to re-grade and redo the sidewalk; they will remove sidewalk, work, and then re-pave.

In response to a question from Mr. Eckhardt regarding what is indicated on the drawings presented, Mr. Hodgson replied that the existing sidewalks are shown, and added that they have either deteriorated or the proposed work area does not have them or curbs. Mr. Eckhardt commented that the existing sidewalks rarely meet current standards. Mr. Hodgson continued that State Highway has given them permission to put crosswalks on Franklin Street. (Mr. Morrison indicated erosion controls on their drawing). Mr. Mercurio asked them if granite curbing will be used? Mr. Hodgson responded that bituminous sidewalks and granite curb will be used. Mr. Chase asked him about sheet water, specifically at the area of the Manor Restaurant. (Mr. Hodgson showed the Commission members a drawing of a similar site and discussed how it would be handled). Mr. Hodgson added that four feet is the old standard for sidewalks, and stated that the job was out to bid and start of work is proposed for the Spring. Mr. Morrison added that they are requesting an Advisory Ruling through DCR as they want to confirm exemption, and they hope that the board agrees with their proposals. In response to a question from Mr. Eckhardt, Mr. Hodgson replied that the bids are due by March 2, and they would like to begin construction on April 4. He discussed that they must have all work done by the end of June, all complete by the end of October, in order to meet the funding schedule of the Mass Works Grant. He added that the entire project will cover approximately 10,000 feet, with 8,000-8,500 ft. of actual sidewalks. There will be cement concrete where the wheelchair ramps will be. He described (and showed a photo) how at most driveways they will bring the curb down, flatten it out, and create a new apron.

Mr. Chase opined that the proposed project was straightforward. With no further comments, Mr. Eckhardt moved to close the public hearing and issue a negative determination, with conditions as follows: 1. Erosion controls as per drawings titled "Town of West Boylston Sidewalk Improvements",

dated 1/27/16, 2. Notification of the Conservation Commission of intention to begin field work so that the Commission can inspect the erosion controls, and 3. Standard conditions as show on the print. Ms. Hopkins seconded. All in favor. (Mr. Eckhardt instructed the representatives to notify the Chair if the drawings change, as if there are major changes they may need to discuss again).

David Femia, Clerk of the Zoning Board of Appeals, who attended the meeting, commented that the proposed work will be near the railroad, and asked if it will tie into other projects? Mr. Hodgson replied that it will stop short of the railroad, and if the State will change their project, this project will be brought through and extended. Mr. Eckhardt asked him to notify the Commission if the State does do that, and Mr. Hodgson responded that they would obtain a project change notification. In response to a question from Mr. Femia regarding drains, Mr. Chase responded explaining where four are placed and they should be able to handle all water from the Manor. Mr. Hodgson added that they will work around the drains. (Mr. Eckhardt gave contact information for the schools in the work area to Mr. Hodgson).

Public Hearing, West Boylston Municipal Lighting Plant, Request for Determination of Applicability, Temple and Pierce Streets, for 2-3 mV Solar Photovoltaic System:

(Jonathan Fitch represented). Mr. Fitch explained that they requested the Determination of Applicability to obtain the Conservation Commission's approval formally. Ms. Hopkins stated that she and Mr. Chase visited the site, which is a capped former sanitary landfill. Ms. Hopkins commented that the intended solar panels will not touch the landfill. Mr. Fitch continued that there are five acres of cap, and the solar panels will not go over any area not disturbed and will not penetrate the cap. Ms. Hopkins added that there will be a connector on the street. Mr. Fitch commented that there will be a turnaround and it will be a good parking area. Mr. Eckhardt asked if the fence line will change? Mr. Fitch responded that they must create a fence line because of exposed conduits, but there is no fence now on top of the cap or landfill.

With no further questions or comments, Mr. Eckhardt moved to close the public hearing and issue a negative determination, subject to special conditions: 1. Notice to the Commission of the start of field work, and 2. Standard conditions as show on the enclosed print. Mr. Eckhardt said to Mr. Fitch that the Commission would want to visit the site at the start of work to be sure that it is according to the drawings. Mr. Fitch said that he would pick up the completed Determination, and added that he will also have Mass. DEP approval and a Stormwater Permit at the end of the month. He explained that they have six months to complete the project and discussed some of the parts that they would be using in the work, most of them being pre-fabricated. Ms. Hopkins opined that this will be a very good use for the land as it cannot be used for any other purpose.

Informal Discussion with James Zingarelli Regarding Lot 24 Malden Street and Outstanding Order of Conditions:

Mr. Zingarelli appeared before the Commission because he is looking to sell property and had questions regarding permits that may have expired. (In particular, this is regarding Lot 24 Malden Street, covered by Order of Conditions, DEP File #327-0227). From the information in the Concomm file, Mr. Chase informed him that the Order was extended in 2014 by the Permit Extension Act (on file), then automatically extended for two more years (until May, 2016), and informed him that, if he contacts the Commission by May, they can extend the Order for one more year (to May, 2017). Mr. Eckhardt added that Mr. Zingarelli should send a letter and the Chair will respond, and continued that, if there are any questions about it, the minutes of February 22 will reflect this. Mr. Eckhardt also commented that the Commission researched the status of the lot for a prospective buyer and praised their service.

Ms. Hopkins told Mr. Zingarelli that if he does sell the property, he would want to apply for a Certificate of Compliance to release the Order of Conditions, and that can be put in the Purchase and Sale Agreement. Mr. Zingarelli then pointed out on a map of the site the work that has been done already (fill, septic except for tank), and only a house needs to be put in. He said that reclamation has already been done, and he also showed the Commission members his other lots (22 and 23) and what work had to be done. Ms. Hopkins explained to him that if all the work is done on lot 24 only, that is the only one that can be released. (Mr. Zingarelli and Ms. Hopkins then discussed all the lots and the Orders of Conditions covering them and what has been released, and differed on their findings. Mr. Zingarelli believed that Lot 22 was the only one released, and 23 and 24 are still under an Order of Conditions, where Ms. Hopkins believed that 24 was released and 22 and 23 are still under the Order. Ms. Hopkins said that she would run a title search to determine the correct information; Mr. Eckhardt reiterated this).

Mr. Zingarelli then said that he is in the process of obtaining an "as-built" and will ask for a Certificate of Compliance for Lot 22 (house lot). Mr. Eckhardt asked how long it had been stable? Mr. Chase replied that it has been for a long time. Ms. Hopkins said that the Commission will visit the site and then can issue the Certificate of Compliance. Mr. Eckhardt responded that they will do it in March or April. Mr. Zingarelli explained that Lot 24 can't be released until there is a house on it, so he needs to get the Order extended again so he can sell it. Mr. Eckhardt responded that it can be amended when the house is on it, or if the property does not sell, they can issue a Certificate of Compliance as is and the purchaser can obtain a new Order of Conditions.

West Boylston Water District Discussion Regarding Goodale Street Water Main:

(Joel Frisch represented). Mr. Frisch discussed the history of the work here. He said that, on January 20, they responded to an emergency call reporting a water main break. He described the size and materials of the water main (AC pipe, 8 inch) (and showed the Commission members a map of what was done). He explained that the main was such that it could not be used to fight a fire if needed; a hydrant could be connected but it would not work well. So, the plan was to replace the main. Initially, they tried to drill under the brook, but hit rock twice and could not steer the equipment, so the attempt failed; the only approach that would work was to go across the brook, which Mr. Frisch explained was how the main was originally put into place (he mentioned that AC pipe, or asbestos cement, was used in the 1950's). Using locus maps, he pointed out that the proposed work area is in Zone A of the watershed, so there is a Concomm issue, as well as issues with the Army Corps of Engineers and Fisheries and Wildlife (although they would not be involved at this time of year).

Mr. Frisch then explained what they will do. They will create a dam, and pump water around it. The work in the stream is done. There is a 12-inch sleeve, which extends past the bank of the brook, and an eight-inch live pressure main. He said that if this happens again, all that they need to do is pull out the eight-inch pipe and put in the twelve-inch one. He said that there is also rip rap on both edges of the bank, the pipe is in place, and one side is still open. Mr. Frisch wanted the Commission to be brought up to date this evening. He added that the project should be complete in a couple of days. Mr. Eckhardt responded that, if this work was planned, they would need an Order of Conditions with standard conditions. The Water District gave the Commission notice of the emergency. He instructed Mr. Frisch to expect to file a Notice of Intent for the April meeting, with a narrative of what was done, to have Mr. Chase inspect the work before the meeting, and an Order of Conditions can be retroactively issued at that time. Mr. Chase added that they will need an "as-built" also.

Update on Afra Terrace:

(Iqbal Ali represented). Mr. Ali showed the Commission members an updated detention area on the so-called “as-built”. He asserted that he sent the Concomm the snow removal information that they needed (it was not received) and that he did not know what happened to it. He pointed out a culvert on the plan but Mr. Chase informed him that there needs to be snow storage marked on it. Mr. Ali responded that he would leave this plan that he showed them, and bring them another one which shows the snow storage. Mr. Chase added that the plan must be stamped and have the snow area marked. Mr. Ali responded that the culvert and detention pond details were on this plan, but he will obtain one with snow storage for the Commission.

Update on Angell Brook Inquiries by Board of Trustees:

(Carlton Barstow represented). Mr. Barstow explained that he wanted to be sure that the Commission was aware of their correspondence. The Trustees have the O and M plan for the detention ponds, and revised “as-built”, based on discussion with VHB and Heritage/Keystone. Mr. Barstow said that Planning Board will get a stamped O and M plan. . Mr. Barstow continued that stakes have appeared but he did not know who put them there, and were not cleaned out. Mr. Chase responded that the reason that Concomm wants engineer-stamped plans is to be sure that the work was done right. In response to a question from Mr. Barstow, Mr. Chase said that there should be snow storage for Angell Brook, as they need to know where the salt goes that is used in the winter. Mr. Eckhardt added that the developer had done a good job in general and the project is close to complete, but they need a complete “as-built”, stamped by the engineer. Ms. Hopkins added that, after that, the bond can be released. Vincent Vignaly of Planning Board, who was present at the meeting, added that the “as-built” was given to Planning Board, the engineer amended it, so it is still in progress. Mr. Vignaly told Mr. Eckhardt that he thought they might have that for the Concomm in May, as they cannot go to the site while it is frozen. Mr. Eckhardt told Mr. Barstow that the Commission is protecting the interest of the owners and will continue dialogue with them; Mr. Barstow responded that they will continue to attend the Concomm meetings.

Discussion of 99 Hartwell Street Issues:

(Vincent Vignaly represented). Concomm had received emails from Planning Board and Chris Lund, former Building Inspector, regarding progress of the work at this location (which received Determinations of Applicability and an Order of Conditions several months ago). There were drainage system issues, mainly that the separation from groundwater of the infiltration system was only six inches rather than the required two feet. VHB engineers gave suggestions so that the system could be worked with and the engineers (Quinn) for DiVerdi Builders, the developers, are trying to make it work.

Update on 491 Prospect Street Dumping Complaints:

Ms. Hopkins has been following the situation; she has noticed clean fill being brought in by the property owner, but she has not seen anything taken out. Mr. Eckhardt responded that he will ask the Building Inspector to look at it, and also wants updates from DEP, who has been involved in the situation also.

Update on Gas Transmission Lines:

Mr. Vignaly informed the Commission members that Nanette St. Pierre appeared before Planning Board regarding the proposed subdivision to be done on Century Drive for the gas main to come in, and she was in favor of it. Mr. Eckhardt explained the situation of two competing gas mains (he discussed the projects at a previous Concomm meeting), and a discussion took place between all

present about the projects. Mr. Eckhardt mentioned that there are exemptions for pipelines and the wetlands to be involved are minor, and said that the applicants are about a year away from permitting from the Commission.

Minutes of January 4 Meeting:

After review of the minutes by the Commission members, Mr. Eckhardt moved to accept the minutes as submitted. Mr. Mercurio seconded. All in favor. (Ms. Hopkins abstained, as she did not attend that meeting).

Update on Wetland Bylaws:

Mr. Mercurio informed the Commission members that he is attempting to get the Bylaw Committee together to vote on them, as the bylaws must be submitted by April to be placed on the warrant for the May Town Meeting. In response to a question from Mr. Vignaly, the Clerk was instructed to place a public hearing on the matter on the April agenda.

Discussion Regarding 263 Maple Street:

Mr. Vignaly showed the Commission a map of the site; he pointed out a large swamp. He explained that the property owners are looking to break lots on the property. He continued that DCR is paying to acquire it, and has paid for some survey work, and the owner will give the land to the Town for conservation. Mr. Vignaly said that he wanted to give notice about this to Concomm if the issue goes to the Town Meeting in May. Mr. Vignaly continued that the property is 50-70% upland, and most of the area there is swampy, but lots of houses can be constructed in DCR's area, with Concomm receiving the rest.

Update on Chief Minnich Land:

Ms. Hopkins instructed the Clerk to place this item on the next agenda; Chief Minnich wants to sell Conservation Restriction land and CPC has available funds and wants to purchase it. Mr. Eckhardt responded that it must be voted upon at Town Meeting, Mr. Vignaly explaining that this is because the land will be taken off of taxes. Ms. Hopkins said that she will have Chief Minnich show her where the land is located (she is also a member of the CPC).

With no further business to discuss, Ms. Hopkins moved to adjourn the meeting at 8:40 p.m. Mr. Mercurio seconded. All in favor.

Submitted by: _____
Date accepted: _____