



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **Conservation Commission Meeting Minutes**

<b>Date / Time / Location of Meeting</b>
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**Monday, 7-1-2019/7:00 p.m./West Boylston Town Offices, Rm. 120/131**

<b>Members Present</b>
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**William Chase (Chair), John Hadley (Vice-Chair), Emily Eaton, Carl Haarmann and Clerk Toby Goldstein.**

<b>Members NOT Present</b>
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**David Mercurio (Vice-Chair) and Katelyn Ivers**

<b>Invited Guests</b>
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**Brenda Bowman and Vincent Vignaly**

**Welcome – Call to Order**

**Time: 7:00 p.m. (Motion made by Mr. Hadley, seconded by Ms. Eaton)**

**Approval of Previous Minutes**

**Minutes of 5/6/19; continued 6/3/19 minutes to August 5 meeting due to lack of quorum of members who attended June 3 meeting**

**Motion Originator Mr. Hadley**

**Motion Seconded Mr. Haarmann**

**(Ms. Eaton abstained)**

**Treasurer – Financial Report**

**Mr. Chase looked over latest report, dated 5/31/19 (from last meeting)**

**Motion to Accept N/A**

**Seconded N/A**

At 7:00 pm, Mr. Hadley made a motion to open the meeting. Ms. Eaton seconded. All in favor.

**Reorganization of Conservation Commission Board:**

Mr. Hadley made a motion to re-elect Mr. Chase as Chair, and Mr. Hadley and Mr. Mercurio as Vice-Chairs; Mr. Haarmann seconded. All in favor.

Mr. Chase agreed to represent the Commission again on the Earth Removal Board, and Mr. Hadley will do so again on the Open Space Committee.

**Minutes of May 6, 2019 Meeting:**

(These minutes were continued from the June 3, 2019 meeting, due to lack of quorum of members who attended the May 6 meeting). After review of the draft minutes, Mr. Hadley made a motion to accept the minutes of 5/6/19 as printed; Mr. Haarmann seconded. All in favor (Ms. Eaton abstained).

**Minutes of June 3, 2019 Meeting:**

As there were not enough members present this evening who attended the June 3 meeting, the board decided to continue the minutes to the August 5, 2019 meeting.

**Update on Mr. Chase's Plan for Trails:**

Mr. Hadley informed Mr. Chase that the Open Space Committee was interested in working with him for the plans on Lee Street. Mr. Chase explained that he wanted a fit trail on one side and a walking trail on the other side; he also wanted spaces for 13 cars on the Holden side and for 13 cars on the West Boylston side. (Mr. Chase explained where this all would be located). Mr. Hadley added that they would have to be concerned with the line of sight in going in and pulling out of the driveway; Mr. Chase explained where the driveway would be. Mr. Hadley noted that Planning Board's decision would not be needed for 13 parking spaces. Mr. Chase continued that he would like to have a memorial park for Maronis, and a fitness park on one side and a walking trail on the other side, with the entire project being almost five miles; he asserted that this would be similar to the rail trail, except there would be fitness at the beginning. Mr. Hadley commented that someone suggested a building with a cover. Mr. Chase responded that it would be at the far end, but with no sides allowed, to provide shelter of some kind. At Mr. Hadley's request, Mr. Chase would send an e-mail to the Open Space Committee along with his plans. He said that he would have to go through the Conservation Commission in Holden. He commented that they seemed agreeable to everything, and commented that they want a dog park somewhere but he was not sure about that. He questioned if one could be put on Maple Street where there is a 7 or 8 acre parcel of conservation land? Mr. Hadley opined that it would be too close to a stream for a dog park. Mr. Chase suggested that they could move other things that they had in mind, or put the dog park on the Holden side. Mr. Hadley added that there should be at least an acre of fenced-in land for that. Mr. Chase asserted that a couple of parcels might work for that purpose, one on Lee St. and the other on Maple St., explaining where they were to Ms. Bowman who had just arrived to the meeting. He explained where the fitness trail would be, and he said he would look up the (3) parcels that were given to the Town as conservation land, as Ms. Bowman and Mr. Hadley did not think that the parcel on Maple St. belonged to the Town but to DCR instead. Ms. Bowman opined that they would need 1 ½ acres. She noted that the Stanton Foundation would fund 90 % of the project, but the land had to be in perpetuity for 99 years. Mr. Chase explained where the Lee St. land was located, starting from across from Holy Cross College, and responded to her question that the land was surveyed. She explained that she walked the property and was concerned with the cutting down of trees. (Mr. Chase and Ms. Bowman explained to Mr. Hadley where that land was located, and where the West Boylston and Holden lands are located that were mentioned earlier). Mr. Chase replied to Mr. Hadley that the land is fairly flat without needing to cut down a lot of trees. Ms. Bowman continued to Mr. Hadley that they walked the land, and Mike Peckar from Greater Worcester Land Trust (GWLT) twined it off; Mr. Chase said that he could show him where that was. Ms. Bowman added that she wanted to see the Community Preservation Committee to apply for funding. Mr. Mercurio said that he would give a quote for his building company. Ms. Bowman mentioned that Grady of Clinton gave a \$6,500 quote to them. She replied to the board that they would go about 10 to 12 feet in with the driveway, although Mr. Vignaly thought 25 feet, with 40 to 60 feet for the parking. She had thought that people could park on the street, but Mr. Vignaly disagreed.

Mr. Chase continued, explaining that there are restrictions on the land as it is Conservation Restriction land. He explained to Ms. Bowman that there would be (2) 13-car parking lots, one on the Holden side and one on the West Boylston side, but since it is conservation land it is treated as one piece of land. In response to Mr. Hadley, Mr. Chase replied that Holden would not reimburse the Concomm for the parking lot. Mr. Chase also replied to Mr. Hadley that it would be just stone in the parking lot in Holden, and agreed that West Boylston would be paying for it now, but noted that the area in West Boylston is being donated and he did not know that there was any other interest from the Town on this project. With no response from Mike Peckar as he had been away quite a bit, Mr. Vignaly suggested that they just go ahead with the project. Ms. Bowman explained that they are going to go to DPW for a curbcut, but that Mr. Peckar said that he did not want to clear the whole area so they will have only one road in and the parking will be further in (25 feet in) and then clearing will be done. Mr. Chase

responded that he would show her the plan, and Open Space should show him what they want to do and verbalize it; then he would see Colin at Greater Worcester Land Trust about it. She and Mr. Hadley thought that they would need the complete plan for the project by early September. Ms. Bowman commented that rocks seem to be right in the middle (explained where), and opined that if they could construct the path to one side and place the parking area, then they could go around the rocks, and they could cut less trees. Mr. Chase noted that it was stipulated that they cannot remove a greater than 10-inch tree outside of the trails, which cannot be more than 10-feet wide. Ms. Bowman continued that she would call the Town's tree removal company for a quote, but explained that she wanted to know what to ask first. Mr. Chase responded that they will verbalize it first, then draw it on the plan. He explained to Ms. Bowman that he put certain restrictions in the Conservation Restriction. He explained that the plan now is a 10-foot wide road; trees can be cut if they're in the way, but he was planning to label trees as to what types they are along the walking trail and put in some benches. They plan to have (2) 13-space parking areas, one on the Holden side and one on the WB side; he planned for the spaces to be up front, but has a provision in the Conservation Restriction document allowing for that to be changed. He also planned to put in a pavilion further down. Mr. Chase noted that Mr. Vignaly and Planning Board will tell him what he is allowed to do. Mr. Hadley mentioned concern with cars backing out into the street from the parking. (Ms. Eaton suggested a visit to the site). Mr. Chase replied to Ms. Bowman that he will leave his plans with the Building Dept. tomorrow, and asserted that everything is defined, and specified for West Boylston and Holden, and there is a restriction on a right of way for water that may not apply anymore but he will check on that with the Registry.

Ms. Bowman noted one problem, that being that Mr. Grady of Clinton suggested not using Prevailing Wage on the job, noting that, if they use a non-profit (GWLT), they do not have to use Prevailing Wage, but if they use West Boylston as the people that are hiring him, they have to. She asked what would happen if West Boylston does the job? Mr. Hadley replied that he thought that they would not have to pay Prevailing Wage if the job is below a certain amount; Mr. Chase thought it might be a certain amount within a calendar year. Ms. Bowman noted that they would need the amount for cutting of the trees and for surface work. Mr. Chase suggested how to submit the request. Mr. Chase replied that there is a section in the State laws discussing this.

#### **Other Business with Ms. Bowman and Mr. Vignaly (who came to the meeting at 7:30):**

Ms. Bowman then mentioned another subject that was brought up at another meeting, regarding tax revenue on homes compared to land that was Open Space. Mr. Chase responded, knowing that the discussion involved a lot next to the Shell Station on Route 12, and Mr. Chase thought that to be the best use of that land. He added that he thought zoning that Mr. Vignaly wanted to get through in the Village was a good idea. (Ms. Bowman and Mr. Chase then talked about Westland Circle and trees being removed and a detention pond there).

Ms. Bowman then explained too Mr. Vignaly what was discussed previously, particularly about the two parking areas, and Mr. Chase told him that he will leave the plan with the Building Dept. tomorrow, along with the Conservation Restriction. He also told him that they discussed different ideas, and where the land goes up to. Mr. Vignaly mentioned that he thought the Assessor's property lines differed from GIS. Mr. Chase explained to him that there will be a large set of plans with no markings but he plans to survey the actual piece of land. Mr. Chase also said that there would be a scope of work, too; Mr. Vignaly suggested that be included in the costs applied for to CPC. Mr. Chase added that he has to reword his agreement with GWLT, as what the Town wants now was not a part of that agreement at the time. He reiterated to Mr. Vignaly for him to tell him what he can and cannot do and what they want to do, and he will reword the agreement. Mr. Vignaly instructed Mr. Chase to leave the materials in the Open Space mailbox.

Earlier, the board discussed walking the area in question; Mr. Chase, Mr. Vignaly, Ms. Bowman and Ms. Eaton agreed to meet there on Saturday, July 6, at 11:00 am to walk the site.

(Mr. Chase then discussed cutting of trees with Mr. Vignaly, who agreed that he did not want cutting of large areas of trees). Mr. Hadley then mentioned to Mr. Vignaly, that he thought DCR cut trees on the land between Maple and Worcester Streets (he explained where it was), and opined that they cut the whole valley open; Mr. Vignaly replied that they did cut down trees for Asian Longhorned Beetle, and that they own all that property; he added that they hope they can do Tivnan Drive as well. He also commented, that for the dog park, they would need fences and water, possibly a well, and will probably need to cut some trees (they opined that the Stanton Foundation might pay for that). Mr. Chase noted that there is a provision in the Conservation Restriction for last minute things that may need to be done. Mr. Vignaly thought that this was a good idea, and then said they should pull together the scope of work: (3 phases) survey it, tree cutting, and improvements. He suggested trying

CPC funding, and that this should be done at Town Meeting in October. He added that possibly Colin at GWLT should manage it, so that he would get the contracts because the Town then wouldn't have to pay Prevailing Wage if GWLT coordinates. Mr. Hadley opined that a certain amount, it must go out to bid. Mr. Chase noted that he gave them money to survey, but it had not been done yet. Mr. Vignaly added that he would want a sign to say that CPC did the funding. Mr. Vignaly suggested that they contact Colin to see what had been done.

#### **Discussion of Concomm Questions Regarding Nuha Circle:**

(Mr. Vignaly and Ms. Bowman participated in this discussion). At the June Concomm meeting, the board members requested that Ms. Goldstein send a letter to Mr. Vignaly requesting that he tell them who was responsible for the maintenance of the detention pond at Nuha Circle, as well as to explain to them who would be responsible in similar situations in the future if they come up. Mr. Vignaly told the board this evening that, for all of the detention basins in the subdivision roads that have been submitted in the last couple of years and going forward, a homeowners' association is being established to manage and maintain the stormwater system that's outside of the right of way of the road. The Town must take care of the catch basins and manholes. In response to a question from Mr. Hadley, Mr. Vignaly replied that he believed that the maintenance plan is reviewed every three years, and as Nuha Circle has not yet been accepted by the Town, the Homeowners' Assoc. has not been established yet, and that the Planning Board will send a draft of what they are proposing for their maintenance to the Concomm if they want to look at it closer. Mr. Chase then mentioned the situation of Joseph Evangelista and a vernal pool in the front of his property, which has become a giant detention pond, on Shrine Ave. Mr. Vignaly asserted that Mr. Evangelista needs a different stormwater system. Mr. Chase responded that Mr. Evangelista needs to file a Request for Determination of Applicability, and then, when he has a definite set of plans, he will have to file a Notice of Intent in case of changes that he makes. Mr. Vignaly, who is on Planning Board, responded that he asked Mr. Evangelista to go to the Concomm and get a delineation of his boundaries. Mr. Chase responded that he sent him to DCR, who sent it back to him. Mr. Vignaly responded that he needs to file an RDA, and determine the wetland resource area, noting that the wetlands are up to the road but they are not approved wetland lines; the Concomm needs to establish the lines and Planning Board is waiting for that. Mr. Chase responded that Mr. Evangelista has not come to the Commission for that. Mr. Chase noted that the wetlands are larger than what Mr. Evangelista showed; neither board wants to be caught approving plans that then change. Mr. Chase suggested that he should attend the next Planning Board meeting; Mr. Vignaly replied that the continued public hearing with Planning Board is scheduled for 7:05 Wednesday night, and as he has not shown up to the Concomm with a filing, Planning Board may deny him his permit due to lack of information.

Mr. Hadley then asked Mr. Vignaly if the Planning Board enforces detention pond maintenance? Mr. Vignaly replied that the homeowners' association has to be in force first, and the Planning Board does not monitor maintenance. He gave as an example Olde Century Farm, where the owners did not know they were responsible for this, and a group of them got together and maintained the detention basins; since then, they hired a company to do the maintenance. In response to Mr. Hadley, Mr. Vignaly replied that someone is supposed to submit filings to Concomm and Planning Board. Mr. Hadley asked Mr. Chase what happened regarding needed work at Scarlett Plaza? Mr. Chase replied that the owner finally cleaned it. Mr. Hadley suggested that they should have something put in writing to file. Mr. Vignaly continued, in response to Mr. Chase's question about having something to define what Planning Board wants, regarding Nuha Circle, the Town will maintain it and the subdivisions, but otherwise, if there is a problem with drainage, it is the owner's responsibility. In response to Mr. Hadley, Mr. Vignaly replied that Planning Board could put something in writing stating that the maintenance report must be done every three years. Mr. Chase suggested that this could be done for Mr. Evangelista on Shrine Ave. (Mr. Vignaly and Ms. Bowman then explained to Ms. Eaton where Nuha Circle was located).

#### **Vote and Re-Signing of Signature Sheet Required for Accounting Office:**

This sheet was signed at the June 3 meeting, but all members had signed; Mr. Chase only wants officers (Chair and Vice-Chairs) to be able to sign timesheets and invoices, so a new vote was taken for this today and the other names eliminated from the last signature sheet.

#### **Update on Poison Ivy Maintenance Plan by Katelyn Ivers:**

Ms. Ivers was not present this evening, so the discussion was limited; the board discussed funding and money involved and also how many goats might be needed.

**Other Business:**

Mr. Chase looked over the offerings listed by MACC (that came along with membership paperwork for the coming fiscal year), and decided that none of the members needed the Environmental Handbook, as the office has a copy already, or any other publications.

**Treasurer's Report and/or financial approvals:**

Mr. Chase looked over the latest report, dated 5/31/19 (from last meeting, from which he was absent; the board that was present wanted him to look this over. The report dated 6/30/19 was not ready yet).

**Miscellaneous Mail and/or Paperwork Including Correspondence from DCR, DEP and MACC:**

Mr. Chase reviewed new mail and mail from June 3 meeting, from which he was absent.

**Next scheduled meeting – AUGUST 5, 2019 at 7:00 p.m.**

With no further questions or comments, Ms. Eaton made a motion to adjourn the meeting at 8:02 p.m. Mr. Haarmann seconded. All in favor.

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

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

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

