



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

Conservation Commission Meeting Minutes

Date / Time / Location of Meeting	Monday, 3-18-2019/7:00 p.m./West Boylston Town Offices, Rm. 120/131 – NOTE MEETING WAS RESCHEDULED FROM MARCH 4, 2019
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Members Present	William Chase (Chair), David Mercurio (Vice-Chair), John Hadley (Vice-Chair), Emily Eaton, Carl Haarmann, Katelyn Ivers (Associate Member) and Clerk Toby Goldstein.
Members NOT Present	None
Invited Guests	N/A

Welcome – Call to Order

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

Approval of Previous Minutes

February 4, 2019 Meeting

Motion Originator Ms. Eaton

Motion Seconded Mr. Mercurio

Treasurer – Financial Report

Mr. Chase looked over the latest report prior to the meeting.

Motion to Accept N/A

Seconded N/A

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

Public Hearing, Town of West Boylston, Request for Determination of Applicability, intersection of Crescent St./Pine Arden Dr. easterly to the existing HMA walk at Goodale Park, West Boylston, MA:

(Ms. Eaton read the public hearing notice aloud). (Mike Gagnon represented). Mr. Gagnon gave an overview of the proposed project (he displayed a set of plans on an easel). Mr. Gagnon explained that this was to be a public safety improvement project. Their goal is to provide a pedestrian connection between the neighborhood areas of Pine Arden Drive (the westerly limit of the project), all along Crescent Street, and ultimately

to Goodale Park, which is a recreation area on the other side. He described that they want to construct a five-foot concrete sidewalk adjacent to the existing roadway. He mentioned that there were a couple of challenges. They had to work on the north part of Crescent St. to make a direct connection to Pine Arden Drive, then cross the roadway on the other side of Linewood Lane. One challenge was that they needed to shift the walk due to restrictions of the right-of-way. Also, at the south side of Crescent Street, they would come to the location of the resource area (he pointed this out to the board). They delineated the wetland area in November, which is associated with a culvert crossing, and is primarily a wooded wetland. There is jurisdiction where an intermittent water course flows across a culvert on Crescent Street, then outlets into a Bordering Vegetated Wetland north of Crescent Street. Mr. Gagnon said that the activities involved with construction of the sidewalk would not directly impact the wetland resource area. He explained that the sidewalk along the roadway would fit up and over the culvert so that no modifications to the culvert would be needed to accommodate the sidewalk. He noted that essentially everything will occur upland in the 100-foot buffer area, and there is no riverfront associated with this project because it is an intermittent water course that flows to the north side of the roadway. Mr. Gagnon described other activities that are planned. He said they are planning tree removals especially near the school and where the sidewalk ends and joins with the existing sidewalk along Goodale Park. Also, they plan a compost filter tube as a sediment barrier, and said that they would add additional controls as needed, such as straw bales and extra compost filter tubes. Mr. Gagnon said that all disturbed areas will be restored.

In response to Mr. Hadley, they will have granite curbing, and will coordinate with DPW regarding crosswalks. In response to Ms. Eaton, Mr. Gagnon replied that there are not any sidewalks existing now in the area that they will be working in, but there are along Pine Arden Drive, so essentially there is a gap in sidewalks between Pine Arden Drive and the park. In response to Mr. Mercurio, Mr. Gagnon replied that the sidewalk will be 600+/- feet. In response to Ms. Eaton, Mr. Gagnon replied that they are not proposing at this time to replace the trees that they will remove, although they would be agreeable to it, and explained that the right-of-way area is narrow so they had to shift the sidewalk, and asserted that quite a few of the trees will be marginal as to their importance. Mr. Chase and Mr. Hadley discussed the amount of trees and agreed that Mr. Gagnon should coordinate with DPW about that. In response to Mr. Chase's question as to the size of the area to be used, Mr. Gagnon replied about 10 to 15 feet. Mr. Hadley and Mr. Chase agreed that use of a wattle would be fine to keep out dirt; Mr. Gagnon added that they would have protection for all the inlets. In response to Ms. Eaton, Mr. Gagnon replied that there are storm drains and that they will not be changed. Mr. Chase and Mr. Mercurio added that this is why the applicants need erosion controls.

With no further comments or questions, Mr. Hadley made a motion to close the public hearing. Ms. Eaton seconded. All in favor. Mr. Hadley then made a motion to issue a negative determination and approve the plan submitted. Mr. Mercurio seconded. All in favor.

Informal Discussion with William Italiano Regarding 66 Fairbanks Street:

Mr. Mercurio explained that this was 45 acres of agricultural property on one side of the street, and Mr. Italiano wants to do selective cutting. Mr. Mercurio asserted that he did not need a cutting plan, and explained that he intends to plant fruit trees to harvest. Mr. Italiano continued that he has 75 acres in total, and that he may plant hay and maybe corn this year. Mr. Chase explained that Mr. Italiano and Mr. Mercurio asked him about this, and he told them that the cutting would be listed under maintenance, and when he has a tree person come in, they can make a formal plan of what he will be doing. Mr. Chase and Mr. Mercurio discussed that the cutting will be ongoing maintenance, done by a tree cutting professional, and instructed Mr. Italiano to let the Concomm know when they will be doing it. (Mr. Italiano showed everyone his property on photos). Mr. Italiano explained where he wants to thin out foliage, and said that it will be mostly 8 to 10 inches or less. Mr. Chase instructed Mr. Italiano that the board will need a letter of intent and a maintenance plan from the tree person, and said that this will just be ongoing maintenance. He told Mr. Italiano that he can go ahead and start the work, and the forester will have to get the letter and plan to the board. Mr. Mercurio suggested to Mr. Italiano that he e-mail the Commission when he is going to do a trimming.

Public Hearing, Bull Rock, LLC, Request for Determination of Applicability, 100 Prospect St.:

(Mr. Mercurio read the public hearing notice aloud). (Joseph Evangelista represented but was not present at this point). Mr. Chase explained to the board that he received phone calls complaining that someone was clearing the lot at 100 Prospect Street, and it was Mr. Evangelista/Bull Rock, LLC. He said that the property is within a primary and secondary zone, but explained to Mr. Evangelista that, so long as the work was in front of the silo and the other houses and no further back, that Mr. Evangelista will be outside the primary zone and not within Concomm jurisdiction. He explained that the property is within the zone but the drainage and where he's building the house would not be. He noted that this was an ANR lot but it was labelled as non-jurisdictional and that is not the case. Mr. Hadley then suggested that, as conditions, that Mr. Evangelista should grade the driveway and have some kind of retention for water running down. Mr. Mercurio asked if there is a drain? Mr. Chase said that he told him to do a swale. Mr. Mercurio and Mr. Hadley asked where the runoff will be kept? Mr. Chase replied that he told him to do a swale to the right and to hollow it out down there like a parking lot so the water will stay there and off the road, and there are catch basins on the street, to the right, in front of 96 Prospect; he added that there is a spring there which compounds the situation. Mr. Hadley said that he wanted to see what would be done with the runoff; Mr. Mercurio thought that the public hearing should be continued, as Mr. Evangelista was not present to answer questions. Mr. Chase thought they should continue, or perhaps Mr. Evangelista might come in later. Mr. Hadley then made a motion to continue the public hearing. Mr. Mercurio seconded. All in favor.

Public Hearing, West Boylston Housing Authority, Request for Determination of Applicability, 87 Maple St./14 Foster St.:

(Ms. Ivers read the public hearing notice aloud). (Steve Larry represented). Mr. Larry explained that the two streets are named because of a group home on Foster Street. In response to Mr. Mercurio, Mr. Larry replied that there is to be no additional housing constructed, just trimming of trees. He explained that, because of trees close to the building and the trees needing to be trimmed, there is broken siding, mildew, and other problems. Pointing out the areas on a map where trees will be cut and where they will be trimmed, Mr. Larry added that there would be some cutting of trees, and some trimming. He said that they will ground down stumps to six-inches below grade (Northern Tree Co. is the low bidder to do the work). In response to Mr. Mercurio, Mr. Chase replied that the applicant came before the board because of the wetlands to the left. The board members looked at the map and thought that the work would be well outside the wetlands, so they did not see any problem with the proposed work. Mr. Larry explained that he came before the board because he did not want to do anything that he was not supposed to do.

With no further comments or questions, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Mr. Haarmann then made a motion to issue a negative determination. Mr. Hadley seconded. All in favor. Mr. Chase noted that erosion controls will not be needed, the only condition being to clean up after the cutting and trimming. (Mr. Larry added that he was aware that he had to use certified people to do the work because of the danger of Asian Longhorned Beetle presence).

Matthew Marcello, Request for Certificate of Compliance, 317 West Boylston St., DEP File #327-0192:

Mr. Marcello explained the history of the work done at the property (he was issued an Amended Order of Conditions in 2008). He said that a commercial garage was constructed there in 2004 when he bought the property, then he started Yard Max on a gravel yard which was essentially empty, and then obtained an Amended Order of Conditions in 2008 to put up a display. He asserted that he installed everything according to the conditions for the wetlands, such as erosion controls, vegetation and irrigation, and this was done in 2008-2009. He was now selling the property but never obtained a Certificate of Compliance so there is a cloud on title. He noted that everything had been cleaned up and removed. With no further questions or comments, the Concomm issued a Certificate of Compliance to the applicant. (Chair William Chase submitted application for approval of Certificate of Compliance of said property after inspection).

Bull Rock, LLC, 100 Prospect St., Request for Determination of Applicability, Continued:

(Mr. Evangelista arrived, so the Mr. Chase continued his public hearing). Mr. Chase told Mr. Evangelista that, from earlier in the meeting, the board wanted to know what he will do with the water that runs down the

driveway? Mr. Evangelista replied that they intend to use a grass swale to slow the water flow down to the left. In response to Mr. Mercurio, he said that they will try to divert everything prior to the last twenty feet into the swale, but opined that they could not divert everything beyond that. In response to Mr. Hadley, he replied that they will use a grass swale. Mr. Chase commented that there is a spring located there, so water is coming out of that, about which nothing can be done. Mr. Evangelista then described how it would be set up; they will tilt everything to the left, make the swale area, and try to divert everything to it; they will also put in a catch basin, 10-feet before the road, two to three feet deep, with rock in it. Mr. Mercurio then opined that there could be an ice problem in the winter; Mr. Evangelista then showed him the driveway, and described how they will bring the steepness down and have everything go off to the side and have the 10-foot catch basin, so he did not think ice would be a problem. In response to a question from Mr. Mercurio about the soil, Mr. Evangelista asserted that it was good quality soil, "bony" with no ledge. Ms. Ivers then asked if they plan to plant trees or vegetation to help with flooding? Mr. Evangelista and Mr. Chase opined that they will not really have room for that, and he showed her the site plan and replied that nothing had been discussed. In response to Mr. Mercurio, Mr. Evangelista replied that the property is 1.28 acres in size (this includes another small parcel). Mr. Evangelista then told the board that John Scannell from DCR was all set with the proposal. Mr. Evangelista and Mr. Chase discussed this lot and the history of it, that it was part of DCR's property at one time but was cut off in 2005 or 2006; before Mr. Evangelista, the property was owned by the Estradas. Mr. Chase will go to see the property later.

With no further questions or comments, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Mr. Hadley then made a motion to issue a negative determination according to the plans submitted with modifications made by the board (retention pond). Mr. Mercurio seconded. All in favor.

Continued Public Hearing, E. Andrew Kazakoff, Request for Determination of Applicability, 215 Shrewsbury Street:

(This public hearing was continued from February 4, 2019; E. Andrew Kazakoff represented). (Mr. Hadley read aloud the notice of the continued public hearing). (Ms. Eaton recused herself, as she lives at Angell Brook, which is within 300 feet of the property being discussed). Mr. Kazakoff passed out plans to the board, as they had requested them at the last meeting to have an idea of what the proposed project will look like. He noted that the pink areas showed the proposed greenhouses, and explained that the Request for Determination was to determine if the greenhouses proposed were to be within the Concomm's jurisdiction. He explained that the plans showed what they will look like and where he will put them. (Mr. Chase pointed out the 100-foot zone, along with elevations and where the wetlands are). Mr. Chase asserted that Mr. Kazakoff's work will be out of that area and down gradient, and that he will not be within Concomm's jurisdiction. Mr. Chase and Mr. Mercurio then discussed that they would not want the applicant to work within 25-feet of the wetlands, but he can work within 100-feet. Mr. Mercurio asked Mr. Kazakoff if he would be doing excavation in the 100-foot buffer area? Mr. Kazakoff replied that he would be doing that to level off the area. Mr. Mercurio asserted to Mr. Chase that the board needs to set conditions for any excavation within 100-feet of delineated wetlands, such as a barrier; he also asserted that a concrete slab can be used there. Mr. Hadley, in addition, suggested, as the work will be uphill, that silt fence and haybales will be needed. Mr. Chase agreed that the Concomm does have jurisdiction and can tell Mr. Kazakoff what they want him to do. Mr. Hadley informed Mr. Kazakoff that he will need to go to Planning Board after this. Mr. Haarmann asked about a timeframe for all this; Mr. Kazakoff estimated four or five months (after Planning Board approval). (The board explained wattles, silt fence and haybales to Mr. Kazakoff; Mr. Chase explained the use of these to keep materials out of the wetlands). Mr. Chase instructed that they list wattles or haybales when it is written up.

Next, resident Mike Raymond of 15 Emily Drive looked at the plan, and asked if the work would be seen from the street? Mr. Kazakoff said that it would not be seen. In response to Mr. Chase, Mr. Kazakoff described the types of fence that he might be using. In response to a question from Mr. Raymond about odors from the property, Mr. Kazakoff replied that probably exhaust would come out in the back. Mr. Chase asked if there will be a chimney? Mr. Kazakoff replied that Planning Board has not told them yet, and opined that they will have a mitigation system with a filter. Mr. Hadley commented that the Building Department will tell him how to do this. Mr. Chase commented that Vinny Vignaly will want to see what Concomm has done, and based on that Planning

Board will decide on things such as parking and impervious material. In response to Mr. Mercurio, Mr. Kazakoff replied that he did not have a builder yet (Thompson-Liston is the engineer). In response to Mr. Hadley, Mr. Kazakoff replied that he will be renting the property, but will own the business.

With no further questions or comments, Mr. Haarmann made a motion to close the public hearing. Mr. Mercurio seconded. All in favor (except abstention from Ms. Eaton). Mr. Haarmann then made a motion to issue a positive determination, according to Item #1 on WPA Form 2, with conditions of haybales, silt fence, and wattles, and he needs to file a Notice of Intent after completion of the Planning Board's application. Mr. Mercurio seconded. All in favor (except abstention from Ms. Eaton).

Briarwood Open Space Restriction – Discussion and Possible Signature:

This discussion is postponed until further notice per Vinny Vignaly and Atty. Robert Longden.

Update on Mr. Chase's Plan for Trails:

Mr. Chase did not have the plans as yet. But he thought there might be funding through DCR possibly.

Update on Poison Ivy Maintenance Plan by Katelyn Ivers:

Mr. Chase explained to Ms. Ivers why he was not able to get the plan that she needed. Ms. Ivers said that what is needed for a proposal is the acreage to be used; a map was not required but would be helpful; and site characteristics are needed. Then the goatscaping company can generate a proposal. She said that she would look over information for possible DCR funding for the next meeting. In response to a question from Mr. Mercurio, Ms. Ivers replied that she hoped that they could start around June, and so long as funding was obtained the Town could be reimbursed. (The board then discussed tree removal at the Rail Trail, possibilities for funding through CPC and DCR, and several other possible projects that the Town is looking to do).

Minutes of February 4, 2019 meeting:

After review of the draft minutes by the Concomm members, Ms. Eaton made a motion to accept the minutes as written. Mr. Mercurio seconded. All in favor (except Mr. Hadley abstained).

Treasurer's Report and/or financial approvals:

This was not discussed this evening; Mr. Chase reviewed the most recent report prior to the meeting.

Next scheduled meeting – APRIL 1, 2019, 7:00 p.m.

With no further questions or comments, Mr. Mercurio made a motion to adjourn the meeting at 8:19 p.m. Mr. Hadley seconded. All in favor.

Submitted by: _____

Reviewed by: _____

Date submitted: _____

