

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
APRIL 3, 2017 MEETING

MEMBERS PRESENT: William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair), Emily Eaton, Carl Haarmann (Associate Member) and Clerk Toby Goldstein.

MEMBERS ABSENT: Mark Meola.

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

Public Hearing, Joseph Evangelista and David Brunelle, 0 Shrine Ave., Notice of Intent, DEP File #327-0269:

(Joseph Evangelista and Mark Arnold of Goddard Associates represented). (The Notice of Intent was for tree removal at the above address, which is directly west of 63 Shrine Ave.). In response to a question by Mr. Chase, Mr. Evangelista replied that the applicants have applied for a building permit. Mr. Arnold stated that the applicants received a file number from DEP (the Commission already received that by e-mail) and that the wetlands have been flagged. Mr. Chase commented that he was reluctant to allow the tree cutting, and mentioned that a neighbor contacted him when he saw the flags. He also mentioned that the applicants do not have a building permit yet. Mr. Evangelista responded that, within the next 60 days, he will hopefully come back with a site plan, but wants to be able to clear the trees first. Mr. Chase told the applicants that he wants them to show him what they have, what they intend to do for tree removal, stating his concern about recharge, the certified vernal pool and where the culvert will go. Mr. Evangelista asserted that, when they first developed this site, they brought about wetland rebirth and removed a large amount of street sand; they installed a manhole, and a retention area, where overflow runoffs through rip rap and back into the wetland, and sand will not re-impact the area as the Town is keeping up with sand removal. Mr. Chase asked about the culvert across the street from the site, and Mr. Evangelista replied that there is no longer a culvert and this culvert was re-directed and he pointed out on the map where the water now runs. He commented that the wetland is a creation of the road water.

In response to a question from Mr. Mercurio, Mr. Evangelista showed the Commission on the map where he wants to eventually build, and regarding frontage questions, he responded that the special permit that they obtained divided the land into two lots and that they will have sufficient frontage. Mr. Arnold continued, showing the board the area to be cleared, in the upland area up to 25 feet from the wetland, and noted that they will have wattles along the edge and will only clear and grub with no grading and there should be little runoff. Mr. Chase asked, in case a building permit is not obtained, where would sheet water run to? Mr. Arnold replied that the erosion controls will stay in place until the site is stabilized. Mr. Evangelista added that they will hopefully have a site plan and Stormwater Management Plan by 60 days from now.

Mr. Arnold continued, showing the Commission members on the map the buffer zone, wetlands and the flagged certified vernal pool. He mentioned that, with the issuance of the DEP File Number, that the only comment from DEP was regarding amphibian movement; Mr. Arnold said that they can use an S or Z-shaped wattle to create an opening for the amphibians but sediment cannot get through to the wetland.

In response to a question from Mr. Hadley, both representatives replied that the size of the land is 2.9 to 3 acres. Mr. Arnold reiterated that the wetlands have been flagged.

Mr. Chase suggested to the board that they walk the site with the plan, and all members agreed that they would like to do that and see where the trees are to be cut. In response to a question from Mr. Chase, Mr. Evangelista replied that they would want to build between four and twelve units, mentioning that four would be exempt from Stormwater Management. Ms. Eaton asked, depending on the number of units to be built, would all of the intended trees have to be cut? Mr. Evangelista responded that they were not going to clear-cut and right now he just wants a permit to work in the area. Mr. Mercurio suggested that first they want to see where trees would be cut for the first four buildings, and if that changes, at least they will have seen the site. (The board agreed to walk the site at 10:00 a.m. on Saturday, April 8).

In response to a question from Mr. Mercurio, Mr. Evangelista replied that he did not yet know exactly where the units would be built; as to why the applicants would have to cut all the intended trees if they only may have four units, Mr. Evangelista replied that he did not know if they would even have to cut the trees until they start the project, but he wanted to bring it before the board so he would be able to work in that area. Mr. Chase discussed his concerns, which were recharge, sheet water, and that they not clear cut if possible. Mr. Evangelista replied that he would not cut down any more trees than would be necessary, and commented that he would have to connect the buildings as the Town requires.

With no further questions or comments, Mr. Hadley made a motion to close the public hearing and schedule a site walk for Saturday, April 8, at 10:00 a.m. for further discussion and information. Ms. Eaton seconded. All in favor. (Mr. Chase instructed the Clerk to post the site walk with the above wording, in the event that a quorum of Concomm members attend the walk, to adhere to Open Meeting Law).

Other Business:

Informal Questions Regarding Conservation Land:

Chris Roring (sp?) asked to address the Commission members. He stated that he had a client who wanted information because he was interested in making a land donation to the Greater Worcester Land Trust and wanted to know if the Minnich property sale of conservation land to the Town was going to happen? Mr. Chase replied that it went through already; Mr. Hadley said that the Board of Selectmen will sign the documents on Wednesday, April 5. Mr. Chase told Mr. Roring (sp?) that, in West Boylston, the land can be donated directly to the Conservation Commission, explaining that for the Minnich property, since the money came from the Community Preservation Committee and was public money, some entity other than the Town had to hold the certificate (Greater Worcester Land Trust). Mr. Chase explained that the Commission wanted to put restrictions on the use of the property and gave examples; he said that this would help the next group of board members to have the ability to do this, as much of the things that he mentioned doing might not be done by this board.

Update on 10 Pinewood Drive Tree Removal:

Paul Sherblom, owner of this property, wanted to take down about 20 trees on his property that are in danger of damaging his house; he had e-mailed the Commission about this previously and spoke to Mr. Chase on the phone about it. He showed the board a picture of the lot and a map from DCR,

showing trees hanging over his house, and also brought information from the tree cutter, including certification for Asian Beetle removal. The board had no questions for him on this. Mr. Mercurio commented that he thought it was a good decision for Mr. Sherblom to do this. Mr. Chase explained that, since Mr. Sherblom was using a crane instead of a motorized vehicle, that this was alright with him. Mr. Sherblom said that he would just cut down the trees, with no stump removal, and basically the tree cutter will follow the stream. In response to a question from Mr. Mercurio, Mr. Sherblom replied that he would be cutting about 40 to 50 feet from his house. He discussed who was going to cut the trees, how much he was going to pay, and what they were going to do. Mr. Mercurio commented, with the closeness to the house and size of the trees, he would go back almost the entire length of the trees. With no further comments or questions, Mr. Hadley made a motion to approve the intended tree cutting. Mr. Mercurio seconded. All in favor (Mr. Chase added "for safety reasons"). (The Clerk was instructed to send an e-mail of the approval to Mr. Sherblom, which he said was fine for now, and then send him the approved minutes from this meeting later).

Opening of Public Hearing, Pickoff Properties LLC/Robert Case, Notice of Intent, 385 Lancaster Street:

The applicant requested a continuance of the public hearing earlier today; therefore, it had already been advertised and posted. According to the Town Clerk, the public hearing technically had to be opened and continued formally at this meeting. So, Mr. Hadley made a motion to open the public hearing (at 7:30 p.m.). Mr. Haarmann seconded. All in favor. Mr. Chase announced that the public hearing will be continued until after the Board of Health meets to discuss the work intended by the applicant (septic system). Mr. Mercurio announced that he will recuse himself from the public hearing, as he may do the septic work for the applicant and therefore there would be a conflict of interest.

(Mr. Sherblom then asked about information on where to obtain new trees for planting; the Concomm members suggested contacting DCR about that, and the Town Administrator regarding people to plant them).

Update on DCR Gates Brook Enhancement:

This matter was discussed with Vinny Vignaly at the March 6 meeting; Mr. Chase explained that the applicants have nothing definite regarding date of commencement of work yet, but explained that, when they do, they will come to the Concomm and tell them when they will begin and they will give the Commission an "as-built" when the work is completed.

Update on Afra Terrace:

Iqbal Ali, developer for Afra Terrace, brought in a stamped engineer's letter as was requested previously by the Commission. David Femia, Chair of the Zoning Board of Appeals, who was present in the audience, informed the board that the Management Company, Building Inspector and Affordable Housing Trust need to be notified when Concomm signs off on the project with a Certificate of Compliance. Mr. Chase said that he was satisfied with the "as-built" from Mr. Ali and that it agreed with the work actually done, but mentioned a question about a possible chain link fence on the property, which is on the original plan but not on the "as-built". Mr. Hadley agreed with Mr. Chase that he wanted to walk the property, as a chain link fence is not allowed in the Town (it was supposedly approved by Planning Board, but Mr. Chase thought it might have been an oversight); they will visit the site on Wednesday, April 5. The board also questioned the date on the engineer's letter, and Mr. Chase said that he would call the engineer who signed the letter to verify.

Mr. Femia then noted that the management company and condo association took control of the development in October, 2014, and thought that this meant that the developer is no longer liable for anything needed to be done; Mr. Chase confirmed this. There was some question as to whether or not

Mr. Ali can be made to handle the chain link fence if it is there. Mr. Chase responded that the stamped engineer's letter could be fraudulent, also, which would affect that. (Mr. Femia then discussed the history of the involvement of the condo association with the ZBA, the request for certain information by the Concomm, and Mr. Ali saying that he did not receive requests from the Conservation Commission, after saying that he did receive them). Mr. Chase suggested that the Commission visit the site, see if the letter and plans are correct, and then he will call the engineer (he and Mr. Hadley agreed to visit the site on Wednesday, April 5).

Conservation Restriction Update and Signature:

The Commission members signed the paperwork that they were given to sign. Mr. Hadley said that the Board of Selectmen will sign it on Wednesday, April 5, at their meeting.

Update on Wetland Bylaws:

Mr. Mercurio said that the Bylaw Committee had not met yet, but Mr. Chase told him that the Town Administrator has the copy agreed upon by the board for the May Town Meeting warrant. Mr. Mercurio said that he would work with the Bylaw Committee to set a date to meet to look at the proposed bylaws. Mr. Hadley said that they just need Bylaw Committee approval prior to the Town Meeting.

Minutes of March 6, 2017 Meeting:

After review of the draft minutes by the Commission members, Mr. Hadley made a motion to approve the minutes as submitted. Ms. Eaton seconded. All in favor.

With no further business to discuss, Mr. Hadley made a motion to adjourn the meeting at 7:52 p.m. Mr. Chase seconded. All in favor.

Submitted by: _____

Date accepted: _____