

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
MAY 1, 2017 MEETING**

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

MEMBERS ABSENT: Emily Eaton and Mark Meola.

At 7:03 p.m., Mr. Mercurio made a motion to open the meeting. Mr. Hadley seconded. All in favor. Mr. Chase opened the meeting.

Wayne K. Morse, Request for Certificate of Compliance, 63 Shrine Ave., Unit 3, DEP File #327-0225:

(This was for an Order of Conditions issued to Ida Rose Realty, LLC, Joseph Evangelista and David Brunelle). Mr. Chase informed the Commission members that he had visited the site, looked at the work done and was satisfied with it. With no more comments, Mr. Hadley made a motion to issue the Certificate of Compliance. Mr. Mercurio seconded. All in favor.

Informal Discussion with Dennis Minnich Regarding Proposed Work at 405 Prospect Street:

Mr. Minnich had previously sent an e-mail to the Concomm, stating that he was considering putting on an addition to his house at 405 Prospect Street and he wanted to know about filing with the Commission. Mr. Mercurio informed the board that he spoke with Chief Minnich; apparently wetlands are approximately 60 feet from where digging would take place, and Mr. Mercurio advised Chief Minnich to come before the Commission for them to issue an Order of Conditions, and the board would inspect the work when completed and issue a Certificate of Compliance to him. Chief Minnich continued, that he had not filed anything yet. Mr. Chase instructed Ms. Goldstein to send a Request for Determination of Applicability form to Chief Minnich for him to complete. Mr. Hadley added that the Commission would inform the Building Inspector that they have no problem with the project.

Continued Public Hearing, Pickoff Properties LLC/Robert Case, Notice of Intent, 385 Lancaster Street, DEP File #327-0268:

(Mark Farrell represented). (Mr. Mercurio recused himself, as he might do the septic system work for the applicant; Mr. Hadley suggested that he leave the room, and he did that). Mr. Farrell discussed that the applicant is looking to do septic system replacement. He mentioned that the property was owned by the bank, and eventually purchased by the applicant. He said that the property has Town water, and a wetland system in the back of the property. What they are proposing to do is abandon an existing cesspool in the front of the yard, and install a septic tank and pump chamber. Mr. Farrell pointed out the buffer zone and work area on a map; some of the work will be within the buffer zone and some outside of it. He explained that they propose a re-circulating sand filter followed by a bottomless sand filter, describing how this process would work. He described how they would guard the orifices of the filter from being blocked with orifice shields or half-moon pipes on top. Mr. Farrell

explained that the applicant is rehabilitating the house. He showed the water table on the map. He said that there is no bulkhead, mentioned that the house is about 50 years old, and that it needs a sump pump in the basement; with no power, there was water in the basement. He said that there are two sump pumps in the basement, but without power, if the water table is up there will be water in the basement, which he asserted was not unusual for older homes (Mr. Chase agreed). Mr. Chase commented that water would runoff into a retention pond, but questioned if the house itself would not be damaged. Mr. Chase and Mr. Hadley discussed with Mr. Farrell the idea of installing a drain. Mr. Chase suggested that they can use rip rap, as they cannot directly pipe into the retention pond.

Mr. Farrell then explained about erosion control. He asserted that there would not be high erosion potential, and explained that they would have a row of straw wattles to mark the limit of work as they will work in the buffer zone, where they will install tanks, pump and fill, and with a Title 5 setback, they cannot push too far back due to proximity of two catch basins. So, he asserted that this is the best that they can do and that it will be an improvement over what they currently have. He described how the water from the septic tank (1500 gallon) would pump into the sand filter, be cleaned, then returned to another pump chamber where it will be pumped for final disbursement, doing it this way because the soil is not the best on that street, he asserted. Mr. Farrell added that the pump chamber will have an alarm.

In response to a question from Mr. Hadley regarding how they would stop silt from collecting in the holes, Mr. Farrell explained that they will make a box, with two feet of sand, then pea stone, then pipes, then more pea stone, with the pipes being buried in the pea stone. He said that this system is called a "Rhode Island Bottomless Sand Filter". He explained that this is a more compact system than some Title 5 systems can be, and less expensive therefore, and that it will be time-dosed, where it will send the liquid out in small increments. Also in response to Mr. Hadley, Mr. Farrell said that the Board of Health has looked at it, but Mr. Hadley suggested that they find out if they need a permit from MA DOT. Mr. Farrell showed Mr. Hadley where the work would involve the road and edge of pavement, and Mr. Hadley opined that there was no problem. Mr. Farrell added that they will add another set of straw wattles on the land to protect the catch basins. Mr. Chase added that this would also mark the work area also.

With no further comments or questions, Mr. Hadley made a motion to close the public hearing. Mr. Haarmann seconded. All in favor. Mr. Hadley then made a motion to issue an Order of Conditions, according to plan number 2016129, dated 2/2/17. Mr. Haarmann seconded. All in favor.

Update on 0 Shrine Ave. Concomm Site Visit on 4/8/17:

(Mr. Mercurio returned to the board for this hearing). (Mark Arnold represented). Mr. Arnold updated the Concomm members regarding test pits that they wanted done when they visited the site on April 8, 2017. He had sent the report (on file) of the test pits to the Commission members by e-mail prior to this evening's meeting. Mr. Arnold described the results on the test pits. Mr. Chase agreed that the soil is draining now and the test pits were all good. Mr. Arnold said that they think it best to close this NOI application and file a new one, as the work will be different and in detail, where this NOI is only for general site work. Mr. Chase responded that he would close this NOI and file a new one with new information, or the Commission could close it without a finding; for the new filing, he needs to know what the applicant wants to do. (David Femia, Chair of the ZBA, who was in the audience, then discussed that the applicants did come before the ZBA last year, wanting to increase the number of units they were allowed to build from four to eight; they asserted that they previously were granted a special permit for four units by ZBA, but the special permit is only good for two years; if the applicant only wants four units, he would have to re-appear before the ZBA. Also, if they want more than four units,

they must appear before Planning Board). (The board and Mr. Arnold continued to discuss if it would be advisable to withdraw the present NOI, or have the Concomm close it out without a finding; Mr. Arnold decided for the applicant to withdraw the present NOI, and they will re-file).

Informational Discussion Regarding 307 Lancaster Street (Bethlehem Bible Church) Future Filing:

Mr. Arnold continued, informally discussing a future filing for a Notice of Intent at the above property. He showed the board a map of the church, the site, gravel parking lot, septic system, silt fence, and where clean fill would be placed. He asserted that the whole plan would be easier for traffic, and that they would raise one side of the site and move the entrance due to raising of the parking lot. Mr. Arnold explained that there is an issue due to an electrical easement, and a structure cannot be put over it, so there are only two possible locations for the building, and he mentioned that they will file with Planning Board, Board of Health and Electric.

Mr. Arnold showed where they would increase the elevation 8 to 10 feet. There would be concrete curbing around, paving, a gravel drive and catch basins. There would be precast concrete edging and sloped granite, detention pond and snow storage. He continued, describing an existing loom pile, the parking lot will be inside a silt fence, and they will have a fence. He said that the project should be fully constructed probably next year, and told the Commission that the fill will be obtained from Apex Center, Marlboro, MA. The board members informed Mr. Arnold that the Town will not allow them to use a chain link fence unless it has a vinyl coating on it. Mr. Femia suggested that, with the change in entrance, that the applicant would have to go to DOT about this; Mr. Arnold agreed. He explained that this work would be done for the safety of the church members also.

In response to a question from Mr. Mercurio, Mr. Arnold replied that the existing driveway will be flush with the slope. In response to a question from Mr. Hadley regarding handicapped access, Mr. Arnold showed him on the map the change of access, and suggested that the church entrance might be changed. In response to a question from Mr. Mercurio, Mr. Arnold replied that they have no plans at this time to expand the building.

In response to a question from Mr. Femia, Mr. Chase explained that DOT was only concerned about footage off the road and the traffic pattern. Mr. Mercurio explained to Mr. Femia that they do not want water from the parking lot to go into the road. Mr. Arnold discussed the pitch and where the water will go. He also explained, regarding traffic, that they do not want a dead end parking lot. He discussed with the board possibly putting in some trees, and replied to Mr. Femia that it should take them about three to four months to complete this project.

Complaints Regarding Dumping on Valley Forge Circle:

Susan Spellane of 38 Valley Forge Circle had contacted the Concomm regarding this problem, which involved dumping on the property next to her property, at 8A Valley Forge Circle. Also, Meghan Selby of DEP had contacted Concomm, after Ms. Spellane's contact with them about this. Ms. Spellane was present at this evening's meeting. Ms. Spellane asserted that, in 2013, the Concomm said that they would contact Ms. Ramstrom, the person alleged to be doing the dumping, when this had come up before. Mr. Chase recalled visiting the property in 2013, and also went there today; he remarked that he did not see the dumping that Ms. Spellane had talked about. He did not go further than that, as he was not sure if it was private property. (Ms. Spellane showed the board photos and pointed out the dumping area, describing that the person dumped sand with salt and chemicals from the road from the winter, along with leaves. She also pointed out where she lives and where wetland is located). She said that the neighbors' property is being dumped upon. Ms. Spellane explained that the water on the property is not a brook, but it floods, and asserted that Ms. Ramstrom swept sand, picked it up with

buckets, and dumped it in the woods, and that she moved some of it but it is still within 100 feet of wetlands. (She also showed Mr. Hadley the entrances of her house and #26, where there is supposedly dumping also). Mr. Haarmann noted a photo of a "No Dumping" sign. Ms. Spellane asserted that it was "no secret" that these lands are protected, and that the 100-foot buffer zone line is in #26's backyard.

Mr. Chase noted that Charlene Hopkins, who was formerly a Concomm member, had been handling looking into this situation. Ms. Spellane discussed comments from the Parks Dept. about this. She said that every fall she has to blow leaves off of the catch basin and that the sand covers the catch basin as well.

Mr. Hadley said that he would be sure that DPW is aware of this and does regular maintenance. He suggested that they send a letter to Ms. Ramstrom about this; Mr. Chase replied that he thought that Concomm did this already.

Ms. Spellane said that Ms. Ramstrom took out a restraining order against her. She also showed Mr. Mercurio a letter of complaint from Mary Marold, at #26 Valley Forge Circle. Mr. Hadley reiterated that a letter to Ms. Ramstrom should be sent, telling her that the dumping is not allowed (Ms. Goldstein will do this). Also, Ms. Spellane was to appear in court the following week, and she requested a copy of Concomm's file regarding this. Ms. Goldstein will look up the file and make copies of any documents in it for Ms. Spellane.

Update on 491 Prospect Street:

DEP had e-mailed a copy of a letter to the Commission, giving an update on the situation; according to DEP, Mr. Keller (owner of the property) was cleaning up the debris. According to Mr. Chase, it appeared that Mr. Keller was dumping again. Mr. Hadley suggested that the board send a letter to the Building Inspector, with a copy to DEP, stating that the resident continued to dump on the property and he must cease and desist. Mr. Chase added that the Concomm should recommend that DEP rescind their extension to Mr. Keller for time for cleaning up, if this is found to be true.

Update on DCR Gates Brook Enhancement:

Vinny Vignaly sent an e-mail to the Commission, informing them that they were still in the process of working on the environmental permitting and the backup information needed for the dredging.

Update on Afra Terrace Site Visit, 4/5/17:

Mr. Hadley informed the board that he went to the site. He reported that the fence was up. Mr. Chase reported that he had not yet heard from the engineer whose stamp was on the letter that Iqbal Ali presented to the Commission at the March 6, 2017 meeting.

Update on Conservation Restriction:

Mr. Hadley informed the board that all the paperwork had gone through.

Update on Proposed Wetland Bylaws:

Mr. Mercurio informed the Commission members that the Bylaw Committee recommended only a change to what the Concomm submitted regarding fines for violations; they wanted it to be \$100 per violation, NOT \$100 per day. Mr. Mercurio made a motion to approve that change to the version to be heard at Town Meeting. Mr. Hadley seconded. All in favor. Ms. Goldstein was instructed to be sure that the Town Administrator is informed of this change.

Discussion of Possible Concomm Fee Schedule Changes:

Mr. Chase had asked Ms. Goldstein to obtain fee schedule information from a variety of towns in MA. She gave that information to Mr. Chase, and he will work on proposed changes to the present Concomm fee schedule (from 2010) and submit that to the Town Administrator, who will then have Town Counsel look at it before the Board of Selectmen will approve it.

With no further business to discuss, Mr. Hadley made a motion to adjourn the meeting at 8:35 p.m. Mr. Mercurio seconded. All in favor.

Submitted by: _____
Date accepted: _____