

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JUNE 5, 2017 MEETING

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

MEMBERS ABSENT: Mark Meola and Carl Haarmann (Associate Member).

At 7:00 p.m., Mr. Chase called the meeting to order.

Public Hearing, Joseph Serriello, Request for Determination of Applicability, 4 Chino Ave.:

(Joseph Serriello represented). Ms. Eaton read the public hearing posting aloud. The proposed work was for the lining of the bottom of the backyard hillside with rocks, addition of fill and removal of yard waste debris from the hill at 4 Chino Ave., West Boylston, MA.

Mr. Serriello explained that, over the years, he and his neighbors dumped yard waste on the hill near his property. He was told to go before the Conservation Commission first before removing any surface debris. (Mr. Chase mentioned to him that there is a public dump on Laurel Street, which can be used once per month). In response to a question from Mr. Hadley, Mr. Serriello replied that he will be placing fill over the removal area, consisting of dirt and loam, then put rocks over that. In response to a question from Mr. Mercurio, Mr. Serriello replied that the slope is about 12-feet high. He continued that, at the bottom, they plan to put rocks. He asserted that there is no water on the property, and pointed out on a map wetlands at the end of the property, and also pointed out his home and the hill. Mr. Hadley asked him if he planned to seed it to stabilize it? Mr. Serriello asked if he could use rip rap rock to hold down the dirt? Mr. Mercurio thought that this would hold it, and that he could loam and seed to create a root system, or use rip rap. Mr. Serriello suggested that he would rather use rip rap, as he did not want to mow grass. But, Mr. Chase asserted that there could still be weeds, and Mr. Hadley added that rip rap would be more expensive. Mr. Mercurio suggested a barrier underneath to prevent weeds.

With no further comments or questions, Ms. Eaton made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Mr. Mercurio then moved to issue a negative determination for the proposed work. Ms. Eaton seconded. All in favor.

Continued Public Hearing, Raymond and Sharon Gadoua, Notice of Intent, 393 Lancaster Street:

(Steve Sears and Raymond and Sharon Gadoua represented). (Mr. Mercurio recused himself from participating in the public hearing, explaining that Mr. Sears sent the septic plan to Mr. Mercurio's business and they may bid and/or do the work). At 7:15 p.m., Mr. Hadley read the posting notice of the public hearing aloud. The proposed work was for the replacement of a failing sewage disposal system and related grading within the 100 ft. buffer zone of a bordering vegetated wetland at 393 Lancaster Street, West Boylston, MA.

Mr. Sears showed the Concomm members a map which showed the existing cesspool which will be replaced by a septic system. The work is within 100 feet of the wetlands, as he asserted that there is nowhere else to put it. He described that there is mostly grass and open area, pointing out the lawn area of the property. Mr. Sears added that they have DCR approval for the proposed project. Mr. Sears continued that the existing house on the property is for sale. He pointed out where all the work would be done and asserted that there is a limited area in which to work. Mr. Sears described that there is a 15 3:1 drop in the back of the property. There is a concrete retaining wall. On a second sheet, he pointed out details of the retaining wall and straw wattles around the entire area.

Mr. Hadley then asked Mr. Sears about the cesspool that is there now; Mr. Sears replied that it was built around 1953, and asserted that, if it did not need Title 5 and as it doesn't meet all the criteria as it is, it could still function. He continued that they had to strip the area, but not too much, enough for access and the driveway, and stated that location of wetlands is in the submitted paperwork. Mr. Sears added that there are no streams or tributaries on the property, but a bordering stream is located downhill so they will meet with the Board of Health in two weeks. Mr. Chase asked him about a retention pond at the next house; Mr. Sears replied that J. Finlay Engineering reviewed the paperwork and said that it should be fine.

With no further questions or comments, Mr. Hadley made a motion to close the public hearing. Ms. Eaton seconded. All in favor. Mr. Hadley then made a motion to approve the request and issue an Order of Conditions according to Plan #L-13171, dated 4/2017, with the conditions of straw wattles and siltation barrier. Ms. Eaton seconded. All in favor. (The board informed Mr. Sears that they will not be able to issue a Certificate of Compliance without sufficient evidence of stabilization).

Public Hearing, Steve Cooley, Bethlehem Bible Church, Notice of Intent, 307 Lancaster Street:

(Mr. Mercurio read aloud the public hearing posting). The proposed work is for the expansion of the current parking lot towards the north with pavement and an upgraded detention basin, along with additional modifications to the walkways and upgrading of the septic system at 307 Lancaster Street, West Boylston, MA. (Scott Goddard represented). Mr. Goddard explained that he had the plan of existing conditions and the plan of proposed conditions. He mentioned that there was a previous Request for Determination 10 years ago for delineation of the wetlands, in conjunction with the selling of the back 10 acres of land to DCR. They then came before the Concomm in 2008 with the same NOI, for a parking lot modification, and explained that the applicant is revisiting modifications to the parking lot at the church that will improve it. He described that both sides of the property are surrounded by wetlands. Mr. Goddard described the existing conditions, mentioning that the property is about 5 acres in size, and there exists a 100-foot wide electrical easement. He described that, in the parking lot, is deteriorating asphalt. There is a raised and mulched septic area. He pointed out a gravel parking lot area, tree line, and bordering vegetated wetland along the back, and the 100-foot buffer zone. Mr. Goddard said that much of the reconstituting of the parking lot is outside of the buffer zone, but there is grading and work to be done in the buffer zone.

Mr. Goddard said that they will also be upgrading the drainage system. He described that the parking lot drains do not drain correctly. They run into catch basins, but water passes by them, and gravel gets washed away. He explained that a Christmas tree farm has a pond, with an intermittent stream that runs on to Route 110 and is supposed to run into a catch basin but leaves block it. He described how water bypasses the catch basin, jumps across the street, and sometimes comes out of another area; sometimes it happens with another catch basin, also.

Mr. Goddard explained that they need to redo the drainage system to meet current stormwater standards. They are looking to expand and improve the parking lot. The applicants are also looking to

move the entrance of the church, elevate one side of the parking lot, have a gentle contour, add curbing, and have a larger detention pond to meet stormwater standards. He described how the slope is 2 to 1 at the edge of the parking lot, which is in the buffer zone, and it is mitigated by appropriate stormwater measures, including stormwater basin and infrastructures.

The side of the building will be level, with a retaining wall, play area, and improved walkway; they look to replace the asphalt and add a retaining wall to contain children playing. He asserted that the applicant is concerned with improving function, use, and aesthetics of the exterior. He said that they have cleared a patch of trees, obtained some fill and started to stockpile it, and that they used silt fence and no erosion got past the work area. He asked the board for additional sources of fill, if they knew of any.

Mr. Mercurio then asked who marked the silt fence? Mr. Goddard replied that he marked the wetlands in 2005 or so. Mr. Mercurio then asked why Mr. Goddard did not come before the Concomm before, as there is a lot of fill where the trees were removed? Mr. Goddard apologized and asserted that they kept out of the buffer zone. Mr. Mercurio and Mr. Hadley were concerned that the material on top was soil that had a high amount of clay, which was not good quality and would dry up and harden. Mr. Goddard explained that he also filed with Planning Board for Site Plan Review and they sent it to VHB for review for drainage and compliance with the Town's standards. Mr. Mercurio asserted that it was too late, with the 6-foot high fill. Mr. Chase added that, when it dries, they won't get stability. Mr. Hadley commented that they thought that, according to Mark Arnold, who attended the May 1 Concomm meeting, they would stockpile the fill. Mr. Goddard asserted that someone at the church "pushed it around and dried it out" with a machine, and said that, if it has to be moved, they will do that. (Mr. Chase and Mr. Mercurio estimated that, with 6 to 7-feet of wet clay on top of the fill, it might take two to three years to dry). Mr. Goddard asserted that they will obtain better material and do it correctly. Mr. Mercurio commented that they want what is in the best interest of the church, and if the applicant only puts gravel on top, it will eventually break up as the clay will hold moisture. Mr. Mercurio told Mr. Goddard that he would research better sources.

Mr. Chase then suggested that 3 to 4 vertical trenches, stone, and pipe will dry out on its own and stay dry; he could use three 4-foot trenches with rip rap. In response to a question from Mr. Mercurio regarding the slope of the outer perimeter and stabilizing there, Mr. Goddard replied that they are proposing a 2 to 1 vegetated slope, with grass. He asserted that the material placed there was only supposed to be temporary, which Mr. Mercurio and Mr. Hadley questioned. Mr. Goddard said that the material was spread out and pushed around to dry it out; Mr. Chase said that Concomm would have an issue if the material slid back into the wetlands, and Mr. Mercurio suggested that he replace it with suitable material.

Mr. Hadley then asked about the catch basins on Route 110, which is State road; Mr. Goddard replied that there is a spring flush, then the pond is let go and leaves go quickly into the catch basins, and asserted that they are very old structures. Mr. Chase suggested getting DCR involved to keep the leaves out. Mr. Mercurio and Mr. Hadley suggested asking MA DOT about it. Mr. Mercurio asserted that, when Lancaster Street was reconstructed in the 1970's, something happened to the catch basins. Mr. Goddard then pointed out an open catch basin, which he said does nothing; he then pointed out a filled berm, where there is discharging taking place and pointed out the aforementioned pond and stream (Christmas tree farm), where the owner releases water and the catch basin where that goes; he then commented on a piece of wetland that he opined would be good to clean out from the sediment that flows from the tree farm and make it behave more like a basin. Mr. Hadley suggested that the best thing would be to move the driveway. Mr. Goddard responded that it would be an alteration to a bordering vegetated wetland, but if the board wants, he can dig it out and turn it into a more functional

stormwater pond. He continued that they could dig deeper, clean out the sediment, put in a sediment pond, and raise the berm, asserting that this would allow all road sediments to get out which are now going into the wetland untreated.

In response to a question from Mr. Mercurio about the pipes, Mr. Goddard replied that the pipes were not broken or clogged, and that water comes out with a good flow so he did not think that there was any clogging in the pipes. The board members suggested different options that might help them do the work.

In response to a question from Ms. Eaton, Mr. Goddard replied that there is an existing septic system, which is out of the buffer zone; there is no pump, it works by gravity. He said there will be one vent located fairly deep, which will be greater than 50-feet long, and will remain at the same elevation. In response to a question from Mr. Hadley, Mr. Goddard replied that there will be irregular usage of the septic system. Mr. Mercurio informed him that he cannot cover over the system with greater than three feet of material.

Mr. Mercurio then asked Mr. Goddard what he proposed will be done about the fill in the parking lot? Mr. Goddard replied that he will talk to the contractor about trying to dry it up. Mr. Hadley asserted that they cannot put a driveway over that fill material, and Mr. Chase suggested that they can pull it back. Mr. Goddard suggested continuing the public hearing to the next meeting, as they will also have to hear from the VHB review and obtain a DEP File Number.

With no further questions or comments, Mr. Hadley made a motion to continue the public hearing to the July 10 meeting, at 7:00. Ms. Eaton seconded. All in favor.

Update on Baldarelli Notice of Intent Filing:

(John Farnsworth represented). Mr. Farnsworth presented the NOI paperwork to the Commission members, along with filing fee (he still needed to submit the fee for the legal ad to appear in the newspaper). He mentioned that they submitted paperwork to the Army Corps of Engineers, and their comment period ended June 2, so he expected to hear from them soon. He mentioned that DEP questioned their indication of no natural heritage, but MEPA had no concern regarding natural heritage. Mr. Farnsworth commented that they would like to begin work as soon as possible. He added that they submitted everything they needed to to MA Highway, whose concern was with liability and maintenance so the applicant has pushed the work far back in the property. He added that DEP should be done soon regarding the 401 Water Quality, and DCR is the last entity that they need to work with.

In response to a question from Mr. Mercurio about the culverts there, Mr. Farnsworth described that there are two box culverts, eight feet wide and six feet tall but 1 ½ feet is imbedded in the stream. He discussed the height of the water being difficult; Mr. Chase told him that there are no beavers present and it was thought that the frequent rain caused the high water level. Mr. Farnsworth then discussed the history of the project, which he believed began in 2002; he and the board talked about the previous beaver problems there also. Mr. Farnsworth explained that, if Mr. Baldarelli could get across the stream, he could keep the area clean on a regular basis. Mr. Chase asserted that the problem is further down where the railroad tracks are located. Mr. Farnsworth mentioned two culverts down where the old trolley tracks were, and it used to be easy to clean them out. Mr. Mercurio opined that once Mr. Baldarelli has an opening, he will maintain the property.

With no further discussion, all present agreed that the public hearing will take place at the July 10 meeting.

Public Discussion NOT Listed on Agenda:

Julie Marion, a realtor, came for informal discussion regarding property owned by Lincoln and Tammy Barton, and she wanted direction from the Concomm as to how to proceed. Part of the Barton's property is in Holden, and part in West Boylston (she showed the Concomm members two maps). The issue regarding the small amount of property in West Boylston is that there is a horse stall on the property line and the West Boylston/Holden line. She wanted to know if the Town of West Boylston would be interested in purchasing the land? She mentioned that the State expressed some interest in buying a portion of the land. She pointed out two pieces of Chapter 61B land, a cell tower in Holden that is located on industrial land, and Ms. Barton also pointed out DCR-owned land. She also pointed out that one cannot cross over from one piece of land in West Boylston to the other piece without crossing over Holden because of horse stalls. She added that the horse stalls are in disrepair and could be torn down and built elsewhere. The Bartons are selling the land as a horse farm. Ms. Marion asked the board if a house could be put on the property? She suggested that someone could perhaps buy the horse farm and put a house on the property if the Town does not want it, but they would have to cross over Holden. The Commission members gave several suggestions. One was perhaps giving the land to the Greater Worcester Land Trust; they suggested that, as the property is split between two separate towns, it would be difficult to build a house on it as it couldn't be taxed; perhaps they can file for a tax abatement; perhaps they can have the property be under Section 61B (Mr. Mercurio said that it would have to be for recreation, however). They also suggested having the State take it. Ms. Marion explained that they are just looking for land rights and value for this property and are exploring options at this time. She said that the Building Inspector told her that they would have to go to the Zoning Board of Appeals. After she discussed the size of the property, the Commission commented that it is a good-sized piece of land, and suggested maybe considering a 40B project on the property.

Another possibility discussed was donation of the property to the Town, with a tax credit given in return. Mr. Chase discussed the procedure that would be involved in order to do this.

Ms. Marion said that DCR might be interested in the land also, as she asserted that it is sensitive land, but she said that the Bartons wanted to see if the Town wanted the land as open space. (The Commission members also discussed possibly separating the property and putting in a right-of-way in order to have access to both lots, or selling it as additional land to the Town, and they explained frontage requirements to her in the Town). Mr. Chase suggested that it might be part of a secondary aquifer, which requires 150 feet of frontage, and suggested that the only benefit to the Town might be as additional land. The board advised her to go to the Assessor's office to obtain a value of the land, and then she could look into tax credit from the Town.

Update on Fee Schedule Changes:

Mr. Hadley had suggested adding \$25.00 to each fee category. The Commission members also discussed, regarding permits that are issued, that if the applicant does not record the document within 30 days, that the permit will be revoked. With everyone in agreement, Mr. Mercurio made a motion to increase each fee category by \$25.00. Mr. Hadley seconded. All in favor. (Mr. Chase will work on the modifications with Ms. Goldstein separately).

Update on 491 Prospect Street:

DEP had sent a letter to the Commission, which informed them that the property owner had taken care of the situation of dumping on, and cleaning up of, his property to their satisfaction.

Update on Wetland Bylaws Regarding Changes on Filing Forms:

The Commission members announced that the bylaws were accepted at the May Town Meeting. Ms. Goldstein had notified Mr. Chase that some of the wetland permits have sections to fill out that pertain to the Town having wetland bylaws; they will discuss how to handle this on the permits at another time.

Minutes of May 1, 2017 Meeting:

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

With no further comments or questions, Mr. Hadley made a motion to adjourn the meeting at 8:41 p.m. Mr. Mercurio seconded. All in favor.

Submitted by: _____

Date accepted: _____