

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JULY 10, 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 7:01 p.m., Mr. Mercurio made a motion to open the meeting. Mr. Hadley seconded. All in favor.

Continued Public Hearing, Steve Cooley, Bethlehem Bible Church, Notice of Intent:

The applicant requested a continuance by e-mail several days prior to the meeting. They will be on the agenda for the August 7 meeting unless the board is notified otherwise.

(Mr. Mercurio wanted the following in the record, that, under his personal driveway, a pipe originating in the 1960's is broken, and he wants to replace it and clean out the drainage ditch which is filled with leaves. He will eventually give the board a maintenance plan.

Public Hearing, Wallace E. Baldarelli, Notice of Intent, 301 Sterling Street (aka Route 12), DEP File #327-0272:

(John Farnsworth and Ed Baldarelli represented). Ms. Eaton read aloud the public hearing posting notice. Mr. Farnsworth explained that they applied for a separate DEP file number from the original Notice of Intent/Order of Conditions for the same property (327-0252) as the previous filing included maintenance and other work in the area, whereas this filing only involves the crossing specifically. He said that DEP wanted them to file a 401 form for water quality, and they applied to MA Highway for a curb cut, and added that they want MA Highway to do the entrance and to get the water line over it as it is on the opposite side of the street, explaining that they will have to trench it across the roadway, which is Route 12. In response to a question from Mr. Chase, where he mentioned that there is a pump for sewer around there so that they could probably hook up to sewer, Mr. Farnsworth said that they will probably obtain a Title 5 for the property once Mr. Baldarelli is able to cross over, and he discussed the sewer line in the area of the work and where it goes. Mr. Baldarelli further elaborated on that. They all discussed the possible hookup to sewer and what it would involve. Mr. Farnsworth then informed the board that he brought with him, along with the copies of the Notice of Intent, the 401 paperwork that DEP asked him to file, and the Army Corps of Engineers Waterway Permit. He replied to Mr. Chase that they will have box culverts, and commented that he now only needs an Order of Conditions from the Commission, and DCR will be their last stop for approval; he said that they are just waiting for MA Highway to sign off. Mr. Baldarelli and Mr. Farnsworth then discussed the high water level, which they want to lower so that they can work there, and said that there was still a beaver dam there, explaining that part of the dam broke and part of the bridge was washed out there (Mr. Baldarelli asserted that he was given permission by DCR to clean it out). Mr. Farnsworth continued that the Army

Corps, Homeland Security and FEMA were involved in looking at the project, and that MA Highway put a culvert in the road and they told them that there was a large beaver dam there. Mr. Chase mentioned that the State still has not passed the legislation regarding the beavers.

With no further questions or comments from the Concomm members or the public, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Mr. Hadley then made a motion to approve the Order of Conditions, according to "Proposed Box Culverts, Two 8-ft. by 6 ft., Plan No. 06-07-BOX-Cul-2017), dated 1/12/17. Mr. Mercurio seconded. All in favor.

Informal Discussion with Angell Brook Board of Directors Regarding Proposed Fill and Herbicide:

(Carlton Barstow represented). Mr. Barstow gave a list of items that the Condominium Association wants to address: they propose to fill in a gully at the entrance of the development behind the stone sign - they propose filling it and seeding it; they want to keep poison ivy and weeds at bay; and deal with standing water which collects in a depression which is not a retention pond. Mr. Barstow showed a map of the area to the Concomm members, pointing out the wetlands, and where they would like to do work. He described that there is a gully on one side of the road, and a filled-in area where the sewer line goes through. There is a manhole buried under mulch but which ties into the sewer, then there is more gully, all of this on Angell Brook's land. He pointed out the railroad tracks, and the two gullies which they want to fill in. Mr. Chase discussed that the grade cannot be greater than one foot above the manhole; Mr. Barstow responded that he would provide him with grade measurements. Mr. Barstow explained that they want permission to do this but opined that it did not appear to be part of wetlands. In response to a question from Mr. Mercurio, he replied that those gullies are not retention basins, and he thought that the wetlands are maybe 50 to 75 feet from the aforementioned depressions. Mr. Mercurio responded that, being less than 100 feet from the wetlands, that they need to come before the Concomm. Ms. Eaton asked about the standing water, and Mr. Mercurio and Mr. Chase replied that, when grading is done, the water will dissipate. Mr. Chase suggested that stormwater measures would be needed to get rid of the water. Mr. Barstow responded to a question from Mr. Mercurio that the grade of the filled-in gullies would be higher than, or equal in height, to the manhole, and mentioned their concern about someone having an accident because of the gully, so they want to fill it. He then continued, explaining about the area in front of the stone sign, where the landscaping is filled with poison ivy and weeds. Mr. Mercurio instructed Mr. Barstow that, if they fill in that area, to be sure that it is at least even with the manhole (Mr. Chase added that he'll need the height numbers). Mr. Mercurio and Mr. Chase discussed with Mr. Barstow how he should fill the area with sandy material that will drain, with some fill on top, and that he needed to give the Commission a maintenance plan. Mr. Barstow then showed the Concomm members the area that they will mulch, and Mr. Chase discussed perhaps using poplar trees to help remove excess water.

Mr. Barstow then discussed the second item of concern, that of poison ivy and other weeds, and he said that they want to use a contractor that they know who is licensed to use Roundup to treat them. Mr. Chase informed him that they need a separate permit for that, as they cannot spray herbicide within 100 feet of the wetlands.

Next, Mr. Barstow discussed that the old DEP sign which was on a pole fell off and was in the gully with the poison ivy. Mr. Chase responded that, as the work was completed, that sign was no longer needed and to just cover it over.

The next item that Mr. Barstow needed to discuss was trees on the other side of the detention pond (he showed this area to the board on his map); these were standard evergreen trees, planted by the developer, many covered with poison ivy and sumac along with bittersweet, which they would like to treat with herbicide and they would need a maintenance program to do this again when the invasive

species grow back. Mr. Chase responded that whomever they hire to do the spraying (they must be licensed for that) will have to give him a maintenance plan for this when they go to do this, and every year they can come back to do it again so that the species do not return. Mr. Barstow added that there is a berm on the large hill to shield the development from 100 Hartwell Street activities, and they would like to have Bartlett tree trimming company cut invasive species off the trees to the ground and leave it, and then the contractor doing the spraying could spray with Roundup what is left on the ground; they need a maintenance program for this also. Mr. Chase commented that, after three years, it should be in good condition; he added that they can get the permit and sub the work out to whomever they want, but must give Mr. Chase a copy of the license.

The last item discussed by Mr. Barstow was that there is a tree across from the narrow detention pond on the edge of the Conservation Restriction area which is a tall, dead poplar tree, and they want to cut it down. Mr. Chase responded that they can cut it but the roots have to remain; he also said that they can cut it down and just let it drop and leave it there. Mr. Mercurio opined that they should drag the tree out and cut it up; Mr. Chase responded that cutting and dropping of the tree would not be a disturbance in the wetlands, and that they can grind up the wood but cannot dig out the roots. Mr. Chase continued, that they would need a Request for determination of Applicability for the filling and cutting activities, and for maintenance of the entire project. He instructed Mr. Barstow to document everything and let the board know when they would be doing the work. Mr. Chase opined that there would be a negative determination, with stipulations for what they have to do, including elevations. (The board then told Mr. Barstow that they could have the hearing at the next meeting, in August, and they discussed that he would probably want to do the work in August or September).

Discussion Regarding Possible Afra Terrace Certificate of Compliance:

The Commission received a letter from Bertin Engineering, verifying the engineer's letter approving the submitted "as-built" by developer Iqbal Ali as being written and stamped by him. Therefore, Mr. Hadley made a motion to issue the Certificate of Compliance for the Afra Terrace project. Mr. Mercurio seconded. All in favor. (David Femia, Chair of the Zoning Board of Appeals, who was present in the audience, notified the Commission that the ZBA needed a copy of the Certificate, the original plans, and the most recent "as-built" to provide to the management company as they requested).

Reorganization of Conservation Commission, Including Representatives to Earth Removal Board and Open Space Committee:

Mr. Chase was re-elected as Chair for another one-year term. Mr. Hadley and Mr. Mercurio were re-elected as Vice-Chairs for another one-year term. Mr. Chase agreed to represent the Concomm on the Earth Removal board and Open Space Committee for one-year terms. (Mr. Hadley was to represent the Board of Selectmen for both Earth Removal and Open Space).

Update on Fee Schedule Changes:

Mr. Chase announced that the board would propose adding \$25.00 to each category on the fee schedule, except for Notices of Intent, of which the fee calculation is more complicated, and he would work on that further.

Minutes of June 5 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.

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With no further comments or questions, Mr. Mercurio made a motion to adjourn the meeting at 8:01 p.m. Mr. Hadley seconded. All in favor.

Submitted by: _____

Date accepted: _____