

**MINUTES  
WEST BOYLSTON CONSERVATION COMMISSION  
AUGUST 7, 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.

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

The applicant requested a continuance by e-mail prior to the meeting. They will be on the agenda for the September 11 meeting unless the board is notified otherwise.

**Minutes of July 10 Meeting:**

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

**Baldarelli Site Visit:**

A project site visit will be held on August 10<sup>th</sup> at 1:30 pm, at 301 Sterling Street; DEP notified the board. The site visit was scheduled due to an appeal of the Order of Conditions that was issued on July 10, 2017 by the Commission. Mr. Chase and Ms. Eaton will attend from the Concomm.

**Update on Fee Schedule Changes with Board of Selectmen:**

Mr. Hadley informed the board that the Board of Selectmen will meet on August 16 and will discuss proposed filing fee changes submitted by the Commission.

**Public Hearing, Dennis Minnich, Request for Determination of Applicability, 405 Prospect Street:**

(Ms. Eaton read aloud the public hearing posting). Chief Minnich summarized that he came previously before the Commission to informally discuss the possibility of putting on an addition to his house, and the Concomm members instructed him to file a Request for Determination of Applicability. He mentioned that he was within 100 feet of wetlands. Mr. Mercurio added that he visited the site in May, and with it being within 100 feet of wetlands, told Chief Minnich that he needed to file with the Commission. Mr. Chase asked for a plot plan, which was in the paperwork; he reviewed it. Chief Minnich asked if anything more was needed? The board looked at the plan, and they had no questions; the public had no questions or comments either. Therefore, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Next, Mr. Mercurio made a motion to issue a negative determination. Mr. Hadley seconded. All in favor.

**Public Hearing, Andy Beardsley, Request for Determination of Applicability, 19 Crescent Street:**

(Mr. Hadley made a motion to open the public hearing. Mr. Mercurio seconded. All in favor. Mr. Hadley read aloud the public hearing posting). (Scott Jordan, Ron Thunberg and Andy Beardsley

represented). Mr. Jordan submitted a letter regarding ISF calculations. He said that the resources were delineated, and there was an isolated wetland. He described it as large, shallow, and not a pond with much water. He explained that it extends a little to the north (pointing it out on a map of the site). Mr. Jordan continued that there were no stream channels draining it, and that it was an isolated vegetated wetland (IVW). He did calculations to see if it was an isolated land subject to flooding (ISF), and determined that it did not qualify; he wanted the board to state that it was not an ISF.

In response to questions from the board regarding what he intends to do with the property, Mr. Beardsley said that it would depend on what the Town would allow, and mentioned possibly building condos. The Concomm members asked Mr. Beardsley questions regarding the size of the property and how many units that he might want to build if that was to be done. When asked about standing water by Mr. Mercurio, Mr. Jordan replied that there is standing water in early spring. When Mr. Hadley asked how deep it would be, a resident who was in the audience (but did not give her name), commented that it used to be like a big lake, but that a large drain takes away a lot of the water. Mr. Chase added that the water goes down to a park and ties into sewers. Mr. Thunberg commented that he did see a drain but the water is not connected directly to the drain.

The board asked Mr. Jordan to walk the site, and the board agreed to August 14 at 5:00. The Clerk was instructed to post it, due to Open Meeting Law concerns. Mr. Chase announced that the public hearing would be continued to the September 11 Concomm meeting.

**Public Hearing, Angell Brook Condominium Trust Board of Directors, Angell Brook Village, Shrewsbury Street and Emily Drive, Request for Determination of Applicability:**

(Phil Mallet represented). (Ms. Eaton recused herself, as she is a resident of Angell Brook Village). (Mr. Chase read the public hearing posting). (Mr. Hadley made a motion to open the public hearing. Mr. Chase seconded. All in favor). Mr. Mallet presented to the Concomm members photos and maps, which showed Angell Brook Village and Angell Brook Drive, and pointed out a gully behind the stone sign at the entrance of the Village; the Board of Trustees would like to fill in the gully. In response to a question from Mr. Chase, Mr. Mallet replied that they would put in about 6 to 8 feet of fill, to the same level as the rest of the area. In response to a question from Mr. Mercurio, Mr. Mallet asserted that it was not a detention pond, and commented that the developer is no longer involved and it was never brought up before. Mr. Mallet continued that they would like to fill two gullies on the property, which tend to fill up with poison ivy and other noxious weeds; he asserted that they are unsightly and that there could be a danger of vehicles going over them. (Mr. Mercurio added that Carlton Barstow, who attended the previous Concomm meeting and informally discussed this subject, said the same). Mr. Hadley commented that the work would be more maintenance than anything. Mr. Mallet continued that they would also like to remove poison ivy down Angell Brook Drive. He said that he would have a licensed contractor to spray Roundup as an herbicide. Mr. Chase told Mr. Mallet that the Concomm would need a maintenance plan of what they will do each year, and that the board will have to see on the plan where the work will be done. Mr. Mallet described that the work would be done at the end of Emily Drive, pointing out the conservation area. He explained that the developer planted a screen of evergreen trees, and said that they want Bartlett Tree Co. to clear out the invasive species from the trees, and they will have the licensed contractor use the Roundup to destroy the invasive species.

Next, Mr. Mallet continued, there is a large dead poplar tree between 8 and 10 Emily Drive, which almost touches the wetlands; they would like to cut down the tree and allow it to drop into the conservation area, not removing the stump, but allowing it to become habitat. (This was discussed at the last meeting, where the Concomm informed Mr. Barstow that they could cut down the tree and

allow it to fall, but not remove the stump). Mr. Mercurio then suggested cutting down, then removal of the tree rather than leaving it there, for aesthetic reasons. Mr. Mallet asserted, however, that the tree would be hidden, and commented that it would be expensive to remove it. Also, he reiterated a comment from Mr. Chase that, if the tree was cut up there, there would be a risk of petroleum in the wetlands from the equipment used to cut it up.

Mr. Mallet then summarized the four requests that the Board of Trustees had for the Commission:

1. Filling of the gully
2. Roundup for annual maintenance
3. Removal of weeds from the evergreens
4. Dropping of the dead poplar tree

Mr. Chase told Mr. Mallet that he would like him to develop this into a continuous maintenance program, and instructed him to send the board notification of when the work will be done and by whom, with a copy of the license for the Roundup contractor, and a blueprint showing the area that will be done. Mr. Mercurio expressed concern over the use of Roundup, due to possible dangers of the chemical. Mr. Mallet responded that people had disagreed with him about the use of Roundup, and does not want Angell Brook penalized because of this. Mr. Chase responded, instructing him to come before the Commission every year with a license for the Roundup.

Mr. Chase asked the audience if they had any questions? David Femia, Chair of the West Boylston Zoning Board of Appeals, asked if there was anything specific planned for the gully fill? Mr. Mallet replied that they would use two-thirds gravel, then loam topping for the last third, then they would seed it. Mr. Mercurio added that they should be using clean fill.

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. Mr. Mercurio seconded. All in favor. Mr. Chase added that the Commission will sign the Determination, and wait for the maintenance plan; he agreed with Mr. Mallet that they can do the work in the gully, but will wait for the maintenance plan to do the Roundup treatment and cut down the tree. (Ms. Eaton then returned to the meeting).

**Mr. Mercurio Regarding Work on his Property:**

At the July 10 meeting, Mr. Mercurio announced that he would be doing work at his property, which included replacement of a broken pipe and cleaning out of the ditch, and would submit a letter to the Commission to have in the record; he presented the letter to the board this evening.

With no further comments or questions, Mr. Hadley made a motion to adjourn the meeting at 8:00 p.m. Ms. Eaton seconded. All in favor.

Submitted by: \_\_\_\_\_  
Date accepted: \_\_\_\_\_