



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **Conservation Commission ] Meeting Minutes**

<b>Date / Time / Location of Meeting</b>	<b>Monday, 9/11/17/7:00 p.m./West Boylston Town Offices, Rm. 120/131</b>
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<b>Members Present</b>	<b>William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair)(arrived late), and Emily Eaton; Carl Haarmann (Assoc. Member), and Clerk Toby Goldstein.</b>
<b>Members NOT Present</b>	<b>Mark Meola</b>
<b>Invited Guests</b>	<b>N/A</b>

**Welcome – Call to Order** **Time: 7:00 p.m.**

**Approval of Previous Minutes** **August 7, 2017**

**Motion Originator** **Mr. Hadley**

**Motion Seconded** **Ms. Eaton**

**Treasurer – Financial Report** **Mr. Chase read only**

**Motion to Accept** **N/A**

**Seconded** **N/A**

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

(Scott Jordan and Andy Beardsley represented). Mr. Jordan recounted that, at a site walk that took place with Concomm on August 14, that it was agreed that the wetland in question was isolated, and their engineer gave an assessment of his calculations which showed that this was not an ILSF (isolated land subject to flooding) which would be subject to protection in the Wetlands Protection Act (WPA), and they are seeking a negative determination. Mr. Chase responded that he disagreed with the calculations even though he had not seen them, explaining that the area in question drains into Newton and Goodale Streets; he described what areas they looked at, which were wet and are wet at the moment; he does not disagree with building there, but it is part of an ecosystem, where all the back yards drain into a valley, which intercepts the drainage, which stalls and dissipates

water and recharges, then drains down into Wachusett Reservoir. Therefore he asserted that the board had jurisdiction and wanted the applicant to work with the board on this. Mr. Jordan pointed out on a map some yard drains that he understood to be there, and asserted that every depression can get full enough to ultimately drain. He claimed that, for it to be a jurisdictional BVW, it has to have a channel drain it, so there is clearly wetland there; for jurisdiction, there must be a body of water (pond, stream, creek or lake), and their assessment said that this is not the case. He continued that, as one climbs up the yards of the properties, the watershed may fill up occasionally, and the water goes somewhere, but if you look at the definition of a BVW, this is not one. Mr. Chase asserted that this is open for interpretation, and he would like to see a plan for what the applicant is going to build. He did not want to issue the determination this evening, he would rather work with them. Mr. Chase explained that he told Ron Thunberg who is working on the project that he wanted to see the foundation, impervious, and where the water will be going. Mr. Jordan responded that they are not proposing a development at this time. Mr. Chase explained that there is a local ecosystem which is part and parcel of a system to get rid of water from the individual homes and he cannot just allow it to go anywhere. Mr. Jordan said that he thought that he and the applicant were in front of Concomm to see if this area qualifies as a BVW. Mr. Chase reiterated that he believed that the board has jurisdiction, and wants to see what they will do with the property and that he has not seen any calculations. He added that this area would affect the water going into Wachusett Reservoir, and that he was not opposed to building on the property but wanted to know where the water is going, and how they will get the water off the properties that they might build and how they will control the water. He commented that Ron Thunberg's (engineer) calculations show that the water recharges in the soil and there is drainage, but they don't know where it goes. Mr. Beardsley responded that he thought that he needed the determination first. Mr. Jordan, Mr. Beardsley and Mr. Chase agreed that they will come back, with an overlay of some possible development on the plan, and show how they will control the water. Mr. Chase instructed them that they will be continued until 7:00 at the October 2 meeting.

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

The hearing was continued at the request of the applicant prior to the agenda posting of the meeting, until the October 2 meeting. (Mr. Chase said that the board would instead take care of Other Business until the next public hearing at 7:30).

#### **Other Business:**

##### **1. Minutes of August 7, 2017 Meeting:**

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

##### **2. Update on Baldarelli Order of Conditions, 301 Sterling Street, DEP File #327-0272:**

Two Concomm members attended a site visit with DEP on August 10, as there was an appeal of Concomm's granting of an Order of Conditions for proposed work at the site. Mr. Chase reported that DEP issued a request for a superseding order but agreed with Concomm's decision. (He then mentioned dumping of trash in one pond that was part of the original maintenance program for the property, located to the left of the area under the above Order of Conditions).

##### **3. Update on Concomm Fee Increase:**

Mr. Hadley reported that the Board of Selectmen approved Concomm's proposal for fee increases. They can therefore be posted on the Town website.

##### **4. Update on Changes in Concomm Filing Instructions on Website:**

Mr. Chase will go over the instructions that need to be changed with Ms. Goldstein.

##### **5. Informal Discussion of Complaint Regarding Malden Street, Lots 22 and 23:**

Mr. Hadley explained that trees had been cut on the property, then Mr. Zingarelli (property owner) installed wattles for erosion control; he believed that the trees had to have been on wetlands, and the cutting was not approved. He believed that Mr. Zingarelli cut trees down in the back of the property that were in wetlands, and placed erosion controls (wattles and silt fence) there after someone had complained about it. He added that

the foundation of an intended house is installed. Mr. Chase said that he would talk to the Building Inspector about it. He questioned if Mr. Zingarelli was going to build a house in wetlands, as the property is quite small. He recounted that Mr. Zingarelli built a first house on the property, cleared whatever trees that he could, and the remainder of the property was wetlands. Mr. Chase said that he would take a look at the property.

**Public Hearing, Larry Moyer, Request for Determination of Applicability, 84 Prospect Street:**

(Ms. Eaton read aloud the public hearing posting notice). Larry Moyer represented; he stated aloud his name and address. Mr. Moyer showed the Commission members the “as-built” map of the property. He explained that the driveway needs repair, and that he proposed to use a mixture of macadam and gravel, and needs both sections of the driveway fixed; he said that he was not planning to enlarge the driveway, only to repair it. (He explained macadam to Ms. Eaton). He said that he may not begin work until Spring because there is only one person who does this and he cannot get to him until then.

Mr. Mercurio asked why Mr. Moyer was coming before the Commission, and he explained that there is a creek there (Mr. Chase added that it is Scarlett Brook), and a culvert under the road, and he had talked to Mr. Chase and there used to be haybales there (He showed the board the house, Route 110, and the old Estrada property; Mr. Chase pointed out the pond and farm on the map). Mr. Chase explained to Mr. Hadley that Concomm had jurisdiction because of the river, and Mr. Moyer added that he needed paperwork from DCR also, and explained the history of the property. Mr. Chase asserted that Mr. Moyer just needed to install straw wattles before doing the work, showing him where to put them, and that he would receive a negative determination, and instructed him to notify Concomm 24 hours prior to the start of work. (They discussed grading also, and Mr. Moyer said that the grading would not change). With no further questions or comments, Mr. Mercurio made a motion to close the public hearing and issue a negative determination (with the above conditions). Ms. Eaton seconded. All in favor.

**NEXT MEETING**

**Monday, October 2, 2017**

**MOTION TO ADJOURN**

**Motion Originator**                      **Mr. Mercurio**

**Motion Seconded**                      **Mr. Hadley**

**Time of Adjournment**                      **7:33 p.m.**

**Signatures**

**Submitted by:**                      **Toby S. Goldstein, Clerk**

**Date Submitted:**                      **10/2/17**