



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

Conservation Commission Meeting Minutes

Date / Time / Location of Meeting	Monday, 10/2/17/7:00 p.m./West Boylston Town Offices, Rm. 120/131
Members Present	William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair), and Emily Eaton; Clerk Toby Goldstein.
Members NOT Present	Mark Meola; Carl Haarmann (Associate Member)
Invited Guests	N/A

Welcome – Call to Order **Time: 7:00 p.m. (Motion made by Mr. Mercurio, seconded by Mr. Hadley)**

Approval of Previous Minutes **September 11, 2017**

Motion Originator **Mr. Mercurio**

Motion Seconded **Ms. Hadley**

Treasurer – Financial Report **Mr. Chase discussed with board members.**

Motion to Accept **N/A**

Seconded **N/A**

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

(The applicant had made a request to continue prior to the meeting). Mr. Hadley made a motion to continue the public hearing to the November 6 meeting. Ms. Eaton seconded. All in favor.

Discussion of Project Roundtable for Andy Beardsley, 19 Crescent Street:

(The roundtable will be held on Thursday, October 5, 2017, at 6:00 p.m.). David Femia, Chair of the ZBA, who was present in the audience, asked Mr. Chase what will be discussed at the roundtable? Mr. Chase replied that he as Chair of the Concomm needs to know what Mr. Beardsley intends to build, so that it can be determined

how much impervious material there will be and then determine how much water will be displaced by the construction. Mr. Hadley added that all the Town boards get together for a roundtable before something official is decided. Mr. Femia asked where Mr. Beardsley's proposed units will be located? Mr. Chase explained where they are planned, and where they cannot be placed. Mr. Femia also asked about location of the units in relation to trees? Ms. Eaton believed that trees will be coming down, according to Mr. Beardsley. Mr. Chase added that trees are needed for retention of water and soil; he also mentioned several other representatives that will be attending the roundtable, such as those involved with traffic and fire safety.

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

(The applicant had requested to continue the public hearing to the November 6 meeting prior to the meeting). Mr. Hadley made a motion to continue the public hearing to November 6. Ms. Eaton seconded. All in favor.

Minutes of September 11 Meeting:

Minutes were accepted as submitted (see above).

Questions from Angell Brook Village Regarding Use of Roundup:

(Carlton Barstow represented). Mr. Barstow discussed a letter sent prior to the meeting by the Angell Brook Trustees, regarding the use of Roundup on poison ivy and other noxious species of plants at Angell Brook Village; at a previous Concomm meeting, the use of Roundup was discussed as part of a Request for Determination of Applicability public hearing. Before proceeding to spray with the Roundup, Mr. Barstow and the Angell Brook Board of Trustees wanted to know if they needed to inform abutters? Mr. Chase replied that he did not think so, but suggested that they ask the licensed person who will do the spraying. Mr. Barstow also presented to the board a sketch of the areas that they intend to spray, as was requested at the aforementioned public hearing. Mr. Chase suggested that the areas can be colored-in, and a rough sketch would be sufficient as the spraying was not going to be done next to a body of water. Mr. Barstow explained that the spraying will be pushed back due to residents' response to the use of the Roundup; spot spraying will be done. Mr. Barstow mentioned that the Concomm had some objections to the use of the Roundup, and said that he discussed with Mr. McCarthy (the licensed sprayer) that he has a stronger Roundup than is in the stores, or others have suggested a spray with a lower percentage of it, but he will need to spray more than once. Mr. Barstow explained that he has had arguments from residents about the Roundup. Mr. Mercurio responded that he made a comment about Roundup causing cancer, but that is all that he said. Mr. Barstow responded that the chemical in Roundup was in Agent Orange, but they will only be spot spraying at Angell Brook. Mr. Chase responded that there are certain questions, such as what is the shelf life of it, or will people walk through it, that he cannot answer. Mr. Mercurio said that a licensed person would know those things. Ms. Eaton asked if Roundup is approved within MA near the wetlands? Mr. Mercurio replied that the licensed person would know, and Mr. Chase said that he would call VHB if he needs an answer. Mr. Hadley opined that, if it was not licensed in the state, then one could not purchase it. Mr. Barstow added that contractors will not send in people to do work because of the poison ivy, and reiterated that he will ask the licensed person about notifying abutters of the spraying.

Discussion of Beardsley Roundtable:

(This was discussed earlier in the meeting, but Mr. Hadley added that he thought that this was going to probably be the first roundtable for residential property).

Discussion of Treasurer's Report:

Mr. Chase, the Concomm members, and Mr. Femia discussed possible ways that the Clerk might be funded (Ms. Goldstein is also Secretary of the ZBA), as both boards funds are becoming depleted due to inconsistency of income of fees. They discussed possibly a general Town fund for clerical staff; they discussed working on obtaining figures for how much money would be needed; they discussed possibly placing this subject on the May Town Meeting warrant, as it was too late for the October 16 Town Meeting.

Public Hearing, James Zingarelli, Notice of Intent, 9 Malden Street, DEP File #327-0273:

(Mr. Hadley read aloud the public hearing posting). (Mr. Mercurio made a motion to open the public hearing at 7:30; Mr. Hadley seconded. All in favor). (James Zingarelli represented). The Notice of Intent is for the construction of a single family house including associated driveway, utility connections, and associated sitework, at 9 Malden Street, West Boylston, MA. Mr. Zingarelli mentioned that he was representing his wife and Connorstone Engineering this evening, and Connorstone Engineering designed the plan for a prospective buyer, who he said backed out, and Mr. Zingarelli followed through with it. He said that he made a couple of changes. Mr. Chase clarified with him the location of his house on the plan. He explained that it is a single-family house, and he had a potential buyer for another lot, but there was no house on it yet. Mr. Zingarelli discussed the changes that he made to the original plan. Mr. Chase asked him if the wetlands were flagged, as he saw no flagging two weeks ago? Mr. Zingarelli replied that Connorstone insisted that it be re-flagged (pink area), and the original ones (blue) were eliminated. He described the house as four-bedroom, with septic design, he said that most of the fill is in place, and mentioned that the backyard will be a walkout, which he asserted would cause little disturbance. He pointed out haybales around the property. He added that it is 68 feet from the house to the wetlands, and sheet flow of water is up and down. He also said that there is a permanent drain out in back. In response to a question from Ms. Eaton, Mr. Zingarelli replied that the property is pretty flat. Mr. Mercurio asked about a wall, and Mr. Zingarelli replied that he would leave that up to the buyer; Mr. Chase added that they can leave it on the application but it can be changed later. Mr. Zingarelli added that Board of Health approved the septic system.

Next, a resident in the audience (Elise Wellington, 66 Malden Street) had questions about the plan; she asserted that the plan being referenced at the meeting was not the same plan that she saw at the Town Clerk's office after she received an abutter's notice of the public hearing (this plan was provided to the Town Clerk by Ms. Goldstein, from the NOI packet). The board pointed out to her where the wetlands are located on the map. Mr. Zingarelli explained a line to her which represented the 100-foot buffer from the wetlands. She asked him about the Title 5 setback line; Mr. Chase informed her that building can be done in the first 100 feet from the setback line, but she showed Mr. Chase Board of Health paperwork that stated "Septic Limitations", and opined that the Title 5 setback should be shown on Mr. Zingarelli's map. She questioned whether the Board of Health based their decision on an incorrect plan. Mr. Chase responded that he would talk to Bob Barrell of Board of Health, or VHB about this. Mr. Zingarelli continued, that this was submitted to Board of Health, he asserted that he was not hiding anything, and it was interpreted by Connorstone Engineering that there is a waiver on the property concerning the watershed. He asserted that DCR waived it also, due to no jurisdiction over 200 feet. Mr. Chase told Ms. Wellington that he would give her a copy of the NOI and she could read in the paperwork how DCR made their determination. (Ms. Wellington mentioned that she was previously on the Conservation Commission in Needham, MA).

In response to a question from Mr. Mercurio, Mr. Zingarelli replied that the lots were established individually since 1986. Mr. Mercurio asserted that the 200-foot setback came into play with the Cohen Bill in 1992, and he assumed that the lots were grandfathered, explaining that a clause in the Cohen Bill states that preexisting lots were exempt from the restrictions of the bill. Ms. Wellington asserted that the Cohen Bill was separate from Title 5. Ms. Wellington continued that she did not think that the Title 5 was grandfathered and opined that he probably would not obtain a Title 5 from the Board of Health if they saw the work was within the Title 5 setback zone. In response to a question from Mr. Mercurio, Mr. Zingarelli asserted that DCR granted a waiver because they determined that they did not have jurisdiction, and because the property was grandfathered as Mr. Mercurio had suggested before. Mr. Chase told Ms. Wellington that he would get all the information for her, including the contact information for the P.E. engineer on the plan, Vito Colonna (sp?), and see the Board of Health to discuss this.

With no further discussion at this time, Mr. Hadley made a motion to continue the public hearing to November 6 meeting. Ms. Eaton seconded. All in favor. The board also agreed with Mr. Chase to do a site visit in the interim. They agreed on Saturday, October 14, at 9:00 a.m. Ms. Goldstein will post this with the Town. (Mr. Chase then told Mr. Zingarelli that he needs the property and wetlands to be flagged and numbered, and verified with Mr. Zingarelli which lot(s) he is looking to have the Notice of Intent apply to. Mr. Zingarelli then gave a history of his properties on Malden Street; he explained that he obtained an Order of Conditions for selectively clearing trees from Lots 23 and 24 in 2004. He said that his attorney determined that there was an outstanding cloud on title that needs to be released. Mr. Zingarelli continued that, in 2006, he had a potential buyer for another lot that

walked away, and he continued with the plan, and there was also an NOI to build a house that had to be released (327-0227), which was extended. He then explained how this new NOI was supposed to supersede one of the others. Mr. Chase said that the site visit on October 14 would be to 7 and 9 Malden Street. Mr. Chase asked Mr. Zingarelli to bring an “as-built” to show what is currently there and that he is in compliance.

Addition to Minutes by Mr. Mercurio:

Mr. Mercurio had mentioned at a previous Concomm meeting that he was to be doing repairs on his driveway involving changing a pipe. He said this evening that he will give a copy of a letter from West Boylston Municipal Lighting Plant to Mr. Chase that adds on to the work, that Mr. Mercurio will be going underneath the culvert when repairing the driveway in order to change the pipe, due to the need to also replace an existing direct buried electrical conductor. He would like Ms. Goldstein to attach this letter to these minutes to be part of the record.

With no further business to discuss, meeting was adjourned (see below).

NEXT MEETING

Monday, November 6, 2017

MOTION TO ADJOURN

Motion Originator	Mr. Hadley
Motion Seconded	Ms. Eaton
Time of Adjournment	8:03 p.m.

Signatures

Submitted by:	Toby S. Goldstein, Clerk
Date Submitted:	11/6/17

WEST BOYLSTON MUNICIPAL LIGHTING PLANT

4 Crescent Street, West Boylston, Massachusetts 01583
Telephone (508) 835-3681 Fax (508) 835-2952

September 27, 2017

David Mercurio & Son Construction
12 Lancaster Meadows
West Boylston, MA 01583

Subject: 206 Lancaster Street Electric Service

Dear Mr. Mercurio,

The West Boylston Municipal Lighting Plant (WBMLP) recently repaired and inspected your electric service to two properties located along a common driveway at 206 Lancaster Street. Your electric service consists of directed buried primary conductor installed underground approximately 575' from pole 42 Lancaster Street to a pad-mount transformer installed behind a garage. The existing direct buried conductor is at the end of its useful life and should be replaced in conduit as soon as possible.

WBMLP recommends you replace the existing direct buried conductor with a new underground electric service in 4" PVC conduit along the edge of your driveway. To assist you, WBMLP will provide at no charge, a new transformer, new transformer pad, new primary conductor, and, labor and equipment to install the new primary conductor. You would be responsible for trenching, sand-backfill, 4" PVC conduit, backfilling, grading, and pull-string in the PVC conduit.

Thank you for your attention to this matter. Please call me if you have any questions. WBMLP can meet with you anytime to review and coordinate the work.

Sincerely,



Jonathan Fitch
General Manager