



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

Conservation Commission Meeting Minutes

Date / Time / Location of Meeting
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Monday, 11-6-17/7:00 p.m./West Boylston Town Offices, Rm. 120/131

Members Present
Members NOT Present
Invited Guests

William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair), Emily Eaton and Carl Haarmann (Associate Member); Clerk Toby Goldstein.

Mark Meola

N/A

Welcome – Call to Order

Time: 7:00 p.m. (Motion made by Mr. Hadley, seconded by Mr. Mercurio)

Approval of Previous Minutes

October 2, 2017

Motion Originator Mr. Hadley

Motion Seconded Mr. Mercurio

Treasurer – Financial Report

Mr. Chase discussed with board members.

Motion to Accept N/A

Seconded N/A

Continued Public Hearing, James Zingarelli, Notice of Intent, 9 Malden Street:

(James Zingarelli represented). (Ms. Eaton read aloud the posting notice for the continued public hearing; the hearing was continued from the September 28, 2017 meeting). Mr. Zingarelli presented the board with plans which included the septic design (it was not installed yet) and the footprint of the proposed house. Mr. Chase discussed a site visit done on Saturday, October 14, at 9:00 a.m., which was agreed upon at the 9/28 meeting, where the board visited the site of the present house, the wattles that were installed, and the next lot down from there. He said that the board members who attended (this site visit was posted, due to Open Meeting Law concerns) had no problems regarding Mr. Zingarelli's Notice of Intent request. Mr. Zingarelli noted where the present house is located (7 Malden St.), and Mr. Chase discussed that, as the property is basically flat, Mr. Zingarelli only needed to use wattles with his requested work. With no further comments or questions, Mr. Hadley

made a motion to approve the Notice of Intent and issue an Order of Conditions; Mr. Mercurio seconded. All in favor. Mr. Chase added that there would be conditions with the Order.

Mr. Zingarelli continued that he wanted a Certificate of Compliance on the Order of Conditions 327-0195 to release it; this Order applied to all three of his lots, but he asserted was no longer necessary as he had the new Order of Conditions (above) and the work in 327-0195 was completed. Mr. Hadley made a motion to issue a Certificate of Compliance for Order of Conditions 327-0195. Mr. Mercurio seconded. All in favor. Mr. Chase instructed that he needed from Mr. Zingarelli, in writing, with the engineer's stamp, that the work was in fact completed in the Order of Conditions, and then the board could issue the Certificate.

Minutes of October 2, 2017 Meeting:

See Above.

Discussion of Tentative 2018 Concomm Meeting Schedule:

The board discussed tentative meeting dates for next year. All dates were agreed upon; in July, the board chose to have the meeting on July 9, and in September, it will be on the 17th for now.

Public Hearing, Michael Coveney, West Boylston Water District, Notice of Intent, Off Temple Street (Map 160, Parcel 16) (Pleasant Valley Well Site), West Boylston, MA:

(Scott Morrison and Joel Frisch represented). The proposed project is for the installation of a replacement drinking water well and associated site work adjacent to the existing well site at this location. Mr. Morrison showed the board revised plans which he had e-mailed prior to the meeting to the board (smaller plans). He pointed out an existing easement, and proposed a new easement for the new drinking water well. Water and electric lines will hook up to it. He continued that there will be a fence enclosure, and haybales and silt fence erosion controls. There will be a pit to capture any materials produced when the well is being dug and a stock piling area. He described the area being of coarse gravel, it will slope down, and there is a rough existing roadway. Mr. Morrison asserted that there would be minimum disturbance. He continued that they filed with DCR, and said that DCR issued a non-prohibitive letter with conditions. The property is also in a rare species habitat area and they filed with Natural Heritage and Native Species, and received a no-take letter from them. In response to a question by Mr. Mercurio, Mr. Frisch discussed how far the well would be from the road, and replied that the existing well is about 120 feet deep. He mentioned that the existing road is there that can go to the well site. Mr. Frisch explained that DEP has instructed them to either treat the high amount of manganese in the existing well or obtain another water source; it would be very expensive to treat the water, but he asserted that the only new source would be near the reservoir, so they set up a test well on the shoreline (he cited the example of Boylston's well water for high water quality) and discussed the testing process they went through for the proposed new well. Mr. Frisch explained that testing while the Pleasant Valley well was running proved that the well water will be mostly reservoir water, and they will be essentially recirculating the well water back into the reservoir; the new well water will be essentially clear of manganese. In response to a question from Mr. Mercurio, Mr. Frisch opined that this new well could obtain the quantity of water for the Town for at least ten years, adding that all the infrastructure is there now, but maintaining of the quality is unknown (although they believe that it will stay basically free of manganese). In response to a question from Ms. Eaton, Mr. Frisch replied that the well had manganese from the beginning, and asserted that it was mainly an aesthetic issue and might be a potential health risk but it's only been the last five years or so that this has been a concern; he also said that, although all the infrastructure is already in place, it would be good if they can obtain a replacement well without manganese. Showing the board a photo of a finished well, Mr. Frisch described that it would be a 24" x 48" gravel well, with low impact, and he opined that the average person would not even be aware of it. He added that there will also be a trench going to the well with water and power lines. (Several board members opined that this would be good for the Town). Mr. Frisch continued that they obtained DEP approval last week, but they need an act of legislation to get the easement changed (in response to a question from Mr. Mercurio, he said that there has been no net change, and gave a history of the original easement from 1970). He explained that surveyors re-drew the easement, as it was not done correctly before; now, all local water district's infrastructure is within the easement and they had to incorporate the new well so that the square footage would remain the same. So, he concluded, they are not looking for a new easement but a modified easement. In response to a question from Mr. Hadley, Mr. Frisch asserted that the project can go quickly, and he replied to Mr. Mercurio that the other well will remain as a

backup, and he described how the present well is located inside of a building and how the new well will be attached. He said that a chemical can be used to keep the manganese in solution, but they will have an additional water source if needed. Mr. Frisch replied to Mr. Mercurio that the Oakdale Well and well off Lee Street (has the best water quality) are two other water sources. He described the process of installing the well, which he opined will be messy, and discussed possible funding. David Femia, Chair of the Zoning Board of Appeals, asked if there will be any effect on the Oakdale Well, as he opined that the residents of the Oakdale 40B project will be concerned? Mr. Frisch replied that they hope to maintain the Oakdale well as backup. Mr. Frisch also discussed the dimensions of the new well, and asserted that it will be efficient and provide a large amount of water. With no further questions or comments by anyone present, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. (Mr. Morrison added that this filing was exempt from fees by the Wetlands Protection Act (except for the fee for legal advertisement). Mr. Mercurio then made a motion to accept the Notice of Intent as submitted and issue an Order of Conditions, with conditions listed. Mr. Hadley seconded. All in favor.

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

(Scott Jordan of Ecotec and Andy Beardsley represented) (This public hearing was continued from September 28, for the determination that an isolated vegetated wetland delineated in the central portion of the site would not qualify as Bordering Vegetated Wetland or Isolated Land Subject to Flooding under Wetlands Protection Act regulations, at 19 Crescent Street, West Boylston, MA). (Mr. Hadley read the public hearing notice aloud). Mr. Jordan said that, after delineating the wetlands, he asserted that the area in question was an isolated wetland, not a bordering vegetated wetland (he showed the board this area on a map). He continued that Finlay Engineering did computations to see if it was an area subject to flooding, and Mr. Jordan concluded that it was not. His determination was that the area was not a protected, restricted area under the Wetlands Protection Act and is under federal jurisdiction. Mr. Jordan said that, therefore, they are seeking a negative Determination. He added that the property is not in an area subject to DCR jurisdiction. Mr. Jordan also mentioned questions about yard drains further up from the property into some backyards, and if the water ever came up that high, and he did not know how often that would happen; also, would there be a jurisdictional connection and would the BVW touch that and he did not believe that to be so. Showing aerial photos from several past Springs, Mr. Jordan asserted that there was no indication of an imprint of water in the backyards. He mentioned an area that might be a pond, but opined that it did not look like an annual event. Mr. Hadley asked if they would need something from the federal government as there is federal jurisdiction? Mr. Jordan replied that it is a wetland under federal protection, but there is no buffer zone according to federal regulations. In response to a question from Mr. Mercurio, Mr. Jordan replied that the ponding area does dry out in the summer, and only comes and goes. Looking at the plans, Mr. Mercurio asked how far the back of the building will be to the "ponding" area and they estimated that the distance from the edge of the wetlands to the back of the closest building would be approximately 40 feet, but opined that it would not be an ILSF as it cannot hold six inches of water without draining (Mr. Chase agreed with this). In response to a question from Mr. Hadley, Mr. Beardsley replied that he is planning on one building with 11 units. Mr. Chase asserted that the drainage calculations will change, and Mr. Jordan admitted that the area in question is a wetland but asserted that it does not qualify under the State's Wetland Protection Act and it will not be altered.

Richard Footner of 52 Newton Street then asked, if this was not MA wetlands, why was the area on the MA State plans shown as wetlands? Mr. Chase replied that they went to DCR, who had no jurisdiction, and he explained DEP's findings (Mr. Chase had emailed DEP to ask for their opinion). Mr. Footner, showing the board a photo, asked Mr. Chase if there is a setback where the Commission would have to give their approval? Mr. Chase replied that the area is outside their purview. Mr. Jordan continued that the GIS map shows it is a wetland, but the question was what type of wetland? He explained that the MA WPA defines certain wetlands to be protected; one is a BVW, which borders on a river, lake or pond, and this does not. Federal wetlands have different criteria and cannot be altered without federal approval. Mr. Footner continued, showing on the map where he lives, and he said that he has standing water on his property in the Spring. Mr. Chase responded that Mr. Beardsley needs to have six inches of water for 12 months and he does not have it. Mr. Chase suggested that drainers being installed on Newton Street elevate that, but Mr. Footner replied that they really don't, and opined that lands adjacent to wetlands could have problems. (The board added that DEP sent an opinion of the project and decided that there were no wetlands there according to their criteria).

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 approve the Request for Determination, issuing a negative determination; Mr. Chase added that there were no conditions needed except that wattles be used to protect what is there, and standard conditions. Ms. Eaton seconded the motion. All in favor. The board informed the abutters, Mr. Footner and Sylvia Brown of 64 Newton Street, who was also concerned about the wetland, that Planning Board will be doing a Site Plan Review and they should pay attention to when the meeting will be held. Mr. Chase concluded that there are wetlands, but the question was who had jurisdiction.

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

This was requested to be continued prior to the meeting by the applicant, and Mr. Chase said that it would be continued. The applicant requested continuation to the January 8, 2018 meeting.

Informal Discussion with Steve Mercurio Regarding Work at His Property:

(David Mercurio recused himself, as Steve was a relative). Steve Mercurio stated his name and address, and handed out a property drawing. He is looking to clean up and build up an area on Lombard Ave. (technically 408 Worcester Street, in the back). He mentioned that the pathway to the shed had eroded, and, mentioning that Mr. Chase had been out to the site already, he had already put down wattles because the property line abuts DCR property. He asserted that he will not be changing anything, only building up the road a little; Mr. Chase mentioned that there is an existing driveway, outside of the 25-foot zone, and he told Mr. Mercurio to come before the board and file a Request for Determination of Applicability. Mr. Mercurio explained that there will be no excavating, only building up because the property has settled. Mr. Mercurio discussed the condition of the land and condition of bridges in need of repair, and opined that they were becoming dangerous. Adam Mercurio mentioned that they will remain four feet away from the DCR boundary (they measured it) so that they can also maintain the gravel road and remain totally on their property. Mr. Chase replied, where they are within 100 feet of wetlands, they need to file with the board. Ms. Goldstein gave them a form for the Request, and told them of the fees. (Mr. Chase and Mr. Femia also briefly discussed the work at Gerardo's Bakery, including parking spaces and trees).

Request for Input by Vernon Jackson, DPW, on Work at Kings Mountain Road:

(Mr. Jackson had previously sent an e-mail to Concomm, requesting input on this; a culvert collapsed on that road and it needed to be repaired). Mr. Chase informed everyone that there would be a transfer of water across the street (Mr. Jackson also said in the email that they would have to dam up the stream). Mr. Hadley said that there were three emergency bids for the work. He discussed possible sources of funding. Mr. Chase responded that he wants wattles used, and said that he will take a look at the site but it will need some protection to channel the water.

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

NEXT MEETING

Monday, December 4, 2017

MOTION TO ADJOURN

Motion Originator	Mr. Hadley
Motion Seconded	Mr. Mercurio
Time of Adjournment	8:10 p.m.

Signatures

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

Date Submitted: