



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

## **Conservation Commission Meeting Minutes**

<b>Date / Time / Location of Meeting</b>
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**Monday, 5-7-2018/7:00 p.m./West Boylston Town Offices, Rm. 120/131**

<b>Members Present</b>
<b>Members NOT Present</b>
<b>Invited Guests</b>

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

**Mark Meola**

**N/A**

### **Welcome – Call to Order**

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

### **Approval of Previous Minutes**

**April 2, 2018 Meeting**

**Motion Originator Ms. Eaton**

**Motion Seconded Mr. Hadley**

### **Treasurer – Financial Report**

**The board members signed the signature sheet, authorizing each member to sign timesheets and invoices if necessary; that will be submitted to the Accounting Office once the minutes of this meeting are approved. Mr. Chase and the board also discussed the situation of funding for the Clerk.**

**Motion to Accept N/A**

**Seconded N/A**

At 7:00 pm, Ms. Eaton made a motion to open the meeting. Mr. Hadley seconded. All in favor.

### **Public Hearing, Michael Suslak, Request for Determination of Applicability, 2 Garside Drive:**

(Michael Suslak represented). (Mr. Hadley read the public hearing notice aloud; he made a motion to open the public hearing, and Ms. Eaton seconded-all in favor). Mr. Chase informed the board that this Request was basically for a change of owner's name on the property, which was owned by Joseph Oyer and received

Certificate of Compliance several years ago. The Suslaks will be owning the property. Mr. Chase explained that all the facts from before are the same, the property is the same, the footprint is the same, and the property owner had been before the board several times. Mr. Chase explained that Mr. Suslak is doing due diligence. With no further discussion, Mr. Hadley made a motion to close the public hearing. Mr. Mercurio seconded. All in favor. Next, Mr. Hadley made a motion to grant a negative Determination, with the existing conditions on the property, 2 Garside Drive, on file at the Registry of Deeds, and approve a change in ownership, with conditions the same as on previous plans submitted. Mr. Mercurio seconded. All in favor. (Mr. Suslak added that they will own the property as of May 18).

**Authorized Concomm Signatures for Timesheets and Invoices:**

The board agreed that all members should sign the sheet, which will go back to the Accounting Department with a copy of the minutes showing the vote. Therefore, Mr. Hadley made a motion for the entire board to sign the signature sheet in order to be authorized to sign Concomm timesheets and invoices. Ms. Eaton seconded. All in favor.

**Discussion of Charging Filing Fees to Town and State Entities:**

Mr. Chase reiterated that there have been funding issues for the Clerk, and explained that Town entities have not been charged filing fees. There were several suggestions regarding this, including following Planning Board's process for charging fees, charging the entities what a person would be charged (although it was mentioned that the Town entities do much for the Town for free), charging a user's fee, charging for hours needed for the work, or charging for some entities but not others, such as for the State but not Town entities. It was suggested to continue not charging the State, as long as there is enough funds at the end of the year, and Mr. Chase pointed out that the Concomm cannot make a profit according to State law. Ms. Eaton suggested, then made a motion, to waive the fees for the other Town departments, but to charge State and Federal entities to cover costs incurred. Mr. Haarmann seconded. All in favor.

**Public Hearing, Mark Sullivan, Request for Determination of Applicability, 8 Nevada Drive:**

(Mr. Chase recused himself, and Mr. Hadley read the public hearing notice aloud). (Mr. Mercurio made a motion to open the public hearing. Ms. Eaton seconded. All in favor). Mr. Sullivan explained his situation. He explained that his property was in "tough shape" when he purchased it, and the house on the property was supposed to be condemned. He continued that the culvert broke and the land flooded, causing a lot of problems and damage, along with there being no maintenance done there as the property was abandoned. There was a tree, which rotted and split, with one end hanging over the deck, and three tree companies told him to remove it. He asserted that he could not get property insurance until the tree was removed. He said that one company said they could remove it quickly, but he did not know that it was within 100 feet of wetlands. Mr. Sullivan further explained that he bought the house on auction, asserting that no one saw the inside of the house as it was abandoned, and, due to frozen pipes, over 270,000 gallons of water went through the house and ruined the property; he said that structurally, the house was alright, but the rest of the property was damaged. He asserted that neighbors reported this to the Board of Health. (Mr. Sullivan showed the board a photo of the rotted center of the tree on his phone). Mr. Sullivan continued, that he was told after that he could not cut the tree down as it was within 100 feet of wetlands, but he already removed half of it, and the other half remains. He said that Mr. Chase told him that he could not remove it, and that Mr. Chase and the Town of Holden told him that he could not remove the stump. He explained that the stump is in West Boylston. He continued that the culvert is broken in several places and asserted that Holden built it but does not maintain it. Regarding the shed on the property (which he explained used to have a horse), he said that he tried to fix the culvert (which was filled with debris) so that the water ran properly, and so the shed is very sturdy although leaning, and he had no intentions of removing or doing any work on the shed, just using it for storage. In response to a question from Mr. Mercurio, Mr. Sullivan replied that he wants to remove the tree and find out what he can and cannot do with his property. He would like to remove the stump, but said he was told that he could not disturb the soil. Mr. Mercurio responded to Mr. Sullivan that he felt that the board should grant Mr. Sullivan the right to do certain things on his property; he

thought he should be able to straighten out the shed in the dry season. He explained that, although Holden has a 25-foot no-disturbance zone, West Boylston does not, and the towns do not have jurisdiction on each other. (Mr. Sullivan showed the board members on the map where the tree is located). Mr. Mercurio continued that he did not see an issue with regular maintenance within the 25 feet, and commented that he would not want the tree in his yard. Mr. Hadley and Ms. Eaton agreed that this work should be considered normal maintenance. (Mr. Sullivan added that he intends to give this house to his granddaughter).

With no further comments or questions, Mr. Mercurio made a motion to close the public hearing. Ms. Eaton seconded. All in favor. Mr. Mercurio then made a motion to give permission to Mr. Sullivan to do what he needs to do under normal maintenance on his property, within the 25 feet (he did not mean working on the drainage ditch, he explained). (Mr. Sullivan then explained in response to a question from Mr. Haarmann that half of the driveway is in Holden, the rest in West Boylston; the stump is in West Boylston, along with most of where he wants to put a deck-Mr. Hadley responded that the deck would be an issue for the Building Inspector, but Mr. Sullivan said that part of the deck would be in Holden; Mr. Mercurio suggested conforming with Holden's dimensional requirements for the deck). Mr. Hadley continued, that this allowed work will include removing the stump, fixing the shed, cleaning the culvert, but no alteration of wetlands. Ms. Eaton seconded. All in favor.

Mr. Sullivan then said that he and his wife need a letter from the Concomm in order to obtain an airline refund, because they had to attend this evening's meeting. Mr. Mercurio then made a motion for the Concomm to write a letter for Mr. and Mrs. Sullivan, verifying that they were here tonight regarding an issue with their property. Mr. Haarmann seconded. All in favor.

**Discussion of Certificate of Compliance for Afra Terrace, DEP #327-0221:**

The owner of Unit 35, 140 Afra Drive, was going to sell her property, but there was no record of a complete Certificate of Compliance on the Order of Conditions, DEP File #327-0221; therefore, she was requesting a partial Certificate of Compliance for her unit only, which had been done for numerous other individual units. With no questions or comments, Mr. Hadley made a motion to issue a partial Certificate of Compliance for 140 Afra Drive, Unit 35. Ms. Eaton seconded. All in favor.

**Discussion of Revolving Account:**

This was regarding the funding of the Clerk; Mr. Hadley, who is also on the Board of Selectmen, informed the board that a request for \$1500 for the Conservation Commission, who will hopefully be self-sufficient after that, was on the warrant for the May 21 Town Meeting.

**Approval of Minutes from prior meeting-APRIL 2, 2018:**

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

**Treasurer's Report and/or financial approvals:**

The board signed the list of authorized signatures for the Accounting Dept., mentioned previously, and discussed the Clerk's funding.

**Miscellaneous Mail and/or Paperwork:**

Mr. Chase looked through mail not previously seen and reviewed some of it with the board members.

**Next scheduled meeting:**

The next scheduled meeting is – **MONDAY, JUNE 4, 2018**

With no further questions or comments, Mr. Hadley made a motion to adjourn the meeting at 7:45 p.m. Mr. Haarmann seconded. All in favor.

**NEXT MEETING**

**Monday, June 4, 2018**

**MOTION TO ADJOURN**

**Motion Originator**

**Mr. Hadley**

**Motion Seconded**

**Mr. Haarmann**

**Time of Adjournment**

**7:45 p.m.**

**Signatures**

**Submitted by:**

**Toby S. Goldstein, Clerk**

**Date Submitted:**