

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
NOVEMBER 7, 2016 MEETING

MEMBERS PRESENT: William Chase (Chair), John Hadley (Vice-Chair), David Mercurio (Vice-Chair), and Clerk Toby Goldstein. (New member Emily Eaton was present, but was not yet sworn in by Town Clerk so that she could not sit on the board this evening; she was appointed by the Board of Selectmen on November 2, 2016).

MEMBERS ABSENT: Mark Meola.

At 7:00 p.m., Mr. Hadley called the meeting to order. Mr. Mercurio seconded. All in favor.

Discussion with DPW Regarding Drainage Issues at 15 Pinecroft Ave. (Hubbard):

(Tammy Hubbard and Butch Jackson of DPW represented). Ms. Hubbard explained that DPW came out to the property last summer, and explained that they have been having drainage problems at that property for 40 years. Mr. Chase suggested that she may have to live with it, as the home is in a depression, and there may be a clogged manhole but the pipe is small; and she may have to use sandbags as there is no real way to get the water out of the manhole that is there. In response to a question from Mr. Mercurio, Ms. Hubbard explained that she gets flooding in her basement (she showed the board a video of the heavy storm a couple of weeks previous to this on her phone-the water flooding the basement could be heard and seen). She described that the water accumulates in the entire yard and it becomes a river. She asked if the pipe to drain the water could be made larger? Mr. Chase responded that they have to be able to send the water somewhere. Mr. Mercurio asked if the culvert could be blocked? Mr. Chase explained that the culvert is too small, but there is a manhole but no way to get the water out of it. He opined that there could be a broken pipe but it was his understanding that no one went past the manhole, which belongs to the Town. Mr. Chase told Ms. Hubbard that the Commission could give her permission to work in that area, but it is not in their purview.

Mr. Hadley then asked Mr. Jackson if perhaps he could obtain a camera at the Town Administrator's request and see if there is a clog in the drain? Mr. Mercurio opined that there is a clog or break or some kind of restriction to flow in the drain. Mr. Hadley suggested that the pipe might be too small to handle the amount of water. Mr. Mercurio suggested that a septic company might have a camera. Mr. Chase reiterated to Ms. Hubbard that there is no problem giving her permission to do work there but would expect the same environmental protections that they would expect from anyone as there are wetlands there. Ms. Hubbard asserted that the house should not have been built there, due to being 40 feet from the brook. Mr. Mercurio responded that the house was built long before the regulations in 1992 which would have prevented that. Mr. Chase told Ms. Hubbard that the board will obtain guidelines from the Town Administrator and set Ms. Hubbard up with the right people to handle the situation. He wants to solve the problem first, then she can proceed with work that she wants to do.

Mr. Hadley added that he will talk to the Town Administrator and push to get someone to look at the situation.

Ms. Hubbard then asked if she should regrade to keep the water away from the house? The board discussed possibly a perimeter drain; Mr. Chase responded that they are concerned about surge, and described the situation as the brook feeding water into a pool and they need to drain it. But he explained that the board just needs some guidance from the Town Administrator as to what they can and cannot do to eliminate the pond, as well as what the Town can and cannot pay for.

Ms. Hubbard told the board that previously DPW told her to use sandbags. Mr. Jackson responded that the Police Department told him that there was flooding. Ms. Hubbard responded that the flooding does not happen every time that it rains. Mr. Chase suggested that, in the meantime, she use sandbags, and told her that, if she wants to regrade, she must come before the Commission first, and they will give her permission as long as it makes sense to do so. Mr. Hadley explained that she cannot flow water over onto public streets, which will cause freezing in cold weather and dangerous conditions. Mr. Jackson commented that, if Ms. Hubbard builds up the property, the water will flow into the street. He explained that he walked the property with Val Pruneau, and described how the pipes come in, but are smaller going out, so there is a problem with where the water will go. With no further comments, they will all wait until word from the Town Administrator on how to proceed.

Update on 491 Prospect Street:

Mr. Chase explained to Mr. Mercurio that MaryAnn DiPinto of DEP wants a letter from the Commission, stating that the board wants to know what is in the ground, before the property is encapsulated, by making test pits, but she wants the board to say that the property owner, Mr. Keller, can seed and loom. Mr. Mercurio agreed that they should see what is in the soil. Mr. Hadley asserted that they want at least 6 test pits to be done, and that they should not promise anything about seeding and looming. Mr. Chase suggested that they say that they want to start with 8 test pits and if they find anything, do 4 more in that general area; the board all agreed that they have to go down to virgin soil. Mr. Chase added that Ms. DiPinto must give the Commission a report of the test pits, also. Mr. Hadley made a motion to give these instructions to Ms. DiPinto. Mr. Mercurio seconded. All in favor. (Ms. Goldstein will write a letter stating this for Mr. Chase's approval).

Informal Discussion Regarding Gerardo's Bakery:

(Gerardo Sarli and Julian Votruba represented). Mr. Votruba began by explaining the work done on the property up to this point. He described the retaining wall, from four feet in height tapering down to almost nothing. He described where the property line runs and that they want to bring in some parking and have traffic go around the building and showed where it would go out. Mr. Chase asked if the parking would be impermeable (Mr. Votruba said it will be) because there is a drain at the end and he wanted them to identify the drain and what they are going to do. Mr. Votruba showed Mr. Chase an existing detention pond and the 200 foot boundary. Mr. Chase responded that they have Plan A, and if they cannot do that, Plan B. Mr. Votruba explained that they cannot avoid the 200-foot boundary with the existing pipe because, although all water will go into the detention pond, the infiltration system will take water from the roof and he showed where the water would go. Mr. Chase commented that it was designed to be outside the 200-foot zone, and that asphalt can really help control water flow. Mr. Hadley noted that there will be no standing water. (Mr. Chase then asked John Wyka, owner of West Boylston Seafood, who was present in the audience, if that situation was the same for his property; he showed the board his plans, which would be similar). Mr. Sarli commented that Mr. Wyka's will be more at an angle, and showed the Commission members plans of the site and where the water would go. He added that they installed air conditioning because of a large amount of dirt in the air from the lack of paving. Mr. Chase explained that Mr. Sarli wants the board to vote that his work is outside of

their jurisdiction, then he can address DCR with this information. Mr. Sarli added that he would like to start work after the first of the year, and asked the board if he still must go to DCR; Mr. Mercurio and Mr. Chase said that he does, and Mr. Chase added that, if DCR does not approve it, to let him know. Mr. Votruba added that the work will still be in the 100-foot buffer zone by a small amount; Mr. Mercurio asked him if they will have erosion controls (he replied that they would), and Mr. Chase responded that they would give them a negative determination. Mr. Votruba responded that he thought at the last Concomm meeting, they agreed with the 200-foot line as an amendment, which they filed as an amendment to the Order of Conditions; the board agreed that the paperwork this evening was supplemental with a revised plan dated 10/28/16 which is revised from the original plans. He asserted that it falls within the existing DEP file number as there is only a very minor modification, and the Commission has no problem with it. He asserted that the only issue that DCR has is imperviousness. Mr. Chase suggested that they do an amendment first, attaching it to the current Order of Conditions, with supplemental engineering information, and asserted that they do not need a determination from Concomm. Mr. Votruba explained that this will be the last leg of the entire project, then they will seek a Certificate of Compliance. Mr. Chase reiterated that they need to add this information as an addendum to the existing Order of Conditions, and the Commission will approve everything here, waiting only for an engineer to come in. Mr. Hadley then made a motion that the Concomm finds this work out of their jurisdiction and a determination is not required, with Mr. Chase adding that the Commission agrees with the revised plans submitted (dated 10/28/16) as an amendment to the original Order of Conditions, DEP File #327-0263. Mr. Mercurio seconded. All in favor.

Mr. Votruba then added that the Fire Department thanked Mr. Sarli for doing this work. Mr. Chase added that they want to pave and control water. Mr. Mercurio added that they can begin to install grindings at the beginning of the summer, and have it mostly installed by the end of the summer. Mr. Hadley explained to Mr. Mercurio that Mr. Sarli wants to pave to eliminate dust. Mr. Chase asserted that the Commission is the governing body, but that if neither Concomm nor DCR has jurisdiction, DCR would need to prove that the Commission is incorrect in their decision.

Discussion with DCR Regarding Culvert at Gate 25 Access Road:

Vinny Vignaly of DCR sent an email to the Commission regarding maintenance at Gate 25, asking the Commission if they would consider the work to be exempt as just normal maintenance. Mr. Chase responded that it is considered to only be normal maintenance, which is allowed without filing. Mr. Hadley made a motion to allow DCR to do maintenance as required at Gate 25. Mr. Mercurio seconded. All in favor.

Questions from Kathleen Burns Regarding Lots on Garside Ave.:

Ms. Burns had sent emails to the Commission with questions regarding ownership of lots on Garside Ave. (she was not at the meeting). Mr. Chase commented that a building permit had already been issued to her but he was not sure what she wanted from the Commission. He asked Ms. Goldstein to invite Ms. Burns to the December 5 Concomm meeting to discuss this as lots have changed so they do not know exactly what she owns.

Discussion Regarding Work by West Boylston Water District:

Mr. Chase explained that they want to clean out the brook across from Walmart on West Boylston Street, and to address flooding, they want to change the culverts underneath the road (Route 12). Mr. Mercurio added that the owner of that land has been trying to sell it. Mr. Chase suggested that they come in and discuss this at the December meeting.

Informal Discussion Regarding Flagg RV:

Mr. Chase discussed that they have gutters in the back of their building and put in four drainpipes that will hook into the original pipe that goes around the front of the building, with the water going into an existing stormdrain. He said that the Commission will need an "as-built" from them.

Informal Discussion of Baldarelli, 301 Sterling St. (Rte. 12)

Mr. Chase informed the other Concomm members that there will be a meeting on Tuesday, November 8, with several other departments including DCR. He mentioned that MA DOT instructed Mr. Baldarelli (John Farnsworth, engineer) that they needed a minimum 14-inch clearance for water, and Mr. Chase had instructed Mr. Farnsworth on how to do this. He added that Representative O'Day will speak with MA DOT about this.

Approval of Minutes of Previous Meetings:

Regarding the minutes of September 12, Mr. Mercurio made a motion to approve the minutes as submitted. Mr. Hadley seconded. All in favor.

Regarding the minutes of October 4, Mr. Mercurio made a motion to approve the minutes as submitted. Mr. Hadley seconded. All in favor.

Tentative Concomm Meeting Schedule for 2017:

After review by the Commission members prior to the meeting (emailed by the Clerk), Mr. Mercurio made a motion to approve the meeting schedule as written for 2017. Mr. Hadley seconded. All in favor.

Other Comments:

David Femia, Chair of ZBA, who was in the audience, asked the board about the progress of the Quinapoxet Dam project being conducted by MA DEP. Mr. Chase responded that it will probably not be finished for a couple of years. Mr. Hadley commented that they are waiting for a grant to come in. Mr. Chase continued that test pits were done, indicating shale, and they need to come back to Concomm with a set of plans and they need to meet with others to discuss the fishing situation. He explained to Mr. Femia that the grant was for engineering and the Town is trying to obtain all necessary input to proceed with the project.

Next, Mr. Chase discussed a proposal from Greater Worcester Land Trust to hold the certificate for land on Lee Street, which was designated Conservation Land at Town Meeting. Mr. Chase commented that he wanted the Town of West Boylston to have control over what is done with the property, and that the Land Trust will not allow them to put parking on there or a building. Mr. Hadley added that 13 acres of the land are in West Boylston, and the rest is in Holden. Mr. Chase continued that the Town paid for the land with funds from the CPC (Community Preservation Committee). Mr. Hadley added that the Land Trust gave money to the owner, Chief Minnich, as a bridge loan which he paid back, with the CPC purchasing it from him. Mr. Chase then discussed two other parcels that the Town obtained this year, and possible uses that had been discussed, and commented that he would rather that the Town own the land than DCR, noting that CPC would give money for improvements if asked. (Mr. Hadley then explained to Ms. Eaton what the CPC was and how they are funded). Mr. Chase continued that he wanted to form a subcommittee (he suggested several members), which

would speak with the Town Administrator first, and he explained to Mr. Mercurio that this would be a fact-finding subcommittee to the Concomm, who would then report their findings and recommendations to the Concomm, and then another committee would be formed, perhaps with the Parks Dept., to run it.

With no further comments, Mr. Mercurio made a motion to adjourn the meeting at 8:07 p.m. Mr. Hadley seconded. All in favor.

Submitted by: _____
Date accepted: _____