

## **WEST BOYLSTON CONSERVATION COMMISSION**

### **MINUTES OF FEBRUARY 1, 2006**

**MEMBERS PRESENT:** Chairman William Chase, Thomas Reilly, David Eckhardt, Kathleen Lucier, Carolyn Padden

**OTHERS PRESENT:** Walter Jabs, Mark Louro, Wayne Howard, Michael Staiti, Iqbal Ali, Kurt Koppetsch, David Casey, Jean Costello, Ronald Pong, Barbara Koppetsch, Jason DuBois, Andrew Liston, Ron Panarell

Mr. Staiti appeared for informational purposes regarding the Notice of Intent submitted for Angell Brook Part II. He agreed that the Commission could open the Public Hearing at the March 1, 2006 meeting. He explained that the NOI is for the construction of 18 additional units in the industrial zoned area behind 100 Hartwell Street. The retention pond and the rear of some of the buildings will be within the 100 foot buffer zone along the emergency access road, which will be paved. The Commission had no questions at this time.

Mr. Wayne Howard, 118 Wyoming Drive, Holden, appeared before the Commission seeking assistance to resolve a water back-up in the area of Nevada and Wyoming Drives in West Boylston and Holden due to beaver dams. He stated that prior to the construction of I-190, the water flowed to the Reservoir and that the area remained dry most of the year. He stated that Dr. Tashjian would not allow people on his property to remove the dams and beavers. He has been to the Boards of Health in Holden and West Boylston, the Highway Departments, and DCR. It was suggested that he and the other affected residents might look into legal avenues to have the beavers and dams removed.

Chairman Chase opened the meeting at 7:05 PM. Upon motion of Mr. Reilly and second by Mr. Eckhardt, the Minutes of the January 4, 2006 were unanimously accepted as written.

Mark Louro, PE, of Hancock Engineering, presented a letter outlining the firm's evaluation and concerns of the Afra Terrace project since the Zoning Board of Appeals issued its decision. An escrow account has been established in the amount of \$2500, not to fall below \$1000, to cover the expenses incurred as a result of Hancock Engineering findings, evaluations, and suggestions.

#### **Continued Public Hearing: Afra Terrace Notice of Intent, DEP # 327-0221**

Mr. Liston addressed the Hancock Report, stated that he has responded to DCR's concerns regarding pollution prevention and total suspended solids calculations.

Mr. Chase inquired regarding how much earthen material has been removed, without an Earth Removal Permit. Mr. Liston responded that the material is still on site. Mr. Eckhardt requested that a letter go to the Zoning Board of Appeals documenting what has or has not been removed and that nothing has gone through the wetlands. Mr. Liston will provide such document to the ZBA. Mr. Chase raised the question of the bridge situation because the current Building Inspector stated that a permit was never issued for the

present bridge and, therefore, may have to be removed. Mr. Liston stated that the bridge is still in the preliminary design stage and that the footings, pipes and part of the wall will remain. Attorney Jabs stated that the bridge received approval from the Conservation Commission, DCR and Planning Board. The building permit was not issued for the current bridge and the ZBA did not want the entire bridge taken down. Under the 40B, Afra Terrace will be responsible for certification of the crossing. State law requires only Conservation Commission and DCR approval and that the State Building Inspector's office supercedes the Town's.

Mr. Liston explained the TSS calculations and further stated that the maintenance procedures are on the plans. In addition there will be a training program for construction procedures, review with contractors. The detention basin is also subject to change. He will provide appropriate documentation concerning water level changes due to the bridge and drainage. The catch basin size has been increased from 4 feet to 5 feet, maintenance plans are included. Mr. Luoro stated that the soil capacity for recharge might not actually be as designed and that the soils be tested, with those in the areas of the detention basins having priority. The previous Order of Conditions should be referenced because the wetland flags are greater than 3 years old and the Commission considers that the line is still valid. Afra Terrace is willing to do soil testing in the areas of the basins and dry wells, but that some of this should be done during the construction period rather than before hand and would like the Conservation Commissions approval. Mr. Luoro asked about the status of the original Order of Conditions. Ms. Lucier suggested that it is not applicable because the scope of the project has changed.

Mr. Koppetsch commented that the wetlands will be disturbed when water and sewer lines are installed. It was pointed out that those lines are within the bridge structure between the headwalls and that there will be no further disturbance to the wetlands. DEP and DCR will be the reviewers for the State.

Mr. Reilly motioned, seconded by Mr. Eckhardt, to continue the Public Hearing to the March 1, 2006 meeting at 7:15 PM. Unanimous.

**Continued Public Hearing: West Boylston Water District, Notice of Intent to Construct a Water Main on Laurel Street, DEP File # 327-0222**

Mr. Pong submitted Certified Receipts and DCR documentation that the project was exempt. He requested the Commission issue an Order of Conditions for the project. Motion to close the Public Hearing and issue an Order of Conditions, referencing the NOI, by Mr. Reilly. Second, Mr. Eckhardt. Unanimous.

**Request for Determination, West Boylston Water District.**

Due to an error in advertising the Public Hearing, the Commission requested that it be allowed to open the Public Hearing at the March 1, 2006 meeting at 7:45PM. Mr. Pong agreed and the Commission will view the area where the pad for the backup generator will be constructed in front of the existing building. All other work will be inside the building.

**Notice of Intent for the Construction of a Single Family Dwelling on Shady Lane.**

Due to an error in advertising the Public Hearing, the Commission requested that it be allowed to open the Public Hearing at the March 1, 2006 meeting at 8:00 PM. Mr. Goldstein agreed to this. Mr. Jason DuBois, his representative briefly described the project: the septic system will be placed 50 feet from the wetlands, the 3:1 slope will be graded and seeded. There will be a silt fence only erected within the buffer zone at the limit of construction. The Board of Health has approved the septic design. There were questions from the abutters regarding the placement of the septic system within 100 feet of the wetlands and an August 2005 perk test. It was explained by Mr. Chase that Title V allows for the construction of the septic system 50 feet from the wetland and that hydric soils are also based on mottling, therefore, the delineation and high ground water can be determined any time of year. He was asked to stake the two rear corners of the house

February 1, 2006

3.

and the two corners of the septic system closest to the wetlands. A site visit was scheduled for Sunday, February 5 at 10AM.

**Other business:**

McNamara, Laurel St, Enforcement Order: The civil case has been filed in Worcester Superior Court. The Court ordered that a Notice of Intent be filed, as well as Zoning violations rectified in a timely manner. If not, Mr. McNamara will be in Contempt of Court. Mr. Chase will go through Mr. Gaumond to keep Town Counsel informed as to whether the Commission receives the NOI.

Lomax, Hosmer St, and Conservation Restriction: Mr. Eckhardt read an opinion from MACC, the Conservation Handbook, and also his own conclusions regarding the Conservation Restriction.

Motion to adjourn by Mr. Reilly, Second, Mr. Eckhardt. Unanimous. Meeting adjourned at 8:45PM.

Submitted by: \_\_\_\_\_

Date Accepted: March 1, 2006