

## **WEST BOYLSTON CONSERVATION COMMISSION**

### **MINUTES OF MARCH 1, 2006 MEETING**

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

Meeting opened at 7:05 PM. Mr. Reilly motioned to accept the Minutes of the February 1, 2006 meeting as amended. Second, Mr. Eckhardt. Unanimous.

The Board discussed the Building Permit requirement that the Commission sign off on the construction of a garage at 19 Pierce Street. The closest brook is Gates Brook, greater than 400 feet away. The Permit page was signed by Mr. Chase.

**Certificate of Compliance – 495 Prospect Street:** A request for a Certificate of Compliance for work done under the Fast Track Sewer Project was submitted to the Commission. The original Order of Conditions expired in 1996, but the Certificate is needed to clear title to the property. Motion by Ms. Lucier to issue a Partial Certificate of Compliance for the property at 495 Prospect Street; second, Mr. Eckhardt. Unanimous.

**Continued Public Hearing – Afra Terrace:** Attorney Jabs responded to questions from the Commission and comments from Hancock Engineering. He stated that the redesign of the retaining wall was requested by the Building Inspector and that both the Building Inspector and Zoning Board of Appeals appeared to be satisfied. The amended plans have been reviewed by the DCR and have their approval according to Patrick Healy of Liston and Thompson. The Water District has given water approval and they have received a vote of approval from the Sewer Commissioners and are waiting for a letter from Town Counsel approving the sewer connection.

A bill was received from Hancock Engineering for \$2573, Mr. Ali gave the Commission a check in the amount of \$2000 to cover this bill and the estimated cost of further review by Hancock Engineering.

Mr. Reilly stated that we will continue to review Hancock Engineering's comments and question the amount of fill due to the expansion of the project. Mr. Ali requested that the Public Hearing be closed and the Order of Conditions issued or hold a special meeting in two weeks. Mr. Reilly motioned to continue the Public Hearing to the April 5, 2006 meeting at 7:15PM. Second, Ms. Lucier. Unanimous.

**Bergeron Builders, Maple Street:** Ms. Padden asked whether Mr. Bergeron had talked to Mr. Chase regarding draining water from the yard of his property toward the wetlands in the rear of the

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property. This is the wetland area that was in question in the spring of 2005. The abutter stated that the water level was excessively high and feared that even the facultative species which they had planted would not survive. Mr. Chase indicated that he did not speak with Mr. Bergeron and further questioned the footprint of the house which seemed to be larger and closer to the wetlands than that approved by the Commission in its Order of Conditions. Any drainage will require a filing of a Notice of Intent.

**Public Hearing, West Boylston Water District, Request for Determination:** Mr. Chase read the classified ad. Ronald Pong stated that the DCR had given its approval and requested a Negative Determination. He stated that the wetlands are flagged and that 250 linear feet of haybales will be installed prior to commencement of the work, which should take no more than 3 months to complete. The estimated time frame is late July to early August. Motion by Mr. Reilly to close the Public Hearing and issue a Negative Determination with the condition of the installation of haybales. Second, Mr. Eckhardt. Unanimous.

Mr. Pong stated that the Water District may need to request a DEP Permit, which would take and additional 30 days.

**Public Hearing: Harvey Goldstein, lot 2 Shady Lane, DEP file # 327-0223.** Mr. Chase read the advertisement. The Contractor, Jason DuBois, stated that the Board of Health had approved the septic design, and that the nearest part is 53 feet from the wetland. Ms. Padden referred to Title 5 regulations, 310 CMR 15.211, siting minimum setbacks. A BVW bordering a tributary to surface water has a 100-foot setback. She suggested that the applicant check with DEP regarding a Variance, and would like DEP's decision is writing. Motion by Mr. Reilly to close the Public Hearing and issue an Order of Conditions contingent upon receipt of of a letter or Variance from DEP. Seconded by Mr. Eckhardt. Unanimous.

**Public Hearing: Angell Brook, DEP file # 327-0206.** Mr. Chase read the advertisement. Mr. Eckhardt recused himself. Mike Staiti described the addition of 18 units in 6 buildings on a 6 acre parcel along the Emergency Access Road. VHB had commented on the NOI and Mr. Staiti has not had a chance to respond but feel certain that all VHB's points can be satisfied within 2-3 weeks. He requested that the Public Hearing be continued to the May 3<sup>rd</sup> meeting. Motion by Mr. Reilly to continue the Public Hearing to the May 3<sup>rd</sup> meeting. Seconded by Ms. Lucier. Four in favor (Chase, Reilly, Lucier, Padden), Mr. Eckhardt and Ms. Kubesh abstained.

Mr. James Zingarelli, 7 Malden Street came in for informational purposes. He would like to sell a portion of his land, which has a 441 square foot finger of wetland in the rear. He would like to fill the wetland and replicate it adjacent to another wetland area. This would allow the purchasers to have a larger back yard. The Commission responded that the 441 square foot finger is a marginal wetland area, that the land is relatively flat. It has not objection to the proposal and the new owners should file a Notice of Intent for the building, the septic being outside the 100-foot line.

**Certificate of Compliance: West Boylston Seafood.** The Commission received a request for a Certificate of Compliance on work completed on drainage and grading. "As Built" plans submitted to the Planning Board were also given to the Commission. Motion by Ms. Lucier to issue a Certificate of Compliance. Seconded by Mr. Eckhardt. Unanimous.

Motion by Mr. Reilly to adjourn. Seconded by Mr. Lucier. Unaminous. Meeting adjourned at 8:40 PM.

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

Date Accepted: \_\_\_\_\_

