

WEST BOYLSTON CONSERVATION COMMISSION

MINUTES OF APRIL 5, 2006 MEETING

MEMBERS PRESENT: William Chase, Chairman, Thomas Reilly, David Eckhardt, Kathleen Lucier, Frances Kubesh, Carolyn Padden, Secretary Toby Goldstein.

Meeting opened at 7:00 PM. The new secretary, Toby Goldstein, was introduced by Ms. Padden. Mr. Chase requested minutes from March 1 meeting to be reviewed. Ms. Kubesh requested spelling for her name to be corrected. Ms. Lucier motioned the minutes to be accepted. Ms. Kubesh seconded the motion. There was a unanimous vote to accept the minutes.

The board discussed Bergeron building on Shrewsbury Street. Mr. Chase said we would send out a letter to them, requesting communication and plans from them with regard to Lot 7 possibly encroaching on wetlands.

Ms. Padden discussed need for board to receive letter from DEP regarding Harvey Goldstein and Shady Lane, before Order of Conditions is complete.

Mr. Reilly and Ms. Padden discussed some projects which are still in the proposal stage, involving 40 B housing. One is at Angell Brook, the other off Franklin Street. Ms. Padden thought the board should look at them even though they are still in the proposal stage.

Continued Public Hearing-Afra Terrace, DEP File # 327-0221: Patrick Healy represented the applicants. There was soil testing done. Two issues remained, that of the two retaining walls, and that of detention pond 1-they need to raise the elevation. Hancock Associates has two letters, from the Building Inspector and DCR, which they say agree with their findings that elevations need adjustment, but that wetlands issues are dealt with and the changes needed are feasible. Mr. Reilly wants to look at those letters. Kurt Koppitsch of 174 Pierce Street and his wife discussed their concerns and discussed wanting independent professional advice. Board discussed that their responsibility is to uphold the Wetlands Protection Act, and Afra Terrace has complied with that law. The

contractor will inspect the property on a regular basis for erosion, etc., but we have no control over Acts of God. Board also told him that the Board of Selectmen does review this.

Ms. Padden motioned to close the public hearing and hold the Order of Conditions, pending a letter from the Army Corps of Engineers and a final letter from Hancock stating that Afra Terrace has addressed the outstanding issues. Ms. Lucier seconded. Four voted yes. Mr. Reilly abstained and left the meeting. Mr. Eckhardt arrived after the vote..

Request for Determination-Massachusetts Electric (National Grid): Paul Richards and Dan McIntyre discussed the plan to use the area behind the Temple St. substation off of Route 140 temporarily for parking, in order to get traffic out of their construction site. The plan was to use geotextile and crushed stone. They had a photo of the area. There is no vegetation, only some grass. When the construction is over, they plan to get the site back to condition. They showed the board their map. They stated they would replant grass after if needed. They would line the area first then put down the other material. They would replant any trees that would be removed.

Ms. Padden motioned to close the public hearing and issue a negative determination. Mr. Chase seconded. Unanimous vote yes.

Notice of Intent: Joseph R. Evangelista, et al, DEP file # 327-0225: Board members looked at the site plan for building on Shrine Ave. Question of infringement on vernal pool. Peter Mirick of Mass. Wildlife certified the vernal pool. Glenn Krevosky said water is leaving the site and sand is exposed. Said they did not find frogs. He stated that the vernal pool is being filled in gradually by road sand. He stressed that there is no resource area and therefore the Commission could not require a setback greater than the proposed 10 feet. He referenced the Wetland Protection Act 10.57 (2)(a)6. There will be 4 units, each 18 feet wide, thus requiring the proximity to the wetlands. A representative of Fish and Wildlife stated that there is evidence of fairy shrimp and yellow salamanders in the certified vernal pool and that the pools, as well as the upland habitat need to be protected. Mr. Krevosky suggested reinfiltrating roof water. He also said there probably was a natural pool, but can't find eggs as it dries up. Ms. Padden questioned their being allowed to build within 10 feet of the wetland. Also we need written confirmation that water and sewer can connect. Board suggested that maybe building could be tightened up. Mr. Eckhardt motioned to continue to May 3 meeting at 7:30 PM. Seconded by Ms. Padden. Unanimous vote to continue. Site visit was scheduled for Tuesday April 18 at 5:30 P.M.. The public hearing was continued to May 3 at 7:30 P.M.

Ms. Padden also questioned their filing fee. Mr. Krevosky said it was based on a single family house, four of them. It was Category A, \$110.00. Ms. Padden also reminded him of the \$50.00 legal ad fee still needed.

(Angell Brook Public Hearing continued until May 3 meeting at Mr. Staiti's request)

Other Business-The Manor Restaurant, review of status of current Order of Conditions and plans for changes to detention basin: Their Order of Conditions was from 2001 and expired. They are proposing to raise the back end of the berm. They have plans. Ms. Padden asked why they did not extend their last Order of Conditions, and they said there were problems with getting connected to the sewer, which delayed everything. Ms. Lucier said that they need a Notice of Intent. Ms. Padden proposed that the board could get a site visit before the May 3 meeting, and so long as they file by April 20, there will be a legal ad in the newspaper and the board can issue an Order of Conditions at the May 3 meeting. Mr. Chase made a 5:15 PM time for a site walk on April 18.

Board members also discussed problem with wetlands on the proposed 40B on Franklin Street.

Members also signed a signature page on Order of Conditions for Afra Terrace. Mentioned site walk on April 18 for McNamara at 6:00, 185 Laurel Street.

Mr. Eckhardt motioned to adjourn the meeting, seconded by Ms. Kubesh. The vote was unanimous to adjourn, and meeting was adjourned at 8:35 PM.

Submitted by:_____

Date Accepted(as amended):_____