

## **WEST BOYLSTON CONSERVATION COMMISSION**

### **MINUTES OF JULY 5, 2006 MEETING**

**MEMBERS PRESENT:** Chairman David Eckhardt, Vice-Chairman Kathleen Lucier, Carolyn Padden, Barry Esteves, Clerk Toby Goldstein.

Meeting opened at 7:00 PM.

#### **Minutes of May 3, 2006 Meeting:**

Ms. Lucier motioned that the Clerk and Chairman work on the minutes and email them to the Board before the August 2 meeting. Ms. Padden seconded the motion.

#### **Request for Determination of Applicability, Patrick and Elizabeth Arnow:**

The Arnows wish to pave an existing gravel driveway at 6 Pinecroft Avenue. It is reported to be between 90 and 100 ft. from wetland. The area is on a hill and requires grading, as shown on the plan. The Arnows questioned whether they will need haybales or a silt fence. The Commission could give the Determination at the August meeting with no waiting period. The Arnows agreed that it is acceptable to wait until the August meeting. The Commission will meet Tuesday, July 11, at 6:30 PM for the site visit. Mrs. Arnow cautioned the Commission that they have hives of honey bees on the property.

#### **Notice of Intent, Chanty Realty, DEP File # 327-0230:**

This Notice of Intent for construction of a single-family home and associated work is located in the buffer zone of a bordering vegetated wetland on Woodland St. Representatives were Hossein Haghanizadeh, H, S, & T Group and Domenic Paldino, Chanty Realty. Ecotec delineated the wetlands. The closest corner of the construction is greater than 50 ft. from wetlands. They propose taking the roof drain and recharging the water. There will be haybales and silt fence along the easterly side of the property. Stone will be placed at their end of driveway to clean tires of construction equipment. There is minimal grading to do. They do not propose disturbing beyond that area. Mr. Esteves asked if they were planning to work within the haybales. Mr. Haghanizadeh said that they can not go beyond the haybales because of an easement. They can not make additions. Ms. Padden asked how close the property would be to the nearest neighbor.

Mr. Haghanizadeh said they would remain outside 15 ft. of the property line. Mr. Paldino added that the nearest neighbor is 30 to 35 ft. off the property line, so they would be 50 ft. away from the neighbor. Mr. Esteves asked if the driveway is being bermed. Mr. Haghanizadeh said that that is not necessary. The driveway is flat, at a 3 percent grade. Ms. Padden asked if they have the permit for sewer and water. Mr. Haghanizadeh added that they need to have approval only from the Commission and a building permit. Mr. Eckhardt suggested Tuesday, July 11 and 5:30 PM as the time for a site visit. Ms. Padden motioned for a site visit, on July 11 at 5:30, and to continue to the August 2 meeting at 7:15 PM. Ms. Lucier seconded. The motion passed (unanimous vote).

**Partial Certificate of Compliance, Emuge Building, DEP File # 327-0209:** The Certificate of Compliance was issued.

**Continued Public Hearing, Flagg Realty, LLC, Notice of Intent, DEP File # 327-0229:**

Doug Andrysick stated that he does not have the additional drainage calculations. He would like a continuance to the August 2 meeting. Ms. Padden said that VHB Consultants will review stormwater management through the Planning Board. It is estimated at \$3,800. Mr. Andrysick said that they are not going before the Planning Board. Mr. Eckhardt said that the Commission needs to make a call to the Planning Board to make sure. Ms. Padden said that one of the Commission members will take Mr. Esteves out to visit the site, also. DCR requested a Stormwater management form and that they file for a variance. Ms. Padden motioned to continue the Public Hearing to the August meeting at 7:45 PM. Mr. Eckhardt seconded. The motion passed (unanimous).

**24 Temple Street (complaint):**

As a result of a resident complaint, Ms. Padden and Mr. Eckhardt visited the residence and walked the wetlands up gradient from 20 – 24 Temple Street. DCR provided aerial photography and their determination was that there are wetlands on the 20 Temple parcel. Based on interviews, it seems likely that wetlands on the 20 Temple parcel were altered. Since the alteration, there is new water flow at 24 Temple. The Commission needs to take a position.

**Notice of Intent, FWC Charitable Enterprises, DEP File # 327-0231:**

To construct a residential, multi-family development of 30 units, 8 buildings, on Franklin Street. Mark Beaudry from Meridian Associates is engineer for the project. The project was proposed by Mike Teague of FWC Charitable Enterprises, and is located at Worcester and Franklin Streets, across from Rayann Physical Therapy. It is a 3.5 acre site, wooded, and undeveloped. Bisecting the property is a bordering vegetated wetland,

25,000 sq. ft., which drains toward Worcester Street, toward Gates Brook. Another resource area extends into the buffer zone. There are also watershed protection areas associated with Kissler Pond. They want feedback from the Commission and the Zoning Board. They are seeking a comprehensive permit from the Zoning Board. The developers are proposing constructing the units within 20 ft. of the buffer zone, and the parking lot 25 ft. The stormwater recharge trench would be 10 ft. off the wetland. The wooded back area is to be retained and not developed. The Zoning Board wants open space reserved for recreation and may use the back area. The Notice may be revised. They propose grading down the knoll and using that material to even out the other areas. The corner also needs grading. A subsurface chamber system also requires that the area be raised. They intend to recharge stormwater on the site. They report no increased drainage on to Worcester and Franklin Streets. They add that they exceed requirements from DEP for recharge on rooftop and pavement areas. The wetland line was delineated by Mason and Associates. The developers are seeking to have the wetland line confirmed by the Commission as part of the Notice of Intent.

Mr Eckhardt asked if any changes were made since last month, and Mr. Beaudry replied not to his knowledge. But, a typographical error was found in the Stormwater Summary Table for Peak Flow Rates. He will send the Commission reprints. Mr. Eckhardt said there is a high point running across the property, and asked if the developers are changing where the runoff of water goes significantly. There is concern of a significant change in water flow to the wetland. Ms. Padden asked what is under the ridge, and Mr. Beaudry replied type A soils, no ledge, and that test pits encountered soil, no rock. Ms. Padden asked how much lower the ridge area must be for grading, and Mr. Beaudry replied about 10 ft. from the high point. Mr. Eckhardt expressed concern at silt entering the recharge trench during construction, and Mr. Beaudry said there would be a comprehensive erosion control plan to protect the area.

Linda Isgro from the Zoning Board expressed concerns that the grading will turn the water flow toward her property. She also expressed concern that the Kissler Pond wetland area should have an additional 100ft. buffer. Mr. Beaudry said it was determined that Kissler Pond has no outlet, but they still want to make revisions with the Commission and the Zoning Board, then go to DCR for a permit.

Mr. Eckhardt proposed continuing the Public Hearing and visiting the site. Ms. Padden said the Commission needs to verify the wetlands. Mr. Esteves said that the buildings on the left, close to the wetlands, need to be flagged. Mr. Eckhardt said that a member of Mr. Beaudry's engineering team should be there. Because the Commission suggested VHB to do the consulting, and Mr. Teague preferred Hancock Associates, Mr. Eckhardt said the Commission will get a competitive bid. Ms. Padden motioned to continue to August 2 at 8:00, and for there to be a site visit on July 18 at 5:30 PM. Ms. Lucier seconded. The motion passed (unanimous vote).

**Public Hearing Regarding Changing of Commission Meeting Dates to Second Wednesday of Each Month:**

Ms. Padden motioned to rescind the previous meeting dates agreed upon and return to the original meeting dates on the first Wednesday of each month, and this will be rediscussed at the October meeting. Ms. Lucier seconded. The motion passed (unanimous).

**Request for Certificate of Compliance, Manor Restaurant:**

Ms. Padden received the letter of request for the Certificate from Finlay Engineering. The Certificate of Compliance is for the expired Order of Conditions, DEP File # 327-0159. The work to be performed is the Order of Conditions, DEP File # 327-0228. The Certificate of Compliance was issued.

**Request for Certificate of Compliance, 127 Hartwell Street, Wastewater Management:**

Ms. Padden motioned to continue until the end of the second growing season, which would be in October. Ms. Lucier seconded. The motion passed (unanimous vote).

**Adam Last and Mike Dziura- Informal Discussion Regarding Notice of Intent for 127 Hartwell Street:**

Adam Last from Corporate Environmental Advisors described the project. They intend to expand the parking area at 127 Hartwell to tie into the back of the property to allow vehicles to completely circle the property and to also provide more parking space. The paved area drainage has been redesigned. The plan is to discharge the overflow to a wetland area, Muddy Brook. A pipe would lead to the wetland area, which can be shortened if the water level rises. They propose haybales around the area to be trenched for the pipe. They will come back to the August meeting with all of the issues clarified. The client wants to break ground by the middle to end of August.

Ms. Padden asked if VHB has been out to see the site. Mr. Dziura thought that VHB had looked at the parking lot design. Some discussion took place regarding the need to periodically remove beavers in the brook. The Board called for a site visit, Tuesday, July 18, at 7:00 PM.

**OTHER BUSINESS:**

**33 Temple Street (complaint):**

Dave Eckhardt and John Westerling responded to a complaint from James Hammond at this address. (Previous enforcement action for illegal filling of a wetland.) Mr. Hammond wants to know under what conditions he can cross a wetland (fill and replicate?) to access the rear of his property.

**Final Phase of Sewer Project (Request from John Westerling):**

DCR is asking for a Certificate of Compliance. The Commission needs to walk the project with John Westerling so that he can make an informed response to DCR.

**Pan American Railway (Formerly Guilford):**

There is a failing culvert near Temple Street grade crossing. Mr. Eckhardt met with the railroad on July 3. Commission needs to determine if further action is needed.

**Shady Lane:**

Ms. Padden wrote Harvey Goldstein a letter, stating that wetland was altered by removal of trees. The consensus was that he must redelineate the wetland and no further work could be done. Ms. Padden will send him an enforcement order considering that he did not respond to her letter of June

**Election of Commission Treasurer:**

Someone is needed to watch the money and expenditures of the Commission. Ms. Lucier proposed that it be between Mr. Eckhardt and herself. The Board agreed.

Ms. Lucier motioned to adjourn the meeting. Ms. Padden seconded. Meeting adjourned at 9:46 PM.

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

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