

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JULY 2, 2008 MEETING**

MEMBERS PRESENT: David Eckhardt, Chair, Colin Cahill, Barry Esteves, Ryan Killman, and Clerk Toby Goldstein.

MEMBERS ABSENT: William Chase and Vice-Chair Heather Feland.

(Also present were former Chair and member Carolyn Padden and prospective Commission member John Hadley).

Mr. Eckhardt opened the meeting at 7:03 p.m.

Minutes of June 2, 2008 Meeting:

Due to thunderstorms, the computer system was not working, making it difficult for the Commission members to study the draft minutes from June. Mr. Esteves suggested deferring consideration of the minutes to the August 6 meeting. All agreed.

Menard's Auto Body (Formerly Randy's):

Gates Brook runs under the property. Three of four oil tanks were removed from the property, not to be replaced. The Commission was not notified before the removal. Nancy McGrath and Mr. Eckhardt visited the site. Because the tanks were being removed and not replaced, they were told to file with the Building Inspector, but allowed to finish the removal. The Commission decided, in the future, in such circumstances, to shut down the work if not notified, and hold an Emergency Session to discuss the matter.

Thomas Chalker, 392 Worcester Street, Request for Certificate of Compliance, DEP File # 327-0190:

Mr. Chalker has been looking to construct a fence on his property, closer to the road than what was originally intended, but not closer to wetlands. Mr. Eckhardt conducted a site visit on June 11. Mr. Chalker needs to consult the Building Inspector to find out how far from the road that it can be done. However, the issue for the Commission is not seeing the undergrounds of the property, in particular where a pipe is emptying. The Commission will again send a letter to Joseph Evangelista, the builder,

Gary De Wolf, the head contractor, and to Mr. Chalker, reminding them that the Commission must have either their engineer come before them, or must have "As Built" plans with an engineer's stamp, showing in particular the undergrounds of the property, before they can proceed.

Boston and Maine Railroad Corporation, Request for Determination of Applicability:

The request is regarding determination of wetland-sensitive areas for herbicide application. Mr. Eckhardt and Dave Getman of DCR need to conduct a visit of the entire area involved. The applicants have decided that, since there seem to be a lot of sensitive areas, they may continue the matter to Spring 2009. Mr. Eckhardt suggested, and the Commission agreed, that they would send a letter to the applicants, stating that the Commission wants to know by July 31 if they intend to postpone the matter until the Spring, or the filing will be withdrawn. With the July 31 deadline, the Commission can take proper action at the August 6 meeting.

Hillside Village Conservation Restriction:

The document has been signed by the Commission and recorded at the Registry of Deeds.

185 Laurel Street:

It was found that the Order of Conditions on the above property was never recorded at the Registry of Deeds. The Commission questioned whether or not they could simply re-file the document with the Registry, or if too much time has elapsed. The Town Counsel must be consulted about this. Meanwhile, the Clerk was instructed to check the Registry website to verify that the Order was, in fact, never recorded. Mr. Eckhardt will send a letter to the owners of the property, Wells Fargo Bank.

Update on Laptop for Commission:

Karen Pare is still waiting to hear from Dell with details of a package and pricing.

T-Mobile:

Mike Haertel is the agent for T-Mobile, and he had discussed with Mr. Eckhardt their desire to add a fifteen foot extension to an existing cell tower, and to also construct a 100 square foot structure. The area in question is located off the end of Lawrence Street, within a couple of hundred feet of the Town's water tank. The Commission studied an aerial photograph and maps, and does not believe that there are wetlands involved. The Commission instructed the Clerk to check for previous filings, otherwise T-Mobile will have to file a Request for Determination of Applicability. The Commission will also have to conduct a site visit.

National Grid, Request for Certificate of Compliance, DEP File # 327-0194:

The Request is for an Order of Conditions for work on the Wachusett Substation, 47 Temple Street. Mr. Eckhardt and Mr. Cahill walked the perimeter and plantings have been complete since June 2007, meaning that they have been growing for about a year. There are no signs of erosion as well. Mr. Cahill motioned to issue a Certificate of Compliance. Mr. Esteves seconded. All in favor.

Certificates of Compliance for Sewer Projects:

Multiple sewer projects were started in the mid-1990's, and completed by 2006. Ms. Padden discussed how the Commission did not want a blanket Certificate of Compliance, covering all of the residents involved, but the Town issued a Certificate of Compliance to the Town itself. This means that any individual that needs it must file separately and be recorded separately.

Shell Oil Products US, 137 Shrewsbury Street, Request for Determination of Applicability:

Barbara Laughlin represented. She discussed what the applicants intend to do on the property. There is apparently soil contamination at the lower elevation of the property near the railroad tracks. DEP suggested that they proceed with soil excavation, which they are looking to do in the fall. They estimate removal of 650-750 cubic yards of soil. Ms. Laughlin added that the area is within the buffer zone, but not within wetlands. She stated that the wetlands were last delineated there in 2002, and showed the Commission copies of the delineation report, and where they want to remove soil. The area of soil to be removed is flagged. The Commission agreed to conduct a site visit on July 9 at 7:00 p.m., at the parking lot behind the Shell brick office building. They added that the wetlands may need to be reflagged, and the applicants may want a wetland scientist to be present. Mr. Esteves motioned to continue the public hearing to August, pending the site walk. Mr. Cahill seconded. All in favor. (The Commission added that, according to Section 22 of the Town Bylaws, the Town regulates earth removal for amounts over 500 cubic yards, so the Earth Removal committee must be consulted).

44 Winthrop Street:

Mr. Eckhardt discussed the complaint of a resident at the above address to the Town regarding water that runs down the backyard of the property. The Commission discussed the problem of flooding septic systems in that area, and the need for above-ground septic systems. The Commission agreed that this matter was not within their jurisdiction and that the Selectmen must be petitioned by the residents involved.

Other Business:

Ms. Padden discussed with Mr. Eckhardt the monthly accounting sheets for departmental expenditures. She also mentioned the need to remove her name from Building Inspector forms. The Commission members agreed that it is sufficient for the Clerk to email agendas and minutes to them, rather than to mail hard copies, and that minutes should be sent to Karen Pare, also, for the Town website.

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Mr. Cahill motioned to adjourn the meeting at 8:38 p.m. Mr. Killman seconded.
All in favor.

Submitted by: _____
Date accepted: _____