

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
AUGUST 6, 2008 MEETING**

MEMBERS PRESENT: David Eckhardt, Chair, Heather Feland, Vice-Chair, William Chase, Barry Esteves, John Hadley, and Clerk Toby Goldstein. (John Hadley has previously attended meetings, but this is his first after being sworn-in as Commission member).

MEMBERS ABSENT: Colin Cahill, Ryan Killman.

Mr. Esteves motioned to open the meeting at 7:00 p.m. Ms. Feland seconded. All in favor.

Minutes of June 4 and July 2, 2008 Meetings:

Mr. Esteves motioned to accept the minutes of June 4 as submitted. Ms. Feland seconded. All in favor.

Mr. Esteves motioned to accept the minutes of July 2 as submitted. Ms. Feland seconded. All in favor.

Bethlehem Bible Church, 307 Lancaster St., Informational:

Scott Goddard, church member and wetland scientist, showed the Commission a site map of the property, from June 2008. The church owns 5 acres presently, the remainder of what was formerly their property is now owned by MDC. The parking lot suffers from poor drainage, with erosion and damage. The applicant is planning to submit a Notice of Intent, the public hearing to be held at the September 3 meeting. The expansion that they are planning will impact the buffer zone. They intend to improve drainage, beautify the area, regrade the lawn area to add a play area, improve the detention pond, and alleviate erosion. They intend to put proper stormwater management measures in place. No wetland alterations are proposed. The wetlands were delineated in 2001. Mr. Goddard flagged them originally, and recently reset them. The Commission will await the Notice filing.

Continued Public Hearing, Thomas Chalker, 392 Worcester St., Certificate of Compliance, DEP File #327-0190:

The Commission studied "As Built" plans, dated 7/17/08, stamped by engineer Ronald Thunberg, that they had requested from the applicant, that particularly depicted the underground area of the property. Mr. Chase motioned to close the public hearing and issue a Certificate of Compliance, subject to the plans dated 7/17/08. Mr. Esteves seconded. All in favor.

185 Laurel Street:

Mr. Eckhardt recently sent a letter to Wells Fargo Bank, the present owners of the property, informing them of the present condition of the property and the outstanding Order of Conditions, and is awaiting a response from them. Meanwhile, if the property is to be sold, the bank will sell it as is.

Boston and Maine Corporation, Request for Determination of Applicability:

Due to lack of settlement of the issue by the applicants, the Commission decided to close the public hearing, and the applicants will need to re-file at a later date if they decide to pursue the matter. Mr. Chase motioned to close the public hearing. Ms. Feland seconded. All in favor.

T-Mobile:

The Commission had agreed to request a filing from T-Mobile for a Request for Determination of Applicability. Mr. Eckhardt received a letter from Attorney Simon Breghenti, arguing that there are no wetlands within 100 ft. of the job site, and therefore the Commission has no jurisdiction. The MACC also discussed with Mr. Eckhardt that they do not believe that the Commission has jurisdiction, either. Mr. Chase motioned that the Commission members agree that they do not have jurisdiction over the proposed work, and that no further action be taken by them. Mr. Esteves seconded. All in favor. (Mr. Eckhardt will send a letter to Mr. Breghenti, informing him of the decision).

Continued Public Hearing, Shell Oil Products, US, 137 Shrewsbury St., Request for Determination of Applicability:

Barbara Laughlin represented. Ms. Laughlin discussed the updated site plan (7/31/08) with new delineation of wetlands done on 7/28/08 (last delineation was done in 1992). The area delineated was that of interest to the Commission, on the Shrewsbury side of the property. Mr. Eckhardt and Mr. Killman visited the site. The applicants are intending to remove 650 to 750 cubic yards of soil from the petroleum storage area. There have been no objections from the Earth Removal Board. The applicants have also outlined erosion control measures, which include siltation device and filter mitt, in their filing.

Mr. Esteves motioned to close the public hearing and issue a Negative Determination, with the conditions that erosion controls be in place, according to their plans dated 7/31/08, that the applicants notify the Commission prior to the start of the work and have a preproject meeting, and notify the Commission if there is any significant change in scope of the project. Ms. Feland seconded. All in favor.

Public Hearing, NSTAR Electric and Gas, Request for Determination of Applicability, Carol Drive:

Kristen Trudell, Environmental Engineer, represented. The proposed work involves the installation of a 2 inch diameter new plastic gas main, to service 34 Carol Drive and 104 Shrine Ave., using the open-trench method. The length will be approximately 600 linear feet, 3 to 4 feet in depth. She discussed erosion controls that will be in place, with a filter fabric in the catch basin, and no stockpiling of remaining fill. Mr. Esteves motioned to close the public hearing and issue a Negative Determination, with the conditions that erosion controls be in place before the work begins, and the Commission must be notified prior to the start of work. Mr. Chase seconded. All in favor.

Public Hearing, NSTAR Electric and Gas, Request for Determination of Applicability, Worcester Street:

Ms. Trudell also represented. The proposed work is to replace an existing portion of gas main, 1700 feet, 6" diameter, using the open-trench method, on Worcester St., south of the Fire Station, north of the railroad tracks. Again the applicants plan to utilized erosion controls in any wetland areas, and at the end of the work day, will remove any fill that is not needed. Ms. Trudell and the Commission reviewed the site plans. Several abutters were in attendance. One, Jane Shoreys, of Wachusett Estates, asked if the area in question is located in a federal flood plain area, and Mr. Chase responded that it was not within that area.

Mr. Esteves motioned to close the public hearing, and issue a Negative Determination, again with the conditions that erosion controls be in place prior to the start of work, and that the Commission be notified before the start of work also. Mr. Chase seconded. All in favor.

Public Hearing, IDA Rose Realty, Notice of Intent, 150 Worcester Street:

Glenn Krevosky, EBT Environmental Consultants represented. The applicants propose constructing a 4-unit structure, north of Gates Brook. EBT delineated the wetlands. In addition to construction of the structure, there is an intermittent stream system flowing through 8 inch clay pipe, which they want to replace with steel pipe. They are not proposing any replacement of wetland areas. Haybales will be utilized to protect the wetlands. At 4 units or less, according to Mr. Krevosky, the State does not require stormwater management measures. Mr. Krevosky and the Commission reviewed and discussed the site plan. Abutters had several concerns about drainage, whether or not the pipe will be large enough, and whether or not the water will flow properly, as several of the abutters have had drainage problems requiring sump pumps. Mr. Krevosky indicated on the site plan that the flow of water will be downhill and will not affect the abutters. He also explained how water migrates into the pipe. Another concern was why there were no basements being constructed and whether or not that was because of a water problem, but Mr. Krevosky stated that basements could be constructed, but that slabs were standard.

Ms. Feland motioned to continue the public hearing to the September 3 meeting, at 7:15 p.m., pending a site walk to which abutters and other residents can attend along with the Commission. Mr. Esteves seconded. All in favor. The Commission and Mr. Krevosky scheduled the site walk for Monday, August 18, at 6:00 p.m. The Clerk will post the site walk. Mr. Krevosky also said that he would recheck elevations on the site map before the site visit.

DCR, Sewer Projects:

John Westerling and John Scannell represented. The discussion concerned the issuing of Certificates of Compliance for Final Phase of sewer construction, and whether or not there should be a “blanket” Certificate encompassing all properties in the pumping station areas, removing the need for each property owner to obtain one separately in the event of property sale or mortgage of the property. The Goodale Street and Sterling Place pumping stations are the ones that are still in question. Both pumping stations had issues-at Sterling Place, sediment was flowing into the wetlands, and on Goodale Street, there were slope and erosion problems. The Commission decided to make site visits on Monday, August 18, at 6:30 p.m. at the Goodale Street pumping station, and at 6:50 p.m. at the Sterling Place pumping station. The Clerk will post these site visits also. Certificates of Compliance to encompass all of the properties under each pumping station can be issued at the site visits.

Public Hearing, Request for Certificate of Compliance, Wayne and Nancy Lucier, 24 Sterling Place, DEP File #327-0219:

The Commission agreed that a site visit must be made before the Certificate can be issued. Mr. Esteves motioned to continue the public hearing to the September 3 meeting, pending the site walk. Mr. Chase seconded. All in favor.

Other Business:

Computer and Phone for Conservation Commission:

The new laptop for the Commission has arrived, and Karen Pare has set it up with a new printer. The Commission also decided to purchase a separate cell phone for the Clerk to use specifically for Commission business.

Update on Carolyn Padden Tribute:

Ms. Feland will send a letter to the Selectmen requesting a letter of recognition for Ms. Padden’s years of service to the Town. Mr. Chase will obtain a plaque for her, also.

Ms. Feland motioned to adjourn the meeting at 9:05 p.m. Mr. Esteves seconded. All in favor.

Date Accepted: _____
Submitted By: _____

