

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
AUGUST 3, 2011 MEETING**

MEMBERS PRESENT: William Chase, Chair, David Eckhardt, Vice-Chair, John Hadley, Vice-Chair, Charlene Hopkins, Vice-Chair, and Clerk Toby Goldstein.

MEMBERS ABSENT: Mark Meola.

Mr. Eckhardt motioned to open the meeting at 7:00 p.m. Mr. Hadley seconded. All in favor.

Minutes of June 1, June 21, and July 6, 2011 Meetings:

After reviewing of all three sets of minutes by the Commission, first of all, Mr. Hadley motioned to accept the minutes of June 1 as submitted. Mr. Eckhardt seconded. All in favor.

Next, Mr. Eckhardt motioned to accept the minutes of the June 21 Special Meeting as submitted. Ms. Hopkins seconded. All in favor.

Next, Ms. Hopkins noted, that on the minutes of July 6, she was absent, but was listed as making a motion. That needed to be corrected to Mr. Eckhardt. With the correction, Mr. Hadley motioned to accept the minutes as corrected. Mr. Eckhardt seconded. All in favor.

Afra Terrace Request for Partial Certificates of Compliance, DEP File #327-0182 and DEP File #327-0221:

(No representatives were present). The owners are looking to resell Unit #38, 133 Afra Terrace, but a release was never obtained for the above Orders of Conditions. The Commission discussed the facts that all wetlands are located in the back of the property, and that no construction was done within 400 feet of the wetlands, and also that all money owed to the Town of West Boylston has been

paid. Ms. Hopkins made a motion to issue a Partial Certificate of Compliance, releasing Unit #38, 133 Afra Terrace, for the Order of Conditions for DEP File #327-0182. Mr. Eckhardt seconded. All in favor. Ms. Hopkins then made a motion to issue a Partial Certificate of Compliance, releasing the same unit, for the Order of Conditions for DEP File #327-0221. Mr. Eckhardt seconded. All in favor. (However, Mr. Chase instructed the Clerk to send a letter to the property owners, asking them to attend the September 7 Concomm meeting in order for the Commission to be certain that the property owners are in compliance with Conservation Commission regulations, in order to avoid a "Cease and Desist" order on any work taking place.

Update on Ruas, 412 Worcester Street:

(Tristan Lundgren of DCR was present to discuss the matter). The Commission had previously made several requests to the Ruases to appear before them to discuss accusations of making changes on their property without authorization-one request was by standard mail, another by Certified Mail, and two by hand delivery (once immediately prior to this meeting). All requests were ignored. Mr. Lundgren mentioned having previously discussed the matter with John Scannell of DCR. They decided that this matter is under the jurisdiction of DCR and the Conservation Commission. Mr. Scannell and Mr. Lundgren agreed that DEP should be involved, for joint enforcement. Mr. Lundgren said that he would work with us on a letter to DEP to make that request.

Update on Minnich/Tashjian Property Conservation Restrictions:

(Mr. Lundgren also participated in this discussion). Mr. Tashjian's property at 378 Prospect Street was in foreclosure, and Mr. Minnich is looking to develop it into nine buildable lots. Meanwhile, there are 2 Conservation Restrictions on 22 of the 23 acres. DCR is working with Mr. Tashjian and Mr. Minnich to agree on the restrictions. Mr. Lundgren will keep the Commission informed as to the status of the situation, as the Commission needs to be in agreement with DCR on this issue.

Proposed 242 Woodland St. Medical Building:

After reviewing of submitted paperwork by the Planning Board, Mr. Chase found the proposed work to not be under the Commission's jurisdiction. They had no comments for the Planning Board, which were requested prior to their Public Hearing.

Hartwell St. Tree Removal:

Steve Migridichian at CEA had requested comment from the Commission prior to removal of trees adjacent to utility pole #23 on Hartwell Street by Waste Management for security purposes. Mr. Chase had not found any reason that the Commission would have to not allow the removal.

Article 97 Mitigation:

The Office of Energy and Environmental Affairs had contacted the Commission requesting information about land that was supposedly taken out of the Office's watershed under Article 97, Section 5, whereby the Town, after taking out a piece of preservation land, must put aside a piece of land equal to, or greater than, the value of the land taken out. The Office wanted documentation and a map, outlining the parcel of land that the Town obtained to replace that Article 97 land. The Clerk had previously tried to obtain further information concerning the location of the land in question, but without any results. The Commission agreed that they were not able to give the Office of Energy and Environmental Affairs any help with the matter without property address information.

(Mr. Eckhardt was absent from the meeting from 7:27 p.m. until 7:45 p.m., in order to attend the Selectmen's meeting).

ALB Update:

Mr. Eckhardt discussed infestation statistics in West Boylston and the surrounding towns.

ALB Tree Removal on Tivnan Drive:

The Commission was notified of proposed tree removal on Tivnan Drive. Mr. Chase instructed the Clerk to contact Ian Farley of DCR Forester to contact Mr. Eckhardt to find out the Commission's requirements before starting any tree removal work.

Mr. Eckhardt motioned to adjourn the meeting at 7:50 p.m. Ms. Hopkins seconded. All in favor.

Submitted by: _____
Date accepted: _____