

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JUNE 6, 2012 MEETING**

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

MEMBERS ABSENT: John Hadley and Mark Meola.

At 7:00 pm, Mr. Eckhardt motioned to open the meeting. Mr. Chase seconded. All in favor.

306 West Boylston Street (Formerly Friendly's):

The applicants, Clinton Savings Bank, had submitted their Request for Determination of Applicability, along with fee payments for the filing and legal ad in the newspaper. The Commission members will decide on a date when they can hold a special meeting for the public hearing, then the Clerk will advertise it and post it with the Town Clerk.

Change in Concomm Membership:

Mr. Eckhardt formally informed the Commission members that, per Town Meeting approval in May, the Conservation Commission is now a five-member board, with a quorum of three.

Complaint Regarding 64 Bowen Street:

Mr. Chase discussed this complaint that he received, regarding the dumping of dirt over the fence on this property with no permits. He visited the site on June 4 at 11:00 am, and determined that the Commission had no jurisdiction over the situation. Also, he saw that the property owners did not block the drainage ditch going into Scarlett Brook.

745 Malden Street Complaint:

Tristan Lundgren of DCR had communicated to the Commission that DCR has jurisdiction over this property, and therefore Concomm does not need to be involved in the matter.

Minutes of May 9, 2012 Meeting:

After reviewing of the minutes by the members, Mr. Eckhardt motioned to accept the minutes as corrected. Mr. Chase seconded. All in favor. (Mr. Eckhardt abstained, as he did not attend the May meeting).

Public Hearing, Pan Am Railways, Request for Determination of Applicability:

(No representative was present). This Request is for verification of the rights-of-way for herbicide application. The applicants filed in 2011, but withdrew the Request at that time. Also at that time, Mr. Eckhardt had informed them that, because of proximity to the reservoir, the Commission needed to be shown where the spraying was to be done on a site visit with a representative before being able to issue the Determination. Mr. Eckhardt moved to continue the public hearing until the July meeting. Mr. Chase seconded. All in favor. Meanwhile, the Clerk was instructed to write to the contact for Pan Am Railways, requesting a site visit with a designee of the railroad. Then the Commission

will consider the Request. Also, the Commission wants the wetlands flagged for the visit, for monitoring purposes. The Clerk was also instructed to email Tristan Lundgren of DCR, asking him if DCR has made a site visit and if not, could he come with the Commission members on their site visit.

Earth Removal Board Designee:

Mr. Eckhardt was appointed again by the Commission as their representative on the Earth Removal Board, for the year 2012-2013.

Erickson, Request for Certificate of Compliance, 66 West Boylston Street:

An Order of Conditions was issued for this property in 2002 when it was owned by Flagg RV. The Clerk was instructed to contact Tristan Lundgren, asking him to check with John Scannell of DCR, who originally handled the matter, to determine what was done on the property since then and what the current situation is. Meanwhile, the Clerk will email the applicant, notifying him that the Commission is awaiting DCR approval before they can issue the Certificate.

Olde Century Farm Road Update:

The DEP Circuit Rider is working on this matter, which involves trying to find out who the Trustee is of the development, and whether or not a trust is still in place.

Public Hearing, Patrick Guida, Notice of Intent, 35 Pine Arden Drive:

(Paul McManus and Patrick Guida represented). The proposed work is to be done at an existing house. Malden Brook is located on DCR property behind it, so riverfront is coming off of it. Bordering vegetative wetland drains into the brook. The 100 ft. buffer zone is on the property, but no work is proposed on it. The proposed work is inside the 200 ft. riverfront (garage and part of the residence). Mr. McManus showed the Commission members photos of the property, proposed work area, and brook. The garage will be attached to the house, and no grading will be changed. The applicants have an upcoming hearing with DCR. Pervious pavers will replace the asphalt in the driveway. An existing catch basin will be upgraded. The house deck and patio are pre-existing. Excavated earth will be removed. Silt fence is proposed for erosion control. Mr. Eckhardt moved to close the public hearing and issue an Order of Conditions for the work, as depicted on "DCR WSPA Topographic and Wetland Exhibit, Prepared for Patrick M. Guida, 5/15/12," subject to DCR approval. Mr. Chase seconded. All in favor.

Discussion With James Zingarelli Regarding 7 Malden Street:

Mr. Zingarelli discussed issues that he has with complaints coming through the Town, regarding stumps on his property, disturbing noise coming from the work on his property, and septic installation on the property. He also mentioned a letter from the Commission of May, 2012, informing him erroneously of an Order of Conditions that expired in May of 2011 (DEP File #327-0227, which actually expired in May, 2012). Ms. Hopkins stated, that according to the Permit Extension Act of 2010, his Order of Conditions is automatically extended to 2014. The Clerk was instructed (and Mr. Zingarelli was told that he would receive this) to send him a letter, confirming that the Order of Conditions, DEP File #327-0227, which expired on 5/2/2012, was auto-extended by the Permit Extension Act of November, 2010, and will now expire on 5/2/2014. Also, the letter will correct the previously mentioned expiration date of the Order of 5/2/2011, as being actually 5/2/2012.

Mr. Zingarelli also mentioned another matter, that of loom for his garden being on his property, within 50 ft. of wetlands. Silt fence is surrounding the pile of loom. Mr. Chase instructed him to send the Commission a letter of intent because he would need to file.

Discussion of Baldarelli Progress on Filings:

(John Farnsworth and Ed Baldarelli represented). Mr. Farnsworth summarized the progress of work being done by the applicants at various locations, as shown on Exhibit A map. On Area 1,

regarding the culvert on DCR property, the bridge is complete. Ed Baldarelli is regularly taking care of beaver material removal. For Areas 2, 3, and 4, Mr. Farnsworth said that these are on hold for now. For Area 5, Mr. Baldarelli is also regularly maintaining the culvert under the roadway. For Areas 6, 7, and 9, the applicants recently received the material for this work, which is located outside of the resource area on top, and otherwise, they must work with Mass. Highway. For Area 10, the east side of the highway, Mass. Highway appears to be handling maintenance there along with Mr. Baldarelli. Area 8 contains an old box culvert, and is located next to Route 12. Work has not yet taken place there. And, regarding Laurel Street in Oakdale, the work there is almost complete. The applicants need to meet with Earth Removal. Regarding DEP File #327-0171, which is a stormwater maintenance plan, this expired in 2010 but was auto-extended to 2012. When they receive a new stormwater maintenance plan, they will ask for an Amended Order of Conditions. Regarding DEP File #327-0236, which involved emergency maintenance work, this was issued in 12/2009, and will expire this year, so the applicants will ask to extend it. Ms. Hopkins mentioned that she would confirm the recording and expiration date under the automatic extension. Mr. Farnsworth suggested adding a maintenance plan to the applicants' file, and the Commission agreed that this was a good idea.

Mr. Eckhardt motioned to adjourn the meeting at 8:40 p.m. Mr. Chase seconded. All in favor.

Submitted by: _____

Date accepted: _____