

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
SEPTEMBER 10, 2012 MEETING**

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

MEMBERS ABSENT: William Chase and Mark Meola.

At 7:05 p.m., Mr. Eckhardt motioned to open the meeting. Mr. Hadley seconded. All in favor.

Minutes of 8/13/12 Meeting:

After review of the minutes by the Commission members, Mr. Hadley motioned to accept the minutes as submitted. Mr. Eckhardt seconded. All in favor.

178 Woodland Street Request for Certificate of Compliance, DEP File #327-0230:

Carol Pleau of Melia and Osol Associates attorneys-at-law had requested a Certificate of Compliance copy (if one had been issued previously), as the property was being sold. Since one had not been requested previously, the Clerk notified Ms. Pleau that the Commission needed a filing of a Request for Certificate of Compliance, with the \$70.00 fee required, and that they would discuss it at the September 13 meeting. No representatives were able to attend the meeting, but the Commission members discussed the property and what work was done there. Mr. Eckhardt and Mr. Hadley both were familiar with the project and can attest that the work was done, so they believed that the Commission could issue the Certificate of Compliance. Mr. Eckhardt motioned to issue a Certificate of Compliance for the 178 Woodland Street project, DEP File #327-0230, subject to receipt of the proper application and fees. Mr. Hadley seconded. All in favor. The Clerk was instructed to e-mail Ms. Pleau and inform her of this.

66 West Boylston Street Request for Certificate of Compliance, DEP File #327-0181:

This was a previous request by Robert and Patricia Erickson of 3 Merrimount Rd. for a Certificate of Compliance on this property, formerly owned by Flagg Realty LLC. After numerous requests by the Commission for a representative to attend one of our meetings to discuss work done on the property, they have failed to contact the Commission. So, the Commission members agreed to remove the topic from "Other Business" until they are contacted.

Asian Longhorned Beetle Update:

In Mr. Eckhardt's opinion, the eradication will likely take 15 years, with a cost of 100 million dollars. There are no new detections in West Boylston, which contains fewer infected trees than other towns.

Olde Century Farm Road Update:

Ms. Hopkins will contact the owners of the units regarding maintenance, especially stormwater maintenance, and if they are paying into a trust for that purpose. If the stormwater maintenance is working and maintained, DEP needs no involvement.

Discussion of Open Meeting Law Meeting:

Ms. Hopkins will discuss this at the October 1 meeting, after attending the Open Law Meeting on September 18. The Clerk intended to place this topic on the October agenda.

Public Hearing, Baldarelli Brothers, Inc., Notice of Intent, DEP File #327-0252:

(John Farnsworth of DeFalco Engineering Services and Richard Baldarelli represented). Ms. Hopkins read aloud the legal advertisement that appeared in the Worcester Telegram and Gazette. Mr. Farnsworth submitted to the Commission certified mail return cards from the abutters, and correspondence from DCR. Several abutters attended the hearing. Mr. Eckhardt discussed 3 layers of permitting that the applicants needed to obtain. First, was from the Conservation Commission, involving wetland protection regulations. Next was from the Earth Removal Board, because of the intended removal of large amounts of earth and gravel. Then, from DCR for protection of the reservoirs, rivers and watershed. These decisions can be appealed by the applicants.

Mr. Farnsworth then gave the history of filings for this project with the Conservation Commission, mentioning the Positive Determination that Concomm issued on March 7, 2012. This resulted in the filing of the present Notice of Intent. He pointed out on a map of the site the work that was proposed (Plan No. 10-03 of 2012, Plan Date 8/6/2012, prepared for Baldarelli Brothers, Inc. by DeFalco Engineering). He also pointed out the wetland area and buffer zone. In the far reaches of the 100 ft. buffer zone is an access road, which will be of limited duration and a private way. It is estimated that there will be one month of site preparation. Removal of earth and gravel materials will continue for about a year. Mr. Eckhardt added, that after final grading, topsoil and seeding, after waiting one-half to one growing season, the applicants must file for a Certificate of Compliance, but the Commission must verify that all the work was done, and that the seed has not been washed away. Mr. Farnsworth added that the applicants will attempt to save as much existing vegetation as possible. Mr. Eckhardt summarized the scope of work, starting with the placement of the temporary private road from Laurel Street into the back properties, then removal of earth and gravel, grading, seeding, then covering of the temporary road, leaving more gently graded material to improve the back yards requested by two of the neighbors. He added, that by law, all abutters must be notified so that they have the opportunity to discuss the issue and ask any questions. (Several abutters attended the Public Hearing). He also mentioned the 10-day appeal period to Mass. DEP if there is any disagreement with the Commission's ruling. Mr. Eckhardt then asked if anyone did not understand the proposal by the applicants, and if so, they could ask questions at that point. Patrick Dugan, representing the Hopfes of 47 North Main Street, asked how far back the applicants would be working. Mr. Farnsworth replied that they would start 20 feet off of the property line, and back from the

roadway, so they will not be working in the street. He also pointed out placement of haybales and silt fence. Mr. Hadley asked how many feet are the Clarks and Adams' losing in height from the grading, and Mr. Farnsworth replied 50-60 feet. Mr. Farnsworth said that William DeVarney of 45 North Main Street will not have increased runoff. Mr. DeVarney and Mr. Dugan had concerns about the accessory road. Mr. Eckhardt reassured them that the accessory road will be temporary, regarded and reseeded, and will be gated. Mr. Eckhardt also asked, how many truckloads of earth will be transported, and estimated from Mr. Farnsworth's information that the scope of work would require 2500 truckloads, one every hour or so. Mr. Farnsworth said that it would not be continuous, and Richard Baldarelli said that most of it would go to a plant on Route 12. Mr. Farnsworth added that the trucks should not impact the roadway. Mr. Eckhardt then added that only a few hundred yards would not be on public highway. Mr. Dugan then asked about who will pay for the work. Mr. Eckhardt informed him of Concomm's filing fees, and that Earth Removal Board and DCR are involved, as well as there being contracts with the neighbors involved in the proposed work. Mr. Farnsworth added that, at this time, only the Adams', Amarals, and Clarks are in agreement with the proposal. Mr. DeVarney then had a question regarding reuse of vegetation. Mr. Farnsworth said that they will try to save indigenous plants. Mr. Eckhardt added that they will use what is there already to replace and stabilize the topsoil. There being no further questions, Mr. Eckhardt then motioned to close the Public Hearing, and the Commission will discuss the conditions to apply. Mr. Hadley seconded. All in favor. Mr. Eckhardt then said that he would like to add 3 conditions, which included a project schedule showing key milestones, maintenance and inspection logs for erosion controls, and semiannual inspection by Concomm. Mr. Hadley added, if there is not enough topsoil, covering of any exposed areas so that they can be stabilized (Mr. Farnsworth worded this as "adequate final cover).

Mr. Eckhardt then made a second motion, to issue an Order of Conditions to the applicants, subject to standard conditions in the applicant's draft dated 9/10/12(which Mr. Farnsworth submitted to the Commission that night), and 4 additional ones proposed by the Commission. Mr. Hadley seconded. All in favor.

Mr. Eckhardt added, that if the scope of the project changes, such as if any additional neighbors are involved in the work, the applicants may need to amend the Order of Conditions. He suggested keeping this topic on the upcoming meeting agendas.

Mr. DeVarney asked additional questions. One was regarding stockpiles. Mr. Farnsworth replied that there would be no stockpiles, they will excavate. A and B soil layers will remain on site. Mr. DeVarney also asked what measures would be taken considering that this is an Asian Longhorned Beetle zone. Mr. Eckhardt replied, that if trees and brush are removed, it must be consistent with ALB regulations. He also briefly discussed the ALB situation with the spectators.

Mr. Farnsworth offered his business card to the spectators in case they wanted to contact him with any questions.

At 8:20 p.m., Mr. Eckhardt motioned to adjourn the meeting. Mr. Hadley seconded. All in favor.

Submitted by: _____

Date accepted: _____