

**MINUTES  
WEST BOYLSTON CONSERVATION COMMISSION  
MAY 6, 2013 MEETING**

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

**MEMBERS ABSENT:** Mark Meola.

Mr. Hadley moved to open the meeting at 7:04 p.m. Mr. Chase seconded. All in favor.

**Public Hearing, Riedl Place LLC, Request for Determination of Applicability, 223 Prescott Street:**

(Norman Hill represented). Ms. Hopkins read the legal advertisement which appeared in the Telegram and Gazette. The proposed work was for the construction of (4) single-family homes at the above address by Allison Smith. Ms. Smith hired Mr. Hill to perk test the property, broken down into (4) lots. One questionable area is an acceptance pit, dug and created by the previous owners, to take in water used to wash out a barn. Mr. Chase asked if a Phase I study was ever done there, to which Mr. Hill replied that it had not. He added that the builder said that a driveway would be within 100 ft. of wetlands. Mr. Hill indicated the pit on the site plan, and said that it was isolated and has no connection to the wetlands. He also said that it has an acidic smell. He opined that he saw no evidence that it was a vernal pool, and that information about this pit has been sent to DEP. Mr. Chase and Mr. Hadley said that Concomm needs DCR approval of this, and that Concomm wants to make a visit to the site. Mr. Hill also showed the Commission members the water table and septic system on the site plan. He mentioned a downhill slope to the property. Mr. Chase recommended that Concomm ask Tristan Lundgren of DCR to attend the site visit with them. Mr. Eckhardt asked if perhaps there should be a wetland engineer involved to be sure that there was not a vernal pool present, and Mr. Hill replied that Robert Murphy of Murphy and Associates determined that it was not a vernal pool, because it was too acidic. After discussion, the Commission members decided upon Tuesday, May 14 for the site visit, provided Mr. Lundgren could attend. They would let Mr. Hill know definitely, and also of an agreed time. Mr. Hill said he would have Mr. Murphy attend the site visit. Mr. Eckhardt added that he would also like to define the distance of Lot 1 to wetlands. Mr. Chase moved to continue the public hearing to the June 3 meeting. Mr. Hadley seconded. All in favor.

**253 Woodland Street, Request for Certificate of Compliance, DEP File #327-0131:**

(Rebecca Robinson represented). This property was part of the Fast Track Sewer Project (Pinecroft), but there was no release at the Registry of Deeds for all of the properties covered by this Certificate of Compliance. 253 Woodland Street was not on the original list of properties covered by this project. Therefore, Mr. Eckhardt moved to issue a Certificate of Compliance for the sewer project at 253 Woodland Street, 174.045 Parcel ID. Mr. Chase seconded. Ms. Hopkins voted in favor. Mr. Hadley abstained. Ms. Hopkins added that she would prepare an affidavit verifying this.

**New England Power Company, Request for Certificate of Compliance, DEP File #327-0208:**

(Sergio Bonilla of Coneco Engineers and Scientists represented). Coneco is in the process of trying to close out several Orders of Conditions statewide. This Order involved transmission line maintenance work done along the rights-of-way in West Boylston. Mr. Bonilla showed the Commission members aerial photos of the structures involved that he reviewed as recently as April. Tristan Lundgren of DCR, who had come into the meeting, stated that the applicants filed with DCR, and that they do not need a notice of completion from them. Mr. Eckhardt, who added that he has seen this project before, during and after completion, moved to issue the Certificate of Compliance, for DEP File #327-0208, regarding transmission line maintenance work along the M-39 distribution. Mr. Chase seconded. All in favor.

**(Regarding Riedl Place LLC, Request for Determination,** the discussion continued after Tristan Lundgren came into the meeting. He said that he will check the GIS map to see if the aforementioned acceptance pit is listed as a vernal pool. He will attend the site visit on May 14, and 2:00 was agreed upon as a time (the Clerk was instructed to e-mail Norman Hill to let him know about this). The Commission members explained to him what was discussed earlier in the meeting. Mr. Lundgren added that, if Natural Heritage does not certify it as such, it cannot be considered a vernal pool).

**Discussion of Wetland Bylaw Proposal by Mark Archambeault:**

(Mr. Lundgren was present to participate). The Concomm members discussed their bylaw objectives with Mr. Lundgren. He compared and contrasted bylaws of other towns, namely Worcester and Holden. He suggested adding areas of protection, such as no-build areas, operation and maintenance requirements, a fine structure for violations or non-compliance. Concomm may also want to consider a Stormwater Ordinance, and look at deed restrictions. He suggested that Concomm list the goals that they want. Mr. Eckhardt suggested that they send a draft, when one is prepared, to Mr. Lundgren to look at. Concomm is looking towards the May, 2014 Town Meeting to have the bylaws voted upon.

**Cameo Properties Repair Compliance Update:**

Mr. Chase has corresponded with the owner, who has agreed to take care of any necessary repairs to abutting properties, and is meeting with her on Thursday of this week.

**Update on Baldarelli, DEP #327-0252, Regarding Earth Removal Board:**

Mr. Eckhardt said that the applicants have requested another continuance from the Earth Removal Board from the May 7 scheduled meeting.

**Discussion of Valley Forge Circle Conservation Land Complaint:**

Concomm had received a complaint (along with e-mailed photos) that drainpipes were draining into the wetlands on Valley Forge Circle. This person, owning the lowest property on Valley Forge Circle, gets a downflow of water onto her property. She questions allowing new building in an area like this and claimed that Concomm signed off on this (which the members denied doing). The members decided to make a visit to this site on May 14, after the visit to Prescott Street discussed earlier, at 2 to 2:30, and instructed the Clerk to e-mail the plaintiff and notify her of this; she is welcome to attend.

**Minutes of April 1, 2013 Meeting:**

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

**Concomm Annual Elections:**

Mr. Chase was elected as Chair, effective immediately until May 2014. Ms. Hopkins was elected as a Vice-Chair, and Mr. Hadley and Mr. Eckhardt re-elected as Vice-Chairs. Finally, Mr. Eckhardt was re-elected as Concomm representative to the Earth Removal Board.

**Discussion of Dairy Queen Use of Abutting Property:**

The Concomm discussed notification of a cease and desist order by the Building Inspector sent to the owners of the property on West Boylston Street which is currently the site of the Dairy Queen, due to their use of abutting property as a parking area. The Clerk was instructed to draft a letter to be sent to Next Door Properties LLC, informing them of our jurisdiction under the Wetlands Protection Act and orderING them to cease and desist from any further development and use of that abutting property until they appear before our board with engineering information and wetland delineation.

At 8:46 p.m., Mr. Hadley moved to adjourn the meeting. Mr. Chase seconded. All in favor.

Submitted by: \_\_\_\_\_

Date accepted: \_\_\_\_\_