

**MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JUNE 3, 2013 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.

At 7:04 pm, Mr. Hadley moved to open the meeting. Mr. Eckhardt seconded. All in favor.

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

On May 14, members of the Concomm, along with Tristan Lundgren of DCR, visited the site. They determined that the water acceptance pit in question (see minutes of May 6) was not a vernal pool, and will just be graded in with the rest of the land. Mr. Lundgren, who was present tonight, added that the pit would have to be listed as a vernal pool if it indeed was one. Ms. Hopkins moved to close the Public Hearing, and issue a negative determination as the Conservation Commission has no jurisdiction at the proposed work site. Mr. Eckhardt seconded. All in favor. (Mr. Eckhardt wanted the record to show, that the Concomm issued the negative determination due to lack of jurisdiction over the parcel in question).

Minutes of May 6, 2013 Meeting:

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

Muddy Brook Gauge Work:

(Tristan Lundgren and Steve Solprizio of DCR represented). DCR met with Concomm to discuss their plans to create a gauging area in Muddy Brook. Mr. Solprizio reviewed a diagram of the area and proposed work with the Commission members. He pointed out to them a stepped area upstream, where it is difficult to gauge. The water is quite turbid there. The gauging is done to calculate discharges into the reservoir, in order to support water quality. DCR obtains weekly samples for water quality. They propose creating a stone riffle to regulate flow at a constant rate out of the pooling area. They have done similar things in other towns.

Mr. Eckhardt suggested that, each time they intend to do this, that they write to the Commission to explain what they are doing and why, so that the members can discuss it at their next meeting. He also asked when they want to begin, and Mr. Solprizio replied that they intend to start working on this

right after obtaining approval. Mr. Eckhardt then moved to approve DCR's request for a stone riffle in Muddy Brook, to be used for flow management to support water quality in Wachusett Reservoir. He added that, the next time, DCR should give the Concomm a letter, with justification for support, so that the chair might be able to approve in advance. Mr. Hadley seconded. All in favor.

Update on Use of Dairy Queen Abutting Property:

(This matter was discussed at the May 6 meeting—see minutes). Tristan Lundgren said to the Commission members that Nancy Lucier said that the property owners, Next Door Properties LLC, still have not filed a variance application. The Commission received a letter and report from Ecotec (on file), giving information on the wetland area there, and offering an informational meeting with the Concomm. Mr. Lundgren opined that the Concomm could file a complaint with the State Attorney General, as they are an enforcing body of DEP's regulations. Also, any building or demolition should pass through Concomm approval before permits are issued for those activities; the applicants should have to check on Concomm jurisdiction. Mr. Lundgren said that he would keep the Concomm informed on changes in the situation, and Mr. Chase will talk to Leon Gaumond about this. Also, per Concomm's request, the Clerk had sent a cease and desist letter dated 5/7/13 to the property owners by certified mail, and Mr. Chase will speak with Mr. Gaumond to ask him to whom Concomm should send copies of the letter.

Update on Cameo Properties Maintenance Issues:

(This was a question of various drainage repairs that needed to be done by the owners of West Boylston Square Plaza, which were discussed at previous Concomm meetings). Mr. Chase was corresponding with the owner of Cameo Properties. Mr. Lundgren said that he would send to Mr. Chase a copy of the original plan with elevations at the location. The owner of the property needs to know what needs to be done, also.

Vote on Acceptance of Bylaw Proposal by Mark Archambeault of Nashua River Watershed Association:

(Discussion took place at the May 6 meeting, but no vote was taken then). Ms. Hopkins moved to approve the proposal and hire Mr. Archambeault. Mr. Eckhardt seconded. All in favor. Mr. Eckhardt added that, after the minutes of this meeting are approved, that a copy of the minutes should be forwarded to both the Town Administrator and the Bylaw Committee, and with it a letter stating what the Concomm's intention is, and that the expenditure is subject to the State Purchasing Law (under \$5,000.00). The Clerk was also instructed to send an e-mail to Mr. Archambeault to inform him of the vote.

Update on Baldarelli, DEP File #327-0252:

Mr. Eckhardt reported that the Earth Removal Board dismissed their hearing and the applicants must re-submit when they are ready to move forward with the project. They will probably need a variance. After July 1, the applicants can re-file with the ERB.

Update on Valley Forge Conservation Lands Resident Complaint:

(This was also discussed at the May 6 meeting). Concomm members visited the site on May 14. They determined that the pipes shown in photos by the plaintiff (on file) and seen by the Concomm members at the site were connected to a storm drain to deflect water from the house. There is no erosion or alteration of wetlands. The pipes have filters. They see no problems with them. The Clerk was

instructed to e-mail the plaintiff (after having Mr. Chase approve the e-mail), informing her that no sewage was coming out of the pipes, only stormwater runoff, and there is no harm to wetlands.

Affordable Housing Meeting:

Mr. Hadley attended this meeting on May 14. He discussed changes that may be made to 40B rules and regulations, such as that land mass, instead of number of units, would be used as criteria, and more user-friendly language would be used on the 40B's. He mentioned that Dick Heaton, the Town's Affordable Housing Consultant, made a presentation. Proposed changes are in front of the State Legislature for approval.

Information by Tristan Lundgren Regarding Culvert Along Route 12 and Its Maintenance:

Mr. Lundgren mentioned that John Scannell of DCR complained of flooding of this culvert, maintained by the Baldarellis. A beaver cage was full of silt and needed cleaning. A biologist found little actual blockage of the culvert, but there was evidence of beaver activity. Dave Getman of DCR is now handling the situation. They also need to see the Baldarellis' plans.

At 7:50 pm, Mr. Hadley moved to adjourn the meeting. Mr. Eckhardt seconded. All in favor.

Submitted by: _____
Date accepted: _____