

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
JANUARY 13, 2014 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. Eckhardt moved to open the meeting. Ms. Hopkins seconded. All in favor.

Public Hearing, Mutual Builders, Notice of Intent, 15 Shady Lane, DEP File #327-0256:

(Representative was Jason Dubois of Bertin Engineering). Mr. Dubois reviewed the map of the site with the Commission members. The proposed work is the installation of a subsurface disposal system, within the 100 buffer zone. It is a 35,000 square foot lot. Wetland delineation has been done. Mr. Dubois pointed out the wetland flags, buffer zone, septic system, house and driveway. Erosion controls were also shown, as well as grading and trees. When completed, the property will have loom and be seed treated. Mr. Eckhardt informed Mr. Dubois that, when applying for a Certificate of Compliance, the Concomm requests one growing season to pass before issuing the Certificate.

Mr. Chase and Ms. Hopkins visited the site on 12/12/13, and both found the property to be in compliance.

Jean Costello of 11 Shady Lane spoke; she informed the Concomm that she made an active claim on the land where the proposed house will sit, and made this claim at Worcester Superior Court. Ms. Hopkins informed Ms. Costello that the Concomm needs a letter from her Attorney. They cannot issue an Order of Conditions if there is an active title issue. Ms. Costello replied that Jay Pelletz (of Mutual Builders) received a letter from her attorney dated November 19. Ms. Hopkins responded that, if the owners have been served, the Order of Conditions cannot be issued until the issue is resolved.

Mr. Eckhardt asked for any other public comments or concerns. Issues mentioned by the public were with water and the septic system. Mr. Chase suggested that Barbara Mard of the Board of Health could address these issues. He added that a septic system was installed about 8 years ago. Another concern mentioned was that of shale and rocks in the portion of the property where the house would be built.

Mr. Hadley moved to continue the public hearing until there is ownership clarification. Ms. Hopkins seconded. All in favor. Mr. Eckhardt also suggested that the Commission advise Leon Gaumond and Town Counsel about this situation, to be sure that Concomm is handling it properly, and they will inform the applicant. They would like to help the applicant avoid another filing fee, but if the continuance is too long due to waiting for the title situation to be resolved, the applicant may need to re-inform the abutters.

Amendment of November 4, 2013 Meeting Minutes:

These minutes were previously approved; after a question by someone who received the minutes, Mr. Hadley moved to amend the minutes with a change on page 2; Ms. Hopkins seconded. All in favor.

Minutes of 12/2/2013 Meeting:

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

Public Hearing, Joseph Nastanski, Request for Determination of Applicability, 231 Lancaster Street:

(Scott Dupre of Clearwater Environmental represented). The applicant seeks to replace a failed septic system, part of which is less than 100 feet from wetlands located behind their home. Mr. Dupre showed the map of the site, which is on file, to the Concomm members. He discussed that the backyard is basically flat, and the front yard has a slope, with a high watertable. The new septic system will be in the same location as the current one, as he opined that this would be the only appropriate location for it to be installed. Mr. Dupre also pointed out the erosion controls that would be in place.

After discussion by the board members, Mr. Eckhardt moved to close the public hearing, and issue a negative determination, with the conditions that erosion controls will be installed and used as on drawing dated 11/12/13 ("Plot Plan of 11/12/13, prepared by Clearwater Environmental). Mr. Hadley seconded. All in favor. Mr. Chase suggested the use of bats instead of haybales, and Mr. Eckhardt asked Mr. Dupre to notify the Commission when the erosion controls are in place, before construction begins.

Public Hearing, CECO Realty, LLC, Notice of Intent, 165 Shrewsbury Street:

(Doug Andrysick of Ecotec and Bob Killian, applicant, represented). Mr. Andrysick showed the Commission members a map of the site, where the Central Coatings facility is located. The applicant seeks to add 3,800 square feet to the right rear corner of the building. One reason is for the processing of materials, and another reason is that the differences in floor elevations in the factory make transport difficult within the factory. The facility is located within the 100 foot buffer zone. Mr. Andrysick showed the Commission members the wetland delineation. He discussed the addition of a roof area, and mentioned that there would be runoff of water but that it will not require pretreatment. Handpacked gravel will remain in the parking area.

Mr. Eckhardt asked Mr. Andrysick about an infiltration area, and Mr. Andrysick replied that they will collect the roof runoff and pipe it into the infiltration area. Mr. Eckhardt also mentioned the fact that there is a stormwater management issue, and Mr. Andrysick replied that he has not had a chance to review a letter from DCR regarding this issue. Mr. Eckhardt asked Mr. Chase if they need DCR approval of stormwater management in order to issue an Order of Conditions. He also suggested that, if the infiltration area needs to be relocated, there may need to be an amended Order of Conditions. Mr. Eckhardt suggested that the Concomm issue the Order of Conditions, with the special condition that the applicants need to obtain DCR approval of stormwater management, and if the design changes, the applicants would come back to Concomm for an amended Order of Conditions. Mr. Andrysick agreed with this. Mr. Chase added that the Commission would need an "As Built" so that they could amend the Order.

Therefore, Mr. Eckhardt moved to close the public hearing, and issue an Order of Conditions, with special conditions that the applicant obtain DCR permit for this work for stormwater management, and provide erosion controls as shown on drawing 8533K97, dated 10/28/13. Mr. Hadley seconded. All

in favor. Meanwhile, Mr. Andrysick will let Mr. Chase know when he meets with DCR. (Also, on Friday, 1/17, there will be a MEPA meeting in West Boylston, and DCR will hold a meeting after).

Winter Water Level Drawdown Information:

This discussion was in response to an email request for information regarding this subject from Worcester Polytechnic Institute. Mr. Chase said that West Boylston does drawdown, but DCR handles this. He instructed the Clerk to reply by email that there is winter water level drawdown to the reservoir, but it is all done by DCR, so they need to contact DCR about this.

Mr. Hadley moved to adjourn the meeting at 8:22 pm. Ms. Hopkins seconded. All in favor.

Submitted by: _____
Date accepted: _____