

**MINUTES  
WEST BOYLSTON CONSERVATION COMMISSION  
JULY 7, 2014 MEETING**

**MEMBERS PRESENT:** William Chase, Chair, John Hadley, Vice Chair, David Eckhardt, Associate Member, and Clerk Toby Goldstein.

**MEMBERS ABSENT:** Charlene Hopkins (Vice-Chair) and Mark Meola.

At 7:02 pm, Mr. Hadley moved to open the meeting. Mr. Eckhardt seconded. All in favor.

**Minutes of June 2 Meeting:**

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

**Public Hearing, Gardner Family Irrevocable Trust, Request for Determination of Applicability, 247 Worcester Street:**

(Lorraine Gardner and Donald Granger represented). Ms. Gardner informally discussed at the June 2 meeting her need to repair and replace a deteriorating bridge over a culvert and piping under the culvert on her property at 247 Worcester Street, for which she would need a building permit from the Building Inspector, but the Commission determined that she needed to file with them as there are wetlands involved. After discussion, the board instructed the Clerk to draft a letter to the applicant, copy to Anthony Sylvia of DPW and Leon Gaumond, Town Administrator, explaining that it was determined by the Conservation Commission that the proposed work falls under the category of "heavy maintenance", so it will be monitored by the Commission and no further action will be needed. Therefore, no determination was needed.

**Update on Baldarelli Route 12 and 20 Work:**

Mr. Chase informed the board that MEPA approved the proposed work (their correspondence is on file), but Mr. Chase does not know when it will be completed.

**Update on Town's Right of First Refusal, 405 and 405A Prospect Street:**

Mr. Hadley informed the Commission members that the Town would like to purchase the property and keep it as open space. Mr. Hadley informed the board that a meeting was taking place that evening to discuss this matter. He added that there is someone interesting in putting in 8 house lots on the property.

**Barnard Hill Development E-Mail to Concomm:**

The Conservation Commission had received an e-mail from Mr. Daniel Kilpatrick, saying that he had attended a meeting, and asking when the next meeting discussing their development would be held. In his e-mail, he spoke of water level and possible beaver problems at his development. After discussion, the board instructed the Clerk to e-mail him, suggesting that he contact the Town of

Shrewsbury Conservation Commission if he is a Shrewsbury resident, and Mr. Chase suggested that if he needs an update on the State's Beaver Bill, he should contact Representative Jim O'Day.

**Question Regarding Angell Brook:**

Mr. Chase spoke with Bob Mercier of Angell Brook, who had contacted Nancy Lucier and requested to speak with Concomm, and Mr. Mercier will come to the September 8 meeting.

**Concomm Representatives to Earth Removal Board and Open Space Implementation Committee:**

Mr. Eckhardt volunteered to be the representative to Earth Removal again, and was re-elected, and since Mr. Hadley is on the Open Space Committee from the Board of Selectmen, he was willing to be the representative for the Conservation Commission, to which the rest of the board was agreeable.

**Update on Feedback on Draft Wetland Bylaws:**

Mr. Chase mentioned positive feedback from DCR, and Mr. Hadley said that the Board of Selectmen have no issues with it.

**MACC Online Handbook:**

MACC is allowing one year of free access to their new online Environmental Handbook to one Concomm member, and the board decided to ask Charlene Hopkins if she would handle it. The Clerk will speak to her.

**Informal Discussion of 66 Keyes Street:**

Robert Armstrong appeared before the Commission after speaking with Mr. Chase by phone at the request of Nancy Lucier. He explained his situation: Mr. Armstrong discussed purchasing the last 8 acres of the property at 66 Keyes Street and it is subdivided into 5 lots. One of them has an area designated as wetlands but Mr. Armstrong did not realize that at the time and disagrees with that finding. Mr. Chase responded that an engineer will determine that by testing. Mr. Armstrong continued that, on that one lot, testing has been done, and because it is considered to contain wetlands, now with a 100-foot buffer, he feels it will be difficult to do work on it. Mr. Chase suggested filing for a Request for Determination. Mr. Eckhardt explained that not much work is allowed to be done in wetlands; sometimes replication can be done. In the past, work was allowed in the buffer zone, but it depends on the slope. He suggested that it would be best for the engineer to develop a plan consistent with the laws that can work with the situation. The board asked Mr. Armstrong what he needs to do on the property, and he mentioned installing a septic system, and discussed how there was a history of farmland on the property, with open fields with only intermittent water, and he only remembers once that there was surface water due to heavy rains in the 25 years that he has lived there. Mr. Chase asked him to come back to the Commission with a Request for Determination, showing them the land and the design, to protect whoever might buy the property from Mr. Armstrong. (Mr. Armstrong then showed the Commission members photos on his iPad). Mr. Hadley opined that half of the property that the Town builds on has wetlands. Mr. Chase said to Mr. Armstrong that he needs an engineer with credentials, and Mr. Armstrong replied that he is using Arthur Allen of Ecotec. Mr. Armstrong said that Mr. Allen considered wetland what Mr. Armstrong thought was an intermittent puddle. Mr. Hadley responded that, if Mr. Allen determined that, that is what the Commission goes by. Mr. Chase added that Mr. Armstrong must, though, tell them what it is that he wants to be able to do so that they can try to work with it. (Mr. Armstrong showed the board a drawing of the lot). On the drawing, Mr. Eckhardt pointed out the area where the scientist concluded wetlands are located. He opined that placement of

septic will be a problem, mentioning that the lot is almost flat, and pointed out the wetlands and buffer zone, with the house being halfway into the 100-ft. buffer. Mr. Eckhardt suggested a Request for Determination, to develop this parcel in accordance with this sketch, which must have a name and date when he returns before the board, and the Commission will give him an opinion as what he can do to develop this residential property in accordance with the sketch. (The Commission opined that Mr. Allen has a good reputation).

Mr. Chase added that there are a lot of wetlands created by drainage off the road. Mr. Eckhardt added that septic could be installed in accordance with the sketch, and he opined that the picture shows highly marketable property. Mr. Chase suggested testing soil samples and reducing the size. Mr. Eckhardt asked if Mr. Allen tested soil samples, and Mr. Armstrong replied that he did.

Mr. Eckhardt concluded that that Commission needs to discuss this further; they have proof that this is wetland, so in order to legally develop the parcel, they need a Request for Determination of Applicability or a Notice of Intent and a set of plans with details as to what will be done so that the board can grant formal permission. He continued that it is complicated because what Mr. Armstrong has on his property does not exactly conform to the definition of wetlands . A Request for Determination will help if he decides to sell the property and assures the owner that the Commission looked at the property and will allow development of it. Mr. Hadley then asked Mr. Armstrong if the lots were divided. Mr. Armstrong said that they were, and explained who bought which lots.

**E-Mail from Joseph and Melissa Nastanski Regarding 231 Lancaster Street:**

This was in regards to a negative determination previously issued to them, with erosion controls, and the e-mail asked the Commission when they could remove the erosion barrier. Mr. Chase visited the property and instructed the Clerk to draft a letter to the Nastanskis, telling them that they do not have to wait (4) growing seasons before removing the erosion barrier; the land is stabilized sufficiently so that they can remove it now.

At 7:36 p.m., Mr. Hadley moved to adjourn the meeting. Mr. Eckhardt seconded. All in favor.

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

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