

**MINUTES  
WEST BOYLSTON CONSERVATION COMMISSION  
SEPTEMBER 8, 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. Eckhardt moved to open the meeting. Mr. Hadley seconded. All in favor.

**Informal Discussion With Anthony Sylvia of DPW Regarding Drainage Improvements at 78 Newton Street:**

Mr. Sylvia discussed that there is an existing drainage line running through a residential yard, where a permanent easement is also in place, and this drainage line is in disrepair. Showing the Commission a map of the property, he pointed out sinkholes. He also pointed out an underground pipe just past the residence, and described how the property slopes downward causing drainage to accumulate. (Mr. Sylvia mentioned that this is the property of George Bernardin). He continued that the area only has (2) catch basins, at 78 and 81 Newton Street, and there have been drainage problems for a while; he said that they were first built 5 to 7 years ago, he opined with substandard materials, before sewers were in place. Mr. Sylvia said that, due to the slope, DPW would put this job out to bid.

Mr. Hadley opined that this project was straightforward and that wetlands were not involved. Mr. Chase mentioned that there are no registered vernal pools. Mr. Sylvia told the board that he would like them to advise on erosion controls and also on clean up, and said that the project would take less than a week to complete. Mr. Eckhardt stated for the record that, for the project at 78 Newton Street, the Conservation Commission does not have jurisdiction. He also suggested to Mr. Sylvia that, while completing the project, he be careful of heavy rainfall, and Mr. Chase asked him to notify the Commission when they place down the baffles for erosion control.

**Afra Terrace:**

(Mark Brodeur represented). Mr. Brodeur had e-mailed the Commission a photo of the retention basin on the right side, one of the retention basins discussed at the August 4 meeting, and also showed the Concomm members this photo at this evening's meeting. Mr. Eckhardt stated that he visited the site that afternoon (September 8), and he reported that the heavy waste was out of the basin and it was open and should be in condition. Mr. Eckhardt also reported that about 70-80% of the brush had been trimmed, but there still needed to be a considerable amount done. Mr. Brodeur added that the other retention basin has growth, and Frank Marhefka (of the Afra Terrace Board of Trustees) agreed.

Mr. Chase next discussed the August 5 site visit by the Commission to Afra Terrace to address the residents' complaints brought up at the August 4 meeting, and stated that the registered letter sent to Mr. Ali was refused and that the Commission wants all of the questions in the letter answered. Mr. Chase addressed Mr. Ali (who was in attendance), saying to him that the Commission sent a certified

letter to him. Mr. Ali replied that the address of Crescent Builders changed, and is now 94 North Main Street, West Boylston, so they did not receive it. Mr. Eckhardt summarized the correspondence for Mr. Ali. He began that the letter summarized what took place at the August 4 Concomm meeting, and the August 5 site visit with DCR. He continued that the letter asked for an immediate response, and asked that the Order of Conditions be completed in order to issue a Certificate of Compliance for the project. Mr. Eckhardt mentioned the ZBA meeting of August 26, where it was agreed that an engineer was working on an "as-built" site plan, which needs to cover conservation issues in addition to broader ones. He also informed Mr. Ali that Concomm has not received a maintenance plan for the property, and 2014 maintenance also has not been done. However, Mr. Eckhardt told Mr. Ali that, at his visit to the site today, he noticed a good start to the maintenance, and he told him that what he needs to do is promptly respond to their questions about the plan, address the deficiencies, and if he disagrees, tell the Commission what he believes is enough time in which for him to correct them.

Mr. Chase continued, that at this point, what the Commission wants is for what is in the letter to be addressed. They will continue it to the next meeting, and Mr. Ali should call them with any questions. Mr. Ali responded that they do not have much left to do. Mr. Chase replied that there are manholes that were never opened. Mr. Ali responded that he went through DCR, and said that they were 100% satisfied, and mentioned that he had done some replication for them within the last couple of years. Mr. Chase replied that the Commission has received nothing from DCR stating this, and also, there are questions about snow storage with regards to the wetlands. Mr. Ali responded that they do not have a designated area for that but will plan one near the detention pond to the right, near Jasmine Drive, due to salt. Mr. Chase told him that he would need an overall print showing that, including topography, and Mr. Ali said that the "as-built" that will contain that should be completed in 3 weeks.

Mr. Eckhardt asked Mr. Ali if he believed that he could respond to the letter in 2 weeks and substantially complete the deficiencies by October 6? Mr. Chase noted stone rip rap in the bottom and top of the retention basins on the present site plan and added that he wants Mr. Ali's engineer to confirm that what they have on the plans is in fact present and that Mr. Ali is in compliance. Mr. Eckhardt added that they want the engineer to take the construction drawing and "as-built" and compare the two. Mr. Ali responded that they should be able to do that by October 6. Mr. Brodeur was alright with that. Mr. Ali said that he would drop off the "as-built" when it is complete, and apologized for not getting the letter. Mr. Ali asked about extensions, and Mr. Eckhardt opined that the extensions are still in force, but he needs a Certificate of Compliance that the project is complete. Mr. Chase asked the Clerk to note in the minutes that this discussion is continued to October 6 at 7:00.

#### **Baldarelli Work at Rtes. 12 and 20:**

(John Farnsworth and Edward Baldarelli represented). Mr. Farnsworth explained that they cannot get MEPA approval for their work without a curbcut, and they cannot get a curbcut without approval from Mass. DOT, who is claiming that there is no proof that they have appeared before the Conservation Commission, and their Order of Conditions has expired. Mr. Chase responded that the Order of Conditions was extended. Mr. Farnsworth continued that he wants something from the Concomm, stating that Edward Baldarelli is in good standing with Concomm, and that a valid Order of Conditions was issued and renewed. Mr. Eckhardt asked Mr. Farnsworth if he had copies of their current, valid Orders of Conditions, and he replied that he brought the ones from 2007 and 2010, recorded at the Registry of Deeds. Mr. Eckhardt moved that the Commission issue a letter (to be signed by Mr. Chase) stating that Edward Baldarelli has the current permits necessary for ongoing work at Sterling Street. Mr. Hadley seconded. All in favor.

**Discussion of Executive Sessions:**

According to Mr. Eckhardt and Mr. Chase, there have been no Executive Sessions held by the Conservation Commission since 1998. Mr. Eckhardt stated that all minutes of these sessions have been released to the public. He added that Executive Sessions are treated with special rules, and every couple of years it should be reviewed as to whether or not any have been held and if there are any minutes to be released.

**ESCO Project – Gas Main Work Update:**

Mr. Eckhardt reported that the project was almost complete, and that the last 100 feet of the line on Goodale Street was tied in that day (September 8).

**Record Retention:**

Mr. Eckhardt reported that the Town Clerk will give the Commission information about this. He mentioned that there is a list of records that one is required to keep permanently; other records, such as the Order of Conditions, must be kept until a Certificate of Compliance is issued. He added that they will discuss later if it is prudent to make e-copies of documents.

**Minutes of August 4 Meeting:**

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

**New Trunk of Gas Main:**

Mr. Eckhardt mentioned the possibility of a new gas main passing through the Town, from New York to Dracut, and that the Town would be obligated to follow certain rules if that does happen.

**Borrego Solar Systems, Inc. (On Behalf of the Town of West Boylston), Amended Order of Conditions, DEP File #327-0258):**

(David Albrecht, P.E. and Jared Connell represented). Mr. Albrecht discussed how, due to the fact that a parcel that they presented to Concomm at their Public Hearing in April did not actually belong to the Town, the applicants had less of an area to work with for their project. He showed the Commission members a large map of the overall plan (copies were e-mailed to the members). He pointed out that the land parcel to the north is owned by the State; another parcel is owned by Boylston. The westerly wetlands will remain the same; others will change. There will be limited clearing, which will be in the 100-foot buffer zone and inside the fence. Outside the fence trees would be cut and not stumped, and re-seeding would be done.

Mr. Hadley asked him about acreage, and Mr. Albrecht replied that it will decrease from 20.2 acres to 20 acres. He added that the wattage will stay at 4 mW, and the number of modules will decrease but higher wattage panels are available. Mr. Albrecht asserted that there will be no importance for the wetlands with these changes, and that they are avoiding the wetlands, and that the changes will only be in configuration. He also mentioned that there will be less acres of clearing and road, and when Mr. Eckhardt asked if there will be less impervious, he replied that there would be. Mr. Chase saw no problem with the new configuration, and asked Mr. Albrecht for an “as-built” when the project is complete. Mr. Eckhardt said that the amended Order of Conditions would have the same wording as the original, but will reference that new plan by title, revision, and date, and Mr. Chase added that it would just be added on to the original. Mr. Albrecht added that they would notify Concomm when the erosion controls are in place so that they can see them.

**Discussion of E-Mail Regarding CPC Open Space Funds:**

Ms. Hopkins had forwarded this e-mail to the Commission members, which was a notification that the CPC Open Space Fund had surplus funds for land protection. Mr. Eckhardt moved to authorize the Chair to review any document directed to this purpose, and sign it if it meets the general purpose and direction of the Conservation Commission. Mr. Hadley seconded. All in favor.

**Wetland Bylaw Presentation:**

The Commission members discussed how they would present the bylaws for vote at the Town Meeting in October. Mr. Chase suggested that he would stand before those present at the meeting and ask for any questions; he asked the other Concomm members for ideas as to what they want to give as their purpose for the bylaws. Mr. Eckhardt suggested the discussion of the Commission's dual mandate, whereby they enforce the Wetlands Protection Act, and serve the citizens of the State.

Next, Mr. David Femia, a resident present at the meeting, brought up the aforementioned residents' complaints regarding Afra Terrace, and the fact that this was discussed by the Board of Trustees members at the last ZBA meeting, on August 26 (Mr. Femia is an Associate Member of ZBA). (Mr. Femia also mentioned that, at that ZBA meeting, the Concomm letter that Mr. Ali never received by certified mail was discussed with Mr. Ali, so he was aware of it and what was contained in it). Mr. Hadley questioned how Afra Terrace properties can be purchased with cloud on title? Mr. Chase suggested that there might have been Partial Releases on the property, and asked the Clerk to contact Ms. Hopkins and ask her to check on whether or not there had been any such partial releases done.

**Maintenance on Old Stone Church:**

Mr. Eckhardt informed the board that they received DCR notification of shorefront maintenance that they performed, and the Commission agreed with DCR that this maintenance is considered an exempted activity.

At 8:05 p.m., Mr. Hadley moved to adjourn the meeting. Mr. Eckhardt seconded. All in favor.

Submitted by: \_\_\_\_\_  
Date accepted: \_\_\_\_\_