

**MINUTES**  
**WEST BOYLSTON CONSERVATION COMMISSION**  
**SEPTEMBER 14, 2015 MEETING**

**MEMBERS PRESENT:** William Chase (Chair), Charlene Hopkins (Vice-Chair), David Mercurio, David Eckhardt (Associate Member) and Clerk Toby Goldstein.

**MEMBERS ABSENT:** John Hadley (Vice-Chair) and Mark Meola.

Mr. Eckhardt moved to open the meeting at 7:02 p.m. Mr. Mercurio seconded. All in favor.

**Request for Certificate of Compliance, 70 Hillside Village Drive, DEP File #327-206:**

(Edward Proko and Dianne Silun represented). The representatives are looking for a Certificate of Compliance to release the title on the above property, owned by Mr. Proko's father. This Order of Conditions was issued for the Angell Brook development, and the Commission was awaiting completion of landscaping before they could issue a Certificate of Compliance. Mr. Eckhardt explained that Hillside Village and Angell Brook are two separate projects at two separate locations; by possibly a clerical error, 70 Hillside Village Drive was claimed to be part of the Angell Brook development, but asserted that the Angell Brook Order of Conditions had no bearing on that property and that there is no currently open Order of Conditions on Hillside Village. But, he stated, the question is what the Commission needs to allow the applicants to transfer their property without any title problems.

Ms. Hopkins stated that the work by developer Michael Staiti under the Order of Conditions was completed at Angell Brook, and asserted that the title examiner made a mistake in the inclusion of Hillside Village in this Order of Conditions. Mr. Chase asked her, if he signs off on the Certificate of Compliance requested for 70 Hillside Village Drive, would that release the title? Ms. Hopkins replied that it would, but noted that Mr. Staiti must record the document. She then asked Mr. Eckhardt if Hillside Village is connected at all to Angell Brook? Mr. Eckhardt replied that it is an abutter to Angell Brook but not connected and they do not have any land in common.

Mr. Eckhardt moved to issue a Certificate of Compliance, DEP File #327-206, for the Angell Brook community. Mr. Mercurio seconded. All in favor. Ms. Hopkins added that, if the title examiner believes that this property is on the Angell Brook property, the Certificate of Compliance will release the title; the Commission members agreed that, if the title examiner needs anything for their file, that Mr. Chase could issue a letter verifying this.

**Informal Discussion Regarding Gerardo's Bakery, 339 West Boylston Street:**

(Representing were Gerardo Sarli and Julian Votruba). Mr. Votruba noted that Mr. Sarli will file a Notice of Intent for extension of a driveway turnaround and associated grading at the property. He showed the Commission members a map showing the existing areas on the property and the work proposed, along with where there are wetlands. He noted that the work would be done within the 100 foot buffer zone. He added that perhaps in the future Mr. Sarli might own another area of property, but for now, it is only the area shown. Mr. Sarli and several others own property there but, even though

the road there is not an accepted road, it is still a right-of-way so buildings cannot be constructed on it. Mr. Sarli added that he is speaking to the other owners, and that nothing will be changing on the property. Ms. Hopkins suggested to him that, as it will essentially be his turnaround, the neighbors might be upset with that and that it might cause traffic also. Mr. Sarli responded that he will contact the abutters about it.

Mr. Eckhardt asked Mr. Votruba where the wetlands are located and asked about the grade? Mr. Votruba showed the Commission members that map, pointing out the wetlands and grade, and said that it will be close to the grade that is there now. Regarding drainage, he showed how water will run down to storm sceptor and into a detention pond which was already existing. He asserted that, according to the drainage analysis originally done, the system would work, but added that DCR would not allow them within the 200-foot zone before, otherwise Mr. Sarli would have done this before. In reply to a question from Mr. Eckhardt, Mr. Votruba said that the square footage will be 902 feet. Mr. Sarli added that there have been accidents and traffic due to the present situation, including a recent one where someone drove their car into the bakery.

Mr. Eckhardt and the Commission members agreed that the proposed work is very close to the wetlands, but it makes sense to do it, and with little grade separation, erosion controls and maintenance of them will be required and Concomm must be notified of any changes. Mr. Sarli added that he would keep it very clean there. Mr. Eckhardt told them that the next meeting would be on October 5. Mr. Sarli added that he heard that the abutters (all commercial) would be alright with the work. Mr. Eckhardt reminded them that, if the Order of Conditions is issued on October 5, there is a 10-day appeal period. Mr. Hopkins instructed the applicant to prepare any information that he has for the meeting.

**Requests for Partial Certificates of Compliance, 130 Afra Drive, Unit 30, DEP File #327-0182 and 327-0221:**

(No representatives attended). The applicant is seeking release on this unit as it is being sold. After review of the information, Ms. Hopkins moved to issue (2) partial Certificates of Compliance for the above Orders of Conditions for the aforementioned property. Mr. Eckhardt seconded. All in favor.

**Informal Discussion with Stefanie Covino of Mass. Audubon:**

Ms. Covino had previously sent an e-mail to the Commission informing them of workshops being offered by Mass. Audubon regarding LID's (Low Intensity Developments) and green infrastructure and she had offered to attend a Concomm meeting to discuss this. She distributed to the members flyers explaining the workshops and listing dates of upcoming workshops. She mentioned that LID's have benefits for the community. They look at wetlands, slopes and areas important to the community to help determine where the community should develop. Ms. Covino also mentioned Mass. Audubon's technical assistance program for LID's and gave the Commission members flyers which gave an overview of the technical assistance program and the application process.

Mr. Chase then discussed proposed work at the area of the headwaters of the Blackstone River in Worcester and that the entire Blackstone River corridor has been made a National Park, maintained by the National Park Service. Ms. Covino responded that Mass. Audubon supports the Canal Project, and added that Broad Meadow Brook is currently a visitor center but may not remain as such.

Ms. Covino then discussed what a community should look at before developing, such as what areas they want to protect, how do local zoning bylaws compare to regional and are there certain restrictions, and what the community's needs might be. She offered the Commission assistance if they decide to complete the LID technical assistance application, due by September 24. Mr. Eckhardt remarked that West Boylston is a special situation because of the reservoir, with a number of tributaries

that flow into it, and the quality and quantity of water flowing into it are monitored continuously. Ms. Covino added that Leominster is a key area in their service area, and showed the Concomm members a map of their service area. She also handed out contact information and offered help if the Commission has any questions.

**MWRA Update:**

The MWRA sent mail and e-mails to Concomm to update them on their work sampling water quality at Wachusett Reservoir. They will be filing with the Commission. Mr. Chase said that they gave him some plans and opined that the proposed piping might not work. (The Clerk noted that, on the agenda, the wrong initials were listed for the MWRA).

**Update on Waste Management:**

Waste Management sent an e-mail to Concomm to update them on their proposed maintenance of drainage structures on Hartwell Street.

**Update on Route 140 Work:**

The Commission members agreed that the DPW director needs to be informed, and Mr. Mercurio suggested that perhaps DEP should be informed also.

**Afra Terrace Update:**

Nothing new has been submitted by the developer, and no representative appeared at the meeting to discuss it.

**Update on 491 Prospect Street:**

Ms. Hopkins reported that no activity has been seen, but trucks always seem to be present and piles of dumped materials in the back of the property appear to be getting larger and, in the past, the owner has packed down the piles and pushed some material over the edge. Mr. Eckhardt discussed communication from Susan Landau from DEP in response to inquiries from the Building Inspector, and that the Building Inspector was to determine if the dumping is continuing and report to DEP about it. Mr. Chase commented that the property is upgradient from the wetlands, therefore Concomm has an interest in the situation. Mr. Eckhardt added that the wetlands feed into the reservoir and whatever is in there eventually could get into the drinking water. Mr. Chase asserted that even though Concomm has no jurisdiction, they can still monitor the situation and involve DEP. Ms. Hopkins added that she will still continue to watch it. Mr. Eckhardt suggested that they might at some point speak with Ms. Landau about the situation, and suggested to Ms. Hopkins that she make observations as a concerned citizen and notify Mr. Lund and Mr. Chase of her findings. Mr. Mercurio asked how far the wetlands are from that dumping? Ms. Hopkins responded that the distance is 200 feet from the back of his house to the wetlands, so the owner would have to fill in a great deal before Concomm could issue a Cease and Desist order. (Tristan Lundgren of DCR said the stream in back of the property would be considered perennial in an e-mail that he sent to Concomm and Ms. Landau, and DEP had written that the dumping cannot be done within 200 feet of the wetland if it is perennial).

**Minutes of August 3 Meeting:**

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

**Informal Discussion Regarding Possible New Police Station and Senior Center:**

(Mr. Hadley, Chair of the Board of Selectmen, requested that the Commission discuss their thoughts regarding the above subjects). The Board of Selectmen is looking to authorize \$2.9 million for the building of a new police station, and \$1.3 million for the Senior Center. Mr. Eckhardt mentioned that the area is on Route 12 where it backs up to the Mixer Building, and commented that there it was reserved as a possible leach field when the building was a school. (He further described the location as a parcel on Route 12, at the east boundary of the current solar panel field to the Boylston Town line). The Commission members agreed that they needed to know something about the projects before they could approve the expenditures. Mr. Eckhardt asked if the Concomm had any jurisdictional interest in either project? Mr. Chase said that they do have an interest if the Town purchases the Lancaster Street church to renovate, as there are wetlands there. He questioned the expenditure for the amount of people that would use it. Mr. Eckhardt mentioned two examples, Angell Brook and Hillside Village, where each community has its own center and provides services to residents, and in response to the idea that the new Senior Center would also serve as a community center, he believed that the real community center of the Town is the library and that the Town does not need another and that it is not Concomm's place to decide on this. Mr. Chase asserted that Concomm has no jurisdiction over the police station property or the Senior Center property. After discussion of questions regarding whether or not the work would be within the same footprints as before, changes in impervious, and location in relation to the buffer zone, the Commission members instructed the Clerk to send a response to Mr. Hadley, stating that the Commission cannot support or oppose the requests at this time, and that they need more information at the October 5 meeting, prior to the Town Meeting, and that whoever represents should bring some information to discuss; Mr. Chase's name can be signed to this response.

**Update on Wetland Bylaws:**

The Clerk was instructed to invite Mark Archambeault, who has been working on the bylaws with the Commission, to come to the November 2 meeting (Mr. Mercurio will not be able to attend the October 5 meeting and wanted to be present for the discussion with Mr. Archambeault). Mr. Chase explained that the final vote on the bylaws was postponed until the May Town Meeting. Mr. Mercurio said that he thought that Vincent Vignaly of the Planning Board, who suggested changes recommended by Planning Board to the draft bylaws, should go through the draft after their changes are incorporated by Mr. Archambeault, and Ms. Hopkins responded that they will have Mr. Archambeault revise the draft, then have Mr. Vignaly go through it again. Mr. Mercurio also suggested that the Commission invite the Bylaw Committee to the November meeting; the other members agreed.

With no further business to discuss, Ms. Hopkins moved to adjourn the meeting at 8:20 p.m. Mr. Eckhardt seconded. All in favor.

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