

MINUTES
WEST BOYLSTON CONSERVATION COMMISSION
OCTOBER 5, 2015 MEETING

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

MEMBERS ABSENT: David Mercurio and Mark Meola.

Mr. Eckhardt moved to open the meeting at 7:00 p.m. Ms. Hopkins seconded. All in favor.

Public Hearing, Gerardo Sarli, 339 West Boylston Street, Notice of Intent:

(Julian Votruba and Gerardo Sarli represented). Mr. Eckhardt discussed that the applicant attended the last Concomm (September 14) meeting and had an informal discussion with the Commission. Mr. Votruba suggested that, while waiting for Mr. Sarli to arrive, the next person on the agenda might want to be heard and Mr. Sarli could follow. Mr. Eckhardt made a motion to move up the public hearing by 15 minutes. Mr. Hadley seconded. All in favor.

Request for Extension of Order of Conditions, St. Pierre Associates II Limited Partnership, for Worcester Corporate Center, Century Drive, DEP File #327-0084:

(Donna Truex represented). Ms. Truex discussed the history of the development and the businesses that are tenants of the development. She stated that St. Pierre Development has owned this property for quite some time and has developed it since 1987. She continued that there are two wetland crossings and that they have already been constructed (she pointed them out on a map of the site) and there remains about 600-feet of roadway to be developed and lot 54 remains to be developed; it is unusual regarding its terrain so has been more difficult to develop but if the right person came along to handle it, they would allow them to move in there. She said that St. Pierre is committed to this project. She continued that there is also an intermittent stream and the two wetland crossings go over it. Ms. Truex added that most of what the Order of Conditions regulated has been constructed already.

Mr. Eckhardt pointed out that the first Order of Conditions was issued in 1991. Ms. Truex responded that there have been (7) extensions of the Order. Mr. Eckhardt continued that the Wetlands Protection Act does not normally provide for 24-year projects. Since there is no planned work at this time, in his opinion the current Order of Conditions should be closed, and Concomm could grant a new one, after a proper filing. He thought it should go on record that the Commission does not see any reason not to grant an extension to the Order of Conditions but that the statute does not contemplate projects lasting this long and that there are questions of whether or not legislation has changed in 24 years and if conditions need to be re-visited. Ms. Truex responded that, in 2008, they brought in an engineer that did extensive work and made a presentation to the Commission. Mr. Eckhardt responded that there was no way to know how long to do this, and said that he would vote against another extension. Ms. Truex responded that she understood his concerns and would agree if they had not brought in the engineer six years ago, and St. Pierre is devoted to the project and re-marketed with a

new firm, so for marketing and completion of the project, as well as to try to keep permits alive, they want to extend it. Also, anyone wanting to do any additional work would have to go before the board anyway.

In response to a question from Mr. Chase, Ms. Truex replied that the engineer is Thompson and Liston. Mr. Hadley said that they would like the Town to grow, the applicants have spent a lot of money, and that the extension is only for three years and opined that it would be unfair for them to have to start over.

Mr. Eckhardt asked Ms. Truex if she would be comfortable with a three-year extension, with a letter from the Chair stating that this will be considered the last three-year extension without requiring a new filing; it will be extended until 10/31/2018. Ms. Truex said that would be alright.

Mr. Hadley moved for the Concomm members to make a motion to grant the extension to the Order of Conditions to 10/31/2018. Ms. Hopkins seconded. The vote was three in favor, one against (Mr. Eckhardt).

David Femia of the ZBA, who was present in the audience, asked if whoever buys the undeveloped lot is responsible for finishing the road? Ms. Truex replied that they are not necessarily responsible. He asked if something specific is supposed to be going in that lot? She said that they are working with the Town on that.

Bull Rock, LLC, Request for Certificate of Compliance, 93 Prospect Street:

(The Certificate of Compliance was requested previously by Joseph Evangelista, but the Commission wanted one more growing season before issuing). Mr. Chase and Mr. Hadley thought that it was fine to issue now. Ms. Hopkins agreed. Ms. Hopkins then moved to issue the Certificate of Compliance. Mr. Hadley seconded. All in favor.

Informal Discussion with Jonathan Fitch, West Boylston Municipal Light Department:

Mr. Fitch discussed the proposed project, that of a new solar panel system on top of landfill that has been capped since 1993. He said that MA DEP instructed them that they need a special permit from them but they will give it to them; as far as other permitting, they will go through environmental permitting first, starting at Concomm, then to DCR for a determination, as the site is adjacent to the watershed, and then to Natural Heritage and Species, who will also give them a determination. Mr. Fitch added that this solar project would be a different shape than the one on Tivnan Drive and it will sit on top of the cap and not penetrate.

In response to a question by Mr. Eckhardt as to whether they will design access to monitoring wells in their plans, Mr. Fitch said that they would, and the WBMLD will do the monitoring of the project, and DEP will make sure that the monitoring and maintenance is according to their plans. Also they will monitor the gas venting and keep it free from blockage. Mr. Eckhardt commented that this project will be more costly than the one on Tivnan Drive.

Mr. Fitch then mentioned that there is an alternate property, where they could avoid tree clearing if they use it, and that there are only certain lands that the State allows to be used for this work, ground field or community-shared. So, a landfill area is easier.

Mr. Fitch said that, according to the Building Inspector, there are no wetlands on the site. Mr. Chase commented that there is upgrading. Mr. Eckhardt suggested that one possibility would be to conduct a site inspection with Mr. Fitch and suggest to him that he requires a permit or tell him that Concomm does not have jurisdiction. Mr. Hadley commented that the Board of Selectmen voted for the project to go forward. In response to a question from Ms. Hopkins, Mr. Chase replied that there would be no detriment to wetlands. Mr. Eckhardt responded to a question from Ms. Hopkins that they do not

need a Request for Determination, but want the Commission to decide what action they should take. The Commission members decided to conduct a site visit, agreeing upon Monday, October 12, at 9:00 a.m. at Temple Street.

Marc Frieden of Planning Board, who was present in the audience, asked Mr. Fitch questions regarding proximity to the road of the project, and also the amount of power that would be generated.

Discussion with John Hadley (as Board of Selectmen Chair) Regarding Proposed Police Station and Senior Center:

(The Commission members, without Mr. Hadley, informally discussed this at the September 14 meeting). Mr. Hadley discussed the projects, which would be the building of a new Police Station down on the main road at the old Mixter School (it would be 9,000 square feet, and cost \$2.9 million) and the purchase and renovation of the Bethlehem Bible Church for the new Senior Center for \$1.3 million. He explained that it would cost the Town \$250,000 per year for 28 years to pay for the projects and that now would be a good time to do this; there have been (5) informal meetings about this.

Mr. Chase asked if we have jurisdiction because of wetlands, as the property owners have come before the Commission before? Mr. Hadley responded that nothing would be done to the land. Mr. Eckhardt asserted that the Police Station land is not in Concomm's jurisdiction. Mr. Chase said that they will send letter of support for the projects, but that, for the Senior Center project, they would have to come before the Commission; Mr. Eckhardt agreed that the projects should be addressed separately; regarding the Police Station, Concomm has no jurisdiction as there are no wetlands associated with the property, but for the Senior Center, wetlands are in proximity to the church.

Public Hearing, Gerardo Sarli, Notice of Intent, 339 West Boylston Street:

(Julian Votruba and Gerardo Sarli represented). Mr. Votruba described the proposed project, where the applicant seeks to connect the driveway into a turnaround, and regarding runoff, pitch it to the catchbasin and to a storm sceptor. He pointed out the wetlands on a map of the site. Mr. Hadley asserted that the parking lot is a safety issue and this work would be the right thing to do. Mr. Eckhardt expressed concerns about the work area being close to wetlands, and asked the applicant what he thought about doing a 2 for 1 replication if there is damage to the wetlands? Mr. Votruba responded that he cannot agree to that because they do not have a place to do it. Mr. Chase said that most of the work is done already, and if they do replication, it would be on the other side. Mr. Eckhardt proposed that the two for one replication could be done at a later date in conjunction with work at the northeast corner of the property. Mr. Votruba questioned how they could damage the wetlands, adding that they have erosion controls. Mr. Eckhardt suggested to Mr. Chase that, if the work damages the wetlands, they will not support the next project. Mr. Eckhardt then moved to close the public hearing, issue the Order of Conditions with standard conditions, and note in the minutes that the Commission expressed concern with proximity of the work to the wetlands and that the Commission will make additional inspections. Mr. Hadley seconded. All in favor. (Mr. Frieden added that Planning Board supports the project).

Informal Discussion with Glenn Krevosky Regarding 99 Hartwell Street Request for Determination of Applicability:

(Mr. Krevosky also filed the Request for Determination paperwork with the Commission this evening). Mr. Krevosky discussed that there is an existing industrial building on the property, which is owned by Robert DiVerdi (he was also present for the discussion). The proposed work is to create a UPS driving training area; UPS is the potential client of the building. He showed the Commission members a

map of the site; Mr. Eckhardt pointed out that there are significant wetlands. Mr. Krevosky responded that they did soil borings, and hydrology reports show that they are 2 to 3 ½ feet above the elevation of the wetlands. Mr. DiVerdi added that there are feral cats living on the property, and he pointed out that trees that were on top of the pavement had to be scraped away. Mr. Krevosky asserted that the area is outside of the wetlands. He added that they will file a Notice of Intent to expand the parking lot to 200' by 200' for a test driving area for UPS drivers. Mr. DiVerdi added that UPS does this throughout the country, and responded to questions from Mr. Eckhardt that the building will be used as a training facility, Monday through Friday, all day. In response to a question from Mr. Hadley regarding trucks, Mr. DiVerdi responded that there would be (4) cutaway vans, and no fluids; Mr. Krevosky added that the NOI will outline the project. Mr. Eckhardt asked if there will be a high percentage of impervious? Mr. Eckhardt pointed out the drainage on the site map, and suggested that the applicant needs guidance on how to manage it. The Commission decided to hold a special meeting for the RDA-they agreed upon Monday, October 26, at 7:00 p.m., as the applicant would rather not wait until the November 2 meeting.

Mr. Hadley asked if there are drainage issues affecting the neighboring property? Mr. DiVerdi replied that the original owner had issues and they will add that with the NOI.

Mark Frieden added that, when Planning Board had a hearing with the owner, they had an agreement with the catch basin. Mr. Krevosky suggested that they could do subsurface infiltration. He added that his client intends to have a haybale line on the wetland edge, and could use 8" wattles. He said that they are adding an amendment to the RDA stating that they will just do tree clearing and not grubbing; they will submit that on Tuesday. He asserted that a flat surface will not be as much of a problem, and recommended straw bales from S & M Farms, and the engineer will obtain them. Mr. Krevosky continued that the stormwater will be handled by Quinn, and asked the Commission if they wanted to do a site inspection prior to the meeting? Ms. Hopkins suggested 9:30 on Monday, October 12, after the visit to the proposed solar panel system.

Update on 491 Prospect Street:

Ms. Hopkins reported that the property owner appears to still be dumping waste and/or moving waste around on his property, as has been discussed at previous Concomm meetings. When she has walked by the property, she has not been seeing activity, but asserts that the piles have either been moved or added to.

Minutes of September 14 and September 22 Meetings:

After review of the 9/14 minutes by the Concomm members and a change was recommended by Mr. Mercurio by e-mail (regarding agreement at that meeting about inviting the Bylaw Committee to the November 2 meeting to discuss the proposed wetland bylaws), Ms. Hopkins moved to accept the minutes with the change. Mr. Eckhardt seconded. All in favor.

After review of the 9/22 Special Meeting minutes by the Concomm members, Ms. Hopkins moved to accept the minutes as submitted. Mr. Eckhardt seconded. All in favor.

Informal Discussion Regarding New Cumberland Farms on West Boylston Street:

The Commission members and some of the audience members discussed some questions that they had regarding the proposed project. Mr. Frieden asked if the proposed underground fuel tank would be within 100 feet of the wetlands? Mr. Femia responded that the tanks would be in the front of the property, closer to the road, therefore further from the wetlands. Mr. Chase mentioned there being an underground retention pond. Mr. Femia reported that the previous filing of Cumberland Farms was before the ZBA and it was determined that there would be no leakage of the fuel tank. Mr. Eckhardt

commented about this being a different proposal, and Mr. Frieden commented that it is a different location. Mr. Femia commented that the back of the proposed business would face the wetlands. Mr. Chase responded that the gasoline is Concomm's concern, and that the property is upgradient, with any flow going downward, and opined that there should be annual maintenance on the road. Mr. Eckhardt added that, if they file, the wetlands will need to be delineated.

Update on Quinapoxet Dam Project:

Mr. Femia asked if there has been any new information about this? The Commission responded that they have heard nothing new; Ms. Hopkins added that they needed to obtain new funding for the project.

With no further questions or comments, Mr. Hadley moved to adjourn the meeting at 8:05 p.m. Ms. Hopkins seconded. All in favor.

Submitted by: _____

Date accepted: _____