

**MINUTES**  
**WEST BOYLSTON CONSERVATION COMMISSION**  
**NOVEMBER 16, 2015 SPECIAL MEETING**

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

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

At 7:00 pm, Mr. Eckhardt moved to open the special meeting. Ms. Hopkins seconded. All in favor.

**Public Hearing, DiVerdi Builders, Notice of Intent, DEP File #327-0264, 99 Hartwell Street:**

(Glenn Krevosky and Robert Diverdi represented). Mr. Krevosky first referred to an e-mail from DEP with the new DEP File number, and comments regarding several issues including species of plants that the applicant intends to use in replication and what DEP recommends (letter is on file). He explained and defended what he planned to use, citing the fact that he had used the same seed mix for 25 years for fast stabilization; he would compromise but maintained that it could take over a year. Mr. Chase suggested adding winter rye. Mr. Krevosky next said that he asked Fed Ex (later corrected to UPS) if they would accept any less of an area than the 200' by 200' that they wanted? They reduced it to 190' by 200'. He showed on the map of the site the replication (actually reclamation, he corrected) to be done. He explained that, after 1991, the term restoration would be used; the top soil, from 1968, is dark and of old materials; as they are not required to take it out, he called it reclamation as opposed to restoration, and continued that they will seed, plant, and clean it all up. Mr. Chase asked when they were planning to do the work? Mr. DiVerdi added that 1,400 square feet is simple to work with; they need infiltrators and have about three feet of top soil. The Commission agreed that winter rye would stabilize the area for now. Mr. Krevosky continued that they will not allow any overland water flow into it and will get minimum washout; they will stabilize for now and look to plant in the spring; they can get the wetland plants in late April. Mr. DiVerdi continued that they will put up haybales tomorrow, pull out the rest of the lot, and put down a base coat, hopefully by Thursday. He pointed out that all material in the grey area of the map is top soil from 1968, which he may bring back to his shop. Mr. Krevosky continued that there are nuggets in the top soil, but it is mostly just soil; they will make sure that any top soil will be taken out and not left behind, and added that they usually do not fill top soil. He added that they will strip it down and bring it to a normal grade with suitable fill. In response to a question from Mr. Chase about a pond in the front, Mr. DiVerdi replied that they will need infiltrators where the catch basin is located; this is in response to a comment from DEP in the letter mentioned above. Mr. Krevosky added that there is a gas trap in the deep soil, and reiterated that they will be infiltrating. (At this point, Mr. Mercurio asked for clarification as to whether the tenant will be FedEx or UPS, and Mr. DiVerdi responded that it is UPS). In response to a question from Mr. Mercurio, he explained that this will be a training center for smaller UPS vans, and that UPS will occupy half of the building also. They do have a contract with the Town. He continued that once the parking lot work is completed, they will work on the building, finishing the outside half first to hopefully get the tenants in by February.

Mr. Krevosky continued that Chris Keenan will revise the plan showing the density of the plants which they will submit after the fact. The square footage of replication will be given. An "as-built" will be given, showing that 1.445 square feet was done; in the set of plans under "stormwater notes" are details on replication; it shows the upland grade, which will be cut down, and intended plans, with spacing shown between them. He mentioned that DEP wants the actual numbers and types of plants shown on the plan, and said that they will give Concomm calculations of the number and types of plants. Mr. Eckhardt asked him if he was in agreement with DEP on replication? Mr. Krevosky replied that they agreed, but they want to know if Concomm will allow them to use the 1055 Clause? Mr. Chase responded that he usually follows what DEP wants. Mr. Krevosky added that DEP probably wants to be sure that invasives will not grow there.

With no more questions or comments, Mr. Eckhardt moved to close the public hearing and issue an Order of Conditions for the project describes on "Site Plan in West Boylston, MA, 99 Hartwell Street, Sheets 1-5, dated 10/28/15". Ms. Hopkins seconded. All in favor.

Mr. Eckhardt then said to Mr. Krevosky, that the Commission has approved the project; regarding replication issues, they are generally in agreement with DEP, and if there are any changes in the project to let the Commission know. Also, Mr. Eckhardt instructed that, for the next three months, for this project to be included with "Other Business" on the agendas for updates and in case the applicant needs to come in.

Mr. Krevosky then continued that they need the Order of Conditions to go forward, and asked what to do with insignificant changes? Mr. Mercurio suggested that he e-mail them. Mr. Krevosky continued that they would submit a revised package if needed. (There was some disagreement between Ms. Hopkins and Mr. Krevosky regarding whether or not the Order of Conditions can be recorded during the 10-day appeal period or if trees can be cleared; they will verify this). Mr. Eckhardt also instructed Mr. Krevosky to notify the Commission when work begins, and let them know right away if there are any mistakes made during replication as the work is close to wetlands, and noted that, per the drawings, Concomm has agreed on interim replication for the winter, and then permanent, and there will be record of this in the minutes; Mr. Krevosky responded that they will shortly dig out and add winter rye within 30-45 days, and will plant in April. (Mr. Eckhardt also instructed the Clerk to send Mr. Krevosky the approved minutes of this meeting). Mr. Krevosky also said that they will finalize the elevation and dryness of the planting area because they want to make sure that it does not become a ponding area.

#### **Posting Requirements of Public Hearings:**

(Mr. Chase had wanted the Clerk to add this to the agenda in response to questions by her and Mr. Krevosky). According to an e-mail of Concomm posting requirements from 1972 sent to the Clerk by the Town Clerk, posting with the Town (including the Town Access TV station) must be done 14 calendar days in advance of the meeting. The Commission agreed to continue with this requirement, and to require 5 business days in advance for advertisement to take place in the Telegram and Gazette.

#### **Update on 491 Prospect Street:**

Mr. Eckhardt informed the Commission members that the property owner will meet with DEP on November 20. DEP has asked him to remove the dumped materials, replace and pay a fine. They will try to negotiate at a pre-trial conference for a consent decree, and if not, will go to court. Mr. Eckhardt also said that Tristan Lundgren of DCR sent a letter to DEP regarding the conditions where DCR is concerned, and subject to sampling, they could be concerned. He added that, when DEP sent the property owner a violation notice, the owner then said that he has a business from home and wants to

construct a pole barn. Mr. Mercurio commented that it is one thing for the owner to use clean fill or gravel, but he cannot use the property as a dumpster. Mr. Eckhardt mentioned that the Town Administrator is aware and supportive.

With no more questions or comments, Mr. Eckhardt moved to adjourn the meeting at 7:40 p.m. Ms. Hopkins seconded. All in favor.

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

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