

**WEST BOYLSTON OPEN SPACE ADVISORY COMMITTEE**

**Town of West Boylston  
Mixer Municipal Building  
120 Prescott Street  
West Boylston, MA 01583**

**Meeting Minutes  
Thursday, October 20th, 2005 at 7:30 PM  
\* Selectman's Room \***

**1. Call to Order: 7:40pm**

**2. Attending Members: Dr. Robert Tashjian, Betsy Demaille, Mike Peckar**

**3. Others in Attendance: Jim Kirsten (Aide to Jim Leary), Charlie Witkus, Sue Olsen (West Boylston Town Administrator), John Scannell (DCR), Val Pruneau (Water Department)**

**4. Item's Discussed:**

- **Several handouts given out**
- **Potential Contamination of Water and Soils in Surrounding Area (Dr. Robert Tashjian)**
  - **Federally funded laboratories (NIAID) exist throughout the country, predominantly on the East Coast.**
  - **2 exist in MA: Tufts University and Boston University**
  - **As representatives of towns and communities, we have a responsibility to protect our communities**
  - **Area politicians are informed about this meeting**
  - **Should plan for potential problems**
  - **In the contamination of soils of water, must consider vectors that are also effected: fleas, ticks, mites, rodents, other small animals, and bacterial spores.**
  - **I support National Institute of Health (NIH), only brings points up to raise awareness and not to criticize.**
  - **I spent time at Fort Detrick where research facilities were located underground to protect soil and water quality and control spread through unintended vectors.**
    - **Much more desirable as opposed to facilities constructed above ground.**
  - **Only 2 Biocontainment Facilities in the U.S.**
    - **one in TX**
    - **one in Boston University**
      - **breakout concerns for this area**
      - **Tularemia outbreak already occurred in this facility**

- locating Biosafety Level 2 and 3 labs on university campuses in undesirable due to possible contamination of student body, faculty, and surrounding communities.
- Recent anthrax outbreak in Mid West, killed 100s of cows. Under the correct conditions, anthrax spores can cause serious consequences and an outbreak.
  - Can also effect humans
  - Concerns over whether to allow farm animals near a water supply
  - But these animals can serve as indicators to warn us of possible water contamination in specific area.
- Even though anthrax is a naturally occurring bacteria, the bio researchers can modify the organisms, for example making them airborne or waterborne, makes them an significantly increased contamination risk.
- In an N.J. regional biocontainment lab, they lost three mice infected with bubonic plague. Never recovered these mice. This could have posed a vector risk: flea. A flea could have been infected and the disease could be brought into the home through domestic animals.
- Fort Detrick, a fine researching facility, is under Military Control/Security.
- The location of a similar facility in a community is concerning for towns.
- They are not properly equipped with adequate police/fire response, for an effective response to a possible outbreak.
- Who takes control? Local, state, Federal?? At which level? Who's to blame for mistakes?
- Good movies that model: Outbreak, On the Beach
- Anti-serum is a better solution to disease control, rather than a vaccine research.
  - Organisms can mutate and attenuate so quickly, a vaccine is useless.
  - Once people are infected, a vaccine will not help them, its too late. Only hope is anti-serum.
- I am interested in Tufts research grant in botulism, because was interested himself in botulism research.
  - Attempted to get information under the Freedom of Information Act but was denied due to National Defense Act.
  - The public will never know what exactly is being researched and how its being researched.
  - Dangerous for outbreak concerns.
- My interest went back to the construction of I-190.
  - He was opposed because it cut right through the wetlands in Sterling and West Boylston.
  - Currently they're "cleaning up" that are surrounding I-190 with federal funds.
  - But they're actually eliminating natural filtration areas, allowing surface contaminants to run right into Malden Brook, into the West Boylston Well Fields, and then in turn into the Reservoir.

- Water quality issues
- Botulism and Anthrax are spore producers.
  - Can live in the soil for a long time and not become toxic until the right conditions are present.
  - When I-190 was constructed, 100 cows died, due to botulism contamination from the blasting, resulting in contaminated surface water that the animals drank.
  - Similar to the anthrax outbreak that occurred recently out west.
  - Botulism spores are present in the well area and reservoir areas.
  - Needs to be dealt with.
- Iraq war: Weapons of Mass Destruction
  - One of the items that was believed to be present was large amounts of botulism
  - Only takes one gram of toxin to kill 1 million people
  - UMASS Dartmouth is currently researching with toxin amounts much greater than one gram
- We need to be adequately informed of what is being researched, have control protocols in place, and a master plan of response on the local, state, and federal level in case of an outbreak.
- Others Comments
  - Charlie Witkus: What does this have to do with Open Space?
  - Dr. Tashjian: To protect our Open Space.
    - Further development/construction projects such as 40B developments, need to assessed for protection of water supplies and community.
  - Charlie Witkus: right now, there are no controls on land development/construction
  - Dr. Tashjian: this is why this is a problem
  - Betsy Demaille: The Prospect Street land is at issue, do you have a plan for the developer that paid 1/2 million dollars for that land?
  - Dr. Tashjian: DCR land next to it is being successfully farmed at this point. (no-till)
    - Have taken soil samples of the proposed 40B land and it does contain botulism spores.
    - DCR lands serve as barrier between it and the rest of general area.
    - Need to figure out a way to buy it
  - Betsy Demaille: how can it be open space at this point? Need to compromise with him. He already invested 1/2 million dollars and he currently owns this land. How can we expect him to walk away from his investment.
  - Dr. Tashjian: need to find a way to purchase that land.
  - Betsy Demaille: but it isn't for sale.
  - Dr. Tashjian: if does need to build on this land, then research needs to be done in the botulism contamination.

- **Betsy Demaille:** is there a higher incident there then compared to the rest of the soil contamination.
- **John Scannell:** What makes this parcel different from others in the area.
- **Dr. Tashjian:** the unique factor on this land is that pigs and raw garbage existed on these lands for long periods of time.
- **Betsy Demaille:** In other areas, do former pig farms have problems with future construction? Doesn't see at this point that there is any way to keep it Open Space.
  - **Doesn't think**
- **Jim Kirsten:** Does DCR have regulations for abutting land of aquifers?
- **John Scannell:** not that he knows of, would have to look to be certain, but probably not because the border of the property is more than 400 feet from the stream.
- **Betsy Demaille:** what if it was a high or medium research area?
- **John Scannell :** certainly something to be concerned about, but DCR regulations do not cover it.
- **Jim Kirsten:** if you're going to invest the amount of money the developer has, he's apparently done his research.
- **Betsy Demaille:** the 40B did not necessarily alarm the people, it was the amount of surface area that would be paved. Believes compromise is best at this point: Five single family houses with clear areas in the back.
- **Dr. Tashjian:** the botulism issue needs to be considered. What if somebody dies? We then knew of the risk and approved it anyways.
- **Jim Kirsten:** Is there a way to do both? Approve 5 single family house and analyze the botulism.
- **Dr. Tashjian:** should do a complete botulism analysis then make a decision.
- **John Scannell:** nay sayers are going to point to the houses that were already built on the land that originally belonged to that farm, and
- **Jim Kirsten:** are there any legal precedences on botulism spores and controlling development?
- **Val Pruneau:** thought pigs were kept more on the DCR land not the land in question.
- **Betsy Demaille:** still concerned with the levels that are naturally occurring in town.
- **Dr. Tashjian:** do we say nothing and negotiate?
- **Betsy Demaille:** what's the negotiation.
- **John Scannell:** The nay sayers are going to look for a specific regulation controlling the ability to build on botulism contaminated land. There is no regs or precedence to base this argument on.
- **Jim Kirsten:** if you anger them, loose negotiation skills.
- **Val Pruneau:** if you devalue the land from causing a stir, could face a lawsuit for the devaluing the land.

- **John Scannell : zoning by-laws can control for required frontage and the max number of houses to build.**
- **Val Pruneau: developers were accommodated in Hillside.**
- **John Scannell: watershed protection act and other state environmental regulations are still fully intact with any 40B proposal. The only thing you can get around is local zoning ordinances.**
- **Betsy Demaille: can't see that there's any bargaining chip for possible negotiations and its not for sale.**
- **John Scannell: if he was to sell it, it would be for a premium because it he's not going give up his potential financial profits.**
- **Val Pruneau: the current proposals might need to be completed or underway before his 40B proposal are put in.**
- **Betsy Demaille: this land owner doesn't even know that we're talking about it. He tore down the barn because it was a hazard.**
- **Jim Kirsten: a way to start would be to invite him to an open space meeting. Explain to him what your goals are, that you understand his position as a private landowner and his desire for a profitable situation.**
- **Betsy Demaille: Dr. T feels strongly that nothing be built there.**
- **Jim Kirsten: Everyone feels strongly about it, but without the regs to back it up....**
- **Dr. Tashjian: does feel strong about it. DCR ran out of funding?**
- **John Scannell: don't remember that being the case. He owned the land where the stream existed. He was willing to only draw the line where he did.**
- **Val Pruneau: from the time he bought the land, the value of the land has doubled. If you look at the subdivisions, the house lots are going for \$225,000 to \$325,000.**
- **Betsy Demaille: are there any restrictions on zoning?**
- **John Scannell: only commercial restrictions and frontage/backage requirements.**
- **Dr. Tashjian: would your feeling be that if it came up in front of ZBA, that there would be no participation from the water board?**
- **John Scannell: its speculative depending on what's proposed on the property. Issues of greatest concern are: septic density, proximity to recharge areas, issues related to slope. Find it hard to believe that they would be in a position to raise too much of a stink to raise an issue.**
- **Val Pruneau: saturation may raise a problem, but a proposal for single family housing there might not be a solution.**
- **Betsy Demaille: he can build 5 houses, wants a variance, to build 6 houses.**
- **Val Pruneau: but he could come back with only 5 houses being built.**
- **Jim Kirsten: negotiation is key.**
- **Mike Peckar: as a town board, one of the concerns is the liability issue that exists, what is the responsibility of the board/town, if problems exist during construction.**

- **John Scannell:** if he goes and digs a hole and finds something horrible, he is liable and responsible to report the issue.
- **Betsy Demaille:** could be suggest that to protect himself he perform these tests.
- **Val Pruneau:** on this piece of land, no one knows where everything was buried.
- **Betsy Demaille:** what was buried?
- **Val Pruneau:** cattle died, they were buried on the premises. But nobody knows where.
- **Jim Kirsten:** can you require them to test the area
- **John Scannell:** only entity is the health board, but probably not enough to point to a regulation to require mandatory testing.
- **Mike Peckar:** a friendly letter might be proper: trying to protect town and him from liability.
- **John Scannell:** why would town have any liability? If it meets town code, how can they be held liable?
- **Jim Kirsten:** wouldn't start with a letter.
- **Mike Peckar:** Board of health has no role in a person buying a parcel and developing it, unless there are known problems. If we start making noise about this, could be liable for defaming his property and bringing land values down.
- **Val Pruneau:** need to find out what his current intentions are, before we can do anything. At that point, then can go back and look to see the activities that did happen on the land and discuss with state agencies and see if there is an avenue to further look into this. Possibly open a door for mandatory testing.
- **Dr. Tashjian:** that's what concerning and bothering me. Cows and pigs were dying. It was a sloppy operation. Garbage was dumped.
- **Jim Kirsten:** the new owner is probably a typical business man. Good to develop a relationship and dialogue for future developments, etc.
- **Dr. Tashjian:** this issue laid dormant for awhile until the barn was taken down.
- **Betsy Demaille:** he was angry at the town at one point for denying his variance.
- **Val Pruneau:** things have changed drastically at this point. Town is looking for a high yield of taxable income without a high cost.
- **Betsy Demaille:** best thing to hope for is that he doesn't build that large structure.
- **Val Pruneau:** need to get a general feel to see what his intentions are. Open to dialogue without showing your whole hand.
- **John Scannell:** if it's a massive dense development, there could be concern about the amount of impervious land that's occurring on this property. The nay sayer will ask why the town didn't enact aquifer protection regs.

- Sue Olsen: if the Mater Plan has been approved by the state and you are actively working towards goals that were presented, can get out of 40B requirements.
  - Jim Kirsten: If you think there is anything that Rep Leary or myself can do, please call. Not sure what can do.
  - Val Pruneau: saturation issues seem to be the key card, but need to know what his intentions are.
  - Betsy Demaille: should we contact him and see if he is amenable to an informational meeting to feel out what his intentions are.
  - Val Pruneau: yes, but he doesn't have to answer.
  - Dr. Tashjian: its bigger than open space, it's a water quality concern.
  - John Scannell : everybody's hands are tied by the limitations of their regulations. Need to base it on known quantities of dangerous substances. The levels don't matter because its not on a chart of known contaminants.
  - Mike Peckar: biocontaminants are not heavily regulated at this point.
  - Charlie Witkus: do have a Master Plan that is ok'd by the state.
  - Sue Olsen: is there a planned production plan because it would help with controlling 40B development.
  - Betsy Demaille: that's not an appropriate place to build a 40B.
  - John Scannell: good to discuss your mission with him, and see if is interested in talking with the committee.
  - Betsy Demaille: was this designated as a site of scenic beauty?
  - John Scannell: yes, but it doesn't hold any regulation teeth. Its intended to bring the idea that the area is of importance to the community. Then have to think about how to protect it, but need \$\$\$.
  - Sue Olsen: who is the planner?
  - Betsy Demaille: Brossi from Framingham. His last plan was huge building with over 200 units and most of the acreage is paved.
  - Jim Kirsten: could have taken it down for
  - Dr. Tashjian: used the botulism approach out of frustration of what can be done about the situation. Will have impacts.
  - Val Pruneau: only speculation at this point, need to see what he plans before we go any further.
  - Dr. Tashjian: need to protect the water and run-off in this area.
- Meeting adjourned: 9:05 pm