

# CONSERVATION COMMISSION

## MINUTES (Approved 7/8/09)

JUNE 10, 2009

PRESENT: J. Wiley, Chairman  
A. Goetz, Vice Chairman  
B. Dyer, R. Turner

ABSENT: R. Jones, K. Phelps

ALSO PRESENT: L. Hershey, Conservation Agent  
P. Smith, Board Secretary

### **Conservation Agent report given to members**

A workshop was held with members of the Open Space committee prior to the Public Hearing

**MEETING OPENED: 7:25**

### **ENFORCEMENT ORDER/NOTICE OF NON-COMPLIANCE**

#### **LAVENDER LN. #24**

Ms. Hershey stated that an Enforcement Order was issued to the owner of 24 Lavender Ln. for work that was taking place in the backyard behind the pool. This included clearing, trees and vegetation have been cut, and a trench has been excavated for the setting of a retaining wall.

Mr. Andrew Johnston, the owner of the property was present. He expressed he was unaware the work he began was not allowed.

Ms. Hershey stated the previous owner did not complete the project from the Order of Conditions which was issued in June 2004. She stated that there was never a request for a Certificate of Compliance. The property was sold in 2006.

After a discussion, the commission decided Mr. Johnston needs to file a Notice of Intent for the retaining wall work

### **PUBLIC HEARING REQUEST FOR DETERMINATION**

**PINNACLE DR. LOTS 24, 25 & 26, 27 and 28**

**OPENED: 7:45**

Mr. Wiley read the advertisement from the Walpole Times and green cards were collected.

Mr. Wiley read Board comments into the record

Mr. Steve Christy, New England Engineering Design was present representing the applicant Mr. John Hasenjaeger who was also present.

Mr. Christy stated these filings are for the proposed construction of four (4) single-family residences including utilities at Pinnacle Dr. Mr. Christy stated the wetland line that was established by John Rockwood in 2005 was used. Mr. Christy stated these proposed houses are less obtrusive than the development of condominiums and other house lots that are already built.

Ms. Hershey stated this filing is a request for determination as to whether the work is subject to the Wetlands Protection Act and Bylaw. She stated the plans were just submitted and they are confusing to her. Ms. Hershey stated the wetland line should be reevaluated and she can't verify the line with what has been submitted.

Mr. Christy stated he felt the wetland line shown was the best. He stated John Anderson originally delineated the line and it was re-evaluated by Mr. Rockwood. The zoning Board of Appeals had looked at it.

Ms. Hershey stated the Zoning Board may have looked at it but the conservation commission did not.

Mr. Turner stated he agrees with Ms. Hershey. He talked about the levels of the pond and dam safety issues.

Ms. Dyer stated she agrees the flags need to be reviewed.

Mr. Goetz states the plan is fine but verification is needed. The Wetland line/riverfront line that was done five years ago is not valid now. He stated we that requests for determination expire and the wetland line needs to be updated and a riverfront high water line established. Mr. Goetz states he has no problem with houses being constructed, but is concerned with what happens in the backyard

Mr. Wiley asked and received no questions from the audience

Mr. John Hasenjaeger stated the right conservation controls are in place and he sees no need to go through the trouble of "reinventing the wheel. "

Ms. Hershey stated the only thing that needs to be done is to have the flags rehung and re-verified. She stated wetland lines usually do not change much but it is important it is addressed. The Applicant also needs to provide to the Commission documentation on the boundary of the River in writing and on the plan.

Mr. Christy asked to speak about Lot 28 individually as it is at the end of the cul-de-sac and he see's no issues with the wetland line.

Ms. Hershey pointed out that it is an awkward shaped lot located at the end of the street. She stated if the commission votes a negative determination based on the information we have than it would be okay with her. She did point out that if new information is found than the determination may change.

The commission discussed one no- alteration plaque be placed in a specific area as shown on the plan

Mr. Wiley asked, and there were no questions or comments from the audience

The commission stated they would agree to issue a Negative 4 Determination, subject to the verification of the wetland line and riparian line and according to revised plans and showing the no-alteration plaque

**Mr. Goetz made the motion to close the Public Hearing for Lot 28 Pinnacle Dr.**

**Ms Dyer seconded the motion**

**Vote: 3-0-0**

**Closed: 8:20**

**Mr. Goetz made the motion to approve and issue a Negative 4 Determination on Lot 28 Pinnacle Dr. with subject to verification of the wetland and riparian line**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

The commission discussed continuing the Public Hearing on the Pinnacle Lots to be continued until July 8, 2009 meeting

**Mr. Goetz made the motion to continue the Public Hearing until July 8, 2009 at 7:30 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

## **PUBLIC HEARING**

### **NOTICE OF INTENT CROSSWOODS PATH #22-24 NO DEP #**

#### **Joint Hearing under Wetlands Protection Act, Walpole Wetlands Protection Bylaw and Stormwater and Erosion Control Bylaw.**

#### **OPENED: 8:25**

Mr. Wiley read the advertisement from the Walpole times and green cards were collected

Mr. Wiley read board comments into the record

Mr. Rick Merrikin, of Merrikin Engineering was present along with the applicant, Ron Priore. Mr. Merrikin stated this filing is for a subdivision at Crosswoods Path which will be known as "The Trails". Plans were presented to the board showing 14 acres of property and the proposal to construct a private way. This will include a 700' cul-de-sac with 18ft. of paving which will serve four (4) new lots. Mr. Merrikin stated the work in the buffer is essentially the outlet to the drainage system. The road and most of lot work is outside the buffer zone. Mr. Merrikin showed on the plan two sets of catch basins that come out to an open detention basin with an infiltration field underneath for overflow during a fast or big storm. The outlet to the system is in the infiltration field and will be underground as well. Mr. Merrikin states stormwater regulations have been met. Mr. Merrikin states that Drainage calculations need to be reviewed with the Town Engineer and Ms. Hershey.

Mr. Merrikin stated the detention basin is the responsibility of the owner, but that a Homeowners Association will be established and they will take over that responsibility. Mr. Merrikin discussed erosion controls and stated an O & M plan is included in the plan. He also stated that as part of the project a parcel will be going to the Town which will increase the Adams Farm area and enhance the open space of the town.

Ms. Hershey stated she would like additional information regarding pre-treatment prior to infiltration. She also discussed what is required for a Land Disturbance permit as well as the Wetlands Protection Act. Ms. Hershey stated she would like a phasing and stabilization plan to be submitted as well

Mr. Goetz talked about the basin, whether the new owners will use well water as Mr. Priore is on his lot, and his concerns of the closeness of the lots to the basin. Mr. Goetz expressed concern of whatever goes into the basin that comes off the street needs to have good pre-treatment.

Mr. Merrikin stated if a stormceptor is required before infiltration than it will be done.

Mr. Wiley stated he would like the Land Donation to come to the conservation commission because it abuts Adams Farm conservation Land. He would like a letter sent to the Planning Board with this suggestion.

**Mr. Goetz made the motion to continue the Public Hearing until July 8, 2009 at 8:00 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

## **MINUTES**

**MAY 13, 2009**

**Mr. Goetz made the motion to approve and accept the minutes of May 13, 2009**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

**MAY 27, 2009**

**Mr. Goetz made the motion to approve and accept the minutes of May 27, 2009**

**Ms. Dyer seconded the motion**

**Vote: 3-0-0**

## **EXTENSIONS**

**NEPONSET ST. #100**

**DEP# 315-848**

**Mr. Goetz made the motion to approve and issue a one-year extension**

**Ms. Dyer seconded the motion**

**VOTE: 3-0-0**

**INDUSTRIAL RD. #18**

**DEP# 315-850**

**Mr. Goetz made the motion to approve and issue a one-year extension**

**Ms. Dyer seconded the motion**

**VOTE: 3-0-0**

## **BOARD COMMENTS**

The Planning Board is requesting comments on 22-24 Crosswoods Path. The Board stated this filing is before the conservation commission at this time and they have no comments

## **ENFORCEMENT ORDER**

**LAVENDER LANE #24**

**Mr. Goetz made the motion to ratify the Enforcement Order on 24 Lavender Lane**

**Ms. Dyer seconded the motion**

**VOTE: 3-0-0**

The following correspondence was discussed and available for review

- EPA – Superfund site update
- GZA report – 18 Industrial Rd
- Comm. Of Mass – Hazard Mitigation Grant

**GENERAL BUSINESS WAS DISCUSSED**

**Ms. Dyer made the motion to adjourn**

**Mr. Goetz seconded the motion**

**Vote: 3-0-0**

**Meeting Closed: 10:00**