

CONSERVATION COMMISSION

MINUTES

(Approved 10/14/09)

SEPTEMBER 9, 2009

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

Absent: K Phelps, R. Jones

Also Present: L. Hershey, Conservation Agent
P. Smith, Board Secretary

Conservation Agent report given to members

MEETING OPENED: 7:10

EXTENSION

WISTERIA WAYS II

DEP #315-424

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

Ms. Dyer seconded the motion

3-0-0

CERTIFICATE OF COMPLIANCE

LOT 1A LAKEVIEW DR. EXT

DEP #315-920

Mr. Goetz made the motion to approve and issue a Certificate of Compliance

Ms. Dyer seconded the motion

VOTE: 3-0-0

LAKE AVE#63

DEP #315-868

Ms. Dyer made the motion to approve and issue a Certificate of Compliance

Mr. Goetz seconded the motion

Vote: 3-0-0

MINUTES

AUGUST 12, 2009

Ms. Dyer made the motion to approve the Minutes for August 12, 2009

Mr. Goetz seconded the motion

Vote: 3-0-0

OTHER BUSINESS

Ms. Hershey stated that at the commission's request, a letter was submitted to the Board of Selectmen requesting an amendment to the Walpole Wetlands Protection Bylaw be put on the Fall Town Warrant. The request is a revision to the language to chapter 561 in the first sentence adding "certificate of mailing" which would allow applicants another form of notification to abutters in a less costly way. Ms. Hershey stated she would attend the Town Meeting.

BOARD COMMENTS

The Planning Board requested comments in regard to the Fall Town Meeting Article amending the Water Resource Protection Overlay Map. The commission discussed, and decided to support the Board of Water and Sewer Commissioners decision opposing the amendment.

Mr. Goetz made the motion to write a letter supporting the Water and Sewer Commission

Ms. Dyer seconded the motion

VOTE: 3-0-0

PUBLIC HEARING

LAND DISTURBANCE PERMIT

INDUSTRIAL RD. #32

HALE TRAILER

Opened: 7:32

Mr. Wiley read the advertisement from the Walpole Times.

Attorney Phil Macchi, and Don Meyers, of Norwood Engineering were present representing the applicant. Attorney Macchi stated a Negative Determination had been approved by the commission back in 2005 and the bylaw for a Land Disturbance permit was not in existence at the time otherwise it would have been requested along with the Request for Determination

Mr. Meyers presented a general Earthwork Condition plan to the board. He stated this has been approved by the Zoning Board and has had site plan approval from the Planning Board. Mr. Meyers stated the largest disturbance will be grading the parking area. 12,000 cubic yards of earth needs to be removed and the remainder will be used towards the grading.

Ms. Hershey asked Mr. Meyers to discuss stormwater management and how it will be handled.

Mr. Meyers discussed an O & M plan including pre and post construction management. He showed the board two areas where run-off would occur. Mr. Meyers stated a stormwater basin will be located in front of the site, and a swale in the back of the site. He discussed during construction a crushed stone forebay will be used to capture sediment.

Mr. Goetz asked if the parking area will remain crushed stone

Mr. Meyers stated crushed stone will remain and the area is not a heavily traveled so cross traffic would be minimal.

Mr. Turner asked what would prevent the impervious surface from ever being paved

Attorney Macchi stated the applicant would have to come before the Planning Board for a new site plan and they would need to come before the other boards

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 3-0-0

Closed: 7:55

The commission discussed the need for updated plans showing elevation points and an extension of haybale lines. Maintenance reports shall be submitted to the commission

Mr. Goetz made the motion to issue a Land Disturbance Permit

Ms. Dyer seconded the motion

Vote: 3-0-0

CONT. PUBLIC HEARING

AMENDMENT FRONTIER DR. LOT 18

DEP# 315-726

OPENED: 8:05

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

Mr. Wiley read board comments into the record.

Attorney George Hailer was present representing the applicant Walsh Contracting Corp. along with Rich Albano, a wetland scientist and ecologist from Tetra Tech Rizzo.

Attorney Hailer presented plans to the board requesting an amendment to the Order of Conditions for 18 Frontier Dr. DEP# 315-726. Mr. Hailer stated this is the same presentation which was given when he came before the board requesting a minor modification. Mr. Hailer stated this filing should be approved because limited impacts to the wetlands are involved. Mr. Hailer read into the record a summary of the history of this case. This project consists of the proposal of a driveway and crossing leading to the garage with minor impacts to the no alteration zone

Mr. Rich Albano, a wetland scientist and ecologist presented plans to the commission. He stated they want to bring construction away from the wetland resources and mitigate any impacts to the crossing and the uplands. Mr. Albano stated the driveway will come through the disturbed area. Various wetlands lines are shown on the plan, one line identified with green marker (“sketch line”) was presented as the wetlands line and their line for buffer zone.

Mr. Albano states the total permanent alteration is 3700 square ft. Mr. Albano stated the areas disturbed during construction will be restored including where the sewer line will go and indigenous plants will be put in. Mr. Albano states a portion of the upland will be permanently preserved to protect the wetland and replication areas

Ms. Hershey stated when the Order of Conditions were issued for this construction it did reference, and included specific areas to be “no disturbed” under the Commission’s long standing policy. Ms. Hershey expressed her thoughts that the plan is very confusing and it is unclear as to which wetland line the commission is rendering their decision on. She would like to see a plan showing one wetland line and buffer zone.

Mr. Hailer stated the line marked on the plan in green is the line for this amendment.

Ms. Hershey stated the commission should review the plan, and that this proposal is under the Bylaw only. She stated that the green line (sketch line) had not been verified by her in the field and asked if there were wetland flags in the field identifying the line.

Mr. Albano states the changes were approved by DEP under an amendment superseding as well as the replication and restoration plan.

Ms. Hershey stated the commission has not seen any documentation stating approval of the wetland line from DEP

Ms. Dyer stated she has never seen a more confusing plan and has never seen anything like this built in the 25 ft no-disturb area.

Mr. Goetz agrees the plan is confusing. He states the house shown on this plan is much larger than the one that was approved by the commission. Mr. Goetz stated this does not appear to be a minor change to be considered for an amendment. He asked why the house keeps growing and stated he would like to see a cleaner plan

Mr. Wiley stated the house is located in the buffer zone from every direction. He is concerned about the lack of a 25ft no disturb area.

Mr. Wiley asked for comments or questions from the audience

Attorney Peter Fenn, representing the abutters, Mr. Russ Waldron, wetland biologist and Lisa Perry, an abutter were present and asked to make comments.

Mr. Penn stated that this project has no current wetland delineation line as it is constantly changing. He stated it is imperative a new line be determined and that the applicant does not want to do this because more of the area is wet. Mr. Fenn stated the applicant wants to shoe-horn a house into an unbuildable site that will constantly be altered by owners. He also stated this site was the original drainage area to the subdivision. When the applicant asked for a modification a year ago the commission asked for a new Notice of Intent to be filed and the applicant came back requesting an amendment instead.

Mr. Russ Waldron stated his involvement with this site began in 2004 and has been intermittent. He conducted a series of soil observations and everyone was satisfied and comfortable with this. He stated that the applicant used his test pits to sketch in a wetlands line on the plan and considered it wetland delineation. Mr. Waldron stated the property has not been field delineated or verified at this time and the buffer zones are not established.

Mr. Fenn stated they are requesting a proper delineation and feel a new Notice of Intent is needed.

Mr. Kevin Tripp, 4 Muskett Ln spoke about the proposed driveway, water issues and what recourse he would have if there is a problem

Mr. Steve McCourt, 24 Frontier Dr. stated his concerns with water issues. He stated he was told that lot was unbuildable when he bought his home.

Mr. Kevin Meredith, 24 Bridle Path also stated he was told it was an unbuildable lot

Mr. Craig Perry, 20 Frontier Dr. stated that at least 1/3 of the house is in the no-disturb area.

Ms. Lisa Perry, 20 Frontier Dr. provided a chart of plan changes that have occurred on this lot since the last approved plan in January of 2006.

Mr. Lance Robinson, 15 Frontier Dr. stated his concerns with messing with nature

Mr. Wiley stated the commission needs to review the plan. He stated he agrees that we do not have a formal wetland line at this time.

Mr. Hailer stated the plan presented and the details adequately represent the filing presented.

Mr. Albano stated they have shown the plan DEP approved in 2006 so it can be considered an official delineation according to DEP. He stated a site walk was completed with Russ Waldron and a survey crew was available and at each location it was surveyed in place.

Ms. Hershey stated the commission needs documentation, and would they put flags out so the line can be verified

Mr. Wiley reminded the representative that the commission hasn't had the opportunity to look and identify the line.

Mr. Hailer stated he believes what they have done is sufficient and the plan speaks for itself.

Mr. Wiley stated the commission will have to make an evaluation and decision based on not seeing flags. He stated the decision is up to the applicant, but the commission would like wetland flags hung for them to verify

Mr. Albano stated they are willing to place a restriction on the property and any encroachment will be matter of enforcement by the commission. He also stated the house is actually smaller than it was originally

Mr. Wiley stated once again that the decision is up to the applicant and the commission has made it clear what they want. He discussed continuing the Public hearing until October 14th. The commission is unable to verify the wetlands, and it is up to the applicants to decide what to do

Mr. Goetz made the motion to continue the Public Hearing until October 14, 2009 at 8:30 p.m.

Ms. Dyer seconded the motion

Vote: 3-0-0

OTHER BUSINESS

Mr. Turner submitted a letter to the commission requesting permission to draw down Clark, Memorial and Turner Ponds beginning in late September and early October. He stated this is recommended practice for invasive aquatic vegetation control practice.

Mr. Goetz made the motion to approve the drawdown for the ponds

Ms. Dyer seconded the motion
Vote: 3-0-0

CORRESPONDENCE

- **GES – 750 Main St.**
- **GZA – 18 Industrial Rd.**

A general business meeting was held and Open Space discussed

Ms. Dyer made the motion to adjourn
Mr. Goetz seconded the motion
Meeting Closed: 9:45