

CONSERVATION COMMISSION

**MINUTES
(Approved 11/14/07)**

OCTOBER 24, 2007

**Present: J. Wiley, Chairman
A. Goetz, Vice Chairman
B. Dyer, R. Turner, E. DiVirgilio, K. Phelps, R. Jones**

Absent:

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

Conservation Agent Report given to the Board

CERTIFICATE OF COMPLIANCE

**MAIN ST. #2075 (Lot 14)
DEP# 315-819**

Ms. Hershey stated she has completed a site visit and the work has been completed

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 4-0-0**

**DIAMOND ST. #21
DEP# 315-856**

Ms. Hershey stated she has seen the site and the work has been completed

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Mr.. DiVirgilio seconded the motion
Vote: 4-0-0**

EMERGENCY CERTIFICATE

MAIN ST. #1065

Ms. Hershey stated that a letter from GPR Environmental Services was received. They are requesting Emergency Work Certification for oil contamination remediation at 1065 Main St. She stated that a RAM plan would be submitted to DEP

Mr. Goetz made the motion to issue an Emergency Work Certification for remediation purposes

Mr. DiVirgilio seconded the motion

Vote: 4-0-0

ENFORCEMENT ORDERS

INDUSTRIAL RD. #3

The commission was advised that this Enforcement order is on the agenda for discussion on November 14, 2007 at 8:00 p.m.

NOTICE OF NON-COMPLIANCE

ALLIED RECYCLING

1901 MAIN ST.

Ms. Hershey stated she sent a letter to Mr. Sciaba at Allied regarding Stormwater Management concerns on this site. She stated she has requested they file a Notice of Intent by November 12th or further action will be taken. Ms. Hershey stated this is the second request by her for a Notice to be filed, the first request was sent in June with a deadline of September 10th.

MAIN ST. #516

Ms. Hershey has sent a letter to the owner stating a Request for Determination filing must be submitted to the conservation commission for parking lot paving which was previously done on this lot.

MINUTES

Mr. DiVirgilio made the motion to approve the Minutes of October 10, 2007

Mr. Goetz seconded the motion

Vote: 3-0-1 (Ms. Dyer abstained)

Correspondence was discussed and available for the boards review

- Algonquin Gas
- Comm. Of Ma. Coastal remediation grant program
- Swpp report – 333 Coney St.
- Weston Solutions report – 100 Neponset ST.
- Army Corp. Of Engineers – Public Notice

- Frontier Dr. – Div. Of Law Appeals
- Capital Budget

**PUBLIC HEARING
INDUSTRIAL ROAD #33
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
DEP# 315-915**

Opened: 7:30

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

Wetland Specialist Colin Duncan, of TRC was present representing the applicant

Mr. Wiley read the board comments

Mr. Duncan presented a map of the site at 33 Industrial Rd. to the commission and audience. He stated this application deals with the wetland delineation of this property. In the past this site has basically been an area of soil storage, mulch, and grading and gravel operations. Mr. Duncan stated Sanford Ecological delineated the wetlands on this property ten years ago, and he stated the wetlands have not changed drastically.

Ms. Hershey stated she went out to see the site and has reviewed the plans back to 1997 and found the flags to be similar. She stated that there were piles of landscape materials at the top of the cul-de-sac outside the buffer zone. The wetland line had no indications of fill or recent alteration.

Mr. Turner stated he would like to have the commission complete a site visit

Ms. Dyer stated the Water and Sewer Dept. seems to want this ANRAD filing handled like the Walpole Woodworkers filing

Ms. Hershey stated the commission took enforcement action back in 1997. Ms. Hershey stated the commission should go out and look at the site.

Mr. Duncan stated he reviewed topo maps and can provide them to the commission. He found things to be in the same general shape and form.

Mr. Turner stated the Water and Sewer commission is concerned because of Cedar Swamp and the Neponset River. He states it is important to protect the watershed.

Mr. DiVirgilio asked if Ms. Hershey was satisfied with the line and stated he would like to see aerials

Ms. Hershey stated the line looked very similar to the 1997 plan of wetlands. She stated that she did not observe any evidence of fill or alteration of wetlands or near the wetland boundary.

Ms. Phelps stated the applicant needs to submit a stamped plan. She would like a site visit as well

Mr. Goetz stated he would address some of the history of this site. He stated the site has been cleared and soils were stored there. Without stabilization provided, erosion occurred and the commission issued an enforcement order. The sandy materials were removed and the area stabilized. He stated the area was not a dumping site. Mr. Goetz would like a site visit as well.

Mr. Wiley asked for questions or comments from the audience regarding wetland issues only

Mr. Kevin Muti, a member of the Water and Sewer commission stated a unanimous vote of the board show the concern the board has regarding this piece of property. He stated that aeriels were looked at, and a significant amount of fill has happened going back many years. He stated he is asking the commission for a more thorough investigation, similar to what they did regarding the Walpole woodworkers site. He stated that Foxboro Hospital has been using the area for dumping. He stated he has additional aerial photos as well.

Mr. John Murphy of South Walpole wanted to know if contaminated materials are going into the area and he asked about permitting.

Mr. Wiley stated that anything outside of the 100ft. buffer zone is out of the commission's jurisdiction.

Ms. Annemarie Kannally, Shoreview Ln. stated the Board of Health has been called because of the stench in the area.

Ms. Nancy Doyle, Eldor Dr. asked how many years the commission could go back to check the area and see what was filled

Mr. Wiley stated around 1982-1983

Mr. Muti presented aerial photos to the commission

Mr. Cliff Snuffer stated that Sewer and Water commission presented enough fact to warrant an investigation.

Mr. Wiley reminded the audience this filing is for the delineation of the wetlands exclusively

Ms. Deborah Burke, Town Meeting representative asked when the commission would determine this

Mr. Wiley stated the Agent is satisfied, but a site visit by the commission will be determined.

Ms. Doris Foley, Summer St. spoke about materials that were trucked in from Foxboro Hospital

A site visit will be posted for November 10, 2007 at 9:00 a.m. Commission members will meet at the end of Industrial Rd.

Mr. Goetz made the motion to continue the Public Hearing until November 14, 2007 at 8:45 p.m.

Ms. Phelps seconded the motion

Vote: 4-0-0

**PUBLIC HEARING
NOTICE OF INTENT
SHADY LN. LOT 105
DEP# 315-916**

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read a letter that was submitted by the applicant's representative requesting a continuance for this Public Hearing

Mr. Goetz made the motion to continue the Public Hearing until November 14, 2007 at 8:30 p.m.

Ms. Phelps seconded the motion

Vote: 6-0-0

**CONT. PUBLIC HEARING
NOTICE OF INTENT
SUMMER ST. #335
DEP # 315-912**

Opened: 8:15

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read a letter that was submitted by the applicant's representative requesting a continuance for this Public Hearing until a later date

Mr. Goetz made the motion to continue the Public Hearing until November 14, 2007 at 8:15 p.m.

Ms. Phelps seconded the motion
Vote: 6-0-0

CONT. PUBLIC HEARING
NOTICE OF INTENT
SOUTHRIDGE BUSINESS PK.
DEP # 315-909

Opened: 8:30

Mr. Wiley read the advertisement from the Walpole Times. The advertisement for a Land Disturbance Permit was read into the record and green cards were collected.

Mr. Rob Truax, GLM Engineering presented revisions for the Southridge Business Park plans. This hearing has been continued to include the need for a Land Disturbance Permit. Mr. Truax stated that there are two revised sheets addressing comments and concerns the commission had at the last Public Hearing. A phasing plan was shown on the plan. Additional notes were added to the plan regarding dewatering, and stockpile areas, and revised siltation barriers were shown on the plan. Mr. Truax stated that sheets 9 and 10 refer to Land Disturbance. Mr. Truax stated that small areas of 2.5 acres would be worked on at a time to minimize disturbance.

Mr. Wiley asked for questions from the audience

Mr. Goetz made the motion to close the Public Hearing for Southridge Business Park

Ms. Phelps seconded the motion
Vote: 6-0-0
Closed: 8:45

Ms. Phelps made the motion to close the Public Hearing for the Land Disturbance permit

Mr. DiVirgilio seconded the motion
Vote: 6-0-0
Closed: 8:46

The commission discussed special conditions

Mr. Goetz made the motion to approve and issue an Order of Conditions with special conditions

Ms. Phelps seconded the motion
Vote: 6-0-0

Mr. Goetz made the motion to approve and issue a Land Disturbance permit with special conditions

Ms. Phelps seconded the motion

Vote: 6-0-0

**PUBLIC HEARING
NOTICE OF INTENT
SOUTH ST. ROADWAY RECONSTRUCTION
DEP# 315-918**

Opened: 8:50

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

Mr. Wiley read board comments

Mr. Wiley read comments from the Town Administrator

Attorney Phil Macchi stated the applicants met with the Board of Selectmen and that the board is in favor of the project as well as the Planning Board. He also stated that Reserve Realty is in the process of having documents drawn up in regards to the easement they are donating to the Town.

Ms. Hershey stated that one of DEP's comments was concern for the Riverfront area. The applicant needs to address this and respond to DEP as there are no riverfront issues

Mr. Rob Truax, GLM Engineering presented plans to the commission showing the roadway alignment. Mr. Truax stated there is no drainage treatment there presently and two catch basins and a detention basin will be put in. The area will be cleaned up and regraded and seeded after construction. Mr. Truax stated that the minor details the Town Engineer had have been addressed and corrected.

Ms. Hershey stated she has no comments at this time

Mr. Turner stated he would rather see a Vortex unit in place

Mr. Truax stated the Town Engineer was in agreement the two catch basins were sufficient

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 6-0-0

Closed 9:07

The commission discussed special conditions:

Areas that are lawned and seeded shall be stabilized. The detention basin shall be cleaned out after construction as well as catch basins. Silt sacs shall be installed in the catch basins and they shall be maintained and cleaned

Mr. Goetz made the motion to approve and issue an Order of Conditions with special conditions

Ms. Phelps seconded the motion

Vote: 6-0-0

Mr. Jones left the meeting at 9:15

**CONT. PUBLIC HEARING
WALPOLE WOODWORKERS
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
DEP# 315-902**

Mr. Goetz stepped down from the Public Hearing

Mr. Wiley read the advertisement from the Walpole Times for the continued Public Hearing

Ms. Amy Green, of Amy Green Environmental Services was present representing the applicant and presented her report and revised plans to the commission

The commission received a report from Mary Trudeau the outside consultant that has been working on this ANRAD

Ms. Hershey stated she has no further comment regarding the ANRAD, but will discuss the Enforcement Order at a later time.

Ms. Phelps asked Ms. Green to discuss specific flagged areas on the revised plans and a discussion with the board regarding the changes took place

Mr. Wiley asked for questions or comments from the audience regarding wetland issues only.

Mr. Phil Sullivan, 1 Eastover Rd. asked how much acreage are actual wetlands.

Mr. Michael Seekamp, of Seekamp Environmental stated the site is approximately 16 acres including wetlands

Ms. Debbie Reynaldo, an abutter states that nothing has really changed with the wetland line

Ms. Hershey pointed out the areas where the wetland line had changed based on the 1982 aerial photographs and site investigations.

Mr. Phil Sullivan asked the board what the next step is

Mr. Wiley stated the commission would close the Public Hearing and discuss Enforcement Issues

Mr. Robert O'Leary, Washington St. asked the commission about restrictions on the building and whether fill is allowed outside the wetlands

Mr. Wiley stated that any work outside the 100 ft. buffer is not in our jurisdiction

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 4-0-0

Closed: 9:30

Ms. Phelps made the motion to approve and issue an Order of Resource Area Delineation confirming the wetland line for the Walpole Woodworkers site.

Mr. DiVirgilio seconded the motion

Vote: 4-0-0

ENFORCEMENT ORDER

WALPOLE WOODWORKERS

The commission discussed the Enforcement orders that had been issued. Ms. Hershey stated the first Enforcement Order was for cleanup, the second Enforcement Order allowed the surveying, work in the trenches, excavation and reviewing of the site. The third Enforcement order addressed the remainder of the cleanup of debris in the in the 25ft. area.

The commission discussed restoration plans

Mr. Mike Seekamp, of Seekamp Environmental addressed the commission. He stated they have removed the debris that was covered under the original Enforcement Order. He stated they wanted to wait until the ANRAD filing was approved before going further. Mr. Seekamp expressed concern in regards to no work in the 25ft buffer. He discussed restoration plans and restoring the vegetated buffer area.

Mr. Wiley stated that the Commission wants the 25-foot no alteration buffer zone restored in the two areas where the 1982 boundary is to be restored however he stated that the other portions of the 25-foot buffer zone that have been altered will not require restoration.

Mr. Seekamp indicated that Walpole Woodworkers would agree to this.

The commission discussed the following areas as areas that will require restoration:

1. **Flag A22, Stake A-1, Stake A-2, through Flag A41** on revised plan (Old flags A29-A39): Restore to 1982 wetland soil. Submit restoration plan include area disturbed by test pit excavation. Restoration plan shall include restoration of the 25-foot “no alteration area” under the Walpole Wetlands Bylaw.
2. **B3 to Stakes C1-C-5 to flag B8 (revised to 1982 line):** Area is currently mowed grass. Remove wooden retaining wall. Submit restoration plan with restoration of 25-foot no disturb buffer zone and schedule for implementation of restoration plan.
3. **B8:** bridge area where wood-chips were removed. Plant shrubs to prevent invasive plants from moving in.

The Applicant shall provide the Commission with restoration plans for the following areas. The restoration plan shall include plant type, size, number of plants, soil preparation and timeline for planting.

Mr. Anthony Reynaldo, East St. asked if a 25ft buffer would be in the B area.

Mr. Craig Hiltz, Kendall St. stated that there had been activity in the 25ft area in the past.

Ms. Phelps made the motion to ratify the Enforcement Order #3 with areas specifically to be restored

Mr. DiVirgilio seconded the motion

Vote: 4-0-0

Ms. Phelps made them motion to adjourn

Mr. DiVirgilio seconded the motion

Vote: 4-0-0

Meeting Closed: 10:00