

CONSERVATION COMMISSION

**MINUTES
(Approved 1/13/10)**

DECEMBER 9, 2009

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

ABSENT: K. Phelps

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

Conservation Agent report given to the board

MEETING OPENED: 7:10

The commission held a general discussion regarding the Open Space plan

CERTIFICATE OF COMPLIANCE

**COUNTRY CLUB DR. #16
DEP# 315-931**

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 3-0-0**

**GRISTMILL LN. LOT 18
DEP# 315-897**

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 3-0-0**

**BERKELEY DR. #4
DEP# 315-842**

Ms. Hershey stated this property is not ready for a Certificate to be issued. The landscaping is incomplete and the roof drains are not being directed to leaching basins

per special condition #18 in the Order of Conditions. The applicant will be notified these conditions need to be met before issuance

**CONT. PUBLIC HEARING
MAIN ST. #643-703 (VILLAGE REALTY)
DEP# 315-936**

Opened: 7:30

Mr. Wiley read the advertisement from the Walpole Times.

Mr. Wiley read a letter sent to the Conservation Commission office dated 11/30/09 stating the applicant has decided not to move forward with this project at this time.

Mr. Goetz made the motion for this project to be withdrawn without prejudice at the request of the applicant

Ms. Dyer seconded the motion

Vote: 3-0-0

OTHER BUSINESS

Mr. Phil Macchi came before the board requesting the acceptance of the board for conservation land located at the Bird Estates subdivision under Open Space approval. Once the deed is accepted by the commission it will go before the Board of Selectmen for their approval. This land will be considered under the conservation commission's jurisdiction as part of the tri-partite agreement

Mr. Goetz made the motion to accept the land

Ms. Dyer seconded the motion

Vote: 3-0-0

Mr. Macchi stated the second aspect of this is that this conservation restriction can't be approved by the planning board until more of the work is done. Mr. Macchi stated that some of the land is registered and some is not so the deed needs to be recorded in two places. Mr. Macchi stated the positive aspects of this restriction, making the land open to the public and permitting access to trails.

Mr. Goetz made the motion to approve the conservation restriction

Ms. Dyer seconded the motion

Vote: 3-0-0

PUBLIC HEARING

**NORTH ST. #1311
DEP# 315-951**

Opened: 7:45

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

Mr. Rob Truax, of GLM Engineering was present representing the applicant Cormac Kennedy who was also present.

Mr. Wiley read board comments into the record

Mr. Truax stated this site is located on 18.3 acres located on North St. The proposal presented is for a horse barn and indoor arena and related gravel parking area. Mr. Truax stated the barn and arena is located outside the resource area but the grading for the building will extend into the 200 ft. outer riparian zone. Stormwater issues were discussed. Mr. Truax discussed roof runoff being directed into a 12,000 gallon holding tank. The water will be used for watering the indoor arena for dust control and also for horse washing. Overflow for large storms will go into a swale extending along the existing field to a proposed detention basin which is located within the 100 ft. buffer zone. Mr. Truax stated access to the barn will be in the rear and a dumpster will be located in the back so as not to be seen. Manure will be hauled offsite. He discussed erosion controls including haybales extending along the perimeter of the field so construction does not cause erosion to the neighbors yards. Mr. Truax stated the plan is to hook up with the existing septic system. The parking will remain gravel although the driveway in the front is proposed to be widened and paved. Mr. Truax discussed the proposal for a retaining wall to be constructed with a fence on top for safety purposes as well.

Ms. Hershey stated this filing is also being reviewed under the Erosion control and Stormwater Bylaw. She stated a gravel pad should be used and street cleaning and general clean up as well should be completed. Ms. Hershey stated she would like to see the stockpile area ringed with haybales and slopes should be stabilized as soon as possible. She stated that she would prefer some of the roof drainage to go into groundwater.

Mr. Truax stated that stone check dams could be put in with no problem

Mr. Turner asked about how the arena will be cleaned of urine and manure. He also talked about the historical aspect of the site

Mr. Kennedy, the applicant stated that clean-up is part of the operational plan and is done immediately

Mr. Goetz asked for more information about the clean-up

Mr. Kennedy stated in the horse stalls they use hay and shavings, as well as mats to soak up the urine. These mats are continuously replaced

Mr. Wiley discussed check dams

Mr. Wiley asked if there were comments or questions from the audience

Mr. Wiley stated check dams shall be cleaned out twice a year along with the basin as part of the O & M plan.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 3-0-0

Closed: 8:17

The commission discussed special conditions to include erosion controls in place all around the site, a stone pad shall be installed along the entrance to the site and street sweeping shall occur as needed. Check dams shall be installed and maintained within the swale, the Stormwater O & M plan shall be revised and a part of this Order of Conditions showing changes, and a revised plan shall be submitted.

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

Ms. Dyer seconded the motion

Vote: 3-0-0

PUBLIC HEARING

REQUEST FOR DETERMINATION

HOUND PACK CIRCLE LOT 46

Opened: 8:25

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

Mr. Rich Kirby, of LEC Environmental was present representing Toll Bros. He stated that the commission approved a Determination of Applicability back in 2004 for a single family house with site appurtenances. This filing has expired and Mr. Kirby stated all the work will be outside the 100' buffer.

Mr. Wiley asked if there were comments from the audience

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 3-0-0

Closed: 8:27

Mr. Goetz made the motion to approve and issue a Negative 3 Determination

Ms. Dyer seconded the motion

Vote: 3-0-0

**PUBLIC HEARING
ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD)
COUNTY ST.
DEP# 315-952**

Opened: 8:30

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

Mr. Joseph Peznola, of Hancock Associates was present representing the applicant Hawthorne Development Partners. He stated the purpose of this filing is for the delineation of the wetland area located on County St. Map 2 Lot 17. Mr. Peznola stated that their wetland scientist Mr. John Dick delineated the property in October. He also stated that Ms. Hershey walked the site with Mr. Dick. Mr. Peznola stated he feels this project is non-jurisdictional under the local bylaw and the Wetlands Protection Act and he is hoping the commission will concur with this and approve the delineation.

Ms. Hershey stated she walked the site and agreed with the flaggings. She stated it would be a good idea for the board to have a site visit as there is a question regarding an intermittent stream. She feels there is question depending on how the commission reads the bylaw. Ms. Hershey stated she would like it determined if the area is a resource area or not.

Ms. Dyer stated she would like a site visit

Mr. Goetz asked about the 12" drain, and if it is a legal one.

Mr. Peznola stated it is a culvert, and thinks it is a historical one. He stated it drains up-gradient.

Mr. Goetz stated he would like more information on where the water is coming from.

Mr. Peznola stated he agrees with Ms. Hershey that the Concom needs to interpret their bylaw and decide what is jurisdictional and what isn't. He also stated that this ANRAD is a pre-cursor for the consideration of Sr. Housing to be constructed on this site.

Mr. Wiley asked for questions and comments from the audience

Kevin Johnson, 20 Deborah Dr. discussed his concern about water encroachment and runoff since the wetlands were established a few years ago when the DayCare was constructed nearby

Mr. Peznola stated this area is further beyond where the daycare is located

Mr. Dan Nagle, Deborah Dr. wanted the commission to know there were two other neighbors unable to attend the meeting who also share concerns

Mr. Dan Cunningham asked about the size and where the proposed new building would be located

A neighbor on Lois Dr. stated concerns about traffic.

Mr. Wiley stated it is not a conservation issue

Ms. Dyer asked if the Daycare was prior to the stormwater bylaw

Mr. Wiley stated it was. Mr. Wiley stated a site visit would need to be conducted when the ground is not covered in snow.

The board discussed choosing a day after the holidays to complete a site visit. This will be posted prior and the Board Secretary will notify a neighbor to let the other interested parties know.

Mr. Goetz made the motion to continue the Public Hearing until January 13, 2010 at 7:30 p.m.

Ms. Dyer seconded the motion

Vote: 3-0-0

OTHER BUSINESS

CONSERVATION RESTRICTION – LINCOLN RD.

Mr. Wayne Beitler, representing the Trustees of Reservations was present along with Mrs. Cynthia Green to present the commission with a conservation restriction for property located on Lincoln Rd. He stated the board needed to sign the municipal certification

Ms. Hershey and the board extended their thanks to Ms. Greene for the donation of land. Ms. Hershey stated the commission is pleased to accept it and also happy that the trustees will manage it.

Ms. Green stated this land has been in her family for 60 years and she is happy to donate the land and prevent more house lots from being built.

Mr. Goetz made the motion to accept the municipal certification

Ms. Dyer seconded the motion

Vote: 3-0-0

EXTENSION

TOWN MUNICIPAL ORDER DEP# 315-683

**Mr. Goetz made the motion to approve and issue a one-year extension
Ms. Dyer seconded the motion
Vote: 3-0-0**

ENFORCEMENT ORDER

TANGLEWOOD DR. #8

Attorney Matthew Watsky came before the board as a representative to the Sarkas's regarding an enforcement order which was issued on 8 Tanglewood Dr. He showed photograph's and discussed plans to the commission for what will be submitted as a notice of intent.

Mr. Scott Goddard from Carr Research was present and discussed the enforcement order that was issued due to work being completed without an Order of conditions. He stated he has delineated the area and he discussed mitigation with the commission

The commission thanked the owner and representatives for putting the time and effort into bringing this into compliance.

Attorney Watsky stated a Notice of Intent will be filed with the commission

OTHER BUSINESS

2010 MEETING DATES

**Mr. Goetz made the motion to approve the meeting dates for 2010.
Ms. Dyer seconded the motion
Vote: 3-0-0**

These dates shall be posted outside the Town Clerk's office for the Public

BUDGET FY11

The board discussed the upcoming Budget for FY11 for the conservation commission to include the need for supplies, conferences, phone, office equipment, gas, mileage etc.

**Mr. Goetz made the motion to approve the budget as proposed by the commission
Ms. Dyer seconded the motion
Vote: 3-0-0**

ARTICLE 97 LETTER

Ms. Hershey stated that the commission received an alert from MACC requesting the board send a letter to the joint commission to strengthen and endorse the Public Lands Preservation Act. This bill would make it the policy of the Commonwealth to approve change in the use of land acquired for natural resource purposes. This will support the preservation of conservation land.

Mr. Goetz made the motion to endorse and support the Public Lands Preservation Act.

Ms. Dyer seconded the motion

Vote: 3-0-0

ENFORCEMENT

WASHINGTON ST. #1724

Ms. Hershey stated she has observed more clearing and cutting on the property of Mr. Harper. This has been an ongoing issue. The commission discussed that a letter should be sent in the spring to remind Mr. Harper that there is to be no more cutting and clearing.

MINUTES

OCTOBER 14, 2009

Mr. Goetz made the motion to accept the Minutes of October 14th with revisions as noted

Ms. Dyer seconded the motion

VOTE: 3-0-0

EVALUATION

The Board discussed the yearly evaluation for the Admin. Board Secretary.

Mr. Goetz made the motion to approve the performance evaluation for the Administrative Board Secretary

Ms. Dyer seconded the motion

Vote: 3-0-0

The following correspondence was discussed and available for the boards review

- Flood Plain Updates – Town Engineer
- GeoInsight – 1075 Providence Hwy
- ESS group – Allen Pond

MEETING CLOSED: 10:45

