

CONSERVATION COMMISSION

MINUTES (Approved 5/14/14)

APRIL 23, 2014

**Present: J. Wiley, Chairman
A. Goetz, Vice Chairman**

E. DiVirgilio, R. Turner, J. Finnigan, B. Dyer

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

New member Gary Riggott was welcomed to the Board. He will not vote this evening as he has not been sworn in.

PUBLIC HEARING (AMENDMENT) ORDER OF CONDITIONS WARREN LN. LOT 8 DEP# 315-1008

Opened: 7:05

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing were received

Mr. John Glossa, Gloss Engineering and owner Mr. John Shalbey was present. Mr. Glossa presented revised plans entitled "Lot 8 Warren Ln." dated 3/24/14. Mr. Glossa stated there is an existing approved Order of Conditions for the construction on this lot and this request is to amend the Order. The proposed house is slightly different, but no larger than the one on the approved plan; however the owner would like the elevation 7' higher to the top of the concrete than on the approved plan. For this new layout grading will be necessary along the lot line with a wall in the rear and along the right hand side of the proposed house. Mr. Glossa stated the drainage patterns will not be affected or change. Mr. Glossa stated in order to achieve the difference in elevation, they need to take the existing swale from the headwall located at Warren Ln. and put a pipe in which will be covered, and otherwise it would be impossible to meet the grades. Mr. Glossa stated the grading changes in back will assure water from the lot stays on the lot and does not travel to abutting lots.

Ms. Hershey stated that due to an advertising error with the Walpole Times, the Northridge Subdivision amendment will not go on the agenda until May 14th. She stated that the amendment for the new pipe proposal replacing the trench is under the subdivision amendment which should be approved prior to this amendment which is for the house construction new grading proposal. Ms. Hershey stated she has been out on site and seen standing water on this property. She stated she has been working with Mr. Glossa and the owners of the property and abutting property.

Mr. Glossa stated surveyors have been out and he will provide more detail when they come back before the commission

Mr. Shalbey, the owner, stated the point of this filing is to raise the grade so water will pitch down the road to the storm drain instead of the way it has been relying on the contour of the land.

Mr. Turner discussed the ½ inch rainstorm. He inquired if the calculations for the subdivision include the extra water from the lot so it won't overcharge the storm drain

Mr. Glossa stated the front of the lot was taken into consideration with the calculations provided. He also discussed the rooftop drains infiltrating water back into the ground not being required by DEP, but is an added amenity.

Mr. Wiley read board comments into the record.

The board discussed that both the subdivision amendment and this amendment are joined at the hip and should be discussed and considered together.

Ms. Hershey stated there are wetlands and replication area and the 25ft no disturb area. The commission can discuss all this with the subdivision plan

Mr. Wiley stated the area will be disturbed to put the pipe in and after it can be revegetated as a replication area

Mr. Glossa stated he can provide a planting plan for that area.

Ms. Dyer stated she agrees that since talking about drainage is seems both should be discussed together.

Mr. Wiley asked for questions or comments from the audience

Mr. Brad Perham, 9 Sunnyrock Dr. asked about the pipe and spoke of puddling in the yard

Mr. Shalbey stated the point of this filing is for prevention of water issues heading toward the abutters

Mr. Perham stated it seems like a good solution to the problem

Mr. Glen Steward, 4 Warren Ln, stated what is being proposed makes a lot of sense. He stated the existing trench doesn't work in front of the retention area.

Mr. John Niack, 15 SunnyRock Farm discussed water analysis

Mr. Goetz made the motion to continue the Public Hearing until May 14, 2014 at 7:30 p.m.

Ms. Dyer seconded the motion

Vote: 6-0-0

**PUBLIC HEARING
NOTICE OF INTENT
APPLETREE LN. #16
DEP# 315-1053**

Opened: 7:49

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing were received

Mr. Wiley read board comments read into the record

Mr. John Glossa, Glossa Engineering present representing applicant. Plans were presented entitled "16 AppleTree Lane Notice of Intent Plan of Land in Walpole MA" dated 3/27 and revised 4/22/14. Representatives of JEM, Peg Graveline and her husband Steve were present.

Mr. Glossa stated to the commission this filing is a result of an Enforcement Order issued March 4, 2014. He stated that at least three members have been onsite with the owners, abutter Mr. Coakley and Mr. Bob LeBlanc, Highway Supervisor. Mr. Glossa stated the neighborhood is very ledgy and has boulders; with wetlands running across the properties. He stated it is a hard area for septic systems. He designed and replaced the septic and discussed the enforcement issued by Ms. Hershey resulting in this filing.

Mr. Glossa stated Ms. Karen Skinner has flagged the wetlands. He stated he has met with Mr. Coakley and discussed with the commission his proposal for this filing to include restoring the lawn area in front which was disturbed, restoring the lawn in the rear by adding 60 cubic yards of top soil in the depression that existed behind the garage. He has removed debris from the drainage channel which flows from the left portion of the site to the front portion of the site where it discharges onto the street. Mr. Glossa would like to remove the existing stone and piping that was placed in the drainage ditch and install a catch basin near AppleTree Ln. to catch the flow from the ditch and direct into the drain system. Mr. Glossa stated he would like to extend the existing under- drain installed by the Town and remove the soft shoulder with stone that exists in front of the Coakley residence. Mr. Glossa also stated the Highway Superintendent agrees with the installation of the catch basin. Wetland flags were added from the previous ANRAD from several years ago and no alteration plaques could be installed to show the limit of work. Mr. Glossa stated the new owners of this property had begun installing a new driveway within the same footprint as they were unaware they needed to talk to the conservation commission. Ms. Hershey informed the owners to stop the work and Mr. Glossa is requesting the completion of the driveway be part of this Notice.

Ms. Hershey stated she had sent the owners, representatives and Mr. Glossa a letter requesting more information for this Notice of Intent be provided. Mr. Glossa responded with the revised plan on 4/22/14. Ms. Hershey stated the plan was confusing because of what is proposed and what is existing. Ms. Hershey also stated she feels the Town Engineer needs to review these revised plans. Ms. Hershey asked about the fill in the rear of the yard, and will it be removed or seeded

Mr. Glossa stated either seeded or a demarcation will be in place

Mr. DiVirgilio asked about the 25ft. no alteration area and wanting to see some definition or boundary

Mr. Turner discussed concerns with water coming off the hill into the lot and the street. He stated he would like to see the Town Engineer review this.

Ms. Hershey stated what is marked on the plan as drainage ditch is the intermittent stream running from adjacent property as approved under the ORAD issued for that property.

Mr. Glossa stated the owner and Mr. Coakley all agree on the extension of the pipe

Mr. Wiley stated this needs to be reviewed by the Town Engineer

Ms. Dyer stated the wetland flags aren't flagged consecutively and felt it was ambiguous. She also stated in the area where the back yard was filled, the 25ft buffer could be honored in that area with

wetland vegetation and permanent markers. She stated the intermittent stream should be labeled on the plan.

Mr. Glossa stated that he can have the wetland scientist write a letter attesting to her findings. He also stated the stream in question is not a natural stream and has obviously been dug out.

Mr. Goetz agrees he needs to wait for Ms. Walker in regards to the issues on the street. He would like to know where the pipes go

Mr. Glossa stated over ten years ago the Town put in a 4" pipe coming out of the catch basin. Stone was left on top covering the apron when the road was repaved and also covered the pipe. Mr. Coakley asked if the pipe could be extended further along to get rid of the soft shoulder. Mr. Glossa thought putting in the catch basin was the best thing to do. He stated he is trying to improve a situation that exists.

Mr. Goetz stated he just wants to make sure that the work meets the correct standards and that the Town Engineer can confirm this.

Mr. Wiley asked for questions or comments from the audience.

Mr. John Coakley, 24 Deborah Dr. stated he feels the solution is a good one and that the French drain eliminated a lot of that water issue.

Mr. Graveline asked if anything else on the plan requires review

Ms. Hershey stated she will review the plan with Mr. Glossa and Ms. Walker

Ms. Joanna Travis, the new owner of the property stated they began work on the driveway not knowing they needed to see the conservation commission. Half of the driveway was ripped out when they were told to stop working. She is requesting they be allowed to finish the work as it is a mess.

Ms. Hershey stated she has no problem with that as long as it is the existing footprint. The commission members concurred

Mr. Goetz made the motion to continue the Public Hearing until May 14, 2014 at 8:00 p.m.

Ms. Dyer seconded the motion

Vote: 6-0-0

CONT. PUBLIC HEARING

ABBREVIATED NOTICE OF RESOURCE AREA DELINIATION

NORTH ST.

DEP# 315-1041

Opened: 8:53

Mr. Wiley read the advertisement from the Walpole Times. This hearing was opened in December 2013 and has been continued several times.

Mr. Tom Liddy, Wetland specialist from Lucas Environmental, and owner Michael Viano was present.

Revised plans were presented to the commission dated April 23, 2014. Mr. Liddy stated this plan is the result of the peer review and the commission's site visit held on Tuesday April 22nd. The previous site visit that was posted was postponed due to weather conditions, and re-posted for April 22, 2014.

Mr. Liddy stated revisions were made to the wetland line, and that during the peer review two small isolated wetlands were identified and drawn on the plan. He stated the surveyor hung additional flags that were drawn into the plan. Mr. Liddy stated he is requesting the commission close the Public Hearing and issue an ORAD per the revised plan.

The commission discussed the small isolated wetlands. The language of the bylaw was discussed and whether the board should regulate every small "puddle" and how the overall development plan will be affected.

Ms. Hershey stated the Bylaw does not have a size limit

Ms. Dyer discussed the purpose of the ANRAD is so developers can work with the decision when planning the subdivision and it's her opinion that she doesn't mind protecting even a small wetland

Ms. Hershey stated they could be looked at when the individual Notice of Intents for the house lots are filed

A discussion took place regarding intermittent and perennial streams.

Mr. Liddy stated they had provided information that the stream is intermittent as per review of the Walpole Wetland Protection Act regulations

Ms. Hershey read the WPA regulations out loud

Mr. Viano stated the stream in question is an intermittent stream. Documentation of dry channel conditions was provided for five days and this is sufficient to classify the stream as intermittent. Mr. Viano stated the commission has voted to downgrade streams in the past.

Ms. Dyer stated she disagreed and feels the board should vote on this. She stated she does not want to downgrade the stream to intermittent and it would be establishing precedent.

Mr. Liddy concurred with Mr. Viano stating that enough documentation has been shown proving the stream to be intermittent

The commission discussed whether to include the isolated areas at this time and the size of them. Mr. Goetz stated the commission should go with the new updated line showing minor changes, and will have the opportunity to have the applicant provide replications at a later date. He stated the need to look at the overall picture and the benefits of gaining in other ways by allowing a small infringement on one area. Mr. Goetz stated in the regulations there are provisions for altering small fingers here and there.

Mr. Viano stated they agree with the peer reviewer's wetland line and isolated fingers as shown on the plan dated 4/23/14 presented tonight.

Mr. Wiley asked for questions or comments from the audience

Mr. Joe Morasci, 3 Buckboard Dr. discussed that a few of the areas are heavily wet and wanted clarification on what stream the commission voted on as intermittent. Mr. Liddy pointed the area out on the plan

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 6-0-0

Closed: 9:35

Mr. DiVirgilio made the motion to determine the classification of the stream as intermittent per the documentation provided by the applicant.

Mr. Finnigan seconded the motion

Vote: 5-0-1 (Ms. Dyer opposed)

Mr. Goetz made the motion to consider the isolated wetlands A, B, 3, 4, 5 and 7 jurisdictional under the bylaw only

Ms. Dyer seconded the motion

Vote: 6-0-0

Mr. Goetz made the motion to approve the BVW flags shown on the revision date of 4/23/14. This is the final plan of record

Ms. Dyer seconded the motion

Vote: 6-0-0

MINUTES

Mr. DiVirgilio made the motion to approve the Minutes for April 9, 2014

Ms. Dyer seconded the motion

Vote: 6-0-0

ENFORCEMENT ORDERS

INDUSTRIAL RD. #33

DEP# 315-1012

Ms. Rachel Watsky, Wetland Scientist from Goddard Consulting was present to discuss violations that have occurred on 33 Industrial Rd. A letter was submitted from her dated 4/21/14 discussing the plan of action on how to address the breach of erosion controls. She presented a plan to the commission showing the work they are doing to stabilize and repair, along with a timeline.

Ms. Hershey stated she sent a notice of non-compliance to Borrego on April 16, 2014 due to the issues of controlling the sedimentation. Ms. Hershey stated she has been on site and is pleased with the progress now that Goddard Consulting is addressing the issues.

The commission discussed whether fines are in order. After discussion, the commission directed Ms. Watsky to notify Borrego that any further breaches will result in fines. Ms. Watsky stated she will be on site daily, and send reports to the commission on a weekly basis.

EXTENSIONS

A request for Extensions for lots 11, 17 and 18 Arlington Ln. were received in the office. Ms. Hershey would like to hold off on these until she is able to review the Order of Conditions for these lots. They will be put on the next Agenda

BOARD COMMENTS

Emily Ln. #8 - The Zoning Board of Appeals is requesting comment on the application for an inground pool to be constructed at 8 Emily Ln. The board has no conservation concerns with this filing

Tee-T's Restaurant – The Planning Board has requested comments on a filing for Tee-T's. the proposed work is all internal work and therefore the commission has no concerns

CORRESPONDENCE

The following correspondence was discussed and available for review:

- **GeoInsight letter – 1075 Providence Hwy**
- **Anonymous resident letter – re: 1783 Washington St**

12 SEXTON FARM ROAD TRAIL EASEMENT

The commission discussed a letter received from an Attorney on behalf of the owner of 12 Sexton Farm Road. The owner does not wish to permit access over the trail easement without their permission, and does not want the trail easement shown on any trail maps produced by the Town. The commission will wait to hear from Town Council for direction

Mr. DiVirgilio made the motion to adjourn

Mr. Turner seconded the motion

Vote: 6-0-0

Meeting closed: 10:30