

## **CONSERVATION COMMISSION**

### **MINUTES (APPROVED 5/11/16)**

**APRIL 27, 2016**

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

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

Absent: K. Watson

Also Present: L. Hershey, Conservation Agent

This meeting is televised. For additional information log into walpolemedia.tv

Conservation Agent report was given to the board

Meeting Opened: 7:00

#### **CERTIFICATE OF COMPLIANCE NORTH ST. LOT 1 DEP# 315-692**

**Mr. Finnigan made the motion to issue a Certificate of Compliance for work on an expired Order of Conditions which never commenced**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

Mr. David Norton, Building Commissioner/Zoning Enforcement Officer came before the board to introduce himself

#### **MINUTES**

**APRIL 13, 2016**

**Ms. Dyer made the motion to approve the Minutes for April 13, 2016**

**Mr. DiVirgilio seconded the motion**

**Vote: 6-0-0**

#### **APPEAL**

**MOOSEHILL RD. #272**

Ms. Hershey stated the commission received a letter from DEP with the Superseding Order of Conditions affirming the conservation commission's findings. The office has also received notice that the East Walpole Citizens Group has appealed DEP's decision. An adjudicatory appeal will follow

#### **MINOR MODIFICATION**

**DYNAMIC ENERGY, LLC  
BIRD, INC. LANDFILL SOLAR PROJECT  
DEP# 315-1096**

Representatives of the Bird, Inc. Landfill Solar Project have come before the board to discuss modifying the Order of Conditions issued January 25, 2016. Mr. Mike Lotti was present along with Kevin McCaffery, of New England Environmental, Inc.

A letter with a description of the proposed changes was submitted, dated 4/14/16. Mr. Lotti discussed once they went through the permitting process and began work it was discovered they did not need as much space as anticipated. They are proposing to pull away from the wetland area, creating less impact overall to the wetlands and resource area. The revised areas are shown on the plan presented dated 4/14/16. Mr. Lotti discussed that in some portions of the site they will pull out of the Riverfront Protection area and move to an area which is disturbed already. There will be an increase within the degraded riverfront by approximately 1.0 acres. Drawings were submitted which show the previously disturbed areas they propose to move closer to.

Mr. McCaffery discussed the mitigation area that was approved in the Order will not change, and he discussed there will be stormwater improvements as well.

Ms. Hershey stated she has been on the site and they are proposing to reduce the areas that were approved in the Order of Conditions. There will be a reduction in footprint and she would recommend it be approved as a Minor Modification

Mr. Turner asked what happens to the land which was vacated

Mr. Lotti stated there are no plans to do anything in that area

Mr. Goetz discussed Redevelopment Guidelines and the need to show improvements is required. He stated in keeping with recommendations from DEP he feels they meet the guidelines. Showing improvements to the site in exchange for redeveloping is the most important thing.

**Mr. Goetz made the motion to approve the changes as presented, dated 4/14/16, to be considered a Minor Modification to DEP# 315-1096**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**CONTINUED PUBLIC HEARING  
NOTICE OF INTENT  
PRODUCTION RD. #23& 27 (LOT 14A)  
DEP# 315-1106**

**Opened: 7:15**

Mr. Wiley read the advertisement for this Hearing which was opened April 13, 2016 and continued until this evening.

Mr. Frank Gallagher was present representing the applicant. New plans were received dated 4/21/16.

A letter from the Town Engineer with new comments dated April 26, 2016.were read into the record

Mr. Gallagher, Gallagher Engineering was present representing the applicant, Mr. John DiSangro, who was also present. He stated he submitted revised plans and additional calculations to address concerns from feedback he received at the last meeting with the commission. Mr. Gallagher stated the wetland scientist, Dave Gordon was unable to attend this evening but his report was submitted dated 4/22/16. Mr. Gallagher stated that Mr. Gordon feels it would be more valuable having a One-Year Invasive Species Management Program rather than just an Enhancement Program for mitigation purposes. Notes have been added to the plan depicting the areas involved, and Mr. Gallagher stated Mr. Gordon could work with the conservation agent in identifying what is invasive to eliminate and new plantings to enhance. Mr. Gallagher stated in addition, they are proposing a replication area on Lot 14A to mitigate for the small area requiring fill on Lot 4A. He stated they are proposing 750 square feet of existing upland is proposed to be planted and converted into a vegetated wetland. Replication is greater than 2-1

An Operation and Maintenance plan was also submitted on Monday, and Ms. Hershey added additional items once she reviewed it. All of the drainage will go to stormceptor units prior to discharging to infiltration units. Mr. Gallagher stated they will use deep hooded sumps and sediments will be captured. Best Management Practices have been incorporated.

A discussion was held regarding a previous Order of Conditions for the roadway construction which has lapsed, regarding drainage line issues and the intent to add a stormceptor where it ends. After discussion the applicant will go with what they are proposing in this filing. They understand this need to be addressed and will need to come before the conservation commission.

Ms. Hershey stated the Order can be issued on the lot construction for this filing and they could come back and file an Amendment at a later date if appropriate

Mr. DiSangro stated they would like to finish up with Conservation for these two lots before they meet again with the Planning Board

Ms. Hershey stated she has no additional comments except she would like to add the use of New England Wetland mix for any new proposed plantings

Mr. Gallagher stated the goal is to upgrade what is there currently. He showed the commission the architectural plan they hope to achieve

Mr. DiVirgilio asked if this plan is typical, and he asked about the mitigation plan

Ms. Hershey stated according to the Wetland Protection Act regulations, replication is supposed to occur in the same area. She stated the improvements will be beneficial in this situation as the area has been previously altered; improving the work within the 25 ft. no alteration area. She stated this will lead to improvements to the remaining resource area

Mr. Turner asked about the one-year invasive project. He asked how they would handle seeds and roots that will continually come back

Mr. DiSangro stated Ms. Hershey can inspect and he has no problem taking out whatever she says is invasive

Mr. Gallagher stated the wetland specialist proposed a one year program, and that wetlands mix could help

Ms. Hershey stated it can be a lifetime problem

Mr. Turner stated it should be an ongoing project. He also stated even though they propose putting in deep sumps in the truck area, there still could be issues with oil spills

Mr. Gallagher stated the O&M plan states there will be catch basin inspections twice a year and the commission could condition this

Mr. DiSangro stated he was talking with a developer and asked if the commission had ever heard of oil absorbent socks which hang from the catch basins. This could be an inexpensive way to address the problem. They are then disposed of

Mr. Goetz stated they are used at the Norwood Airport and seem to work somewhat. It is an addition to what is shown on the plan

Ms. Dyer stated she likes the idea that the wetland scientist wants to remove invasives by hand and replace with a wetland mix, although she would rather have the removal of trash a few times a year. The removal of bittersweet sounds futile and not the best use of a huge effort

Mr. Goetz stated the applicant has answered his questions. As far as dealing with invasives, he said an attempt is needed. He doesn't think there ever will be a total elimination of invasives, but to get a large percentage under control is all that can be expected.

Mr. Wiley discussed snow storage.

Mr. Gallagher stated it is all under the same ownership and is a part of the O&M Plan

**Mr. Goetz made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**Closed: 8:05**

The commission discussed special conditions. There will be a first year review and invasives will be cut, and a one- time per year check and removal of invasives shall occur if needed. Oil absorbent socks shall be located in the catch basins with proper disposal. Snow storage shall be removed from site to the appropriate location; and the replication area may include a requirement from Lot 4A

**Mr. Goetz made the motion to approve the Order of Conditions with special conditions**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**CONT. PUBLIC HEARING**

**PRODUCTION RD. #24 & 28**

**LOT 4A**

**DEP# 315-1107**

**OPENED: 8:12**

Mr. Wiley read the Advertisement from the Walpole Times for this Continued Public Hearing.

New Town Engineer comments had been submitted and are the same as the previous hearing for Lot 14A

Mr. Frank Gallagher, Gallagher Engineering was present along with John DiSangro, owner

Mr. Gallagher stated he is proposing the same things as in the previous hearing. Plans were submitted for this lot as well with revision date 4/21/16. A revised O&M plan and Enhancement Plan from the wetland scientist was included as well.

Mr. Gallagher stated this site the isolated wetland is located. They are proposing 350 square ft. of fill on this lot. The enhancement planting will consist of 800 square feet of existing wetland to be planted. He stated the same Invasive Planting Plan for one year is also proposed for this lot as well. Replication of 750 square feet on Lot 14A is being proposed to mitigate for the small amount of fill on this lot. This lot there will be catch basins leading to a small leaching pit. The same conditions including using oil absorbent sock are proposed

Ms. Hershey stated the small isolated wetland is located on this site with more of a pond area on the other side with a berm that separates the two. She stated she normally is the first person to say wetlands should not be filled, but in this instance there is not a lot of vegetation, so she sees no problem filling that area and moving the replication to the other side. Piles will be removed on the other side which will be beneficial.

Mr. DiVirgilio asked if Area B is more of an enhancement rather than a replication and Mr. Gallagher stated that is right.

Mr. Turner stated he has the same comments regarding the invasives as on the previous lot. He stated also it is worthwhile using the oil absorbent socks.

Ms. Dyer stated she appreciated Mr. Gallagher's style of presentation

Mr. Goetz stated the DEP regulations permit filling finger wetlands and also permit replication s that are not on the same lot as long as it is in the same watershed

**Mr. Goetz made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**Closed: 8:22**

The commission discussed special conditions. There will be a first year review and invasives will be cut, and a one- time per year check and removal of invasives shall occur if needed. Oil absorbent socks shall be located in the catch basins with proper disposal. Snow storage shall be removed from the site to the appropriate location; replication shall be allowed on Lot 14A; and the overflow drain going to the roadway will need to be addressed to the satisfaction of the Town Engineer

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

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

#### **ENFORCEMENT ORDER**

##### **OLMSTED ESTATES**

Ms. Hershey stated while out doing inspections, she noticed activity had occurred along the cart path to the Roscommon side. She showed photographs showing deep tire ruts through the standing water located along the edge of the vernal pool. Ms. Hershey spoke with the contractor on site and sent an email to the owners, Tom Liddy of Lucas Environmental and John Glossa, Glossa Engineering. She requested a restoration plan and for them to add additional erosion controls. Ms. Hershey checked the Order of Conditions and there was no approval to use the cart path for access.

Mr. McEntee was present and apologized to the commission. He, along with Tom Liddy went onsite and oversaw the restoration of the path. He stated no equipment was used for the restoration.

Ms. Hershey stated now that it is blocked off the vegetation will migrate back in.

#### **ROSCOMMON SUBDIVISION**

##### **ORDER OF CONDITIONS**

**DEP# 315-1094**

The commission discussed boiler plate and customized special conditions to be included in the Order of Conditions. A draft Order had been sent to the commission for review prior. Separate lots which will require their own Notice of Intent were added to the conditions. Final revision date for this plan is April 6, 2016

**Ms. Dyer made the motion to approve and issue an Order of Conditions with special conditions**

**Mr. DiVirgilio seconded the motion**

**Vote: 4-0-2 (Mr. Finnigan and Mr. Goetz abstained)**

#### **BOARD COMMENTS**

Planning Board – Roscommon (re-file)- The commission has closed the Public Hearing and approved an Order of Conditions. The Planning Board will be given a copy once it is issued

Planning Board – Summer St. (Boyden Estates re-file) – The conservation commission submitted a copy of the approved Order of Conditions to the Planning Board

#### **ENFORCEMENT ORDER**

NORTHRIDGE FARM SUBDIVISION – Ms. Hershey stated she is still waiting for the redesign of the basin

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

**Mr. DiVirgilio seconded the motion**

**Vote: 6-0-0**

**Meeting closed: 9:30**