

CONSERVATION COMMISSION

MINUTES

(Approved 9/10/14)

AUGUST 13, 2014

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

E. DiVirgilio, B. Dyer, R. Turner, D. Sullivan,

Absent: G. Riggott, J. Finnigan

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

CONT. PUBLIC HEARING
MAIN ST. #1324-1336 (CUMBERLAND FARMS)
DEP# 315-1058

Opened: 7:00

Mr. Wiley read the advertisement from the Walpole Times into the record.

Mr. Wiley read a letter from the applicant's representative dated July 14, 2014, requesting a continuance of the Public Hearing until September 10, 2014

Mr. Goetz made the motion to continue the Public Hearing until September 10, 2014 at 7:00 p.m.
Ms. Dyer seconded the motion
Vote: 6-0-0

PUBLIC HEARING
NOTICE OF INTENT
WASHINGTON ST. LOTS A1/A2
DEP# 315-1060

Opened: 7:05

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

Mr. Wiley read board comments into the record. Tax information was read into the record.

Attorney Pasquale Straccia was present representing the applicant. Plans were submitted entitled "Conservation Plan Property Joseph C and Charlotte L. Brooks 1915 Washington St." dated 4/23/14. Attorney Straccia stated the plan is for construction of a single family dwelling, driveway, grading, tree

removal and utilities within 100 ft. of BVW. He stated the wetlands are in the back of the lot and no construction will interfere in the wetland area.

Ms. Hershey stated she has walked the wetland line with the representative and has no issues. She stated this construction is not considered in the riverfront area because it is a dammed pond. Ms. Hershey stated a construction entrance should be on the plan and the location of the roof water infiltration galleys need to be shown on the final plan as well.

Mr. Turner stated there should be access to the pond in case of need.

Ms. Dyer asked if the existing grass extends to the wetland border and is the plan to maintain it to the wetlands

Attorney Straccia stated there will be no disturbance in that area, it will be left as is.

Mr. Goetz asked if test pits had been done to see if it is the right place for a foundation to go in. He discussed his concern that it may not work well there.

Mr. Wiley stated it can be put in notes on the plan that the foundation will be two ft. above groundwater

Mr. Wiley asked for questions or comments from the audience

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 7:20

The commission discussed special conditions to include confirmation of the groundwater level, no-disturb plaques shall be placed along the 25 ft. no alteration line where the post and rail fence is. These shall be extended along the other property line as well. Detail of construction entrance shall be shown on the plan and street sweeping will occur as needed. Revised plans are needed prior to issuance of an Order of Conditions.

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

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC HEARING

NOTICE OF INTENT

WALDEN DR. #43

DEP# 315-1061

Opened: 7:28

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

Mr. Wiley read board comments into the record. Mr. John Glossa, of Glossa Engineering and Michael Viano, property manager was present.

Plans were presented entitled "Walden Dr .Sewer Extension Plan of Land in Walpole MA" dated April 24, 2014. The proposal is to extend an existing sewer line from the manhole on Walden Dr. through a

utility easement to the edge of the property which will lead into the subdivision. Mr. Glossa stated the idea for this proposal is to bring the sewer into the SunnyRock property without having to dig up the street or disturb the wetlands. The easement area is the best place for this by elevation and also will limit disturbance. Mr. Glossa discussed erosion controls to include silt fence around the limit of work. He also stated that Lucas Environmental flagged the wetlands, and these flags were not part of the previous ANRAD. Mr. Glossa stated the Town Engineer's comments will be addressed and a gate can be put in for access to the utility easement as a safety concern. Mr. Glossa stated a dewatering plan can be put in the Order of Conditions, and the site will be loamed and seeded upon completion.

Ms. Hershey stated she has been on site and feels comfortable with Lucas Environmental delineating the wetlands even though it was not covered under the ANRAD. She stated her concerns with fill being trucked in and asked why they need to go beyond the sewer main easement with it.

Mr. Glossa stated they are extending beyond it to get a flatter backyard for the homeowner

Ms. Hershey stated that her suggested special conditions are in her report which was given to the board

Mr. Glossa stated he will meet with P.J. Hayes and work out a dewatering plan to submit

Mr. Wiley stated he would like this referenced on the plan as well

Mr. Goetz stated he was acting agent when the sewer main was installed and that there are considerable water issues. He stated he wants to make sure the contractor is aware of issues and there will be groundwater even during dry times.

Mr. Wiley stated they need a crushed stone construction entrance pad and street sweeping as needed on the plan.

Mr. Wiley asked for questions or concerns from the audience

Mr. Charles Combs, Covey Rd. inquired whether sewer would be coming down Covey Rd.

Mr. Glossa stated approximately thirty-five (35) houses will connect. He stated Sewer and Water Commission has approved this and that it is sufficient to carry what is being proposed as well as what is there now.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 7:56

The commission discussed special conditions to include four (4) no-disturb plaques along the silt fence line, haybales shall be used for erosion controls, disturbed areas shall be stabilized as soon as possible, and construction pad for access shall be used at construction entrance. Silt sacs shall be installed in the four (4) catch basins on Walden Dr. Revised plans shall be submitted prior to issuance

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

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC HEARING

**NOTICE OF INTENT
OLMSTED ESTATES SUBDIVISION
DEP# 315-1062**

OPENED: 7:58

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

Mr. Wiley read board comments into the record

Mr. John Glossa, Glossa Engineering, Mr. Michael Viano, and homeowners were present. Plans were submitted entitled "Olmsted Estates – A Single Family Subdivision-Walpole MA" dated July 22, 2014. A Stormwater report dated July 21, 2014 was also included in the filing. This proposal is for the construction of a new eleven- lot single family residential subdivision with some work within 100 ft. of a Bordering Vegetated Wetland. Mr. Glossa stated this plan has been re-filed with the Planning Board due to a flaw in the notification of abutters. Mr. Glossa discussed the existing conditions plan.

Mr. Glossa stated the former road stub to the adjacent undeveloped property will widen and extend to the lot to Olmsted Ln. with a cul-de-sac. Frontage will be created off of that for the other lots, with most of the construction being outside the 100 ft. buffer. The proposal is to bring sewer and water in from Fisher St. and Walden Dr. into the subdivision. Mr. Glossa stated he has worked with the Town Engineer to decide the location of the catch basin. Drainage was discussed with the proposal that no sumps are needed as the outlet structure is higher than ground level. Basins will be dry basins and will allow water to build up during storms and then drain. Mr. Glossa stated it will be the responsibility of the owner of the lot to maintain this. A water quality swale will be along the back and edge of wetlands to provide stormwater quality and take the water away from the potential vernal pool that was identified as well. Discharge will occur below the elevation of the vernal pool. Mr. Glossa stated they will rely on rooftop infiltration to put water back into the ground. Mr. Glossa discussed a construction period plan will be put in as a separate sheet to the final plans and will show a stabilized construction entrance, stockpile area and sequence of construction.

Ms. Hershey stated that under the local Bylaw, there is a 25-ft. No Alteration area, and that needs to be identified on the plan as well as the areas where alteration is proposed. She stated she would like the applicant to present to the commission why they want to work within this 25 ft. no alteration area. Ms. Hershey stated in the regulations there are benefits to the no alteration area which needs to be considered. This can be found in her Agent report which will be attached. Ms. Hershey stated the applicant also needs to address TMDL on the stormwater checklist.

Mr. Glossa stated TSS removal will be achieved through catch basins, forebays and water quality swales. Test pits were completed. Mr. Glossa stated a construction period pollution plan, long term pollution plan and O&M plan are included with the plan

Ms. Hershey stated a description of the phasing plan should be included and shown on a plan sheet. She also stated a copy of the SWWPP should go to the commission as well.

Mr. DiVirgilio stated he is not in favor of basins in the 25ft no-disturb area.

Ms. Dyer stated she would like to see the basins regrouped. She stated it is not in the spirit of having a 25ft no alteration zone with large areas in the buffer mowed out.

Mr. Goetz stated his concern is water issues and he would like to be certain the contractor is aware and understands of the existing water issues. He stated it is important he is prepared with a dewatering plan. He also stated he does not want to see a contractor clear-cutting and grubbing the whole area at once.

Mr. Wiley asked for questions or comments from the audience

A discussion was held regarding the detention basin. The commission discussed wanting a site visit to look at the site. They feel there are issues to be resolved and would like to continue the Public Hearing

Mr. Goetz made the motion to continue the Public Hearing until September 10, 2014 at 7:30 p.m.

Ms. Dyer seconded the motion

Vote: 5-0-0

The commission discussed a site visit will be held on August 19, 2014 at 5:15. The commission will meet at 337 Fisher St. This will be posted in the Town Hall.

CONT. PUBLIC HEARING

NOTICE OF INTENT (BYLAW ONLY)

LAND DISTURBANCE PERMIT

ROUTE 1, MAP 53, LOT 34 (CEMETARY)

OPENED: 9:00

Mr. Wiley read the advertisement from the Walpole Times. This Hearing was opened and continued. Revised plans had been submitted to the commission addressing comments and concerns from the previous hearing. Revised plan was dated August 6, 2014

Representing the applicant was Christian Farland, Thompson Farland Inc. and Attorney Ryan Sawyer was also present. This filing is under the local Bylaw only. Mr. Farland stated that a site visit took place on 7/14/14 with commission members. He stated revised plans and a response letter dated 8/6/14 were submitted after he met with the Town Engineer to address comments. Mr. Farland stated the biggest change as shown on the revised plan is they have eliminated the need to fill in the isolated wetlands, which was of concern to the commission. Mr. Farland stated that at the request of the board, fencing is now proposed along Route one to prevent debris on the site and also minimize salt impact. Mr. Farland discussed stormwater management and changes shown on sheets 3 and 4 of the plan.

Ms. Hershey stated they have pulled the work away from the wetlands which was good. She stated she would advise a planting plan be provided as some grading will occur within the 25 ft. no alteration area. Ms. Hershey stated in her conservation report she has recommended conditions and would like the O&M plan be part of the Order of Conditions.

Mr. Turner asked about the detention basin and stated his concerns with salt from the roadway.

Mr. Goetz stated he commends the applicant for separating the replication area and stormwater management. He stated it is not clear on the plan what the outlet from the basin is connected to and where it is going. His other concern is that the small wetland areas will need to be nourished with water every year and he is not sure it is graded well enough to get enough water. He asked about the roadway on site and was satisfied it is gravel as it is a good solution for water to infiltrate through.

Mr. Farland stated the outlet will decrease the amount of water going onto the roadway outlet. He also stated the abutting property will enable enough water to get to those small wetlands as well

Mr. Goetz discussed the steep slope going down from the highway, and whether the erosion controls shown on the plan will provide enough control.

Mr. Farland stated he felt the straw wattles were more environmentally friendly

Ms. Hershey stated it could be a special condition the swale is constructed first

Mr. Wiley discussed no alteration plaques starting on the easterly property line and the commission discussed a total of seven should be on the plan.

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

Mr. Arthur Cook, abutter stated he is an owner adjacent to the property and he was not notified of the Public Hearing.

After reviewing the list of abutters, it showed that notice was sent to the Cook's. The requirement is only that the notice is sent to the abutters, but it is not a requirement that we receive proof they have been received. The Cook's had been on vacation and had their mail picked up, but state no notice was there. Mr. Cook then read a letter to the commission stating his environmental concerns with this property and past DEP involvement.

Mr. Farland stated a Phase I assessment had been done on the property and they are in compliance. He stated if there were problems on the property they would need to address it. Mr. Farland also stated test pits were completed and they went down 17ft with no issues

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 9:47

Special conditions include revised plans prior to issuance shall be received to include no-alteration plaques as located on the plan, the O&M plan shall be included in the Order of Conditions, silt sacs shall be located on Foxhill Dr., the basin shall be constructed first and area stabilized as soon as possible. Temporary erosion controls shall be in place if necessary and the temporary alteration of the no-disturb area shall be revegetated

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

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC HEARING

NOTICE OF INTENT

SPRING ST. Lot A (abutting House#49)

DEP# 315-1059

Opened: 9:58

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

Mr. Wiley read Board comments into the record

Mr. Rob Truax, GLM Engineering was present representing the applicant Mike Roof who was also present. Plans were submitted entitled “Proposed Site Plan Lot A – Spring St. Walpole, MA” and dated June 6, 2014

Mr. Truax stated he came before the board a few months ago informally to discuss whether this proposal for construction of a residential dwelling was a viable one. The property is located behind the Swan Pond Condominium property and is a lot with fully vegetated growth leading up to the edge of water at the rear of the house. The proposal is a two family dwelling with walk out basement. Mr. Truax stated erosion controls of silt barrier and no disturb plaques at the 10 ft. no disturb line would be in place. Mr. Truax stated the sewer and water would tie into Spring St. and leaching areas are located in the back. Haybales will be extended out for a stockpile area during construction as there is no space around the foundation for this. The culvert that leaves the pond has been shown on the plan.

Ms. Hershey asked if there was any History done on the pond as discussed when the representative came in for the informal discussion

Mr. Truax stated he hasn’t but it is his understanding the pond is a man-made one.

Mr. DiVirgilio asked why work could not be at the 25ft no -disturb line instead of requesting 10 ft.

Mr. Truax stated this undeveloped property was bought several years ago when the 10 ft. no disturb area was the norm. It is a very tight lot and is why the request was made a few months ago to see if the commission would entertain this.

Ms. Dyer stated she would like it on record that not all properties purchased prior to the requirement by the commission for a 25ft no-disturb area would be exempt from this requirement so the Bylaw doesn’t get tossed out and ignored

Mr. Wiley asked if there were questions from the audience

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 10:15

The commission discussed special conditions to include a construction entrance pad to be shown on the plan, Town Engineer comments are to be reviewed, and a revised plan will be submitted prior to issuance

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

Ms. Dyer seconded the motion

Vote: 5-0-0

DISCUSSION

16 APPLETREE LANE

Mr. Steve Graveline, Peg Graveline and Dan McKenna of JEM Group, and neighbor Mrs. Coakley were present to discuss their disagreement over whose fiscal responsibility it is for repairs and improvements on AppleTree Ln.

An Order of Conditions was issued by the Conservation Commission. After discussion, the commission was unanimous in agreement that it was the intent and understanding of the commission that work not located on the property would be handled by the Town's maintenance General Order of Conditions, but the applicant would work with them and were responsible for payment.

Mr. Graveline discussed there has been an pre-existing problem with water issues on AppleTree Ln. but JEM group does not want, nor feel it should be their fiscal responsibility to take care of the problem by putting in a costly trench and catch basin. He discussed completing the work on the Order of Conditions and would like the board to consider their situation

Mrs. Coakley discussed her understanding that the responsibility lies on the applicant who altered the wetlands in the first place, and also the dangerous conditions of the soft land in front of her driveway. She discussed that the Town Engineer and Highway Department have both looked at the problem. Ms. Coakley feels either the applicant should pay to fix it or the Town should

After discussion, the commission will consult with Town Counsel if necessary and get back to the applicant

CERTIFICATES OF COMPLIANCE

**NORTH St. #465
DEP# 315-1042**

Ms. Dyer made the motion to issue a Certificate of Compliance with on-going conditions for 465 North St.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

**SUMMER ST. #11
DEP# 315-1009**

Ms. Dyer made the motion to issue a Certificate of Compliance with on-going conditions for 11 Summer St.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

**BROOK ST #17 LOT 4A
DEP# 315-722**

Ms. Dyer made the motion to issue a Certificate of Compliance with on-going conditions for Lot 4A Brook St.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

**NORTH St. LOT 4
DEP# 315-690**

Ms. Dyer made the motion to issue a Certificate of Compliance with on-going conditions for North St. Lot 4

Mr. DiVirgilio seconded the motion

Vote: 5-0-

EXTENSIONS

**BULLARD ST. #255
DEP # 315-971**

**Ms. Dyer made the motion to issue a one-year extension for 255 Bullard St.
Mr. DiVirgilio seconded the motion
Vote: 5-0-0**

**NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL
DEP# 315-974**

**Ms. Dyer made the motion to issue a one-year extension for NCAHS
Mr. DiVirgilio seconded the motion
Vote: 5-0-0**

MINUTES July 9, 2014

**Mr. DiVirgilio made the motion to approve the Minutes for July 9, 2014
Mr. Goetz seconded the motion
Vote: 4-0-1 (Ms. Dyer abstained)**

**PUBLIC NOTICE
WALPOLE PROTECTION BYLAW AND REGULATIONS
PUBLIC NOTICE
STORMWATER EROSION CONTROL BYLAW AND REGULATIONS
OPENED 10:55 & 10:56**

Mr. Wiley read the advertisement from the Walpole Times

The commission reviewed the revisions and additions they had the opportunity to work on since the previous meeting last month.

**Mr. Turner made the motion to close the Public Hearing for the Walpole Protection Bylaw and Regulations and the Stormwater Erosion Control Bylaw and Regulations
Mr. DiVirgilio seconded the motion
Vote: 5-0-0
Closed: 11: 20**

**Mr. DiVirgilio made the motion to accept the changes to the Stormwater Bylaw as discussed
Ms. Dyer seconded the motion
Vote: 5-0-0**

**Mr. DiVirgilio made the motion to accept the changes to the Walpole Protection Bylaw and Regulations as discussed
Ms. Dyer seconded the motion
Vote: 5-0-0**

Mr. Turner made the motion to adjourn
Ms. Dyer seconded the motion
Vote: 5-0-0
Closed: 11:25