

CONSERVATION COMMISSION

**MINUTES
(Approved 3/14/12)**

FEBRUARY 22, 2012

**Present: A. Goetz, Vice Chairman
B.Dyer, D. Adams, R. Turner, S. Sparks, J. Finnigan**

Absent: Jack Wiley

Also Present: L. Hershey, Conservation Agent

MEETING OPENED: 7:00

**CONT. PUBLIC HEARING
NOTICE OF INTENT
SOUTH ST. #400
DEP# 315-985**

Mr. Goetz read the advertisement from the Walpole Times for this Public Hearing which was opened on February 8, 2012 and continued until this evening.

Mr. Goetz read a letter into the record dated February 22, 2012 from the applicant's representative Rob Truax. Mr. Truax requested a continuance of this filing until the next meeting which will be on March 14, 2012. Mr. Truax is preparing a Notice of Intent for 400 South St. and would like to present the whole project at that time.

The commission agreed they would rather see the whole scope of the project and the drainage calculations at once.

**Ms. Dyer made the motion to continue the Public Hearing until March 14, 2012
Mr. Adams seconded the motion
Vote: 6-0-0**

MINUTES

JANUARY 25, 2012

**Ms. Dyer made the motion to approve and accept the Minutes for January 25, 2012
Mr. Finnigan seconded the motion
Vote: 6-0-0**

OTHER BUSINESS

TURNERS POND

The Pond Committee members are requesting a meeting with the conservation commission to come up with a pond level plan for Turners Pond. Ms. Hershey discussed that she is doing some research on elevations and septic fields as well as collecting information on the dams as well. She discussed sending a letter to abutters requesting input. Ms. Hershey will put together a list of elevations to bring to the next meeting. The commission set the time to meet March 28, 2012 at 6:30 p.m.

Buttimer property – Ms. Hershey stated she has heard nothing new on the SunnyRock Farm/Buttimer property

Atlantic Ct. - The commission continued a discussion from previous meetings regarding a view easement

Clarks Pond – The commission received a letter dated 2/21/12 from the Ponds Committee stating they would like to put concrete pads under 4 picnic tables at the new Clarks pond picnic area. They are looking at putting chains with locks around them due to recent vandalism of the picnic tables that were free-standing. The commission discussed having no issues with this and recommends the committee file a Request for Determination of Applicability for this proposed work.

Open Meeting Law Memorandum - Kopelman & Paige sent a memorandum to the Board of Selectmen for all departments to discuss and make sure that Open Meeting Law requirements are being met.

Bird Machine Property – Ms. Hershey received an email from Beals and Thomas, who are proposing to do another round of monitoring wells at the former Bird Machine Company property. There is an open Order of Conditions which includes remediation of the site, and are asking if the commission would require an amendment to this Order or would a new Notice of Intent be necessary. After discussion, the commission feels an amendment would suffice in this situation. Beals and Thomas will be notified that they will be required to notify abutters and advertise for this and a Public Hearing will be scheduled.

ENFORCEMENT ORDERS

EAST ST. #300-324

Ms. Hershey issued an Enforcement Order for work that was done behind property at 300-324 East St. to Mr. Joseph Kelly. Ms. Hershey requested that he be present to discuss the violation with the commission. Mr. Kelly was replacing a broken pipe located in the stream with a new one when Ms. Hershey was notified by an anonymous caller that a backhoe was dredging in the pond. The Water Dept. was also called due to the back up as it was thought there could be a water main break.

Mr. Kelly explained to the board that a clay pipe collapsed and water was backing up into the yards of his neighbors. He said all he did was excavate the muck out of the stream with a backhoe and was replacing the damaged pipe.

The commission discussed that the Wetlands Protection Bylaw was violated and whether fines should be levied.

Ms. Dyer made the motion to ratify the Enforcement Order for violations which occurred at 300-324 East St.

Mr. Turner seconded the motion

Vote: 6-0-0

Ms. Hershey told the commission Mr. Kelly was instructed to put erosion controls around the area and all the work which was started was completed. Mr. Kelly has worked with the commission before and has some knowledge of what is and is not permissible.

Ms. Dyer made the motion to issue a \$100.00 violation fine to Mr. Kelly for violations which occurred in the Wetlands

Mr. Adams seconded the motion

5-1-0 (Mr. Finnigan opposed)

Ms. Dyer made the motion to vacate the Enforcement Order

Mr. Adams seconded the motion

Vote: 6-0-0

MAIN ST. #739

TRITON CAR WASH

739 MAIN ST.

Ms. Hershey stated she received a phone call from DEP enforcement agents regarding Triton Car Wash property located at 739 Main St. She completed a site visit to find that fill is being placed in the buffer zone and within the riverfront area of the Neponset River. There is an opening in the fence on the property and they are creating land where there used to be slope. She also stated the dumpster has been moved and there are changes to the site plan which should not have been done without approval. The commission discussed there has been violations to the Order of Conditions on that site with the filling in the riverfront area. The commission discussed issuing an Enforcement Order and implementing fines.

Mr. Turner made the motion to ratify an Enforcement Order for 739 Main St

Mr. Adams seconded the motion

Vote: 6-0-0

Ms. Hershey will send an Enforcement Order to the owners and board members will check out the site at their convenience prior to the next meeting.

BOARD COMMENTS

The Planning Board is requesting comments regarding the Water Tower on High Plain and Old Post Rd. The board stated this is not in the jurisdiction of the conservation commission

The Planning Board is also requesting comments regarding Articles for the Spring Town Meeting. There are no comments or concerns from the commission

The Zoning Board is requesting comments for 7 Kevin's Way. The board stated that the applicant has a filing scheduled with the conservation commission for March 14, 2012

Correspondence was discussed and available for the commission to review

Mr. Sparks made the motion to adjourn

Mr. Adams seconded the motion

Vote: 6-0-0

Meeting Closed: 9:00