

CONSERVATION COMMISSION

MINUTES (Approved 9/22/10)

SEPTEMBER 8, 2010

Present: J. Wiley, Chairman
A. Goetz, Vice Chairman
B. Dyer, R. Turner, D. Adams

Also Present: L. Hershey, Conservation Agent
P. Smith, Board Secretary

The conservation agent report was given to members

MEETING OPENED: 7:00

PUBLIC HEARING WALPOLE PARK SOUTH 7 WEST ST LAND DISTURBANCE PERMIT

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

Mr. Dan Merrikin, of Merrikin Engineering and Attorney Phil Macchi were present representing applicant Donnell Murphy who was also present

Mr. Wiley read board comments into the record.

Mr. Merrikin presented the commission with plans dated July 1, 2010 as well as the Walpole Park South VIII Stormwater Report also dated July 1, 2010 for a Land Disturbance Permit for proposed work at Walpole Park South. Mr. Merrikin stated this property is located on the corner of Route one and Walpole Park South Rd. and is the last undeveloped site there comprised of triangular section. Mr. Merrikin stated although there is a wetland on the corner of the property, there is no proposal of work in the buffer zone or wetland itself. He also stated the riverfront area has been depicted on the plan and no work will occur in the riparian zone. Mr. Merrikin stated this filing is under the Stormwater management bylaw only. Mr. Merrikin stated the total area to be disturbed is 9.25 acres of land and the building itself will be a 117,200 square foot warehouse/office/retail building and include driveways, parking areas and loading areas. The main access to the building will be off of Route One. Mr. Merrikin discussed the drainage system as being in compliance with DEP regulations and the Stormwater Management Bylaw. He discussed the provision of a long term pollution prevention plan and treatment plan including a TSS removal system. Erosion control measures including

orange snow fence, haybales and silt fence will be installed as well as construction apron for access. An O&M plan has been included. Mr. Merrikin stated this will all be the same level, the soils are good for infiltration and no run-off will escape the park. The goal is heavily designed for infiltration and Mr. Merrikin discussed infiltration basins.

Ms. Hershey asked if there was a phasing sequence for this project and about protection for the slope area

Mr. Merrikin stated that this would happen all at once with no phasing plan. The slope shall be seeded for stabilization measures and documented in the SWWP.

Ms. Hershey stated she would like to see more detail about erosion and sedimentation issues during construction

Mr. Merrikin stated he will meet with the Town Engineer and Ms. Hershey to go over the plans and submit a revised plan to the commission with all issues addressed.

Mr. Turner discussed trash issues and stormwater issues on Route One.

Mr. Merrikin stated it will all be level and run-off will not go onto Route One.

Mr. Goetz stated his concerns regarding the steep slope located by the wetland and washouts during a heavy storm. He stated the stormwater system looks very good.

Mr. Wiley asked about ownership issues regarding the basin maintenance.

Mr. Merrikin stated it is common at this site to have cross easements. It will be recorded that the owners will share the burden of this together.

Mr. Goetz made the motion to continue the Public Hearing until September 22, 2010 at 8:30 p.m.

Ms. Dyer seconded the motion

Vote: 5-0-0

**PUBLIC MEETING
DETERMINATION OF APPLICABILITY
ELM ST. #257**

Opened: 7:45

Mr. Wiley read the advertisement from the Walpole Times.

Mr. Wiley read board comments into the record

Mr. John Glossa, Glossa Engineering was present representing Ann Lang at 257 Elm St. for the proposed replacement of a failed cesspool and installation of a septic tank. This

property abuts Turners Pond. Plans were presented dated July 30, 2010 and reviewed by the commission. Mr. Glossa stated the Board of Health has approved this project and they need a Negative 3 determination to move forward with this. Mr. Glossa discussed there is only one area the leaching bed can be moved to and four to five leaching chambers will be constructed. The cesspool will be abandoned. Mr. Glossa stated haybales will be in place during construction.

Ms. Hershey asked about erosion controls and stockpiling

Mr. Glossa stated the area will only be opened up two to three days and then will be loamed and seeded. No stockpiling will occur.

Mr. Turner stated he knows the property and Mr. Glossa does a great job.

Mr. Goetz stated he thinks this is a great improvement and would like to see the haybales extended

Mr. Wiley stated he would like to see the chambers labeled on the plan and the plan should state that no stockpiling shall occur and excavated materials shall be taken off site.

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

Mr. Goetz made motion to close the Public Meeting

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 7:55

The commission discussed extending the haybales as a special condition, and excavated materials shall be removed off site.

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

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC HEARING

WALMART STORES EAST

550 BOSTON-PROVIDENCE HWY

LAND DISTURBANCE PERMIT FOR AN ADDITION TO AN EXISTING BUILDING

Opened: 8:00

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

Mr. Wiley read board comments into the record

Attorney Phil Macchi was present with Mr. Matt Smith of Bohler Engineering and Ms. Murphy an architect representing Walmart Stores.

Mr. Macchi stated this application for a Land Disturbance Permit is before the conservation commission because although the proposed addition is 30,000 s.f., modifying the parking area exceeds the 40,000 limit to make a land disturbance permit applicable. Mr. Macchi states that Walmart wants to upscale its store and make it a Super Walmart.

Mr. Smith, Engineer with Bohler stated to the commission that the plans submitted and dated 7/16/10, have been prepared under his direction. He discussed a few minor modifications to the plan including a bump-out to the back and side of the store where loading docks will be located. Mr. Smith stated the front parking area is to stay the same and a retaining wall be constructed along the slope at the side of the building. Mr. Smith discussed the removal of some of the grassed area in back and maintaining the existing drainage in back. Mr. Smith discussed drainage will not be changed in the front area of the store, infiltration tests were conducted, proper erosion controls shall be in place and that each stormwater unit will have TSS removal.

Ms. Hershey asked for more information regarding erosion control measures.

Mr. Smith stated the placement of silt sacs in the low points where the slope drains, he discussed haybale placement, and a stockpile area will be shown on the plan. Mr. Smith stated three new stormceptors will be put in. He stated inspection requirements are mandatory after every storm and daily inspections are faxed in for review. Mr. Smith stated that Walmart is required to reach higher standards per EPA for their NPDES permit and if not followed there are substantial penalty provisions

Mr. Goetz discussed the outside storage located on the west side of the building and his concern when the bags of material get broken it gets into the stormwater system. He also discussed the confusion the public has over the entrance to the parking lot. Mr. Goetz mentioned that at one point banking collapsed at the north end of the property and felt the piping system should be inspected in case it was compromised.

Mr. Turner discussed the 25 year storm and rate of rain

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

Ms. Hershey stated this filing is also before the Planning Board and is reviewed by them as well. She is satisfied with the O&M plan and feels the Public Hearing can be closed. She also stated she would like to see revised plans and a final stamped plan should be included in the Order.

Mr. Goetz made the motion to close the Public Hearing
Ms. Dyer seconded the motion

Vote: 5-0-0
Closed: 8:40

Mr. Goetz made the motion to approve the Land Disturbance permit with revised and final stamped plans to be included in the Order

Ms. Dyer seconded the motion

Vote: 5-0-0

MINUTES

Mr. Goetz made the motion to approve the Minutes for August 11, 2010

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC HEARING

ABBREVIATED NOTICE OF INTENT

PEACH ST. #58

OPENED: 8:45

Mr. Wiley read the advertisement from the Walpole Times. Certificate of mailings were accepted

Mr. Wiley read board comments

Mr. John Glossa, of Glossa Engineering was present representing the owner of 58 Peach St., James Bisson. Mr. Glossa stated this application is for the proposed construction of a 996 s.f. house addition and 420 s.f. driveway expansion at 58 Peach St. Mr. Glossa presented plans dated August 19, 2010 to the board. Mr. Glossa stated that Scott Goddard from Carr research flagged the wetlands, and his wetland border report dated August 20, 2010 is included in the filing. Mr. Glossa stated a small portion of work is within 100 ft. buffer of the proposed addition. He stated the garage is at basement floor elevation and is slightly higher than the street grade. A retaining wall will be created to run along the end of the paved driveway. Erosion controls including haybales and silt fence will be located between the edge of work and the wetlands.

Ms. Hershey asked what the plan was for excavated materials

Mr. Glossa stated any excavated materials will be taken off site.

Mr. Goetz asked about the retaining wall

Mr. Glossa stated it will be approximately 5 ½ to 6 ft. tall, made of flat stones and it will taper down.

Mr. Wiley asked for comments or questions from the audience

Mr. Dan Brown, Chairman of Royal Crest Condominiums asked whether this project will affect Rainbow Pond in any way.

Mr. Glossa stated there is a good amount of distance from this home to the condominiums

Ms. Lisa Marie Stearns, Juniper Cir. Major flooding and water issues that occur on Juniper Cir. She is concerned of water back-up issues once land is removed, and if will affect them.

Mr. Glossa stated it is a very small project. He also stated the owner would address any issues should they occur

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 9:05

Special conditions were discussed including the removal of excavated materials off-site

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

Ms. Dyer seconded the motion

Vote: 5-0-0

PUBLIC MEETING

REQUEST FOR DETERMINATION

MAIN ST. #760 (NSTAR)

OPENED: 9:10

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

Mr. Wiley read board comments into the record.

Ms. Sharon Cushing and Kristen Wizmar of NSTAR were present for the filing of a Determination of Applicability for the proposed demolition and replacement of a shed at NSTAR's service center located at 760 Main St. The USGS Map of 760 Main St. is included in the filing along with photographs of the existing shed.

Ms. Cushing stated the intent to replace an existing shed with a new one within the riverfront area and buffer zone. She states it is within 55 ft. of the wetlands and 125 ft. of the Neponset River. She stated haybales would be used as erosion control.

Ms. Hershey asked if the footprint was going to be expanded and Ms. Cushing stated no that the old foundation was simply going to be replaced.

Mr. Turner asked what the shed would be used for and Ms. Cushing stated storage only.

Mr. Goetz stated he has no problem as long as good erosion control measures are in place

Mr. Wiley stated haybales to be used and put as a condition. All excavated material shall be taken off-site, and all debris and remnants of demolition and construction shall be removed from the buffer zone.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 9:15

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

Ms. Dyer seconded the motion

Vote: 5-0-0

CERTIFICATE OF COMPLIANCE

BIRD ESTATES

(PARTIAL, BYLAW ONLY)

DEP 315-468

LEC environmental representative Ms. Ann Marton was present as well as Mr. Jason Witham, representing Toll Bros. Inc. Ms. Hershey stated this partial Certificate is concerning Phase 1 only that includes Basin One. The following conditions will be continued in this Certificate of Compliance: 20, 58,60,63,64,66,69,77 and 79,

Mr. Goetz made the motion to issue a Partial Certificate of Compliance with continuing conditions for maintaining the basin

Ms. Dyer seconded the motion

Vote: 5-0-0

MISTY LN.

DEP# 315-716

The commission discussed the maintenance of the basin and the need to reference ongoing conditions and the subdivision Order of Conditions DEP# 315-699 in the Certificate of Compliance

Mr. Goetz made the motion to issue a Certificate of Compliance

Ms. Dyer seconded the motion

Vote: 5-0-0

Mr. Goetz made the motion to issue an Enforcement Order to the owners of lots 14 and 15 asking them to provide documentation that the stormceptor and drywells located on the properties has been properly maintained per DEP 315-669.

Ms. Dyer seconded the motion

Vote: 5-0-0

A copy of the Order of Conditions will be attached to the Certificate of Compliance

EXTENSIONS

The commission discussed the following extension requests: Lost Brook Trail, Winter Estates, Plimptonville Crossings, Wisteria Ways II, and the Walpole Mall. All of these qualify for automatic two-year extensions for certain land use approvals in existence between August 15, 2008 and August 15, 2010 per the new legislation which was recently passed (Section 173, the permit extension language).

BOARD COMMENTS

The Zoning Board of Appeals and Planning Board have requested comments regarding filings before them for Walpole Park South and Walmart. The commission stated that both of these filings are presently before our Board as well

The Zoning Board of Appeals is requesting comments on 233 Baker St. The owners are discussing putting more fences on the property. The commission stated that a Land Disturbance permit may be required for any additional work.

OLD BUSINESS/NEW BUSINESS/PENDING BUSINESS

The commission discussed the Neponset Dam which is located in the Town Forest at the High School. Mr. Adams discussed the deplorable conditions of the Dam and provided pictures for the commission to view.

ENFORCEMENT ORDER

Tanglewood Dr. #8– Ms. Hershey stated she sent a letter requesting an update from the owners on the work that has been done and as of yet has received no response.

Cedar St. #120 – Ms. Hershey stated the plantings on Cedar St. have been completed

West St. #440, Assured Collision – Ms. Hershey stated the plantings on this property shall commence soon

The following correspondence was discussed and available for the commission to review:

- GZA Environmental – Bird, Inc. landfill report
- NSTAR – Community Outreach Grant

- Tetra Tech Report – Walpole Park South
- Mass Wildlife news
- GES report – 750 main St. (Mobil Service Station)

APPEALS

Frontier Dr. Lot 18. Ms. Hershey stated a letter was received from Town Council regarding that the Judge at Norfolk Superior Court has ruled in the commission's favor on the Bylaw modification appeal

MEETING CLOSED: 10:15