

CONSERVATION COMMISSION

MINUTES (Approved 5/26/10)

MAY 12, 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

Conservation Agent report given to others

Meeting Opened: 7:05

CONT. PUBLIC HEARING LAND DISTURBANCE PERMIT WALPOLE PUBLIC LIBRARY

Opened: 7:05

Mr. Wiley read the advertisement from the Walpole Times. He stated the applicant, via email has requested a continuance for this Public Hearing

**Mr. Goetz made the motion to continue the Public Hearing until
May 26, 2010 at 7:00 p.m.
Ms. Dyer seconded the motion
Vote: 5-0-0**

MINUTES

**Mr. Goetz made the motion to approve and accept the minutes for April 28, 2010
Ms. Dyer seconded the motion
Vote: 5-0-0**

EXTENSIONS

WINTER ESTATES SUBDIVISION 315-889

Ms. Hershey stated we are waiting to hear from Attorney Macchi regarding the extension of the subdivision. It will be put on the next agenda

**DELA POND VILLAGE
DEP# 315-628**

Ms. Hershey stated the owners requested a reduction in fee for the extension of Dela Pond Village, as it is nearly complete

Mr. Goetz made the motion to deny the request for a reduction of fee for this extension

Ms. Dyer seconded the motion

Vote: 5-0-0

Mr. Goetz made the motion to approve and issue a one-year extension

Ms. Dyer seconded the motion

Vote: 5-0-0

OTHER BUSINESS

REORGANIZATION OF CONSERVATION COMMISSION

Mr. Turner made the motion for Mr. Wiley to remain as Chairman of the Conservation Commission and Mr. Goetz to remain as Vice-Chairman.

Mr. Adams seconded the motion

Vote: 5-0-0

OLD BUSINESS

Article 25

The board discussed that Article 25 was voted to be remanded back to the Board of Selectmen during Town Meeting held last week

**PUBLIC MEETING
REQUEST FOR DETERMINATION
ELMCREST CIRCLE #12**

Opened: 7:25

Mr. Wiley read the advertisement from the Walpole Times

Mr. John Glossa, of Glossa Engineering was present representing the applicant

Mr. Wiley read board comments

Mr. Glossa presented plans to the board and discussed the need for a septic system repair located at 12 Elmcrest Cir. He stated the system will be relocated to the front of the house to be further away from Turners Pond. Mr. Glossa stated a small amount of construction will take place to the rear of the house, the installation of a sump chamber. Two rows of leaching chambers will be in the front yard.

Mr. Turner noted that all septic systems in that area are being, or have been, moved to the front of the houses.

Mr. Wiley discussed the 100 ft. buffer

Mr. Goetz stated this project will be a benefit and is only a Determination of Applicability

Ms. Hershey stated the Determination is based on the activity only.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Closed: 8:40

Mr. Goetz made the motion to approve and issue a Negative 3 Determination for 12 Elmcrest Cir.

Ms. Dyer seconded the motion

Vote: 5-0-0

MUNICIPAL WORK ORDER

STONE ST.

DEP 315-683

Ms. Hershey discussed work that is being done on Stone St. under the Municipal Work Order. The order consists of aerating the ball field area with approx. 6" of loam. The commission discussed the importance of seeing some kind of plan or proposal that will explain what work exactly will be done and by whom. If the Town workers are not doing the work then it should not fall under a routine maintenance work order and the applicant should file a notice as it is in the riverfront area. The commission would at least like to have a discussion prior to anymore work being done. The board has instructed Ms. Hershey to advise them to stop work until they meet with the commission

CONT. PUBLIC HEARING

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

COUNTY ST.

DEP# 315-952

Opened: 7:50

Mr. Wiley read the advertisement for this continued Public Hearing from the Walpole times.

Mr. Wiley stated the applicant is not present for this hearing.

The commission discussed revised plans that were submitted by Hancock Assoc. on May 10th.

Ms. Hershey discussed the delineation that Mr. Russ Waldron of AES did as submitted in his report dated April 26, 2010

Ms. Dyer asked about intermittent streams and whether more documentation is needed

Ms. Hershey stated it is an intermittent stream because it does not flow year round and is dry on occasion.

Ms. Hershey stated the commission is able to close the Public Hearing and render a decision although the applicant is not present. She stated she feels the representatives did not think it was necessary to be present because a consensus had been reached with the third party that was hired, and no challenges or changes are necessary.

Mr. Wiley stated to the audience that this filing is just to verify the wetland line. He asked for questions or comments from the audience

Mr. John Coakley, 24 Deborah Dr. stated he had received a copy of Mr. Waldron's report but was having a hard time reading or understanding it. He wanted clarification of the actual ruling by Mr. Waldron.

Mr. Wiley stated the original filing that was presented to the board did not include the wetland area located in the particular area near the Knobel property. He stated the revised plans show what the third party determined the wetland line to be, and the applicant is not disputing this. Mr. Wiley stated that if this plan is approved by the commission this will be the plan of record. If the applicant decides to do any activity on this property the conservation commissions' jurisdiction will include the original plan as well as the new delineation

Mr. Kevin Johnson, 20 Deborah Dr. asked if it means they can build on this property

Mr. Wiley stated they can if they meet specific requirements. He stated the commission has a 25ft. no-disturb zone that they adhere to.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 8:00

Mr. Goetz made the motion to approve the revised plan by Hancock Associates dated May 5, 2010 as the plan of record for the ORAD

Ms. Dyer seconded the motion

Vote: 5-0-0

DISCUSSION

MACDONALD CIRCLE

Mr. Larry Southwood, 42 MacDonald Cir. requested a discussion with the conservation commission along with his neighbors over continuing flooding issues which they feel is caused by blockage in the outflow pipe at 102 Norfolk St. Mr. Southwood presented hand-outs to the commission with a history of events which have occurred over the years. The neighbors are requesting the Town of Walpole evaluate the situation and assist in a possible solution, or at least guidance. Mr. Southwood expressed appreciation that Ms. Hershey was the only one who responded to the correspondence that has been sent to numerous departments in Town regarding these concerns.

A discussion regarding the outflow and obstruction issues took place between the commission and Mr. Southwood, who stated that the neighbors have been greatly impacted when the outflow pipe in the dam is blocked

Mr. Wiley discussed that the pipe is located on private property and that prohibits access. He stated the town has an easement and put the pipe onto this property, and it is not a conservation issue.

Ms. Hershey discussed that this is most likely a civil issue and the homeowner of 102 Norfolk St. is not present

Mr. Howard Hughes, of MacDonald Cir. stated this is a deeded wetland and he wants to know if the commission has jurisdiction. Mr. Hughes discussed that when debris was found in the wetlands on his property he was told to remove it. He discussed that since the flow is being obstructed the commission should have authority.

Mr. Wiley stated the debris on Mr. Hughes property was material which was dumped illegally.

Mr. Ken Southwood, MacDonald Cir. discussed that there was never a pipe from the pond until 1985

Ms. Hershey pointed out that the handout Mr. Southwood gave the board references the pipe in 1974

Mr. Wiley discussed it is unfortunate that this cannot be resolved within the neighborhood, and unless the town has an easement to get to the pipe the commission would have a problem doing anything. He also discussed talking to Mr. Jones, the owner of 102 Norfolk St.

Mr. Bill Manning, 37 MacDonald Cir. Discussed the outflow pipe which goes into a stream, and what responsibilities does the commission have

Mr. Wiley stated that the commission does have jurisdiction when there is new construction, but can not go back years ago.

**CONT. PUBLIC HEARING
NOTICE OF INTENT
MAIN ST # 600
DEP# 315-956**

Opened: 9:01

Mr. Wiley read the advertisement from the Walpole Times for this continued Public Hearing

Mr. Dan Merrikin, Merrikin Engineering was present representing the applicant, Michael Gallagher who was also present. Attorney Jim Brady was also present.

Mr. Wiley read new board comments into the record

Mr. Merrikin stated revisions have been made to the plans per conservation comments and other boards as well. He stated two new catch basins have been included and a second trench drain will be placed around the driveway area which will help prevent run-off onto Gill St. Mr. Merrikin stated revised calculations and stormwater report as well as a landscape plan has been provided. Mr. Merrikin also provided a letter showing a cut sheet provision. Mr. Merrikin stated the dumpster has been relocated to a new location further away from the entrance to the site. No-alteration plaques have been shown on the plan at the commissions request from the last meeting.

The commission discussed the placement of the no-alteration plaques.

Mr. Merrikin stated an O&M plan has been provided as a separate document so it can be attached to the Order of Conditions.

**Mr. Goetz made motion to close the Public Hearing
Ms. Dyer seconded the motion
Vote: 5-0-0
Closed: 9:15**

The commission discussed issuing the order once a revised plan showing the second trench drain and plaque change has been received. Ms. Hershey also requested debris be removed that is around the wetland line, and the O&M plan will be attached to the Order of Conditions

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

Ms. Dyer seconded the motion

Vote: 5-0-0

ENFORCEMENT ORDERS

Ms. Hershey stated there is nothing new on either 8 Tanglwood Dr. or 120 Cedar St. at this time.

ASSURED COLLISION

WEST ST. #440

Ms. Hershey stated she noted that at 440 West St. (Assured Collision), vegetation had been cut down along the buffer zone, and advised the owner to stop. She stated fill and grading was occurring within 100ft of the BVW and she told the owner a Notice of Intent needed to be filed for this and mitigation should be included in order to vacate the Enforcement Order.

The commission discussed that the owner was told a Notice needed to be filed by May 24, 2010 in order to get on the agenda for June 9, 2010. This will be noted on the Enforcement Order.

Mr. Goetz made the motion to ratify the Enforcement Order for 440 West St.

Mr. Adams seconded the motion

Vote: 5-0-0

CORRESPONDENCE

The following correspondence was discussed and available for the commissions review;

- TEC Associates- Mass Bay Commuter Rail 2010 Veg. Control Plan
- National Grid letter – Yearly Operational Plan
- Open Meeting Law – Board of Selectmen Letter
- GeoInsight- 1075 Prov. Highway

MEETING CLOSED: 9:45