

# **CONSERVATION COMMISSION**

## **MINUTES (Approved 4/28/10)**

**APRIL 14, 2010**

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

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

The Conservation Agent report was given to members

**MEETING OPENED: 7:00**

### **EXTENSIONS**

#### **BRUSH HILL SUBDIVISION DEP# 315-499**

**Ms. Dyer made the motion to approve and issue a one-year extension  
Mr. Goetz seconded the motion  
Vote: 5-0-0**

#### **BERKELEY DR. LOT 2 DEP# 315-844**

**Mr. Goetz made the motion to approve and issue a one-year extension  
Ms. Dyer seconded the motion  
Vote: 5-0-0**

#### **BERKELEY DR. LOT 3 DEP# 315-832**

**Ms. Dyer made the motion to approve and issue a one-year extension  
Mr. Goetz seconded the motion  
Vote: 5-0-0**

#### **ARLINGTON LN. LOT 11 DEP# 315-830**

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

**Ms. Dyer seconded the motion**  
**Vote: 5-0-0**

**ARLINGTON LN. LOT 17**  
**DEP# 315-843**

**Mr. Goetz made the motion to approve and issue a one-year extension**  
**Ms. Dyer seconded the motion**  
**Vote: 5-0-0**

**ARLINGTON LN. LOT 18**  
**DEP# 315-831**

**Mr. Goetz made the motion to approve and issue a one-year extension**  
**Ms. Dyer seconded the motion**  
**Vote: 5-0-0**

**WINTER ESTATES SUBDIVISION**  
**DEP# 315-889**

The commission discussed holding off on the issuance of an extension until the agent reviews the file to see if the request for an amendment is more appropriate to comply with stormwater regulations. This will go on the next agenda

**WALPOLE COUNTRY CLUB**  
**DEP# 315-839**

The commission discussed holding off on this extension issuance and asking the applicant to come before the board to discuss the work being done

**CERTIFICATE OF COMPLIANCE**

**TIMBERLINE DR. #12**  
**DEP# 315-711**

**Mr. Goetz made motion to approve and issue a partial certificate of compliance with on-going conditions**  
**Ms. Dyer seconded the motion**  
**Vote: 5-0-0**

**ENFORCEMENT ORDERS**

**TANGLEWOOD Dr. #8**

Ms. Hershey discussed on-going issues. The owners have an Order of Conditions and wanted to procede and enclose his deck. Ms. Hershey stated she provided a letter to the

owners with guidelines to help them proceed with the restoration and replication of the wetland area. She stated this will ensure the owner knows what is expected of them and when the completion date is expected. Ms. Hershey stated the work needed to be completed by September 15, 2010 or a new enforcement order with fines of up to \$300 per day per violation would be issued.

## **CEDAR ST. #120**

Ms. Hershey stated the owners are coming before the board tonight with plans that show the paved driveway and parking area.

## **MINUTES**

**MARCH 24, 2010**

**Mr. Goetz made the motion to approve the minutes for March 24, 2010**

**Ms. Dyer seconded the motion**

**Vote – 5-0-0**

## **BOARD COMMENTS**

### **PLANNING BOARD**

Article 30 – Walpole Park South

The commission stated they are waiting for comments and the report from Sewer and Water regarding this Article

Article 25 – Biotech Overlay District

The board discussed that comments which were submitted to the Planning Board were not read at the meeting. The board would like the conservation commission concerns voiced about the overlay

## **CONT. PUBLIC HEARING**

### **COUNTY ST.**

### **ABBREVIATED NOTICE OF DELINIATION**

### **DEP# 315-952**

Mr. Wiley read the advertisement from the Walpole Times into the record for this hearing which has been continued previously.

Mr. Wiley read a letter into the record from Hancock Associates requesting a continuance of this Public Hearing.

Ms. Hershey stated she and the applicant discussed the fact that this is a tough site to get soil samples. They both agreed to have an outside consultant perform the delineation. Mr. Russ Waldron of Applied Ecological Services had flagged the site for a previous client and the applicant agreed to use him for the peer review. Ms. Hershey asked for the board to vote on this.

**Mr. Goetz made the motion to approve the hiring of an outside consultant for a peer review.**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**Mr. Goetz made the motion to continue the Public Hearing until April 28, 2010 at 7:00 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

## **BOARD COMMENTS**

### **LONGVIEW FARMS**

The Planning Board is requesting comments on Longview Farms which is before them for site plan review. The commission discussed they are coming before out board on April 28<sup>th</sup>.

### **LONGVIEW FARM SCENIC ROAD**

Mr. Turner made comments he has issues regarding this issue. He stated this is coming before the historical commission tomorrow night and it is one of the oldest roads in the Town of Walpole. He stated 45 ft. of stone wall is being removed and a lot of trees are proposed to be cut. Mr. Turner will come back and let the board know what is discussed at the meeting and comments can be made at that time.

## **PUBLIC HEARING**

### **WALPOLE PUBLIC LIBRARY**

### **LAND DISTURBANCE PERMIT**

**Opened: 7:50**

Mr. Wiley read the advertisement from the Walpole Times and collected the green cards

Mr. Jim DeVellis of DeVellis Zrein, Inc. was present representing the Town of Walpole

Mr. Wiley read the board comments from the Town Engineer which were pertinent to conservation/drainage issues

Mr. DeVellis presented plans to the commission and is requesting a Land Disturbance Permit. He discussed erosion controls including construction access with crushed stone, ringing the site with silt fence, protection of existing trees, and silt sacs in the catch basins. Mr. DeVellis stated the detention basin is shown on the plan, a construction sequence plan, site prep notes and erosion control measures will be shown on the plan. Mr. DeVellis stated as of yet there is no contractor as it is not out to bid yet. Stormwater management was discussed.

Ms. Hershey stated that it is important the contractor be aware of what the conservation commission wants. She would like more information of how stormwater management and erosion control is going to be handled during construction and how it will be maintained after construction. Ms. Hershey discussed the proposed rain garden, and how roof runoff will be handled in the winter months. She also discussed the need for a dewatering plan to be shown on the plan.

Mr. Goetz stated the need for a contingency plan for when the catch basin fills during a heavy rainstorm like we have recently experienced. He stated this bylaw is meant to put things in place prior to these events. He stated concerns about mud going off-site and feels a silt fence is not sufficient.

Mr. Turner discussed the fact there was a school on site prior and to be aware of any historical things being uncovered.

Mr. DeVellis discussed the remainder of water which comes from roof runoff into the rain garden will go to an underground chamber to a detention basin

Mr. Goetz would like an O & M plan stating the basins and rain garden will be taken care of so they are functioning.

Mr. DeVellis stated the contractor that is hired will come up with a plan and meet with the conservation agent and Town Engineer.

Mr. Wiley would like the maintenance of silt sacs put on the O & M plan as a condition.

The board discussed wanting a revised set up plans showing conservation issues

**Mr. Goetz made the motion to continue the Public Hearing until May 12, 2010 at 7:00 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**PUBLIC HEARING**

**MAIN ST. #600**

**DEP# 315-956**

**Meeting Opened: 8:30**

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

Attorney Jim Brady, applicant Michael Gallagher and Dan Merrikin, Merrikin Engineering was present.

Mr. Wiley read board comments. He stated there are outstanding taxes which have not been paid.

Attorney Brady stated the owner is in a Nursing Home and once the papers are passed the Town will be paid as a priority. He stated he could request a letter be sent to the Treasurers Dept. stating this fact.

Attorney Brady gave an overview of the property. He stated the building is over 100 years old and they have gone before the Historical Society who did not stand in the way of demolishing the building. They are going to provide a written history of the site to give to the Historical Society. Attorney Brady stated the intent of the applicant is to construct a Real Estate office which will look residential to fit in with the neighborhood, but is actually a commercial building. This project is before both the Planning and Zoning Boards at this time as well.

Mr. Merrikin stated the property is comprised of two lots, one being vacant, but will become a single property. He stated the BVW has been flagged, inspected and the delineation has been approved. Mr. Merrikin stated the other resource area is Bordering Land Subject to Flooding (BLSF). A portion of the earthwork will lie within BLSF as shown on the plan. Mr. Merrikin stated a grading scheme has been proposed to preserve the 25ft. no alteration area. It will take minimal work to clean out and preserve. Mr. Merrikin discussed erosion controls including an orange snow fence and filter socks. He provided a stormwater report included in the file as well as an O&M plan, construction and erosion control plan. Mr. Merrikin stated that he has complied with all stormwater standards and per the Town Engineer's comments will be adding a few more catch basins.

Ms. Hershey stated she reviewed the wetlands and agreed with the boundary as delineated. She stated she would like individual sheets provided showing the O & M plan, pollution prevention control and construction sequence to be included in the order

Mr. Turner discussed the rain that flows to the town property and will it increase the water level and flow back on someone else's property

Mr. Goetz discussed concerns about the two catch basins that go into the drain system, and wanted to know where it goes

Mr. Merrikin stated he does not know where the drain line goes but will look into it. He also stated silt sacs will go into the catch basin

Mr. Goetz stated he wants to know where drain line goes and wants to see if it will have negative affect on the street.

Mr. Merrikin stated country drainage. He also discussed the grading of the parking lot being tipped to the back as well as adding the two catch basins to make sure there are no water issues.

Mr. Wiley asked for questions or comments from the audience

Ms. Hershey asked if we could get a commitment from the applicant to take out the trash and debris that looks like it is on Town property.

**Mr. Goetz made the motion to continue the Public Hearing until May 12, 2010 at 8:30**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**PUBLIC MEETING  
REQUEST FOR DETERMINATION  
WASHINGTON ST. SIDEWALKS  
Opened: 9:15**

Mr. Wiley read the ad from the times, certificate of mailings were collected

Mr., Wiley read board comments

Mr. Charlie Quigley, assistant Town Engineer was present representing the town of Walpole. Mr. Quigley spoke of the continuation of this project for the sidewalk repair, and overlay along Washington St. Mr. Quigley stated the work will be done by the State but the Town of Walpole are the engineers of record so we they will have a lot of control over this project. He is requesting a negative 3 determination

Ms. Hershey stated the Town has received a grant for this project otherwise it may have fallen under the general town work order. She stated work is being done within the buffer zone and is an improvement to the sidewalks.

Mr. Turner discussed water issues near the Boyden School.

Mr. Quigley stated a catch basin will be placed in that area. He stated he would rather look at that area as a separate project and not have it included in this filing for a request for determination

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

**Ms. Dyer seconded the motion**

**Vote: 4-0-1 (Mr. Wiley abstained)**

**Closed: 9:25**

Mr. Goetz made the motion to approve and issue a Negative 3 Determination  
Ms. Dyer seconded the motion  
Vote: 4-0-1 (Mr. Wiley abstained)

**PUBLIC HEARING  
NOTICE OF INTENT  
CEDAR ST. #116 & #120 CEDAR ST  
DEP# 315-955**

**OPENED: 9:30**

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

Mr. Wiley read comments to the record

Mr. Rick Merrikin and Attorney William O'Connell were present representing the owners and applicants the Esteves and the Lonergans who were also present.

Mr. Merrikin stated this filing is the result of a request by the conservation commission regarding paving that was done in 2005. An Enforcement order was issued and the owners at 120 Cedar St. were told to file a Notice of Intent at that time and did not. Secondary, this filing is also including the owner of 116 Cedar to pave the remainder of her gravel driveway which includes a small piece that is in the buffer zone. A third issue is a request by the conservation commission to discuss the existing gravel area on 120 Cedar St that has parking which was added in the past.

Mr. Merrikin stated in his opinion the minor additional paving will be advantageous as gravel requires a lot of work to maintain in order to not impact the wetlands. Mr. Merrikin stated the surface has been changed but minimal work was completed, just enough to make the area firmer. Mr. Esteves parks his work truck, plow and minor equipment in that area as well as his boat.

Ms. Hershey stated an E.O. was issued in 2005 because it was paved and a Certificate of Compliance was issued with the continuing condition that it was to remain gravel. She stated an E.O was also issued 2/11/10 for additional parking area and fill in the wetlands off the driveway. The driveway was not expanded from original NOI. The parking area addition was not approved under the Order and she stated it is illegal and should be removed and the area restored back to the way it was.

Mr. Adams stated he agrees with Ms. Hershey

Mr. Turner also stated he agrees it needs to be removed and the area restored

Ms. Dyer stated it is a good clear plan, and also agrees it should be removed



Mr. Goetz stated he would concede with the paving area at 116, but as far as the fill in the wetlands he would be in favor of removing the paving parking area and restore it to the original.

Mr. Wiley states he sees no issues with paving at 116 Cedar St. and approving the area on 120 which was already completed in the past.

Attorney William O'Connell asked if there was any waiver that would be considered or argument he could use to convince the board otherwise.

Mr. Wiley agrees the pavement should be removed and restored.

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

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**Closed: 9:50**

The commission discussed Lot 116 and approving paving the remaining portion of that driveway. The board discussed approving the existing paved driveway on Lot 120 as well.

**Mr. Goetz made motion to approve and issue an Order of Conditions for the pavement of the remaining portion of driveway on Lot 116 and the existing paved driveway on lot 120**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**The commission discussed the removal and restoration of the gravel area for parking will be dealt with under the ongoing Enforcement Order**

**Mr. Goetz made the motion to handle the removal and restoration of the gravel area on Lot 120 under the ongoing Enforcement Order**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

The board discussed special conditions for the Enforcement Order.

All materials will be taken off site of stored outside the 100 ft. buffer zone. The area shall be revegetated with a new restoration plan submitted by October 15, 2010 as approved by the conservation agent. The plantings will be replaced with indigenous trees or shrubs.

Failure to do as above will result in \$300 per day per violation if not completed by 10/15/10

**Mr. Goetz made the motion to reissue the Enforcement Order for 120 Cedar St.**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

## **CORRESPONDENCE**

**The following correspondence was discussed and available for review:**

- CSX right of way – 2010 Yearly Operational Plan
- Mass Wildlife newsletter

The commission discussed a meeting which was held discussing the changes to the Open Meeting Law that was attended by the Board Secretary. These changes will come into affect July 1, 2010

**MEETING CLOSED: 10:15**