

CONSERVATION COMMISSION

**MINUTES
(Approved 3/24/10)**

FEBRUARY 24, 2010

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

Absent: J. Wiley, K. Phelps

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

Conservation Agent report given to members

MEETING OPENED: 7:00

EXTENSIONS

**FRONTIER DR. LOT 18 & 79
DEP # 315-726**

Ms. Hershey stated this request for extension is for the filing for the house and grading which is still in the appeal process. These extensions are under the Bylaw and Town Counsel is recommending the approval of the extensions.

**Ms. Dyer made the motion to approve and issue a one-year extension
Mr. Turner seconded the motion
Vote: 4-0-0**

**FRONTIER DR. LOTS 18 & 79
DEP# 315-867**

Ms. Hershey stated this extension was for the replication area

**Ms. Dyer made the motion to approve and issue a one-year extension
Mr. Turner seconded the motion
Vote: 4-0-0**

**OLD NORTH ST.
DEP# 315-869**

Ms. Dyer made the motion to approve and issue a one-year extension
Mr. Turner seconded the motion
Vote: 4-0-0

MINUTES

JANUARY 13, 2010

Ms. Dyer made the motion to approve and accept the minutes of January 13, 2010
Mr. Turner seconded the motion
Vote: 4-0-0

PUBLIC MEETING

CSX RIGHT-OF-WAY REQUEST FOR DETERMINATION

OPENED: 7:15

Mr. Goetz read the advertisement from the Walpole Times. He stated this hearing was postponed because of a snowstorm that occurred last meeting date.

There was no representative present. The commission discussed the fact that the board does not have much jurisdiction over a project like this and after reviewing the plan decided to approve the Request for Determination

Ms. Dyer made the motion to approve and issue a Negative 3 Determination
Mr. Turner seconded the motion
Vote: 4-0-0

CONT. PUBLIC HEARING COUNTY ST. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD) DEP# 315-952

Opened: 7:30

Mr. Goetz read the advertisement for the continued public hearing for County St. This hearing was opened in December and this is the second continuance.

Mr. John Boardman was present representing the applicant Hancock Associates.

Mr. Boardman stated he has notified abutters from Dover who were inadvertently left off of the abutters list and had not received notice of the hearings. Mr. Boardman gave a brief summary to the board and audience to inform them of the intent of the filing. He

explained the purpose and objective of this filing is to delineate the wetlands. No work is being proposed at this time.

Mr. Goetz asked for questions or comments from the audience pertaining to wetland issues only.

Mr. John McMahon, of County St. in Dover asked for clarification on the size of the area in this filing

Ms. Dyer spoke about the question of the stream, and water issues.

Ms. Hershey stated she still feels the commission should wait until the spring to review these water issues

Ms. Mary Joyce, Deborah Dr. spoke of on-going water issues.

Ms. Hershey stated now that the Stormwater Management Bylaw is in effect these situations can now be looked at.

Ms. Dyer made the motion to continue the Public Hearing until April 7, 2010 at 7:30 p.m.

Mr. Turner seconded the motion

Vote: 4-0-0

**PUBLIC MEETING
REQUEST FOR DETERMINATION
COUNTY ST. MAP 2, BL 15, LOTS 1, 6 & 7**

OPENED: 7:55

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

Mr. Goetz read board comments

Mr. John Boardman, of Hancock Associates was present to discuss County St. and the request to determine if this area falls under the jurisdiction under the Wetlands Protection Act and the Town of Walpole Bylaw. Mr. Boardman stated they are working on the adjacent lot and want to address the issue of the standing water in this area. Mr. Boardman stated that in his observation this area does not qualify as a resource area under the Wetlands Protection Act.

Ms. Hershey stated she had gone out several times to the site and does agree the area does not qualify as BVW, but it is not a standing stream, there is flow.

Mr. Boardman stated that they are unable to find the source of the water.

Mr. Turner stated his concerns with the area and wants to wait until spring to see where the water comes from

Mr. Boardman stated if it is not considered a stream or resource area why wait and that is all the applicants are asking for in this filing

Ms. Hershey stated the site had been previously reviewed under an ANRAD filing, and no resource in this area was found during her site walk

Mr. Goetz asked for questions or comments from the audience

Mr. Kevin Johnson, Deborah Dr. showed the board photographs of the area

Mr. John Coakley, Deborah Dr. stated there is a heavy stream all year long and the board should wait until spring to make the decision

Ms. Hershey stated that the area will be looked at regardless of this particular filing if and when the applicant comes back with a future filing. She also stated that it should be noted any change in the drainage pattern should fall under the Stormwater Management Bylaw.

Ms. Dyer made the motion to approve and issue a Negative Determination

Mr. Adams seconded the motion

Vote: 4-0-0

**PUBLIC MEETING
REQUEST FOR DETERMINATION
WOODRUFF RD. #9**

OPENED: 8:20

Mr. Goetz read the advertisement from the Walpole Times.

Mr. Goetz read board comments

Mr. John Glossa, Glossa Engineering was present representing the applicant. Mr. Glossa stated this filing is for the repair of a failed septic system located at 9 Woodruff Rd. He stated the necessity of this and presented plans to the board showing erosion controls. Mr. Glossa is requesting the board vote a Negative 3 Determination.

Ms. Hershey discussed the location of haybales and also suggested ringing the catch basin and keeping the roadway clean

Ms. Dyer made the motion to approve and issue a Negative 3 Determination

Mr. Turner seconded the motion

Vote: 4-0-0

**PUBLIC HEARING
NOTICE OF INTENT
MILL POND RD. #4
DEP# 315-954**

OPENED: 8:30

Mr. Goetz read ad from paper and collected green cards

Mr. Goetz read board comments

Mr. Paul DeSimone, Colonial Engineering was present representing the applicant Roger Turner who, as a member of the board would abstain from voting

Mr. DeSimone presented revised plans to the commission. Mr. DeSimone stated he had received board comments in advance and addressed these concerns. He stated the filing is for a proposed addition to back of house, construction of a set of stairs and a small shed. Mr. DeSimone stated the flood plain line has been added per engineer comments, the existing driveway goes over the septic system and they will use the driveway for access. He also stated erosion controls will be in place.

Mr. Goetz stated he would recommend the use of straw wattles instead of hay bales

Ms. Hershey stated she has no specific comments. She stated there is not a lot of excavation needed. Ms. Hershey stated a designated clean out area should be indicated on the plan for the cement trucks.

Mr. Goetz stated he would like to see the cement truck washed so substances can't get into pond.

Ms. Hershey made the motion to close the Public Hearing

Mr. Adams seconded the motion

Vote: 3-0-1 (Mr. Turner abstained)

Closed: 8:52

The commission discussed special conditions including the use of straw wattles, and a wash out area for the truck

Ms. Dyer made the motion to approve and issue an Order of Conditions

Mr. Adams seconded the motion

Vote: 3-0-1 (Mr. Turner abstained)

ENFORCEMENT ORDER

120 CEDAR ST

A discussion was held with Mr. Rick Merrikin, Merrikin Engineering, Attorney Bill O'Connell and Mr. and Mrs. Esteves the owners of 120 Cedar St.

Ms. Hershey stated she received a phone call regarding issues with the driveway being enlarged at 120 Cedar St. She showed the board the As-Built from 2003 which show significant changes. In 2005 an Enforcement Order was issued because the owner paved the driveway which was supposed to remain gravel. She stated a fine was issued and the board directed the owner to come back with a Notice of Intent for the work that had been done. It was discovered that this never occurred.

Mr. Merrikin stated that he neglected to file and thought that the fine was paid and it was all set. He apologized for the oversight.

Mr. Esteves stated the driveway was there in both 2003 and 2005, and that plowing is what caused the changes.

Ms. Hershey stated the encroachment has been going on for quite some time now and it keeps getting larger. In the original filing it was a long narrow drive. She reiterated the owner was supposed to file a Notice of Intent.

Attorney O'Connell stated photographs are reflective the driveway was there in 2003 and 2005.

Mr. Goetz stated the As-built plan does not show the parking lot in that spot. He also discussed lifting the blade of the snowplow to prevent the driveway from being affected. Mr. Goetz stated the commission's job is to protect the wetlands. Mr. Goetz stated the owner needs to file a Notice to make the pavement of the driveway comply with what is on the As-built.

Ms. Dyer made the motion to ratify the Enforcement Order

Mr. Adams seconded the motion

Vote: 4-0-0

Ms. Esteves wanted the board to know they have respect for the wetlands and do their part to keep the area surrounding them clean of debris as it can be a dumping spot.

The board discussed that when the filing comes before them they will then discuss other issues which have not been approved by the commission

GENERAL BUSINESS

Ms. Hershey discussed the Open Space Survey that she has put around town and on the web. She is encouraging others to put the word out and get feedback

CORRESPONDENCE

The following correspondence was discussed and available for review:

- Taunton River Grant Program
- GES report – 750 Main St. Mobil Station
- Tetra Tech Rizzo – Walpole Park South
- NSTAR 2010 Operational Plan
- Charles River watershed – Earth Day

MEETING CLOSED: 10:00