

CONSERVATION COMMISSION

MINUTES (Approved 2/24/10)

JANUARY 13, 2010

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

Absent: K. Phelps

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

The Conservation Agent report was given to members

MEETING OPENED: 7:00

Mr. Wiley welcomed new commission member Dick Adams, and Roger Turner who had been an Associate member for many years. Both were recently sworn in as full time members.

EXTENSIONS

FRONTIER DR. LOT 18 & 79 DEP# 315-726 & DEP 315-867

The commission discussed that no action shall be taken on the above request for extensions until the board has direction from Town Counsel.

COMSTOCK WAY, LOT 6 DEP# 315-730

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

CERTIFICATE OF COMPLIANCE

OAK ST. #41 DEP# 315-941

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

Ms. Dyer seconded the motion

Vote: 5-0-0

MINUTES

Ms. Dyer made the motion to approve the minutes from December 9, 2010

Mr. Goetz seconded the motion

Vote: 3-0-2 (Mr. Turner and Mr. Adams abstained from voting as this is their first meeting as voting members)

BOARD COMMENTS

MILLBROOK HOMES

The Planning Board is requesting comments on MillBrook Homes. There are no stormwater issues and the board discussed concerns that restrictions should be put on outside storage and use.

OTHER BUSINESS

The board discussed the yearly evaluation for the Conservation Agent

Mr. Goetz made the motion to approve the performance evaluation for the conservation agent

Ms. Dyer seconded the motion

Vote: 3-0-2 (Mr. Turner and Mr. Adams abstained as new members)

The commission discussed general business

CONT. PUBLIC HEARING

COUNTY ST.

DEP# 315-952

ABREVIATED NOTICE OF RESOURCE AREA DELINEATION

Opened: 7:34

Mr. Wiley read the advertisement from the Walpole Times. This Public Hearing was continued from the December meeting as the commission wanted a site visit of the property. Mr. Wiley stated that commission members visited the site prior to an impending snowstorm.

Mr. John Boardman, of Hancock Associates was present representing the applicant. He presented the commission with a revised site narrative dated 1/12/10, which their wetland scientist Mr. John Dick submitted.

Mr. Boardman stated the wetland boundary had been reviewed by the commission and new plans were given showing data. Mr. Boardman stated the updated transcript submitted by Mr. Dick states the area in question does not qualify as a stream in his opinion

Ms. Hershey stated she did not attend the site visit but has frequently been on site. She stated the A series wetland flags were verified as BVW. She also stated there is no wetland vegetation bordering the area and no BVW up-gradient of the stream so in her opinion it is non-jurisdictional. Ms. Hershey stated she would like to take a better look at the vegetation associated with the stream. She noted there always seems to be standing water and she is still not clear if it is not jurisdictional under the local bylaw. Ms. Hershey stated as far as the local bylaw is concerned, any stream is a protected resource area. Ms. Hershey stated she would recommend the continuance of this hearing until the board can get more information of the stream and vegetation. She also stated this is reviewable under the stormwater bylaw as well.

Mr. Turner stated he concurs with Ms. Hershey and would like to know where all the water is coming from.

Mr. Boardman stated the applicant is anxious to get the resource area delineated and know the boundaries

Ms. Dyer stated her concerns with the water issues as well. She stated she saw what it has done to the neighbor's property. Ms. Dyer concurs with Mr. Turner and Ms. Hershey

Mr. Boardman stated it appears everyone agrees on the A-series flags and they want local jurisdiction over that stream. He asked if it was a resource area or a drainage problem.

Mr. Wiley stated that until we get resolution, we cannot say it is not a resource area. He stated there is vegetation there now and questions where the water is coming from

Mr. Goetz stated we have to make sure that what happens in the future does not make the water issues worse.

Mr. Wiley stated he is comfortable stating the swale is a local jurisdictional stream and he agrees with the A-series flags.

The commission and Mr. Boardman discussed stating the stream is of "undetermined width" could be written into the ORAD so it is understood that the stream is considered under local jurisdiction and that needs to be dealt with when and if this comes back before the commission in a future filing

Mr. Wiley asked for comments or questions from the audience

Mr. John Coakley, of Deborah Dr. and Mr. Dan Nagle was present as abutters. Mr. Coakley asked the commission for the definition of wetlands. He also spoke about the terrible water issues and how constructing a new building would affect this.

Mr. Wiley stated the issue before the board right now is defining the wetlands

Mr. Goetz stated he thinks this decision should wait until the commission gets a better view and make the determination in the spring. He stated it is unclear as to whether this is jurisdictional under the State or just the Local Bylaw. Mr. Goetz discussed the non-ending supply of water.

Mr. Goetz made the motion to continue the Public Hearing until February 24, 2010 at 7:30 p.m.

Ms. Dyer seconded the motion

Vote: 5-0-0

**PUBLIC HEARING
NOTICE OF INTENT
TANGLEWOOD RD. #8
DEP# 315-953**

OPENED: 8:25

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

Mr. Wiley read board comments

Attorney Matthew Watsky was present as counsel and Mr. Scott Goddard, of Carr Research and the applicants Mr. and Ms. Sarkis were also present

Attorney Watsky stated he is here in response to the enforcement issue in the past and gave a brief history for the benefit of the new members.

Mr. Goddard stated he is presenting nothing new from the last meeting where he came before the board to discuss the direction he should take in order to restore the area that the commission took issue with in the past enforcement order. He discussed proposed restoration within the BVW, leaving a small portion to do some restoration. The fill that will be removed will be replaced with wetland soils. Mr. Goddard stated some of the work took place off-site and the neighbors have given written permission for some of the work to take place on their property. He also stated the shed will be relocated out of the wetland and a combination of two different fences will help prevent future problems

Ms. Hershey asked about excess fill and if it would be trucked offsite.

Mr. Goddard stated it would most likely be distributed in areas on-site

Mr. Wiley stated a notation should be put on the plan where the fill would go if it were to remain on-site.

Ms. Hershey stated the applicant should realize that once the areas are restored and replicated, the Order of Conditions will require it has to thrive for at least 2 years and periodic checks could be made. She also stated she would like no-alteration plaques to be put on the fence

Mr. Goetz stated that Mr. Sarkis has redeemed himself by hiring the right people to rectify the issues and move forward

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 5-0-0

Closed: 8:45

The commission discussed special conditions including 3 no-alteration plaques and street cleaning as needed. Revised plans shall be submitted to the commission

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

Ms. Dyer seconded the motion

Vote: 5-0-0

OTHER BUSINESS

ALLIED RECYCLING

The commission discussed a letter received from the Board of Selectmen. Allied Recycling has requested the renewal of their class II and III licenses, and the Board of Selectmen approved this, subject to conditions. They state a plan needs to be submitted to the Board of Selectmen within sixty (60) days showing steps that will be made to achieve stormwater pollution prevention.

The commission held a discussion regarding enforcement issues that have gone on for many years and the involvement of DEP. The board wants to be kept apprised of the ongoing correspondence between Allied and the Board of Selectmen

CORRESPONDENCE

The following correspondence was discussed and available for review

- National grid – 5 yr. Vegetation Management and Yearly Operational Plan
- Capital Budget meeting schedule
- GZA – Bird Landfill groundwater monitoring report
- GZA report – Allen Dam Phase II safety report

- DEP letter- 2050 Main St
- MACC Annual Conference – 2/27/10

The commission discussed cancelling the next scheduled meeting date until February 10, 2010

Mr. Goetz made the motion to cancel the meeting scheduled for 1/27/10

Ms. Dyer seconded the motion

Vote: 5-0-0

MEETING CLOSED: 10:00