

CONSERVATION COMMISSION

MINUTES (approved 1/14/15)

DECEMBER 10, 2014

**Present: J. Wiley, Chairman
A. Goetz, Vice Chairman**

E. DiVirgilio, B. Dyer, R. Turner, J. Finnigan, G. Riggott

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

**PUBLIC HEARING
NOTICE OF INTENT
END OF EASTOVER RD.
DEP #315-1072**

Opened: 7:00

Mr. Wiley read the Advertisement from the Walpole Times. Certificates of mailing were collected

Mr. Wiley read board comments into the record

Mr. Paul Brodmerkle, Site Design Professionals LLC was present representing the applicant KAM Construction. Plans were presented entitled "Site Plan for Proposed Condominiums, Eastover Road in Walpole, MA" dated 10/28/14

Mr. Brodmerkle stated this filing is for the construction of twelve (12) Condominium units located at the end of Eastover Rd. He stated they are beginning the permitting process with conservation because it was a former project with an outstanding Order of Conditions. He stated this is an entirely different project than what was proposed in the past and he wants to work out details with the commission and get back on track. In the previous filing a limited access driveway/stream crossing and wetland replication was permitted. Mr. Brodmerkle stated at that time there were three single family houses and currently there is 20 ft. of common driveway.

Mr. Brodmerkle discussed the applicant would like to pave the driveway/access site. He discussed multiple stormwater management structures and showed their locations on the plan. Mr. Brodmerkle stated the condo units will have walk out basements and the units in front have water quality units. The design is such to recharge the required amounts. He discussed the retaining wall with headwall may need to be reconstructed if the Town Engineer feels the driveway needs to be widened to 24 ft., as the wall won't be sufficient.

Ms. Hershey stated she has reviewed the filing with the Town Engineer. She also reviewed the wetland line with the wetland specialist and found no discrepancies. The original Order was issued in 2000 and a Certificate of Compliance was never issued. Her opinion is that the applicant needs to satisfy that Order. She also stated that since the Order was issued, the standards for stream crossings have changed and the applicant needs to bring it up to current standards. Ms. Hershey discussed concerns with wildlife, and has

other concerns with stormwater as well. Ms. Hershey stated if the wall is reconstructed everything will be torn up and there will be higher walls and a wider driveway so grades will change.

Mr. Riggott asked how much fill will need to be brought in

Mr. Brodmerkle stated thousands of yards will be brought in.

Mr. DiVirgilio asked about the expired Order and if the crossing would change

Ms. Hershey stated there were many questions, the Order has expired, and she is not sure if the crossing will change

Mr. DiVirgilio stated he would like to see the previous Order and what was done and take it from there.

Mr. Turner stated he knows the area and discussed Diamond Pond and the pig farm pond which has a dam. He stated concerns with the dam that had been made larger at one time. He is concerned with runoff as well and what could happen to the East St. pond. He would like to review the plan more closely

Ms. Dyer discussed the replication area along the south side of the stream and asked if it were a functional replication area. If not she said that would be a concern.

Mr. Brodmerkle discussed the replication area and that it is one foot to high which is why it isn't surviving.

Ms. Hershey stated she walked the wetland line with the botanist and the wetland specialist did not flag the replication area as a wetland.

Mr. Brodmerkle stated it should have been constructed lower to the water table

Mr. Goetz asked if the developer is expecting others to build the retaining wall. He would like to see it more specific on the plan and would like double wattles and no haybales are they are not adequate. He also stated he would like to see drainage calcs to ensure the five units are adequately sized. Mr. Goetz stated he doesn't want to approve a plan that doesn't have an adequate wall

Mr. Wiley asked if the stream was intermittent or perennial

Mr. Brodmerkle stated according to USGS it is intermittent but will confirm with other sources

Mr. Wiley asked for questions or comments from the audience

Ms. Lynne Mayberry, Old Diamond St. stated her concerns regarding Diamond Pond as well as the wildlife and nature. Once an area is made impervious you can never get it back, and it could have a big impact on Diamond Pond. She discussed the property involved is the only recharge area for that part of the pond.

Mr. Wiley stated there are lots of questions and more detail regarding the retaining wall and inspections of the cultec units that need to be addressed as well as detail on the pump stations

Mr. John Hasenjaeger, owner of the property was present and discussed some of the history of this project. He stated many inspections were completed by the conservation commission and although the

work was completed he neglected to request a Certificate of Compliance. There were no as-built plans submitted as it was not required at that time.

Mr. Wiley stated that he recalls discussing the replication area in the original Order, and the commission wanted to watch to see if there would be growth. It is apparent that it doesn't function well as a wetland. Mr. Wiley stated the applicant should get together with Ms. Hershey and the Town Engineer to work things out and get direction.

Ms. Hershey stated it is her recommendation to satisfy the outstanding Order first. She reiterated the crossing needs to be updated as well. Ms. Hershey reviewed the Order and stated an As-Built was required at that time.

Mr. Goetz made the motion to continue the Public Hearing until January 14, 2015

Ms. Dyer seconded the motion

Vote: 7-0-0

PUBLIC MEETING

REQUEST FOR DETERMINATION

MAIN ST. #1339-1357 (RICO'S PIZZA & SUBS)

Opened: 7:50

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

Mr. Wiley read board comments into the record

Mr. Dan Merrikin, Merrikin Engineering was present representing the applicant. The owners of Rico's Pizza and Subs were also present. Mr. Merrikin presented plans entitled "1339-1337 Main St. Plan of Land in Walpole MA" dated 11/3/14

Mr. Merrikin stated the applicants plan to move across the street from their present location as it has been sold to Cumberland Farms. There is some work that needs to be completed outside of the new location. The area has been delineated, and the buffer zone and isolated wetland shown on the plan. The only work to occur within the buffer includes a small portion of some fencing. The applicant also plans to have a cooler, dumpster and underground grease trap located outside the buffer.

Ms. Hershey asked if any re-paving would occur. She stated this filing is a Request for Determination and is jurisdictional only under the local Bylaw and not the Wetlands Protection Act. Her main comment is that there is some cleaning up outside that needs to be taken care of; with lots of debris. She stated there is an isolated wetland but not BVW.

Mr. Merrikin stated no paving is proposed

Ms. Dyer stated if the construction debris is within the buffer shouldn't the applicant clean it up

Ms. Hershey stated she feels the owner should be responsible and will write a letter to them

Mr. Goetz made the motion to close the Public Meeting

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 8:03

Mr. Goetz made the motion to approve and issue a Negative 6 Determination
Ms. Dyer seconded the motion
Vote: 7-0-0

CONT. PUBLIC HEARING

DAYLILY LN. LOT 24 315-1067
DAYLILY LN. LOT 25 315-1068
Opened: 8:05

Mr. Wiley read the advertisement from the Walpole Times for these Hearings which were continued from November 12, 2014

Mr. Wiley read a letter into the record given to the commission this morning from the applicant requesting a continuance of these two Hearings until January 14, 2015

Mr. Goetz made the motion to continue the Public Hearings for Lot 24 and 25 Daylily Ln. until January 14, 2015 at 7:00 and 7:01 p.m.
Ms. Dyer seconded the motion
Vote: 7-0-0

CERTIFICATE OF COMPLIANCE

NORFOLK ST. DRAINAGE PROJECT
DEP# 315-1014

Ms. Walker, Town Engineer was present. She stated the new piping on Norfolk St. has been completed. Ms. Hershey stated she has been out on the site with Ms. Walker and has no issues. She stated as As-Built plan was submitted with the request for a Certificate of Compliance

Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 7-0-0

DISCUSSION **LAND DONATION –NEPONSET ST.**

Ms. Stacy Minihane, Beals and Thomas came before the board representing Baker Hughes, owner of the former Bird Machine property located on Neponset ST. She presented a plan for the commission to review. Baker Hughes is interested in seeing if the commission would be interested in accepting approximately twenty-five acre parcel as either a land donation or putting a conservation restriction on it. She showed areas on the map which are being considered.

The commission discussed concerns of potential contamination issues. Receiving a certification statement from an LSP was discussed.

Ms. Hershey asked if it abuts existing land and has some potential for open space/recreation, would the commission be interested. She spoke with Board of Health and the fact that it should be certified by an LSP, and the lines of communication with Town Boards and Administration are imperative.

After discussion, the commission showed interest. Mr. Riggott stated he is familiar with the area and there is potential, especially on the West parcel.

Ms. Minihane discussed Baker Hughes in the process of evaluating the land now and she will express the commission interest. They are running numbers to see which option works better for them financially. She discussed it appears they are leaning toward a Land Donation over a CR. Baker Hughes also is showing interest in a donation on the East parcel as well.

Mr. Goetz discussed the importance of looking toward the future and protecting areas in town.

Mr. Wiley discussed this all needs to go through the Board of Selectmen, the site needs to be cleaned up and he'd like to see where the easement is located.

CERTIFICATE OF COMPLIANCE

NEPONSET ST. #100 DEP # 315-924

Ms. Stacy Minihane stated the work approved in this particular Order of Conditions was never completed as it did not need to be done. She is requesting the Certificate of Conditions be issued accordingly.

Mr. Goetz made the motion to issue a Certificate of Compliance for an invalid Order
Ms. Dyer seconded the motion
Vote: 7-0-0

NEPONSET ST. #100 DEP# 315-903

Ms. Minihane stated the Professional Engineer has created an as-built plan for the activity which was completed for the above referenced site under DEP# 315-903. She stated nothing else is being proposed on this site and is requesting a Certificate of Compliance

Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 7-0-0

ARLINGTON LN. #24 DEP# 315-1013

Ms. Hershey stated this site is ready for a Certificate to be issued

Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 7-0-0

BERKELEY DR. #11 DEP# 315-832

Ms. Hershey stated this is ready for a Certificate to be issued

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

Ms. Dyer seconded the motion
Vote: 7-0-0

MILL POND RD. #4
DEP# 315-954

Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 6-0-1 (Mr. Turner abstained)

WAGON RD. #27
DEP# 315-452

Ms. Hershey stated this request is for an old Order of Conditions which has expired. No as-built plan was required when the Order was issued. She stated it was certified the work was completed per the Order and has no issues with issuing a Certificate of Compliance

Mr. Goetz made the motion to approve and issue a Certificate of Compliance with conditions
Ms. Dyer seconded the motion
Vote: 7-0-0

EXTENSIONS

LOT 6 COMSTOCK WAY
DEP# 315-730

Ms. Hershey stated this is the last lot towards the end of the cul-de-sac and was recently purchased by Sean Smith. He is requesting an extension as the Order expires in February

Mr. Goetz made the motion to approve and issue a one-year extension
Ms. Dyer seconded the motion
Vote: 7-0-0

TOWN MUNICIPAL ORDER
DEP 315-683

Mr. Goetz made the motion to approve a one-year extension for the Town's Municipal work order
Ms. Dyer seconded the motion
Vote: 7-0-0

MINUTES

November 12, 2014

Mr. Goetz made the motion to approve the Minutes for November 12, 2014
Ms. Dyer seconded the motion
Vote: 7-0-0

2015 MEETING DATES

The commission reviewed the proposed 2015 Meeting Dates. These will be posted once approved
Mr. Goetz voted to approve the 2015 Conservation Commission Meeting dates as noted

Ms. Dyer seconded the motion

Vote: 7-0-0

OTHER BUSINESS

Ms. Hershey informed the commission that the Ponds Committee is requesting that they be allowed to move eight rocks located at Turner Pond. They would like them moved for plowing purposes

Mr. Goetz made the motion to allow the rocks to be moved at Turner Pond

Ms. Dyer seconded the motion

Vote: 7-0-0

ENFORCEMENT ORDERS

INDUSTRIAL RD. #33 – status quo

WEST ST. PARKING LOT – Mr. Finnigan stated he has notice broken asphalt in the parking lot on West St. and has concerns that snow plowing can get pushed into Neponset River. The commission discussed a letter being sent to the owner, as this has happened in the past as well. A violation could be issued if snow gets plowed into the Neponset and fines could be issued.

Mr. Turner discussed issues at the end of Mill Pond Rd. towards the upper dam that he would like Ms. Hershey to check out

APPEALS

FRONTIER DR.

Ms. Hershey told the commission the wetland line was being delineated last week and DEP was there as well. They are supposed to be putting the wetland line on a new plan, but she has seen nothing as of yet.

BOARD COMMENTS

The Following correspondence was discussed and available to review:

- Providence Highway #2255 – Landscape Depot, Inc.
- National Grid – Yearly Operational Plan

Mr. Riggott made the motion to adjourn

Mr. DiVirgilio seconded the motion

Vote 7-0-0

MEETING CLOSED: 9:30

