

CONSERVATION COMMISSION

MINUTES (Approved 1/27/16)

JANUARY 13, 2016

**Present: J. Wiley, Chairman, A. Goetz, Vice Chairman
B. Dyer, R. Turner, J. Finnigan,**

Absent: K. Watson

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to the board

This meeting was televised and additional information can be found on walpolemedia.tv

**PUBLIC HEARING
LEAGUE SCHOOL
300 MOOSEHILL RD.
AMENDMENT/EXTENSION
DEP# 315-1006**

Opened: 7:00

Mr. Wiley read the advertisement from the Walpole Times into the record. No abutters were notified

The applicant stated they would notify abutters if the determination tonight is that it is a major and not minor modification to the plan. They would then come back after notifying abutters

Mr. Wiley read board comments into the record

Mr. Mike Fabbiano, High Point Engineering and applicant Frank Gagliardi of the League School was present.

Mr. Fabbiano stated they are requesting an extension of time as the Order of Conditions was issued and is due to expire in February 2016. He stated he discussed with the conservation agent that although the project is near completion it is still not ready for the issuance of a certificate of compliance. Mr. Fabbiano stated they are still doing work on the property and are requesting an amendment rather than closing out the Order of Conditions and having to reopen it for the same property. He stated they have filed with the Planning Board for site plan approval and they are favorable but are awaiting conservation comments prior to closing.

Mr. Wiley asked the representative to tell the scope of the amendment and the commission can decide if it is major or minor

Mr. Fabbiano stated the existing house located at 250 Moosehill Dr. will be demolished and replaced with the same type. The use will remain the same, but the existing building in its current shape and form was not fit to be remodeled or renovated; it didn't fit overall to what the applicant wanted. The applicant

elected to demolish and replace with one similar to what is next door. This is an improvement to the site overall for stormwater quality and detention improvements.

Plans were submitted entitled “250 Moosehill Road ELC Walpole MA” dated November 12, 2015

Mr. Fabbiano stated the removal and replacement of the building is outside the 100 ft. buffer. Adding a stormwater management basin is within the 100 ft. buffer is an improvement to the site

Ms. Hershey stated when the application came in she thought the applicant was filing as an amendment. She stated she did feel it was appropriate to have it fall under the existing Order of Conditions but felt it should be advertised as an amendment to the order.

Mr. Fabbiano stated DEP policy is to ask the board first for the consideration to follow an Order of Conditions. If the commission finds the changes to be minor they have the right to act on it tonight.

Mr. Wiley stated the Town Engineer stated she has not seen enough information and the hearing would need to be continued.

Mr. Goetz stated the first thing to address is the extension. He then stated if the demolition and replacement of the building was within the jurisdiction of the commission it would be major, but a small amount of change to the site to accommodate a better drainage system, new sewer pipe and pump station are not major changes but improvements. It is a minor change to the project overall.

Mr. Wiley stated he is concerned we don't have a full report from engineering and what changes may be required. Why not notify abutters

Mr. Fabbiano stated a typo was on the plan and is not the design

Ms. Hershey stated the additional work in the 100 ft. buffer is the installation of an infiltration basin. She stated she agrees with the Town Engineer there needs to be more information on the test pits and infiltration.

Mr. Fabbiano stated during construction the area at the elevations was opened up and witnessed. The same data was used within 50 ft. Based on testing with the original proposal he is confident it is similar but could be a contingency with the board if they wanted. Mr. Fabbiano stated there was nothing in the Town Engineers report he felt they couldn't address; this could be a contingency.

Mr. DiVirgilio asked what tips it as to whether something is considered major or minor

Mr. Wiley stated they are looking at the drainage issue

Ms. Hershey asked about the pump house located at the foot of the basin. If it fails where does the failure end up

Mr. Fabbiano stated there is a holding tank with storage up to a day. He stated there are visual and other alarms in place

Mr. Turner discussed the pump station and how it is handled if it fails

Mr. Fabbiano discussed the precautions and alarm system.

Mr. Gagliardi stated the pump company comes twice a year to pump and they have never had any issues. If there is failure it goes to a holding tank and the facility would immediately be closed and the students moved. There is one day of storage as well as a back- up generator

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 6-0-0

Closed: 7:31

The commission discussed that issues can be addressed to the Conservation Agent and Town Engineer. If anything is deemed major at that point, abutters will be noticed and the applicant will need to come back to the commission.

Mr. Finnigan made the motion to consider the changes as discussed as a Minor Modification to the approved Order of Conditions DEP#315-1006

Mr. Goetz seconded the motion

Vote: 6-0-0

Mr. Goetz made the motion to approve and issue a one-year extension to the Order of Conditions 315-1006

Ms. Dyer seconded the motion

Vote: 6-0-0

**PUBLIC HEARING
NOTICE OF INTENT
HIGH ST. #183
DEP# 315-1097**

Opened: 7:35

Mr. Wiley read the advertisement from the Walpole Times. Green cards were not submitted

Mr. Wiley asked for the green cards and Mr. David Johnson of Norwood Engineering stated they were left in the office and would get them to the conservation office in the morning

Mr. Wiley read board comments into the record

Plans were submitted entitled "Site Plan 183 High St. Walpole MA" dated 11/20/15. Mr. Johnson stated this is a Notice of Intent for a single family dwelling. There is one currently on the site within the buffer zone. A new house is proposed, and all but the porch is outside the buffer. Once the new house is completed the old house will be demolished. Mr. Johnson stated there is an existing driveway as well which is not being touched and there is no work in that area. Mr. Johnson stated the 25ft no-disturb zone is being respected and the septic system is located outside the buffer as well. Mr. Johnson stated there will be substantial grading done on the site. Roof runoff will be collected from the driveway and infiltrate into a grassed swale area where existing runoff comes from the site into the BVW. Mr. Johnson stated silt socks as erosion controls will surround the limit of work.

Ms. Hershey stated most of the proposed work is located outside the buffer zone. She stated that the conservation commission likes to have the roof infiltration included and shown on the plan. She stated her recommendation is that sheet flow from the septic system slope toward the rear of the property where it currently goes rather than having more flow into the new swale as the Town Engineer suggested.

Mr. Johnson stated there will be a small berm in place that will act as a level spreader. He stated they can look at providing some grading revisions to get it to sheet towards the back of the lot

Mr. DiVirgilio asked about stockpiling and will it be located outside the buffer

Mr. Johnson stated it will

Mr. Turner asked about the basin and what storm is it designed for

Mr. Johnson stated that it is not designed as it is a single family. He stated calculations of storm events were not done as it is not required. They are taking flow from the driveway and roof and infiltrating. Mr. Johnson stated that water that was previously leaving the site is being held back.

Ms. Dyer discussed the house being demolished and if there are any issues with this

Mr. Johnson stated he does not anticipate any issues. The Demolition will be done through the Board of Health with an affidavit of where material is going

Mr. Goetz wanted to be shown the contours of the basin and asked if the soil at the bottom is suitable for infiltration

Mr. Johnson showed it on the plan and discussed soil logs. He stated five soil tests were completed.

Mr. Goetz stated he agrees that the sheet flow to the back of the land is a good thing

Mr. Wiley stated if half of the roof drain infiltration can go to the Northerly side it can delay flow since neighbors have some concerns

Mr. Johnson stated infiltration can be directed outside the buffer and to the rear

Mr. Wiley asked for questions or comments from the audience

Mr. Field, 17 Metacomet discussed concerns with runoff when there is a lot of rain flowing into the neighbors who have had water in the basement. He also stated concern of tree removal and how it will affect water flow.

Mr. Wiley stated a requirement is that pre and post construction there will be no additional runoff making it worse than what presently exists. It is part of their responsibility and design criteria.

Mr. Johnson stated the existing soils are good and the septic has been working well for over ten years. Calculations are not required

Ms. Hershey stated the representative is correct that for a single family, stormwater standards are not required. She stated that the design of the system should not convey water to someone else's property and that the roof runoff and swale should help with this

Mr. Johnson stated they will be re-directing runoff from the rear of the house over the land to the rear of the site. The driveway runoff will flow over the grass swale to the infiltration basin

Mr. Hunt Bergen, 11 Metacomet St. discussed the size of the house on a knoll and the foundation being put in the ground that already has a high water table. He spoke of concerns with the water table rising, and can this be prevented?

Mr. Johnson stated that the construction of a single family house will not cause much displacement and will not raise a water table

Mr. Hunt discussed concerns with water runoff affects

Mr. Johnson stated that on a site like this the water table will not rise

Mr. Hunt discussed the water table being high in the spring, summer and fall

Mr. Johnson stated it is why it is a wetland

Mr. Bergen discussed the abutters will have to view this house and is there any visual protection.

Mr. Wiley explained this is not a conservation issue

Ms. Lisa Carlson, 199 High St. asked if the conservation agent has gone out to the site to inspect it and look at the wetland flags.

Ms. Hershey stated that normally she goes to the site but the applicant did not contact her so she didn't. She stated she looked at aerials and topography

Ms. Carlson discussed she thought it was customary for a Town agent to review the site and wetlands

Mr. Johnson stated a professional wetland scientist delineated the wetland line

Ms. Carlson stated she looked at the documents by Jon Rockwood and asked about the habitat being affected. Ms. Hershey stated we have maps from the Natural Habitat program and this is not within the natural habitat map. The wetland line appears consistent and has not changed

Mr. Johnson stated the wetlands are not being touched.

Ms. Carlson stated she has same concerns Mr. Field brought up in regards to how the water will flow and is anxious of the ramifications for neighbors in regards to flooding.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 6-0-0

Closed: 8:05

The board discussed special conditions to include making sure all disturbed areas in the buffer zone are hydro -seeded with a tackifier. Roof drainage shall be discharged to the rear of the house rather than the southerly lot line.

The commission discussed revised plans will be required prior to issuance. Mr. Johnson located the green cards and submitted for the file.

Mr. Goetz made the motion to approve and issue an Order of Conditions with special conditions
Ms. Dyer seconded the motion
Vote: 6-0-0

PUBLIC HEARING
NOTICE OF INTENT
8 SKYVIEW DR.
DEP # 315-1098

OPENED: 8:10

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

Mr. Wiley read board comments into the record

Mr. Paul DeSimone of Colonial Engineering, Inc. was present representing the applicant. Plans were submitted entitled "Proposed Pool Plan of Land in Walpole MA" and revised 1/13/16

Mr. DeSimone stated the owners had an existing pool with deck which has been torn down. There is also a retaining wall which they plan to take down as well. He stated the owners want to construct an in-ground pool and tie into the existing patio. Mr. DeSimone stated the project has some work within the 50 ft. buffer including a small retaining wall. Detail has been added to this revised plan. He showed an existing fence on the plan and stated no work will commence past that. Straw wattles will be in place as erosion controls. Mr. DeSimone stated there is no proposal to cut any trees; it is all within an existing lawn. Construction entrance will come in on the left side of the house and stockpiled materials will be outside of the 100 ft. buffer. He stated the owners may wait for a later date to put in the concrete surrounding the pool. Mr. DeSimone stated the field crew was unable to find the water service.

Ms. Hershey stated this house has had a previous filing for the construction of the house and septic system which she reviewed. She also stated under the Wetlands Protection Act the construction of a pool within existing lawn and at least 50 ft. away from wetlands is not subject to any further review. Ms. Hershey stated some of the work falls within the 50 ft. buffer including a two foot retaining wall. She sees no additional impacts and stated the commission usually takes jurisdiction over pools under the Bylaw and standard pool conditions will apply as boilerplate conditions. She stated they could put in the condition that the water service is marked prior to construction

Mr. DiVirgilio asked if plaques should be in place showing no-alteration.

Mr. DeSimone stated they are not in the old Order of Conditions but can be put in this order

Mr. Wiley stated there should be a total of four plaques and he showed Mr. DeSimone the location on the plan

Mr. Turner discussed saltwater pools and his concern

Mr. Wiley asked if there were questions or concerns from the audience

Mr. Goetz made the motion to close the Public Hearing
Ms. Dyer seconded the motion
Vote: 6-0-0
Closed: 8:20

The commission discussed special conditions to include no-alteration plaques. A revised plan will be submitted

Mr. Goetz made the motion to issue an Order of Conditions with special conditions

Ms. Dyer seconded the motion

Vote: 6-0-0

DISCUSSION

WISTERIA WAYS

Mr. Wiley stated a discussion will take place regarding Wisteria Ways II and the Conservation Restriction. He gave an overview on the restriction and explained it was recorded on 12/29/14 with the conservation commission as grantee

Mr. Wiley stated to the audience that there will be some ground rules as far as this discussion is concerned. Items will be read into the record, a discussion amongst the commissioners, the Town Administrator statement and then the audience will have the opportunity for input.

Mr. Wiley referenced a letter dated 12/16/15 received in the office by resident Lara Huempfer and other neighbors. This will be part of the record

Mr. Wiley read a letter into the record from Town Counsel, Kopelman and Paige dated December 9, 2015.

Ms. Hershey referenced a letter from the Attorneys Deutsch/Williams, representing some homeowners dated January 12, 2016.

A discussion ensued among the commissioners as they reviewed Town Counsel's letter and the Conservation Restriction document. Mr. Finnigan referenced a letter he composed on 1/12/16 and stated his opinion that temporary structures are not permissible as he reads the CR

Town Administrator James Johnson discussed he has spoken with many residents as well as Town Counsel and the Conservation Agent. He discussed that ultimately Town Counsel says it is up to the conservation commission to determine if the use of land is or is not impaired. Other issues are private issues among the homeowners and the Homeowner Association

Mr. Wiley asked for comments from the audience

Patricia Danilecki, Gristmill Ln. presented pictures showing the skating structure

Noreen Howard, Lavender Ln. spoke of her concerns with liability with unsupervised kids being dropped off for example. She would have no problems with the rink if she knew she would not be held responsible

Lauren Hamilton, Bridgeview Circle read a letter she composed with her concerns. She discussed issues with pressure treated wood being stored in the field and chemicals leaching into the ground. She discussed traffic, noise, drinking and personal liability. She discussed it is the duty of the commission to enforce the conservation restriction. Ms. Hamilton has concerns regarding her title not being clean

A discussion took place amongst the audience and commissioners regarding passive recreation took place

Mr. Andrew Johnston, Lavender Ln. discussed the rink dimension and asked the commission to remove the order prohibiting the use of the rink as long as they ensure the land will be preserved in its current stated. He discussed the Homeowner Association can figure it out.

Mike Tashjian, Daylily Ln. discussed the neighbors should be the ones to vote.

Dominick Ianno, Redgate Rd. asked if the commission would take a vote on the action

Mr. Wiley discussed the storage of materials and use of pressure treated lumber is not allowed in CR areas and need to be removed.

The commission discussed requesting more information from Town Counsel regarding prohibited use. The board would like clarification prior to making a determination regarding the use of the skating rink.

Mr. DiVirgilio made the motion to continue the enforcement that the rink will not be allowed until the commission hears back from Town Counsel

Mr. Goetz seconded the motion

Vote: 6-0-0

Mr. Johnson, Town Administrator asked the commission if they would vote whether they feel there is an impairment or not to conservation land in having the skating rink

Ms. Dyer made the motion that the skating rink does not impair the conservation interest

Mr. DiVirgilio seconded the motion

Vote: 6-0-0

Mr. Goetz made the motion to continue the discussion until January 27, 2016 at 8:00 p.m.

Ms. Dyer seconded the motion

Vote: 6-0-0

CONTINUED PUBLIC HEARING

NOTICE OF INTENT

ROSCOMMON SUBDIVISION

DEP# 315-1094

Opened: 10:07

Mr. Wiley read the advertisement from the Walpole Times into the record

Mr. Wiley read a new board comment from the Town Engineer into the record

Mr. John Glossa, Glossa Engineering was present along with Tom Liddy, of Lucas Environmental and Dan Gagne of Beals and Thomas

Supplemental revision sheets were provided dated 1/8/16

Mr. Glossa stated on December 7, 2015 he was provided with the stormwater review by Beals and Thomas. He stated the applicant has adequately responded to all the comments in his letter dated January 8, 2016. He responded to questions on the test pit data and stated the locations of the test pits were added to the plan. Mr. Glossa stated calculations were provided and clarified as well

Ms. Hershey stated based on the applicants review, DEP stormwater standards been complied with.

Mr. Glossa stated that he hopes the stormwater issues are off the table, and now they want to focus on the location of the crossing going forward.

Ms. Hershey asked if a 50 ft. no alteration area adjacent to the vernal pool would be possible, as the commission has done this on past projects. She asked if the design would be affected if so

Mr. Glossa stated it would affect the design. He stated if done within the 25ft once the construction was done there would be no negative affect

Ms. Hershey asked if trees or vegetation would be taken down

Mr. Glossa stated yes and they could possibly stay within the 25 ft. It is along the edge and not in a wooded area.

Mr. Liddy stated if a grass berm is at the edge he doesn't see an issue

Ms. Hershey stated a 50 ft. no alteration could still be implemented with the exception of the berm area.

Mr. Glossa stated moving forward in regards to focusing on the crossing, he feels it would be helpful if the commission could walk the site with him. He stated it is all staked out and he can show them why the crossing location is in the best spot. He discussed the stream and how it meanders and it would make the crossing of the stream to the point where they would need to alter the stream bank to install the culvert. Mr. Glossa stated the commission would be able to see what the crossing will look like. He discussed the plan to directional drill the utilities under the wetlands.

Ms. Hershey stated that as far as being a limited project, the applicant should request the Planning Board formally rule on revisions of the project which would protect the wetlands. She stated reasonable alternatives should be presented to the Planning Board which is a DEP policy on limited projects.

Mr. Glossa stated they have asked the Planning Board for waivers including a narrower loam strip, 5 ft. sidewalks and to approve retaining walls and they can ask them to go further and get opinions about relocation or bridge spans

Ms. Hershey would like to see a design showed instead of verbal communication only

Mr. Glossa stated under MGL a bridge has a different set of regulations and inspection and maintenance. Will the Town want to own and maintain it forever is the question.

Ms. Hershey asked if two box culverts could be used. The commission would like you to show alternatives have been looked at and there is no way for the applicant to limit the wetlands fill

Mr. Glossa stated it is he can ask the DPW again. He discussed the difficulty of replicating stream banks and that the commission needs a site visit

Mr. Goetz asked how much water flows through the stream and when

Mr. Glossa stated there are no complaints of flooding in that portion of the site. The wetland is big and flat and absorbs a lot. Most of the flow in that stream is groundwater that comes up; it is not a typical watershed

Mr. Wiley stated concerns with why the crossing couldn't be moved further south and remove the wetland disturbance. It would reduce the amount of Fill. He asked if they are saying the stream bed could not be relocated

Mr. Glossa stated it can, but DEP prefers the stream not being disturbed and a stream bed shouldn't be excavated.

Mr. Wiley stated DEP doesn't like the wetlands disturbed either. The Army Corp was not asked and you say DEP would not like it, but the commission does not know for certain.

Mr. Glossa stated there is a preference that stream beds are not touched. He stated he will get something more definitive to the commission

Mr. Wiley referenced the letter dated 1/8/16 from Mr. Glossa stating there are no areas of flooding at the site or in the adjacent properties

Mr. Glossa showed the watershed plan pointing out the edge of the site and discussed

Mr. Wiley asked for questions or comments from the audience

Mr. Brian D'Angelo referenced the letter from Mr. Glossa. He spoke his concerns with flooding and that there have been issues. Mr. D'Angelo feels the letter is inaccurate and that rainwater does affect the brook. He would like the commission to consider this in formulating this plan

Mr. Joe Morasci, Buckboard Dr. discussed he would like more information about what other development is proposed to occur at Lot 30

Mr. Glossa stated that will be discussed at the Planning Board as the work is not jurisdictional; within 100 ft. of wetlands.

Mr. Viano stated the Conservation Restriction has been drafted and will go before the Planning Board

Ms. Hershey stated it should be shown to conservation

Mr. Wiley asked what the status with the Planning Board was

Mr. Glossa stated they are going before them February 4, 2016

Mr. Wiley asked if the Planning Board made any changes what affect would it have for drainage

Mr. Glossa stated he would be surprised if it changed the results but would be looked at

Mr. Goetz made the motion to continue the Public Hearing until February 24, 2016 at 7:00 P.m.

Ms. Dyer seconded the motion

Vote: 6-0-0

MINUTES

DECEMBER 9, 2015

Ms. Dyer made the motion to approve the Minutes for December 9, 2015

Mr. DiVirgilio seconded the motion

Vote: 5-0-1 (Mr. Finnigan abstained)

OTHER BUSINESS

MINOR MODIFICATION

DAYLILY LANE LOT 24

DEP# 315-1067

Ms. Hershey stated the applicant is requesting a Minor Modification to change the foundation size and add a deck to the rear of the house. The commission discussed this to be a Minor Modification to the approved Order of Conditions and shall be reflected on the As-Built plan

Ms. Dyer made the motion to issue a Minor Modification letter for DEP# 315-1067

Mr. Finnigan seconded the motion

Vote: 6-0-0

MUNICIPAL WORK ORDER

DEP# 315-683

Ms. Hershey stated a work order was submitted to the commission with work to be completed under the Town work order for the parking area at the Turner Lodge

RIVERWALK COMMONS

VEGETATIVE MANAGEMENT PLAN

DEP# 315-579

Ms. Hershey discussed the Board of Trustees for Riverwalk Commons have requested to meet with her to discuss the invasive species management program. She stated they need some guidance and has set up an appointment

BOARD COMMENTS

PLANNING BOARD – 164 Pine St. The commission discussed the plan is a modification moving the roadway and would not impact the wetlands. An Order of Conditions has been approved for this property previously.

ZONING BOARD OF APPEALS – 95 West St. The commission discussed the applicant will need to file a Land Disturbance Permit with the conservation commission for demolition and stormwater management.

PLANNING BOARD – 50-54 High St. – This property is not within our jurisdiction unless the applicant is proposing to alter over 40,000 square feet and would then need a Land Disturbance permit

ENFORCEMENT ORDER
1900 MAIN ST
DEP# 315-1043

Mr. Wiley stated a site visit took place on December 19, 2015 with the Commissioners. A lot of work has been done, and although the site is improved, the owners did not file with the Conservation Commission as required. Work has been done in both the buffer zone and on Town land. Town Administrator, Jim Johnson has asked the Town Engineer to contact Norfolk County Engineering, and it was also discovered there is a tax lien and the property does not have a clear title. The Finance Director is looking into this.

Ms. Dyer made the motion to close the meeting

Mr. Goetz seconded the motion

Vote: 6-0-0

Meeting closed 11:15