

CONSERVATION COMMISSION

MINUTES

(Approved 2/12/14)

January 22, 2014

PRESENT: A. Goetz, Vice Chairman

B. Dyer, R. Turner, D. Adams, E. DiVirgilio

Absent: J. Wiley, J. Finnigan

ALSO PRESENT: L. Hershey, Conservation Agent

Conservation Agent report given to the board

MEETING OPENED: 7:00

CONTINUED PUBLIC HEARING

MAIN ST. #1901 (ALLIED RECYCLING)

NOTICE OF INTENT & LAND DISTURBANCE PERMIT

DEP# 315-1025

Mr. Goetz read the advertisement from the Walpole Times. This Public Hearing has been opened and continued several times.

The applicant, once again, is requesting this Public Hearing to be continued

Ms. Dyer made the motion to continue the Public Hearing until February 26, 2014 at 7:00 p.m.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

OTHER BUSINESS

COMSTOCK WAY LOT 6

Attorney Macchi was present to discuss Lot 6 Comstock Way. The Order of Conditions for this particular lot expires on February 4, 2014. Attorney Macchi is well aware that he had missed the deadline requesting an extension 30 days prior to the expiration. Attorney Macchi has asked the board to consider extending the Order for one year, and in return the owner will be willing to submit an amended plan to extend the no-alteration area from 20 to 25 ft.

After discussion, the board had no problem extending this. Ms. Dyer stated she was happy regarding the amendment that will extend the no alteration area an extra five ft. Once a new plan is received the extension will be issued.

Ms. Dyer made the motion to approve and issue a one-year extension

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

PUBLIC MEETING

REQUEST FOR DETERMINATION

NORTH ST. LOT C

Opened: 7:15

Mr. Goetz read the advertisement from the Walpole Times and Certificates of Mailing were received

Board comments were read into the record

Mr. John Glossa, Glossa Engineering was present representing the applicant. Mr. Glossa stated he will be before the commission with two separate filings for Lot C tonight. This request for Determination is under the local bylaw; and no work is being proposed within the 100 ft. buffer. He stated there are isolated wetlands in front of the property, bordering wetland to the rear of the property, and it appears the isolated wetlands are only jurisdictional under the Town Bylaw according to Lucas Environmental who delineated the wetlands. He stated the area is too small of an area to hold water so no calculations were done.

Ms. Hershey stated an Abbreviated Notice of Resource Area Delineation was already submitted and, that after review, she questions whether the applicant should have filed the separate filings at this time. The boundary has not been verified so it would be difficult to make a determination at this time.

Mr. Glossa stated the owner is trying to do the right thing and the owner has significant costs and would like to reduce them by selling the lots. He stated an after the fact Notice of Intent could be filed if the ANRAD determines the small wetland is under the jurisdiction of the State.

Ms. Dyer stated she feels the filings are premature as they have gone to the trouble of hiring an Outside Consultant. She stated the consultant may not be able to look at the property until the Spring. Ms. Dyer stated the stream as shown on the plan should be considered perennial until otherwise proven to be intermittent.

Mr. DiVirgilio and Mr. Adams concur with Ms. Dyer

Ms. Hershey stated the applicant is not required to file the ANRAD and could choose to look at each lot individually. She spoke with DEP and they said the applicant can file both the ANRAD

and these other two filings concurrently. She stated the commission could request the stream put on the plan

Mr. Glossa stated he agrees with Ms. Dyer that the stream should be considered perennial until it is shown otherwise. He will put it on the plan. Mr. Glossa stated the 200 ft. outer riparian is within the BVW and doesn't exceed that; it is no where near 200 ft.

Mr. Goetz stated the wetland line hasn't been verified and the commission needs to know this before making the decision to determine the buffer zone is accurate. He stated he is willing to concede that the small area on the street is not isolated land subject to flooding. Mr. Goetz stated he would recommend continuing the Public Meeting.

Mr. Glossa stated that he is requesting that the commission find the isolated land is not jurisdictional under the State. He would like to know if Ms. Hershey could take a look at the area.

Mr. Goetz asked for comments or concerns from the audience

Brian D'Angelo, Covey Rd. spoke about the continuous flow of water down North St. especially during the spring

Charles Combs, Covey Rd., discussed that a stream flows through his property with the flow coming out of a lot on North St. with a significant amount of water

Mr. Turner made the motion to continue the Public Meeting until February 12, 2014 at 7:40

Ms. Dyer seconded the motion

Vote: 5-0-0

Public Hearing

Notice of Intent

North St. Lot C (Bylaw only)

Opened: 7:55

Mr. Goetz read the advertisement from the Walpole Times. Certificates of Mailing were received.

Mr. Goetz read board comments into the record

Ms. Hershey stated this Notice of Intent filing is under the Bylaw only because the resource area is in isolated wetlands. Under the Massachusetts Wetland Protection Act this is not jurisdictional. She stated it is confusing because of the pending ANRAD review, but that the board could act on this Notice of Intent under the Bylaw only. Mr. Glossa has submitted calculations certifying the two isolated wetlands are not holding enough volume defined as Land Subject to Flooding under the Wetlands Protection Act, and both she and the Town Engineer concur that the calculations were conclusive

Mr. John Glossa, Glossa Engineering was present representing the applicant. Plans were submitted entitled "Lot C North St. Notice of Intent Plan of Land in Walpole MA" and dated 12/17/13. Mr. Glossa presented the proposed project including the construction of an 80x40 ft. house and a detached 24x24 ft. barn. Mr. Glossa stated the wetlands have been flagged. He discussed the location of the driveway as being shown on the plan, and erosion controls including silt barrier surrounding the isolated wetlands. He stated the utility connection will be with the Municipal water system, and grinder pumps will be used. A meter pit will be shown on a revised plan per comments from the Town Engineer. Mr. Glossa stated that fill will be needed on the wetland side but will stay outside the 25 ft. no disturb. Mr. Glossa stated that rooftop drainage system is shown on the plan along with underground infiltration chambers. He also stated that a footing drain is shown on the plan to keep the basement dry. Erosion controls including silt barriers will be located around the isolated wetland

Ms. Hershey stated the activity is not within 100 ft. of wetlands. She discussed the pitch of the driveway will be headed into the wooded area and isolated wetlands and shouldn't go onto North St.

Mr. Goetz stated there should be fill at the edge of the driveway and riprap may be a good idea

Mr. Glossa stated the area could be stabilized with loam and seed. He stated detail would be put on the revised plan

Mr. Goetz stated there needs to be detail showing protection of the isolated wetland

Ms. Hershey stated no alteration plaques are shown on the plan

Mr. Turner discussed the slope and question of water coming off the driveway onto the lots and his concern the impact it will have

Mr. Glossa stated the design is such that water will shed across the driveway onto the other side as the intent is to spread the drainage

Mr. Goetz asked for questions or comments from the audience

Mr. Brian D'Angelo, Covey Rd. spoke of his concerns with water issues

Ms. Dyer made the motion to close the Public Hearing

Mr. Adams seconded the motion

Vote: 5-0-0

Closed: 8:20

The commission discussed the Order of Conditions shall state that if the wetland delineation changes and affects grading, the applicant will have to come before the commission again if work is to be completed within 100 ft. of wetlands.

Ms. Dyer made the motion to approve and issue an Order of Conditions under the Walpole Wetlands Protection Act Bylaw only

Mr. Goetz seconded the motion

Vote: 5-0-0

PUBLIC HEARING

NOTICE OF INTENT

MAIN ST. #1900

DEP# 315-1043

OPENED: 8:25

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

Mr. Goetz read board comments into the record. He stated the Finance Dept. shows that there are outstanding monies from FY13 owed the Town. Mr. Goetz read a letter stating Prime Engineering has been hired by the applicant as an LSP

Mr. Jay Santos and Melissa Magnusu were present. Ms. Magnusu stated Prime has been hired and will resolve issues with DEP. Plans were submitted entitled "Existing Conditions Plan of Land in Walpole, MA dated 9/10/13 and revised 10/9/13 by Colonial Engineering, Inc.

Ms. Hershey stated that the commission told the applicants to file this Notice for the area which had been altered at 1900 Main St., the additional fence, and other proposed activity. This particular Notice only covers the fence and alteration area. She recommends the applicant submit a written plan or document showing the board how they propose to restore the area

Ms. Magnusu stated they will wait for Prime Engineering to direct and give them recommendations.

Mr. Goetz stated the Hearing needs to be continued until a report from the LSP is submitted before anything else can proceed.

Ms. Dyer made the motion to continue the Public Hearing until March 12, 2014 at 7:00 p.m.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

OTHER BUSINESS

CONSERVATION TRUST FUND

SEXTON FARM RD EASEMENT

Ms. Dyer made the motion to expend \$1600.00 from the existing Conservation Trust Fund to be used for surveying the easement on Sexton Farm Rd.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

PEER REVIEW

The commission received additional information from the outside consultants they are interested in hiring for the Sunnyrock Farm Abbreviated Notice of Resource Area Delineation review.

After discussion and review of the quotes offered by Ivas Environmental and Eco Tec, the board decided Eco Tec would be the best fit for this project

Ms. Dyer made the motion to accept the proposal from Eco Tec as a third party consultant for the Sunnyrock Farm ANRAD

Mr. Adams seconded the motion

Vote: 5-0-0

MINUTES

DECEMBER 11, 2013

Ms. Dyer made the motion to approve the Minutes for December 11, 2013

Mr. Adams seconded the motion

Vote: 5-0-0

JANUARY 8, 2014

Ms. Dyer made the motion to approve the Minutes for January 8, 2014

Mr. Adams seconded the motion

Vote: 5-0-0

BOARD COMMENTS

Zoning Board of Appeals - The Zoning Board has requested comments on Lot 5A, 555 Boston-Providence Highway. The commission discussed, and has no issues with this

Zoning Board of Appeals – The Zoning Board has requested comments on #2 Mikayla's Way. The commission discussed they have no jurisdiction

CERTIFICATE OF COMPLIANCE

MBCR CULVERT REPLACEMENT

DEP# 315-966

Mr. Goetz made the motion to approve and issue an Order of Conditions
Ms. Dyer seconded the motion
Vote: 5-0-0

ENFORCEMENT ORDER
33 INDUSTRIAL RD.
DEP# 315-1012

The commission discussed Borrego's response to the Enforcement letter and response to the fines that were levied by the commission. Borrego had requested a reduction of the fine from \$1200 to \$900 for violations which occurred on site. After discussion the board has denied this request, and will request Borrego attend the next scheduled meeting on February 12th. The commission has revised the enforcement order to include the requirement of a restoration plan, drafted by a wetland specialist, to be submitted prior to their attendance at the meeting on February 12, 2014. The board would like to see how they will correct the damage that has been done to the wetlands.

OTHER BUSINESS
MAIN ST. #1900

The commission received correspondence regarding 1900 Main St. from the Board of Selectmen's office. The conservation commission will inform them that Mr. Santos has removed the fence from town land and the commission is working with him to restore any wetlands which have been altered. The board would like to make sure the LSP hired by Mr. Santos is informing the Town of the work they are doing to assist him in coming into compliance with DEP. The board will let the Board of Selectmen know that an Order of Conditions to pave the parking lot has not been issued until back taxes are paid by the owner. The board is also awaiting a restoration plan. The conservation commission is concerned about the cleanup and would like to be kept noticed of any correspondence regarding this.

CORRESPONDENCE

The following correspondence was discussed and available for the board to review:

- Toll Bros. – Basin 3 Forebay
- BOS letter- 1900 Main St.
- GES report – 750 Main St.

Mr. DiVirgilio made the motion to adjourn
Mr. Goetz seconded the motion
Vote: 5-0-0
Meeting Closed: 9:30