

**CONSERVATION COMMISSION
MINUTES
(Approved 2/10/16)**

JANUARY 27, 2016

Present: A. Goetz, Vice Chairman
R. Turner, B. Dyer, K. Watson, E. DiVirgilio

Absent: J. Wiley, J. Finnigan

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
NOTICE OF INTENT
SUMMER ST. #327
(BOYDEN ESTATES)
DEP# 315-1099**

Opened: 7:00

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

Mr. Goetz read board comments into the record

Plans were submitted entitled “Definitive Subdivision Plan, “Boyden Estates”, Walpole MA” dated December 14, 2015 and a Stormwater Management report dated 12/14/15

Mr. Rob Truax, GLM Engineering was present representing the applicant, Lou Petrozzi, Wall St. Development Corp. who was also present. Mr. Truax stated the proposal is to develop the approximate fifteen (15) acre parcel into seven (7) single-family house lots. The location is 327 Summer St. and two parcels make up the site. There is an existing house and paved driveway on the site and an existing culvert that goes under the driveway. Mr. Truax discussed the existing sewer easement that goes along the driveway from Kevin’s Way to Stoneybrook. He stated wetlands have been flagged by Ecotech. A detention basin is located behind the house and discharges into the wetland. The proposal is to put in a subdivision roadway from Summer St. down the existing driveway and creating a cul-de-sac. Mr. Truax stated there will be seven (7) houses including the existing house, and will include Public water, sewer and utilities. This filing is for the roadway, drainage basin and relocation of the sewer line. Mr. Truax discussed they want to relocate the sewer line to come down the proposed roadway and come in behind Lot four (4), eliminating the easement that goes through Lot five (5). He stated soil testing has been completed. Mr. Truax discussed the proposal of catch basins and manholes in the street and a

retention basin location on Lot four (4). An access roadway will be provided for maintenance. Mr. Truax stated they are staying outside the 25 ft. no disturb from the top of the slope to the basin. Every house will have infiltration for roof runoff except the existing house lot that they are leaving status quo.

Mr. Truax stated they have filed with the Planning Board as well and plan to ask for a waiver for driveway width from them.

Ms. Watson stated that Lots two (2) and six (6) are a strange configuration with a lot of wetlands, and asked if they could be reconfigured.

Mr. Truax stated that they can't reconfigure without eliminating a lot. He stated a wetland replication plan can be in place

Ms. Hershey stated she completed a site visit with the applicant and Mr. Truax, and agreed with the wetlands flagging that was done by EcoTech. She stated the general configuration of the lots and roadway are causing a self-imposed hardship due to the design. Lot two (2) doesn't leave much space for the house and yard because of the wetlands and no-alteration area. Lot six (6) has wetlands in the middle of the front yard. Ms. Hershey agrees with the Town Engineer comment that the twelve (12) inch pipe under the driveway should be replaced and increased with the crossing of the culvert

Mr. Truax discussed concerns as it is mitigating flow now and is leery about enlarging it.

Ms. Hershey discussed wetland replication. She stated that the replication should be 1:1.5 as per the Wetlands Protection Bylaw. She stated she would not suggest putting any replication along the side of the road as typically it does not take as well. She stated there are a few items that are incorrect in the stormwater sheet and need to be revised. She also would like an additional pretreatment BMP to the basin put in.

Mr. Truax will review and correct.

Ms. Hershey stated a Stormwater and Pollution plan during construction needs to be in place and a Land Disturbance filing as well. This can be included in this Notice of Intent with more stormwater detail. She also stated the sewer and stormwater basin easement on the plan is not clear.

Mr. DiVirgilio stated he has the same concerns about the two lots discussed

Mr. Turner asked about the old sewer line and if it will be abandoned or removed

Mr. Truax would prefer to leave and fill but will discuss with Sewer and Water

Mr. Turner discussed calculations of stormwater and asked if it is going into the retention basin. He asked if it was based on the 100 yr. storm

Mr. Truax stated stormwater as well driveway runoff as would go to the retention basin and that calculations were based on 100 yr. storm

Ms. Dyer stated she agrees that Lots two (2) and six (6) are weird and asked if it is about packing as many lots as possible. She stated the role of the Commissioners is to look at this. She stated the two lots will not have desirable yards

Mr. Truax stated the lots will have to come back before the Commission as individual Notice of Intent filings

Ms. Dyer stated years from now these self-imposed hardships come back and people want more yards, pools etc. and she is not happy with Lots two (2) and six (6)

Ms. Hershey stated the comments from the Commission can be put into a letter to the Planning Board as it is the subdivision review that will approved the lot configuration.

Mr. Goetz stated the fact is that storms are different than they were 25 years ago and we are seeing evidence that the infrastructure is not adequate for the increased storms. He spoke of concerns with the crossing with a twelve (12) inch culvert connecting the two wetlands being not adequate. He discussed the need to make sure it is big enough to handle more flow and preventing the roadway from washing out. Mr. Goetz stated he understands the reasoning for the relocation of the sewer line as it is taking up a large piece of a lot, but will the new location have an easement as this is important. He discussed the design of the basin and making sure it is constructed right. Mr. Goetz would like more detail regarding the basin and also what would happen to the water on Lot six (6) as it has a considerable slope. He spoke of high water times and flooding problems and all kinds of issues with stormwater and sewer issues. Mr. Goetz emphasized that lots two (2) and six (6) are going to be self-imposed hardships

Mr. Goetz asked for comments or concerns from the audience regarding conservation issues

Mr. Luke Calcagni, 3 Kevin's Way asked if the cul-de-sac would be public and is there enough room for fire truck access. He asked if the wetlands would be protected

Mr. Truax stated it is Public and that the conservation commission protects the wetlands

Mr. Calcagni asked questions regarding drainage and runoff

Mr. Truax stated site water would go into street drains and basins

Mr. DiVirgilio stated he is not in favor of Lots two (2) and six (6)

Ms. Hershey stated she recommends a continuance in order for the applicant to get more information and address the Commission comments

Mr. DiVirgilio made the motion to continue the Public Hearing until March 9, 2016 at 7:00 p.m.

Ms. Dyer seconded the motion
Vote: 5-0-0

MINUTES

JANUARY 13, 2016

Ms. Dyer made the motion to approve the minutes for January 13, 2016
Mr. DiVirgilio seconded the motion
Vote: 4-0-1 (Ms. Watson abstained)

CERTIFICATE OF COMPLIANCE

WALPOLE MALL
DEP# 315-911

Ms. Hershey stated all has been completed but are waiting for a stormwater maintenance report. She recommends the issuance of a Certificate of Compliance be issued and will be held in the office until it is received. She stated the Town Engineer was all set as well

Ms. Dyer made the motion to approve and issue a Certificate of Compliance with ongoing conditions
Mr. DiVirgilio seconded the motion
Vote: 5-0-0

EXTENSION
COVE POINT WAY #4

Ms. Dyer made the motion to issue a One-Year extension for 4 Cove Point Way
Mr. DiVirgilio seconded the motion
Vote: 5-0-0

OTHER BUSINESS

APPEAL

Ms. Hershey stated the abutters were appealing the Order of Conditions issued by the commission. A site visit was held on 1/27/16 by DEP that she went to. Ms. Hershey stated she was told it will take approximately two months for the review and issuance of a Superseding Order of Conditions

BOARD COMMENTS

PLANNING BOARD – 164 Pine St. A revised plan was received and the roadway was moved slightly from the property line and is outside the buffer. No additional comments

PLANNING BOARD – Jiten Hotel, Route 1. Revised plans were received with a few minor changes after the conservation hearing. There are no additional comments

SITE VISIT

Ms. Hershey discussed that Mr. Glossa was in the office and asked if the commission would go on a site visit now that the alternatives have been staked out. The commission chose February 6, 2016 at 9:00 a.m. as long as that works with Mr. Glossa and the applicants. This will be posted for the Public to be notified

DISCUSSION

Wisteria Ways Conservation Restriction

Ms. Hershey summarized the discussion from the previous conservation meeting. She reached out to Town Counsel and asked for additional information regarding issues that were raised. A letter was received this afternoon from Kopelman and Paige dated 1/27/16 and was given to the board and the audience this evening. She also reminded the audience of the votes taken from last meeting.

A handout from a website www.mybackyardicerink.com was given to the board by Lauren Hamilton with a photograph of the rink on Wisteria Ways with postings by neighbor Andrew Johnston

Ms. Hershey stated a letter from Attorney's office Deutsch/Williams was received in the office dated 1/21/16 representing some of the homeowners

Mr. Goetz discussed that Town Counsel gave information regarding structures and their interpretation of them according to the documents the board is trying to interpret.

The commission discussed the use of light poles are not allowed in conservation restriction land. They also discussed that pressure treated wood with chemicals are bad as far as conservation interest.

Ms. Hamilton discussed the dimensions of the rink and the light pole use being on conservation restriction land

Mr. Johnston also discussed the pressure treated wood and reasoning for size of rink. He discussed it is temporary

Ms. Hershey discussed the board needs to look at what is now, and not what happened in the past and decide what is allowable and set guidelines from there.

Ms. Watson discussed she has looked over the MACC Environmental handbook and they do have guidelines. She discussed the lighting is extensive and prohibited

Mr. DiVirgilio discussed his opinion is to allow the rink but with restrictions

Mr. Turner discussed skating could be considered equivalent of a ballfield in the winter

Ms. Dyer discussed she agreed it is vague and could imply other kinds of recreation as well as ballfields and possibly meeting halfway and scaling down the whole thing

Ms. Hamilton discussed the Zoning Bylaw and that the rink is a structure. She discussed the field is now mowed and has been infringed upon.

Ms. Huempfnr discussed the framework is a structure according to the Zoning Bylaws

Ms. Hershey discussed now the commission has an opinion from Town Counsel and needs to decide if active use is allowed and if the CR is impacted it should not be allowed.

Ms. Hamilton discussed her Deed and that it has to be approved by EOEa

Mr. DiVirgilio discussed the commission should vote on the two questions posed by Town Counsel

Mr. DiVirgilio made the motion that a skating rink fits within the uses allowed by Paragraph 1-B-7 of the conservation restriction

Ms. Dyer seconded the motion

Vote: 4-1-0 (Ms. Watson)

Mr. DiVirgilio made the motion a skating rink does not “materially impair significant conservation interests”

Ms. Dyer seconded the motion

Vote: 4-1-0 (Ms. Watson)

The commission discussed setting up some guidelines for the skating rink. No light poles are allowable on conservation restricted land, no fires, no stockpiling of supplies on conservation restricted property as the board is concerned with pressure treated wood, the neighborhood association needs to submit a rink maintenance plan to the commission prior to construction that outlines maintenance during use, and the rink will be dismantled and materials cleared off the open space parcels by March 30 and constructed no earlier than December 1.

Mr. Andrew Johnston proposed the homeowners first take a vote and see if the majority want the skating rink and then come back to the commission if it is approved as a Homeowner Association to discuss use/time of day etc.

Mr. Brian Walsh discussed some issues do not pertain to the commission and the homeowner association need to deal with those issues. The issues such as land not being disturbed are what the commission should look at.

Ms. Huempfer discussed appealing the zoning bylaw

Mr. DiVirgilio discussed the commission is going by the recommendations of Town Counsel.

Mr. DiVirgilio made the motion to adjourn

Ms. Dyer seconded the motion

Vote: 5-0-0

Meeting closed: 9:30 p.m.