

CONSERVATION COMMISSION

MINUTES

(Approved 1/22/14)

JANUARY 8, 2014

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

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

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

MEETING OPENED: 7:00

CONT. PUBLIC HEARING

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

NORTH ST.

DEP# 315-1041

Opened: 7:02

Mr. Wiley read the advertisement from the Walpole Times. This Public Hearing was opened on December 11, 2013 and continued until this evening.

Mr. Michael Viano, and Tom Liddy, of Lucas Environmental were present. Mr. Liddy stated the meeting was continued in order for the commission to procure bids for a third party review for this Abbreviated Notice of Resource Area Delineation. No further information was presented this evening

Ms. Hershey reiterated that the commission, at the last scheduled meeting agreed that hiring a third party to review the site was appropriate for a project of this size. She stated that three proposals were sent out and that all three responded with quotes. The board was sent these quotes to review prior to the meeting. She stated that once a decision is made, the commission will let the applicant know their choice of consultant.

Ms. Dyer stated she would like to take a harder look at the perennial vs. intermittent stream when the time comes

Mr. Wiley asked if there were comments from the audience and there were none

Mr. Michael Viano asked if a discussion could take place regarding the overall plan of the property, as they are considering an open space plan. He stated they would appreciate input and guidance from the commission.

Mr. Wiley stated it is technically a Planning Board decision and that the commission could give our input and comments to them. He stated the board would be favorable towards preserving open space. There is a significant amount of wetlands on the property.

The commission discussed they would like to review and discuss the peer review proposals and would get back to the applicants.

Mr. Goetz made the motion to continue the Public Hearing until February 12, 2014 at 7:30 p.m.

Ms. Dyer seconded the motion

Vote: 7-0-0

PUBLIC MEETING

REQUEST FOR DETERMINATION

NORTH ST. LOT 3

Opened: 7:20

Mr. Wiley read the advertisement from the Walpole times. The green cards were not collected as they were forgotten by the applicant

Mr. Wiley read board comments into the record

Mr. Joe Derba, Derba Construction was present. Revised plans were presented entitled “North St. Building Permit Plan for Land in Walpole MA” and dated November 26, 2013

Ms. Hershey stated this filing is a Request for Determination to see if the work as shown on the plan falls under the jurisdiction of the commission. She stated that the work being completed in the buffer zone is already permitted under the subdivision road construction filing. This request is for the construction of a house. Ms. Hershey stated she has no concerns and would issue a Negative 3 Determination

Mr. Goetz stated he has no issue with the filing and does not feel it will disturb the wetlands

Mr. Wiley suggested 25ft no disturb plaques be on the plan. He stated the abandoned pipe location should be shown on the plan as well

Mr. Derba stated that that area will be filled with asphalt but will mark on the plan where the abandoned pipe is located

The commission discussed special conditions to include three (3) no alteration plaques as discussed be shown on the plan. Revised plans are needed and green cards provided before issuance of the permit

Mr. Goetz made the motion to close the Public hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 7:40

Mr. Goetz made the motion to approve and issue a Negative 3 Determination with special conditions

Ms. Dyer seconded the motion

Vote: 7-0-0

CERTIFICATE OF COMPLIANCE

STONE ST. #180
DEP# 315-926

Ms. Hershey stated this property has a new owner and they would like a Certificate issued for work that never commenced to clear out the title.

Mr. Goetz made the motion to approve and issue an invalid Certificate of Compliance for work that never commenced

Ms. Dyer seconded the motion

Vote: 7-0-0

OTHER BUSINESS

PEER REVIEW

The commission discussed and reviewed materials and quotes which the three respondents for the Peer Review of the Sunnyrock Farm Abbreviated Notice of Resource Area Delineation submitted. The commission found inconsistencies in work to be completed and prices among the three and would like more detail from each of them. The board would be interested in comparing “apples to apples” two of the consultants which interested them the most. The commission decided to hold off voting on which consulting firm they would like until more detail is given. This discussion will continue at the next meeting

TOWN FOREST

Mr. Adams stated bids are due in tomorrow for the tree work

TRAILS FUND

Ms. Hershey stated the easement work located at Sexton Farm was completed and the commission will pay for this work with Trails fund monies.

ENFORCEMENT ORDERS

Ms. Hershey stated Enforcement Orders for West St. Parking Lot and 1900 Main St are status quo.

INDUSTRIAL RD. #33 (Solar Panels)
DEP# 315-1012

Ms. Hershey stated the site where the solar panels are located on 33 Industrial Rd. has had some issues with erosion and sedimentation during storm events. Ms. Hershey submitted photos, and stated the applicants’ representative has not been maintaining the site properly by stabilizing the site to prevent this issue, as stated in the Order of Conditions. Ms. Hershey has been on site many times

The commission discussed the representative’s failure to send reports to the commission, and the requirement of the applicant to provide the conservation agent with a detailed description of compliance with DEP conditions #13, 18 and 19 and special condition #16. The commission discussed issuing a fine totaling \$1200.00 for these violations as they may fine \$300 per day per violation

Mr. Goetz made motion to ratify an enforcement order for 33 Industrial Rd. under the Wetlands Protection Act and the Walpole Wetlands Protection Bylaw

Mr. DiVirgilio seconded the motion

Vote: 6-0-0

Mr. Goetz made the motion to issue a fine of \$1200.00 to Borrego Solar Systems LLC under the bylaw; \$300 for each violation

Mr. DiVirgilio seconded the motion

Vote: 6-0-0

The commission discussed sending a letter to Borrego along with the Fine, letting them know the commission intends to implement fines per diem if this enforcement violation is not immediately addressed. The commission wants to know how they will comply with condition #18 and how they will clean up erosion control issues due to the failure. The commission would like details of who will inspect on a daily basis the erosion controls and take action to repair erosion problems. The deadline of Monday, January 13, 2014 will be given

BOARD COMMENTS

Moosehill Rd. 40B project

Moosehill Rd. 40B -The Zoning Board of Appeals is requesting comments in regards to the 40B filing coming before them January 22, 2014. The commission discussed that comments were put in the ANRAD that was sent out, and that filings with the conservation commission will be necessary as this project goes forward

Norfolk St. #5 – The Zoning Board of Appeals is requesting comments for #5 Norfolk St. The commission stated there are no issues with this filing

CORRESPONDENCE

The following correspondence was discussed and available for review:

- Borrego Solar -#33 Industrial Rd Vegetated Management Plan
- Lycott Environmental – Swan Ponds 2013 Management Plan

Mr. Adams made the motion to adjourn

Mr. DiVirgilio seconded the motion

Meeting closed: 9:30

