

CONSERVATION COMMISSION

**MINUTES
(Approved 6/22/16)**

JUNE 8, 2016

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

K. Watson, R. Turner, J. Finnigan, B.Dyer, E. DiVirgilio

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

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**PUBLIC MEETING
REQUEST FOR DETERMINATION
MASS COASTAL ROW**

Opened: 7:02

Mr. Wiley read the advertisement from the Walpole Times.

There was no representative present, so the commission decided to table this hearing until later this evening to give them a chance to show

Mr. Goetz made the motion to continue the Public Meeting until later this evening

Ms. Watson seconded the motion

Vote: 7-0-0

MINUTES

MAY 11, 2016

Ms. Dyer made the motion to approve the Minutes for May 11, 2016

Mr. DiVirgilio seconded the motion

Vote: 6-0-1 (Ms. Watson abstained)

CERTIFICATE OF COMPLIANCE

LACIVITA DR LOT 3

DEP# 315-1078

Ms. Dyer made the motion to approve and issue a Certificate of Compliance

Mr. DiVirgilio seconded the motion

Vote: 7-0-0

APPEAL**MOOSEHILL RD. #272**

Ms. Hershey attended the pre-hearing conference in Lakeville. She discussed the hearing date has been set for September 7, 2016. The parties are given the opportunity to mediate if possible. She discussed main issues the abutters have expressed are monitoring issues and the amount of water which will be withdrawn from the Well. She will attend the meeting in September although the commission is not a party to the appeal

MINOR MODIFICATION**MAIN ST. #1075****DEP# 315-1095**

Ms. Hershey stated there is an Order of Conditions issued for this property and at the time the applicant believed they were hooked up to Town Sewer. They have since discovered they are not and are requesting the commission issue a Minor Modification in order for them to dig the trench to install a sewer line. The Board of Health has issued a letter and Ms. Hershey stated she felt issuing a Minor Modification would suffice as the work is in the riverfront but they will not be altering any new area. The new sewer-line shall be required to be shown on the As-Built

Ms. Dyer made the motion to consider this a Minor Modification to the approved Order of Conditions

Ms. Watson seconded the motion

Vote: 7-0-0

OTHER BUSINESS**SOUTH ST. #545 Assessor's Parcel 47-112**

Ms. Hershey stated a letter was received in the office from an Attorney representing the owner of this property stating the parcel was in Chapter 61B recreation use. This would enable the Town to have the right of first refusal to purchase the land. Since that time she discovered this was not true, it is not in Chapter 61. The commission discussed approaching the owner still to see if there is an option to purchase as it is adjacent to conservation land and the Neponset River. There is also a vernal pool in the area. Ms. Hershey will reach out to the owner and see.

PUBLIC HEARING**LAKE AVE #57****NOTICE OF INTENT****DEP# 315-1110**

Opened; 7:16

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing were received

Mr. Wiley read the board comments into the record

Mr. Paul Lindholm, Civil Engineer and owner Ken Cimeno was present.

Plans were presented entitled “Residential Garage/Deck Location Plan, 57 Lake Avenue, Walpole MA” dated 5/10/16. This filing is for the construction of a garage, deck and driveway work that is with the buffer to Clark’s Pond. The garage will be 24x25ft with a new driveway located in front. Mr. Lindholm stated they would like a flat pitched back roof where runoff will be caught. A trench will be constructed in the back to also pick up runoff. Mr. Lindholm stated he doesn’t expect erosion issues, but will use stake wattles for prevention.

Ms. Hershey stated she has no other comments but would prefer sediment sock or fiber roll and orange construction fence to replace haybale details which are shown on the plan. She has no other concerns

Mr. Turner stated it looks good

Mr. Goetz stated he agrees with Ms. Hershey that compost socks and orange construction fence are preferred. He would like erosion controls extended closer to the property line and the 25 ft. no-disturb line. Mr. Goetz stated more protection may be needed depending on what they find.

Mr. Wiley asked if the stormwater trench was discharging anyplace

Mr. Lindholm stated no, it will just infiltrate into the ground.

Mr. Wiley stated a construction pad should be put at the entrance to the driveway

Mr. Lindholm stated they could prepare the grade of the driveway, put in a gravel soil erosion bed and then finish up. He stated he would set this up in front so tires can shed dirt in a gravel bed prior to going on to the street. Mr. Lindholm stated he would place a double row of erosion controls where it is presently shown on the plan, and will extend from there per the board’s request.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 7:30

The commission discussed the catch basins on the street. Mr. Wiley stated he would like a filter placed across the swale as added protection so nothing goes into Clark’s Pond that shouldn’t.

Special conditions include street sweeping as need, silt sock across the swale, extension of erosion controls with some being doubled, sequencing notes put on the plan. A revised plan shall be submitted prior to issuance of the Order of Conditions.

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

Ms. Dyer seconded the motion

Vote: 7-0-0

**PUBLIC HEARING
NOTICE OF INTENT
SHADY LN #10
315-1109**

Opened: 7:38

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing were received

Mr. Wiley read board comments into the record

Mr. John Glossa, Glossa Engineering was present representing the applicant. Plans were submitted entitled "Notice of Intent #10 Shady Lane Plan of Land in Walpole, MA "dated May 18, 2016

Britton Bradford from of Toll Bros. was also present and submitted a letter from Beals and Thomas dated June 6, 2016. The letter states there is an active Order of Conditions for this lot, and a full Certificate of Compliance cannot be requested to close out the Order as there is a section of the yard where the grass has not grown in sufficiently. All other conditions have been met. Toll Bros. would like the commission to be aware of this as the new homeowner has filed for additional work to be done on the property.

Mr. Glossa stated the new owners of 10 Shady Lane are requesting a Notice of Intent for the purpose of the construction of a retaining wall at the rear of the property. The area has a slope in back and the applicant has safety concerns for their children. Mr. Glossa submitted a plan from Stonepro to give the commission an idea of the type of retaining wall they are proposing. They plan to regrade some of the backyard and essentially level off the slope. They are proposing a safety chain link fence as well to be placed on top of the wall. Details of the concrete block wall were submitted. As the wall is over 4 ft., the need to excavate 3ft down will need to occur. Mr. Glossa discussed silt controls extending the property line and any extra material will be brought in and spread. Mr. Glossa stated there are notes depicting that all grades will be restored. Mr. Glossa stated the no-disturb plaques are in place from the previous Order of Conditions as well as the grading; the problem is the grass is not growing on the side lawn

Ms. Hershey had some questions about the plan and stated she wants to make sure the design is complying with the no-alteration area. She asked the sequencing of the wall going in and the materials brought in later. She asked about stockpiling

Mr. Glossa discussed it may be done in tandem. Starting at the far end but both may happen around the same time.

Mr. Glossa stated there would be no real stockpiling; it will be spread out around the wall area.

Ms. Hershey stated the no alteration area needs to be maintained as is and the plan needs to show how it is going to be built. Some of the areas don't give much room for over dig so they need to make sure or slightly change the plan. In regards to the original Order of Conditions for this lot she wants to see the grass area thickened up and the Order closed out prior to starting this work.

Mr. Glossa stated there will be a 3 ft. excavation with crushed stone. As far as the closing out the Order this is not easy to deal with

Ms. Hershey stated the owners need to understand an Order of Conditions is passed on to them and it needs to be satisfied. There is a small area of grass that needs to be watered and thickened.

Mr. Bradford from Toll Bros. stated they have all intention of closing out the Order, it's just short of applying for a Certificate of Compliance due to the grass, but all other special conditions have been satisfied. They are just waiting for the grass to grow

Mr. Wiley asked why it isn't growing, and Toll Bros. need to take a look and see what can be done

Mr. Bradford stated they are meeting with the owners and it is not Toll Bros. responsibility to water; it is up to the new owners

Mr. Wiley stated he should talk to the owners and let Ms. Hershey know the outcome

Ms. Watson stated she agrees the Order should be closed out first. She stated maybe it was an inappropriate type of species planted for the area and they should consider that and look into it.

Mr. DiVirgilio stated the work should stay out of the 25ft. no-disturb.

Ms. Dyer asked what Toll Bros. relationship to this project is now that the house is sold

Mr. Bradford stated they are only concerned with the issuance of a Certificate of Compliance now.

Mr. Glossa stated he has no problems with the Order of conditions and plans of the original filing and feels it has been very well built and the grading was according to the plan. It is only a matter of grass growing in some areas. He stated he understands Toll Bros. position. Mr. Glossa requests the hearing be closed and the Order of Conditions held until this gets worked out would be his preference

Mr. Goetz stated this is a problem that the practice of occupying a house before a Certificate of Compliance is issued. He has no problems with construction of the wall

Ms. Hershey stated the commission could put a condition in the Order that the requirements of the first filing need to be met prior to new work starting. She reiterated that the Owners are responsible.

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

Mr. Charlie Cho of 8 Shady Ln. stated he is a neighbor to the left of the property. He wants to confirm that there will be no change of grading that will affect their property

Mr. Wiley stated it would not as the change in grading is in the rear of the property

Mr. Glossa stated some grading will be temporarily flattened but it could be conditioned it needs to go back to the original grade as shown on the plan

Mr. Wiley stated the access route will go back to original grading

Ms. Hershey stated she would like new erosion controls all around, and old ones replaced

Ms. Dyer made the motion to close the Public Hearing

Mr. Goetz seconded the motion

Vote: 7-0-0

Closed: 8:15

The commission discussed special conditions. Any excavated materials will stay on site and be used in the new area of construction, street sweeping as needed, stabilization of the slope prior to starting the work

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

Ms. Dyer seconded the motion

Vote: 7-0-0

PUBLIC HEARING

LAND DISTURBANCE PERMIT & NOTICE OF INTENT

SOUTH ST. POLICE STATION

DEP # 315-1108

OPENED: 8:16

Mr. Wiley read the advertisement from the Walpole Times. Certificates of Mailing were submitted

Mr. Wiley read board comments into the record

Mr. William Murray, of Places Associates, Inc. was present with Bryan Jarvis, Project Manager. Plans were submitted entitled "Walpole Police Headquarters Site Plan Permit Set, (19 pages) dated 5/19/16.

Mr. Murray stated this site is currently under an Order of Conditions DEP# 315-1088 for clean-up activities and is also being remediated under provisions of the EPA and Mass Contingency plan as a Superfund Site. The proposal is a Notice of Intent and Land Disturbance Permit under the Walpole Stormwater Management and Erosion Control Bylaw, for a new 14,537 sf. Police Headquarters located off of South St. on this site. Mr. Murray stated the scope of work includes the connection to a sewer manhole located adjacent to the river and BVW and the extension of a drainage line and other work located in the inner and outer riparian. The plan shows the 100 ft. buffer as well as the inner and outer riverfront and bank on the plan. The location of the sewer manhole is within the 25ft. no-disturb area as it is the only area that they are able to connect; no other disturbance will occur. They are working with an LSP who recommends low impact development not be used. Once the police station is constructed they will grade and then cap the site. Mr. Murray stated additional remediation will occur in July. Mr. Murray discussed the drainage system in detail and stated there will be a closed catch basin system. He stated an alternative analysis was provided as well and they have met with the Town Engineer to address her comments. The O&M plan was included in the Notice of Intent and Mr. Murray stated the contractor will be responsible for street cleaning. A soil management plan will be provided for the contractor to follow as the site won't be pristine. A draft of this plan can be provided but Mr. Murray stated they are unable to dictate to an LSP or contractor, only give them a goal.

Ms. Hershey stated this project is being reviewed under Site Plan review as well. Erosion controls have been met as shown in the Notice of Intent. She discussed the level spreader and stated she wanted to make sure it is sufficient as it looks small on the plan

Mr. Murray discussed riprap will be used which will slow it down and the level spreader will help it to disperse into the river; making sure it free flows at all time. He stated the more sensitive work occurring closer to the wetlands will be done first

Mr. DiVirgilio asked about the level spreader and how it works

Mr. Murray stated it is very efficient and water based. The Town is required to have a vacuum site. He discussed how it works

Mr. Turner asked about the contamination on site

Mr. Murray stated the LSP has said the majority of material is asbestos. They are not putting recharge in the area so it won't go into the river. He stated no irrigation is proposed and the concern of earthwork because it is unknown what they will find.

Mr. Turner spoke of concerns of the Neponset

Mr. Murray discussed they will have something like a radon system as well as a sub slab ventilation system constructed. The drainage system will be water tight.

Mr. Goetz asked about the outbuilding on the plan

Mr. Murray stated it is a covered parking building. Vehicles are left outside running during the winter to keep them clear for emergencies. Covered parking will save response time etc. He stated the outer building is a metal prefab for storage and has floor drains and garage doors

Mr. Goetz asked if the floor drains will have traps to collect and treat oils

Mr. Murray stated it will

Mr. Wiley asked for questions or comments from the audience

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 8:50

The commission discussed special conditions to include boiler plate conditions as well as the O&M plan be included in the Order of Conditions. The commission would like a set of contract documents when put out to bid

Mr. Goetz made the motion to approve and issue a Land Disturbance permit

Ms. Dyer seconded the motion

Vote: 7-0-0

Mr. Goetz made the motion to approve and issue an Order of Conditions with special conditions
Ms. Dyer seconded the motion
Vote: 7-0-0

DISCUSSION
PRODUCTION RD.

Mr. DiSangro was present at the commission's request for a discussion on Production Rd. Ms. Hershey stated the MassDEP Wetland Change Database indicates there is a wetland change on the site; state restricted wetlands has disappeared. Ms. Hershey discussed she has reviewed Google earth aerials and past project files. She discussed she feels it is inconclusive. Photographs from google were distributed to the members to review. Ms. Hershey discussed she told DEP that she would discuss it at the meeting tonight as they wanted her to look into it.

Mr. DiSangro discussed his thought that when he bought the property several years ago, around 1995; there was a large stump hole in the exact area where the change has been viewed. It was the previous owners' intent to bury the stumps but it was not done and Mr. DiSangro removed them. There were a couple thousand yards of stumps he stated. He said not one drawing he viewed showed wetlands.

Ms. Hershey was unsure why is was listed as state restricted as there is not a BVW under the WPA, and it all happened so long ago

Ms. Dyer made the motion the commission take no action on this matter
Mr. Goetz seconded the motion
Vote: 7-0-0

NOTICE OF NON-COMPLIANCE
NORTHRIDGE FARM SUBDIVISION
DEP# 315-994

Mr. Glossa was present after a letter was sent by Ms. Hershey under direction of the commission at last meeting regarding a Notice of Non-Compliance for Northridge Farm Subdivision. The commission wanted information and resolution on why the basins have not been working properly. Mr. Glossa came into the office with plans and had a discussion with Ms. Hershey. The installation of a 4" PVC pipe and washed stone was put in with 6" of sandy loam/topsoil to help the water infiltrate through the bottom of the basin

PUBLIC MEETING
MASS COASTAL ROW
REQUEST FOR DETERMINATION

Mr. Goetz made the motion to Motion to continue the meeting for Mass Coastal ROW until 7:15 p.m on June 22, 2016
Ms. Dyer seconded the motion
Vote: 7-0-0

BOARD COMMENTS

ZBA – Adams RD. #2 Special Permit- Ms. Hershey stated there are no conservation issues with this filing

ZBA – Neponset ST. #31 Special Permit and Variance – Ms. Hershey stated there are no conservation issues with this filing

PLANNING BOARD – Stone St. #20 (Walpole Fire Station) - Ms. Hershey stated there are no conservation issues

PLANNING BOARD – South St. (Walpole Police Station) – This project is currently filed before the conservation commission

ENFORCEMENT ORDER

MAIN ST. #1900

DEP# 315-1043

The commission discussed enforcement issues on 1900 Main St. The board is currently waiting for information from the Finance Dept. regarding availability of funds to have the Town owned property surveyed.

Mr. Wiley and Ms. Hershey will compose a letter to Mr. Santos regarding requesting a Certificate of Compliance on the work that has been completed, and discuss outstanding Enforcement issues they want him to address.

Mr. Turner made the motion to adjourn

Ms. Watson seconded the motion

Vote: 7-0-0

Meeting closed: 9:45