

CONSERVATION COMMISSION

(Approved 3/26/14)

MINUTES

MARCH 12, 2014

PRESENT: A. Goetz, Vice Chairman

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

ABSENT: J. Wiley

ALSO PRESENT: L. Hershey, Conservation Agent

Conservation Agent report given to the Board

The conservation commission regrettfully accepted the resignation of Mr. Dick Adams

MEETING OPENED: 7:00

CONT. PUBLIC HEARING

NOTICE OF INTENT

MAIN ST. #1900

DEP# 315-1043

Opened: 7:04

Mr. Goetz read advertisement from the Walpole Times for this Public Hearing which has been continued from January

Mr. Goetz stated the Finance Dept. have confirmed outstanding Taxes have been paid on this property.

A Wetland Restoration and Replication report was submitted to the commission dated 3/5/14 from Prime Engineering, as well as a Tier II Extension Submittal with the same date.

Ms. Hershey discussed this hearing was continued in order for the applicant to hire a LSP regarding the environmental assessment, and compliance with the Board of Health's requirements, and additional information was required regarding the restoration of wetlands that have been disturbed. She stated that no stormwater report has been submitted and if any activity is being proposed to the rear of the property in the future, Stormwater Management needs to be addressed.

Ms. Melissa Young and John Santos were present. Ms. Young addressed the commission stating they have complied with what the commission has asked of them. She stated there are deadlines set with DEP over the next 6-8 months and they are working with Prime Engineering. Ms. Young stated they want to clear up Enforcement issues with the commission this evening.

Ms. Young stated they are working on restoring the area. There is an existing window of soils that will be removed and the three existing fence posts will also be removed. Prime Engineering's letter stated "a vegetated swale will be installed east of the proposed fence and act as a rain garden. The overflow from this swale will run over filter strips and help treat runoff from the existing gravel lot." Ms. Young stated all work will be in compliance with the restoration plan report.

Mr. Goetz asked who will supervise the site, and asked if Mr. Santos the actual owner

Ms. Young stated Prime Engineering will be onsite. She stated Ken Zion remains the legal owner but Mr. Santos is purchasing the property pending the permits being complete and will then be owner

Mr. Turner spoke of his concerns with activity occurring in the back of the property and the storage of vehicles.

Ms. Young stated they are looking to obtain a Class II license to buy and sell vehicles and are not looking to operate a business out in the back until the right time. Now the need is to operate a business in the front of the building and they understand they will need to come back before the commission with a Notice of Intent prior to any other work

Ms. Dyer made the motion to close the Public Hearing

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

Closed: 7:30

The commission discussed special conditions include no alteration plaques placed at locations shown on the plan and maintained in perpetuity, no more than two applications per year of fertilizers and herbicides shall be used within 100 ft. buffer, a wetland scientist shall be on site to assess soil conditions prior to planting

Ms. Dyer made the motion to approve and issue an Order of Conditions with special conditions

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

CONT. PUBLIC HEARING

NOTICE OF INTENT

LADY SLIPPER DR. #8 LOT 107

DEP# 315-1046

OPENED: 7:33

Mr. Goetz read the Advertisement from the Walpole Times. He stated the five hearings for High Oaks Subdivision will be heard concurrently for Lots 107 and 108 Lady Slipper Dr., Lot 142 High Oaks Ct., and Lots 140 and 141 Lester Gray Dr. Green cards were collected for these filings

Mr. Goetz read board comments into the record

Ms. Stacy Minihane, of Beals and Thomas, Mr. Bretton Bradford and Mr. Bill Keaton, of Toll Bros. were present as well.

Ms. Minihane began by stating three of the Notice of Intent filings are similar, but the first two; Lots 107 and 108 have wetland constraints on them. She stated the applicant is proposing mitigation for approval to work within the 25 ft. no disturb on these two lots.

Plans were submitted entitled “High Oaks Estates, 8 Lady Slipper Dr., Lot 107” and dated December 13, 2013

Ms. Minihane stated that Lot 107 is longer and narrower than the other lots. She stated the location of the access and utility easement is depicted on the plan. Ms. Minihane stated alternatives were looked at to minimize work in the 25 ft but their preference requires work including grading and clearing within the 25 ft. Ms. Minihane stated they are proposing a two-fold mitigation plan consisting of habitat plantings and incorporating a biofiltration strip. She stated the biofiltration strip will be vegetated, and the proposal to put a split rail fence with no alteration plaques is another suggestion. Ms. Minihane stated they have tried to avoid impact to the wetlands and are requesting variation for the work proposed with mitigation

Ms. Hershey stated to the commission that when the subdivision was approved for these lots in the 1990's, the commission did not have a 25 ft no alteration specification in place, the lot lines were drawn already and the commission needs to decide if they will entertain a 25 ft no alteration variation. She stated the Town Engineer made comments that no large trees or plantings should be allowed within the easement area in order that access to the water main is available should it be required. Ms. Hershey stated she would recommend a 12 ft. no alteration area and use no alteration vegetation to effectively maintain a buffer zone rather than a biofiltration strip

Mr. Goetz agreed and stated that trees could have invasive root systems and should not be within an easement area, he would prefer plantings as well

Mr. Finnigan asked if the Town has a policy of what is allowable to be planted

Mr. Goetz stated the commission is the one who provides direction for this.

Ms. Minihane asked for suggestions of plantings or if what has been suggested in the plan is sufficient.

Mr. DiVirgilio stated he agrees with Ms. Hershey and defers to her for appropriate plantings

Ms. Dyer stated she agrees the biofiltration strip is not a good idea and plantings are a better alternative. She does not like the precedence of a house being put on a lot this small, but agrees the 25ft no disturb preference had not been in place when this subdivision was approved.

Ms. Minihane stated the area is very constrained and they will work with the commission

Mr. Finnigan stated a height restriction could be placed on the plantings

Mr. Goetz stated the use of shrubs and perennials could be a special condition

Ms. Dyer made the motion to close the Public Hearing

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

Closed: 7:57

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

CONT. PUBLIC HEARING
NOTICE OF INTENT
LADY SLIPPER DR. #6 LOT 108
DEP# 315-1045

OPENED: 7:59

Plans were submitted entitled “High Oaks Estates, #6 Lady Slipper Dr. Lot 108” and dated December 13, 2013

Ms. Minihane stated this Lot is similar to Lot 107 with wetland restraints on it. In listening to the previous suggestions from the commission she stated the biofiltration strip will be replaced with a planting plan and a 12 ft. no alteration area. Ms. Minihane stated these two lots have small saplings on the easement and wildlife habitat vegetation will work in this area.

Mr. Goetz discussed the fact a homeowner needs to be educated on what is allowed and not allowed on a utility easement

Mr. Bradford of Toll Bros stated this will be in an Order of Conditions and that it is thoroughly discussed with the homeowners

Ms. Hershey discussed the wetlands at flag BB-82 is a swale down to the wetlands and flow from the back yard needs to be directed towards the buffer zone where there is more vegetation.

Ms. Dyer and the other commissioners concur with Ms. Hershey

Ms. Dyer made the motion to close the Public Hearing
Mr. DiVirgilio seconded the motion
Vote: 5-0-0
Closed: 8:05

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

CONT. PUBLIC HEARING
NOTICE OF INTENT
HIGH OAKS CT., LOT 142
DEP# 315-1049

OPENED: 8:08

Mr. Goetz read additional comments into the record from the Town Engineer into the record

Plans were submitted to the commission entitled “High Oaks Estates, High Oaks Ct. Lot 142” and dated January 31, 2014

Ms. Stacy Minihane addressed the commission by stating this lot will not impact the 25 ft. no disturb area and the project is less constrained by the wetlands. She stated there is proposed tree clearing around the edge of the house for lawn area to go in. Ms. Minihane discussed the location of a 30' wide access and utility easement at the front of the lot is on the plan

Ms. Hershey discussed the existing stone wall located on the property and would like to see it moved to the tree line instead of being destroyed.

The commission agreed and would like the wall moved. They feel it would protect the no-alteration area and should be a special condition

Ms. Dyer made the motion to close the Public Hearing

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

Closed: 8:18

Aside from moving the stone wall, the commission stated drywells shall be shown on the plan prior to sign off

Ms. Dyer made the motion to approve and issue an Order of Conditions with special conditions

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

CONT. PUBLIC HEARING

NOTICE OF INTENT

LESTER GRAY DR. # 35 LOT 140

DEP# 315-1047

Opened: 8:20

Plans were submitted to the board entitled "High Oaks Estates, Lester Gray Dr. #35, Lot 140" and dated January 31, 2014

Mr. Goetz read the Town Engineer comments into the record

Ms. Minihane of Beals and Thomas stated this lot is similar to the previous lots discussed this evening. She stated this proposed house includes some additional items, including a deck off of the house; but that the proposed activity does not impact the 25 ft. no disturb area.

Ms. Hershey stated the wetland line has been flagged and she feels it is accurate.

The board had no additional comments

Ms. Dyer made the motion to close the Public Hearing

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

Closed: 8:24

Special conditions include the no alteration area be staked in the field prior to cutting, and reviewed by the Agent.

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

CONT. PUBLIC HEARING
NOTICE OF INTENT
LESTER GRAY DR., #39 LOT 141
DEP# 315-1048

OPENED: 8:25

Plans were submitted to the board entitled "High Oaks Estates, Lester Gray Dr. #39, Lot 141" and dated January 31, 2014

Ms. Hershey stated there were no additional comments from the Town Engineer other than what has been previously discussed.

Ms. Minihane stated the proposed activity does not impact the 25 ft. no disturb area

Ms. Dyer made the motion to close the Public Hearing
Mr. DiVirgilio seconded the motion
Vote: 5-0-0
Closed: 8:27

Special conditions include the no alteration area be staked in the field prior to cutting, and reviewed by the Agent.

DISCUSSION

An informal discussion took place between the commissioners and Mr. Rob Truax and Mr. Mike Roof who are interested in purchasing property which backs up to Swan Pond Condominiums.

ENFORCEMENT ORDER **APPLETREE LN. #16**

Ms. Hershey was notified by a neighbor, Mr. John Coakley, that there were water issues surrounding 16 AppleTree Ln. Ms. Hershey has been out on this site in the past to observe issues in this area. She issued an Enforcement Order on March 4, 2014 to JEM Realty, the owners of the property for work done within 100 ft. of BVW without filing with the conservation commission. The work consisted of the installation of a replacement septic system at the front of the lot, with fill, grading and trenching to the rear and side of the property. Ms. Hershey requested the owners come in tonight for discussion, as well as the Engineer who constructed the septic system, Mr. John Glossa, Glossa Engineering. Ms. Hershey also stated she would like the property to be reviewed to determine if it is a wetland or not.

A discussion was held with Mr. Glossa stating he was hired to design a septic system, and presented a plan to show the commission showing what the site looked like when he was out there. He identified where the existing system was and thought he saw a sinkhole so did not want to put it there. He discussed the wetlands not being as obvious as you would think and that he could file a Request for Determination for the work which occurred. Ms. Gravelin, the owner, discussed this property is in the process of being sold

Mr. Coakley discussed the alteration of the grade in the back has created very bad water issues on his property

After discussion, the commission discussed the need for a Notice of Intent to be filed and a site visit to occur.

Ms. Dyer made the motion to ratify the Enforcement Order on 16 Apple Tree Lane.

Mr. DiVirgilio seconded the motion

Vote: 5-0-0

The Commission will conduct a site visit on Saturday March 15, 2014 at 4:00 p.m. This will be posted.

MINUTES

FEBRUARY 26, 2014

Mr. DiVirgilio made the motion to approve the Minutes of February 26, 2014

Mr. Turner seconded the motion

Vote: 4-0-1 (Mr. Finnigan abstained)

OTHER BUSINESS

CONSERVATION LAND MARKERS

Ms. Hershey brought up the suggestion the commission purchase some conservation land markers for the trails and conservation areas to help identify the boundaries of conservation land as well as help protect Open Space. The commission thought it was a great idea

ENFORCEMENT ORDERS

Ms. Hershey stated there was nothing new to report on the Enforcement Orders for West St. Parking Lot, and 33 Industrial Rd

BOARD COMMENTS

Planning Board – 1900 Main St. This hearing is before the conservation commission tonight and comments will be given to the Planning Board

CORRESPONDENCE

The following correspondence was discussed and available for review:

- DEP letter – 33 Granite St.
- Planning Board – Winter Estates Minor Modification
- NSTAR – Herbicide application notice
- AMEC letter – Phase V Remedial Monitoring Report – 100 Neponset St.

Ms. Dyer made the motion to adjourn
Mr. DiVirgilio seconded the motion
Vote: 5-0-0
Meeting Closed: 10:00 p.m.