

## **CONSERVATION COMMISSION**

### **MINUTES (Approved 4/13/16)**

**MARCH 23, 2016**

Present: J. Wiley, Chairman  
B. Dyer, K. Watson, R. Turner, E. DiVirgilio

Absent: J. Finnigan, A. Goetz

Also Present: L. Hershey Conservation Agent

Conservation Agent report given to members

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### **CONTINUED PUBLIC HEARING NOTICE OF INTENT ROSCOMMON SUBDIVISION DEP# 315-1094**

Mr. Wiley read the advertisement into the record. This Hearing was opened October 14, 2015 and has been continued several times.

Mr. John Glossa, Glossa Engineering was present representing the applicants, SR II Ventures owners Michael Viano and Sean McEntee. Mr. Tom Liddy of Lucas Environmental was also present

New plans were presented dated 3/23/16 and given to the board

Mr. Liddy provided documents with comments to the revisions dated 3/23/16 for the record.

Mr. Glossa went over the revised plans with the commission and provided details added regarding the easement. He stated they have also added an additional 25ft. to the original no-disturb area so there is 50ft. no-disturbance surrounding the vernal pool as added protection. He identified on the plan the easement area specified for maintenance of the infiltration basin. Mr. Glossa stated there is an additional change which will be made to the plan involving the culverts. Originally they showed five culverts which were going to be constructed. In discussion with the contractor, the applicant was told of the cost which was approximately between \$75 and \$95,000 apiece. Mr. Glossa stated they revisited the crossings again and felt the two culverts which were on the sides were lining up with the bank/island area and were not going to be lined up correctly. He stated they moved the culverts over 8 ft. and that will work, so they are back to having only three culverts which will be spaced differently. He stated the middle culvert will be placed over the main channel, and the others spaced out 8 ft. Mr. Glossa reiterated a large change is moving the berm in order for the bottom of the berm to be 50 ft. away from wetlands within the proximity of the vernal pool. He stated the area would pond in a 100 yr. storm but the berm will allow it to flow at the same rate. He also showed an additional buffer on the plan. Mr. Glossa stated that Ms. Hershey pointed out they need to keep the contractors out of specific areas so orange construction fence will be in place.

Ms. Hershey stated most of the comments in her report were addressed by Mr. Glossa. She stated the plan sheets with Gigi's Way need to be a larger scale and the siltation line needs to be shown. She asked if the grades are shown on the plan of the replication area. Ms. Hershey also stated the replication plan should include the DEP wetland replication guideline. Ms. Hershey would like to see it all on a good plan. She also stated the location of the culverts need to best mimic the natural flow pattern in the wetlands so it is not funneling into one area. She has no objection to reducing the number to three culverts if they are positioned correctly.

Mr. Glossa stated the replication grades were shown on an earlier plan and he will make sure they go on. He also stated as far as the culverts, they looked at the upstream and downstream sides and it lines up really well.

Ms. Hershey stated there needs to be more information for the construction sequencing. She stated there needs to be a temporary stormwater plan and detail on how the replication area will be constructed and it should occur near or at the same time as the crossing. Ms. Hershey discussed at the last meeting the commission made it clear about this crossing coming from Olmsted to Roscommon, but there needs to be more discussion about Gigi's Way Bridge crossing. She stated there will be no wetlands alteration at the bridge crossing.

Mr. Glossa stated the wetlands will be crossed with the use of abutments on either side. Planks will be put down and there will be no alteration. He stated the water and gas lines will go there and will be directionally drilled

Ms. Hershey asked if the utilities are going along the roadway and Mr. Glossa stated they will be

Ms. Watson discussed the plantings in the replication area. She stated there is no language regarding the removal of burlap and proper planting procedures which are important

Mr. DiVirgilio stated he has no problems with the culvert change and the spacing

Mr. Turner stated they need to replication with original soils and that is important.

Ms. Dyer asked Mr. Glossa to show on the plan the location in the Open Space area where the equestrian trail is going in

Mr. Wiley asked the gas line be shown on the plan. He asked about the sewer line

Mr. Glossa stated grinder pumps will be used and they are not going near the crossing of the North St. wetland.

Mr. Wiley asked as far as the culverts go, have they reviewed the area for critters to cross? The height is shown at 2 ft. and there is 46 ft. of lateral distance. He questioned if there is the correct ratio and enough of an open area for them.

Mr. Glossa said they are just shy of the amount needed.

Mr. Liddy stated the height would need to be over 4 ft. and because of the water line they aren't able to meet the ratio. To get the water line above the culvert and below the frost line it couldn't be maintained and a bridge would need to go in. They can't meet the open ratio

Mr. Wiley asked if it's possible could it be done on one side to at least expand the opening

Mr. Liddy stated it is an engineering issue

Mr. Glossa stated if it is a project killer he can go to the Water Dept. and check with Rick Matson to discuss and see if it can be done.

Mr. Liddy stated they can try. It is the height that is the problem and it is the discretion of the commission.

Mr. Wiley is concerned with the two ft. height and lateral length for the critter standpoint. It wouldn't have to be all three culverts.

Mr. Liddy stated they can look at the center culvert

Mr. Wiley asked if there was field identification for the utility easements as they will require maintenance from the Homeowner Association. Whoever is responsible will need to know what area they need to maintain.

Mr. Glossa stated they can put in some bounds, and mainly the area is the berm itself as well as inlets and outlets.

Mr. Wiley stated it needs to be identifiable.

Mr. Wiley asked for questions and concerns from the audience

Mr. Joe Morasci asked if the submission from Mr. Liddy, Lucas Environmental be read

Ms. Hershey read the letter into the record

Mr. Morasci asked when any changes and additions not reviewed tonight will be available for review.

Mr. Glossa stated the middle of next week.

Mr. Wiley stated the revisions need to come in at least a week before the next meeting. No later than April 6<sup>th</sup>

Mr. Morasci stated he is interested in knowing about the Open Space Equestrian area and a more precise definition of its use and the conservation commission's interest in it.

A discussion took place regarding the Conservation Restriction.

Ms. Dyer stated everyone is reading fine print regarding what one can do with a CR. She asked what the spirit of this is; is it a way to cluster housing and was anyone thinking it was a commercial site

Mr. Viano stated there is a provision that Open Space can have limited uses and one is Equestrian. It is not a commercial facility, there will be boarding of up to 5 horses and that is the extent of the commercial part of it. It is not inconsistent with the Bylaw and is consistent of the area involved.

A discussion regarding trail maintenance, Equestrian and paddock use took place

Ms. Hershey stated she has reached out to Town Counsel regarding questions and concerns of the commissioners in regards to the Conservation Restriction and is waiting to hear. She has also reviewed

the CR handbook and spoken with the applicant. The CR needs to be submitted to the State, and meet MGL. The draft has to go to Conservation Services, so there is a process to this.

**Ms. Dyer made the motion to continue the Public hearing until April 13, 2016 at 8:00 p.m.**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

**PUBLIC HEARING  
NOTICE OF INTENT  
LOT 8 OLMSTED LN.  
DEP# 315-1104**

**Opened: 8:08**

Mr. Wiley read ad. Certificates of mailing received for both Lots 8 and 9 Olmsted Lane

Mr. Wiley read board comments into the record

Mr. John Glossa, Glossa Engineering was present representing the owner and applicant MaryAnn Marr

Plans were presented entitled “Notice of Intent Lot 8 Olmsted Estates Plan of Land in Walpole MA”

Mr. Glossa stated this filing is for the construction of a single family house. Wetlands are located to the left and rear of the proposed house with a garage on the left with a side entry. The house will have a connection to Town Sewer and Water. Mr. Glossa stated the plan shows a system for roof infiltration, but he doesn’t put in the design until they determine where the spouts are going to be located. The 25ft no disturb area is demarked with plaques, but the limit of work is even smaller. Mr. Glossa stated the applicant is considering putting in a pool at some point in time. The house will be at the existing grade with a walk out elevation of basement, and the front yard fill will match the grade of the existing street

Ms. Hershey stated due to the location of the vernal pool she would like to see the no-alteration plaques extended to 50 ft. from wetland flags #6A-30, flag 6A-33 and flag 6A-36 for greater protection to the vernal pool. There will be less yard this way but more protection to the vernal pool. Ms. Hershey discussed the retaining wall and how it would be constructed. She stated that driveway drainage needs to be directed away from the wetlands due to concerns of oils etc.

Mr. Glossa stated there will be a 4ft. retaining wall. He stated he can put in a stone infiltration trench to help with drainage from the driveway

Ms. Hershey asked about the foundation drain show on the plan and whether it will be on an outside wall for groundwater. She stated riprap should be placed at the end of the foundation drain

Mr. Glossa stated he does not feel the drain is necessary but will never do a plan without a foundation drain shown on it. He stated he can add detail so it shows on the outside wall of the basement

Mr. DiVirgilio asked the distance from the edge of the driveway to the 25ft.

Mr. Glossa stated it is 11 ft. to the 25ft. no disturb. He will make sure the driveway pitches so it will be like a swale away from the wetlands

Mr. DiVirgilio asked if there should be just plaques or fencing as well.

Mr. Glossa stated he will add fencing and stairs to lead away from the 25ft.

Mr. Turner discussed infiltration

Mr. Wiley asked for questions or comments from the audience

**Ms. Dyer made the motion to close the Public Hearing**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

**Closed: 8:23**

A revised plan shall be submitted. Rip rap will be shown on the plan at the end of the outlet pipes, the wetland flag shall be moved to the 50ft., erosion controls shall be installed at front of the lot until stable, fencing and stairs will be constructed near the driveway.

**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**

#### **PUBLIC HEARING**

#### **NOTICE OF INTENT**

#### **LOT 9 OLMSTED LN**

#### **DEP# 315-1105**

**Opened: 8:26**

Mr. Wiley read the advertisement from the Walpole Times. Certificates of Mailing are in the file for Lot 8 Olmsted Lane (DEP# 315-1104), as they were sent to abutters together

Mr. Wiley read board comments into the record

Plans were submitted entitled "Notice of Intent Lot 9 Olmsted Estates Plan of Land in Walpole MA" dated 2/19/16

Mr. John Glossa, Glossa Engineering was present representing the applicant Dale and Lisa Olmsted who were also present. Mr. Glossa stated that Lot 9 is one of the larger lots that is approximately 5 acres coming off Emerald Ln. The property abuts houses on Fisher St. Wetlands are found to the west of the property. This filing is for the proposed house with a walkout on the left side, and driveway with a side entry garage. The back of the house slopes down to the wetlands. Mr. Glossa stated it will be served by Town Sewer and Water, downspouts have been shown on the plan to handle ½ inch of rain. The position of the downspouts will be worked out with the contractor. Mr. Glossa has addressed the Town Engineer's comments and stated a rip-rap stone area will be at both ends of the pipe that extends under the driveway for erosion control purposes. A meter pit will be shown on the plan per the Town Engineer comments as well. Mr. Glossa stated that no disturb plaques are along the wetland line showing the limit of work.

Ms. Hershey asked about Detention Basin #2. She stated it is under the Olmsted Estates Order of Conditions; the responsibility of construction and maintaining this was with the owner of Olmsted Estates. Since the property has been sold to Dale and Lisa Olmsted, the commission should get a letter from SR II Ventures stating they are taking care of the basin until the roadway is complete.

Mr. Glossa stated the Town of Walpole is holding the Bond. They are responsible until the Town Engineer releases the bond.

Ms. Hershey stated it is one of the requirements from DEP, so please submit the letter. Ms. Hershey stated the erosion control should be extended showing the limit of work proposed. She also stated the 25ft. no disturb is a minimum requirement and should be approved prior to approving the plaques location to see if there should be more of a no-alteration area. Ms. Hershey asked why there is the need for a foundation drain, and its location

Mr. Glossa stated they can remove the plaques and continue erosion controls as is and label it the limit of work. The commission can put in the Order that any other work within the 100 ft. will have to come back. Mr. Glossa stated he always shows a foundation drain on plans but the house is built on top of the ground and he is unsure if the foundation drain will even be built.

Ms. Watson stated her concern that the driveway's location is close to the wetland area and the detention basin.

Mr. Glossa stated he can do the same thing shown on the previous plan and put a stone trench in.

Ms. Watson asked if the house could be flipped and Mr. Glossa stated there would be more alterations necessary

Mr. DiVirgilio asked if the driveway could be moved more to the East

Mr. Glossa stated it could be moved over 10 ft. with no problem

Mr. Turner stated he feels moving the driveway is a good idea

Mr. Wiley asked why the gas lines are not shown

Mr. Glossa stated for now they will most likely use propane and eventually Gas will come but not now. He stated that Columbia Gas may allow a dry line be put in as a possibility. He can show it on the plan

Mr. Wiley stated it would avoid having to file an amendment later on

Mr. Wiley asked for questions or comments from the audience

**Ms. Dyer made the motion to close the Public Hearing**

**Ms. Watson seconded the motion**

**Vote: 5-0-0**

**Closed: 8:49**

The commission discussed special conditions. A revised plan will be submitted prior to issuance

**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**

**SUMMER ST. #327 (BOYDEN ESTATES)**

**DEP# 315-1099**

Mr. Wiley read the advertisement from the Walpole Times. This hearing was opened January 27, 2016 and has been continued twice.

Mr. Rob Truax, GLM Engineering was present along with applicant Lou Petrozzie

Revised plans were submitted dated 3/22/16. Mr. Truax presented the plans and stated the changes include the relocation of the sewer line and moving house lot 2 over 20-25 ft. which will pull it away from wetlands. The entrance has been slid over to the abutting property which is now included in the subdivision. There are no other changes; the drainage basin and catch basin stays the same. Mr. Truax stated at the last meeting the benefit of the small isolated wetland was discussed. He introduced Paul McManus from EcoTech to discuss his findings.

Ms. Hershey stated that filling in the wetland was not part of this Notice of Intent. She stated the commission needs to decide if they want to take in testimony tonight or not, as a revised Notice of Intent is necessary and needs to go to DEP. Additional fees are also required.

Mr. Truax stated they would just like to talk about it tonight and see if it is something the board would even entertain. No decisions have been made about going forward with this idea. Mr. Goetz had asked the commission to look at the isolated wetland in question and tell us if this is feasible so Mr. Truax stated it's important to let Mr. McManus speak.

Mr. Wiley asked what the feeling of the commission is. He asked the applicant why they want to do this

Mr. Lou Petrozzie stated the commission had concerns about specific lots and they felt this is something to make a better development. He stated they would create a wetland better than there is presently.

Ms. Hershey stated this is not a limited project. The original proposal was to widen the driveway to a roadway. She stated there is access to the upland portion of the property without moving the road. The applicant needs to show why the wetland alteration is necessary for this project and why there are no alternatives to avoid or minimize wetland impacts, and also how the wetland significance to the interest of the act can be replicated. She stated the commission needs to think about this.

Mr. Paul McManus, from EcoTech stated the wetlands had been delineated and Mr. Truax asked him to go and take a look last week. He agreed with Ms. Hershey that this is a discretionary request to the commission, and also that under the Act there are 7 criteria which would have to be satisfied. Mr. McManus stated he is confident they can be met, but they are not ready as of yet. As he presented the plan Mr. McManus discussed wetlands function and values and the proposed replication area which he stated would have a stronger wetland hydrology, and would cause very little disturbance to access. Mr. McManus stated in terms of function and value he has concluded this replication area exceeds the functions and values of the existing isolated wetland. Photographs he took were presented to the commission for review. Mr. McManus stated he is aware a multi-year monitoring plan would be needed, but this is the first cut at looking at it.

Ms. Hershey read from the regulations and stated her question is to whether the wetlands can be avoided, and can alterations be minimized.

Mr. McManus stated this is up to the commission to consider, not every wetland is the same and that is why there is discretion.

Ms. Watson stated that in her research she has read that 71% of replications fail. She stated there is a reason that wetland is there and if it can be left as-is that is what she wants

Mr. DiVirgilio concurs and does not see the need to move it

Mr. Turner stated he was glad to have the presentation but is unsure as to what would be gained by eliminating the isolated wetland. He is pleased with the sewer line

Ms. Dyer stated she also is not in favor of moving the wetland. She discussed the sizing of the 12" pipe and whether increasing the size would restore that wetland

Mr. McManus stated it would not make a difference

Mr. Wiley stated he is not in favor of filling the wetland. The selection of area for replication is already a nice wooded area. By removing what is there now what would be in its place

Mr. McManus stated the intent is to work around a few of the bigger trees and add a variety of native wetland shrubs

Mr. Wiley asked what would go in the area where the wetlands would be filled

Mr. McManus stated upland species, and that a planting plan would be developed.

Mr. Wiley stated he is not in favor of it

Mr. Truax and Mr. Petrozzie agreed that if the board isn't in favor of it they won't proceed and will keep the filing as is.

Mr. Truax stated they have moved the road over as they said they would at the last hearing and have made improvements on both Lot 2 and Lot 6. They are comfortable with that decision

Mr. Wiley asked for questions or comments from the audience

Ms. Hershey stated she does not have a draft Order of Conditions written and will write one and address the detention basin. She feels comfortable closing the Public Hearing tonight and the board can discuss special conditions and sign the Order next meeting

**Ms. Dyer made the motion to close the Public Hearing**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

**Closed: 9:25**

**The commission discussed an Order of Conditions will be drafted this week and voted at the next meeting on April 23, 2016. The revised plans dated 3/22/16 will be the final plan**

**CONT. PUBLIC HEARING**

**NOTICE OF INTENT AND LAND DISTURBANCE PERMIT**

**100 ELM ST**

**DEP# 315-1100**

**Opened: 9:30**



Mr. Wiley read the advertisement from the Walpole Times. This Hearing was opened February 10, 2016 and continued several times at the applicants request

Mr. Wiley read a new comment from the Town Engineer into the record dated 3/23/16

Mr. David Mackwell, of Kelly Engineering was present with applicants Lori Tambone and Michael Manzo, and Mr. John Ankiewicz of Ankiewicz Engineering

Revised plans and comment letter had been submitted for the commission to review, dated March 9, 2016

Mr. Mackwell stated the comment letter submitted, dated 3/15/16 is a response letter to questions and comments the commission and Town Engineer had at the last meeting.

Mr. Mackwell gave an overview of the application before the board. He stated they are dealing with contamination issues, and the proposed environmental remediation is necessary as the plan is for a mixed use retail/residential development. A separate filing will be necessary for this. Mr. Mackwell discussed the clean-up that will occur and showed on the revised plan the drainage system replacement proposal as there was contamination found in the drain pipes, and plans to build a sediment and detention pond. Mr. Mackwell stated two buildings are being demolished, and discussed tracking pads and the location for the construction trailer and storage area put aside for gravel. Mr. Mackwell there is SWPPP detail shown on another sheet. Mr. Mackwell stated their LSP will coordinate if a dewatering plan is needed and oversee any other contamination issues; most of which is oil. He stated a concern of the commission was the roof, and whether there was contamination on the rooftop. They have found the roof is in good shape. Mr. Mackwell also stated the use of drains from previous operations will be discontinued.

Ms. Hershey stated she is satisfied the applicant has answered the questions the commission and Town Engineer had.

Mr. DiVirgilio asked about construction debris and would it be taken off site

Mr. Mackwell said it will be and will be coordinated with the DPW. He stated gravel will be brought in to keep the grounds level; eventually they will come back to the commission in order to re-pave. They are temporarily removing 50,000 sq.ft. paved area.

Mr. Turner discussed concerns with runoff from the sediment pond and what will be done to collect oil before it goes into the Neponset

Mr. Mackwell stated there will not be a lot of runoff as they are taking pavement out. He discussed the drainage system and the large sump installed will be there to collect it

Mr. Ankiewicz, of Ankiewicz Environmental discussed contamination issues and his review of the property. He acknowledged the long-standing environmental concerns and the proposed clean-up practice at the site of which an LSP will oversee. Mr. Ankiewicz stated the soils will all be analyzed in accordance with MassDEP guidelines.

Ms. Dyer asked the question posed by the Town Engineer regarding how they determine the amount of soil contamination

Mr. Mackwell stated it is determined by boring, monitoring wells and test pits. They neglected to address that issue in their report.

**Ms. Dyer made the motion to close the Public Hearing for the Notice of Intent and Land Disturbance permit**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

**Closed: 9:57**

The commission discussed boiler plate conditions. A pre-construction hearing shall be held prior to the demolition, the site shall be maintained in stable condition until the development is approved, and dust control and erosion controls shall be implemented.

**Ms. Dyer made the motion to issue an Order of Conditions with special conditions and Land Disturbance Permit**

**Mr. DiVirgilio seconded the motion**

**Vote- 4-0-1**

## **EXTENSIONS**

### **INDUSTRIAL RD. #18**

**DEP# 315-850**

**Ms. Dyer made the motion to approve and issue a one-year extension for 18 Industrial Rd.**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

### **WINTER ESTATES SUBDIVISION**

**DEP# 315-889**

**Ms. Dyer made the motion to approve and issue a one-year extension for Winter Estates Subdivision**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

## **CERTIFICATE OF COMPLIANCE**

### **SUMMER St. #335 (Commerford's Corner)**

**DEP# 315-912**

**Ms. Dyer made the motion to approve and issue a Certificate of Compliance with on-going special conditions once the Order of Conditions has been recorded**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-0-0**

## **MINUTES**

**March 9, 2016**

**Mr. DiVirgilio made the motion to approve the Minutes for March 9, 2016**

**Ms. Dyer seconded the motion**

**Vote: 3-0-2 (Mr. Wiley and Ms. Watson abstained)**

## **NOTICE OF NON COMPLIANCE**

**NORTHRIDGE FARM SUBDIVISION DEP# 315-994**

**OLMSTED ESTATES – DEP# 315-1062**

Ms. Hershey stated Notice of Non-Compliance letters were sent out to the Applicants and Engineers regarding issues with the detention basin which is not draining properly and conflicts with calculations. She stated the information will be coming by April 10, 2016, prior to the next conservation commission and will be discussed then.

## **BOARD COMMENTS**

Planning Board – 2016 Spring Town Meeting Article – the commission has no comment

Zoning Board of Appeals - Vacant Land of Pleasant St. – A Land Disturbance filing for this property has been submitted to the Conservation Commission and is on the Agenda for April 13, 2016

Zoning Board of Appeals – 71 Pocahontas ST. – No comments

Zoning Board of Appeals – Verizon Wireless Antenna 85 Route One – The commission has no comment

## **CORRESPONDENCE**

**The following correspondence was discussed and available for review:**

- **REC- Water Main Replacement Lincoln Rd. And Alice Ave**
- **MEME and DCR letter**
- **AMEC Foster Wheeler – Phase V Monitoring report – 100 Neponset St.**

**Mr. DiVirgilio made the motion to adjourn**

**Ms. Watson seconded the motion**

**Vote: 5-0-0**

**Closed: 10:30**