

# **CONSERVATION COMMISSION**

## **MINUTES (Approved 5/27/15)**

**MAY 13, 2015**

**Present: J. Wiley, Chairman**

**A. Goetz, Vice chairman**

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

**Also Present: L. Hershey, Conservation Agent**

**Conservation Agent Report given to the board**

**CONT. PUBLIC HEARING**

**NOTICE OF INTENT**

**TURNER POND DAM REHAB**

**DEP# 315-1084**

**Opened: 7:05**

Mr. Wiley read the advertisement from the Walpole Times for the Public Hearing which was continued from April 22, 2015

Mr. Wiley read letter received from DEP dated 5/7/15 into the record.

Mr. Turner stepped down from discussion during this hearing

Ms. Maggie Walker, Town Engineer and Christina Ekholm, GZA Environmental were present. Ms. Ekholm emailed response comments to Ms. Hershey from the last Hearing this afternoon.

Ms. Ekholm stated a site visit was conducted with Ms. Hershey and Ms. Walker to look at wetland mitigation options. Ms. Ekholm stated they have been able to reduce both permanent and temporary wetland impact from previously 20 ft. at the tow of the dam, to 10 ft. by changing the design. She discussed eliminating the terminology "dumped riprap" on the plans, and the riprap will be "filled in/placed". Specification sheets were included in the package and project notes added to include the use of swamp mats to minimize impact to the wetlands if necessary, how wildlife disturbance will be minimized, water control specifications and a sedimentation and erosion control section. Ms. Ekholm discussed notes have been added to make sure the Pond is brought back to regular levels for winter skating, and a dewatering plan will be in place.

Ms. Hershey stated the revised plans had just come in the office and she hadn't had time to thoroughly review them. Ms. Hershey stated during the site visit it was decided there was no potential replication site within the area of the project due to the railroad, pond and private properties. She stated it was good the Botanist was there as well to review. This is a limited project for dam maintenance, and the commission has the discretion to approve this limited project as illustrated in her agent report. Ms.

Hershey stated she feels the applicant is minimizing impacts as best they can and restoring the resource area. She stated she is pleased the new design will cause less impact to the wetlands

Mr. DiVirgilio concurred he was pleased there would be less impact with the new design

Ms. Dyer recommended not closing the Public Hearing since the plans weren't received

Ms. Hershey stated her willingness to work with the Town as they are anxious to put bids out if the Board agreed

Mr. Goetz stated he is satisfied with the placement of riprap instead of dumping. He also stated he appreciated the reduction in the disturbance between the roadway and railroad bed. Although it is a small area it is an important habitat. He is happy with re-routing of the water as it comes out of the pond as well. Mr. Goetz stated he is aware this is a controversial project but understands the reasoning although feelings are mixed. The commission needs to bend to the wishes of dam safety.

Ms. Walker stated Engineering will oversee the project which they are hoping to begin in August. She stated "stoplogs" will go in on November 15<sup>th</sup> so the normal elevation is possible by December 1, 2015

Mr. Wiley asked if the specs are completed

Ms. Ekholm stated the commission will get a copy of the specs and final plans once complete.

Mr. Wiley asked for questions or comments from the audience

Mr. Cliff Snuffer, Board of Selectmen stated he is sensitive to the time frame involved. He discussed the staging of the project and discussed he doesn't want the public to miss out of recreation on the pond

Mr. Wiley discussed the location of the staging and that the construction entrance on Elm St. will be maintained until the site is stable. He stated the Lodge would not be affected.

The commission discussed whether the Public Hearing should be closed.

Ms. Hershey stated the Hearing can be closed and if there are changes other than administrative ones, they would have to come back for a modification of amendment to the Order.

**Mr. Goetz made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**Closed: 7:30**

The board discussed special conditions as shown in the Agent report that Ms. Hershey provided. Specials include: The commission shall receive a copy of the stamped plan; preconstruction hearing will be conducted with agent; all reports from Dam Safety will be submitted to the conservation office as well as any other State and Federal permits obtained for this project; a timeline shall be provided prior to construction to include draw down of the pond; tree removal, construction, and bringing pond up to seasonal levels; and stranded wildlife within the work area shall be removed and brought to a safe area

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

## **GENERAL BUSINESS**

### **MINOR/MAJOR MODIFICATION REQUEST** **LADY SLIPPER DR. LOT 165** **DEP #315-1035**

Ms. Stacy Minihane, Beals and Thomas and Austin McDaniel, a representative from Toll Bros. were present requesting a minor modification to an approved Order of Conditions. They presented plans showing what was approved and what is requested entitled "Corrective Erosion Control Plan Lot 165A High Oaks" dated 5/4/15

Ms. Minihane stated that the proposed change is for the extension of lawned area by relocating the no alteration plaques toward the existing tree line. Ms. Minihane discussed issues with the grading as the erosion control barrier which was approved does not accommodate the grading on the southwestern portion of the lot. She discussed the grading as is creates a bowl where the grading and drainage is. Ms. Minihane stated she misunderstood that the no-alteration plaque was required pre-construction, as she thought it was post construction. She had thought grading could occur and the plaques be put in afterwards. Ms. Minihane discussed there is no proposal to change the grading or tree line on the proposed plan, just to move the erosion control barrier for grading and to extend the lawn area.

Ms. Hershey discussed her recollection of the Public Hearing that there was a slope going down to a stream and trail easement. It is close to the wetlands and stream with not a lot of vegetation. She felt more protection was needed and wanted the no alteration area be moved to line 168, and Ms. Minihane misunderstood that to mean post construction. She discussed it would be up to the commission to decide if the no alteration plaque be relocated to 164 as originally requested.

Mr. DiVirgilio stated he is not in favor of the area remaining lawn

The commission discussed allowing for grading and planting to help with drainage issue, but not moving the no-alteration plaque

Ms. Minihane discussed they would prefer the area to remain lawn, but could work with the commission to do other things.

Mr. McDaniels stated that Toll Bros. would work with the commission and are open to ideas. He would like the southwest corner to be more lawn area.

Mr. Goetz discussed he would go along with the grading issue but does not like the idea of expanding the lawn. He suggested attractive plantings instead of grass. He has no problem with grading to help with drainage issues.

Mr. Wiley asked about drainage problems

Ms. Minihane discussed by leaving the existing erosion control line the drainage causes a bowl to form

Mr. Wiley discussed his opposition of changing the position of the no-alteration plaques

Elevations and grading were discussed and the protection of the wetlands.

The commission decided they would approve grading and replanting of vegetation as approved by the conservation agent, but that the no-alteration plaques would remain where it was originally approved.

**Mr. Goetz made the motion to approve grading with plantings as approved by the conservation agent to be considered a minor modification for 165 Lady Slipper Dr. The proposal to move the no-alteration plaque is denied**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

#### **ATLANTIC CT. EXT. LOT 2**

**DEP #315-1073**

Mr. Wiley read a letter from Mr. John Glossa dated April 23, 2015 requesting approval for a Minor Modification to Lot 2 Atlantic Ct. There was no one present to represent the applicant and present the proposed changes to the board. Plans were submitted with the request dated 4/6/15.

After discussion, the commission stated that both the house and grading has changed. Mr. Goetz stated it appears to be more than a minor change.

The commission would like a presentation from the applicant or representative at the next meeting.

**Mr. Goetz made the motion to postpone the minor/major modification decision for Lot 2 Atlantic Ct until the next meeting on May 27, 2015.**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

#### **BOARD COMMENTS**

#### **OPEN SPACE RESIDENTIAL PERMIT (OSRP)**

Ms. Hershey stated the Planning Board is requesting comments from the Conservation Commission on the Conventional Yield Plan, Sunny Rock II in regards to the special permit only.

#### **BOARD COMMENTS**

**ZBA - MAIN ST. #1049** (Red Cherry) The commission reviewed this filing and has no jurisdiction

**ZBA – EASTOVER RD.** The commission stated an Order of Conditions has been approved and issued for this project

## **MINUTES**

**APRIL 22, 2015**

**Mr. Turner made the motion to approve the Minutes for April 22, 2015**

**Ms. Dyer seconded the motion**

**Vote: 5-0-1 (Mr. DiVirgilio abstained)**

## **DISCLOSURE**

As the conservation commission is the land manager of Turner Pond, Town Council requested the board sign a disclosure

## **CERTIFICATES OF COMPLIANCE**

**SPRING ST. LOT 2B**

**DEP# 315-517**

Ms. Hershey stated this is ready for a Certificate of Compliance to be issued

**Mr. DiVirgilio made the motion to approve and issue a Certificate of Compliance**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**HIGH OAKS SUBDIVISION** – Ms. Hershey stated it is not ready

**CROSSWOODS PATH #28** – Ms. Hershey stated the commission should wait for a correct As-built to be submitted prior to issuance

## **EXTENSION**

**INDUSTRIAL RD #18**

**DEP# 315-850**

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

**Mr. Finnigan seconded the motion**

**Vote: 6-0-0**

## **ENFORCEMENT ORDERS**

**33 INDUSTRIAL RD.** – Ms. Hershey reported the erosion controls were going to be fixed, the vegetation has re-vegetated nicely, and there are no sedimentation issues. Borrego is going to review the plantings

**SOUTH ST. #120** – Ms. Hershey reported most of the debris has been removed at this time, but more is left to do

Correspondence was discussed and available for the board to review

**Mr. DiVirgilio made the motion to adjourn**  
**Mr. Turner seconded the motion**  
**Vote: 6-0-0**

**Meeting closed: 9:45**