

# **CONSERVATION COMMISSION**

## **MINUTES (Approved 6/26/13)**

**MAY 22, 2013**

**Present: J. Wiley, Chairman  
A. Goetz, Vice Chair  
S. Sparks, J. Finnegan, D. Adams, B. Dyer,**

**Absent: R. Turner**

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

**Conservation Agent report given to the board**

**Meeting opened: 7:00**

### **DISCUSSION**

#### **PONDS COMMITTEE**

A discussion was held with Dan Ryan and Cliff Snuffer Jr. of the Ponds Committee. They are requesting the use of trolling motors on Turner Pond. A discussion was held regarding the Turner Pond deed and restrictions. Mr. Ryan is requesting the board take this under advisement, and also stated he could get a letter from Aquatic control regarding this if the board would like. The commission discussed they would like more authoritative information on the Deed, and restrictions. This will be looked into and the commission will get back to the Ponds Committee.

#### **PUBLIC HEARING NOTICE OF INTENT CLARKSON DR. #13 DEP# 315-1015**

**Opened: 7:25**

Mr. Wiley read the advertisement from the Walpole Times. Green cards were collected

Mr. Wiley read board comments into the record

Mr. Bob Vay of Norfolk Engineering was present representing the applicant. Plans were submitted entitled "13 Clarkson Dr. Walpole MA Septic System repairs" and dated 4/8/13. Mr. Vay stated the proposed filing is to repair a failed septic system with the installation of a new tank, pump chamber and two infiltration trenches. Mr. Vay stated

the wetlands have been delineated and erosion controls shall be in place and include silt fencing during construction. He stated the leaching field will be located in the front of the house.

Ms. Hershey stated she has no additional comments and has no concerns with this filing

Mr. Goetz stated the soils are better in front for this leaching system and will be better for the environment.

Mr. Wiley stated he would like to see daily street sweeping and the use of straw wattles around the catch basin during construction

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

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**Closed: 7:30**

**Mr. Goetz made the motion to issue an Order of Conditions w/conditions**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**PUBLIC HEARING**

**NOTICE OF INTENT**

**LOT 111, 7 SHADY LN.**

**DEP# 315-1017**

**Opened: 7:35**

Mr. Wiley read advertisement from the Walpole Times. Green cards were collected

Mr. Wiley read board comments into the record

Mr. Wiley read a letter submitted by abutters dated May 21, 2013 into the record, stating their concerns with the proposed lot filings before the commission this evening.

Ms. Stacey Minihane, of Beals and Thomas was present along with Toll Bros. representative, Jeff Heidelberg to discuss eight (8) lots before the commission for the construction of single family houses located in the High Oaks Subdivision.

Ms. Minihane stated this original subdivision was constructed in 1997 and an Order of Conditions was issued for the construction of the roadway, with a partial Certificate of Compliance issued in 2011 for the completion of the roads. This Order of Conditions highlighted the lots requiring either the filing of a Notice of Intent or a Request for Determination. Toll Bros. decided to file a Notice for the majority of these lots.

Ms. Minihane stated the wetlands have been delineated.

For Lot 111, 7 Shady Ln., plans were submitted entitled “High Oaks Estates, Walpole MA, Lot 111 #7 Shady Ln.” and dated 5/1/13. She stated there was no Bordering Land subject to Flooding located on this lot. The plans submitted show a permissible building plan showing the maximum impact of work that could occur. Ms. Minihane stated the final home footprint will be decided by the homeowner at time of purchase. She stated impact has been minimized to keep the character of the house in size and lawn area. Water supplies will be protected with roof runoff infiltration being incorporated. Straw wattles will be used as an erosion control measure. Ms. Minihane stated the grading shown on the plan is the maximum amount that will occur. She also stated the trail located behind the lots will not be impacted.

The board discussed the concept of a permissible building plan.

Ms. Hershey stated the commission would be setting precedence for future filings if a permissible plan is accepted. The commission typically requires adequate information with a description of the site and proposed work being shown on a plan.

Ms. Minihane stated the intent of filing this way was to be on the conservative side. She stated the plans could be revised showing a footprint if that is the wish of the commission

Mr. Wiley stated if the board were to approve a permissible building plan it would give opportunity for the applicant to clear everything in that footprint. He stated he has a problem with this.

Mr. Sparks discussed what if someone chose a larger house to be built

Ms. Minihane stated this plan will accommodate a larger house and other structures as well....it is the maximum. She stated revised plans will show the footprint.

Mr. Heidelberg of Toll Bros. stated the revisions will show all details including the water and sewer lines and the largest house possible as the footprint on the plan

Ms. Dyer stated she has never seen a permissible building plan in Walpole and is disappointed that Toll Bros. has submitted a plan like this.

Mr. Goetz stated the plans don’t show how grading will comply with stormwater regulations. He would like to know how water will be contained on one lot without going into another. Mr. Goetz is not in favor of the permissible building plan approach.

Mr. Goetz stated the applicant should rethink the plans; show the structures and stormwater system necessary to comply with the wetland regulations.

Mr. Wiley asked if there were questions or comments from the audience regarding wetland issues only. He stated these hearings would be continued.

Ms. Ellen Bruno, 92 Mill Brook Ave discussed the neighbor's confusion about a plan like this because of the strictness they had to adhere to when building their own homes.

Mr. Charlie Ko, 8 Shady Ln. stated he is echoing the same thoughts regarding this

**Mr. Goetz made the motion to continue the Public Hearing until June 26, 2013 beginning at 7:30**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**The Board discussed continuing all the Notice of Intent Public Hearings of the High Oaks Subdivision to run concurrently beginning at 7:30 on June 26, 2013.**

**Mr. Goetz made the motion to continue the Public Hearings until June 26, 2013 running concurrently beginning at 7:30 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

#### **PUBLIC HEARING**

#### **REQUEST FOR DETERMINATION OF APPLICABILITY**

**Lot 157, 35 MILL BROOK AVE**

**Opened: 8:10**

Mr. Wiley read the advertisement from the Walpole Times

Board comments were read into the record.

Ms. Hershey stated no activity will be occurring in the buffer zone and she has no issues with this Request for Determination

Ms. Minihane stated the applicant is requesting a Negative Determination be issued for Lot 157

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

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

**Closed: 8:25**

**Mr. Goetz made the motion to approve and issue a Negative 1 and a Negative 6 Determination**

**Ms. Dyer seconded the motion**

**Vote: 6-0-0**

#### **PUBLIC MEETING**

#### **REQUEST FOR DETERMINATION**

**CEDAR, BIRCH CHANDLER AVE AND CONIFER**

**Opened: 8:30**

Mr. Sparks recused himself

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read board comments into the record

Mr. Brad Holmes, of Merrill Associates was present on behalf of the applicant Columbia Gas. Mr. Holmes said that although the replacement of an existing gas main is a permissible activity and the filing of a Request for Determination is not required, they have chosen to obtain the permit so they have a document to give to the Gas Co. Mr. Holmes stated this activity along Cedar St., Birch St., Chandler Ave and Conifer Dr. require typical trench activity and portions of buffer zone is along the roadways.

Ms. Hershey asked when the project would be starting

Mr. Holmes said he would update the Agent and hopefully start as soon as possible.

Ms. Hershey stated she would like to meet with the contractor prior to commencement so she could see where the erosion controls will be placed. Ms. Hershey discussed erosion controls

Mr. Holmes stated a dewatering plan could be put in place if the commission would like

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

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**Closed: 8:43**

The commission discussed special conditions to include meeting with the Conservation Agent prior to construction to evaluate where erosion controls shall be placed, all construction materials shall be removed from site upon completion of project, street cleaning on a daily basis. A dewatering plan shall be submitted to Agent for approval prior to excavation

**Mr. Goetz made the motion to approve and issue a Negative 3 Determinations with conditions**

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**PUBLIC MEETING**

**REQUEST FOR DETERMINATION**

**EAST & PLIMPTON ST. ROADWAYS**

**Opened: 8:45**

**Mr. Sparks recused himself from the Public Meeting**

Mr. Wiley read the advertisements from the Walpole Times.

Mr. Wiley read Board Comments into the record

Mr. Brad Holmes, of Merrill Associates was present on behalf of the applicant Columbia Gas. Mr. Holmes said just like the previous filing, although the replacement of an existing gas main is a permissible activity and the filing of a Request for Determination is not required, they have chosen to obtain the permit so they have a document to give to the Gas Co. Mr. Holmes stated this project is similar to the previous filing just discussed. The areas involved in this Request for Determination include portions of East St., Plimpton St. Meadow Ln. Carr Village, Beth Rd. and Holly Rd. Trench work will be involved in this

Mr. Goetz discussed the depth of the trench and the possibility of hitting water.

Mr. Holmes stated a dewatering plan could be set up including constructing a dewatering pit and the ability to pump the water to an upland location. Erosion controls including haybales will be in place

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

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**Closed: 8:50**

The commission discussed issuance with the same special conditions as the previous Public Meeting: meeting with the Agent prior to installation of erosion controls, street sweeping shall occur on an as-need basis, construction materials shall be removed from the site upon completion of the project

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

**Ms. Dyer seconded the motion**

**Vote: 5-0-0**

**ENFORCEMENT ORDER  
INDUSTRIAL RD.**

Mr. John DiSangro was present at the request of the commission to discuss the Enforcement Order issued on April 26, 2013.

Ms. Hershey stated this was briefly mentioned at our last meeting but needs to be ratified. Ms. Hershey has been out on site and showed photographs of the violations that have

occurred. Mr. DiSangro was told at that time he needed to stop the work as he hadn't filed a Notice of Intent

Mr. Wiley read a letter into the record from Mr. DiSangro dated April 29, 2013 disagreeing with the claims and requesting an insurance certificate from the Town of Walpole. Mr. DiSangro claims the work was completed to repair the emergency egress, and that in stopping the work the Town of Walpole shall be responsible for injuries/ and or death.

Mr. DiSangro discussed that the letter was written before he realized it wouldn't take months to get on an agenda, and that he would file a Notice of Intent and would rescind the letter he wrote

Ms. Hershey and the commission discussed the Notice of Intent is for repairs for the retaining wall and a plan will be needed showing the boundary of the road

Mr. DiSangro discussed he does not want to waste money hiring a botanist and will go by what Ms. Hershey tells him is the wetland boundary. Mr. DiSangro already has a building permit and is nearly done with the retaining wall. He discussed if he had to hire a botanist he would hire an Attorney

The commission discussed the Enforcement Order and Mr. DiSangro will get plans into the office and be put on the Agenda with a Notice of Intent for the work that has been done for the repair of the retaining wall

**Ms. Dyer made the motion to ratify the Enforcement Order as presented**

**Mr. Goetz seconded the motion**

**Vote: 6-0-0**

Mr. Disangro told the commission he will write a letter and bring it to the office tomorrow rescinding the letter he wrote on April 29, 2013.

## **MINUTES**

**APRIL 24, 2013**

**Mr. Goetz made the motion to approve and accept the Minutes for April 24, 2013**

**Ms. Dyer seconded the motion**

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

## **MINOR MODIFICATION**

**LOT 9 WARREN LN**

**DEP# 315-1007**

Mr. John Glossa submitted a letter, and revised plans dated 5/3/13 to the commission requesting the approval of some minor changes to Lot 9 Warren Ln Ms. Hershey stated the house will actually be smaller than on the approved Order of Conditions and she has no issues with this. The commission discussed considering this request a minor modification as reflected in the revised plans

**Mr. Goetz made the motion to consider the request a Minor Modification as reflected in the revised plans**  
**Ms. Dyer seconded the motion**  
**Vote: 6-0-0**

## **CERTIFICATE OF COMPLIANCE**

**DELA POND VILLAGE**  
**DEP # 315-628**

**Mr. Goetz made the motion to issue a Certificate of Compliance with ongoing conditions for Dela Pond Village**  
**Ms. Dyer seconded the motion**  
**VOTE: 6-0-0**

## **ENFORCEMENT ORDER**

### **PLIMPTONVILLE CROSSING**

Ms. Hershey explained to the board that the required Erosion controls came in to the office late and were very vague. Ms. Hershey stated both March and April reports were submitted May 13 2013. She submitted a report to the board and described the conditions she found when completing a site visit. The detention basin is filled with silt, clay materials, the slopes are not stabilized and are eroding. The commission discussed the slopes need to be stabilized and basin needs to be cleaned out. Reports need to come in on time and the concrete area needs to be contained. They discussed the work needs to be completed by next Wednesday, May 29<sup>th</sup>, or the applicant is subject to a \$300 a day fine per violation. A certified letter will be sent out by the Agent tomorrow morning.

### **WEST ST. PARKING LOT**

The commission discussed the parking lot located at West St. At the edge of the lot it was reported the parking lot is in disrepair with broken up gravel. The board discussed it was most likely due to winter and snow issues. The commission discussed sending a letter of non-compliance and they should come forward and discuss the issue of these violations prior to June 12, 2013

## **BOARD COMMENTS**



PLANNING BD – 1065 Main St. (Beckett's). The commission discussed there are no conservation issues

ZBA – 12 Northwood Dr.- The commission discussed there are no conservation issues

### **OTHER BUSINESS**

Municipal Work Order – Industrial Rd. The DPW is requesting to clean out debris around a 30" drainage pipe on Industrial Rd.

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

**Mr. Adams seconded the motion**

**Vote: 6-0-0**

**Meeting Closed: 10:30**