

**CONSERVATION COMMISSION**

**MINUTES**

**(Approved 12/10/14)**

**NOVEMBER 12, 2014**

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

E. DiVirgilio, B. Dyer, R. Turner, J. Finnigan, G. Riggott (7:19)

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to the board

The Board accepted Mr. David Sullivan's resignation from the commission

**MEETING OPENED: 7:00**

**GRISTMILL LN. #47**

**NOTICE OF INTENT**

**DEP# 315-1066**

**Opened: 7:01**

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

Mr. Rob Truax, GLM Engineering was present representing the applicant and owner Donna Rossetti, and pool representative Ken Reall were also present

Plans were submitted entitled "Proposed Pool Plan 47 Gristmill Lane Walpole MA" dated 9/30/14

Mr. Truax stated this is an existing house located in Wisteria Ways Subdivision. There was a previous Order of Conditions issued and the applicant would now like to construct a pool. Mr. Truax stated there are already existing no-alteration bounds in place and no work will interfere with that. Mr. Truax stated the access will occur to the right of the house and silt barriers will be in place.

Ms. Hershey stated she has no specific concerns with the proposal. Mr. Truax provided information on the pool system, and her only comment were standard boiler plate pool conditions to be included in the Order of Conditions

Mr. Turner expressed concern regarding the discharge of pool water into the wetlands

Mr. Ken Reall, project manager for Pool Source was present and stated a cartridge filter will be used and there will be no backwash or need to discharge the pool water. A neutralizer is used when the pool water is dropped down which makes it just like drinking water.

Mr. Goetz stated as long as it doesn't affect the wetlands with no chemicals, he has no issues

Mr. Wiley stated he would like a silt sac to be put in the catch basin during construction. Also, any excavated materials taken off site and the street kept swept clean

Mr. Wiley asked for questions or comments from the audience

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

**Mr. Turner seconded the motion.**

**Vote: 6-0-0**

**Closed: 7:11**

The commission discussed special conditions to include boiler plate pool conditions and street sweeping as needed

**Ms. Dyer made the motion to approve the Order of Conditions with special conditions**

**Mr. Turner seconded the motion**

**Vote: 6-0-0**

## **PUBLIC HEARING**

### **AMENDMENT TO ORDER OF CONDITIONS**

**1901 MAIN ST. (ALLIED RECYCLING)**

**DEP# 315-960**

**Opened: 7:15**

Mr. Wiley read the advertisement from the Walpole Times. Mr. Oates stated abutters were notified and they will submit the certificates of mailing in the office tomorrow morning

Mr. Wiley read board comments into the record

Plans were presented entitled "Allied Recycling Center, Inc. 1901 Main St." dated 9/25/14 and revised 11/7/14

Mr. Shane Oates, Coneco Engineers, Ed Jameson and Eddie Sciaba from Allied Recycling were present. Mr. Oates stated the applicant is requesting an amendment to the previously approved Order of Conditions DEP# 315-960. The applicant is proposing to construct a small baler area on the site and modify the existing drainage conveyance as part of this project. A concrete slab will be poured and a baler placed on it; it will save both time and money. They want to replace the existing swale and replace it with two 18" iron pipes. Mr. Oates stated a stockpile area with jersey barriers will be in place. Mr. Oates stated he sent in revised plans for Ms. Hershey to review a few days ago to respond to the Town Engineer comments and feels he has addressed both of their comments. Hydrocat calculations and data were submitted and discussed as well as the responses to board comments. The project will only take a few weeks

Ms. Hershey stated this is an amendment to an existing order for stormwater management. The paving will occur outside the buffer zone. The O&M plan will be included in the Order and recorded.

Mr. Oates discussed rates of runoff. He discussed the drainage will go in prior to the removal of the swale.

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: 7:32**

The commission discussed special conditions to include receiving an annual inspection report by December 31<sup>st</sup> each year. The commission may fine the applicant up to \$100 a day if not received. Ms. Hershey stated added emphasis is necessary for these reports as they are often not received even when required in an Order of Conditions.

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**CONT. PUBLIC HEARING**

**NOTICE OF INTENT**

**OLMSTED ESTATES SUBDIVISION**

**DEP#315-1062**

**Opened: 7:35**

Mr. Wiley read the advertisement from the Walpole Times. This hearing has been opened and continued several times.

Revised plans were received in the office last week dated 11/5/14 which represent previous responses from comments made by Ms. Hershey

Mr. Glossa stated the majority of changes are depicted on sheet 7 of the plan. He stated everything has been moved so it is 25 ft. or more away from the wetlands and a water quality device has been added. Ms. Hershey requested design details of the basins and berm. Mr. Glossa stated he likes to use silt or sand gravel on the berm as it creates impermeable fill. Machines could even drive on it to provide maintenance of the basins if necessary. Mr. Glossa stated he has provided a secondary treatment area and put a diversion manhole into the structure which has a headwall with 6" pipe. He stated it meets the definition of a water quality swale. Mr. Glossa stated he has added requirements to the O&M plan.

Ms. Hershey stated she would like Mr. Glossa to provide in the O&M plan what is out there and how it will be maintained. She wants to see the design of the stormwater structure. It is confusing to describe a swale in the stormwater report, a grass channel on another sheet and water quality/biotention basin in

another statement. Ms. Hershey also stated there should be an agreement that lots 5, 6 and 7 will not be sold until the phase II design crossing has been approved

Mr. Glossa stated all will be provided in the O&M plan. Stormceptor detail is also on the plan. TSS removal rates were discussed. Mr. Glossa stated that once the lots are completed another basin may be required and other language could be used as the applicant is not comfortable with putting restrictions regarding the sale of lots.

Mr. Sean McEntee stated they are not planning on selling the lots first but he has concerns about Title issues. His Attorney has drafted a letter to the Board dated 11/12/14

The memo dated November 12, 2014 was read into the record from the applicants Attorney Vincent O'Brien. The letter stated the applicants acknowledge any extension of the subdivision could require modifications and need to come back before the commission. In addition, the applicant acknowledges any change in control could limit the ability to make such modifications

Mr. McEntee stated they would not do anything that negatively impacts their ability down the road. He stated they may get denied a permit by the Army Corp. and they don't want to put any restrictions on a recorded order.

A discussion took place regarding the language. Ms. Dyer stated she doesn't feel the letter is strong enough if the property should change hands. Mr. Turner is also concerned with the wording.

Ms. Dyer discussed she felt the language needed to be tightened up. Ms. Dyer also stated the basins located on lots 6 and 7 are pretty elaborate, and was there any way to pack it all on part of Lot 7 so it is not on two people's lots.

Mr. Glossa stated he would have if he could have and that he needs to work around volume and storage

Details of the swale were discussed by Mr. Glossa. He stated it will be grassed with a stone riprap channel. He also stated there will be a series of deep sump catch basins

Mr. Goetz stated the groundwater needs to be protected and contaminates need to be removed. He would like something more than a T to keep oil in the catch basin

Mr. Glossa stated there is no opening in the top

Mr. Wiley asked who the owner of the property is where the stormceptor is located.

Mr. Glossa stated it is on Lot 10 but in the easement. The lot 9 owner will be responsible for the maintenance. He stated the O&M plan also identifies the driveway for Lot 9 coming over that easement on lot 10. Basin #2 is located on Lot 9 and all will be clearly identified on the O&M plan

Mr. Wiley asked for questions or concerns from the audience

Mr. Joe Morasci- Buckboard Dr. asked if anything is being proposed under Olmsted Estates which will prevent the extension of road A going forward to develop the next phase.

Mr. Wiley stated the commission can't prohibit the sale of the lots. He stated the commission now has a letter in hand stating the applicant is aware of potential issues.

Mr. Morasci stated that maybe Town Council will have better language and could review

Mr. Wiley stated protection is given to us by the Wetlands Protection Act and local Bylaw. The commission could deny or have the applicants provide alternatives if needed. It is on record and the applicant is aware of potential issues as well

Mr. Morasci asked if the commission was satisfied the basins are large enough to handle water issues

Mr. Glossa stated there are two catch basins to pick up runoff and a double grate catch basin will be used running down Olmsted

Ms. Ann Murray, Pheasant Hill Rd. asked who makes sure the owners of the lots who have basins on them complete maintenance on them every year.

Mr. Wiley stated we attempt to keep up with the basins and the Agent keeps her eyes out when she is on site visits

Mr. Glossa stated this also is in the chain of Title. The Town has the ability to put a lien on the property if the owner refuses to maintain the basin. The Planning Board has been requiring this for several years now and all documents are reviewed by Town Attorneys

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**Closed: 8:47**

The commission discussed special conditions. The O&M plan needs to be revised to be show a notation on the Order of Conditions of the applicant's acknowledgement that any extension of the subdivision could require modification to stormwater infrastructure. The applicant will be required to come back to the commission with changes in drainage from original calculations. Double - grate catch basins shall be put in on Olmsted. The wetlands shall be flagged until a Certificate of Compliance is issued. Erosion controls shall be placed in the street in front of the houses as well as a construction entrance to help prevent sediment. Detention basin to be inspected monthly and after storms of one inch, and a log kept of inspections. Silt sacs shall be in newly constructed catch basins and Fisher St. as well and must be maintained. SWWP inspection reports shall be sent to the commission. Maintenance of basins shall be required by the applicant until a Certificate of Compliance is issued even if the lot has been sold. The following lots will require a filing with the conservation commission: Lots 5, 6, 7, 8, 9, and 10. The O&M plan will be attached to the recorded Order of Conditions

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

**Mr. DiVirgilio seconded the motion**

**Vote: 7-0-0**

**PUBLIC HEARING**

**NOTICE OF INTENT**

**DAYLILY LN. #9, 15, 19, 23 AND 27**  
**DEP# 315-1071, 315-1070, 315-1069, 315-1068 and 315-1067**

**OPENED: 9:05**

Mr. Wiley read the advertisements from the Walpole Times and stated these Hearings were opened at 9:05 and will concurrently. Certificates of Mailing were received.

Mr. Wiley read board comments into the record.

Mr. Rob Truax, GLM Engineering and owner and applicant John Walsh, Walsh Bros. Building Corp. were present. Plans were presented for each house lot dated 10/15/14 and were revised after reviewing the proposed lots with Ms. Hershey and the Town Engineer. The revised plans are dated 11/11/14.

**DAYLILY LN. #9 LOT 28**  
**DEP# 315-1071**

Mr. Truax stated the revised plans consisted of making changes to pull the proposed rock wall out of the sewer easement per the Town Engineer comments. He is now proposing a double wall; the first being 4 ft. high and the second wall 2 ft. Of all the lots before the commission tonight, Mr. Truax stated most of the grading will occur on this one. He stated the proposed house includes a walk-out basement, and driveway out in front. Mr. Truax stated they are not proposing tying into the sewer line located in the back. Grading will occur on the downside of the wall and no-alteration plaques shall be placed on top of the wall in the corners of the lot. The limit of work has been shown on the plan with erosion controls placed along the property line.

Ms. Hershey stated the applicant has addressed the comments of both herself and the Town Engineer in the revised plans.

Mr. Riggot asked how they would be connecting to the sewer

Mr. Truax stated they would tie into Daylily Ln.

Mr. Goetz stated he would like to see roof drains shown on the plan

**Mr. Goetz made the motion to close the Public Hearing**  
**Ms. Dyer seconded the motion**  
**Vote: 7-0-0**  
**Closed: 9:17**

Special conditions include roof drains to infiltrate roof stormwater into the ground, no alteration plaques showing limit of work and erosion controls shown on plan

**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**

**DAYLILY LN. #15 LOT 27**

**DEP# 315-1070**

Mr. Wiley read Town Engineer comments stating that proposed grading and utilities should be shown on the plan, the correct locus, and grading and rock wall should be outside the sewer easement

Mr. Truax stated the revised plans show the fill has been taken from the back of the yard and they took the wall completely out of the plan. The new proposal includes a walk-out basement; therefore the backyard was lowered about four ft. Three no-alteration bounds are located in the back of the yard on the easement

Ms. Hershey had no additional comments

Mr. Goetz stated he would like the roof drains located on the plan

Mr. Wiley asked for questions from the audience

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**Closed: 9:22**

The commission discussed special conditions to include roof drains for infiltration of roof stormwater, no alteration plaques showing limit of work and erosion controls shown on the plan

**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**

**DAYLILY LN. #19 LOT 26**

**DEP# 315-1069**

Ms. Hershey and the Town Engineer stated the plan should label the sewer easement, proposed grades, utility connections and correct locus

Mr. Truax stated in the revision of this plan there will be no fill in the easement at all, the grades have been matched to what there is there currently. A partial walk-out is proposed with minimal grading. Silt barriers with bounds shall be put on the property line. He stated they will provide revised plans with roof drains on the plan

There were no comments

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**Closed: 9:25**

**DAYLILY LN. # 23 LOT 25**

**DEP # 315-1068**

Town Engineer and Conservation Agent comments stated the plan should label the sewer easement, proposed grades, locus and utility connections

Mr. Truax stated there is not a lot of grading on this lot. He stated there is a sewer manhole located in the backyard and this lot is closer to the wetlands. He has shown no-alteration bounds on the 10 ft line with three plaques. There is no walk-out basement on this lot and no fill will be located over the sewer easement.

Ms. Dyer stated the no alteration plaques should be located at the 25ft buffer, not the 10.

After discussion the commission and applicant have agreed they will continue the hearings on both Lots 25 and Lot 24 Daylily LN. and review them again. Mr. Truax stated this subdivision is an older one and the wetland line should be reviewed again for these two lots.

**Mr. Goetz made the motion to continue the Public Hearing for Lot 24 Daylily Ln. until December 10, 2014 at 7:30 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**Mr. Goetz made the motion to continue the Public Hearing for Lot 25 Daylily Ln. until December 10, 2014 at 7:31 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**REQUEST FOR DETERMINATION  
MOOSEHILL RD. #272**

**OPENED: 9:37**

Mr. Wiley read the advertisement from the Walpole Times. Abutters were notified by Fedex

Mr. Wiley read board comments into the record

The intent of this Request for Determination is to determine the designation of a stream located at 272 Moosehill RD. The applicant is requesting the commission determine whether this stream is perennial or intermittent

Ms. Hershey stated that after reviewing the Wetlands Protection Act Regulations Request for Determination, she feels the applicant needs to file an Abbreviated Notice of Resource Area Delineation to obtain confirmation of a delineated boundary of BVW wetlands. Ms. Hershey also stated that this stream inside the wetlands was not on the plan or part of the determination of the previous approved ORAD. She also stated the applicant is not the owner of the property of the land where the stream is located.

Ms. Vaite presented the commission with several attachments and documentation which had been sent to the commission for review. She stated that at the time the wetland delineation plan presented to the commission was approved it was determined no stream was present. A clear stream has been



found and even DEP has seen the stream. She presented photographs showing the origin of the stream. Ms. Vaite also discussed Mass Division of Fisheries have been out and she discussed the population of brook trout which was found. Ms. Vaite stated this is a cold water fishery and feels the stream needs to be part of a wetland. Ms. Vaite stated this lies on Siemens Property and understands she will need to have them sign the ANRAD application

Mr. Turner stated Traphole Brook is a cold water fishery

Ms. Dyer stated she would like the stream labeled as well, even if it is said a “tributary to Traphole Brook”

Ms. Hershey stated when the ANRAD is filed they need to state what they want approved by the commission

**Mr. Goetz made the motion to issue a Positive 2B Determination**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

#### **CERTIFICATE OF COMPLIANCE**

**OFF COMMON ST. #691**

**SHARON COUNTRY DAY**

**DEP# 315-253**

Ms. Hershey stated this was a very old filing. After researching the aerials and completing a site visit she is satisfied the Order of Conditions was followed correctly. Ms. Hershey recommends issuing a Certificate of Compliance for the expired Order.

**Mr. Goetz made the motion to approve and issue an Order of Conditions**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**APPLETREE LANE #16**

**DEP# 315-1053**

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

#### **MINUTES**

**SEPTEMBER 24, 2014**

**Mr. Goetz made the motion to approve the Minutes of September 24, 2014**

**Mr. DiVirgilio seconded the motion**

**Vote: 7-0-0**

**OCTOBER 8, 2014**

**Ms. Dyer made the motion to approve the Minutes of October 8, 2014**

**Mr. Goetz seconded the motion**

**Vote: 6-0-1 (Mr. Finnigan abstained)**

#### **BOARD COMMENTS**

ZBA - Elm St. #305 – the commission has no comments

ZBA – High St. 430-436 – the commission has no jurisdiction and the applicant has chosen to withdraw the filing

ZBA – Bubbling Brook Rd. #44 – the commission has approved and issued an Order of Conditions for this property. A copy shall be submitted to the ZBA for their review.

Planning Board – Olmsted Estates – this hearing was before the commission tonight

Planning Board – Main St. #1429 – the commission has no jurisdiction but supports the Planning Board addressing stormwater management standards in their decision

Planning Board – Old Post Rd. 985-995 – the commission supports the Planning Board addressing stormwater management standards in their decision

#### **ENFORCEMENT ORDERS**

Ms. Hershey reported that both Enforcement orders on 33 Industrial Rd and 1324-1336 Main St. (Cumberland Farms) are status quo

#### **APPEALS**

Nothing was new to report on Moosehill Rd. and Frontier Dr.

#### **CORRESPONDENCE**

The following Correspondence was discussed and available for review

- Economic Development invite – 11/13/14
- GZA – 18 Industrial Rd
- Goddard Consulting – Notice of ANRAD in Medfield

#### **TURNER POND**

The commission discussed the tree removal at Turner Pond which has already occurred. The board agreed they would like to use some of the land maintenance money toward assisting the Tree Warden with this expense.

**Ms. Dyer made the motion to allocate \$1000 from the conservation land maintenance fund to go to the Tree Warden towards the removal of trees at Turner Pond**

**Mr. Riggott seconded the motion**

**Vote: 7-0-0**

#### **OTHER BUSINESS**

**BUDGET  
WETLANDS ACCOUNT**

**Ms. Dyer made the motion to request the Board of Selectmen approve the use of the Wetlands Filing Account towards additional hours as needed for the Conservation Agent and Board Secretary  
Mr. Goetz seconded the motion  
Vote: 7-0-0**

The commission discussed the Conservation Agent's request for additional hours to cover time spent on projects beyond the general permitting requirements under the Wetland Protection Act and Walpole Wetland Protection Bylaw.

**Ms. Dyer made the motion to request the increase from 26 to 30 hours for the conservation agent in the FY16 budget  
Mr. Goetz seconded the motion  
Vote: 7-0-0**

The commission discussed the general budget for FY 2016 for the conservation commission

**Ms. Dyer made the motion to approve the budget for FY2016 as presented  
Mr. Goetz seconded the motion  
Vote: 7-0-0**

**Mr. Finnigan made the motion to adjourn  
Mr. DiVirgilio seconded the motion  
Vote: 7-0-0**

**Meeting Closed: 11:00**