

CONSERVATION COMMISSION

MINUTES

(Approved 11/13/13)

OCTOBER 9, 2013

Present: J. Wiley – Chairman

A. Goetz- Vice Chairman

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

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to board members

New member Emidio DiVirgilio was welcomed to the Board

MEETING OPENED: 7:00

MINUTES

SEPTEMBER 25, 2013

Ms. Dyer made the motion to approve the Minutes for September 25, 2013

Mr. Adams seconded the motion

VOTE: 5-0-2

EMERGENCY CERTIFICATE

Ms. Hershey discussed receiving notification from the Health Dept. and Mosquito Control that an Emergency Certificate needed to be issued for the removal of a Beaver Dam at the Walpole Gun Club located at 499 Lincoln Rd

Mr. Goetz made the motion to ratify the Emergency Certificate

Ms. Dyer seconded the motion

Vote: 7-0-0

BOARD COMMENTS

Fisher St. ZBA –Ms. Hershey reviewed the site in the field of Lot 52 which is 119 acres in size. The commission discussed that if the owners are planning to develop this lot and if the alteration, fill, excavation or change of grades is 40,000 s. ft. or more, then a Land Disturbance Permit will be required under the Stormwater and Erosion control Bylaw.

Planning Board – High Oaks IV Lot 115 is requesting comments for a major modification. Ms. Hershey discussed that this is the lot where, at one time, a ball field was proposed. The board discussed the filing of a Land Disturbance permit may be required if there is disturbance of 40,000 sq. ft.

CORRESPONDENCE

MassHousing letter – Ms. Hershey stated a letter was received from MassHousing regarding the residence at Walpole Woods (Moosehill 40B project) accepting the land as a 40B project.

ENFORCEMENT ORDERS

Plimptonville – Ms. Hershey stated no erosion control report has been received as of yet

Industrial Rd #33 – Ms. Hershey showed pictures she took of the solar farm area. There has been significant clearing of the land as shown in the photos. Ms. Hershey requested the owner put up additional erosion controls. The owner is in process of planting blueberry bushes. The Board directed Ms. Hershey to issue a Notice of Non-Compliance documenting the additional disturbance. The board discussed the area will be reviewed again in the spring for additional plantings which may be required.

Mr. Goetz made the motion to send a letter of Non-Compliance to the owner of 33 Industrial Rd.

Ms. Dyer seconded the motion

Vote: 7-0-0

South ST – Status quo

West ST. Parking Lot – Status quo

OTHER BUSINESS

TOWN FOREST

Mr. Adams stated the committee has started marking trees behind Walpole Park South to get ready for the upcoming Timber harvest. He expects a cutting plan to be ready within the next couple of weeks

CONT. PUBLIC HEARING

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

MOOSEHILL RD. #272

DEP# 315-1029

Opened: 7:30

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

Mr. Wiley stated there are still unpaid property taxes as of this morning

Mr. Wiley read a letter from Neponset River Watershed Association dated October 7, 2013 into the record.

Mr. Wiley read a letter from concerned citizens dated October 9, 2013 objecting to the reference to intermittent waterways. They believe the waterways have never run dry.

Mr. Rob Truax, GLM Engineering and Joyce Hastings, wetland scientist was present. Ms. Hastings stated this is a filing for an Abbreviated Notice of Resource Area Delineation and is a 13 acre parcel of land. Revised plans dated October 7, 2013 were submitted entitled “Wetland Delineation Plan.” A letter including data was also submitted dated September 15, 2013. Ms. Hastings stated that due to the commissions concerns about the status of the stream, an analysis was completed and based on the Wetlands Protection Act the stream does not meet regulation standards for the definition of a perennial

stream. Ms. Hastings also stated there is a farm dump in the area and GLM advised the applicant not to disturb this area until the cleanup is outlined in a Notice of Intent and permitted under and Order of Conditions

Ms. Hershey stated she has been out on the site three times since the last Public Hearing and has walked along the stream bed where it meets the tributary. She saw flow, and looked for other indications of a stream but didn't find any. Ms. Hershey stated the regulations of the Wetlands Protection Act are specific and that the representatives completed the analysis they were required to do. Due to this analysis the stream does not qualify as perennial as the acreage is below what it needs to be. She stated she spoke with DEP regarding the stream stat data provided by NEPRA and they concurred with her. The applicants have met the information required. Borings were completed as requested and the soils were looked at. The wetland line was moved up about 10 ft. and Ms. Hershey is satisfied with the line. Ms. Hershey stated she agrees the old dump should be left as is until addressed in a Notice of Intent.

Mr. Turner stated the stream needs to be on the plan. He spoke about Traphole Brook and his concerns

Ms. Dyer asked about the spring, and the water contributing to the intermittent stream

Mr. Goetz stated the spring needs to be shown on the plan, and that the commission should conduct a site visit.

Mr. Wiley asked for questions and comments from the audience

Mr. Tom Palmer, representative from Neponset River Watershed Association was present. He spoke about the letter he wrote which was read into the record and discussed perennial and intermittent streams. He discussed the new equations DEP is using to determine the type of stream, and feels ConCom needs to look at the stream and make the judgment as presumptions can be overturned by evidence.

The commission discussed they would have a site visit at MooseHill Rd. at 8:00 a.m. on Saturday October 19, 2013. This will be posted.

Mr. Goetz made the motion to continued the Public Hearing until October 23, 2013 at 8:15

Ms. Dyer seconded the motion

Vote: 7-0-0

CONTINUED PUBLIC HEARING

NOTICE OF INTENT

LADY SLIPPER #11, Lot 164

DEP# 315-1034

Opened: 7:30

Mr. Wiley read the advertisement from the Walpole Times for this Public Hearing which was continued from September 25, 2013

Mr. Sean McShane representing Toll MA I, LLP and Stacy Minihane of Beals and Thomas was present.

Ms. Minihane presented plans entitled "High Oaks Estates, Lot 164A #11 Lady Slipper Dr." and dated 10/1/13 to the commission. She stated that she has addressed revisions requested by the board at their last meeting. Ms. Minihane stated the driveway apron has been revised to ensure there will be no runoff from the roadway down the driveway. She also stated that catch basins are located in front of lot 106 which

was of concern by the commission. Ms. Minihane stated the dry well frame reference has been corrected to read “per manufacturer’s recommendation”. Detail for the proposed retaining wall with fence on top has been added to the plan as well, and the location of silt fence was added to the plan.

Ms. Hershey stated that any trees located on the no-alteration line should be reviewed when the line is surveyed in the field. She also stated the no –alteration plaques should be placed on concrete bounds at locations shown on the plan.

Mr. Turner stated he is still concerned with water flow racing down the driveway

Ms. Minihane stated the roadway drains opposite from the lot

Mr. Goetz has concerns with the retaining wall and wants to make sure it is well designed by an engineer to ensure it is safe.

Mr. Wiley stated an engineer plan stamp for the wall is not on the Plan and the final engineered design should be well reviewed by the appropriate office in Town Hall and put on the plan. Wetlands are located downstream from the wall.

Mr. Goetz made the motion to close the Public Hearing

Ms. Dyer seconded the motion

Vote: 7-0-0

Closed: 8:50

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

Ms. Dyer seconded the motion

Vote: 7-0-0

DISCUSSION

1900 MAIN ST.

Mr. Jay Santos and Melissa Magnison were present to discuss questionable enforcement issues on this site. Ms. Magnison stated they have had an Engineer re-stake and reestablish the property line per instruction from the conservation commission. As directed by the commission a section of the fence which was located on town property has been brought back. She stated the entire property line is now staked out.

The commission discussed going on a site visit October 10, 2013 at 9:30 a.m. to check on the site 9:30 October 19th to site visit to check it out. This will be posted

Mr. Wiley said after the site visit the commission will revisit this.

Ms. Dyer made the motion to adjourn

Mr. Adams seconded the motion

Meeting closed: 9:30

