

# **CONSERVATION COMMISSION**

## **MINUTES**

**(Approved 9/24/14)**

**SEPTEMBER 10, 2014**

**Present: J. Wiley, Chairman  
A. Goetz, Vice Chairman**

**R. Turner, B.Dyer, E. DiVirgilio, J. Finnigan, G. Riggot, D. Sullivan**

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

**Conservation Agent report given to the board**

**CONT. PUBLIC HEARING  
NOTICE OF INTENT  
MAIN ST. 1324-1336 (CUMBERLAND FARMS)  
DEP# 315-1058**

**OPENED: 7:00**

Mr. Wiley read the advertisement from the Walpole Times for this Hearing which was opened on June 25, 2014 and has been continued several times.

Mr. Tom Liddy, Lucas Environmental and Phil Henry, of Civil Design Group was present representing the applicant. Revised plans were received dated 8/25/14 and a response letter dated 8/22/14 to Town Engineer comments. Mr. Henry stated this is a raze and rebuild project. He stated existing trash issues have been removed from the building site per the enforcement issues, and has been resolved. A trash receptacle plan has been submitted and a trash pickup schedule in place. Mr. Henry stated the landscaping has been enhanced from the tree line to the back of the building. Dogwood trees, shrubs and rosebushes have been added to deter riffraff activities from occurring. He stated they are focusing efforts to clean up the area. Mr. Henry stated he has added TMDL language as outlined in the stormwater report, and it has been itemized in the narrative. A spill response protocol sheet will be located at the checkout counter in the Cumberland Farms store, and has been submitted for review. An orange construction fence has been added to the plan as well.

Ms. Hershey stated comments were included in her agent report which will be attached to these minutes. She would like revised comments stating any debris within the stream bed need to be constantly cleaned out. She questioned whether there were invasive species in the area

Mr. Liddy stated he believes some buckthorn is there

Ms. Hershey stated invasives should be cleaned out and suggested landscape islands in the riverfront shall be planted with drought tolerant species. She also stated as part of the Long Term Pollution Prevention Plan, an inspection of the entire site needs to occur on a regular basis. Ms. Hershey stated she is working with a Stormwater Collaborative group and has suggested educational signs be placed in areas reminding

the public to keep areas clean and educating them whenever possible. Ms. Hershey stated she would like to see the phasing plan with the demolition first and planting prior to construction of the new building

Mr. DiVirgilio stated he agrees with Ms. Hershey and supports her

Mr. Turner stated he likes the idea of the signage to educate others and would like to have it in more areas of Town.

Mr. Goetz stated he has been on site and the dumpster area does look better than it did, although there is still a lot of trash and debris between the retaining wall and brook. He would like more attention to that. He stated his other disappointment is he asked for a plan showing the installation of the fuel tanks. He stated he feels strongly the installation needs a bladder surrounding the tank to prevent leakage. His concern is the Neponset River. Mr. Goetz stated no generic plan should be accepted. This is the common practice used in Norwood. Mr. Goetz asked about a dewatering plan when digging for the tanks as well. He stated the signage is a good idea

Mr. Wiley stated slow release fertilizer should be used and in the O&M plan

Mr. Henry stated it would be added to the plan. He stated he sees no issues with any of the commissioners' comments.

Mr. Wiley asked how often routine maintenance will occur

Mr. Henry stated it will be scheduled for every three months and will be maintained as needed

Mr. Wiley stated a special condition will be the site shall be kept clean. One time weekly the site should be policed for trash and debris, or more if necessary

Mr. Henry stated tank installation protocol; including double leak detection is included in the revision

Mr. Wiley asked if the Fire Dept. has reviewed the installation plan

Mr. Henry stated once all boards are finished the Fire Marshall will go over the plans. He discussed the tanks are electronically monitored, but the drivers use a dipstick prior to adding fuel as a precaution

Mr. Goetz stated the system is not as good as using the bladders as they do in Norwood. His concern is all of our drinking water comes from within the Town and it is important they be vigilant. He would like to have a discussion with the Fire Dept. before rendering a decision.

**Mr. Goetz made the motion to continue the Public Hearing until 9/24/14 at 7:15 p.m**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**CONT. PUBLIC HEARING**

**NOTICE OF INTENT**

**OLMSTED ESTATES SUBDIVISION**

**DEP# 315-1062**

**Opened: 7:55**

Mr. Wiley read the advertisement from the Walpole Times for this Hearing which has been opened and continued until this evening.

Mr. Wiley read new board comments into the record

Mr. John Glossa, Glossa Engineering, Michael Viano and Sean McEntee were present. Mr. Glossa presented a comment letter to the board in response to concerns from Agent the last meeting. The letter is dated 9/10/14. Mr. Glossa stated these changes will be reflected on the plan. The 25ft no disturb will be clearly identified on the plan and the detention basin will be above the water table. Mr. Glossa discussed other revisions to include having a construction plan. He stated also that stormwater will be directed away from what is being looked at as a vernal pool; he wants to create a berm on the wetland side. Mr. Glossa stated the commission will have the opportunity to study the proposed conception Open Space Plan which is being proposed for the remaining portion of the site. Mr. Viano will come before the commission at the next meeting to present and discuss this.. Mr. Glossa stated the design of the stormwater basin is they will remain dry, and the bottom of the basin shall be mowed regularly. Mr. Glossa discussed the sediment forebays will discharge the stormwater through the ground or through a check dam, and both will have the capacity to trap sediment. He discussed calculations shown for the infiltration chambers. Mr. Glossa stated TSS calculations will be submitted to the commission along with a revised O&M with revisions. Mr. Glossa would like to know if the commission is satisfied, or would they want the basins relocated due to the 25ft no disturb

Ms. Hershey stated the commission should decide on whether they would agree to let work be done in the 25ft no disturb area. She also stated that there is one piece of property with two phases being proposed. The commission should look to see how they affect each other. She stated infiltration needs to be looked at during construction of the roadway not just reviewed as each house lot is constructed. She also stated the comments came into the office this morning and the commission requires two weeks to receive new information and it is not appropriate for material to come in the day of the meeting. She stated the Town Engineer has not been able to review everything with Mr. Glossa and herself, and she would like to do this.

Mr. DiVirgilio stated he does not feel basins should be in the 25 ft. no disturb

Mr. Turner stated he is not in favor of work within the 25 ft. no disturb

Mr. Glossa stated if the commission is not in favor of work in the 25ft no disturb he can make the changes.

Ms. Dyer stated the commission cares about the buffer and it's their job to uphold the 25ft no disturb. The board may be willing to bend for pre-existing houses that are requesting to intrude in the 25ft but this is not the same. She also stated she wants to look at the whole picture; it appears a wetland crossing will be needed and she wants to see the whole picture at the next meeting

Mr. Goetz stated he also is not in favor of work within the 25ft. no disturb. He asked who would be maintaining the basin and wants to see how it will connect with other property.

Mr. Glossa stated the roadway will be a public street and maintained by the Town. The owner would be in charge of maintaining a basin.

Mr. Wiley stated that no other alternatives have been shown as to why work is needed in the 25ft. or hardships, so the basins should be moved. He stated the commission has seen detrimental effects on the wetlands when they had a 10ft. no alteration bylaw.

**Ms. Dyer made the motion to continue the Public Hearing until 9/24/14 at 7:30**

**Mr. DiVirgilio seconded the motion**

**Vote: 7-0-0**

**PUBLIC HEARING  
NOTICE OF INTENT  
SHOREVIEW LN. #4  
DEP# 315-1063**

**Opened: 8:35**

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read board comments into the record

Mr. Mike Bullock, Bullock Construction was present representing the owners, Mr. and Mrs. Pitocchelli who were also present. Mr. Bullock presented plans entitled "Plan of Land in Walpole MA 4 Shoreview Ln." dated July 9, 2014. Mr. Bullock stated this filing is for the proposed small in-law addition on the back of a garage with a deck attached.

Ms. Hershey asked if there would be a change of grade, and stated there is an existing grassed yard with fencing located in the back. She stated an erosion control line with straw wattles should be in a U shape along the line for erosion control purposes.

Mr. Bullock stated there would be no change in grade

Mr. Goetz stated street sweeping as necessary should be in the Order of Conditions along with the extension of the erosion control line.

Mr. Wiley stated three (3) no disturb plaques should be put on the plan and the commission showed the representative the location. Mr. Bullock will show this on the plan

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

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

**Closed: 8:50**

The commission discussed special conditions to include three (3) no alteration plaques, relocation of straw wattles as discussed shall be shown on the revised plan and street sweeping shall occur as needed.

**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**

**MINUTES**

**AUGUST 13, 2014**

**Mr. Goetz made the motion to approve the Minutes as amended per Mr. Wiley**

**Ms. Dyer seconded the motion**  
**Vote: 5-0-2 (Mr. Finnigan and Mr. Riggott abstained)**  
**CERTIFICATE OF COMPLIANCE**

**AUDUBON RD. #4**  
**DEP #315-1057**

**Mr. Goetz made the motion to approve and issue a Certificate of Compliance**  
**Ms. Dyer seconded the motion**  
**Vote: 7-0-0**

## **ENFORCEMENT ORDER**

**INDUSTRIAL RD. #33**  
**DEP# 315-1012**

Ms. Rachel Watsky of Goddard Consulting Group was present to request the Enforcement Order for 33 Industrial Rd. be lifted. She stated she is on site constantly and much of the vegetation has come up. She discussed they have replanted along the area on site that has not rebounded as well. Ms. Watsky stated she understands Ms. Hershey's concerns but that the plants are all under warranty and those that don't survive will be replaced.

Ms. Hershey stated the site has indeed improved and they have done a good job removing sediments and silt. She would like the Enforcement Order to remain at least through the Winter and Spring as we have not had a rainy season when all the problems occurred

The commission concurred with Ms. Hershey and expressed their satisfaction with Ms. Watsky for keeping on top of things at this site. Prior to her involvement the commission was dissatisfied that the applicant was is compliance with the Order of Conditions

## **EXTENSION**

**WISTERIA WAYS SUBDIVISION**  
**DEP# 315-424**

**Mr. Goetz made the motion to approve and issue a one-year extension for Wisteria Ways**  
**Ms. Dyer seconded the motion**  
**Vote: 7-0-0**

## **OTHER BUSINESS**

### **MULLIN RULE**

The commission discussed whether to support a Draft Article to be added to the Fall Annual Town Meeting Warrant. The Zoning Board of Appeals and Conservation Commission would accept a local option statute Per MGL., c. 39 23D giving the board flexibility if a member misses no more than one session of a public hearing. The member must certify in writing they have examined all evidence missed, including audio and/or video recordings. This law is known as the Mullin Rule, and requires a Town meeting vote.

**Mr. Finnigan voted to support this Article in favor of accepting the Mullin Rule**

**Mr. DiVirgilio seconded the motion**

**Vote: 5-1-1. Ms. Dyer abstained and Mr. Turner voted in the negative**

#### **MINOR MODIFICATION**

##### **NORFOLK AGGIE**

The commission discussed the request by the Norfolk County Agricultural High School to modify the approved Order of Conditions, DEP# 315-974, by constructing a sidewalk along the bus loop driveway to the Main St. driveway entrance. Enclosed plans reflecting this proposed change was submitted for review.

**Mr. Goetz made the motion to accept the proposed changes as a Minor Modification to the approved Order of Conditions as reflected in the plan dated June 27, 2014**

**Ms. Dyer seconded the motion**

**Vote: 7-0-0**

#### **BOARD COMMENTS**

The Planning Board is requesting comments on a filing for Dedham Auto Mall, 623 Providence Hwy. After discussion, the commission discussed they do not feel the proposed stormwater management system is adequate for this use. Additional pre-treatment is needed prior to discharge to an infiltration basin

The Zoning Board of Appeals is requesting comments on a filing on High Plain St. # 263. The commission has no concerns with this project

The Board of Selectmen are requesting comments on an Amended Chapter 40B project in Sharon, MA. Located on Old Post Rd. The commission discussed concerns with the water supply and proper treatment of runoff. They would request a copy of an Order of Conditions to review.

The Planning Board is requesting comments for the Open Space Residential Development on 35 Lots Off Fisher and North ST. After discussion, the board will have specific concerns on the conventional subdivision layout plan. The board is concerned with the proximity of the wetland line in the 25ft no disturb area per the local bylaw in respect to the number of Lots.

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

**Mr. Turner seconded the motion**

**Vote: 7-0-0**

**Meeting Closed: 10:30**