



**CONSERVATION  
COMMISSION**

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**Town of Walpole**  
Commonwealth of Massachusetts

CONSERVATION COMMISSION MINUTES  
October 26, 2016  
(Approved 11/09/2016)

**Present:** J. Wiley, Chair  
A. Goetz Vice Chair, B. Dyer, R. Turner, E. DiVirgilio, K. Watson  
Also present: Agent L. Hershey

The Conservation Agent Report, 10-26-12016 was given to members.

This meeting was taped and will be available on walpolemedia.tv

The meeting opened at 7pm.

The 7:00 pm Discussion on Conservation Restriction was held until after the following discussion.

**GENERAL BUSINESS**

**ROSCOMMON CROSSING  
METHODS FOR TEMPORARY CROSSING**

Strong Point Engineering Solutions, Inc. submitted a letter, dated October 24, 2015 on behalf of Whitman Homes, the new owners of the Roscommon Subdivision, requesting a minor modification to DEP #315-1094 to include a temporary crossing and road clearing for the extension of Emerald way from Olmsted Estates subdivision into the Roscommon subdivision. The intent of the temporary crossing will be to access the site to perform the site work necessary to construct the replication area and to prepare for the permanent crossing.

Eric Dias, engineer from Strong Point Engineering Solutions, Inc. presented the, Temporary Crossing Plan, sheet TC-1, dated 10-19-16 to the Commission with details of the steel road plates and swamp mats to be considered supplemental to the plans already approved under DEP #315-1094. The Temporary Crossing Plan shows the work necessary for the temporary

crossing to complete the permanent bridge and the replication area. The Temporary Crossing Plan shows the crossing for the gas line from North Street and then follows the roads (eg Emerald Way Extension) rather than crossing the wetlands from Roscommon to Olmsted Estates, as was approved by DEP #315-1091.

E. Dias stated that the temporary crossing of swamp mats and plates will mimic the proposed permanent bridge crossing in that it will have three openings for the wetland flows.

E. Dias also requested approval to clear the rest of the proposed roadway in Roscommon of trees while the clearing crew is out there cutting the way to the replication area.

L. Hershey asked that the route to the replication area, go only along the proposed roads. E. Dias assured that it would.

A.Goetz asked about logistics for using the swamp mats to cross the wetlands. E. Dias replied that they would set down one piece at a time like a jigsaw puzzle and acknowledged that layers of swamp mat might be needed.

A.Goetz (and also L.Hershey later) expressed concern that the temporary crossing might not be replaced by the permanent crossing by the deadline of late December. Weather conditions could prevent that. If the temporary crossing was still in place during the spring thaw (due to some weather-related delay) it could be a huge problem for the preservation of the wetland. E. Dias assured the commission that his firm is capable of working in all sorts of bad weather and will get the permanent crossing built on time.

J. Wiley asked if the temporary crossing would be adequate for tree clearing equipment and other big vehicles. E. Dias said it would be adequate.

**E. DiVirgilio move the vote to accept the “Temporary Crossing Plan”, sheet TC-1, dated 10-19-16, as a minor modification supplemental information to DEP #315-1094  
Seconded by B. Dyer  
Vote carried 6-0-0**

## **DISCUSSION OF CONSERVATION RESTRICTION**

The commission discussed the proposed Conservation Restriction (CR) for the Open Spaces and Residential Development known as Roscommon. Materials in the hands of the Commissioners included: comments from Martha Reichert (Division of Conservation Services) from August 2016 and a version edited by Town Counsel of the CR dated March 2016.

Michael Viano and Sean McEntee, SR II Ventures, LLC were present for the discussion.

B. Dyer discussed that the commission had not been kept in the loop on more recent communications between Reichert and the previous owners of Roscommon (who were also present for the discussion.)

M. Viano stated that he had emailed L. Hershey Tuesday the latest draft of the CR which would go to M. Reichert at Conservation Services for review.

L. Hershey stated that she had not noticed the email and did not have a copy for review. L. Hershey then left the room to print the copy of the CR from her computer.

M. Viano stated that he believed that the latest revisions included 90% of the revisions requested by the Commission and Town Counsel.

B. Dyer stated that she had not been able to review the latest draft of the CR and the length and detail of the CR document is such that none of the commissioners could have thoroughly read it, just hours before the meeting. Therefore the discussion did not produce as much clarity and resolution as she had hoped.

B. Dyer read some of the comments from M. Reichert's email date August 2016 stating, that the CR probably does not meet current standards and will need to be amended and updated. She commented on that the email stated reservations with approving the CR as written with a commercial stable and barn with residential living space given also the size of drainage structures on the rest of the open space. Further B. Dyer stated from the emails that with both stable, paddock and large drainage structures on almost all of the open space, it would render almost the entire parcel "developed." The purpose of a CR is to restrict development, not to allow new development.

L. Hershey discussed that the revised CR which she had since printed did revise the CR to address some of the concern of M.Reichert and B. Dyer. There is no longer a residence, the amount of horses and paddocks have been limited, and the square footage of the barn specified.

M. Viano and S. McEntee said that these requirements came from the Planning Board.

M. Viano discussed how the property had previously been used for agriculture and that there had been a barn on the site and the intent was to bring the agricultural use back to the Open Space with the barn and the equestrian use on Open Space parcel 1.

B. Dyer brought up that the stable is proposed to be located on open space parcel 1 which will have the Cr and governed by a homeowners association. The stable is to be operated by the owner of abutting Lot 30. Presumably if the owner of lot 30 fails to operate the stable correctly, the homeowners association has legal recourse to rectify that situation.

J. Wiley asked M. Viano and S. McEntee to review the construction of the barn on lot 30 rather than on open space parcel 1 which would be under the CR. This alternative is preferred by some Commissioners.

M. Viano acknowledged the Chairs request.

J. Wiley asked that the *Section B(4)* on Composting include approval by the Commission.

S. McEntee suggested including “subject to II C. Notice of Approval” and stated that he would forward the edit to his attorney and include it within the edits if they did not already go to Conservation Services.

J. Wiley asked that this be included in the edited addition that is to be sent back to M. Reichert, Conservation Services.

B. Dyer asked to have an update from M. Reichert and to let her know what some of the Commissions comments have been, especially concerning the positioning of the barn and paddocks.

L. Hershey stated that she has been forwarding information to M. Reichert regarding the Commissions comments and will forward the current comments to her. She also asked to be included in any correspondences from Conservation Services in regards to the CR.

#### **MINUTES 10-12-2016**

**A.Goetz moved the motion to vote the minutes from 10-12-2016. B. Dyer seconded the motion. Vote carried 5-0-1 (with K.Watson abstained)**

#### **CERTIFICATES OF COMPLIANCE**

Request for Certificate of Compliances submitted by Toll I MA, LLC for a single family house located at Lady Slipper Lane 11 (Lot 164A), DEP #315-1034.

**E. DiVirgilio motioned to issue with continuing conditions,**

**K.Watson seconded the motion**

**Vote carried 6-0-0**

Request for Certificate of Compliances submitted by Toll I MA, LLC for a single family house located at Lady Slipper Lane 9 (Lot 163A), DEP #315-1032.

**E. DiVirgilio motioned to issue with continuing conditions,**

**K.Watson seconded the motion**

**Vote carried 6-0-0**

Request for Certificate of Compliances submitted by Toll I MA, LLC for a single family house located at High Oaks Court (Lot 142) DEP #315-1049.

**E. DiVirgilio motioned to issue with continuing conditions,**

**K.Watson seconded the motion**

**Vote carried 6-0-0**

Request for Certificate of Compliances submitted by Toll I MA, LLC for a single family house located at Millbrook Ave (lot 158) DEP #315-1018.

**E. DiVirgilio motioned to issue with continuing conditions,**

**K.Watson seconded the motion**

**Vote carried 6-0-0**

Request for Certificate of Compliances submitted by Toll I MA, LLC for a single family house located at Lester Gray Drive 32 (Lot 140) DEP #315-1047.

**E. DiVirgilio motioned to issue with continuing conditions,**

**K.Watson seconded the motion**

**Vote carried 6-0-0**

Request for Certificate of Compliance submitted by Walsh Brother Construction, LLC for a single family house located at 27 Daylily Lane (Lot 24).

**The requests was held because they have not yet installed one of the “No Alteration” plaques.**

#### **GENERAL BUSINESS MEETING**

**continued with the following discussions:**

L. Hershey brought to the attention of the Commission that the **Turner Pond** vegetation Order of Conditions has expired. A new Notice of Intent will need to be submitted with the Ponds Committee.

L. Hershey addressed the Commission in regards to **Clarks Pond** cattails maintenance along the parking lot. They agreed that there could be maintenance of the cat tails within this area since maintenance has historically occurred to allow for fishing. It was acknowledged that cattails are not invasive species. However specific historic clearings and any drainage control structures or dams and the like may be kept clear.

B. Leblanc, DPW submitted a **Maintenance Work Order** to clean out the stormwater cistern at the corner of Diamond and East Street of woody vegetation.

L. Hershey discussed the letter from Jim Johnson, Town Administrator about the **FY18 budget** process. She will have this available for next meeting.

## **ENFORCEMENT**

J. Wiley stated that he has not had new contact from M.Young or J. Santos in regards to **1900 Main Street Enforcement.**

## **CORRESPONDENCE**

L.Hershey sated that comments were submitted to the Planning Board on 545 South Street.

A.Goetz made a motion to adjourn the meeting at 9:15 pm. E. DiVirgilio seconded motion.  
Vote carried 6-0-0

/:Bd  
Lh

