



**CONSERVATION
COMMISSION**

Town Hall

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
November 09, 2016
(Approved 12/14/2016)

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

Present: Jack. Wiley, Chair
Al Goetz Vice Chair, Betsey Dyer, Roger Turner, Jim Finnigan
Emidio DiVirgilio, Kathleen Watson
Also present: Landis Hershey, Conservation Agent

The Conservation Agent Report, 11-09-12016 was given to members.

**7:04 pm Continued NOI Public Hearing, for Southside Neponset, LLC
to construct a commercial building within the 100-foot buffer zone, and the outer river front area,
located at 545 South Street. DEP #315-1114**

J. Wiley entered into the record a letter sent to the Conservation Commission by Dan Merrikin, dated November 3, 2016. The letter addressed the Town Engineer's comments from her October 6, 2016 comment letter, the comments from the October 12, 2016 Conservation Agent's Report, and the Commission's comments from October 12, 2016.

Dan Merrikin, of Merrikin Engineering representing the Applicant summarized the comments. He presented an updated Operation and Maintenance plan. D. Merrikin discussed that they made revisions to the plans based on the comments with one exception. D. Merrikin said that the Applicant, Rich Shields, did not want to include the trail easement on the west side of the property as requested by the Commission because it did not work for the intent of the property as a daycare center.

D. Merrikin on behalf of the Applicant requested a continuance to the next hearing since they have not met with either the Planning Board or Water and Sewer Commission.

**Al Goetz moved to continue the public hearing until December 14.
Betsey Dyer seconded the motion
The vote carried 7-0-0**

Business Meeting

Request to issue a Certificate of Compliance to Walsh Brothers Building Co, Inc.
Builders Lot 24 Wisteria Ways II subdivision, 27 Daylily Lane, DEP #315-1067

Al Goetz moved the motion to issue the Certificate of Compliance with continuing conditions 22 and 23, Kate Watson seconded the motion, the motion carried 7-0-0

The Minutes from October 26, 2016 were discussed and reviewed.

Emidio DiVirgilio moved the motion to approve the October 26, 2016 minutes with minor corrections, Kate Watson seconded the motion, the vote carried 6-0-1

The FY 2018 proposed budget drafted by Landis Hershey, Conservation Agent was reviewed.

Emidio DiVirgilio moved a motion to approve the proposed FY 2018 budget and submit it to the Town Administrator, Jim Finnigan seconded the motion, the vote carried 7-0-0

The meeting calendar for 2017 was reviewed and approved.

Correspondences

Landis Hershey, Conservation Agent, updated the Commission on Clarks Pond annual report. Not all of the work by Solitude (Aquatic Control) was completed so a credit will be applied to next year.

Landis Hershey, said that she and the Pond Committee would like maintenance on the cattails which are over-taking the parking lot front of the pond. The credit will be applied to this work in the spring. In the mean-time the DPW will cut the cattails in preparation to be treated.

The Commission agreed that this was a maintenance issue because the cattails have been cut in the past.

Landis Hershey informed the Commission that a kick-off meeting for the Memorial Pond dredging permitting will be on November 10th

Enforcement Orders

Supa Sales and Service, 1900 Main Street

Jack Wiley discussed his discussion with Melissa Young regarding 1900 Main Street. She has had difficulty getting in touch with the land surveyor. Finally it appears that plans might be done by November 15. Apparently the surveyor had to redo some of his measurements.

Public Hearings and Meetings (Continued)

7:30 pm Request for Determination of Applicability, Columbia Gas to install a gas line at 49-51 Spring Street.

Chris Anderson of Merrill Engineers and Land Surveyors discussed the plan to install a gas line within a river front area and 100 foot buffer zone. Landis Hershey, Conservation Agent recommended it be a Negative 3 work within the resource area with no impact.

Al Goetz moved a motion to issue a negative 3 determination, Betsey Dyer seconded the motion, the vote carried 7-0-0.

Betsey Dyer discussed the email that was included in the Commission's packet from Martha Reichert, Conservation Services regarding the Conservation Restriction for Roscommon Subdivision.

Jack Wiley directed the Conservation Agent to notify Michael Viano that the Commission expects to have the final draft CR for Roscommon for review by December 7th for the December 14th meeting.

Public hearings and Meeting (continued)

7:52 pm Request for Determination of Applicability, John Glossa of Glossa Engineering to construct a single family home on Builders Lot 10, Olmsted Estates.

Jack Wiley, read a letter from the Town Engineer, dated October 28, 2016. The Town Engineer's letter had questions about the amount of fill, the discharge from the catch basin, and who would be responsible for the maintenance of the catch basin.

John Glossa, engineer for the project explained that the catch basin would drain stormwater trapped on the lot and discharge to the existing pipe installed for lot 9. The catch basin was necessary to drain lot.

Landis Hershey, Conservation Agent stated that she did not think this was a negative determination because of the questions regarding the catch basin installation and maintenance since it was to discharge to the wetlands.

Roger Turner asked about recharge and was assured that all down spouts have dry wells.

Both Jack Wiley and Al Goetz inquired about having a sump to catch contaminants. John Glossa said it was not typical in a residential plan.

Jack Wiley and Al Goetz also wondered about the new sewer line crossing lot 10 to hook up with 3-4 other lots of abutters on Fisher Street. Who will maintain that line?

John Glossa said the town would.

Al Goetz moved a motion to issue a Positive Determination requiring the filing of a Notice of Intent; Betsey Dyer seconded the motion, the vote carried 6-1-0 (Jim Finnigan voted no)

8:20 pm Notice of Intent, Christine Hayes to construct an in-ground pool within 100 feet of BVW, located at 31 Eldor Drive.

Mr Hayes represented himself and explained his intent to construct an in-ground pool and patio at the rear of his house. It was discussed how the house was built prior to the no alteration area requirements (circa 1974).

Landis Hershey described how she had visited the site to review the wetlands line delineated by Russ Waldron and found it to be a good line. She noticed that the back yard was higher than the wetland to the rear and the area where the pool is proposed is existing lawn.

Betsey Dyer asked where the 25-foot no alteration line was on the plan.

Landis Hershey stated that the back yard is existing lawn and there is a slope between the pool and the wetlands. The applicant is not proposing to alter any more buffer zone vegetation.

Al Goetz noted that the plan has to be stamped by an engineer, and should show a construction entrance, dewatering plan and both filter mitts and orange construction fence should be installed.

Jack Wiley asked for No disturb plaques along the 25 foot line to be installed.

The applicants were told they should consult with the building inspector who may have them go to ZBA because of the possibility of having most of the lot covered with impervious material.

Neighbors from 29 Eldor Drive commented that they had no objection whatsoever to the project.

Al Goetz moved a motion to close the public hearing.

Betsey Dyer seconded the motion, the vote carried 7-0-0

Al Goetz moved a motion to issue Order of Conditions to construct an in-ground pool within the 100-foot buffer zone to BVW upon receiving the revised plan with the following: construction pad entrance, orange construction fence with filter mitt, protection at the street catch basin, note on plan regarding chemical storage and no alteration plagues. Betsey Dyer seconded the motion, the vote carried 7-0-0

Business Meeting (Continued)

8:45 pm Discussion continued on the Notice of Noncompliance, 109 Coney Street regarding the mowing by Mr. and Mrs. DiCicco of wetlands and riverfront to be used for agricultural uses such as Christmas trees, apple trees and bees. They stated that the area had been used for haying and pasture within the past five years and therefore they believe the use is exempt.

Mrs. DiCicco stated that she had called DEP SERO and spoke with Greg Decesare who discussed the agricultural exemption in the regulations. She stated that he said if the land had been used for commercial agriculture within the past five years then they did not have to file or present any additional information to have the "in Agricultural use" exemption. She said that her grandfather had historically used the field for hay and pasture for horses which he sold. She believed that it was within the past five years.

Jim Finnigan suggested that the Mrs. DiCicco provide an affidavit from those familiar with the commercial agricultural use and provide that to the Commission to show that they have met the "in agriculture use" requirement for exemption.

Jack Wiley agreed that this would show that the exemption requirement has been met.

Al Goetz moved a motion to close the meeting at 9:10pm Betsey Dyer seconded the motion, the vote carried 7-0-0.