



**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
December 14, 2016
DRAFT

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

Present: Jack Wiley, Chair; Al Goetz, Vice Chair; Betsey Dyer, James Finnegan, Emidio Di Virgilio, and Kathleen Watson

Also present: Landis Hershey, Conservation Agent

The Conservation Agent Report, 12-14-12016 was given to members.

7:00 pm NOI Public Hearing, for the intent of Timothy Moses to construct a retaining wall with associated grading at 7 Kevin's Way, Walpole, MA.

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Wetlands Protection Act, and the Town of Walpole Wetlands Protection Bylaw, notice is hereby given of the intent of **Timothy Moses** to construct a **retaining wall with associated grading at 7 Kevin's Way**,

Jack Wiley, read the comment letters from the Assistant Treasurer, Board of Health, and made reference to letters from the Town Engineer, Maggie Walker, dated 10/ 31/16 and 12/12/16. and a response letter from Michael Joyce to Maggie Walker, dated 12/08/2016.

Michael Joyce, of Joyce Consulting Group was present along with the owners Tim and Cary Moses.

Michael Joyce discussed his letter dated 12/08/2016, revised plan dated 12/08/2016, a stormwater drainage Memorandum and responses to the Town Engineers comments of 10/31/2016 and the Conservation Agents emailed comments.

Landis Hershey addressed comments from her Agent's Report and said she agreed that the stormwater drainage would not significantly be changed due to the proposed activity. She requested a detail on the wall be submitted prior to beginning construction.

Al Goetz stated that weep holes shall be designed into the wall to prevent slumping and that more information of the drainage path from the end of the pipe to the drainage basin shall be included with more detail on the plan.

Jack Wiley stated thea revised plan should include comments from Town Engineer, Conservation Agent and Commission.

A motion was made by Al Goetz to close the public hearing, the motion was second by Betsey Dyer. The motion carried 6-0-0

A motion was made by Al Goetz to issue Order of Conditions with Special Conditions under the MA Wetland Protection Act and the Walpole Wetland Protection Bylaw to Timothy Moses to construct a retaining wall with associated grading at 7 Kevin's Way, Walpole, MA.

Betsey Dyer second the motion, the vote carried 6-0-0.

The Applicant was told that the Order of Conditions would be issued when the revised plan is received.

Requests for Certificates of Compliance

Request for Certificate of Compliance by John Glossa for Arlington Lane, 8 DEP #315-1052
Al Goetz motioned to issue a Certificate of Compliance to Gary Bean for single family house at 8 Arlington Lane, Betsey Dyer second the motion, the vote carried 6-0-0

Request for Certificate of Compliance by Back Nine Realty for Keaney Estates subdivision Land Disturbance Permit under the Stormwater and Erosion Control Bylaw.
Al Goetz motioned to issue a Certificate of Compliance, Betsey Dyer second the motion, the vote carried 6-0-0

Request for Certificate of Compliance by TWR, LLC for 3 Lacivita Drive (BL 9 Winter Estates) DEP #315-1082.
Al Goetz motioned to issue a Certificate of Compliance, Betsey Dyer second the motion, the vote carried 6-0-0

Emidio. DiVirgilio made a motion to approve minutes of 11/09/2017 with the understanding that two omissions would be corrected, Kate Watson second, vote carried 6-0-0

Commissioners were reminded to acknowledge their receipts of the Conflict of Interest regulations, recently emailed to them by the town clerk.

Public Hearings Continued

7:30 pm Continued Public Hearing, 545 South Street, DEP # 315-114

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Wetlands Protection Act, and the Town of Walpole Wetlands Protection Bylaw, notice is hereby given of the intent of Southside Neponset LLC. for the construction of a commercial building in a buffer zone, including a portion of work within the outer riparian area associated with the Neponset River located at 545 South St.

Cynthia Merrikin of Merrikin Engineering attended representing the applicant.

Cynthia Merrikin stated that she believed that all the revisions had been made to the plan and that they were ready to close the hearing that they had just been waiting to see if there were any comments from the Planning Board meeting.

Landis Hershey agreed that all the revisions had been met and that revised plans dated 11/17/2016, revised O and M plan dated 11/2/2016 were submitted by Merrikin Engineering.

Al Goetz made motion to close the hearing for 545 South Street, Betsey Dyer second motion, Vote carried 6-0-0

Al Goetz made motion to issue Order of Conditions for 545 South Street under the MA Wetland Protection Act and the Walpole Wetland Protection Bylaw with special conditions as stated, Betsey Dyer second motion, Vote carried 6-0-0

Special conditions added as specified in the Conservation Agents Report 12/14/2016

Request for Certificate of Compliance, 1900 Main Street, by Melissa Young and Jay Santos. DEP #315-1026 for the construction of a parking area at the front of the lot.

Al Goetz made motion to issue the Certificate of Compliance, Betsey Dyer second motion, Vote carried 6-0-0

Request for Certificate of Compliance, 1900 Main Street, by Melissa Young and Jay Santos. DEP #315-1043 to complete restoration of altered buffer zone and wetlands.

Al Goetz made motion to issue the Certificate of Compliance, Betsey Dyer second motion, Vote carried 6-0-0

Enforcement Order 1900 Main Street issued to Jay Santos and Melissa Young

Discussion regarding the As-built survey plan submitted to the Commission as requested by the Enforcement Order and follow up correspondences.

Melissa Young discussed that she did not know that work was occurring off their property until survey was done. She discussed legal issues with previous owner Ken Zion.

Melissa Young discussed cleaning up various items including oil and gas and other materials.

Jack Wiley discussed a draft Restoration Plan which included pulling back fill and wood chips from the edge of the flagged wetlands line and off abutting property. He stated that this work can occur under the Enforcement Order. He discussed that the material shall be pulled back by March 1, 2017 and then at that time the area will be further reviewed to determine if further action shall occur.

Melissa Young noted that finally the land had been purchased by John Santos in May 2016. Much of their activities had been around trying to clean up the previous owner's materials and make improvements but without understanding the location of their property lines or the wetland buffers.

Restoration Plan included the following items discussed with Melissa Young:

1. Permanent boundary markers had to be installed.
2. Wetland plaques had to be installed.
3. All rip rap, wood chips, and soil had to be pulled back or removed from resource areas and town property by March 1, 2016 and could be done under the current enforcement order.
4. After a site review by the commission in the Spring of 2017, a planting plan would need to be implemented.
5. No other work could be done without a NOI because most of the property (except for a small area in the middle) is in a buffer zone.

Melissa Young asked if they could leave the landscaped areas and do something without disturbing the areas.

Jack Wiley stated no, these areas were created in violation.

Landis Hershey stated that after the dirt and woodchips were removed and the area is reviewed for further compliance then either natural vegetation would take hold or the Commission would require some plantings. This would happen in the spring.

Jack Wiley asked if other Commissioners had comments

No other Commissioners had input at this time.

Landis Hershey stated that the final copy of the plan will be sent to her.

Correspondence

The commission decided to not comment on a letter from MACC regarding the Spectra Pipeline project because the commission expects that project will have to file a N of I with the commission. At that time there will be comments. In the audience was Ellen Curran from "No Walpole Gas Pipeline Group"; she said her group agreed that at this time the commission should not comment.

109 Coney Street Agriculture Exemption

Landis Hershey said that the DiCicco's of 109 Coney Street had submitted two Affidavits stating that agricultural products had been purchase from the land in question within the past 5 years. The affidavits were requested by the Commission to document that the activity occurring within the resource areas at 109 Coney street have an agriculture exemption. The activity must stay at least 25-feet from Traphole Brook and meet the other requirements of "in agriculture use". A filing or a vote is not required.

Roscommon Open Space Residential Development Conservation Restriction Discussion

Michael Viano, Sean McEntee and Vincent O'Brien attended the discussion.

Jack Wiley discussed section by section the comments the Commission had regarding the CR.

Jack Wiley and Betsey Dyer discussed the concerns with the construction of a barn on the land under CR by a private owner of lot 30.

Betsey Dyer made a motion to vote that the Commission did not want to accept a Conservation Restriction that included provisions to construct a barn. Al Goetz second the motion, the vote carried 5-1-0 with Jim Finnigan voted against.

The Commission discussed with Michael Viano and Vincent O'Brien sections of the CR relating to the management of the meadows, fields, and scenic views. It was discussed that a plan locating the areas would be helpful.

Betsey do you want this in as is?

Discussion of protocol also occurred. The procedure in which permission is granted for an open space development is required to include the Conservation Commission from the beginning and before any final decisions are made by the Planning Board. In fact the Conservation Commission was not consulted about several crucial matters and is only just now voicing an opinion on such things as the location of a stable. It was also noted that even at this meeting at which the CR was close to being finalized, the Conservation Commission

did not have in hand any of the exhibits that were supposed to be included to clarify such things as: which sections were to be mowed, which sections were to be kept treed, which sections were to be treated as scenic views, and where the paddock would be. On the reduced size plan given to the commissioners, the trails were not clearly shown and an overview of the open spaces and their diverse characteristics was impossible to discern.

Request for Extension DEP #315-683 Town of Walpole General Maintenance Order of Conditions was granted. **Al Goetz made motion to issue the Extension, Betsey Dyer second motion, Vote carried 6-0-0**

Planning Board requested comments for 95 West Street Site Plan Review
Zoning Board request for comments 95 West Street
No comments on either.

The Commission adjourned at 9:45 pm

Betsey Dyer made motion to close the meeting, Kate Watson second motion, Vote carried 6-0-0