

CONSERVATION COMMISSION

**MINUTES
(Approved 7-13-16)**

JUNE 22, 2016

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

B. R. Turner, B.Dyer,

Absent: K. Watson, E. DiVirgilio, J. Finnigan

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to the board

This meeting is televised. For additional information log into Walpolemedia.tv

Meeting Opened: 7:00

DISCUSSION

MINOR MODIFICATIONS

WINTER ESTATES LOT 2

LACIVITA DR. #8

DEP# 315-1077

Mr. Wiley read a letter submitted by TWR, LLC requesting a Minor Modification to Lot 2 Winter Estates, 8 Lacivita Dr.

Mr. JT Walsh was present on behalf of TWR, LLC and Mr. Greg Clinton who is the new owner of the house located on Lot 2, #8 Lacivita Dr. There is a current Order of Conditions and Mr. Walsh is requesting to construct an in-ground pool and push back the silt fence 15 ft. He is requesting this to be considered a minor modification to the Order.

Ms. Hershey stated she has no problem with this request. If the house was already built they would not have to come before the board as it is 50 ft. or more away from wetlands. She stated it could be added on the As-Built plan when a Certificate of Compliance is requested

Mr. Goetz stated a fence is required when a pool is constructed and he wants it shown on the plan as well

Mr. Wiley discussed boiler plate pool conditions and asked if it could be added into the Order of Conditions. He also discussed what would be done with excavated materials

Ms. Hershey stated The Order has already been issued and excavation notes are a part of that. She stated they can show the fence and pool on the as-built plan. Notes can be added to the as-built with the requirement that there must be de-chlorination of water prior to discharge as it usually shown under special conditions in an Order. It will also be included in the cover sheet.

Mr. Goetz made the motion to approve the construction of the in-ground pool on Lot 2 as a Minor Modification and will be put on the As-Built with the fence and notes regarding de-chlorination prior to pool discharge

Ms. Dyer seconded the motion

Vote: 4-0-0

WINTER ESTATES LOT #5

LACIVITA DR. #20

DEP# 315-1079

Mr. Wiley read a letter submitted by TWR, LLC requesting a Minor Modification to Lot 5 Winter Estates, 20 Lacivita Dr.

Mr. JT Walsh was present on behalf of new owners of 20 Lacivita dr. He stated this is the same request as the previous one. He is asking for the board to consider the construction of an in-ground pool on this lot to be considered a Minor Modification to the approved Order of Conditions. He stated there is no need to push back the silt fence on this lot.

Ms. Hershey stated she has no additional comments. She would recommend this be considered a Minor Modification and be shown on the As-Built

Mr. Goetz stated he has the same comments regarding showing the fence on the as-built as well as pool conditions regarding de-chlorination prior to discharge

Mr. Goetz made the motion to approve the construction of the in-ground pool on Lot 5 as a Minor Modification and will be put on the As-Built with the fence and notes regarding de-chlorination prior to pool discharge

Ms. Dyer seconded the motion

Vote: 4-0-0

CONT. PUBLIC MEETING

REQUEST FOR DETERMINATION

MASS COASTAL ROW

Opened: 7:16

Mr. Wiley read the advertisement for this Public Meeting which was opened June 8, 2016

Mr. Wiley read board comments into the record

Revised plans were submitted dated June 6, 2016

Mr. Tom Lewis, TEC Associates was present with a Request for Determination along the Massachusetts Coastal Railroad Right-of-Way for Vegetation Management activities. Mr. Lewis stated the most recent VMP expired and they are now in the process of renewal in accordance with the Commonwealth of Mass ROW Management Regulations and Vegetation Management Plan. Mr. Lewis stated he has reviewed the Wetland Delineation of this area, and, upon review, Ms. Hershey had brought to his attention there were a few spots she felt needed to be no-spray zones. Mr. Lewis has submitted revised plans, as he inadvertently left out two no spray areas for the inlet and outlet of Turner Pond.

Ms. Hershey stated she had noticed a few areas that should be no-spray zones and once the plans were revised she stated it was fine.

The commission had no issues with this project

Mr. Goetz made the motion to approve and issue a Positive 2A Determination for Delineation, a Negative 3 for work in the buffer and a Negative 5 for work in the Riverfront area

Ms. Dyer seconded the motion

Vote: 4-0-0

MINOR MODIFICATION

BIRD MACHINE SOLAR PROJECT, MITIGATION AREA

NEPONSET ST. #100

DEP# 315-1075

Mr. Kevin McCaffery, Civil Engineer for New England Environmental was present to request a Minor Modification to the approved Order of Conditions 100 Neponset St., the site of Bird Machine Solar project. Plans were presented to the commission dated 6/22/16. Mr. McCaffery stated the applicant, Baker Hughes, is requesting the mitigation area be relocated to the north side of the River, so it is within the applicant's lease boundary from the property owner. Mitigation is currently approved on the south side of the parking lot. Mr. McCaffery stated they will still require the removal of the existing asphalt pavement within the riverfront area of the Neponset, and topsoil will be brought in and will be seeded and loamed. Mr. McCaffery stated this has been approved by the consultant dealing with the RAM plan, and it actually is their preferred location. Two plans were provided; a demolition and clearing plan. The first phase includes putting erosion controls in and the second plan shows the solar array layout. Mr. McCaffery stated they are proposing the same approach, just a change in location. They will be working within the buffer but only in a couple areas within the 25 ft., and plan on creating a vegetated area there.

The commission discussed the planting plan and Mr. McCaffery stated they will refer to the same planting plan and specs that were included in the Order.

Ms. Hershey stated she has no problem with the relocation as long as it's okay with the cleanup of the soil contamination.

Mr. Turner asked about the nature of the contamination and his concerns of it washing into the Neponset. Mr. McCaffery discussed it is residuals from the manufacturing site and the asphalt is fit for removal

Ms. Dyer discussed making sure the land strip where plantings will go doesn't get filled with invasives

Mr. McCaffery stated they will review the planting scheme and make sure that is part of the plan
Ms. Hershey stated that these issues are part of the original mitigation plan and that this modification is just for moving the mitigation from one area to another

Mr. Goetz asked if Mr. McCaffery is an LSP

Mr. McCaffery stated he is not and that he is a Civil Engineer

Mr. Goetz asked if an LSP will be involved in this.

Mr. McCaffery stated he will be and that this mitigation area is the LSP's preferred location

Mr. Goetz discussed he is happy with the new location as well. His concern is if they are not removing contaminated soil there needs to put a barrier there to let someone know it is there prior to digging. A membrane first and then clean soil on top so in the future there is an indication that contaminated soils were not removed. He is not happy with just putting top soil on the area.

Mr. McCaffery stated this region is safe and the area will be under control and secure with fencing surrounding it in perpetuity.

Mr. Goetz would like them to have a conversation with the LSP as protection so the next person knows

Ms. Hershey stated they could get a letter from the LSP to have in the file with confirmation the area is clean

Mr. Wiley stated moving the location is okay subject to confirmation from an LSP the area is clean and how this was determined.

**Mr. Goetz made the motion to accept the changes as shown on the revised plan as a Minor Modification to the Order of Conditions DEP# 315-1075, subject to receiving a letter from the LSP
Ms. Dyer seconded the motion
Vote: 4-0-0**

OTHER BUSINESS

BULLARD ST. #255 DEP# 315-971

Ms. Hershey gave a brief overview of the property located at 255 Bullard St. An Order of Conditions was issued and has a current extension which expires in August. The requirement of the applicant was to restore wetlands that had been cut down and once the restoration was complete the Order allows for the building of a house. The applicant, Mr. McChesney has complied with the Order and submitted a restoration report provided by Landscape Architect Mr. Joseph Ingoldsby. Mr. McChesney may need another extension, but would like a letter from the commission saying the restoration work is satisfactory so they can proceed with the building of the house.

Ms. Hershey recommends the commission approve this as they have done a very good job and should be able to proceed

Mr. Goetz made the motion to approve the restoration work is satisfactory

Ms. Dyer seconded the motion

Vote: 4-0-0

OTHER BUSINESS

RELOCATION OF FIRE STATION CANON

Mr. Turner submitted a letter requesting the relocation of the canon that is next to the fire station to an area within Spring Brook directly across from the canon which was moved in 2010. One would be located on each side of the river. Mr. Turner felt it should be discussed with the conservation commission and has the support of the Town Administrator. It will also be presented to the BOS but Mr. Turner does not feel that is an issue. The Parks Dept. will assist with the move once the exact location is determined.

Ms. Dyer made the motion to move the canon by the riverfront

Mr. Goetz seconded the motion

Vote: 3-0-1 (Mr. Turner abstained)

OTHER BUSINESS

ROSCOMMON – ARMY CORP MITIGATION

Ms. Hershey discussed that when SR II Ventures filed for a permit with the Army Corp, they were told they were required to provide mitigation for the wetland alteration for the Roscommon roadway access through Emerald Way. Ms. Hershey discussed the applicant has asked the commission to find either a Town project or monies to go towards one that would meet the requirements of the mitigation. Ms. Hershey said it should benefit resource areas that are being altered, but it is very broad and she is unsure if it has to be earmarked for a particular project or a certain amount.

Mr. Wiley discussed he believes any proposed project needs to go before the Army Corp and they will ultimately decide

Mr. Goetz discussed he has dealt with this in Norwood and they don't talk about money, just the benefit. They need more than one choice provided and they will select.

The commission discussed various areas including Memorial Pond, Bird Pond, Plimpton Pond, trail maintenance, removal of invasives along trails and the donation of money. The commission discussed their preference is for work to be done in Walpole either on existing conservation land or land that would be conservation land.

The commission discussed tabling this discussion until the next meeting so the board can review and think about possibilities. In the meantime Ms. Hershey will reach out to the Army Corp and Tom Liddy to get more information. This will stay on the Agenda for July 13, 2016

MINUTES

JUNE 8, 2016

Mr. Goetz made the motion to approve the Minutes for June 8, 2016

Ms. Dyer seconded the motion

Vote: 4-0-0

EXECUTIVE SESSION MINUTES

Mr. Goetz made the motion to approve and release the following Executive Session Minutes:

October 13, 2004; February 25, 2004; July 14, 2004; January 12, 2005; November 9, 2005; September 24, 2008; October 14, 2009; November 10, 2010; December 8, 2010; December 14, 2011 and December 12, 2012

Ms. Dyer seconded the motion

Vote: 4-0-0

EXTENSION

SOUTH ST. #400 (SOUTHRIDGE FARM)

DEP# 315-987

Mr. Goetz made the motion to approve and issue a one-year extension

Ms. Dyer seconded the motion

Vote: 4-0-0

ENFORCEMENT ORDER

1900 MAIN ST.

DEP# 315-1043

Ms. Hershey discussed that two certified letters were sent to Mr. Santos and Ms. Young dated June 14, 2016. The first letter discussed "Actions to be taken" and directed Mr. Santos to provide the commission with a response as to how he plans to proceed with complying with the Enforcement Order issued on 8/12/15. A wetlands plan showing the delineation of the boundaries needs to be submitted along with a report from the wetland specialist. Mr. Santos was given the deadline of 6/22 to respond to this letter

The second certified letter dated 6/14/16, was in regards to Order of Conditions 315-1043 and 315-1026. It was explained that if the work has been completed Mr. Santos should provide the commission with a request for a Certificate of Compliance along with a surveyed As-Built plan showing the activity approved by the conservation commission. If the work is not completed they can request an extension 30 days prior to the date of expiration.

Ms. Hershey stated the commission received a hand-delivered letter of response dated June 21, 2016 from Melissa Young and Jay Santos. A MassDEP delineation field data form was also sent. Mr. Santos

submitted a request for a Certificate of Compliance, without As-built plans for DEP 315-1043. Their letter stated they already have a “request for a Certificate of Compliance” for DEP 315-1026 that has been recorded with the registry of deeds.

The commission discussed that Mr. Santos is responsible for work that has been done, and is still being done on the site. They have told the commission numerous times when asked about ownership that they are in control of the property. The commission discussed there appears to be a misunderstanding of what a wetland specialist does and the data sheets that were submitted are not what the commission needs to close out an Order of Conditions. Ms. Hershey was unable to find in the Registry of Deeds database, any recorded information of DEP 315-1026. In the letter that was given by Mr. Santos and Ms. Young they discussed they have plans as well to further develop the property

The commission discussed the first thing that needs to happen is they want a plan that has been delineated by a specialist and shows the wetlands on the site. A filing will be necessary for any additional development and needs to be properly surveyed.

The commission discussed whether or not Town Counsel needs to get involved as well. Mr. Wiley and Ms. Hershey will compose a letter will be sent to Mr. Santos and Ms. Young again stating what needs to be done

Mr. Goetz made the motion to adjourn

Ms. Dyer seconded the motion

Vote: 4-0-0

Meeting closed: 8:50