

**CONSERVATION COMMISSION
MINUTES
(Approved 9/14/16)**

AUGUST 10, 2016

Present: J. Wiley, Chairman

A. Goetz, Vice Chairman

R. Turner, J. Finnigan, K. Watson, E. DiVirgilio

Absent: B. Dyer

Also Present: L. Hershey, Conservation Agent

Conservation Agent report given to members

This meeting is taped and will air on walpolemedia.tv

**PUBLIC MEETING
REQUEST FOR DETERMINATION &
LAND DISTURBANCE PERMIT
MAIN ST. #1675 & 1701 (CHRIS'S SERVICE CENTER)**

OPENED: 7:00

Mr. Wiley read the advertisement from the Walpole Times. Certificates of mailing received

Mr. Wiley read board comments into the record

Mr. Johnson presented the commission with revised plans reflecting changes made since reviewing comments from the Town Engineer and discussions with Ms. Hershey. Plan entitled "Proposed Garage Addition Chris's Service Center, 1675 Main St. Walpole" dated 6/24/16 and revised 8/3/16 were given to the board.

Mr. David Johnson, Norwood Engineering was present representing the applicant, Chris Colohan, who was also present. He is seeking a Negative Determination and Land Disturbance Permit for the construction of a 10,000 S.F. garage addition with additional pavement for parking and access, and the construction of a crushed stone trench and reconstructed lawn area for stormwater control and treatment. The garage will house several large trucks which are currently exposed to the elements

Mr. Johnson stated they are hoping to receive a Negative Determination. The proposed work is outside the 100 ft. buffer and he showed the delineated line to the board. He gave a drawing to the commissioners to show the building is below grade to the edge of the road. Mr. Johnson stated activities, including a trench drain, are all below the elevation of Main St. and there is no potential for wetlands to be impacted. Mr. Johnson discussed the stormwater design as shown on the plan. A trench drain and 6" sump will be in place to settle out grease and sediment that will go to a second trench which discharges to a manhole with sanitary hood. This will be piped to a forebay with check dam into

the detention basin. He stated they want to improve the stormwater on site but are limited due to space, but the additional pavement and roof area will help. The manhole also has an isolation valve for extra protection. The swale will handle overflow and go to the wetlands 200 ft. away. Mr. Johnson stated that the owner has a hazardous response vehicle on-site and is knowledgeable how to deal with spills etc.

In response to the Town Engineer comments, Mr. Johnson stated the pavement will stay in place until the project is complete, so that is the tracking pad. The O&M plan included in the submission details street sweeping. He moved the stockpile area as it was not located in a low point and the basin has been relocated to the side of the proposed addition. Loam and seed planting notes were added to the plan and erosion controls including compost socks and construction fence were added along the 100 ft. for protection.

Ms. Hershey stated she agrees that the wetlands across the street will not be affected but wants to see the buffer zone located on the plan. She discussed the alteration that has occurred in the back of the site over the years including debris and materials on the site. She has spoken with the owner and suggests this clean-up could be under a Friendly Enforcement Order. The work is shown outside the buffer to the rear, but it seems reasonable they should clean up the area.

Mr. Johnson stated when they construct the building they could place Jersey Barriers along the wetland line instead of creating a berm.

Ms. Hershey stated this could be shown on the final plan

Ms. Watson asked if the location of the barriers would be within the 25 ft no disturb

Ms. Hershey stated yes but this has been altered several years ago

Mr. Turner discussed oil release from the trucks and how they will handle it

Mr. Johnson stated the trench drain is being routed through a manhole grid-type separator to a wet bottomed basin.

Mr. Turner stated this is an improvement to the area as the area is part of Cedar Swamp

Mr. Goetz stated his only concern is the collection manhole. He would prefer an environmental hood and anything that will not open on the top

Mr. Johnson stated the purpose was to have it fairly long so there is more area for floatables but he will use something closed at the top permanently

Mr. Wiley asked for questions and comments from the audience

Mr. Goetz made the motion to approve and issue a Negative 1 and Negative 3 Determination

Mr. Finnigan seconded the motion

Vote: 6-0-0

The commission discussed the Land Disturbance Permit

Mr. Johnson made some changes to the stormwater system which closes off stormwater from coming off the parking area prior to being infiltrated into the ground, and there is no direct discharge to the wetlands. Ms. Hershey stated the wetlands that are located across Main St. will not be impacted by this project. Ms. Hershey discussed she would like to see adequate erosion controls to the rear of the property; there is debris and old tires she would like the applicant to clean up and there should be some sort of boundary which will prevent some of the pavement being plowed into the wetlands

Mr. Goetz made the motion to close the Public Meeting

Mr. Finnigan seconded the motion

Vote: 6-0-0

Closed: 7:30

The commission discussed special conditions to be included in the Land Disturbance permit such as the addition of Jersey barriers being used as a boundary. Rather than a friendly Enforcement Order the commission will add clean up requirements under the Land Disturbance Permit as well

Mr. Goetz made the motion to approve and issue a Land Disturbance Permit with conditions

Mr. Finnigan seconded the motion

Vote 6-0-0

PUBLIC MEETING

REQUEST FOR DETERMINATION

OLMSTED ESTATES LOT 7

OPENED: 7:35

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read board comments into the record

Mr. John Glossa, Glossa Engineering was present representing. He stated that SR II Ventures were previous owners but has sold it since. Plans were presented entitled "Request for Determination Plan of Land, Lot 7 Olmsted Estates" dated July 13, 2016.

Mr. Glossa stated this lot is located at the end of the recently approved subdivision. A detention basin is located at the rear of the lot with the 100 ft. buffer located at the edge of the basin. He stated the basin has already been constructed and grassed under the direction of P.J. Hayes. Mr. Glossa stated the construction of the house; driveway, utilities and grading are all outside of the 100 ft. He stated erosion controls including silt barriers and roof drains leading into infiltration chambers will be in place. Mr. Glossa stated that there is minimal chance that anything can flow into the wetlands.

Ms. Hershey stated she has no additional concerns. Mr. Glossa was asked to file a Determination as this requirement was part of the Order of Conditions on the subdivision. Ms. Hershey asked Mr. Glossa if the new owners understand the requirements of having the basin on their property. She stated they need to know what is involved with the wetlands and the detention basin. She would recommend a Negative 3.

Mr. DiVirgilio asked if the owners get a list of responsibilities

Ms. Hershey stated the O&M plan will be referenced in the Deed

Mr. Goetz stated he wants to make sure the owners know what they can and can't do when they accept this property.

Mr. Wiley reiterated basin maintenance is the responsibility of the owner. He asked if they are sharing the basin with the owners on Lot 6 as well

Mr. Glossa stated they share a small portion of the basin. He also stated he will speak with the owners

Mr. Wiley discussed adding No-Alteration plaques on the 25ft no disturb area along the property line

Mr. Glossa will provide a plan showing five (5) no alteration plaques to the commission as decided by the commission

Mr. Goetz made the motion to close the Public Meeting

Mr. Finnigan seconded the motion

Vote: 6-0-0

Closed: 7:45

Mr. Goetz made the motion to approve and issue a Negative 3 Determination with conditions

Mr. DiVirgilio seconded the motion

Vote: 6-0-0

The commission discussed the location of the Basin be referenced on the Determination and show it is under the Order of Conditions for Olmsted Estates DEP# 315-1062

CERTIFICATE OF COMPLIANCE

SHADY LN. LOT 10

Ms. Hershey stated Lot 10 is all set to issue a Certificate of Compliance as everything has been completed

Mr. Goetz made the motion to approve and issue a Certificate of Compliance

Mr. Finnigan seconded the motion

Vote: 6-0-0

CERTIFICATE OF COMPLIANCE

BRUSH HILL SUBDIVISION (ROADWAY)

DEP# 315-499

Mr. John Hasenjaeger came before the board requesting a Certificate of Compliance be issued for the Brush Hill Subdivision roadway under DEP # 315-499

A discussion took place. Mr. Hasenjaeger discussed that the only thing outstanding in this Order is the last lot which used to be Lot 12, but was later ANR'd. In 2014 a filing for Abbreviated Notice of Resource

Area (ANRAD) Delineation took place and an ORAD was approved and issued by the conservation commission. The Order of Conditions lists a Conservation Restriction on Lot 12. Mr. Hasenjaeger tried to market the three Lots as one, but was unsuccessful. He feels the best way to handle this is to make a notation in the file that these lots will be subject to receiving an Order of Conditions, and to acknowledge the Conservation Restriction. Mr. Hasenjaeger is asking for a Certificate of Compliance for the roadway. This is necessary in order for the street to be accepted by the Town

Ms. Hershey discussed the Order of Conditions was issued before she came to Walpole as the Conservation Agent. The Order of Conditions has a condition in it stating there shall be a Conservation Restriction on Lot 12. It is unclear exactly what the commission meant by the terms Conservation Restriction, but it appears this came about as a stipulation due to the two crossings and amount of fill that was allowed in the Order. No more additional fill would be allowed. A partial Certificate can be issued, but the restriction needs to remain.

Mr. Hasenjaeger discussed this all began in 1992. He doesn't feel the conservation restriction has anything to do with the issuance of a Certificate of Compliance. There is a Detention basin and a good portion of conservation land on the lot.

Mr. Wiley discussed that he wants to make sure that in approving a Certificate of Compliance we are not negating the Conservation Restriction which is a part of the original Order. A partial Certificate releasing the Roadway could be done.

Mr. Finnigan asked if this has been recorded with the Registry of Deeds and how perspective owners would even know about it. The whole thing is very unclear

The commission discussed approving a Partial Certificate and leaving the part open since nothing has been done. Ms. Hershey stated it is a good way it would be recorded as a Partial Certificate and the rest will be ongoing.

Mr. Hasenjaeger asked that the commission clarifies in the Certificate that the roadway is released from the Order of Conditions

Mr. Goetz made the motion to issue a partial Certificate of Compliance with exception of the Condition for a Conservation Restriction on what was originally Lot 12 and is now 12, 13 and 14.

Mr. Finnigan seconded the motion

Vote 6-0-0

EXTENSION

LOST BROOK TRAIL

DEP# 315-847

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

Ms. Watson seconded the motion

Vote: 6-0-0

MINUTES

JULY 13, 2016

Mr. Finnigan made the motion to approve the Minutes for July 13, 2016

Mr. DiVirgilio seconded the motion

Vote: 5-0-1 (Ms. Watson abstained)

OTHER BUSINESS

ROSCOMMON ARMY CORP. MITIGATION

Mr. Sean McEntee came before the commission to further discuss mitigation options. He discussed that SRI I Ventures made the proposal to the Army Corp. to gift Bird Pond to the conservation commission as well as a cash gift of \$25,000 to be used at the discretion of the commission. Mr. McEntee said the Army Corp. was fine with this proposal, but then Mr. McEntee heard the commission wasn't in favor of it. They would like to make a proposal again soon as they want the permit, but he would like to get other ideas or options from the board.

Mr. Wiley discussed the Town Administration has concerns with the Bird Pond gift. It is understood the Dam is not part of this ownership, but seeing as it is not in good condition, there are concerns if the Dam is breached the responsibility could come back to the Town. Mr. Wiley discussed also that enough Ponds are owned already and there really isn't a need for another; what benefit would there be. He asked if it is a sure thing that the cash donation can be used solely at the discretion of the conservation commission or does it need to be tied to another project.

Ms. Hershey also discussed reservations from not only Administration but Town Counsel as well regarding Bird Pond. There could be liability issues as well.

Mr. McEntee discussed that Tom Liddy, of Lucas Environmental will follow up with the Army Corp. and get more information. He is fine with the cash donation only and not the gift of the Pond. He understands that the commission's first priority would be Memorial Pond.

WETLANDS FILING ACCOUNT

The commission discussed the use of the Wetlands Filing account to be used towards additional staff hours not covered under the budget. This request will then go to the Board of Selectmen for review

Mr. Goetz made the motion to approve the expenditure of \$9,000 from the Wetlands Filing Account for additional hours. This will go to the Board of Selectmen

Mr. Finnigan seconded the motion

Vote: 6-0-0

ENFORCEMENT ORDER

1900 MAIN ST.

Ms. Hershey updated the status of 1900 Main St. She heard from Mr. Santos and Ms. Young who informed her wetlands botanist has come out and they are now waiting for the Land Surveyor to get the plan to them.

Mr. Wiley directed Ms. Hershey to inform them we would like the information by September 12th to get on our next Agenda. They should also put a request in for the other Certificate of Compliance

NORTHRIDGE FARM SUBDIVISION – Ms. Hershey stated there is nothing new to report

APPEAL

MOOSEHILL RD. #272

Ms. Hershey stated the appeal has been settled and we are not just waiting for the final signatures for the Order of Conditions from DEP

BOARD COMMENTS

ZBA -2140 BOSTON-PROV. HIGHWAY (SCHOOL) – The commission has no concerns with this project as it is not within their jurisdiction

ZBA –38 BENNY ST – There are no concerns regarding this project. Not within the jurisdiction of the conservation commission

PLANNING BOARD – 1675 & 1701 MAIN ST. – This project is before the conservation commission

CORRESPONDENCE

The following correspondence was discussed and available for review:

- Turners Pond Dam – Monitoring report
- Walpole Mall- Semi- annual Stormwater Inspection report
- Tighe & Bond – Notice of Maintenance (Eversource) 1477 Main St.
- MACC Fall Conference – Holyoke Community College
- NOI – Norwood MA 1077 Pleasant St. (Certain Teed)
- DEP – Bird Inc. Landfill – Post Closure Use Permit

Ms. Watson made the motion to close the Meeting

Mr. DiVirgilio seconded the motion

Vote: 6-0-0

Closed: 9:00