



CONSERVATION COMMISSION

Town Hall

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Town of Walpole Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
September 13, 2017
7:00 PM

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

Present: Jack Wiley (Chair), Al Goetz (Vice Chairman) Betsey Dyer, Roger Turner, Jim Finnigan
Absent: Emidio Di Virgilio

Also present: Landis Hershey, Conservation Agent
Amy Messier, Board Secretary

The Conservation Agent Report dated September 13, 2017 was given to members.

Chairman Jack Wiley opened the meeting at 7:00 p.m.

RDA, by Paul Zolodzinsky, 21 Woodruff Rd.:

Chris Gaboriau from GLM Engineering was present on behalf of the Applicant. Wiley read Board comments, which consisted of comments from the Board of Health and the Engineering Department. Chris explained to the Board that the existing tank and septic system is to be removed, and that the entire new septic system will be located where the old one currently is, which is in the lawn area and at least 50 ft. away from the wetlands. In addition, all equipment will remain away from the wetlands during the removal and installation. Hershey recommended that erosion controls be placed around the stock pile. Wiley opened the meeting up for public comment, the Board and the public had no additional concerns at this time. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan). Landis recommended that a Negative 3 Determination be given, Goetz made a motion to give a Negative 3 Determination, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

Continued Notice of Intent, by SR II Ventures, Lot 30 Gigi's Wy., DEP # 315-1117:

The Applicant was not present, nor was anyone on behalf of the applicant. The continued hearing for Lot 30 Gigi's Way was opened, Conservation Agent Landis Hershey read the email that she had sent Mr. Viano after the last hearing on August 13, 2017, which was dated August 14, 2017. The

Commission discussed options of closing the hearing and rendering a decision with the information that was submitted, or continuing the hearing once again to the next meeting date (9/27). Goetz made a motion to continue the hearing to **September 27, 2017 at 7:31 PM**, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan). The Commission recommended that the Applicant attend the next meeting, and/or withdraw the current application. It was decided that if the Applicant chose to withdraw the application, that the current fees that have been paid would be applied to the same activity if a second application is filed, however, any additional activity within a new application will be subject to a fee.

RDA, by Peter Martin, 19 Covey Rd.:

The Applicant Peter Martin was present. Mr. Martin explained to the Board that he is proposing to install an in-ground pool, which will be kept out of the 100-ft buffer zone to wetlands, (approx. 110 ft.), with the draining of the pool to be drained away from the wetlands. Wiley read Board comments, which consisted of minor comments from the Board of Health and Town Engineer. Wiley opened the meeting up to the public for comment, there were no concerns from the public or the Board at this time. Landis Hershey recommends that the Board make a Negative 4 Determination since all of the work is being done outside of the buffer zone area. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan). Goetz made a motion to grant a Negative 4 Determination, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

Notice of Intent, by Town of Walpole, 144 School St. (Memorial Pond), DEP #315-1147:

Alex Patterson from ESS Group was present on behalf of the Applicant, The Town of Walpole. Mr. Patterson explained to the Board the intention of the Town of Walpole to dredge approximately 23,500 c.y. of sediment from Memorial Pond and construct two shallow vegetated wetland areas within the pond basin that is estimated to take approximately one month, and will occur during the winter. Furthermore, it's explained that the goal of the project is to restore areas that have filled with sediment, while also improving water quality, fish and wildlife habitat, and recreational opportunities by reducing the effects of the overlying nutrient-rich sediment in the pond and reestablishing deeper pools for refugia. The dredging will occur in 3 phases which include; site access, dredging, and site restoration. Proper erosion control measures are proposed to be installed around the construction lay-down areas and a temporary gravel access ramp will be installed at the parking area for the pond off of School Street. Any areas where vegetation is disturbed will be re-graded to their pre-work condition using a seed mixture/ plantings as necessary, along with any loose sediment on public roadways will be disposed of properly. The planned method of drawing the pond down prior to construction will be by a siphon with temporary control measures in place around the controlled area. Mr. Patterson asked the Board if they had any questions or concerns, Wiley read comments from other Boards, which consisted of comments from the Board of Health and the Town Engineer. Turner gave a history of the Pond, Goetz expressed concern about the state of the bridge and outlet structures, and recommended that they be inspected at the time that the pond is lowered in order to make sure that they are functioning properly. Wiley opened the hearing up to the public for comment, in which Ken Southwood of 4 Neponset St. stated that he is in favor of the project. There were no further concerns from the Board or the public at this time, Dyer made a motion to close the hearing, seconded by Finnigan, the motion carried 5-0-0 (Wiley, Goetz, Dyer,

Turner, Finnigan). Dyer made a motion to issue an Order of Conditions which include the suggestions made during the hearing, seconded by Finnigan, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS:

Minutes: Dyer made a motion to accept the minutes of August 9, 2017 with the corrections as discussed, seconded by Finnigan, the motion carried 4-0-1 (Wiley, Dyer, Turner, Finnigan in favor; Goetz abstained).

Open Space & Recreation Plan revision: Landis explained that the plan expired in 11/2016, and that the plan needs to be revised. Landis has put in for technical support from the MAPC to help, and Administration has been informed of this as well.

ALTA Moosehill, LLC Conservation Restriction, DEP #315-1087: The Conservation Restriction for the Moosehill Residential development has been reviewed by Town Counsel and accepted by Conservation Services. Landis Hershey recommends that the CR be signed by the Board and explained that the CR is regarding the back portion of the lot for the Moosehill project (mostly wetlands). Goetz made a motion for the Board to sign the documents, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

Request for Minor Modification, 20 Emerald Way, DEP #315-1125: Landis Hershey explained that the new owners of the property would like to extend the fill beyond the retaining wall into an area that's already altered by the construction of the roadway/ stream crossing within the 25-foot buffer zone. The Applicant will replant with buffer zone plants after the final grade and erosion controls are still in place. Due to the fact that the 25-foot buffer zone is already altered in this area with the owners planning to revegetate, Ms. Hershey recommends that this modification is to be considered minor. Goetz made a motion to accept the request for a minor modification, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

Enforcement Orders/ Orders of Non Compliance:

Main St. #1900, DEP #315-1043:

Melissa Young was present, and stated to the Board that in her opinion the alterations that were made to the wetlands were prior to her and Jay Santos being responsible for the property, and therefore, in her opinion, she, nor Jay altered/ dredged/filled the wetlands. Wiley stated that Melissa and Jay did in fact, remove vegetation on Town property and has not complied with the enforcement order issued and/or have a 3rd party review/opinion done on the property. Wiley and Landis Hershey stated that there has been an on-going continuous alteration to the wetlands within the 25-foot buffer zone since 2013 that has been documented by on-going site visits and photographs, including those of Melissa Young. Landis Hershey explained that the photos taken by her and Melissa Young in April show the wetlands at the edge of the berm and wetlands vegetation coming up through the fill. At this time, the wetlands have not been restored as required by the Restoration Plan of 12/15/2016. It was stated that Melissa Young and Jay Santos have repeatedly been asked to comply with the Restoration Plan of 12/15/2016, and then again on 8/14/2017. A deadline was given of 9/1/2017 to begin work on the Restoration Plan and a deadline of 9/10/2017 to have the work finished. At this time, work has not been done at all. Melissa Young explained that she had an environmentalist (Colonial Engineering) hired to flag and observe the property, however, the plan that was submitted did not address the enforcement requirements, and the company was not one included in the list of choices given to her by the Town. Landis Hershey recommended that the Commission issue fines up to \$300.00/per day for the continuous violation to the Walpole Wetland Protection Bylaw until the wetlands has a 25-foot buffer zone restored. Melissa Young committed to contacting Landis Hershey (Conservation Agent) during the next week

(9/18-9/22) regarding beginning the Restoration Plan work. It was voted by the Board that Melissa Young and Jay Santos will be fined \$100.00/per day for the days of 9/11, 9/12 & 9/13, 2017 for failure to start and complete work of the Restoration Plan. Also, it was decided that if work does not begin by Friday, September 22, 2017, fines will begin at \$100.00/per day until the work begins, and the work should be substantially completed by September 27, 2017- Finnigan made the motion to enact the fines listed above, seconded by Dyer, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

609 Lincoln Rd.:

There is currently no update regarding this property. Conservation Agent Landis Hershey plans to visit the property in October to observe the alterations.

Requests for Certificates of Compliance:

Mark Robinson, 7 Boulder Trail, DEP #315-398: As-built plans still need to be submitted, therefore the Certificate of Compliance was not issued at this time.

Requests for Extension:

Michael Viano, Northridge Estates/ Warren Ln. DEP #315-994: Dyer made a motion to grant a 12 month extension to the Order of Conditions, seconded Goetz, the motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan).

Correspondence:

PWS: Roscommon Wetland Report from Tom Liddy: The report stated that the replication area has been planted, and the as-built survey of the culverts as required by the Order of Conditions was submitted. There were no comments from the Board.

1146 Main- CMP: Landis Hershey went out to review the site and asked that erosion controls be placed between excavation and the pond. There were no comments from the Board.

DEP MS4 letter: letter stated that DEP is in line with EPA on the 1 yr. The stormwater permit has been put on hold for a year at this point because there is a Stay on the permit and it will not be due to 9/29/2017 extension. There were no comments from the Board.

Amec Foster Wheeler Environment & Infrastructure, Inc.- A report explaining the Phase V status and remedial monitoring report. There were no comments from the Board.

Memorial Pond Dredge Project: Landis stated that she will be attending the Finance Committee meeting for this project on 9/14/2017, and that support at Town Meeting from members of the Conservation Commission would be welcomed.

Board Comment Requests:

There were no Board comment requests at this time.

Turner made a motion to adjourn, seconded by Dyer. The motion carried 5-0-0 (Wiley, Goetz, Dyer, Turner, Finnigan). The Commission adjourned at 9:45 PM.