

**CONSERVATION COMMISSION**

**MINUTES  
(approved 4/8/09)**

**MARCH 25, 2009**

Present: J. Wiley, Chairman  
A. Goetz, Vice Chairman  
B. Dyer, R. Turner, R. Jones

Absent: K. Phelps

Also Present: L. Hershey, Conservation Agent  
P. Smith, Board Secretary

**Conservation Agent report given to members**

**MEETING OPENED: 7:00**

**MINUTES**

**Ms. Dyer made the motion to approve the Minutes for March 11, 2009**  
**Mr. Goetz seconded the motion**  
**Vote: 3-0-1 (Mr. Wiley abstained)**

**EXTENSION**

**BIRD ESTATES SUBDIVISION**  
**DEP# 315-468**

**Mr. Goetz made the motion to approve and issue a one-year extension**  
**Ms. Dyer seconded the motion**  
**Vote: 4-0-0**

**CERTIFICATE OF COMPLIANCE**

**MBTA (ELM ST)**  
**DEP #315-784**

Ms. Hershey states the replication area needs to be completed and there are clean-up areas which need to be addressed. The board decided to hold off on this until Ms. Hershey can walk the site with the representatives

**OTHER BUSINESS**

### **PATRIOTS STADIUM PHASE III**

The commission discussed they would like to review the stormwater sections of the new phase of Patriots Stadium. They also discussed being on the list of those notified when a Notice of Intent is submitted so that along with stormwater issues can be reviewed.

### **CERTIFIED MAIL**

The commission discussed the bylaw which states the need for green cards and return-receipt request for certified mailings. Ms. Hershey stated that DEP is now accepting postal certification because it is less costly. The board discussed looking into the legalities of this and the possibility of putting it on the warrant to have it amended in our bylaw.

### **.CORRESPONDENCE**

The following correspondence was discussed and available for the boards review:

- Letter from Tufts University – 2009 Marsh Bird Survey
- Lot 11 Arlington Ln
- 64 Mill Brook Ave.

### **PUBLIC HEARING NOTICE OF INTENT MAIN ST. #643-703 DEP# 315-936**

OPENED: 7:32

Mr. Wiley read the advertisement from the Walpole Times and green cards were collected

Mr. Rick Merrikin, of Merrikin Engineering was present representing the Geouropolous's who were also present.

Mr. Wiley read the board comments into the record.

Mr. Merrikin presented plans to the board for the proposed construction of a free-standing building located at the 1A Marketplace located at 643-703 Main St. Mr. Merrikin stated that 12,000 s.f. of the building is located as far towards the Main St. as possible. Mr. Merrikin states BVW, riverfront, bank and flood plain are all included on this site but only the buffer zone of the BVW will be significantly impacted as well as Land subject to flooding that is located on the southeasterly end of the site. The FEMA line is shown on the plan.

Mr. Merrikin stated there is a 40ft. buffer zone from the nearest abutter. Parking spaces will not need to be added and a small amount of pavement will be in put in the front, side and back for employee parking and room for deliveries. Everything else will be vegetated up to the existing pavement. Mr. Merrikin stated the stormwater regulations have been followed for the drainage for the new building to include catch basins and two infiltration underground basins. Mr. Merrikin stated there is an issue with Land Subject to Flooding although it is not deep flooding. They have created compensatory flood storage as shown on the plan with only 12 inches being excavated to create flood storage. Mr. Merrikin feels the flood storage issue has been addressed by doing this. Mr. Merrikin discussed cutting thick brush and stated after excavation loam will be put down for some of the vegetation to grow back. The haybale line will be located at the 25ft no-disturb area with no work to be done within that. He stated the sewer issue will be discussed with the Planning board

Ms. Hershey stated she completed a site visit and delineation with Russell Waldron of AES, on 3/18 and she was satisfied with the delineation. Ms. Hershey stated she would like to see the area being filled per elevation and what is being compensated on the plan. Ms. Hershey also stated the flood plain has more value than just volume. Ms. Hershey stated the boundaries between the property lines need to be stable.

Mr. Turner stated his concern of the silt going into the Neponset River. He stated he believes the flood plain is not realistic and is actually much higher than shown on the FEMA map. He stated concern for public safety.

Mr. Wiley stated the commission needs to go by the information on the FEMA study

Ms. Dyer asked about Flood storage and wanted to know examples of where it has been used.

Mr. Merrikin stated it was done on Union St. in the past.

Mr. Goetz discussed the lack of parking at 1A Marketplace. He stated his concern that the applicants will come back before the board in the future and request additional parking which will affect the wetlands.

Mr. Wiley stated the board does have concerns regarding the sewer connection and would like to be notified of the proposals and what is actually decided.

Mr. Merrikin stated he is going before Zoning and Planning both within the next month.

Ms. Hershey stated she would like to take another site visit as she has questions about compensatory storage and wants to re-review it.

**The commission discussed holding a site visit and scheduled it for April 1, 2009 at 5:30 p.m. This will be posted in Town Hall.**

**Mr. Goetz made the motion to continue the Public Hearing until April 22, 2009 at 7:30 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**PUBLIC HEARING  
CROSSWODS PATH #22  
NOTICE OF INTENT  
DEP# 315-938**

**OPENED: 7:25**

Mr. Wiley read the advertisement from the Walpole Times. Green cards were collected

Mr. Wiley read board comments into the record.

Mr. Rick Merrikin, Merrikin Engineering was present representing the applicant. He gave a brief history of the preliminary subdivision which was done. Mr. Merrikin stated the plans given to the board show more than is requested in this application, but he wants the board to see the whole picture. He stated it is all tied in to what will come before us shortly as a subdivision. This particular Notice of Intent is strictly for one single-family house including septic and driveway. Mr. Merrikin stated he has shown notes on the plan showing all that is included in this application after discussing it with Ms. Hershey. Mr. Merrikin stated an existing detention basin is shown on the plan and will not be touched. He also stated the only thing occurring in the 100 ft. buffer is backyard, with the proposed house being located outside the 100ft. buffer.

Ms. Hershey stated the work outside the buffer is about 40,000 s.f. of disturbed land and asked if this would be addressed under the subdivision filing. She also stated Russ Waldron of AES went on site with her and made a few changes in the delineation. She states the no-disturb area should be moved up. Ms. Hershey discussed areas that need to be seeded and stabilized. Erosion controls need to be placed at the contour and the slope of the detention basin should be stabilized

Mr. Goetz asked who will maintain the two septic system and basins

Mr. Merrikin stated the Homeowners Association will be responsible but for now the applicant is taking that responsibility.

Mr. Goetz agrees with Ms. Hershey that there is no justification for all the cut and fill near the wetlands and that it needs to be pulled back.

Mr. Wiley stated the commission should have some paperwork for the file showing who is responsible for maintaining the basin.

**The board discussed holding a site visit and scheduled it for Tuesday, March 31, 2009 at 5:30 p.m. This will be posted in Town Hall.**

**Mr. Goetz made the motion to continue the Public Hearing until April 8, 2009 at 7:00 p.m.**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**PUBLIC HEARING  
ABB. NOTICE OF INTENT  
CASCADE TERR. #81  
DEP# 315-937**

**Opened: 8:50**

Mr. Wiley read the advertisement from the Walpole Times and green cards were collected.

Mr. Wiley read board comments

Mr. Kevin Mealy, the applicant represented himself and showed plans to the commission for this application. He is proposing to demolish an existing garage which is falling apart, and replacing it with the construction a deck on sonar tubes

Ms. Hershey stated this project will take place within the riverfront area and the 100 ft. buffer zone. She states the applicant should show how the area where the garage was will be stabilized, and also install erosion controls including orange construction fence during the demolition.

**Mr. Goetz made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**Closed: 9:00**

Special conditions were discussed by the commission. Sonar tubes and excavated materials shall be removed from the site. The area shall be seeded and loamed where the garage was located once it is cleaned up.

**Mr. Goetz made the motion to approve and issue an Order of Conditions**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**ENFORCEMENT ORDER**

**MILLBROOK RD. #64**

Ms. Hershey stated she completed a site visit to 64 Mill Brook Rd. An enforcement order was issued 8/4/08 and to date the requested work has not been done. The board discussed sending a follow-up letter to Mr. Escobar instructing him that if the “no alteration area” is not re-vegetated by May 15, 2009 fines of up to \$300 per day will be issued. Ms. Hershey will complete a site visit when the plantings have been completed.

**Ms. Dyer made the motion to adjourn**

**Mr. Goetz seconded the motion**

**Vote: 4-0-0**

**Meeting closed: 9:30**