

CONSERVATION COMMISSION

MINUTES (approved 6/10/09)

MAY 13, 2009

Present: J. Wiley, Chairman
A. Goetz, Vice Chairman
B. Dyer, R.Jones, R.Turner, K. Phelps (7:30)

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

Conservation Agent report given to members

Meeting Opened: 7:05

EXTENSION

RAINBOW POND

DEP# 315-803

A discussion was held with Rob Wheaton of Lycott Environmental who is requesting an extension for Rainbow Pond located at Royal Crest Golf Course. He stated that #9 special condition in the Order of Conditions calls for pre and post test monitoring of the ponds. Mr. Wheaton states this has been done consistently for three (3) years and the results are constant. He also states the test is costly to perform
The board discussed issuing an extension for this Order of conditions for three (3) years and reducing the testing to once annually.

Mr. Wiley states the commission would like to continue to get a copy of the annual test for our records

Mr. Goetz made the motion to issue a three (3) year extension with an annual test monitoring of the pond to be submitted to the commission

Mr. Jones seconded the motion

Vote: 4-0-0

DELA POND VILLAGE

DEP# 315-628

Ms. Hershey stated the basin needs to be cleaned out and she will talk with the applicant prior to issuing the extension

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

HIGH OAKS IV SUBDIVISION
DEP# 315-501

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

CERTIFICATE OF COMPLIANCE

STOP & SHOP
#1005 PROVIDENCE HWY
DEP# 315-933

Mr. Goetz made the motion to approve and issue a Certificate of Compliance
Ms. Dyer seconded the motion
Vote: 4-0-0

MBTA (ELM ST.)
DEP# 315-784

Ms. Hershey states she has not heard back from the representatives. She is going to put something in writing stating we are waiting for them to comply with the request for a site walk and clean up.

ENFORCEMENT ORDER

RIVERWALK COMMONS

Ms. Hershey told the commission that there were violations to the Order of Conditions occurring at Riverwalk Commons. She stated she has been out on the site and there has been a lot of cutting going on. The board discussed the Vegetative Management Plan needs to be followed and a Certified Arborist should come in on a yearly basis. The board discussed the problems with the retaining wall and sections are unsafe and need to be rebuilt. They discussed an Emergency Certificate being issued so work can commence before a Notice of Intent is filed for public safety purposes.

Mr. Goetz made the motion to ratify the Enforcement Order
Ms. Dyer seconded the motion
Vote: 4-0-0

Mr. Goetz made the motion to issue an Emergency Certificate so work can commence immediately

Ms. Dyer seconded the motion

Vote: 4-0-0

**PUBLIC HEARING
NOTICE OF INTENT
MAIN St. #929 (CVS)
DEP# 315-940**

Opened: 7:40

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

Mr. Wiley read board comments

Attorney Phil Macchi was present representing the applicant. Matt Wozniak of R.J. O'Connell and Assoc., Ryan Bershman, and Curt Young of Wetland Preservation Inc. were also present.

Mr. Macchi stated this application is for the upgrade of the CVS facility and the scope of work is limited to the building. No additions will be constructed but the filing includes a drive-thru.

Mr. Curt Young, of Wetland Preservation Inc stated the Diamond Brook River flows out of a culvert at the corner of the CVS lot and the Neponset River is located within 200 ft. on the other side which makes it within the jurisdiction of the conservation commission.

Mr. Matt Wozniak, of R.J. O'Connell and Assoc. explained drainage analysis and discussed the O & M plan which is included in the filing as well as stormwater upgrades which meet the standards. He stated the CVS store will be open during construction. Six (6) catch basins with four (4) ft. sumps with hoods will replace the existing catch basins. Mr. Wozniak stated there is a manhole with two pipes located in the area, and they have worked with the Town Engineer to insure the pipes are in good shape. He states there is no reason to remove or replace it, and there have been no issues with all the testing that has been done. Mr. Wozniak also showed the sewer connection location on the plan

Ms. Hershey stated she has had meetings with the applicant and engineers. She states this is a redevelopment project under the stormwater management standards and they are improving the existing conditions by replacing old catch basins with the basins with 4ft sumps and hoods

Mr. Turner asked about recharge from roof drains

Ms. Phelps also asked about infiltration. She was concerned the roof line would prevent future infiltration. She would like the concrete walk be done with pavers

Mr. Goetz stated he is happy to see the catch basins be replaced to meet current standards. He feels this project has no negative impact on the river or the wetlands.

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 5-0-0

Closed: 8:10

The board discussed special conditions. The O& M plan will be referenced in the Order. During construction there shall be silt sacs or other protection at the culverts. The catch basins shall be cleaned after construction

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

Mr. Jones seconded the motion

Vote: 5-0-0

**PUBLIC HEARING
NOTICE OF INTENT
OAK ST. #41 § 43
DEP# 315-941**

Opened: 8:20

Mr. Wiley read the advertisement from the Walpole times. Green cards were collected at this time

Mr. Wiley read board comments

Mr. John Anderson, Anderson and Associates was present representing the applicant Al Petrucci who was also present.

Mr. Anderson presented plans for a proposed sewer connection. He stated that Landmark Engineering completed a sewer plan in the past which was approved by the sewer and water commission. This project is located within 100 ft buffer to BVW and bordering a perennial stream and river. The proposal is for sewer to be installed to service a neighbor and the Petruccis property. Mr. Anderson stated they want to install the line down the existing driveway and under the culvert of the stream. A dewatering detail and erosion control detail is shown on the plan. He stated that the wetlands have been flagged and a report was submitted.

Ms. Hershey stated she took site visit and pointed out that the on USGS the stream is represented as a solid blue line. She stated that if any damage occurs to the pipes while going under the culvert for installation they need to come to the commission. This shall be a special condition

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 4-0-0

Closed: 8:30

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

Ms. Phelps seconded the motion

Vote: 4-0-0

CONTINUED PUBLIC HEARING

NOTICE OF INTENT

643-703 MAIN ST.

DEP #315-936

Opened: 8:35

Mr. Wiley read the advertisement in the Walpole Times for this continued Public Hearing

Mr. Rick Merrikin, Merrikin Engineering was present representing the applicant. Mr. Merrikin stated he would like to request putting this project on hold for six months. He stated there are zoning bylaw perspective changes that may affect this project and the applicants have decided to wait. He stated the applicants would be willing to re-advertise with abutters once the project is ready to resume.

The board discussed continuing the Public Hearing until December 9, 2009 at 7:30 p.m.

Mr. Goetz made the motion to continue the Public Hearing until December 9, 2009 at 7:30 p.m. with the provision that abutters be re-notified.

Ms. Phelps seconded the motion

Vote: 4-0-0

CONT. PUBLIC HEARING

NOTICE OF INTENT

WEST ST. #390

DEP# 315-939

Opened: 8:45

Mr. Wiley read the advertisement for the Public Hearing which has been continued from April 22, 2009. A DEP number had not been assigned at the time, but is all set now.

Mr. Merrikin, of Merrikin Engineering was present with applicant Michal Shea. Revised plans were presented to the commission for review and Mr. Merrikin presented an Alternative Analysis which they had requested at the previous hearing. Mr. Merrikin stated the location of the perennial stream has been shown on this revised plan as well

Mr. Merrikin stated the grading has been adjusted on the easterly side of the property so they are using less than 5,000 s.ft of the riverfront area. He also stated that most of the riverfront area proposed to be disturbed is going to be slope which will be revegetated. Mr. Merrikin shows a change in shape to the open detention basin as oblong, he stated the piping has not changed. Less gravel surface will be proposed in the revised plan. An alternative analysis shows that this location works well for his client. A large area is not needed and Mr. Merrikin states that very few residences will be impacted as it is an industrial zoned site. The applicant will work with the commission to make sure they are satisfied.

Mr. Goetz stated he would like to see plaques shown on plan showing the limit of work.

Mr. Merrikin stated that would be fine and orange snow fence can be placed along the line

Mr. Turner pointed out a few misprints on the plan and asked for corrections.

Ms. Phelps had suggestions for treatment of the slope after it's cleared. She would like to see erosion controls to include seed. Where the haybales are placed she stated she would like to see something more permanent such as the plantings of small pines.

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 4-0-0

Closed: 9:10

The Order will not be released until revised plans are received. Trees shall be planted along the haybale line and plaques shall be put in place in specific areas as noted on bounds (6). Misprints on the plan shall be corrected.

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

Ms. Phelps seconded the motion

Vote: 4-0-0

**PUBLIC HEARING
REQUEST FOR DETERMINATION
HOUND PACK CIR. LOT 45**

Opened: 9:10

Mr. Wiley read the ad from the times. Green cards were collected

Mr. Wiley read board comments

Mr. Rich Kirby of LEC Environmental was present representing Toll Bros. He stated a Determination of Applicability was approved in 2004 but has expired. The applicant is

ready to move forward in the construction of a single family house. This filing is for the approval of the proposed vegetation clearing and site grading associated with the dwelling construction. This is a corner lot with just an outer portion of the buffer zone to BVW. Mr. Kirby stated that some vegetation was cleared prematurely during the construction of Hound Pack Circle.

Ms. Hershey stated she has no concerns with this proposal as it such a small corner of the lot with the request of minor grading within the 100 ft. buffer.

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 4-0-0

Closed: 9:20

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

Ms. Phelps seconded the motion

Vote: 4-0-0

PUBLIC HEARING

NOTICE OF INTENT

HIGHLAND LAKE DR. #4

DEP# 315-942

Opened: 9:25

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

Mr. Jim Susi, of United Consulting was present representing the applicant

Mr. Susi presented revised plans to the board and stated this filing is for the repair of a failed septic system which occurred a month after the home was purchased by the owners. He stated he has kept everything as tight as possible with no work occurring outside of the 50 ft. buffer.

Ms. Hershey recommended the disturbed area shall be loamed and seeded to stabilize within two weeks of final grade.

Mr. Goetz stated the excavated material should not be spread out to the stone wall area.

Mr. Goetz made the motion to close the Public Hearing

Ms. Phelps seconded the motion

Vote: 4-0-0

Closed: 9:35

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

Ms. Phelps seconded the motion

Vote: 4-0-0

The board discussed special conditions as presented by Ms. Hershey. The area shall be loamed and seeded within 2 weeks of final grade. All excavated materials shall be removed from site.

OTHER BUSINESS

NOTICE OF NON-COMPLIANCE

22 CROSSWOODS PATH

Ms. Hershey noticed on a site visit that violations have occurred on site under the Stormwater Management and Erosion control bylaw. A notice of non-compliance was issued telling the work to cease and desist in the area located outside the lot for which the Order of Conditions was issued. This property is for the future subdivision. Ms. Hershey stated the clearing must stop until a subdivision filing is submitted or a Land Disturbance permit is issued. She also stated a filing for a NPDES permit is required. The commission discussed issuing fines if any more work is done.

64 MILLBROOK RD.

Ms. Hershey followed up on the Enforcement Order which was sent to the applicant. She completed a site visit to find that no work had been done as been instructed by the Commission with a May 15, 2009 deadline. She stated the landscaping company had come into the office to discuss the plantings. The commission discussed sending a letter both certified and regular mail stating that fines of \$300 per day will be issued if the plantings are not completed by the deadline.

Mr. Goetz made the motion to send the letter and issue fines if necessary

Ms. Phelps seconded the motion

Vote: 4-0-0

OTHER BUSINESS

Ms. Hershey stated that NEPRWA is putting a grant request to DEP for a collaborative planning program to review potential areas for stormwater practices. She stated the Town Engineer and she would be part of the support services for this project, and they are requesting the board put together a letter of support for this grant as it would be of help.

Ms. Phelps made the motion to issue a letter of support for this grant

Mr. Goetz seconded the motion

Vote: 4-0-0

BOARD COMMENTS

The Planning Board is requesting comments on Metro/Pc which is before them. The commission discussed there are not conservation issues as it is not in their jurisdiction

**MINUTES
APRIL 22, 2009**

**Mr. Goetz made the motion to accept the Minutes of April 22, 2009
Ms. Phelps seconded the motion
Vote: 4-0-0**

SUMMER SCHEDULE

The commission voted the following dates for their summer schedule:
June 10, July 8 and August 12

**Mr. Goetz made the motion to approve the summer schedule
Ms. Phelps seconded the motion
Vote: 4-0-0**

The following correspondence was available for the boards review:

- GES letter – 980 Providence Hwy

**Ms. Phelps made the motion to adjourn
Ms. Dyer seconded the motion
Closed: 10:30**