

John Rogers
Diane Hayes
Todd Sullivan



R. J. Sheer
Charles Pare
Todd Weston

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CONSERVATION COMMISSION

**Minutes: Conservation Commission Meeting Date: January 13, 2016 at 7:00 p.m.
Location: Champagne Meeting Room, 50 Carby Street, Westwood, MA**

The Conservation Commission meeting of January 27, 2016 gathers at 7:00 p.m. in the Champagne Meeting Room, 50 Carby Street with the following members present: Charles Pare, Diane Hayes, John Rogers, Todd Sullivan, R. J. Sheer and Todd Weston. Also present is Karon Skinner Catrone, Conservation Agent.

Minutes – September 15, 2015, September 23, 2015, October 14, 2015, October 28, 2015, - **Motion made by Ms. Hayes, seconded by Mr. Pare to approve the minutes of September 15, 2015, September 23, 2015, October 14, 2014 and October 28, 2015 with changes. Unanimous.**

Discussion Items-

9 Stonemeadow Drive - NOI #338-0588 – Certificate of Compliance – The applicant installed a drip edge infiltration system instead of an underground infiltration system. At the last meeting the Commission requested the town engineer review the calculations. Mr. Bina had the following comment – *The applicant's calculation looks reasonable. A 30% void ratio for crushed stone is conservative. The only question is long term maintenance of the crushed stone drip edge, could change with change in ownership.*

Mr. Rogers states even if it fails it will have to spill across the yard. There is a lot of area here.

Motion made by Mr. Pare, seconded by Ms. Hayes to approve the request for Certificate of Compliance. Unanimous.

2. 51 Dover Terrace - DEP#338-0617 – informal discussion – This was approved at the last meeting but has not been issued. Mr. Briar, an abutter, has concerns that this project will impact his property. It is the Town's professional opinion that there will be no impact to the abutters but to ease Mr. Briar's concerns the Commission could suggest a swale along the two properties, directed toward the wetland. There is a pipe on the other side of the property directed to the right side abutter's property. The Commission may want to discuss redirecting this pipe.

Present is Mr. McNeil, owner, who states he tried to do everything the right way. He states the retaining wall in the rear of the property will be boulders. All work will be 35 feet from the wetland line. The patio will be constructed of pavers. The landscaping work will not go beyond the first wall. The area on the wetland side of the first wall will be grass. From the first wall, there will be a gentle slope to the next wall.

Mr. Rogers states the wall should be no higher than 18 inches.

Mr. McNeil states he is just adding top soil. He assures the drainage will not go anywhere but down to the wetland.

Mr. Briar, 43 Dover Terrace, states at the first hearing 65 feet of buffer would be raised 3 feet. He would like to require the plan be updated showing a swale. The 3 foot increase in elevation should be explained clearly on the plan. The required 10 trees are not shown on plan. If the Commission is granting a permit, how do we know these things will be done?

Mr. Rogers states Mr. McNeil will have to file for a Certificate of Compliance when the project is complete.

The Commission agrees they would like to see a condition on the Order of Conditions that clarifies the elevation of the berm, the drainage ditch and the erosion control. Dimensions x, y, and z or a cross section should be shown. The compost sock must be installed before tree cutting. The trees can be cut in the winter. No work will start until we have a revised plan.

Mr. Rogers explains that there is a 10 day appeal period. The plan must be in before the Order is issued.

The Commission agrees Ms. Catrone must review the plan before tree cutting starts.

Motion made by Ms. Hayes, seconded by Mr. Sheer, to approve the permit with the conditions from the last meeting as well as the submittal of a plan showing all dimensions, the retaining wall must be no taller than 18" and a swale on north property line must be shown on the plan.

Unanimous.

3. **42 Mill Street – DEP #338-0594** – Informal discussion – The wetland delineator, Goddard Consultants, would like an opportunity to discuss the denial of the ANRAD with the Commission.

Nicole Hayes, of Goddard Consultants was present at the last meeting and requested the ARAND only be heard under the Wetland Protection Act. They requested to remove their filing of the ANRAD from review under the Westwood Bylaw. If the Bylaw is not removed the only recourse is to file through the superior court.

Present this evening is Nicole Hayes and Attorney Mathew Watsky. Mr. Watsky states a suit has been filed. We hoped to have a discussion with the Commission or Town Counsel. Attorney Watsky requests the Commission allow Town Counsel to discuss this with him. If the Commission denies this goes to adjudicatory hearing.

Lindsey Mahoney asks if this land is classified undevelopable, would there be an order issued. Mr. Rogers states that is out of our jurisdiction.

Mr. Rogers ask Ms. Catrone to invite Tom McCusker to come to the next meeting.

Greg Buckley of Millbrook Street wants to emphasis the importance of this land. The owner approached the abutters to buy the property. This is a cold water fish source. There is a massive amount of land that drains to Hale Reservation. There is a high spot out toward the pond, when it rains, this area fills with water.

Todd Daniel, abutter, states the Town's consultant came in with pictures of the area when it was very wet.

Mr. Rogers states there are ways the consultants make determinations without the time being high-water time.

Tom Palmer of the Neponset River Water shed/Willett Pond is present. He states he has a problem with siltation and algae.

The owner of 1391 High Street states he lives at the end of the stream. My back yard has been flooded 4 times. He states he is very concerned about flooding.

Mr. Rogers states there are legal issues that go outside the Commission's jurisdiction. He asks Ms. Catrone to talk to town counsel and ask if we need to go to executive session.

4. **Grove Street** – Land donation lots 303, 315, 327 Grove Street.

Motion made by Mr. Pare to accept the land donation, seconded by Ms. Hayes. Unanimous.

5. **6 Longmeadow Drive** – Certificate of Compliance for violation – The planting work was completed on June 12, 2014. An inspection should be done no earlier than June 12, 2016, at which time there should be a 75% success rate.

The Commission agrees Mr. Catrone will go back and inspect after June 12, 2016.

Mr. Pare states there should be two or three boundary markers.

6. **321 Gay Street – DEP #338-0571- David – Certificate of Compliance** – Ms. Catrone states she inspected the site and found the lot to be 100% stabilized. There were no plantings required under the order but many trees and shrubs have been planted. I did not witness the infiltration system at installation. She shows the Commission pictures of the observation ports.

Motion made by Mr. Pare, seconded by Mr. Weston, to issue the Certificate of Compliance. Unanimous.

7. **1561 High Street – DEP #338-0520 – Minor modification** – Present is Mr. Musto. He states the Board of Selectmen required an approval (vote) of the Planning Board and Conservation Commission to issue a minor modification for the installation of underground propane tanks.

Motion made by Ms. Hayes and Mr. Sullivan to approve the Request for a Minor Modification for the installation of underground propane tanks.

8. **Informal discussion** – Conservation Commission land maintenance and use. Table to next agenda.

9. **Minor Modification – 81 Morgan Farm Road** – Mr. Petrozzi would like to increase the size by 10' on both sides of the proposed house. The final order under DEP allows a 10' no disturb area.

Mr. Petrozzi states this subdivision is approved under a final order by DEP which states it is subject to 10' no disturb. He states someone wants to buy the house and they want it to be bigger.

Mr. Pare states he doesn't see any concern.

Mr. Rogers states the wall is to be built outside the 10' no disturb area.

Motion made by Mr. Pare, seconded by Mr. Sheer, to approve the Request for a Minor Modification with the condition the work does not encroach outside of the 10' no disturb.

NOI – DEP# 338-0619 –216 Clapboardtree Street – Karam –Present is Heins Karam, owner, and Mikhail Deychman, Engineer. Mr. Karam would like to cut down several White Pines in his rear yard due to safety issues. Some of the trees are dead and one is growing through his deck. Eight replacement trees are to be planted as shown on the plan.

Mr. Pare states he visited the site and the trees are very tall.

Mr. Karam states the night before Ms. Catrone came to do the site visit a tree came down.

Ms. Catrone states there is stock pile of brush in wetlands.

Mr. Karam agrees to remove the brush.

The Commission agrees the downed trees should stay.

Motion made by Ms. Hayes, seconded by Mr. Pare to issue an Order of Conditions with the condition 8 replacement trees are planted. Unanimous.

NOI – DEP# 338-0618–75-85 Providence Highway–Colbea Enterprises-

Present are Alan Micale of Ayoub, Scott Raviddeau of Natural Resource Services, Andrew Delli Carpini of Colbea Enterprises (owner) and Richard Defusco, Applicant. The applicant is requesting the demolition and removal of the existing gas station and retail store, and construction of a new gas station facility with new food mart, five (5) gasoline dispensing islands, four (4) diesels dispensing island and associated paved and curbed parking area, stormwater management system and landscaping.

Ms. Catrone states she inspected the site on Monday 1/11/16 and found a lot of trash and invasive plants on the site.

Mr. Micale states we are proposing work on the south side of route one. We are looking at combining two lots for a new food mart and fueling station.

The site is now completely impervious. We will be adding 17,000 sq. ft. of green space. The entire site currently sheet flows to the wetland.

Scott Raviddeau, states there is a berm separating the wetland and detention basin. We will clean up the basin.

Ms. Catrone asks if stone could be added to the detention basin inlet. The pipe is elevated 2.5 feet from the bottom of the basin.

Mr. Raviddeau states they do not own that area of the property.

The proposed mitigation consists of taking out impervious and putting in green area. The water flows to the back and side. The front portion goes to the front of the property. There will be decreasing flows to the catch basins.

An LSP will be on site during excavation. Mr. Pare asks that the Commission to get a copy of the manifest.

Mr. Raviddeau states the tanks are censored for leaks or spills. The pumps shut down once the alarm goes off.

Mr. Rogers ask about snow removal.

Mr. Raviddeau states if there is a small snow storm the area will be plowed but if there is a large storm the snow will be removed from site.

Ms. Catrone states this project was reviewed by Beals and Thomas for the Planning Board.

Mr. Pare would like this to be looked at under the Wetland Protection Act if it has not already been so.

Mr. Rogers ask Ms. Catrone to talk to Planning Board Agent and see if we can get a letter for the next meeting stating that this project was reviewed under the Wetland Protection Act.

Motion made by Mr. Rogers, seconded by Mr. Sheer, to continue this hearing to January 27, 2016 at 7:30. Unanimous.

Wetlands and Stormwater Education Topics; Wetlands Protection Act (interests, resource areas, hydrology, flooding, water quality, erosion and sedimentation, administration mechanics), Town Bylaws and Regulations (especially differences/additions to WPA), Avoidance-Minimization-Mitigation, Mitigation Lessons Learned.

Motion made by Mr. Rogers, seconded by Mr. Sheer, to adjourn the meeting. Unanimous.