

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
OCTOBER 9, 2019
7:00 PM

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

Present: Jack Wiley (Chairman), Al Goetz, Betsey Dyer, Roger Turner, Emidio Di Virgilio, Doug Burchesky

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

The Conservation Agent Report dated October 9, 2019 was given to members.

Wiley opened the meeting at 7PM

7:00 PM:

Amend. to Order of Conditions/ Land Disturb., Bristol Bros, Renmar Ave/West St., DEP # 315-1173:

Wiley opened the hearing and read board comments. Jeff Tocchio was present on behalf of the Applicant, along with Gabe Crocker of Crocker Design Group, and explained to the Commission that the amendment is for the revised stormwater management plan in order to accommodate the utility easement of Eversource. Hershey stated that the amendment was given to BETA for peer review of the stormwater management system. Phil Paradis of BETA was present and explained that he has provided feedback in the letter, in which BETA recommended a few special conditions. Tocchio and Crocker agreed with BETA in their comments and are willing to abide by the special conditions proposed. Wiley opened the hearing up to the public for comment, which there was none. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky). Goetz made a motion to issue the amendment to the original OOC and land disturbance permit, with the recommended Special Conditions from BETA included, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

7:15 PM:

Notice of Intent, Georges Almacari, 23 Old Town Rd., DEP #315-1211:

Wiley opened the hearing and read a letter from the Applicants engineer Bruce Wilson requesting a continuance, Goetz made a motion to continue the hearing to 10/30/19 at 7:30 PM, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky).

7:30 PM:

Amend. to Order of Conditions, Hoegler Realty Trust, Lot 2 Lost Brook Trail, DEP #315-1156:

Wiley opened the hearing and read board comments. John Grenier of JM Grenier Assoc. was present on behalf of the Applicant, and explained to the Commission that the applicant is requesting an amendment to redesign the proposed stream crossing. Hershey stated that the Commission should apply the DEP Policy on Amendments to determine if this can be amended or if it requires a new NOI. Grenier stated that the redesign of the stream crossing would consist of a steel corrugated culvert, which is lighter than what was originally

proposed, significantly cheaper for the Applicant, and does not increase detrimental impacts to the resource areas. The proposed amendment still meets the performance standards and the scope of the project has not changed. Greg Corris stated that clearing is to take place within a few weeks, with erosion controls to be placed and inspected, and work will occur this fall. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky). Goetz made a motion to issue the amendment to the original OOC, with the reduction in the replication area, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

7:45 PM:

Continued Notice of Intent, by Wall Street Devel. Corp., Burns Ave., DEP #315-1200:

Wiley opened the hearing, Lou Petrozzi of Wall Street Development was present, along with Rob Truax of GLM Engineering and Paul McManus of EcoTec. Petrozzi stated that a revised SUP-D plan was submitted to the Commission showing the work outside of the riverfront area proposed not to be degraded and increasing the activity within the riverfront proposed to be degraded with less restored riverfront. Petrozzi stated that he has submitted all information regarding the proposed project and he will submit an entire full set of plans with all of the current and latest plans that have already been submitted. Petrozzi agreed to sign an extension form to allow the Commission over 21 days to issue a decision upon the closing of the hearing. Goetz made a motion to close the public hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky). Goetz made a motion to place this item on the agenda with regards to the decision only, for 10/30/19 at 7:45 Pm in Room 112, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Minor Modification, Wall Street Development, Lot 6 Boyden Lane, DEP #315-1124:

Lou Petrozzi of Wall Street Development Corp was present and explained to the Board that he is requesting a minor modification of an existing order or conditions for lot 6 Boyden Lane for to shift the proposed house forward on the lot within the 25 ft. no alteration area and re-flag the wetlands. Hershey recommends that the Commission rule that the proposed request is not a minor modification nor an amendment because it does not have unchanged or less impact on the resource areas. The Applicant should be required to file a new NOI, and also stated that the wetlands line that is currently approved under DEP 315-1124 is valid until 3/21/2020. Goetz made a motion to deny the request for a minor modification, stating that the Applicant will need to file a new NOI with the Commission for the proposed work, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Enforcement Orders/ Notice of Noncompliance (Vote may be required)

Main St. #1900, DEP #315-1043 (deadline 5/1/18) – Hershey said that the BOH states that nothing has been done with the tight tank since 11/218.

Boyden Estates – Summer Street DEP #315-1099 – Notice of Noncompliance 4/25: Hershey stated that the Applicant has not fully complied with the notice of noncompliance and EO because the mulch remains, and the sediments have not been cleaned up along the erosion controls line. The fill on lot 5 needs to be verified with an As-built plan because it appears that the Applicant filled beyond what was approved for the minor modification plan with a revision date of 3/28/18, and therefore the Applicant should file an As-built plan with the Commission.

Patriot Tavern – 100-104 Main St.: Hershey stated that a Notice of Non-compliance was sent to the owner regarding the removal of trees. Brad Holmes was present from Environmental Consulting and Restoration, LLC on behalf of the owners of Patriot Tavern, and explained to the Commission that test pits were performed on the property and the results showed non-hydrologic soils, and is therefore not considered an isolated wetland. Goetz

made a motion to vacate the Notice of Non-compliance, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Request for Certificate of Compliance (vote required)

Robert Vey, 16 Windchime Way, DEP #315-1000: Goetz motioned to issue COC, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Minutes: Dyer made a motion to approve the 9/25/19 minutes, seconded by Goetz, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Wetland Fee filing acct.: Goetz made a motion to expend additional funds (\$10,000) under the Wetlands filing fee account for additional hours for staff, seconded by Di Virgilio, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

DOT temporary easement request at Cobbs Pond: Hershey stated that this area is conservation land, and the DOT is requesting to use temporary easements for construction purposes, and is currently under review by Town Counsel. Hershey stated that this item may be on the next Agenda depending on when we get a response from Town Counsel.

Board Comments

ZBA- 1049 Main Street: no jurisdiction

Goetz made a motion to adjourn, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

The meeting adjourned at 9:45 PM.

Accepted 10/30/19