

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
DECEMBER 11, 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 December 11, 2019 was given to members.

Wiley opened the meeting at 7 PM

7:00 PM:

Request for Determination, Adel Marzouk, 19 Hartshorn Rd.:

Wiley opened the hearing and read board comments. Applicant Marzouk was present and representing himself. The RDA is for the proposed a paved extension of his driveway in order to accommodate two cars rather than one. Hershey stated there's an un-mapped wetlands off the site parallel to Norton St., and the actual driveway is not going into the resource area. 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 a Negative 3 Determination, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky).

7:15 PM:

ANRAD, High Oaks, LLC., off Delaney & Dover Dr. (Maps 11 & 12, Lots 49 & 84) DEP# 315-1213:

Wiley opened the hearing and read board comments. Rob Truax of GLM Engineering was present on behalf of the Applicant. Hershey stated that she was unable to go out and review the wetlands line due to inclement weather. Truax stated that this delineation of the wetlands line is for a future proposed 15 lot subdivision that is going before the Planning Board. Truax requested a continuance at this time due to Hershey being unable to review the wetlands line. Wiley opened the hearing up to the public for comment which included the following;

-Paul Prada of 43 Delaney Drive: tagging of wetland flags on property

Goetz made a motion to continue the hearing to 1/8/20 at 7:15 PM in room 112, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky).

7:30 PM:

Notice of Intent, Wall Street Development Corp. 11 (lot 6) Boyden Ln., DEP# 315-1214:

Wiley opened the hearing and read board comment. Applicant Lou Petrozzi was present, and explained to the board the proposed activity to construct a single family house. It was explained that the Commission has previously issued an OOC for this property in March of 2017, the applicant would like a new wetlands line to be approved due to the shrinking of the wetland since it was last approved (3/21/17), and to move the proposed

single family home on the lot to create a flatter backyard. Applicant is proposing to alter approx. 1200 s.f. of the 25 ft. no alteration zone, with a clearly marked dry stone wall along the 10 ft. no disturb area with buffer plantings to enhance the buffer area. Hershey stated that she has not been able to review the wetlands line due to inclement weather. Hershey stated that the wetlands line is good for three years, which is still valid until 3/21/20, and therefore recommended to the Commission that the applicant should not be able to move forward with this proposal until the Order expires, an explanation of the relief sought and the fines are paid that are currently outstanding regarding another property belonging to this applicant. Turner suggested a report from Hershey regarding her findings after she goes to look at the property. Dyer, Goetz and Di Virgilio stated that they are not in favor of the proposed plan, and agree that the applicant should wait until the expiration of the Order to move forward. Applicant requested a continuance to 1/8/20 in order to submit greater detail on wall, among issues that were discussed during the public hearing including; encroachment within 25 ft. no alteration zone, acceptance of a new wetland line when the current one is still valid until March, and whether the proposed wetland line is accurate. Goetz made a motion to continue the hearing to 1/8/20 at 7:30 PM in room 112, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky).

7:45 PM:

ANRAD, 55 BH, LLC., 55 Summer St., DEP# 315-1215:

Wiley opened the hearing, and read board comments. Brian Butler of Oxbow Assoc. was present on behalf of the applicant, and explained to the Commission that the wetlands line has been flagged on the property, and provided the Commission with revised plans based on yesterday's site walk and comments. Hershey stated that she reviewed the wetland flags with Brian Butler from Oxbow on 12/10/19, and noted the following; vernal pools should be noted on E-Series and A-Series wetland along the RR (AA-27 flag), observed flow into a stone headwall (culvert) between the E-series wetland and RUC-A DUC pond that should be noted on the plan, and minor changes should be shown on the plan (cut flag B164) (cut flags B145 – 150). Hershey suggests that the property be looked at closer with regards to the water flow out of the C-series wetland toward the riverfront area. Hershey states that the channel was described as "historic man-made ditch", however it meanders around trees and appeared to be acting as a stream with a bank conveying flow down towards the river. Hershey also stated that it does not meet bank 10.54(2)(a), and it appears to be important for flood control and storm damage control and perhaps ground water supply and pollution prevention. Brian Butler stated he will further examine the property, and requested to continue the hearing to the next date. Goetz made a motion to continue the hearing to 1/8/20 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 Corp. 8 (Lot 2) Boyden Ln., DEP #315-1121:

Lou Petrozzi of Wall Street development was present, and explained to the Commission the proposed activity to allow a partial 10 ft. no alteration zone instead of a 25 ft. no alteration zone to allow for a repositioning of the house on the property and enhancing the habitat within the buffer area. Hershey stated that she does not think the modification to a regulated area is a minor modification. Goetz made a motion to determine that the proposed work is not classified as a minor modification, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky). Applicant stated that he is to file a new Notice of Intent for the proposed activity.

Policy for Minor Modification: Hershey stated that the Commission should consider a draft policy for minor modifications since there have been numerous requests recently. Hershey proposes the following;

1. No change or addition to the approved activity within the resource area or the no alteration area should be considered a minor modification,
2. Minor modification should be a minor change within the current area/activity approved to be altered, not additional activity. Examples include the following; 1.) Change to the configuration of a single family house within the proposed box; 2.) Relocation of infiltration system of same size and general location; 3.) Minor changes to grading but not additional grading within 50 ft. of the wetlands line.

Bylaw Revisions Spring Town Meeting: Hershey stated that she'd like to advertise the Wetland Protection Bylaw Regulations and Stormwater and Erosion Control Bylaw Regulations to comply with MS4 requirements for the 1/22/19 meeting. The Commission agreed to have an advertisement for discussion of the Wetlands Bylaw and Erosion Control Bylaw for the 1/22/20 meeting at 7 PM.

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

Main St. #1900, DEP #315-1043 (deadline 5/1/18): A notice of violation for the amount of \$300 was delivered to Supa Sales and Service by constable on 11/8/19, and signed by Melissa Young. The fee was not paid by 11/28/19 and remains outstanding. Goetz made a motion to issue another \$300 fine for lack of response to the violation, and advise Town Counsel on suggestions, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky).

Boyden Estates – Summer Street DEP #315-1099 – Notice of Noncompliance 4/25: The fees for the Notice of Noncompliance were due on 11/18/19, and they remain outstanding. Hershey stated that Lot 5 appears to be completed except for the grading/fill issue and the lack of presence of no alteration signs. Hershey suggests that the Commission should require than an As-built plan be submitted by 1/20 to resolve the issue of the grading/fill and that no alteration signs be installed as required under the Order of Conditions that expires on 3/21/20.

Diamond St. #81, Anthony Yebba- Illicit discharge: Hershey stated that Yebba was discharging processed water to Spring Brook. The pipe has been cut and discontinued, the Asst. Bldg. Insp. and the health director were also part of this enforcement.

Minutes: Goetz made a motion to accept the minutes of 11/13/19 with a minor edit, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Request for Certificate of Compliance (vote required)

Wisteria Ways Corp., 19 Daylily Ln. (lot 26), DEP #315-1069: Goetz made a motion to issue the certificate of compliance, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Alta Moose Hill LLC, 272 Moosehill Rd. (Cricket Ln.), DEP # 315-1087: Goetz made a motion to issue the certificate of compliance, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Frank Kent, 263 Lincoln Rd., DEP #315-1188: Hershey stated that the certificate is not ready to be issued until the site is stable.

Request for Extension

John & Kelly Carmichael, 15 Daylily Ln., DEP #315-1070: Goetz made a motion to issue a 1-year extension, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Board Comments

Planning Bd: New Pond Village: Hershey stated that this project was issued an OOC by the Commission, however it is still in review with the Planning Bd. It appears that the Fire Dept. is not in support of the impervious paver proposed for the ring road. The Town Engineer is suggesting to move them to an area where they will not cause obstruction to the fire trucks if not maintained properly. Hershey stated that eliminating them would not be an issue due to the minor infiltration they would be providing.

Correspondence

FY 2021 Dues increase

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 10:00 PM.