

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
MAY 26, 2021
7:00 PM

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

Commissioners Present: Jack Wiley (Chairman), Al Goetz (Vice Chair), Betsey Dyer, Emidio Di-Virgilio, Bailey Ziemba, and Dean Bebis.

Also present: Conservation Agent, Landis Hershey; Board Secretary, Allary Braitsch

Guests: Stephanie Hoban, David Hale, Leslie French, Greg Testa, Mary LaRosa, Joe's iPhone, David Mackintosh, Mark Brooks, John Glossa, David Sullivan, Michael Brait.

The Conservation Agent Report dated June 9, 2021 was given to members.

Wiley opened the meeting at 7 PM

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7:00 PM – Stormwater and Erosion Control Regulations and Wetland Bylaw Regulations Discussion on Revisions.

Landis explained that she circulated a new draft of the Regulations. Namely she has been working on the fast-track process that was originally included.

DiVirgilio - asked about the line stating that Applicants "should" consent to access to their property and why they don't have to and Landis explained that was added to town counsel.

Motion to continue the hearing to June 23 at 7:10PM by Dyer, second by Goetz. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Minutes

Motion to approve the 5/19 minutes as edited by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Request for Extension

Roscommon Subdivision, DEP #315-1094

Motion to issue a 12-month extension to the Order of Conditions by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

7:15 PM Cont. Hearing 32 Starlight Drive, Alsarabi Family Revoc. Trust, DEP # 315-1219:

Road construction and stormwater management

Wiley read the legal advertisement into the record.

The Applicant has asked for a continuance to the July 14th meeting.

Motion to continue the hearing to July 14 at 7:15PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

7:25PM – Request for Determination of Applicability 324 East Street – JN Kelly Realty, LLC:

Demolition of existing home and construction of new home in same location.

Wiley read the legal advertisement into the record.

Joseph Kelly and Mary LaRosa explained the proposed project. It is a rehabilitation of an existing house and the existing footprint will not change and there will be no further encroachment into Conservation jurisdiction. Joseph explained that the erosion controls are already in place.

Landis recommended an orange construction fence along with a straw wattle to ensure that there's no equipment beyond the controls.

Wiley asked for confirmation that the roof drains will be infiltrated into subsurface chambers and the Applicants confirmed that is true.

Bebis asked if the deck facing the wetland will be replaced. Mary replied that the foundations to the deck will be changed and the deck will be replaced. Bebis followed up by asking how the foundation would be replaced and if that work constitutes site work. Landis replied that it would still be a Negative Determination.

DiVirgilio asked if the erosion controls could be wrapped up to the corners of the property as well.

Goetz asked where the soil would be stockpiled. Joseph replied that all material will be stockpiled in area shown on the plan and any excess would be hauled offsite. Goetz replied that he doesn't feel a straw wattle is sufficient for the amount of disturbance proposed. Joseph replied that they will install a silt fence with a compost filter sock in front of that. The following will be added to the Determination:

- Change to a compost sock and silt fence along with orange construction fencing;
- Extend the erosion controls along the property line; and
- Add roof infiltration units for all roof runoff.

Motion to issue a Determination of Applicability as a Negative 3 by Goetz, second by Dyer.

Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

7:35PM – Request for Determination of Applicability - 1159 West Street – Glossa Engineering- Septic Replacement

Wiley read the legal advertisement into the record.

John Glossa presented the project. The project is to replace an existing septic system. Soil testing has already been conducted and the new system is sited according to site conditions. The system will meet Title 5 requirements.

Bebis asked where the excavated materials would be stockpiled or if it would be live loaded.

John replied that it will be live loaded and property disposed of offsite. The only material that

will remain on site will be what they need to backfill. Bebis also asked if the erosion controls could be extended further to prevent any erosion from the excavated area.

Conditions to be included in the Determination include:

- Extending the erosion controls up towards the driveway; and
- No stockpiling of material other than what is needed to backfill the excavated area.

Motion to issue a Determination of Applicability as a Negative 3 by Goetz, second by Dyer.

Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Open Meeting Law Covid-19 updates

Landis explained that the changes to open meeting law expires on June 15th. Governor Baker has proposed new legislation, but it hasn't been voted on yet.

Order of Conditions -55 SS BH LLC/55 Summer Street, DEP #315-1227.

Landis explained the Draft Order of Conditions and walked the Commission through the changes that were made during a meeting with the Applicant. One condition was the requirement that the vernal pools be certified, this condition was included in the condition listing requirements for the issuance of a Certificate of Compliance. Leslie French shared her screen with the edited version of the Order of Conditions.

Landis explained that the split rail fence is not needed because of the wetland placards and other barriers proposed.

Goetz has concerns over the use of arborvitae due to them being a food preference to deer. Landis stated that there is a continuing condition that states that the arborvitae on the site shall remain in perpetuity and be replaced if required. Landis added that it language could be added to this condition stating that they could be replaced with another species if necessary, David Hale agreed to this addition.

Motion to issue the Order of Conditions and special conditions as edited by Goetz, second by Dyer. Motion carries 4-0-2 (Wiley, Goetz, Dyer, DiVirgilio). Abstained - Ziemba, Bebis.

Pinnacle Point Trail- on-going - nothing new and Landis stated that the hasn't gotten a response from town counsel yet.

NEFF Land North Street – The Commission will discuss this issue under executive session.

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

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage –on-going

Landis explained that the Applicant and his engineer submitted a draft plan that shows extending the retiring wall that will have an opening to allow water to pass through the wall into a grassed swale that will convey water past the homes to the woods.

Dyer asked that the applicant attend the meeting to explain the proposal. The rest of the Commission agreed.

Landis will email Lou and Rob Truax to request Rob's attendance to explain the engineering and how the plan will function in the field.

Main St. #1900, DEP #315-1043 - on-going

Notice of Noncompliance Brookside Village, DEP #315-1093– On-going

Palmer Lane, 3 and 4 – Michael Brait attended the meeting and explained that a restoration plan was submitted and has been approved by all parties. Landis suggested that the Commission allow the Applicant to move ahead with the plan and Michael stated that they can have it completed in approximately 2 weeks.

4 Lost Brook Trail – Notice of Violation-issued 4-20-21-Ongoing

Request for Certificate of Compliance

Brookside Village, Pine Street -DEP #315-1093

Landis isn't ready to provide a formal recommendation yet and would like to wait until she can meet with the engineer on site and speak with the homeowner's association. Lou signed into the meeting during the discussion and stated that they have plans to mitigate for the water leaving the wetland and that the building materials are currently 10 weeks out for the wall.

Correspondences

Memo 5-27-21 FY 2021 Year End from Town Accountant

Memo 5-28-21 Covid-19 Updates Jim Johnson

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Minutes – 5/12/21

Motion to approve the minutes by Dyer, second DiVirgilio. Motion carries 6-0-0.

(Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to adjourn the regular meeting to enter an executive session to discuss a land purchase by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio,, Ziemba, Bebis).

Regular meeting adjourned at 9:04 PM.