

**CONSERVATION
COMMISSION**



Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7268
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
FEBRUARY 26, 2020
7:00 PM

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

Present: Al Goetz (Vice Chair), Betsey Dyer, Emidio Di Virgilio, Doug Burchesky

Absent: Jack Wiley (Chair), Roger Turner

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

The Conservation Agent Report dated February 26, 2020 was given to members.

Goetz opened the meeting at 7PM:

7:00 PM:

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

Goetz opened the hearing, no new comments were submitted. Applicant was present, along with Bruce Wilson of GW Site Solutions. Updated plans were submitted during hearing that reflect the existing swimming pool, retaining wall and new locations of the flags. Applicant is proposing a 24x48 garage addition to the right side of the house that will match the existing garage in height, with a small amount of added driveway. The Project is currently showing the disturbed area up to the bank. Siltation and orange construction fencing is proposed for erosion controls. A temporary dumpster is proposed on site, and the shed is to be removed before garage is constructed, with the area to be loamed and seeded. Hershey stated that the revised plan now shows the proposed retaining wall within the 25 ft. no alteration area. Furthermore, the wetland line shown on revised plan has not been verified by Hershey or a 3rd party. Hershey stated that she observed the property and stated that the construction debris and disturbed area observed on property was fairly recent alteration. Di Virgilio stated that the wetlands line needs to be established before any further discussion. Dyer suggested that a slight reconfiguration of garage would be welcomed and had a concern about excavated debris storage. Applicant agreed to remove excavated material at the time it is excavated. Goetz wants detail of retaining wall and recommends compost sock in place of the straw wattles on plan. Goetz opened the hearing up to the public for comment which included the following;

Brad & Elizabeth Niziak of 32 Old Town Rd.: in support of the project

Pat DeFransisco of Old Town Rd.: in support of the project

With more information needed Dyer motioned to continue the hearing to 3/11/20 @ 7:45PM, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

7:05 PM:**Notice of Intent, Shawqi A. Alsarabi Family Revoc. Tr., 32 Starlight Dr., DEP #315-1219:**

Goetz opened the hearing and read bd. comments. Dan Merrikin of Legacy Engineering present and explained to the Commission that the existing property is an 11.2 acre lot, and part of Pine Brook Subdiv. There is presently 1 existing single-family home on the site, with wetlands area partially on site. The applicant is proposing turning the property into a 4 lot subdivision, with 3 new lots. The applicant is proposing to ask the Planning Bd. to make the proposed development a private way (no sidewalk and less pavement due to narrower road), and use the existing 18 ft. wide paved driveway as the road. Plan depicts leaving the existing driveway up to a certain point, and creating a private roadway with creating a cul de sac. Stormwater treatment proposed consists of a small stormwater basin at mouth of driveway, larger basin along the side that would pick up additional runoff, and an underground infiltration system proposed. Merrikin stated that this NOI is solely for the subdiv. infrastructure and new stormwater mgmt. systems. There is no work proposed within the 25 ft. buffer unless Planning Bd. does not grant the waivers to the applicant for private driveway and requires the applicant to construct a full roadway. It was stated that an HOA is proposed to maintain the private road and all associated infrastructure. Goetz opened the hearing up to the public for comment which included the following;

David & Mary Ann Jordan of 28 Crosswoods Path:

Mr. Waxman of 26 Crosswoods Path: lowest backyard elevation, concerned about drainage

Brad Niziak of 32 Old Town Rd.: concerns over possible existing covenants and restrictions and that proposed house and leeching fields are on a steep incline, with possible runoff into brook.

Pat DeFransisco of 36 Old Town Rd.: concerned about runoff; wildlife; area impacts

Kerry & James Ciapciak of 33 Starlight Dr.: wildlife on wetlands

Dyer motioned to continue the hearing to 3/25/20 at 7:15PM at the Applicants request, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

7:15 PM:**Continued Notice of Intent, Walsh Bros. Building Co., 300 Stone St., DEP #315-1218:**

Goetz opened the hearing, Rob Truax of GLM Engineering Consultants present on behalf of applicant. A revised plan was submitted on 2/25/20, and no additional updated bd. comments were given. The revised plans reflect moved slightly relocated swale and a sediment basin to help capture TSS coming off the rd. Truax stated that the plans do not reflect an easement for the town, due to it not being necessary because the homeowner will be responsible for the maintenance. Hershey recommends placing no alteration plaques (2 at the back of the basin and 1 at the property line) on the plans. Goetz opened the hearing up to the public for comment, which there was none. Dyer motioned to close the hearing, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky).

Dyer motioned to issue the Order with the following conditions in place;

additional no alteration plaques added to plan;

no additional riverfront area shall be altered;

Basins and surrounding grass shall be maintained by the homeowner

the motion was seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

7:45 PM:**Continued Notice of Intent, Wall Street Development Corp. 11 (lot 6) Boyden Ln., DEP# 315-1214:**

Goetz opened the hearing, no new bd. comments were submitted. Applicant Lou Petrozzi of Wall Street Development Corp. was present, and stated that his wetlands specialist, Paul McManus of EcoTec and Hershey met in the field and observed the new wetlands line. The Applicant proposed a stonewall with buffer plantings (area is currently sparsely vegetated), and stated that this property and situation are unique, and is asking the Commission for relief on the 25 ft. no alteration area down to 10 ft. regarding the one isolated area where the

point of the wetland will affect the lot. The current wetlands line does not expire until 3/21/20, the applicant stated that from then on, the wetland delineation line will reflect the most recent delineation that has been done. Hershey stated that the Commission should continue to apply the 25 ft. no alteration area, and stated that she observed the erosion control around the area needs to be cleaned- up from trash and leaves that have collected on the site. Dyer stated that the Town of Walpole has a lesser no disturb. area than surrounding towns, and are very minimal, and the lot itself is not visibly problematic. Hershey stated that if the Commission gave the waiver for 10 ft., there would need to be trees and shrubs taken down that would impact and is close in relation to the wetlands. Dyer motioned to continue the hearing to 3/25/20 at 7:30PM at the Applicants request, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

Minor Modification: Brookside Village Condominium Trust, Fillmore Ln., DEP #315-1093:

Hershey stated that a site visit on 2/22/20 took place with some of the Commission including Dyer and Di Virgilio, along with the Agent, only the condition of the retaining wall was observed. Goetz stated that he feels the retaining wall should remain the way it was proposed on the plan, although a properly placed and positioned stone wall could satisfy his definition and standard of a retaining wall. Dyer, Di Virgilio and Burchesky agreed with Goetz's statements. Dyer stated that the Building Inspector should weigh in on the condition of the retaining wall, and that the main issue and question before the Commission is if the retaining wall being constructed out of the existing rock material that's structurally sound would fall under a minor modification. Hershey suggests issuing an enforcement order/noncompliance due to the expiration of the Order of Conditions and to include a deadline to complete the wall. Bob Atwood stated that the Building Commissioner asked him to submit a letter from a structural engineer that will be submitted soon. Hershey is to talk to the Building Inspector and figure out a reasonable timeframe to stabilize the wall. Atwood reiterated that he and the other trustees do not consider the current boulder wall a minor modification, nor appropriately structurally engineered.

Minor Modification: Wall Street Development Corp., 8 (lot 2) Boyden Ln., DEP #315-1121:

Lou Petrozzi of Wall Street Development was present and is requesting a minor modification for a modified footprint to a house that was previously approved under an order (moved the house forward, slightly rotated house to be further away from the setback lines). Hershey stated that the applicants request does appear to be a minor modification, and has no issue with the request, since there is no change in the wetlands line, and suggests the following conditions should the Commission vote to deem this a minor modification;

- no alteration posts and plaques shall be set in place
- the rock wall to be constructed prior to the installation of foundation with review and approval by the Agent

Dyer motioned to deem this request a minor modification, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

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

Main St. #1900, DEP #315-1043 (deadline 5/1/18): No updated at this time.

Boyden Estates – Summer Street DEP #315-1099 –Notice of Noncompliance 4/25: No update at this time.

Minutes: no minutes were accepted at this time.

Request for Certificate of Compliance (vote required)

The Manzo Company, West St. Parking lot (#2 & #5), 315-1132: not ready to issue at this time.

Frank Kent, 263 Lincoln Rd., DEP #315-1188: not ready to issue at this time.

Request for Extension (vote required)

Wall Street Development Corp., Lot 5 Boyden Ln., DEP #315-1123: Petrozzi stated that there is currently a soft spot that is puddling in the yard, and regrading that needs to happen. Hershey stated that the no alteration

plaques are not installed, and that the slope needs to be cleaned up and stabilized. Dyer motioned to give an extension to 8/12/2020, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

Wall Street Development Corp., Lot 4 Boyden Ln., DEP #315-1122: Dyer motioned to issue a 1 yr. extension, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

Wall Street Development Corp., Lot 2 Boyden Ln., DEP #315-1121: Dyer motioned to issue a 1 yr. extension, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

Board Comments:

PB: 2020 Spring Town Meeting: re: Article 23: stadium parking overlay for S. Walpole to allow certain areas to be able to park for games. Hershey to provide letter to PB stating concern over parking cars on unpaved areas w.in the buffer zone and riverfront area.

PB: 2020 Spring Town Meeting: re: Article 21: Inclusionary Zoning Bylaw (4/2/20)

ZBA: 103 Providence Hwy (special permit for sign): non jurisdictional

Correspondence : Eversource: herbicide application along power line ROW – update, no response needed made a motion to adjourn, seconded by, the motion carried 5-0-0 (Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Dyer motioned to adjourn the public meeting, seconded by Di Virgilio, the motion carried unanimously 4-0-0 (Goetz, Dyer, Di Virgilio, Burchesky)

The meeting adjourned at 10:00 PM.