

**CONSERVATION  
COMMISSION**

**Town Hall**  
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**Town of Walpole**  
Commonwealth of Massachusetts

**MINUTES**  
**Approved on 9/14/2022**



**CONSERVATION COMMISSION**  
**AUGUST 10, 2022**  
**7:00 PM**

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

Commissioners Present: Jack Wiley (Chair), Al Goetz (Vice Chair), Betsy Dyer, Emidio DiVirgilio, Doug Burchesky, Bailey Ziemba, Dean Bebis, Landis Hershey, Conservation Agent

Absent: None

The Conservation Agent Report dated August 10, 2022 was given to members.

Wiley opened the meeting at 7 PM.

**PUBLIC HEARINGS AND DISCUSSIONS**

***Request for Determination of Applicability – 14 Anderson Way – Chandrajit Vasani***

Wiley read the public hearing notice along with a letter from the town engineer, as well as Board of Health.

Michael Hassett, of Guerriere & Halnon, represented the applicant. He explained that the applicant intends to construct a Pool with a concrete apron, and a fence. He also intends to move the existing shed and swing set into the yard and out of the wetlands.

Hershey explained that most of the work is outside the 100-foot buffer zone and that she recommended a negative one determination.

Burchesky asked the location of chemical storage and Hassett replied that it will be near the pool equipment.

Goetz asked how the material removal will commence and Hassett explain that the pool company will live load most of the material.

**Motion to close the Public Hearing for the Request for Determination of Applicability – 14 Anderson Way – Chandrajit Vasani by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Wiley discussed the conditions.

- Discharging of the pool water will be done away from the wetland.
- No stockpiling of excavated materials will occur.
- Relocation of shed and swing set (currently located within the 100' buffer zone) will be relocated onto the property, and allow revegetation of wetland area

**Motion to issue a Negative 1 Determination of Applicability for – 14 Anderson Way – Chandrajit Vasani by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

### **GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS**

*Minutes – 7/13/2022*

**Motion to approve the 7/13/2022 minutes was made by Dyer, seconded by Burchesky. Motion carries 5-0-2 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky – Ziemba and Bebis Abstained).**

### **Attorney General's Approval of Stormwater Bylaw**

Hershey explained that there will be a discussion with Town Counsel. Following that discussion, the commission will advertise a public hearing to open the discussion and make any necessary amendments to the bylaw.

### **PUBLIC HEARINGS AND DISCUSSIONS**

#### ***Request for Determination of Applicability – 5 Eastland Circle – Cathy Feeley***

Wiley read the public hearing notice along with the letter from the Town Engineer.

Carl Balduf, Walpole Town Engineer, Presented the project on behalf of Kathy Feeley. The Town Engineering department prepared the plan, and it is their intention to add water and sewer to Eastman Circle but the street needs drainage. As part of the proposed project they intend to pave the street 24 feet wide, slope to the middle of the road and provide improved Stormwater management. He explained that the residents have requested this work to be done and added that this project would provide an overall improvement for all of the residence of Eastland Circle. Hershey explained that she reviewed the site and that they will be improving Stormwater management as well as lessening impacts to the wetlands.

Burchesky asked about a cesspool on one of the properties located on Eastland Circle and Mrs. Feeley explained that most of the residents are connected to town sewer at this point and she assumes that number 7 and 8 Eastland Circle will also tie in with this project.

Dyer asked which way the brook flows and Hershey explained that it is an intermittent stream. Goetz made the remark that adding water quality is good.

**Motion to close the Public Hearing for the Request for Determination of Applicability – 5 Eastland Circle – Cathy Feeley by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Wiley discussed the conditions.

- Erosion Controls to be installed and inspected by the Conservation Agent prior to the start of work.

**Motion to issue a Negative 3 Determination of Applicability for – 5 Eastland Circle – Cathy Feeley by Goetz, seconded by Dyer. Motion carries 4-0-1 Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

***Notice of Intent – 1178 Washington Street – Stefano Parravano – DEP#315-1266***

Wiley read the public hearing notice, along with a letter from the Town Engineer and Board of Health.

Dan Merrikan of Legacy Engineering, represented the applicants for the project. He explained that the property owners intend to demolish all existing buildings on the property and construct a new single-family home. The wetlands have been delineated, and most of the work is outside of the 25-foot buffer zone. He has included six no alteration markers on the plan.

Hershey reviewed the site. She explained that the wetland boundary is at the pond and a large tree should be kept if possible. She also suggested a roof recharge system.

Bebis asked to see the retaining wall detail included on the plan and Merrikan responded that it is included.

Burchesky asked how the soil will be excavated and Merrikan replied that it will be trucked offsite.

DiVirgilio asked a question regarding the pitch of the driveway, to which Merrikan replied that it will flow towards the wetland.

Dyer asked if other large trees on the property are able to be preserved and Merrikan explained that trees outside of the work area won't be disturbed.

Goetz asked a question regarding erosion controls to which Merrikan replied that they intend to use a 10-inch compost sock.

Alan Dotti, 6 Alice Avenue, expressed his concerns for the project, and requested a one-month continuance on the project, to allow neighbors to further review the plan and discuss with experts.

Ross Dotti, 6 Alice Avenue, elaborated on some of the concerns that his father had.

Phil Macci, an abutter, noted that he is in favor of the project.

Patricia Connolly, 14 Alice Avenue, expressed her concerns regarding the project.

Pam Dotti, 6 Alice Avenue, shared her concerns with the project.

Wiley explained that it is unusual to continue a project based on a request from members of the public.

Ziemba asked a question regarding the location of the lawn and Merrikan indicated on the plan.

Dyer encouraged the members of the public to discuss having buffers like fences or vegetation between yards.

Goetz asked about the location of the shed on the property, and Merrikan informed the Commission that the shed that is on the property actually belongs to the Dotti Family, of 6 Alice Avenue.

***Motion to close the Public Hearing for Notice of Intent – 1178 Washington Street – Stefano Parravano – DEP#315-1266 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).***

Wiley and Hershey discussed the conditions:

- Use of herbicides and pesticides within the buffer zone shall be limited to only 2 times a year.
- All roof leaders shall be conveyed to infiltration units designed to hold the first 1-inch of Stormwater and infiltrate it into the ground.
- The “No Alteration Area” is 25-feet from the wetland boundary and shall remain natural. This is a no build and no alteration of vegetation area. Any change to the no alteration area may be a violation of the Walpole Wetlands Protection Bylaw.
- The “No Alteration Area” shall be demarcated with bounds (three feet high of granite or concrete) with plaques (minimum 3 inches high by 5 inches wide) made with brass or

outside quality plastic. The plaque will be affixed to the permanent granite or concrete bound with epoxy cement and screws to make it permanent.

- **Use of fertilizers** within the 100 feet of the wetland boundary shall comply with the requirements of **330 CMR 31**.
- Any change to the detail of the retaining wall (including materials or location) shall first be submitted to the Conservation Commission for approval before construction.

**Motion to issue the Order of Conditions – 1178 Washington Street – Stefano Parravano – DEP#315-1266 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

***Notice of Intent – 24 Wisteria Drive – John Zilch – DEP#315-1267***

Wiley read the public hearing notice along with a letters from the Town Engineer and Board of Health.

Dan Merrikan represented the applicant. He explained that there is an existing single-family home with a sport court in the rear of the property. The applicant intends on constructing a pool between the house and the sport court. They also intend on removing a fire pit, which is currently located within the 25-foot buffer zone. Merrikan also pointed out that the easement to the side of the property needs maintenance and that the materials will be moved offsite.

Hershey explained that the basins should be cleaned and the brush located behind the current shed should also be removed.

Bebis asked how soil intends on being removed in the location in which it will be done, Merrikan explained that all soil will be removed using the left side of the house and that there will be no new grading done.

Ziemba asked to have the compost sock location pointed out on the plan.

Burchesky asked if the U-shaped wall near the 25-foot buffer zone would be removed, and Merrikan explain that the wall will remain.

Dyer asked to see the basin identified on the revised plan.

Goetz asked to see the retaining wall plan added to the revised plan.

**Motion to close the Public Hearing for *Notice of Intent – 24 Wisteria Drive – John Zilch – DEP#315-1267* by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Wiley and Hershey discussed the conditions:

- The fire pit located within the 25-foot “No Alteration Area” shall be removed and the area left to revegetate.
- The 25-foot “no Alteration Area” behind the shed shall be cleared of the brush stockpile and left in a nature state.
- The detention basin shall be maintained as per the Operation and Maintenance Plan.
- Inspection by the Conservation Agent that the detention basin was cleaned out according to the Operation and Maintenance plan.
- Any change to the detail of the retaining wall (including materials or location) shall first be submitted to the Conservation Commission for approval before construction.

**Motion to issue the Order of Conditions – 24 Wisteria Drive – John Zilch – DEP#315-1267 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

***Discussion on Brookside Village – Bob Atwood***

Bob Atwood requested to come before the commission regarding stabilization work that would be done on the wall at Brookside Village. Work was done to the wall recently but the wall was not adequately stabilized. They intend to add a security fence and riprap along the slope. He also pointed out that one of the units on the property is close to failure. They asked the commission if they need to re-file in order to complete this work.

Hershey explained that she sees no issue with allowing to work without the need to refile.

**Request for Certificate of Compliance**

***11 Trafalgar – DEP#315-280 and DEP#315-1089***

***Motion to the Certificate of Compliance for 11 Trafalgar, DEP#315-280 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)***

***Motion to the Certificate of Compliance for 11 Trafalgar, DEP#315-1089 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)***

***323 & 327 Summer Street***

Hershey explained that the commission still has not received the documentation it needs and intends to keep this item on the agenda.

**GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS**

***Conservation Land – North Street Parcel – Capital Budget Item***

Capital Budget means on August 24 by Zoom and Hershey intends to invite Willett Pond friends to share their concerns.

***Willett Pond Access Gifts***

Hershey explained that the commission is still receiving donations in memory of Carol and Gerard Lane

***Master Plan Updates***

Bebis explained that the master plan committee will meet the following night to review the goals. He explained that he supports more outreach and awareness to Walpole residents regarding conservation properties and open space.

**Enforcement Orders**

***1900 Main Street, DEP#315-1043***

Hershey explained that there have been recent inquiries on purchasing.

***Burns Ave – Wall Street Development***

Hershey explained that the commission still has not received any report from the property owner and that she intends to wait until the end of August to review with Town Counsel.

**Extension**

***Gigi's Way, 8 (lot 30) DEP#315-1184 – OOC Extension Request***

***Motion to grant a 1-year extension for 8 Gigi's Way (lot 30) DEP#315-1184 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)***

**Appeals*****DOA Wall Street Development – Pinnacle Historic Mill Complex***

Hershey explained that the Administrative Judge will review and make a finding.

**Correspondence*****Solitude Lake Management***

Hershey explained that they intend to treat Jarvis Farm.

***Gift Letter to Town Accountant***

Hershey explained that the gift letter to the town account has been accepted.

***Allied Recycling***

Hershey explained that the Attorney General's office is investigating the property at Allied recycling.

***Glen Maffee***

Hershey explained that the Pinnacle Trail is closed and that this item will remain on the conservation agenda until it's resolved.

**Motion to adjourn the August 10, 2022 Conservation Commission meeting was made by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Documents referenced:**

**8/10/2022 Agenda**

**14 Anderson Way – Web Packet – 2022-08-10**

**14 Anderson Way - Town Engineer Letter, BOH Letter**

**5 Eastland Circle - Web Packet – 2022-08-10**

**5 Eastland Circle - Town Engineer Letter, BOH Letter**

**1178 Washington Street - Web Packet – 2022-08-10**

**1178 Washington Street - Town Engineer Letter, BOH Letter**

**24 Wisteria Drive — Web Packet – 2022-08-10**

**24 Wisteria Drive — Town Engineer Letter, BOH Letter**

**Draft Minutes – 7/13/2022**

**Attorney General's Approval of Stormwater Bylaw**

**Solitude Lake Management – Jarvis Farm Treatment Letter**

**Fall Capital Budget Schedule**

**Acceptance of Gift Letter to Town Account**

**Conservation Agent Report (dated 8/10/2022)**