

**CONSERVATION  
COMMISSION**

**Town Hall**  
Room 212  
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**Town of Walpole**  
Commonwealth of Massachusetts

**MINUTES**  
**Approved 9/28/2022**



**CONSERVATION COMMISSION**  
**SEPTEMBER 14, 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 September 14, 2022 was given to members.

Wiley opened the meeting at 7 PM.

**PUBLIC HEARINGS AND DISCUSSIONS**

***Continued NOI & LDP – Northwoods Estates – High Oaks LLC – DEP# 315-1261***

The applicant requested to continue the public hearing until the first meeting in October.

**Motion to continue the Public Hearing for the NOI & LDP – Northwoods Estates – High Oaks LLC – DEP# 315-1261 to October 12<sup>th</sup>, 2022 at 7:00PM by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Enforcement Orders**

***Notice of Noncompliance - 100 Rustic Road – DEP# 315-1220***

Hershey explained that there is an existing Order of Conditions at the property, and that work started, but was done outside the erosion control areas indicated on the approved plan. Rich Leslie, Bay Colony Group, represented the applicant. He explained that the original grading went straight down the hill, and the owner mistook the plan. He explained that all work that was done has been stabilized, and very minimal siltation has occurred. He would like the Commission to consider the revised plan a Minor Modification, as there is no wetland encroachment. Hershey explained that machines have rutted, and that she would like to see this repaired. Bebis asked the location of the drainage pipe, and Leslie called it out on the plan.

Ziemba asked if there are plaque locations, and Leslie replied yes, at the 25' No-Disturb Area. Dyer asked if any trees were removed with the work, and Leslie explained that yes, there were trees removed, but some was natural fall.

Goetz asked about the pool filter location, and the homeowner explained that it was put further back to prevent hearing it. Goetz wants to see the pipes and electrical layout included on the plan.

Wiley asked the total volume of fill used onsite, and Leslie was unsure.

Bebis then calculated the 44,000 Sq. Ft. of work area at approximately 5' depth, equaling 500 Cubic Yards.

Bill Haferd, 104 Rustic Road, shared his concerns with the volume of fill, adding that the Stormwater now feed into his property. He also asked about elevations.

Wiley explained that he would like to review the originally approved plan.

Leslie explained that the work area and elevations on the revised plan are correct up until the rear/rip rap area, and agreed to review and revise the plan.

Hershey asked to show the grades, that they have not changed, and that the wetland flow is the same.

**Motion to allow the Minor Modification to the plan for 100 Rustic Road, DEP# 315-1220 by Dyer, seconded by Goetz. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

## **PUBLIC HEARINGS AND DISCUSSIONS**

### ***NOI – 3 Eldor Drive – Michael Cannon – DEP# 315-xxxx***

Wiley read the Notice of Public Hearing, along with letters from the Board of Health and Town Engineer.

Michael Cannon, the applicant, explained that he intends to convert the garage into an in-law apartment.

Hershey explained that all work is to be done on the existing lawn area, and recommends that the erosion controls be moved further back from the work area.

Bebis asked about the foundation, and if a bocce court would be filled in, and Cannon explained that it would be a concrete crawlspace foundation, and that the court would be filled in with the soil excavated from the work.

Ziemba asked about the triangles on the map, and Hershey explained that they are the wetland flags. Ziemba also suggested adding no-disturb plaques on the fence.

Dyer would like to see the 25' no-disturb area called out on the map, and wanted to know why wetland flagging did not correspond to the wetland flagging.

Ms. Driscoll, a neighbor, suggested that there is a rock wall in the yard, and that maybe this was a wetland marker in the past.

**Motion to close the Public Hearing for the NOI – 3 Eldor Drive – Michael Cannon – DEP# 315-xxxx by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Hershey discussed conditions.

- Move the erosion controls further from the work area, under direction of the Agent.
- Check with Town Engineering Department regarding sewer.

**Motion to issue the Order of Conditions – 3 Eldor Drive – Michael Cannon – DEP# 315-xxxx by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

***NOI – West & Norfolk Street – J.F. Price Company – DEP# 315-1268***

Wiley read the Notice of Public Hearing, along with letters from the Board of Health and Town Engineer.

Maggie Laracy, Crocker Design Group, explained that a 12” water main will be installed within the right-of-way from Renmar Avenue to Main Street, following the length of Norfolk Street. She added that the wetlands have been delineated in 2020, and there are isolated BVW located along the project. There will be limited disturbance and erosion controls will be installed.

Hershey asked specifics regarding construction, and Laracy explained that they intend to trench and cover the work, and that there will be dewatering, but silt bags will be used. She also explained that 2 culverts will be replaced, but if there is any breakage or compromise during the project, the Commission would be notified.

Ziemba asked if people walking on the new sidewalk would potentially fall into the wetlands, and Laracy explained that she doesn’t anticipate that happening.

Burchesky asked about the 6” water line that will be abandoned, and if they intend to remove it, and Laracy explained that they intend to chase that line with the new pipe, and remove the old one.

DiVirgilio asked about the timing of the project, and Laracy explained that she anticipates the project to last 1-2 months, and that they are laying 3700 feet of pipe.

Bebis asked why they are running the line in the sidewalk, and not in the street. Laracy explained that the Town determined that this was the best location for the new pipe.

Goetz asked about the catch basin protections, and Laracy explained that they will be using silt bags.

Wiley asked if the work will be done by the Town, and Laracy explained that the work is being done by a private contractor, with Town oversight. The Town Engineer, along with a private inspector will be on-site.

Wiley asked if the inspector would be in tune with wetland science, and they are unsure of this. He asked that they notify the Conservation Agent when the work in the wetland areas is to be done.

Bebis asked where the stockpile and loading locations are, and Laracy explained that they will be live loading, they will not be stockpiling, and the staging area will be located on the site up on Renmar Avenue.

**Motion to close the Public Hearing for NOI – West & Norfolk Street – J.F. Price Company – DEP# 315-1268 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Hershey and Wiley discussed conditions.

- Maintenance of Silt Socks and Sacks
- Pre-construction meeting

**Motion to issue the Order of Conditions – West & Norfolk Street – J.F. Price Company – DEP# 315-1268 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Extension**

**Eastover Glen – Eastover Street – DEP# 315-1072 – OOC Extension Request**

***Motion to grant an 18-month extension Eastover Glen – Eastover Street – DEP# 315-1072 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)***

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

***Minutes – 8/10/2022***

**Motion to approve 8/10/2022 minutes was made by Ziemba, seconded by DiVirgilio.**

**Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

### **Conservation Land – North Street Parcel**

Wiley explained that they intend to approve the request, but that the Town Administrator cut the request from \$40K to \$20K, assuming the work could be done by the DPW. The Adam Farms Committee suggested that they install just a trailhead, and not a turn out.

### **Willet Pond Access Gifts**

Hershey explained that donations are generous, and that a special account has been created specifically for Willett Pond Access.

### **Pinnacle Point**

Hershey explained that there was no update, and that this item will remain on the agenda until resolved.

### **Master Plan Update**

Bebis explained that they would be voting that evening.

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

Hershey explained that Counsel feels there are no general concerns.

## **Enforcement Orders**

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

Hershey explained that there was no update.

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

Hershey explained Mr. Petrozzi requested to extend the review/reporting period to 90 days, rather than the 30 days. The Commission agrees that 30 days is best, and that Mr. Petrozzi should follow the court order.

## **Request for Certificate of Compliance**

***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.

## **Appeals**

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

Hershey explained that there was no update.

## **Correspondence**

***Solitude Lake Management***

Hershey explained that they treated Swan Ponds for Aquatic Vegetation

***100 Neponset Street – Phase V Status and Remedial Monitoring Report***

Hershey explained that they received the report regarding the site, and that there are no changes.

***Wall Street Development, Burns Ave – Request to DEP to Amend SOC DEP# 315-1233***

Hershey explained that Mr. Petrozzi has requested the DEP Amend the current SOC for the site. Comments must be forwarded to the DEP by 9/23/2022. The amendment changes 40 condominiums to 20 single family lots. Wall Street Development states that there are no changes to the Stormwater Management design, no utility work adjacent to Pickerel Brook, no more access to Burns Ave. A 40B modification is in front of the Zoning Board of Appeals. The members then discussed their response to DEP, detailing that Pickerel Brook should be labeled on the plan, and that they should specifically call out that no work will be done on the land along the brook.

**Motion to adjourn the September 14, 2022 Conservation Commission meeting was made by Goetz, seconded by Bebis. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Documents referenced:**

**9/14/2022 Agenda**

**3 Eldor Drive – Web Packet**

**3 Eldor Drive - Town Engineer Letter, BOH Letter**

**West & Norfolk Street - Web Packet**

**West & Norfolk Street - Town Engineer Letter, BOH Letter**

**Draft Minutes – 8/10/2022**

**Solitude Lake Management – Swan Pond Treatment**

**Woods Letter Re: 100 Neponset Street**

**Wall Street Development, Burns Ave Request to DEP to Amend SOC DEP# 315-1233**

**Conservation Agent Report (dated 9/14/2022)**