

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 12/14/2022



CONSERVATION COMMISSION
OCTOBER 26, 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, Bailey Ziemba, Dean Bebis, Landis Hershey, Conservation Agent

Absent: Doug Burchesky

The Conservation Agent Report dated October 26, 2022 was given to members.

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS

NOI – 19 Killeen Road – Genti Kurtiqi – DEP# 315-1272

Russ Waldron, Applied Ecological Sciences, represented the applicant, and explained that they intend to build a 22 x 22 detached garage and demolish the shed. The corner of the garage is located within the 25' buffer zone.

Hershey explained that she had visited the site, and that in 2012 the same project was approved. The previous order included plantings between the fence and wetlands. She also suggested that the owner clean up the area and plant some plantings.

DiVirgilio asked if the fence is located along the wetland line, and Waldron explained that yes, it was existing. DiVirgilio shared concerns for no alteration plaques located on the fence. Waldron suggested that they could remove the fence.

Wiley explained that since the fence existed prior to the bylaw, it can remain. He then asked if the fence wraps the wetland, and Waldron replied yes.

Dyer understands the concerns regarding the fence, but feels that it is acceptable to keep it.

Goetz asked about the mulch area on the plans, and Waldron explained that it is a flower garden that will be cleaned up and mitigation plantings will be placed in the area.

Motion to close the Public Hearing for NOI – 19 Killeen Road – Genti Kurtiqi – DEP# 315-1272 was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue the Order of Conditions for 19 Killeen Road – Genti Kurtiqi – DEP# 315-1272 was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Notice of Noncompliance – 1342 Main Street – Dr. Christine Poor – DEP# 315-905

Phil Macci, Counsel, and Dan Merrikan, Legacy Engineering, represented the property owner. Macci explained that options have been explored, and that they will be making corrections to the site.

Merrikan explained that the Restoration Narrative explains their intentions. He has questions regarding a permanent barrier, but that he will discuss this with Hershey. They intend to start work in the spring (mid-May), since contractors will not be available.

Hershey believes the Restoration Plan is acceptable and has no issue with the timeline. She suggested that a barrier and signage to protect the area are installed permanently, and that cones and/or temporary fencing should be used for the time being.

Ziemba agreed that temporary fencing is a great option.

Dyer asked what other barriers they could use besides a guardrail, as she has concerns with snow removal. She wants it to be clear to any snowplow operator that it is unacceptable to dump snow in that area, and doesn't see cones being a sufficient way to prevent that from happening.

Merrikan explained that he will work on a proposal.

Goetz reiterated that customers should not be allowed to park there over the winter, and that the area needs clear markings. He is also happy with Merrikan's Restoration Plan.

No vote was required, and the discussion concluded.

Request for Certificate of Compliance

16 Christina Drive – DEP# 315-374 – Request for COC

The Commission discussed and decided to issue a Partial Certificate of Compliance for 16 Christina Drive.

Motion to grant a Partial Certificate of Compliance for 16 Christina Drive – DEP# 315-374 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

15 Arlington Lane – DEP# 315-1145 – Request for COC

The Commission discussed and decided to issue a Certificate of Compliance for 15 Arlington Lane.

Motion to grant a Partial Certificate of Compliance for 15 Arlington Lane – DEP# 315-1145 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

PUBLIC HEARINGS AND DISCUSSIONS

RDA – 132 Diamond Street –Charles Hoban

Wiley read the Notice of Public Hearing in to the record, along with a letter from the Board of Health.

Charles Hoban, applicant, explained his project, and that they intend on constructing a garage on the left side of the home. He worked with an architect to meet the criteria and avoid working within the wetlands.

Hershey explained that the wetlands are located to the rear of the property and there is a fence that slopes to the wetlands. The only activity that is occurring within the buffer zone is removing part of the wood deck and putting additions on the rear of the house. He will also be installing erosion control and Hershey has no concern with sedimentation. She recommends a Negative 3 determination.

Bebis ask where the owner intends on stockpiling material, and Hoban explained that they intend to use most of the materials to backfill on the additions, and then anything else that remains will be taken off the property.

Ziemba asked if the shed was existing and the owner explained that they have removed it.

Motion to Close the Public Hearing for 132 Diamond Street was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

Motion to Issue a Negative 3 Determination of Applicability was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Land – North Street Parcel Capital Budget Item

Hershey explained that the item passed at Town Meeting. She will discuss with the DPW to create a timeline for the project. A plan and NOI will be required.

PUBLIC HEARINGS AND DISCUSSIONS

NOI – Lot 1 Lincoln Road – John Glossa/N.E. Home for Little Wanderers

Wiley read the notice of public hearing and a letter from the Board of Health.

John Glossa represented the applicant, and attorney Jonathan Ash represented the Home for Little Wanderers. Glossa explained that there are five lots permitted on Lincoln Road. He discussed the ANR plan approved by the Planning Board. He explained to the Commission that Lincoln Road is a “Scenic Road” and therefore requires Planning Board approval for trees and stone wall modifications. He explained that Board of Health witnessed all of the soil tests on each property and that the leaching fields and septic tanks are all in approved locations. He added that there is an intermittent stream that flows to the rear of lot one hits the dam and flows into the wetlands

Hershey explained that she walked the wetland line, did not see the dam, but the delineation was acceptable. She also pointed out that the backyard is small and it is right up against the no alteration zone. She asked if they are able to move the home forward and Glossa replied that it can be done.

Ziemba asked questions about the location of plaques and Glossa discuss the schematic, explaining that they are very visible, sticking out 1 foot from the ground. Ziemba suggested that they add more signs and Glossa agreed to add two more.

DiVirgilio also suggested to move the house forward to increase the backyard.

Dyer asked if the septic is located under the driveway and Glossa explained that Title Five allows this and that it was the only location on the property that was suitable outside of the 150-foot buffer zone from wetlands.

Goetz asked if the Home for a Little Wanderers is responsible for Liss Brook and the dam and Glossa replied that it will be the individual owners’ responsibility, but that the dam is no longer functioning.

Goetz has concerns with the dam maintenance.

Hershey explained that the water flows away from the road and at the owner will have to maintain the dam.

Abutter John Mostich, 460 Lincoln Road, would prefer to see the house further back from the road. He also pointed out that water floods to the pond and dam area and has concerns with the steep land. Water backs up and he wants to know how much water will make it to his house.

Wiley explained that the runoff rate cannot exceed what exists and doesn't see the proposed plan, putting more water onto his property.

Mostich was told by a realtor that the land across the street was Conservation Land.

Hershey explained that realtors use the term "Conservation Land" loosely.

Motion to close the Public Hearing for NOI – Lot 1 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue the Order of Conditions for Lot 1 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

NOI – Lot 2 Lincoln Road – John Glossa/N.E. Home for Little Wanderers

Glossa explained that overhead wires have been removed, but that poles and path to maintain the wires still exist. He also explained that minimal grading and tree removal is required on Lot 2.

The new home and septic are being built in the existing field and all utilities will be underground. He pointed out that there are six plaques located on the plan.

Hershey recommended not installing plaques at the 25'. The Commission discussed plaque locations and agreed to keep the plaques at the 25 foot no disturb area.

Bebis asked that if the plan changed, would they re-file or just modify and Glossa replied, yes they would modify and present it to the Commission.

Ziemba asked if the septic is 150 feet from the buffer zone and Glossa replied yes.

DiVirgilio pointed out that the driveway is long and Glossa explained that the home is built where it is because of the soils.

Dyer asked if while the Home for Little Wanderers owned the property, had it been Chapter 61B and Glossa, replied wasn't aware.

John Mostich, abutter, asked why the Commission is suggesting to move the house closer to the street. It was explained to him that this will then provide a larger backyard and less encroachment on the wetlands.

Motion to close the Public Hearing for NOI – Lot 2 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue the Order of Conditions for Lot 2 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

NOI – Lot 5 Lincoln Road – John Glossa/N.E. Home for Little Wanderers

Glossa explained that ledge was discovered on the hill and the Board of Health has granted a waiver for the septic to be placed inside the 150-foot buffer zone. Portions of the driveway and garage are within the 100-foot buffer zone along with infiltration basins. He explained that most

of the work is in the existing field, and that minimal tree removal will be required. The septic will be gravity fed.

Hershey suggested that the stream and pond are shown on the plan along with the culvert pipe. She also suggested that the driveway pitch into the site rather than into Lincoln Road.

Glossa said that it will shed to the right of the driveway.

Dyer wants to see the stream and pond on the map and asked if the pond is currently full. Glossa replied yes but the stream is intermittent.

Goetz asked for clarification, regarding a gray polygon on the map, to which Glossa explained that that is where the ledge was located.

John Mostich, abutter, explained that the pond located on the site is always full, but the stream does subside.

Motion to close the Public Hearing for NOI – Lot 5 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue the Order of Conditions for Lot 5 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

RDA – Lot 3 Lincoln Road – John Glossa/N.E. Home for Little Wanderers

Wiley read the Public Hearing Notice into the record.

John Glossa represented the Home for a Little Wanderers. He explained that very little work is needed on the site.

Hershey explained that all of the work is outside the 100-foot buffer zone and that there is under 40,000 ft.² of disturbance, so that it does not require a land disturbance permit

Goetz asked to see a limit of disturbance line and Glossa agreed.

Wiley wants to see the limit of work included on the plan as well.

Motion to close the Public Hearing for RDA – Lot 3 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue a Negative 1 Determination of Applicability for Lot 3 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

RDA – Lot 4 Lincoln Road – John Glossa/N.E. Home for Little Wanderers

Glossa explained that this lot has no existing driveway and that the 100 foot buffer zone is at the rear of the work area. A well is located within the 100-foot buffer zone but needs to be there because of the septic location.

Hershey explained that plaques are in at the 25-foot buffer zone and wants to see the limit of work included on the plan.

Bebis asked if the well and infiltration basin could be moved out of the buffer zone and gloss. I replied no because it all revolves around the septic location.

Wiley suggested to add the limit of work line on the plan.

Motion to close the Public Hearing for RDA – Lot 4 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to Issue a Negative 3 Determination of Applicability for Lot 4 Lincoln Road – John Glossa/N.E. Home for Little Wanderers was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Willett Pond Access Gifts

No Update

Master Plan Update

Bebis explained that they are proceeding, but there is no further update.

Stormwater and Erosion Control Bylaw and Regulations

Hershey is working with Counsel, waiting on a response.

Enforcement Order

Main Street, 1900 – DEP# 315-1043

No Update – Dyer requested that the Commission have a site visit.

Burns Ave. – Wall Street Development

Hershey explained that there is no report for October available yet.

Request for Certificate of Compliance

323 & 327 Summer Street – DEP# 315-1099 – Request for COC

Hershey explained that she is still waiting on documentation from the owner.

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Pinnacle Trail

No Update

Correspondence

Burns Ave SOC – Appeal

Hershey explained that she received a letter from Wallstreet Development dated 10-20-2022 –A revised SUP-B was submitted by Applicant to DEP since there was some incorrect information on original filing for amendment. The current request is to alter an additional 1,100 s.f. of non-degraded riverfront area for units 5-7

Fairfield Residential

Hershey explained that she received a letter dated 10-17-2022 explaining minor changes made to 55 Summer Street Community Amenities- all activity is outside of the buffer zones and will not create additional pervious surfaces.

55 Summer Street Update

Hershey explained that she will be having a pre-construction meeting 10-27-22 at 1:00 pm with the construction team. Fairfield is doing the road work and apartments.

Motion to adjourn the October 26, 2022 Conservation Commission meeting was made by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Divirgilio, Ziemba, Bebis).

Documents referenced:**10/26/2022 Agenda****19 Killeen Drive – Web Packet****132 Diamond Street - Web Packet****Lot 1, Lincoln Road - Web Packet****Lot 2, Lincoln Road - Web Packet****Lot 3, Lincoln Road - Web Packet****Lot 4, Lincoln Road - Web Packet****Lot 5, Lincoln Road - Web Packet****Conservation Agent Report (dated 10/26/2022)**