

MINUTES

CONSERVATION COMMISSION

JULY 8, 2020

7:00 PM

Approved 8/12/2020

The meeting was conducted through Zoom a live virtually accessible video to the public through login and password numbers as provided. In accordance with Governor Baker's March 10, 2020 Order titled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20" and recorded and will be available on walpolemedia.tv Youtube.

Present via Roll Call:

Jack Wiley (Chair), Al Goetz (Vice), Betsey Dyer, Doug Burchesky.

Also present: Conservation Agent, Landis Hershey, here.

Wiley opened the meeting at 7:00 PM with a quorum of four Commissioners.

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Wetlands Protection Act, and the Town of Walpole Wetlands Protection Bylaw, notice is hereby given of the intent of The Shawqi A. Alsarabi Family Revocable Trust to convert a driveway into a road for 4 single-family house lots and appurtenances at 32 Starlight Drive, Walpole. Plans are on file at the Conservation Commission office. The public hearing on the above matter will be held in the Walpole Town Hall, 135 School Street on **February 26, 2020** beginning at **7:05 p.m.** All interested persons are requested to be present. The hearing was continued from June 10, 2020 and then to July 8, 2020..

7:00 PM: Continued Notice of Intent, Shawqi A. Alsarabi Family Revoc. Tr., 32 Starlight Dr., DEP #315-1219
The Applicant's representative, Dan Merrikin, requested the hearing to be continued again because they have been unable to meet with the Planning Board. The next available date is 9/9/2020. **The hearing was continued to 9/9 Meeting agenda at 7pm.**

A Motion to continue the hearing to 9/9 at 7PM was made by Betsey Dyer and seconded by Al Goetz
Roll call vote: D. Burchesky (aye), B. Dyer (aye) Al Goetz (aye) and J. Wiley (aye) motion carried 4-0-0

Emidio DiVirgilio, present

Minutes from 6/23/2020 were reviewed. Revisions to page 4 were made

A motion was made by B. Dyer to move the minutes, second E. DiVirgilio

Roll call vote: D. Burchesky (aya), E. Divirgilio (aye) B. Dyer (aye) A. Goetz (aye) J. Wiley (aye)

Vote carried 5-0-0

Enforcement Order

1900 Main Street- No action

Boyden Estates – No action

Brookside Village update

L. Hershey summarized email dated July 8, 2020 from M. Yanovitch to Mike Curatola regarding action by the Building Inspector regarding the wall plans and amended plans

L. Hershey said that she made developer aware that the Conservation Commission is still waiting for items to be addressed such as the erosion to the wall, the roof leaders, and removal of pvc pipe from detention basin.

In accordance with Massachusetts General Laws, Chap. 131, Sect. 40, the “Wetlands Protection Act” and the Town of Walpole Wetlands Bylaw, notice is hereby given by John Hasenjaeger for the filing of an Abbreviated Notice of Resource Area Delineation to review the wetland resource area located at Map 19, Lot 183, Pinnacle Point. Plans are on file at the Conservation Commission office. The public hearing on the above matter will be held in the Walpole Town Hall, 135 School Street on **February 12, 2020 beginning at 7:00 p.m.** All interested persons are requested to be present.

7:10 PM Continued public hearing for ANRAD, John Hasenjaeger, Map 19, Lot 138 Pinnacle Pt., DEP #315-1217. The advertisement was read. Hearing was continued from 6/10/2020

B. Dyer moved to continue upon request of the Applicant to 9/9/2020 at 7:10 PM

E. Divirgilio second. Roll Call Vote D. Burchesky (aye), E. Divirgilio (aye) B. Dyer (aye) A. Goetz (aye) J. Wiley (aye) carried 5-0-0

A discussion took place on the Enforcement Order issued to 3 and 4 Palmer Ave.

L. Hershey received a complaint from Neponset River Land Holding regarding alteration of wetland resource areas on their property and 3 and 4 Palmer Ave in an area that abuts Willet Pond.

L. Hershey discussed review of Order of conditions issued 2005 for lot 2 Palmer Ave. DEP #315-827. Work associated with lot2 and the NRLH property to construct a 4-foot wide path and boat ramp, no alteration bounds at 25 foot no alteration area. Looks like the stone wall was removed, trees were cut, shrubs were removed and areas were loam and seeded. This included BVW and buffer zone. OOC included granite bound. Granite bound there no sign. Stone wall removed, 25-foot no alteration area altered, and BVW altered. Trees and shrubs cut.

L. Hershey stated, I issued an Enforcement Order however first I took a visit to the site and spoke briefly with Mrs. Brait to get permission to walk onto the property. I took pictures and then sent out the EO by certified mail and regular mail. Phone contact with Mr. Brait and email from Jim Kane NRLHA the property owner of parcel abutting Willet Pond.

L. Hershey signed the EO as the Agent. The Conservation Commission should vote the Enforcement Order

A motion was made by Al Goetz to ratify the Enforcement Order issued to David and Kathleen Parkinson of 4 Palmer Av. and Michael and Carol Brait of 3 Palmer Av. By Landis Hershey, Conservation Agent on 6/30/2020 for

Trees and shrubs cut down within the bordering vegetative wetlands and the 25-foot no alteration boundary to willet pond established under Order of Conditions DEP #315-827. An approximate area of 6,175 s.f. was cleared and loamed and seeded. The removal of 21 trees was documented by the land owners (Neponset River Land Holdings).

Seconded by B. Dye. Roll Call Vote D. Burchesky (abstained), E. Divirgilio (aye) B. Dyer (aye) A. Goetz (aye) J. Wiley (aye) carried 4-0-1

E. DiVirgilio - Replicated as it was whatever that entails.

B. Dyer discussed welcome letter from Friends of Willet Pond, Willet Pond Charitable Association letter. BD concerned that this letter does not reference no work within the 100 foot buffer zone and coming to CC may be one source of the problem.

A. Goetz- would like the suggestions in the CA report carried out. Concerned that work was done w/o filing. Disturbed land owner cleared without filing.

L. Hershey- Discussed that the land owners of lots 3 and 4 met with the NRLH Assoc. prior to the work. The representatives are here tonight. Violation occurred with the past OOC and COC recorded at the Registry of Deeds. It is unfortunate that the OOC or COC was not reviewed prior to the work.

L. Hershey discussed the Ingoldsby plan from 2005 and the OOC referencing this issued to the Parkinsons. The Conditions stated that no further work should occur.

Kathleen O'Donnal representing NRLHA- Permission was given for the dock with compliance with all local, state and federal regulations. In violation with NRLHA lease agreement. Made it clear that other regulations applied. We can terminate their dock. Letter will go out to the Willet Pond Association to clarify.

Michal Brait- In accordance with lease agreement applied for permission for 30-foot access to the pond for both lots. Hired John Glossa to deal with Conservation. Talked with Tom Palmer. Granted permission to clear 20-foot path to the pond including removal of trees. Jim Kane came out to site. Understanding there was an on-going agreement with Conservation for this type of work. Asked J Glossa to talk to Conservation Commission. Waiting for approval from Conservation Commission. We jumped the gun and went ahead without CC approval. Trees taken down as approved (by NRLHA) Many trees were dead. Wild flower seed mix put on northern slope and wetland fescue mixed used. Mr. Parkinson was aware of the Order of Conditions but not the (continuing conditions). This is why we hired people. Did not intent to break any laws. We will work with you to restore the area as needed.

Mr. Parkinson- 15 years never cut a twig down by the water front. Was frustrated by the process. Will fix whatever needs to be fixed.

BDyer- Asked if anyone from the Willet Pond Charitable Protection Association are here.

LHershey stated that they do not have to speak. I will contact the Willet Pond Charitable Association.

KO'Donnal- stated that NRLH owner will contact the WPCPA regarding the wording in the letter. The Willet Pond Charitable Protection Association are sub-tenants of the land owners NRLHA

JWiley- I am hearing that the land owners 3 and 4 Palmer Ave are willing to fix the alteration and will be submitting a restoration plan. Asked LH how to proceed.

L. Hershey- stated that the homeowners should review the 2005 approved plan and submit a restoration plan that includes restoration of the wall, BVW and the 25-foot no alteration area and granite bound. Some work occurred on 3 and 4 Palmer Ave. and some on the NRLH Association land. All land owners should review the 2005 plan and Order of Conditions and use that to restore area back.

JWiley- Parkinson and Brait to have restoration plan to conservation. Plan should be reviewed by LHershey prior to 9/9 meeting

LHershey- is ok with reviewing the restoration plan. This would involve hiring a wetland specialist to develop a plan to restore the wetlands, and 25 foot no alteration area back to 2005 restoration plan approved by Commission.

JWiley- Restoration plan should be filed prior to 9/9 or fines of \$300 per day per violation can be levied.

JWiley- ask commissioners to weigh in. No further comments

Jim Kane NRLH A- discussed meeting the home owners on June 3, 2020. Walked the site. Glossa marked 20 foot path. Was not aware of the 2005 OOC. Walk the site, clearly stone wall, numerous tree. Stay in ribbons marked out by John Glossa. Told them to wait for an email. Email clearly stated must follow all state and local laws.

JWiley reminded Jim Kane to include Conservation Commission in the discussions with home owners.

EDiVirgilio – Can they use the 05 restoration plan for the new restoration plan?

LHershey- Yes, it is a good history of what was there with some flexibility because times have changed.

Request for Minor Modification to the Order of Conditions 1363-1365 Main Street Bylaw only.

L. Hershey- Order of Conditions issued to take down the Leo's pizza building and constructed a new building with parking. The plans are up on our website. Changes were made based on the site plan review.

Sayad Halabi, the Applicant/developer- Received late comments from ZBA hearing from the fire dept. who wanted a turn-around expanded at the rear. We were able to make the changes, additional impervious surface (20-feet in buffer zone) due to additional pavement.

Kevin of DGT Associates for the Applicant-The hammer head turn-around extended by 15 feet- 18 1/2 ft. = 370 s.f new pavement. New pavement directed to catch basin. The front side walk was modify impervious pavers. Added the no alteration plaques at the rear as requested.

LHershey- Carl Baldauf, Town Engineer did not have any concerns with the changes to the stormwater management system. I have no concerns with the revisions.

AGoetz moved a motion to accept the changes as minor, E. DiVirgilio second. Roll call: **D. Burchesky (aye), E. Divirgilio (aye) B. Dyer (aye) A. Goetz (aye) J. Wiley (aye) carried 5-0-0**

A discussion took place on the 55 Summer street Peer review selection

LHershey received two peer review proposals for review of the Wetland Protection Act and Regulations from BETA and Tetra Tech. A third request was sent out to Epsilon however no proposal was received.

JWiley asked L. Hershey to respond.

LHershey-I recommend BETA because they fit what the Commission is looking for peer review for the project.

Al Goetz- looked at both submittals. Tetra Tech proposal included more time reviewing engineering than wetlands stuff. Leaning toward BETA.

Jack Wiley- Tetra Tech's proposal had mistakes. Concerned that the proposal was sloppy so will they be sloppy in the project report. Going with BETA.

Al Goetz motioned to accept BETA proposal for peer review of the 55 Summer Street Notice of Intent and plans. E. Divirgilio second. Roll Call Vote: : **D. Burchesky (aye), E. Divirgilio (aye) B. Dyer (aye) A. Goetz (aye) J. Wiley (aye) carried 5-0-0**

Johanna Hilvert, Macchi and Macchi - for the Applicant- Can we discuss the site visit and how to move forward with the hearings

JWiley- we need to work with the consultant on the site visit. My thought was that we would have peer review ready by 8/12/20 meeting and presented to the Commission, comments and then schedule a site visit with the Commission. How does that sit with you?

D.Hale, the Applicant, the site visit would happen after the peer review?

JWiley- the applicant could comment on the peer review report and then do a site visit with the Applicant and peer reviewer.

LHershey- Peer reviewer will probably want to go out and look at the site for their report.

JWiley- We will ask BETA on what they need to do to give the Commission a report. BETA will probably want to do a site visit on their own.

JHilvert – property has been staked. We would like to start peer review process.

DHale- drop off the check by Monday. Would like to arrange a site walk with our wetland specialist, peer reviewer and Landis.

JWiley- Get the check to Town Hall. Send email committing to the peer reviewer.

LHershey- It would be best to get us the check by Friday. We need the check before we can engage BETA in billable hours as per our regulations.

LHershey- How this work is: Applicant should direct questions through me and not directly to consultants.

JHilvert-What do you want next meeting? Discussion with peer reviewer, more discussion on plans?

JWiley- We will discuss peer review findings at next meeting with questions from abutter also.

LHershey – Reminded the chair that the project is not on the agenda just the discussion of peer reviewer.

DHale-Confused will discuss peer review next meeting?

JW- Yes we will get site walk in between 8/12 and 9/9

EDiVirgilio- Agrees that we should do site walk after peer review has their report.

JWiley- discussed possibility of having a live meeting rather than a Zoom meeting.

LHershey- stated she would let them know as soon as she does.

Adjourned 8:05 PM