

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 4/26/2023



CONSERVATION COMMISSION
APRIL 12, 2023
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

Wiley opened the meeting at 7:03PM.

PUBLIC HEARINGS AND DISCUSSIONS

Continued ANRAD – 400 Main Street – Norfolk County Engineering

Hershey read the public hearing notice.

The Applicant had requested a continuance to the next meeting.

Motion to continue the Public Hearing for the ANRAD – 400 Main Street – Norfolk County Engineering made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Enforcement Orders/Notice of Noncompliance

33 Clarkson Drive – Enforcement Order

Wiley read the notice of public hearing.

The homeowner explained the Glossa Engineering has revised the plans, and the neighbors have been contacted by Hershey and the homeowner.

The homeowner then explained that her landscaper suggested to plant in the fall.

The Commission agrees that knotweed will need to be monitored, and that the owner should return to the commission in mid-September to mid-October to plant.

Motion to ratify the Enforcement Order for 33 Clarkson Drive was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

EXTENSIONS

300 Stone Street, DEP# 315-1218

Motion to grant an extension for 300 Stone Street, DEP# 315-1218 was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

100 Rustic Road, DEP# 315-1220

Motion to grant an extension for 100 Rustic Road, DEP# 315-1220 was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

PUBLIC HEARINGS

Notice of Intent - 9 Litchfields Way, Lot 4 – Andrew Adams

Wiley read the notice of public hearing.

Dan Merrikin explained that this is a bylaw only filing and it is for lot development for a single-family home. He also explained the roof runoff pipes into the infiltration basin.

Hershey asked how close the garage is and Merrikin explained that it is 15-feet from the buffer zone.

Hershey asked to see the enforcement on the abutting parcel referenced on the plan and that plantings must be done before the foundation for the property is dug.

Bebis suggested that the maintenance of a basin should be a continuing condition.

Burchesky asked for Merrikin to revisit the 100-foot buffer zone because it doesn't seem correct on the plan. Merrikin said he will check it.

DiVirgilio asked if there is now approval from the owners that about the property and Merrikin explained that one neighbor has approved the plan and is waiting on the other.

Wiley asked if there will be plaques installed and Merrikin explained that there are 2 to 3 along the property line.

Several residents asked Dan Merrikin to explain certain things on the plan for their own personal knowledge and understanding, but we're otherwise in agreement with what was presented.

Motion to close the Public Hearing for the Notice of Intent - 9 Litchfields Way, Lot 4 – Andrew Adams was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Hershey discuss special conditions suggesting planting be done at the proper time of year, and that the planting also be completed before the foundation of the home is dug.

Motion to issue the Order of Conditions to 9 Litchfields Way, Lot 4 – Andrew Adams was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued Notice of Intent – 132-136-140 Washington Street – Thomas Powers – DEP# 315-1278

Wiley read the notice of public hearing.

Merrikin explained that the documents have been submitted and then a revised plan including Riverfront Analysis was submitted to the Commission. He discussed the riverfront analysis and

that 36,000 feet of area is now included on the plan on site restoration area was added on the plan and a four-year plan for invasive species removal is also included. They will also include a bi-annual report for the Commission, which includes a plan in the spring and status update in the fall. As part of property management they intend to maintain the Clocktower site free of invasive in perpetuity. Merrikin also suggested that the Commission condition a trail easement.

Goetz indicated that there is a trail easement from the Bird Property, and that the Commission should not lose sight of that.

Wiley asked if poison ivy removal could be added to the invasive species plan, and Merrikin said that this is possible and he will revise the plan to indicate poison ivy will be removed.

Motion to close the Public Hearing for the *Notice of Intent – 132-136-140 Washington Street – Thomas Powers – DEP# 315-1278* was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to issue the Order of Conditions to *132-136-140 Washington Street – Thomas Powers – DEP# 315-1278* was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued Notice of Intent – 16 Haydn Lane – Marilynne Ryan Trustee – DEP# 315-1285

Wiley read the Public Hearing Notice.

Hershey reminded the Commissioners that this was continued due to the DEP not issuing numbers prior to the last meeting, and that they have now issued DEP numbers.

Motion to close the Public Hearing for Notice of Intent – 16 Haydn Lane – Marilynne Ryan Trustee – DEP# 315-1285 was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to issue the Order of Conditions for - 16 Haydn Lane – Marilynne Ryan Trustee – DEP# 315-1285 was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued Amended OOC – Renmar Street & West Street – Bristol Brothers – DEP# 315-1173

Wiley read the Public Hearing Notice.

Hershey explained that the applicant requested to continue

Motion to continue the Public Hearing for the Amended OOC – Renmar Street & West Street – Bristol Brothers – DEP# 315-1173 to May 10, 2023 at 7:00PM was made by Dyer, seconded by DiVirgilio. Motion carries 5-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued Notice of Intent – North Street Pull-off – Town of Walpole – DEP# 315-1284

Wiley read the notice of public hearing.

Hershey explained that the DCR flyer would be posted regarding the invasive species. She also explained that fire department and police department did not to make comments.

Wiley read a letter from L. Fisk (an abutter) and a petition into the record.

Hershey addressed the first letter explaining that article 97 is not in conflict. It is allowed in a deed restriction was made with NEFF approval. She also explained that the pull-off is within the public access easement. She then explained that fill will be contained by the stone wall and engineering will revise the plan to show the grading. She then added that 962/930 North St.

homes are not included on the plan, as it was not necessary to show an actual footprint of the homes on the plan. Hershey then explained that the path to the pond will wind through the woods, and that no trees larger than 4 inches will be cut. There will be no paved path and it will simply be a foot trail. The pull-off can also be used by towns apartments to monitor the site.

Burchesky explained that he has concerns with litter as well as fire.

DiVirgilio asked if there is a path is already roughly established, and Hershey explained yes.

Dyer explained that the trash problem exists everywhere, and she cannot see Burchesky's specific argument as relevant.

DiVirgilio pointed out that having a pull-off area on North Street is safer than people trying to access the path by parking in the road.

Motion to continue the Public Hearing for the *Notice of Intent – North Street Pull-off – Town of Walpole – DEP# 315-1284 to April 26, 2023 at 7:25pm* was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS

Minutes – None

Conservation Land

None

Willett Pond Access Gifts

None

Pinnacle Trail

None

Master Plan Update

Bebis needs to review, and will update at next meeting.

Enforcement Orders/Notice of Noncompliance

Burns Ave. – Wall Street Development – EO

None

Main Street, 1900 – DEP# 315-1043

None

Appeals

Pinnacle Historic Mill Complex

None

NOI Warwick Street Ext.

Hershey explained that there is no date scheduled.

Wall Street Development re-submitted the Warwick Road NOI with the letters that he is requesting to work within the town ROW from the Select Board and the Town Engineer (Street Opening Permit). The Adjudicatory Hearing will continue and he will have to withdraw one of the NOI's with 21 days of the issuance of the Order of Conditions. His application was submitted April 5, and will be on the agenda for May 10, past the 21 days.

Peach Street

None

Main Street Veterinary

None

Request for Certificate of Compliance*None*

Motion to close the April 12, 2023 conservation commission meeting was made by Dyer, seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

The meeting adjourned at 9:02PM.