

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 5/24/2023



CONSERVATION COMMISSION
MAY 10, 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 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS

Continued NOI – Renmar Ave & West Street – Bristol Brothers Development – DEP# 315-1173

Wiley read the public hearing notice.
The applicant requested a continuance.

Motion to continue the Public Hearing for the *NOI – Renmar Ave & West Street – Bristol Brothers Development – DEP# 315-1173* to May 24th, 2023 at 7:15PM was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

GENERAL BUSINESS

Minutes

Motion to approve the April 26, 2023 Meeting Minutes was made by Dyer seconded by DiVirgilio. Motion carries 5-0-1 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba – Bebis Abstained.)

Request for Certificate of Compliance
5 Birch Street – DEP# 315-1252

Motion to issue the Certificate of Compliance 5 Birch Street – DEP# 315-1252 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Extensions

350 West Street – DEP# 315-1203

Motion to grant an Extension until 10/28/2023 for the existing Order of Conditions at 350 West Street, DEP# 315-1203 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

1148 Washington Street – DEP# 315-983

Motion to grant a 1-Year Extension for the existing Order of Conditions at 1148 Washington Street – DEP# 315-983 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Enforcement Orders/Notice of Noncompliance

1900 Main Street – Enforcement Order

None

Burns Ave – Enforcement Order

None

Peach Street – Enforcement Order

None

1342 Main Street – Enforcement Order

Hershey sent a letter and email to the owner, and they responded by phone and email. They intend to start work and the barrier and signs will be installed soon. Hershey will review the site soon.

33 Clarkson Road – Enforcement Order

Planting will be done in the fall.

PUBLIC HEARINGS AND DISCUSSIONS

NOI – Warwick Road Extension – Wall Street Development – DEP# 315-1286

Wiley explained that the applicant has requested a Superseding Order of Conditions from the DEP because the Commission failed to hold a public hearing within 21 days of receiving the NOI. No public hearing held, and no discussion was had.

Amended OOC – 180 Stone Street – DEP# 315-1224

Wiley read the public hearing notice.

Carl Cummings, property owner, and Will Landry, Pool Installed were present and discussed the project, explaining their intention to construct an in-ground pool.

Hershey explained that this is an Amendment to an existing Order of Conditions, and has had additional time due to the COVID tolling period.

Bebis asked how they intend to access the site, and Landry explained that they intend to bring trucks between the 12' opening next to the house.

Bebis asked if they intend to stockpile any materials, and Landry explained that they will live-load directly to a truck during excavation.

Bebis asked the type of pool, and Landry explained that they will install a steel pan, with vinyl walls.

Goetz asked how they intend to drain water, and Landry said that they intend to use a pump truck if needed, but they do not intend to discharge.

Motion to close the Public Hearing for the Amended OOC – 180 Stone Street – DEP# 315-1224 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Motion to issue an Amended OOC – 180 Stone Street – DEP# 315-1224 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Burchesky joined at 7:30pm.

Continued NOI – 15 Pinnacle Drive – Wall Street Development – DEP# 315-1287

Wiley read the public hearing notice, and a letter from the applicant.

Louis Petrozzi, Wall Street Development, provided the commission with aerial photos from 1965 to current, and explained the evolution of the site conditions.

Hershey explained that she had received a copy of the deed, proving ownership to Mr. Petrozzi. She then explained that there is a pending Superior Court appeal, but that it should not sway the Commissions opinion.

Hershey indicated that the Pre-rivers Protection Act Lot – Lot 24A plan reference is for 2004 subdivision plan. The original lot 24 appeared to be reconfigured in 2004 to lot 24A therefore the lot is not recorded prior to October 6, 1997. Mr. Petrozzi submitted additional information on 5-09-23.

She discussed that the Applicant stated that because lot 24 was recorded prior to October 6, 1997 that this status stays with the reconfigured 24A recorded 2004. This is an important finding because if it does not apply then the Applicant should comply with 10.58(4). She added that the Commission is waiting on Town Counsel's opinion regarding this issue.

She then pointed out that the NOI application should be updated with s.f. of riverfront area on the lot, s.f. of degraded riverfront area, and s.f. of riverfront area to be altered degraded and non-degraded. She explained that on 5-9-23, the applicant provided updated information stating that - 6, 238 sq. ft. River front area on proposed project site (unclear if this includes tail) and that the Applicant states 6,238 s.f is degraded river front area.

Wiley recommended that the public hearing be continued, so that the applicant can provide additional information being requested by the Commission and the Agent.

Motion to continue the Public Hearing for the *Continued NOI – 15 Pinnacle Drive – Wall Street Development – DEP# 315-1287* to May 24^h, 2023 at 7:20PM was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued ANRAD – 400 Main Street – Norfolk County Engineering – DEP# 315-1282

Wiley read the public hearing notice.

Mark Manganello explained the revisions to the plan, and the additional work that was done with BETA engineering to provide clarification for the site.

Jonathan Nero, BETA, explained that they did an additional walk on the site, and have updates added to their review. He believes the revision is sufficient and comprehensive.

Motion to close the Public Hearing for the ANRAD – 400 Main Street – Norfolk County Engineering – DEP# 315-1282 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to issue the ORAD for 400 Main Street – Norfolk County Engineering – DEP# 315-1282 was made by Goetz, seconded by Dyer. Motion carries 7-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to close the May 10, 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 8:46PM.