

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 5/10/2023



CONSERVATION COMMISSION
APRIL 26, 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, Landis Hershey, Conservation Agent

Absent: Dean Bebis

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS

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

Wiley read the notice of public hearing.

Paul McManus, EcoTec, represented on behalf of the applicant. He discussed the plans that were provided to the Commission, explaining that the plans show the riverfront off the bank of Bird Pond. He explained that jurisdiction is on the rear half of the lot, adding that he believes this is a “Pre-Rivers Lot” and that it can be developed with minimal development, adding that the “Degraded Riverfront Provision” is also being considered. He also indicated that the lot was part of the Historic Mill Complex for Bird Mill. The applicant intends on building a single-family home, with required basins and plantings.

Hershey indicated that the Notice of Intent stated that Louis Petrozzi was the applicant, but the application provided no supporting documentation.

She also pointed out that the Commission considered Bird Pond as Riverfront, and that they do not consider this property to be part of the Historic Mill Complex Exemption.

She then indicated that the plan provided conflicts with the “Pre-Rivers” protection, as it was dated 2004, and it was a different lot.

Hershey wants to see the square footage of the riverfront area and how much is degraded, as they will need to meet degraded area standards. McManus disagreed.

Hershey suggested that a revised plan show the calculations, and additional details.

Burchesky asked how the sewer connects, and McManus explained it would be pumped to the street. Burchesky followed up to ask if there are any protections in place to prevent sewage from backing up into the pond, and McManus explained that they intend to use an E1 system.

Burchesky stated that he is concerned if something were to break.

Dyer asked to see the Riverfront clearly labeled on the revised plan. She also explained that the Neponset River has been ruled a river. She thanked Hershey for catching the reconfiguration of the lot.

Dyer then explained that major diligence was done on other degraded lots in town, and that calculations should be provided so the Commission can clearly understand the work proposed. McManus explained that he did not intend to rub salt on wounds regarding the riverfront discussion.

Goetz asked how the lot wound up being reconfigured to have the long “tail” portion. McManus explained that it was done for frontage purposes, but that no work is proposed in that area. Goetz then added that this is not the same lot from the initial filings years ago.

Hershey confirmed that the limit of work is at the rear of the property where the erosion controls are installed, and that this should be indicated on the revised plan.

Preston Thompson, an abutter at Pinnacle Drive, asked that given the planned paving of Pinnacle Drive, there is a moratorium on work for 5 years, and he was curious if this would impact construction on the site.

Motion to continue the Public Hearing for the NOI – 15 Pinnacle Drive – Wall Street Development – DEP# 315-1287 to May 10th, 2023 at 7:25PM was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

RDA – 23 Daylily Lane – Gary Nagle

Wiley read the public hearing notice.

Joyce Hastings, GLM Engineering, represented on behalf of the applicant. She explained that the 100’ buffer zone comes through the house, and that the applicant intends to build a porch on helical piers, in order to have low impact.

Hershey added that tracks to the existing lawn should be repaired.

Goetz asked that any trash or debris from the work should be contained, and that they ensure nothing is allowed into the wetlands.

Motion to close the Public Hearing for the RDA – 23 Daylily Lane – Gary Nagle was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to issue a Negative 3 Determination of Applicability for 23 Daylily Lane – Gary Nagle was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

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

Wiley read the public hearing notice.

Mark Manganello and Patrick Higgins represented the applicant. Manganello explained that the peer review was conducted by BETA, and they had supplied a report. A summary letter was provided to clarify revision to the ANRAD site limit has been resolved.

Jonathan Nero, BETA, summarized the peer review in detail. He feels that the flagging is accurate, and his only reservation was with the review was in accordance of the ANRAD, which excludes outside of the boundaries and upland of the site.

Hershey explained that ANRADs are always submitted to review the wetland resource areas. The boundary on the plan may be helpful for intentions, but it is not something that sits with her well. Higgins asked if another site walk with Hershey would suffice, and Hershey replied no, that the applicant provides a plan with all resource areas delineated.

Wiley summarized, explaining that the whole site has not been reviewed.

Ziemba would prefer to see the whole site reviewed.

Wiley recommended an additional site visit with BETA.

Higgins explained that he needs an amended proposal for requisition.

Nero explained that he could provide a revised scope of work by Friday.

Motion to continue the Public Hearing for the *Continued ANRAD – 400 Main Street – Norfolk County Engineering/Norfolk County Agricultural School – DEP# 315-1282 to May 10th, 2023 at 7:30PM* was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Continued NOI – North Street Pull Off – Town of Walpole – DEP# 315-1284

Wiley read the public hearing notice and explained that the Planning Board has a scenic road hearing that has continued.

Motion to continue the Public Hearing for the *Continued NOI – North Street Pull Off – Town of Walpole – DEP# 315-1284 to May 24th, 2023 at 7:01PM* was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Wiley then explained that at the Planning Board meeting, suggestions were made to move the pull-off to the opposite side of the road, into the Town's right-of-way.

GENERAL BUSINESS

Minutes

Motion to approve the March 22, 2023 Meeting Minutes was made by Dyer seconded by DiVirgilio. Motion carries 4-0-2 (Goetz, Dyer, DiVirgilio, Ziemba – Wiley, Burchesky Abstained.)

Motion to approve the April 12, 2023 Meeting Minutes was made by Dyer seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Conservation Land

None

Willett Pond Access Gifts

Additional gift of \$300 was received.

Pinnacle Trail

None

Master Plan Update

Edits are being made, will update at next meeting.

Enforcement Orders/Notice of Noncompliance

1342 Main Street – Enforcement Order

Hershey will send an additional letter to suggest plantings, and that the deadline to plant would be the end of May. Owner will be required to respond by May 10th, 2023 meeting.

Motion to close the April 26, 2023 conservation commission meeting was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

The meeting adjourned at 9:08PM.