

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved



CONSERVATION COMMISSION
DECEMBER 13, 2023
7:00 PM

This meeting was taped and will be available on walpolemedia.tv

Commissioners Present: Jack Wiley (Chair), Betsey Dyer, Al Goetz, Emidio DiVirgilio, Doug Burchesky,
Bailey Ziemba, Dean Bebis
Staff Present: Landis Hershey, Conservation Agent & Joshua Baker, Board Assistant

Absent: None

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS:

Notice of Intent: 79 Plimpton Street, DEP#315-1300; Chad Greenebaum

Wiley read the public notice into record.

Paul DeSimone, Colonial Engineering, provided an overview of the project which includes a new in ground saltwater pool with associated patio and surrounding fence. The pool will be installed on an area which is currently existing gravel. No trees are proposed to be removed and no grading is proposed. All work will occur outside of 50-feet from the wetland and the pool will discharge outside of the buffer zone.

Hershey provided context, explaining that the installation of a pool that is greater than 50-feet from a Bordering Vegetative Wetland is typically exempt under the Wetlands Protection Act; however, filing for this project is applicable in Walpole due to the local bylaw. Hershey confirmed with DeSimone that all excavated material will be removed from the property.

Bebis inquired if there will be any stockpiling. DeSimone answered that all staging will occur on the gravel driveway outside of the Buffer Zone.

Burchesky inquired where the drained water will go. DiSimone answered that the pool will be lowered by six inches and the water will be pumped west towards lawn.

DiVirgilio requested that monumentation in the form of ‘no disturb’ plaques be installed near the 25-foot no disturb zone. Dyer asked that the areas around the pond be exempt from this request, citing it as a historic pond. Hershey clarified that the work is being done on the opposite side of the house, the 25 foot area is existing lawn and that plaques could be seen as imposing. DiVirgilio rescinded his request.

Goetz commented that salt water is deleterious to wetlands and requested that the homeowner be aware of where to drain and for the draining to be put on a plan.

Wiley asked how the salt will be handled during the draining process. Hershey answered that the salt in the water won’t be an issue so long as the water isn’t directed towards the wetland. DiSimone confirmed that all draining will be done outside of the buffer zone and away from the wetlands.

Joshua Golding, abutter, expressed concern that the discharge water will flow onto his abutting property. DiSimone answered that the water will be directed to lawn and gravel for infiltration on site. Wiley agreed that so long as the water remains on the original lot, it’s okay. Joshua Golding inquired how the pool is discharged. Wiley answered that the pool is drawn down by six inches and then pumped to the desired location. Wiley advised that if issues arise between the two properties, it should be approached as a civil matter, not through conservation. Hershey confirmed that since the discharge is occurring outside of Conservation jurisdiction, the Conservation Commission has no purview.

Betty Golding, abutter, mirrored Joshua Golding’s concerns. Dyer suggested talking with the homeowners of 79 Plimpton Street, who had attended the meeting.

A motion to close the hearing and issue an Order of Conditions for 79 Plimpton Street, DEP#315-1300, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Notice of Intent: 82 Winter Street, DEP#315-1301; Michael G. Mercieca

Wiley read the public notice into the record.

Anjali Joshi, Landscape Architect, provided an overview of the project which includes the installation of an in ground saltwater pool, play area, and associated landscaping. The pool will be installed outside of the 100-foot buffer to a Bordering Vegetated Wetland in an open grass area with a vinyl fence. The water from the pool will be discharged outside of the Buffer Zone and over lawn. The pavement associated with the pool will be pervious.

Hershey noted that all activities will be occurring on existing turf lawn inside of a fenced area. Hershey inquired if there will be any fill. Joshi answered that there will be small amounts of grading, but no fill and any excess will be removed from the site.

A motion to close the hearing and issue an Order of Conditions was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS:

Conservation Administration

Tree Removal Policy:

Hershey proposed adopting a Tree Removal Policy to allow Hershey to administratively approve hazard trees so as to quicken the process and keep the Commission from being saturated with tree removal requests. Hershey explained that the Wetlands Protection Act allows vista pruning of trees at distances greater than 50-feet from a Resource Area, which could be used as a basis for the policy.

Wiley asked for a revised policy for Walpole to be presented at a later date.

Certificates of Compliance

180 Stone Street, DEP#315-1224; Carl Cummings

A motion to issue a Certificate of Compliance to 180 Stone Street with continuing conditions, DEP#315-1224, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Enforcement Orders

120-126 South Street, Mario Gomes

Hershey explained that dumping occurred on abutting town land on two separate occasions but were removed as ordered. The affected area is bare soil and is to be hydro- seeded and the slopes will be stabilized over winter with erosion control barriers and netting. The area will need to stabilize and grow back before the Enforcement Order is vacated.

965 West Street, DEP#315-1259, MF Landscaping

Wiley recused himself, Dyer chaired.

Hershey explained that activity on site went beyond the work permitted under active Order of Conditions DEP#315-1259 issued to MF Landscaping. All alteration occurred in the buffer zone and an amendment to the Order of Conditions request will be made.

Mike and Diane Freiburger, applicants, explained that the unpermitted work in the form of an access road was requested by Eversource. Hershey cautioned that the applicant should have filed with the commission before granting the road.

DiVirgilio reminded Mike Freiburger that this isn't his first time performing unpermitted work in Conservation Jurisdiction and advised that he apply for the work he intends rather than keep coming before the Commission to fix unpermitted work.

Dyer asked that Mike Freiburger use his team to properly apply for work in the future.

1029 Washington Street, Teran

Hershey explained that four trees were cut without permission in the Conservation Commission's jurisdiction and a planting plan to mediate the cutting is being proposed but has not yet been presented.

Minutes

7/12/2023 Conservation Commission Meeting Minutes:

A motion to approve the 7/12/23 Conservation Commission Meeting Minutes as amended was made by Dyer; seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

11/8/2023 Conservation Commission Meeting Minutes:

A motion to approve the 11/8/23 Conservation Commission Meeting Minutes as amended was made by Dyer; seconded by Bebis. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The meeting adjourned at 8:30 PM.