

**CONSERVATION  
COMMISSION**

**Town Hall**  
Room 212  
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**Town of Walpole**  
Commonwealth of Massachusetts

**MINUTES**  
**Approved**



**CONSERVATION COMMISSION**  
**FEBRUARY 14, 2024**  
**7:00 PM**

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

**Commissioners Present:** Betsey Dyer (Vice Chair), Al Goetz, Emidio DiVirgilio, Doug Burchesky

**Staff Present:** Landis Hershey (Conservation Agent), Joshua Baker, Board Assistant

**Absent:** Jack Wiley (Chair), Bailey Ziemba, Dean Bebis

Dyer opened the meeting at 7:00PM.

**PUBLIC HEARINGS AND DISCUSSIONS:**

***Continued Notice of Intent: 410 North Street, DEP#315-XXXX; John and Ellen Serhant***

A motion to accept the withdrawal of the Notice of Intent Application for 410 North Street at the request of the Applicant, was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

***Continued Land Disturbance Permit: 1377 North Street; Kearsage Walpole LLC***

A motion to continue the Land Disturbance hearing for 1377 North Street at the request of the applicant to 2/28/2024 at 7:00pm was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

***Notice of Intent & Land Disturbance Permit: 241 Norfolk Street, DEP#315-1302; S.M Lorusso & Sons Inc.***

Dyer read the public notice into record.

Dan Merrikin, Legacy Engineering, provided an overview of the project. The site lot is currently vacant with an isolated vegetated wetland rising north from the southern boundary line around the middle of the site. An 8,000 square-foot warehouse for equipment storage is proposed on the eastern side of the property with a small parking lot and a looping driveway that will enter from the south, connect to the parking lot to the east of the warehouse, and then move north and then west to exit onto main street,

passing through the northern buffer of the isolated vegetated wetland. The driveway was designed for ease of use and for emergency services to access the site. Due to fire regulations requiring the emergency access to be 20-feet in width, the road passing through the northern buffer zone will enter the 25-foot No Disturb Zone by 3 to 4 feet. Additional mitigation plantings were proposed to offset the incursion and Merrikin noted that the site could benefit from a shrub layer.

An underground infiltration system will be installed under the parking area and will be fed through proprietary separated catch basins and vegetated catch basins. Overflow with riprap aprons feed into the isolated vegetated wetland.

An easement is to be granted to the Town to allow maintenance of onsite drainage systems owned by the town. The applicant has agreed to upgrade a 12" line to an 18" pipe and install riprap at the end of the pipe to prevent direct flow into the wetland. Additionally, the applicant has agreed to replace a 30" corrugated metal pipe.

Hershey noted that plan is well thought out and comprehensive. Dyer agreed.

Goetz asked how the warehouse will be used. Merrikin answered that it will be used for equipment storage and that there will be a floor drain with a dedicated gas trap.

Burchesky noted that there wasn't a lot of parking spaces being proposed. Merrikin answered that the site will be strictly commercial and will only need parking for employees who will work at the warehouse.

A motion to continue the Notice of Intent and Land Disturbance hearing for 241 Norfolk Street, DEP#315-1302, at the request of the applicant to 2/28/2024 at 7:10 was made by Goetz; seconded by Burchesky. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

***Request for Determination of Applicability: 965 West Street; Michael Freiburger***

Dyer read the public notice into record.

Russel Waldron, AES, provided an after-the-fact overview of the project. The applicant built an elevated one-room structure with 9 pylon footings. The structure is 22-feet above ground and is outside the 25-foot No Disturb Zone, being around 50-feet away from the Wetland. The structure is powered by an underground electric line that runs along the length of an old cart path to the existing single-family structure.

The Commission requested that for all future filings that the applicant apply for the permit before doing the work.

A motion to issue a Negative 3 Determination of Applicability for 965 West Street was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

***Notice of Intent: 233 Baker Street, DEP#315-1303; Walpole Country Club***

Dyer read the public notice into record.

Matt Watsky, Walpole Country Club Board of Governors, provided an overview of the project, explaining that in 2005 an Order of Conditions was issued to the Country Club for the treatment of nuisance vegetation in and around a large pond on site. The Order of Conditions was closed in 2017 and there has been no official vegetation management since. Watsky is now asking to issue a new Order of Conditions based on the Amended Order of Conditions issued in 2013.

Hershey noted that the original order is outdated, having been issued in 2005 and amended in 2013, and shouldn't be reused. Hershey commented that there were requirements to send in annual reports as per the old order, of which only some years were reported. Hershey insisted that the project will require an

entirely new Order of Conditions with a new set of Special Conditions and a new Management Plan. The new plan must have a clear set of goals as well as a clear plan to reach those goals. The new plan must elaborate on the current issues the area is facing and what solutions are appropriate.

Hershey asked if any proposed cuttings could be discretionary to specific spots rather than throughout the entire site. Watsky confirmed that they can be. Dyer said that should be expressed in writing.

Goetz asked if the Country Club needs to hire a restoration manager to perform any tasks outlined in a management plan. Watsky informed that the current Greens Superintendent of the club is capable of performing the majority of the tasks but that they would likely also hire someone to perform any aquatic control.

DiVirgilio agreed that a more comprehensive and clear plan was required.

A motion to continue the Notice of Intent hearing for 233 Baker Street, DEP#315-1303, to 2/28/2024 at 7:20pm was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

## **GENERAL BUSINESS:**

### **Enforcement Orders**

Hershey requested that Enforcement Orders waiting for season specific items be removed from the agenda for organizational purposes. Removed items will be monitored in office and added to the agenda when appropriate. The Commission formally voted in support. Motion made by Goetz; seconded by Burchesky. Motioned carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

### ***15 Pinnacle Road:***

Breaks in the erosion control barriers were found on site. Correspondence was sent out multiple times and a notice of noncompliance was issued. After no response for several weeks, the owner was fined \$300 and another \$300 after continued neglect.

### ***Burns Avenue:***

Breaks in the erosion control barriers were found on site. A notice of noncompliance was issued.

### **Extension Requests**

#### ***Extension for 255 Bullard Street, DEP#315-971:***

A motion to extend the Order of Conditions expiration date for 255 Bullard Street, DEP#315-971 by one year was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

#### ***Extension for 8 Gigi's Way, DEP#315-1184:***

A motion to extend the Order of Conditions expiration date for 8 Gigi's Way, DEP#315-118, by one year was made by Goetz; seconded by DiVirgilio. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

### **Minutes**

#### ***Approval of the 8/9/2023 Conservation Commission Meeting Minutes:***

A motion to approve the 8/9/2023 Conservation Commission Meeting Minutes was made by DiVirgilio; seconded by Goetz. Motion carries 3-0-1 (Dyer, Goetz, DiVirgilio with Burchesky abstaining).

#### ***Approval of the 1/24/2024 Conservation Commission Meeting Minutes:***

A motion to approve the 1/24/2024 Conservation Commission Meeting Minutes was made by DiVirgilio; seconded by Burchesky. Motion carries 4-0-0 (Dyer, Goetz, DiVirgilio, Burchesky).

**The meeting adjourned at 8:20 PM.**