

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
WEDNESDAY 2-3-2021
7:00 PM

A continuance of 1/27/2021 Agenda (cancelled due to technical difficulties with Zoom.)

Commissioners Present: Jack Wiley (Chairman), Al Goetz (Vice Chair), Betsey Dyer, Emidio DiVirgilio, Doug Burchesky, and Bailey Ziemba.

Also present: Conservation Agent, Landis Hershey; Board Secretary, Allary Braitsch

Guests: John Glossa, Scott Mathews, Krista Matthews, k Garvin, Chris, Glenn Maffei, Leslie French, Karon Skinner-Catrone, Mark Brooks, Paul Macchi, Daniel Merrikin, Krista Matthews, Julie Lowre, David Hale, Mark's iPad, Katie Enright, P Bogle, Becky Litvak, Katie Enright, Rosemarie Pileski,

The Conservation Agent Report dated January 27, 2021 was given to members.

Wiley opened the meeting at 7 PM

7:00 PM Continued NOI 12 Bubbling Brook, Scott Mathews, DEP #315-1238

Landis read the legal notice into the record.

John Glossa from Glossa Engineering representing the homeowner presented the proposed project to install an in-ground pool (20'x 40'), patio, pool house, and fencing. A bordering vegetated wetland exists on the other side of the existing chain link fence.

Limited work will occur within the 25 foot No Disturb Zone within currently disturbed portions of the No Disturb Zone. Wetland markers shall be installed along the perimeter of the altered area. John explained that any dewatering activities would require coordination with and approval by Landis to ensure best management practices are followed.

Discussion: Landis asked for clarification that all work within the 25 foot No Disturb Zone is currently altered and John confirmed this to be true. Dyer asked for clarification on the existing amount of lawn within the 25 foot No Disturb Zone and the fact that some of this lawn is on the neighbor's property. She asked if the area on the neighbor's property could be abandoned and the fence removed. The homeowner, Scott explained that the existing fence

will be removed and the area of lawn would be maintained as lawn at the agreement of the neighbors. Dyer replied that the Commission generally does not favor lawn within the 25 foot buffer zone. Goetz asked that the excavated materials is disposed of off-site and not dispersed on the site. He also stated that the 25 foot buffer along the northern portion of the property should be reverted back to a natural buffer zone and not lawn. Wiley suggests that the meeting be continued so the original filings for the property can be pulled to determine if there were previously any determinations made or permits issues regarding the buffer zone widths to remain undisturbed. Wiley also requested that Landis reach out to the abutting land owners

Public comment: None heard.

Motion made to continue the meeting to February 10th at 8PM by Goetz, second by Di Virgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

7:01 PM Continued NOI, 32 Starlight Drive, Shawqi A. Alsarabi Family Revoc. Tr., DEP #315-1219

Landis read the legal ad into the record. Wiley read relevant portions of a letter dated January 27, 2021 into the record. Wiley recommends the conditions read from the letter be included in the Order of Conditions. Wiley read another letter into the record from Daniel Merrikin of Legacy Engineering.

Daniel Merrikin with Legacy Engineering presented the proposed project for the construction of an access road and associated stormwater management. Daniel explained there is an existing home and the project proposed installing an access road to allow for development of two additional lots on the property. The existing driveway will be reused in areas, upgraded in others and extended to construct a turn around. Daniel stated that Landis had previously asked that basin one be relocated further from the wetland, but they'd like to wait until that lot is developed and include that basin design in the Notice of Intent for that lot. The fire department has asked to widen the road to 20 feet from the existing 18 feet, which the stormwater management system is equipped to accommodate. The existing culvert will also not need to be modified and can accommodate the increased road width. Daniel explained that they are working to modify the plans to memorialize the comments indulged in the letters Wiley read into the record at the start of the meeting.

Landis stated that the Order of Condition and Amended Order of Conditions for the construction of the existing residential home include the installation of wetland placards and those should be noted on the plan. The two replication areas required in those Orders should also be noted and should be inspected to determine if they're viable wetland systems or not. Landis asked that basin 3 be shifted from its current location in future permit applications. She'd also asked if there would be a need for blasting for the installation of any of the houses. Daniel responded that they'd like to avoid it and based construction in neighboring areas it shouldn't be an issue. Landis noted there's an enforcement issue that needs to be cleared up. Daniel explained from an existing garage a gravel road was installed within the buffer zone and in coordination with Landis he will be developing a revegetation plan. Landis also stated that the planning board decision notes a 100 foot buffer zone and Daniel explained that it will be added to the plan. DiVirgilio asked what the underground drainage system is on Lot 1 and

Daniel explained it's an underground infiltration system that will exist only on Lot 1. Dyer asked if the septic system locations had been tested for and sited yet and Daniel identified those on the plan. Dyer asked if the standard locations and sizes of the homes on the plan can shift and Daniel stated that any Order issued should explicitly state that it permits only the construction of the road and associated drainage because the plan as presented is a requirement of other town permitting processes. Goetz asked if soil testing had been conducted in the locations of the proposed basins to ensure they'll function as planned and Dan stated the testing had been conducted.

Public Comment:

Christopher Tinson representing the Westwood Gun Club commented that his client is very concerned about the 100 foot buffer zone that is deeded to the subdivision under a decision by planning board and is to remain vegetated. The current owner has not abided by this restrictive buffer zone and his client questions whether additional lots can be developed if this buffer zone does not meet the requirements set forth in the deeded buffer. Additionally the septic system for one of the lots is very close to the buffer limit. Further they'd like assurance that the buffer is returned to the state it was intended to remain in and no further activity is conducted in that area. Photographs and historic plans can be provided by the gun club if needed by the Commission. Daniel clarified this issue as a planning board issue and the fact that this ruling by the planning board did not restrict the number of lots that could be developed. Wiley agreed that this are planning board issues and he would just like to clarify the work that has encroached into the wetland buffer zone and Mr. Tinson should address planning board comments to the planning board. Dyer asks that this issue be remedied prior to issuing a permit. Tinson stated that the Commission is within its rights to weigh in on this issue and he will send materials to Landis supporting his position.

Landis asked for clarification on the lot lines as shown and Dan explained that the lot lines are not set in stone and will be confirmed in future Notice of Intent Applications.

Motion made to continue the meeting to March 10th at 7PM by Goetz, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:15 PM Continued NOI 55 BH LLC/55 Summer Street, Multi residential DEP #315-1227.

Landis read the legal notice into the record.

The representatives for the proposed project ask to update the Commission on changes to the plan, fencing requirements from the planning board, access issues and other new items. Katie Enright presented these portions of the project. The new plans have not been received by the Commission but were presented on a high level. Planning Board asked that the two gaps in fencing parallel to the active rail line be closed with fencing. This requires 14 feet of fencing within a bordering vegetated wetland and 123 feet within an isolated wetland. A six inch gap would be left at the base of the fence to allow for wildlife passage. The fence will be 6 feet high. Brian Butler explained the replication area as proposed and presented slides of compliance with applicable standards.

Landis asked for clarification about the location of the fence in relation to the gravel bake of the railroad right of way. Brian explained that it will be variable but not be located on MBTA property and will be within the resource area. He stated that installation will be done by hand and will require minimal impact. Landis asked that written guidelines of how the fence will be installed should be submitted. Wiley asked if DEP had weighed in on the placement of fencing within a resource area and Landis responded just that it's not an obstruction to wildlife. Dyer asked for clarification of the replication areas if they are tied to the installation of a fence within the resource area or if they're related to something else. Brian responded that they're related to the two proposed crossings, but they're large enough to accommodate for the direct wetland impacts related to the fence. Goetz commented that typically for a wetland crossing fence is a wildlife fence, which has larger openings at the bottom and smaller towards the top. He also noted that the posts for fencing within wetlands are generally very long b/c they're going into a softer substrate and likely will require the use of machinery to move the supplies into place. He also stated that fencing the entirety of the property along the railroad is essential for safety though he does not support a chain-link fence. Ziemba asked that the fence be moved closer to the railroad ROW to avoid impacts and Brian responded that coordinating that change with the MBTA would be overly cumbersome in terms of a timing perspective. Landis recommended that the Applicant provide details on wildlife fencing so the Commission can make an informed decision on the matter.

Katie Enright presented a letter received in November 2020 that asked for additional information on construction stormwater management plan, detail sheets, replication plan, revised stormwater report, location of the no alteration signs, landscape plan for areas of alteration within the 100 foot buffer zone and location of irrigation wells. Katie explained that some of these issues have been addressed on the plan set that will be submitted to the Commission in the coming days.

Dyer asked if the Commission should be discussing this material since the only matter on the agenda was the request on the fence. Wiley responded that it's reasonable for the representatives to complete the presentation though no decisions will be made.

David Hale presented the proposal for the inclusion of voluntary trails and public access along the riverfront following a request by Glenn Maffei. David asked if the Commission would be interested in public access to the trails. Wiley stated the Commission would be. David explained that access would be provided by foot and not car through the development and the trail along the riverfront would continue off site to an existing network. David asked that the access be incorporated into a Commission decision to avoid the legal fees of a deed restriction or conservation restriction on the property. Glenn Maffei talked to the Commission about the Great Cedar Swamp property that is owned by the town but the site is landlocked and there is no public access to. Glenn prefers a Conservation Restriction for access so the access is provided in perpetuity and cannot be lost in the future.

Katie described that the plan set is close to 100 pages and she is coordinating with Landis to reduce the size of the plan set to make it more concise and applicable to the regulations. Landis asked that an electronic version of that plan set also be sent to Conservation. Additional materials from the Applicant will be received by February 10th.

Public Comment: None heard.

Motion made to continue the meeting to February 24th at 8PM by Goetz, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Request for Certificate of Compliance

87 Lewis Avenue, Ronald Fucile, DEP #315-1175

Motion to issue the COC with continue conditions by Dyer, second DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Minutes for 12-9-2020

Motion to approve the minutes as edited by Dyer, second DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Minutes for 1-13-2020

Motion to approve the minutes as edited by Dyer, second DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

2020 Open Space and Recreation Plan letter - Landis advised the Commission to review the draft of the plan so a letter of support can be issued from the Commission.

Motion to submit a letter from the Commission in approval of the draft by Dyer, second by Wiley, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Enforcement Orders/ Notice of Noncompliance

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage - Landis sent a notice to Lou Petrozzi and he has not responded. Landis would like to see if the issue has continued and if the drainage issue hasn't been addressed it needs to be addressed. Dyer asked what measures can be used to move the process along. Wiley asked Landis to ask for Lou's attendance at the February 11th meeting. Dyer asked is an Enforcement Order can be issued. Landis stated that following the next meeting is he doesn't appear the Commission should seek fines and an EO.

Main St. #1900, DEP #315-1043 - the property is up for auction and the Commission discussed how best to relay to any potential buyers that there is open enforcement and a notice of non-compliance tied to the property.

Notice of Noncompliance Brookside Village, DEP #315-1093 - nothing new

Palmer Lane, 3 and 4 - nothing new

Pinnacle Drive, Lot 9 J. Hasenjaeger and L. Petrozzi - nothing new

Discussions:

Vegetation management quotes received for Tuner Pond and Cobbs Pond.

Landis explained that the Town Administrator approved the use of Water Works based on the quote they submitted so they'll be moving ahead with them for the work.

Norfolk Aggie Solar Installation

Landis updated the Commission on the solar field project that is being planned on the Aggie property and stated that she discussed with the Applicant's Representatives are aware the Commission wants a RDA application for any work to determine if it's in jurisdiction. The Commission discussed the need for legal feedback on whether they're subject to the local ByLaw.

National Grid Use of Glyposphate:

Burchesky thanked Landis for following up on National Grid's statement in a local newspaper to use Glyposphate without proper notification being given to Conservation.

Motion to adjourn by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, , Di Virgilio, Burchesky, Ziemba).

The meeting adjourned at 9:48 PM.