

**CONSERVATION  
COMMISSION**



**Town Hall**

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*Town of Walpole  
Commonwealth of Massachusetts*

MINUTES  
CONSERVATION COMMISSION  
AUGUST 14, 2019  
7:00 PM

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

Present: Jack Wiley (Chairman), Al Goetz, Betsey Dyer, Emidio Di Virgilio, Roger Turner, Doug Burchesky

Also present: Conservation Agent, Landis Hershey; Board Secretary, Amy Messier

The Conservation Agent Report dated August 14, 2019 was given to members.

Wiley opened the meeting at 7PM

**7:00 PM:**

**Continued hearing, Stormwater and Erosion Control Bylaw Regulation/ Walpole Wetland Protection Bylaw Regulations:**

Wiley opened the hearing, Hershey suggested to the Commission that this matter be continued to the 9/11/19 meeting due to the heavy agenda. Goetz made a motion to continue the hearing to 9/11/19 at 8:00 PM, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**7:01 PM:**

**Continued Notice of Intent/ Amended NOI, SR II Ventures LLC, 8 Gigi's Way, DEP #315-1184:**

Wiley opened the hearing and read board comments. John Glossa of Glossa Engineering was present, along with Applicant Michael Viano. Glossa went over the most recent amended plan dated 7/25/19 that includes a phasing plan and the amount of altered resource areas (permanent & temporary). Turner suggested that wing-walls be installed to mitigate erosion, and Hershey stated that the control structure needs to be labelled on the plan. Viano stated that he had talked to his abutting neighbor regarding the proposed project as requested by the Commission at the last hearing. Wiley opened the hearing to the public for comment, which there was none. With minor additions needed to the plan, and conditions discussed and recommended in the Agents Report, Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky). Goetz made a motion to issue an order of conditions contingent upon plans reflecting items discussed above with conditions discussed, seconded by Dyer, the motion carried 5-0-1 (Wiley, Goetz, Dyer, Turner, Di Virgilio in favor; Burchesky abstained).

**7:15 PM:**

**Continued Notice of Intent, by Wall Street Development Corp., Burns Ave., DEP #315-1200:**

Wiley opened the hearing and read board comments. Applicant Lou Petrozzi of Wall Street Development was present, as well as Rob Truax of GLM Engineering, Paul Mcmanus of EcoTec, and Marta Nover from BETA Group. Marta explained to the Commission the review of the site during the visit in the field, and the explanation that the area in question is generally not considered degraded in Beta's opinion. With BETA's most recent peer review dated 8/13/19, and recent plan changes involving changes in degraded area, stormwater mgmt. system, limited project status, and alterations of buffer zone adjacent to Traphole Brook, Goetz made a motion to continue the hearing to 9/11/2019 at 7:30 PM, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**7:30 PM:**

**Notice of Intent, Brush Hill Partners, LLC, lot 13 Arlington Ln., DEP#315-**

Wiley opened the meeting, and read a letter on behalf of the Applicant requesting a continuance to the next meeting available. Hershey stated that the office still has no documentation that the NOI was filed with DEP, and that since the Applicant has not withdrawn the application, it should be taken off the Agenda due to failure to properly file. The Commission unanimously agreed to remove this item from future agendas.

**7:31 PM:**

**Continued Notice of Intent, Supa Cars, LLC., 1900 Main St., DEP #315-1186:**

Wiley opened the hearing, Hershey stated that no additional information has been received, and that the Applicant has continued to work within the rear yard with no stormwater management and continue to violate the active Enforcement Order. No one was present for the hearing, Goetz made a motion to continue the hearing to 9/11/19 at 8:05 PM, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**7:35 PM:**

**Abbreviated Notice of Resource Area Delineation, 55 SS, LLC., 55 Summer St., DEP #315-1205:**

Wiley opened the hearing, and read board comments. Hershey stated that she reviewed the wetland boundaries in the field with Oxbow on 8/13/19, with minor changes made in the field. Hershey stated that the vernal pool be noted on the plan and the groundwater breakout at flag B82-B83. The intermittent stream in the wetlands was not noted on the plan, and should be. Hershey recommends approving the boundaries. Dyer made a motion to approve the boundaries as is, seconded by Di Virgilio, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**7:45 PM:**

**Amendment to Order of Conditions, Town of Walpole, Memorial Pond, DEP# 315-1137:**

Wiley opened the hearing, and read board comments. Hershey stated that this amendment is to include hydro-raking to remove invasive and nuisance vegetation. Allan Patterson of ESS was present was explained to the Board the proposed is to hydro-rake the northeastern area of the pond, which will be an excavator-like device on a barge to aid in the removal of nuisance plant material to address the above-ground growth and within the sediment. Work will most likely be completed in early spring of 2020, along with the area to be monitored after to ensure that the plants that are to be planted in place of the nuisance vegetation are growing well. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky) Goetz made a motion to issue an amendment to the order of conditions, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**8:30PM:**

**Notice of Intent, Optima Hospitality Group, 990 Boston Prov. Hwy., DEP # 315-1206:**

Wiley opened the hearing and read board comments. Hershey stated that this project is for a hotel that is located half in Sharon and half in Walpole, and stated that after reviewing the plans for this project that she has no

specific concerns. Joanna Hilvert of Macchi & Macchi was present, along with the Applicant David Wluka. Wluka explained that the project involves parking, utilities and grading within the buffer zone of BVW. It was noted that all water runoff will be accounted for in Sharon. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky) Goetz made a motion to issue an order of conditions, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

#### **Minor Modification: Wall Street Development, Burns Ave., DEP #315-1120:**

Hershey stated that this minor modification request is to do some more remediation on-site within the riverfront area. Petrozzi stated that he intends to excavate, backfill and plant with wetland seed, and that testing is to occur on 8/26/19, and will send samples for analysis. Goetz made a motion to consider the proposed work a minor modification to the existing order of conditions, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

#### **GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS:**

Minutes: 7/10/19: Di Virgilio made a motion to accept minutes, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Extension fees: Commission discussed fees for extensions, Wiley recommended the new fees reflect ten percent of the calculated fee plus any prior extension and/or amendments subject to a minimum of \$100 and a maximum fee of \$570- effective immediately, with the \$100 fee for a single family house remaining as is. Goetz made a motion to accept the new extension fees noted above, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

#### **Enforcement Orders/ Notice of Noncompliance:**

Main St. #1900, DEP #315-1043 (deadline 5/1/18): no update

Boyden Estates – Summer Street DEP #315-1099 – Notice of Noncompliance 4/25: Erosion controls and slope along lot 5 continue to be in noncompliance, photos were taken on 8/8/19 by Hershey. Wall Street Development has until 8/30/19 to stabilize the site according to the court magistrate.

Patriots Tavern- 100-104 Main St.: Letter submitted requesting to continue this discussion to 9/11/19 agenda.

#### **Request for Certificate of Compliance** (vote required)

TMC 100 ELM, Elm St. Lot 6 parking lot, DEP# 315-1131: Goetz made a motion to issue a certificate of compliance, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

#### **Request for Extension**

Jack McChesney, 255 Bullard St, DEP# 315-971: Goetz made a motion to issue a 1 yr. extension, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

#### **Correspondence/ Other Business:** N/A

#### **Board Comments**

ZBA: 149 Production Rd. (kennel): existing building with activity not within the buffer zone.

145 Production Rd. (motorcycle repair): existing building with activity not within the buffer zone.

4 Cranberry Lane (existing basement in-law): non jurisdictional

Burns Ave waiver requests : do not waive 25 no alteration, and provide letter to ZBA

2180 Bos Prov. Hwy. (signage): non jurisdictional

PB: Renmar (refile): Requires an Amended OOC

Turner made a motion to adjourn, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

**The meeting adjourned at 11:00 PM.**