

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
SEPTEMBER 11, 2019
7:00 PM

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

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

Absent: Al Goetz

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

The Conservation Agent Report dated September 11, 2019 was given to members.

Wiley opened the meeting at 7PM

7:00 PM:

Notice of Intent, David Corbett, 7 Pinnacle Point, DEP #315-1207:

Wiley opened the hearing, and read board comments. William Corbett was present on behalf of the Applicant, along with Joshua Borden of Borden & Assoc. Pictures were distributed at the meeting depicting the current status of the area, and explained to the Commission that the purpose of the proposed work is to make the property safer due to safety concerns, along with being able to utilize more of the yard. The Applicant is proposing to backfill to the wall and fill it to the boundary line. Hershey stated that she visited the site and agrees with the Town Engineer regarding his comments on how the slope will be engineered and stabilized in detail. Wiley opened the hearing for public comment which included;

John Hasenjaeger of 11 Pinnacle Dr.: stated that he does not object to the project, however he objects to the plan that is currently before the Commission, and recommended that another plan be submitted that show easements, sewer lines, and should consider a retaining wall.

The Commission stated that the Applicant needs to provide info regarding the engineered slope with specifications. Dyer made a motion to close the hearing, seconded by Burchesky, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky) Dyer made a motion to issue the order of conditions contingent upon the Applicant addressing items per the Town Engineers comments, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky).

7:15 PM:

Land Disturbance, Providence Hwy. Realty Ventures, LLC., 623 Bos. Providence Hwy.:

Wiley opened the meeting and read board comments. Dan Merrikin from Legacy Engineering was present on behalf of the Applicant and explained to the Commission that this property is a used car lot, existing conditions have an old building and a paved parking area for outside parking and car storage. The Applicant is proposing to expand the outside parking and to take down the existing building and replace it with a new building. The

Applicant is proposing a new stormwater mgmt. system that will replace the existing one, and filling the current open basin and replace with an underground filtration system. Erosion controls are in place around the perimeter of the work area, and they are disturbing approx. 1.25 acres of land, with no wetlands located on the site. As of this moment, no vehicle maintenance or washing is proposed inside the building or outside. Hershey stated she had no further comments other than the ones mentioned by the Town Engineer in his comment letter. Dyer made a motion to close the hearing, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky). Dyer made a motion to issue a Land Disturbance Permit with the condition that the Applicant update the Commission on what chemicals they use on any cars, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

7:30 PM:

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

Wiley opened the hearing, Applicant Lou Petrozzi of Wall Street Development was present, along with Rob Truax of GLM Engineering and Paul McManus of EcoTec. Revised plans dated 9-4-19 were submitted to the Commission on 9-5-19, along with a letter explaining the revisions from EcoTec and GLM. A legal opinion was submitted by the Applicant in the morning on 9-11-19 from Rackman & Sawyer regarding the degraded riverfront area and a previous Order of Conditions. Truax went over the revised plans dated 9-4-19 that depicted a reduction in the number of proposed units from 36 to 32, along with the units and cul-de-sac being pulled back to reduce the impact of the riverfront area. The plans also depict a re-arranged drainage system that shows all the runoff from the impervious surfaces on the site going into a recharge system prior to the detention basin. The outlet structure has been moved from the middle of the basin to the far end, with water traveling the full length of the basin in order to lengthen the flow path of the water before it discharges out of the drainage system. Lastly, there is the addition of 14 red maples are being proposed on the edge of the wetland, and more restoration to the 25 ft. buffer. Hershey stated that a more detailed plan with final grades regarding the proposed removal of material and replacement of topsoil is needed. Petrozzi stated that he has no objection to the adding of additional materials to restore the grades. Wiley opened the hearing up to the public for comment which included;

- Barrows of Union St.: restoration plan, Pickerel Brook, placement of utilities

Applicant requested to continue the hearing to 9/25/19, Dyer made a motion to continue the hearing at the request of the Applicant to 9/25/19 at 7:45 PM in Room 112, seconded by Turner, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky).

8:00 PM:

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

Wiley opened the hearing, Dyer made a motion to continue the hearing to 9/25/19 at 8PM in Room 112, seconded by Turner, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

8:05 PM:

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

Wiley opened the hearing, no new information has been submitted by the Applicant or by anyone on their behalf. No one was present at this time either. Wiley stated that he would like this hearing to be put on the Agenda for the next meeting, and to ask the Applicant for a response via email/mail regarding what action they'd like to take regarding their Application. Wiley stated that if they do not provide a response, the Commission will deny the application due to lack of information, and that they are still responsible for stormwater mgmt. and will have to refile a NOI, and files will ensue if they do not proceed accordingly. Dyer made a motion to continue the hearing to 9/25/19 at 8:05 PM, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

8:10 PM:

Notice of Intent, Daniel & Alisha Dynan, 42 Sawmill Rd., DEP #315-1208:

Wiley opened the meeting and read Board comments. The Applicants were present and explained to the Board that they are proposing backyard work in the existing lawn area consisting of removal of an existing playset in the back corner of the lot, and proposing the installation of an in-ground pool, paver, and patio within the two sections of the landscaped perimeter of the pool. All proposed work is within the existing lawn limits which is also within the buffer, and there are existing wetland bounds outside of the existing fence at the lawn limit. An erosion control plan was submitted that wraps completely around the work area, with stock pile area, stabilization and construction notes/ details on plan. Hershey walked the site and has no specific concerns with the site and the proposed pool. The pool proposed is salt water, with any backwash/flushing that is needed to be done into the lawn with minimal chlorine content, with water remaining in the pool year round. Hershey suggested a condition to not allow any discharging directly into the wetlands. The revised plans submitted at the hearing depict the new access to the walkway and a door proposed on the east side, and the removal of the door on the south side of the garage and the re-arrangement of one paver, which are all still within the limits of the original plan submitted. Wiley opened the hearing up to the public for input which there was none. Dyer made a motion to close the hearing, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky). Dyer made a motion to issue an order of conditions with the condition mentioned above, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky).

Minor Modification, John Felice, 20 Emerald Way, DEP #315-1125:

John Felice (one of the property owners) was present, and explained to the Board that the proposed minor modification is for the removal of 13 trees between their property and the wetlands, due to safety concerns and previously fallen trees that were costly to remove. It was stated by the Felice that the removal of the trees is not going to impact groundwater or canopy for wetlands due to the trees being small, and that there is a presence of a natural stone wall that will provide a canopy to the wetlands. Pictures were submitted to the Commission of the trees that are being removed. Felice stated that he has planted 21 trees on the property, and would like to propose a landscaping area in the corner of their yard, and are willing to plant more shrubbery/low growth (approx. 8-10 plantings) in the place of the trees removed. Dyer made a motion to vote the proposed work a minor modification, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky).

Minutes: Dyer made a motion to accept the minutes of 8/14/19, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

Enforcement Orders/ Notice of Noncompliance (Vote may be required)

Main St. #1900, DEP #315-1043 (deadline 5/1/18)

Boyden Estates – Summer Street DEP #315-1099 – Notice of Noncompliance 4/25: Court date of 9/17/19

Patriot Tavern – 100-104 Main St.: requested to be on next Agenda to address matter.

Request for Certificate of Compliance (vote required)

Metco Realty, 2 Lois Drive, DEP #315-1201: Goetz made a motion to issue the Certificate of Compliance, seconded by Dyer, the motion carried 6-0-0 (Wiley, Goetz, Dyer, Turner, Di Virgilio, Burchesky)

Request for Extension

Diamond Builders, 15 Evergreen Ln. (lot 17), DEP #315-843: Dyer made a motion to issue a 1 yr. extension, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

Diamond Builders, 12 Arlington Ln. (lot 18), DEP #315-831: Dyer made a motion to issue a 1 yr. extension, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

Louis Hoegler, Lost Brook Trail, DEP# 315-847: Dyer made a motion to issue a 1 yr. extension, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

Wall Street Development, Boyden Estates Subdiv., DEP #315-1099: Applicant submitted a check to the Commission, and therefore a 1 yr. extension will be issued.

Board Comments

Planning "BidCars" Boston (623 rte. 1) : Update Planning on issuance of Land Disturbance of tonight's hearing
Planning: Sycamore Heights (prelim. Subdiv. Plan): May need to file with Con. Comm. if disturbing more than 40,000 s.f.

Dyer made a motion to adjourn, seconded by Di Virgilio, the motion carried 5-0-0 (Wiley, Dyer, Turner, Di Virgilio, Burchesky)

The meeting adjourned at 9:45 PM.