

CONSERVATION COMMISSION



Town Hall

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Town of Walpole *Commonwealth of Massachusetts*

MINUTES CONSERVATION COMMISSION SEPTEMBER 26, 2018 7:00 PM

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

Present: Jack Wiley (Chairman) Al Goetz (Vice Chairman) Betsey Dyer, Emidio Di Virgilio

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

Absent: Regen Milani; Roger Turner

The Conservation Agent Report dated September 26, 2018 was given to members.

Chairman Jack Wiley opened the meeting at 7:00 PM

7:00 PM:

Request for Determination, by Scott Kushner, 24 Tanglewood Road:

Wiley opened the hearing, Applicant Scott Kushner was present, and explained to the Commission that he is seeking a Determination for the installation of an in-ground pool which will be located on the far-side of the house that's furthest away from the wetlands and positioned out of the 100 ft. buffer zone, along with the installation of a fence surrounding the pool and a patio. It was stated that the wetlands have been delineated and were flagged at the tree line. The fence will be located in an already grassed area and the pump is to be placed outside of the buffer zone as well. Excavation materials will be taken off site, and the Applicant was made aware that he and the contractor are responsible for any sediments to be contained on site, and if they were to get into the road, it shall be swept. Wiley opened the hearing up to the public for input, which there was none. Goetz made a motion to close the hearing, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio). Goetz made a motion to issue a Negative 1 Determination, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio).

7:15 PM:

Continued Notice of Intent, by Rojo Inc., N.E. Pine Street/ Rte. 1, DEP #315-1171:

Wiley opened the hearing and read a letter addressed to the Commission from the Applicants engineer, John Glossa of Glossa Engineering, for a request to continue the hearing to the next Conservation Commission meeting. Goetz made a motion to continue the hearing to October 10, 2018 at 7:15 pm, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio)

7:20 PM:

Continued Notice of Intent, by Susan Brissette, 100 Rustic Road, DEP #315-1157:

Wiley opened the hearing and read a letter addressed to the Commission from the Applicants representative, Frank Gallagher, requesting to withdraw the application for a Notice of Intent without prejudice, and to also refund the filing fees. Goetz made a motion to accept the request to withdraw the application without prejudice, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio). Goetz made a motion to not refund the filing fees, and instead, to apply the amount already paid to a re-file/ new filing if the Applicant were to file within the next 12 mos., seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS:

Minutes: No minutes were approved at this time.

Orders/ Notice of Noncompliance:

1900 Main St. DEP#315-1043: Hershey stated that her last inspection of the property was 8/15/18 and nothing has changed since the last update at the last hearing. The Commission was made aware that they are currently before the Zoning Board of Appeals and their hearing has been continued to 10/17/18. The Board of Selectmen sent a letter to various departments asking for their comments and updates since their deadline to comply with the Board of Selectmen is 10/31/2018. The Commission will issue a letter addressed to the Board of Selectmen with the latest update of the property regarding conservation issues and the current status.

Boyden Estates- Summer Street, DEP #315-1099: Hershey stated that the site is currently stable, and an email was sent to Petrozzi to address wood chips on the slope; slope stabilization before winter; stormwater flow from South Street, and a lack of stormwater in the basin. The Commission stated that the wood chips and mulch should be replaced with seeding mats with a deadline of 10/15/18, along with curbing the water flowing down the street, vegetating the corner and stabilizing the banks- also with a deadline of 10/15/18. Goetz made a motion that fines will be issued at \$300 per day for each violation that is not completed by 10/15/18, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio).

Echo Estates (Main St.)- Anthony Rosetti 9/20: Hershey stated that she has issued an Enforcement Order for this property with regards to immediately addressing the erosion control issue due to sedimentation to wetlands. The clean-up of sediments, re-establishing of erosion controls and stabilization of the site need to be addressed and fixed. Goetz made a motion to approve the Enforcement Order, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio). It was stated that after the site is stabilized, Mr. Rosetti needs to come before the Commission with a proposed plan on restoration of the wetlands by the next Commission meeting of 10/10/18. Goetz made a motion to fine \$300 per day starting on 9/20/18 and continuing until the erosion controls are in place and corrected, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio).

243 Bullard Street: Hershey stated that she had a meeting with the Jansens (owners of 243 Bullard St.) earlier in the day and explained to the Commission that they had installed a pipe into the intermittent stream running from 255 Bullard Street across their property of 243 Bullard St. to 231 Bullard Street. The Jansens stated to Hershey that the installed the pipe because the water was settling on their

property and not flowing through. It was noted that this was done without a permit, and the Jansens stated that there were other various things going on on either side of their property which is why the water wasn't moving. The Jansens stated they will attend the 10/10/18 meeting and are aware that they are in violation of the Wetlands Protection Act and Bylaw. It was stated to the Jansens that the pipe needs to be removed, and in the meantime, Hershey will visit the abutting properties to see what is happening- it was stated that this has been an ongoing issue.

Dynasty Harbor: 1419 Washington Street: Hershey stated that there are piles of dirt that need to be removed at this property.

Requests for Certificate of Compliance:

Civil Design Group, LLC., 1324-1336 Main St., DEP #315-1058: not issued at this time.

Requests for Extension:

Walsh Bros. Building Corp. Lot 26 Daylily Lane, DEP# 315-1069: Goetz made a motion to issue a 1 yr. extension, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio)

Walsh Bros. Building Corp. Lot 27 Daylily Lane, DEP# 315-1070: Goetz made a motion to issue a 1 yr. extension, seconded by Dyer, the motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio)

Correspondence/ Other Business:

Amec foster wheeler- Phase V Status and Remedial Monitoring Report re: 100 Neponset St. (dated 8/30/18)

MASS DOT: Hershey stated that she and Wiley met with MASS DOT earlier in the week regarding the appeal of the Order of Conditions for the railroad. It was stated that a superseding order will be written.

Traphole Brook: Goetz stated that he has received calls regarding stuff washing up and clogging the brook, it was recommended that the DPW remove the sediments so the water can flow under the stream.

Board Comment Requests:

ZBA:

12 Hummingbird Ln.: no jurisdiction

87 Lewis Ave: Needs to file with Conservation due to work within the riparian area.

164 Pine St.: no jurisdiction

Goetz made a motion to adjourn, seconded by Dyer. The motion carried 4-0-0 (Wiley, Goetz, Dyer, Divirgilio). The Commission adjourned at 8:20 PM