



## **CONSERVATION COMMISSION**

### **Town Hall**

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## **Town of Walpole** Commonwealth of Massachusetts

### MINUTES CONSERVATION COMMISSION January 11, 2016

**This meeting was taped and will be available on [walpolemedia.tv](http://walpolemedia.tv)**

Present: Jack Wiley, Chair; Al Goetz, Vice Chair; Betsey Dyer, James Finnegan, Emidio Di Virgilio, Roger Turner and Kathleen Watson

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

The Conservation Agent Report, 1-11-2016 was given to members.

#### **7:00 pm NOI Public Hearing, 7 Olmstead Lane, Lot 10, DEP# 315-1118**

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Wetlands Protection Act, and the Town of Walpole Wetlands Protection Bylaw, notice is hereby given of the intent of JTS Development to construct a house at Olmsted Lane Lot 10.

Jack Wiley read the comment letters from the Planning Board, Finance, Board of Health and Town Engineer (12/20/2017). The Board of Health voted unanimously against construction within the 100 ft. buffer zone, no other comments were made from other Boards or departments.

John Glossa from Glossa Engineering, Bill Moore and JTS Development discussed the plan dated 1/11/2017, which entailed modification from the plan submitted with the Request for Determination, Revisions included placement of the house 15 ft. closer to street, a smaller driveway, more space between lot 10 and 9 and driveway and noted that the lot has municipal water/ sewer, with the drain not connected.

Landis Hershey addressed comments from her Agent's Report and said that the existing sewer line will not affect Lot 10, and additional erosion controls should be in place at culvert during construction. She also commented about special conditions to be included with the boiler plate.

Roger Turner stated that the driveway to Lot 9 is in a 25 ft. easement and goes into Lot 10.

Al Goetz, Betsy Dyer and Landis Hershey commented and agreed that there is a concern regarding the backyard being filled by future owners other than the current owners.

Landis Hershey stated that the culvert under the driveway for lot 9 was designed to allow lot 10 to drain properly not because of a concern with the wetland.

Jack Wiley commented that the contour elevation of 180-184 should be maintained and that this should be a condition.

The Applicant was told that the Order of Conditions would be issued when the revised plan is received.

**A motion was made by Al Goetz to vote to close the public hearing, the motion was second by Betsey Dyer. The vote carried 7-0-0 (Wiley, Goetz, Dyer, Finnegan, Di Virgilio, Watson, Turner)**

#### **7:15 pm NOI Public Hearing, Gigi's Way, Lot 30, DEP # 315-1117**

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Wetlands Protection Act, and the Town of Walpole Wetlands Protection Bylaw, notice is hereby given of the intent of SR II Ventures for the construction of a barn on Lot 30 Gigi's Way partially within the 25-foot no alteration area.

Present was Michael Viano of SR II Ventures attended along with John Glossa from Glossa Engineering.

Jack Wiley read the comments from the Board of Health, in which they stated that the Board unanimously object to any building within the 25-ft buffer zone. Planning Board commented that the Applicant needs to come back to Planning Board if barn is moved to lot 30. Town Engineer comments dated 12/20/2016 were read.

Michael Viano discussed the proposed barn to be constructed within the 25-foot no alteration area and the proposed mitigation of invasive species removal prepared by Tom Liddy, Lucas Environmental.

John Glossa presented the plan submitted with the NOI. Described pasture oak to be saved, restoration plan and location of barn, driveway, wall and manure container.

Landis Hershey stated her concerns regarding manure management, the size of the driveway, the wall detail, and the location of the restoration as listed in her Conservation Agent's Report which she had shared with the Applicant.

John Glossa stated that he made revisions to the plan based on Landis Hershey's comments. The revisions included: moved building 5 feet to the right, door to barn to be in the front instead of on

the side for the horses which decrease driveway, 7.5 foot wall detail added and also proposed a 10 cubic yard dumpster for manure management which is 8x8 feet with a height of 4.5 feet.

Kate Watson commented that the second set of plans looks more acceptable.

Landis Hershey, Kathleen Dyer and Roger Turner expressed concern and raised questions in regards to manure management and possible drainage from barn if storage unit is not correctly sealed.

Betsey Dyer wanted the Applicant to have plans by an architect showing how the barn would work. She wanted additional comments from the Board of Health regarding the manure management.

Al Goetz wanted to know if the barn could be located somewhere else on lot 30. He wants to see a plan of the entire lot and reminded the Commission that they did not want the barn located on the Open Space parcel under the CR. He is also concerned with the manure management. He is ok with the encroachment of the 25-foot no alteration area.

Jack Wiley asked about where restoration area was located.

John Glossa stated it was between WF 1-52 within bubble shown on the plan.

Michael Viano stated that he was not ready to submit the entire plan for lot 30 which will include a house and wetland restoration plan.

Jack Wiley stated that if the Applicant complies with the BOH requirements that this should satisfy the Commission.

Betsey Dyer stated she would like to have BOH weigh in on the design.

Landis Hershey stated that the board should be discussing if they would allow activity within the 25-foot buffer zone.

Emidio DiVirgilio asked why they should make an exception to the 25-foot no alteration area.

Jack Wiley stated if the proposal includes an enhancement plan.

**Jim Finnigan made a motion to vote on allowing activity within the 25-foot no alteration area. Jack Wiley seconded the motion. The vote did not pass 3-4-0**

**( In favor: James Finnegan, Jack Wiley, Al Goetz)**

**(Against: Emidio Di Virgilio, Betsey Dyer, Kathleen Watson, Roger Turner)**

**Proposed Activity not allowed.**

**Betsey Dyer then made a motion to reconsider vote, Jim Finnigan second motion to reconsider, vote carried 5-2-0 (Emidio and Kate voted no)**

The Commission agreed that they would like to see several things before going forward with anything further. The Commission requests were as follows; site plans for the entire property instead of just the barn, input from an architect familiar with building stables, and more comments from Board of Health.

**A motion was made by Betsey Dyer to continue the hearing until January 25, 2017 at 7:30 pm, the motion was seconded by Al Goetz. The vote carried 5-2-0 (In favor: Al Goetz, Jack Wiley, James Finnigan, Roger Turner, Betsey Dyer)  
Against: Emidio Di Virgilio, Kathleen Watson)**

**Request for Determination of Applicability by Brien Lane, 1 State Street for a septic system**  
Present was Brian Lane, who is requesting the installation of a new septic system to replace the failed system. Wetlands are at least 50-feet away and across the roadway.

**A motion was made by Al Goetz to issue a Negative #3 Determination , the motion was seconded by Betsey Dyer. The Vote carried 7-0-0 (Wiley, Goetz, Dyer, Finnigan, Turner, Di Virgilio, Watson)**

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

**Main Street # 1900, DEP #315-1043** Active enforcement- No further action at this point. The Board of Selectmen issued Class II- Used car Dealers permit with conditions to comply with other boards and Commission. They must comply with Conservation Commission conditions by June 1, 2017.

#### **Request for Certificate of Compliance, 4 Cove Point Way, DEP #315-1005**

Certificate of Compliance issued with continued special conditions 17, 18, and 19 as mentioned in Conservation Agents report on 1/11/2017

**Al Goetz made Motion to issue a Certificate of Compliance with continued conditions Special Conditions 17, 18, 19 Betsey Dyer seconded the motion, the vote carried 7-0-0 (Wiley, Goetz, Dyer, Finnigan, Di Virgilio, Turner, Watson)**

**16 Warren Lane, DEP# 1007:** Placed on hold until more information is presented to the Board. Roof infiltrators need to be verified as installed and located on As-Built plan.

**16 Warren Lane, DEP# 315-1027:** Placed on hold until more information is presented to the Board. Two sets of As-Built plans are needed and alteration plaques are not secure on top of posts.

#### **Request for Certificate of Compliance by Michael Viano for 43 Walden Drive DEP #315-1061.**

**Emidio DiVirgilio motioned to issue a Certificate of Compliance with continued conditions 18 and 19, Kate Watson second the motion, the vote carried 7-0-0 ( Wiley, Goetz, Dyer, Finnigan, Turner, Di Virgilio, Watson)**

**Al Goetz made a motion to approve minutes of 12/14/2016, Betsey Dyer seconded the motion, vote carried 7-0-0 (Wiley, Goetz, Dyer, Finnigan, Turner, Di Virgilio, Watson)**

**Jack Wiley made motion to close the meeting, Al Goetz seconded motion, Vote carried 7-0-0 (Wiley, Goetz, Dyer, Finnigan, Turner, Di Virgilio, Watson)**

The Commission adjourned at 8:50 pm