



**CONSERVATION  
COMMISSION**

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**Town of Walpole**  
Commonwealth of Massachusetts

CONSERVATION COMMISSION MINUTES  
OCTOBER 12, 2016  
(approved 10-26-16)

**Present:** J. Wiley, Chair  
A.Goetz, Vice Chair, B.Dyer, R.Turner, J.Finnigan, E.DiVirgilo, K.Watson  
Also present: Agent L.Hershey

The Conservation Agent Report, 10-12-12016 (as attached) was given to members.

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

**Public Hearings, Meetings and Discussions**

**7:00 pm Notice of Intent Public Hearing for 545 South Street opened.**

Construction of a commercial building within the 100-foot buffer zone to BVW and a portion of the work within the outer riparian area of the Neponset River jurisdictional under the MA Wetlands Protection Act, and work within 100-feet of isolated wetlands (potential vernal pool) jurisdictional under the Walpole Wetland Protection Bylaw.

Return receipts were passed in.

Notification of Wetlands Protection Act File Number received: **DEP SE #315-114**

Margaret Walker, Town Engineer, comment letter dated 10-06-2016, addressed to the Planning Board and the Conservation Commission was read into the record. A copy had been received by the Applicant's representative.

Assistant Treasurer/Collector , letter dated 10-03-2016, was reviewed.

The Chair asked the Applicant to present the project

Dan Merrikin, representing the applicant presented the plans for a multitenant commercial building within 100 feet of bordering vegetative wetlands, within the outer riverfront area of

the Neponset River, and within 100-feet of an isolated wetlands and potential vernal pool jurisdictional under the Walpole Wetlands Protection Bylaw. Mr. Merrikin explained that the 100-year flood plain to the Neponset River is located on the plan however no activity is proposed within the flood plain. The property is about 9.5 acres. The project fits into approximately 3 acre mostly upland area outside of the 25 foot no disturb areas. The remaining 6.5 acres is proposed to be donated to the Conservation Commission. Some of that land to be donated abuts other conservation areas.

Mr Merrikin said he would be incorporating the revisions and comments from the Conservation Agent Report and the Town Engineer's comment letter. In order to do this he asked to continue the hearing until 11-09-2016.

K. Watson asked about the snow storage on site.

Mr. Merrikin answered that snow storage run off would not be discharging towards the wetlands because of the storage areas sloped away from the wetlands.

R.Turner asked about how the oil and other fluids from the parking area would be contained?

Mr. Merrikin responded that there would be deep sump catch basins installed to catch those contaminants.

B.Dyer noted that once the 6.5 acres was donated, the remaining site would be covered by impermeable surface beyond what is typically allowed by zoning.

Mr Merrikin answered that they would have to go to Planning Board for a special permit for that unusual situation.

A.Goetz asked whether gravel excavations had occurred in the isolated wetland and finger projection wetland.

Mr Merrikin said not to his knowledge and certainly not recently as the trees are at least 40 years old. The gravel and wetlands of the property seem to be part of an ancient glacial outwash.

J.Wiley stated that "haybales" as shown on the plan should be replaced with straw bales or erosion control socks for erosion control.

J.Wiley requested that the Applicant consider providing the town with a trail easement from South Street along the westerly boundary of the property for access to the proposed donated land.

Mr Merrikin believed that this would be amendable to the Applicant.

**A motion was made by A.Goetz, second B.Dyer, to continue the public hearing to November 9, 2016 at 7:00 pm  
Vote carried 7-0-0**

## **BUSINESS MEETING**

### **Request for Certificate of Compliance for DEP# SE 315-1006 by the League School of Greater Boston at 300 Bos-Prov. Highway. Representative Highpoint Engineering.**

L.Hershey Conducted a site visit on 10-12-2016 and reviewed the As-built plan, recommended issuing full Certificate of Compliance.

**A.Goetz made a motion to issue the Certificate of Compliance with any noted continuing conditions, B.Dyer second.**

**Voted carried 7-0-0**

## **BOARD COMMENTS**

### **Request from the Planning Board for comments on 545 South Street, Southside Neponset, LLC, Richard Shields: Site Plan Review No. 16-10 and Special Permit No. 16-11**

Include in comment letter that the Conservation Commission heard the project on 10-12-2016 and continued the public hearing on 11/09/2016 for revisions to the plan.

The Commission supports the special permit to allow extra impervious coverage in light of the planned donation of land and a trail easement from South Street along the westerly border has been requested and that the Applicant's representative Mr. Merrikin indicated that this would be possible.

### **7:30 pm Notice of Non-compliance Mr. and Mrs. DiCicco, 109 Coney Street**

L.Hershey presented to the Conservation Commission the *Notice of Noncompliance* which she sent out to Mr and Mrs DiCicco of 109 Coney Street on 10-04-2016 after a site visit to the property in response to a call about a potential wetland violation. She observed the removal of wetland vegetation with a small excavator within an area where wetlands vegetation and organic rich wetland soils were observed in the field. She stated that before going to the site the Restricted Wetlands Maps of 1970 were reviewed and confirmed mapped wetlands and riverfront area of the Traphole Brook in the area of concern. The operator of the small excavator was told to stop the activity and then he brought me to Matt DiCicco, who was on-site and identified himself as the current owner of the property. Mr. DiCicco was told to cease

all activity within the wetlands and riverfront area and I explained the Ma Wetlands Protection Act. He was told that he would have to come to the Conservation Commission.

Mr. and Mrs. DiCicco, new owners (as of September 2016) of 109 Coney Street along with an abutting neighbor Bill Lombardi (91 Coney St) came before the commission to discuss the Notice of Noncompliance.

Mrs. Diccico explained that she understood that the field had been cut over the years and had been used for hay and pasture in the past. She believed that the activity could continue.

Mrs DiCicco presented a history of the 15 acre property which was part of a dairy farm in the 1920s and then continue as a farm in her own family since the 1950s. Her grandfather, age 95 was not able to mow his field since 2013 and the last animal he was able to take care of (a horse) was in 2012. The DiCicco's purchased the property from Mrs DiCicco's grandfather and he lives with them. The family intends to continue with agricultural activities including raising chickens, bees, possibly goats, fruit trees, hay, and vegetables. They also intend to have a farm stand. They argued that since 5 years had not elapsed the agricultural activity could be considered continuous since the 1920s.

L.Hershey stated that there are exemptions and limited project status within the Wetland Protection Act regulations for Agricultural activity however that the owners would need to file with the Conservation Commission for review.

Mr. DiCicco stated that he didn't understand why he could not use this part of his property and presented the Commission with google photos of the field area over various years showing some cutting of the area in question.

B.Dyer discussed the past agricultural activities and intent of the owners to use the property for an agricultural use. She stated that the agricultural use should be preserved.

A.Goetz stated that the wetland boundary and distance from Traphole Brook need to be delineated and surveyed onto a plan first before the Conservation Commission could make any determinations.

J.Wiley asked Mr. DiCicco if the property was under 61A tax status or if they had an approved agricultural plan.

Mr. DiCicco answered no but that the land had a wetlands tax assessment.

Mr and Mrs DiCicco stated that they would consult with someone familiar with Agriculture regulations and legislation.

Minutes from the Meeting of 9-28-2016  
Reviewed and approved with edits  
A.Goetz made a motion, second K.Watson  
Voted carried 4-0-3

#### ENFORCEMENT

Enforcement Order  
1900 Main Street  
Jay Santos and Melissa Young

L.Hershey reported that she had emailed Ecosystem Solutions who flagged the property and was told that the flagging had been done months ago. The wetland specialist confirmed that there was wetland along three boundaries of the property and that the flags were hung at the limit of the current work.

J.Wiley stated that he had been in contact Melissa concerning the finishing of the survey.

#### OTHER

B.Dyer requested a discussion for the next meeting concerning the comments made by Conservation Services, EOEa about some specific aspects of the Conservation Restriction for the open space land at Roscommon.

B.Dyer made a motion to add the discussion to the Agenda for 10-26-2016 meeting and to let the owners of Roscommon know about it.

Second K.Watson

**Vote carried: 7-0-0**

**Moved to adjourn: A.Goetz made a motion to adjourn meeting  
Second K.Watson**

**Vote carried: 7-0-0**

/:Bd  
Lh