

**CONSERVATION  
COMMISSION**

**Town Hall**  
Room 212  
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**Town of Walpole**  
Commonwealth of Massachusetts

**MINUTES**  
**Approved**



CONSERVATION COMMISSION  
MARCH 27, 2024  
7:00 PM

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

**Commissioners Present:** Jack Wiley (Chair), Betsey Dyer (Vice Chair), Al Goetz, Emidio DiVirgilio, Doug Burchesky, Bailey Ziemba, Dean Bebis

**Staff Present:** Landis Hershey (Conservation Agent), Joshua Baker, Board Assistant

**Absent:**

Jack opened the meeting at 7:00PM.

**PUBLIC HEARINGS AND DISCUSSIONS:**

***Land Disturbance Permit/Walpole Bylaw: 7 Brook Lane, Union Square; Wall Street Development***

Wiley read the public notice into record as well as a letter from the Town Engineer. The letter noted that the applicant should provide verification that the agreement of sale is still valid. The letter noted that the Erosion Control Barrier line needed to be extended and that the plan needed to show the temporary sedimentation basins. The Town Engineer provided further comments on the driveway and stormwater as well as details of the plans, the applicant was made aware of these comments and agreed to remediate them with both the Town Engineer and Conservation Agent.

Hershey asked if the applicant needs a document from the town allowing work in the Right of Way. Rob Truax, GLM Engineering Consultants, explained that there is no work currently proposed in the Brook Lane Right of Way though this may change and if it does they will go before the Select Board for approval before amending their application.

Truax provided an overview of the site history and permitting. Permitting for the site has been ongoing for over eight years with the proposed work changing over time. The site currently holds a comprehensive permit for the construction of 20 single-family houses as well as a Superseding Order of Conditions issued by Mass DEP. The neighbors were unhappy with the project and asked the applicant to reduce the scope of the work. The applicant agreed to reduce the number of dwellings to 15 which will take it out of

the comprehensive permit, and would need to be approved by the Conservation Commission and other town boards. The utilities and roadways remain unchanged by the reduction, but there will be less buildings. A perennial stream located to the south of the work site will be added to the plan and it will be determined if the stream projects a 200-foot Riverfront Area onto the site.

Hershey reminded that when the project was permitted as a 40b, the project was exempt from meeting the requirements of the Town's bylaws and now that the project is being put outside of the 40B permitting process, the bylaws will be a requirement for all work done. Hershey asked if they are planning on working under the existing permits and then switching over, and how that could be possible legally. Truax answered that the roads they are building under the existing permit would be the same under the new permit and that they will be requesting a waiver for the 25-foot No Disturb Zone requirement under the Walpole Wetland Bylaws. Hershey asked if they will be providing a Stormwater Pollution Prevention Plan. Truax said it will be the same as last time. Hershey requested that it be included in the application.

Bebis inquired if there will be any tree removal in the Riverfront Area. Truax answered that there won't be. Bebis inquired if there will be any stockpiling or if there was existing stockpiling. Lou Petrozzi, Wall Street Construction, answered that there are current stockpiles of debris from the foundations of the old buildings that are to be crushed and reused on site. There is also some debris piles to be removed from the 25-foot No Disturb Zone. Bebis asked how much soil will be taken from site or added to site. Petrozzi answered that it is undetermined at the moment. Bebis requested that there be erosion control barriers around the stockpiles and asked if all the buildings will be constructed at once since there is no subdivision. Petrozzi answered that the work would commence simultaneously but after stormwater and the road is constructed.

Wiley noted that there needs to be a formal request for a 25-foot No Disturb Zone waiver before deliberations can be made about work to occur in the 25-foot No Disturb Zone.

Hershey asked if after they removed the debris piles if the location will be filled with clean material. Petrozzi clarified that they will be and Hershey requested that it be made clear in the application.

DiVirgilio requested that the applicant be cognizant of the erosion control barriers and to keep them in good condition.

Goetz expressed that he is amenable to work occurring inside the 25-foot No Disturb Zone if ample and sufficient restoration is being proposed. Goetz requested that the Town Engineer and Agent comments be answered.

DiVirgilio inquired where the work in the 25-foot No Disturb Zone was going to be located. Truax answered that the work will be related to the grass access berm associated to a catch basin and outlet structure.

Dyer confirmed with Hershey that the waiver was defined in the Bylaw.

Wiley inquired if Petrozzi was still in agreement with the current property owner. Petrozzi answered that he was and he will become the title owner soon. Wiley asked Petrozzi to send verification.

William Usevich, 201 Union Street, expressed confusion over the permitting process. Hershey explained that the applicant currently has a comprehensive permit and a superseding order of conditions that they are working under and are now looking to apply to work under a new permit. Wiley clarified that all work will have to be permissible under the new permit and accepted plan.

Usevich asked if there will be any new soil testing. Wiley confirmed that they already did soil testing. Petrozzi explained that there is soil mitigation plan if contaminated soils are found during construction.

Cheryl Hayes Montville, 8 Brook Lane, expressed concern as a direct abutter over encroachment into the 25-foot No Disturb Zone.

A motion to continue the Land Disturbance Hearing for 7 Brook Lane to May 8<sup>th</sup> 2024 at 7:00PM was made by Dyer; seconded by Goetz. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

***Notice of Intent/ Land Disturbance Permit: 1049 West Street; M. Freiberger***

Wiley read the public notice into record as well as comments from the Town Engineer who had general concerns over the flow of stormwater and asked that grading be tightened to ensure water flows to the basin.

Scott Henderson, Henderson Consulting, provided an overview of the project. The combined lots of the work site are 7 acres while the limit of work on site will be 3.6 acres with access to the work site coming from the connecting nursery lot. The work lot is heavily wooded. Work will commence up to the 25-foot No Disturb Zone and will include clearing the site and installing a stockpile area in the form of a 1-acre gravel pad. The site will be level with sheet flow going east to west. The cleared area will be maintained as meadow grass for nursery plantings. A septic system permitted by the Board of Health will be installed on the north east corner to facilitate an office building on the nursery lot. A gravel strip will be installed on the western edge of the 1-acre gravel pad for stormwater management. Sheet flow will go through the pad then over 80 feet of meadow to the proposed sediment forebay. Test pits will be going in next week and irrigation will be through smart watering via drip and pipe. An irrigation well is on the nursery lot. All fertilizer will be stored on the main site with nothing stored on the work site,

Hershey inquired how the plants will be fertilized. Mike Freiberger, owner and applicant, explained that the fertilizer will be done on an individual level with the fertilizer being pushed into the soil. Henderson added that the site's plans meet the Charles River regulations and there will be no spray in the rain and that the catch basin is intended to treat any run off. Hershey asked that the location where stock plants will be grown for the nursery be added to the plan.

Bebis confirmed with Henderson that the site will have sheet flow. Bebis cautioned that the gravel pad and gravel strip will need to be constantly maintained under sheet flow. Bebis inquired how often they will be digging for stock plants. Freiberger answered twice a season. Bebis asked how they are going to keep trucks from leaving the gravel pad or encroaching on the meadow. Henderson answered they will be installing boulders or fencing to delineate the pad.

DiVirgilio asked if work is currently commencing without a permit. Henderson answered that no work is commencing except for remediation work required for a different permit and that the erosion control barriers are in place.

Goetz inquired about the boulder retaining wall present on the southern side of the gravel pad. Henderson answered that it is there because the grading in the area needs a small amount of retention. The wall is 1-3 feet high and details can be provided on the plan.

Dyer asked that the applicant include stockpiling details to the plan and indicate what is being stored on the gravel pad. Henderson agreed and explained that the storage will be consistent with other nursery operations and that there will be no material trucked in but made on site.

Paul Wilson, 1115 West Street, asked if his well water will go dry from the operations. Bebis answered that it is very unlikely considering the gallons per second on site. Wilson asked if there will be any increase in noise due to the work and requested that the cedars and pines in the southwestern corner be preserved. Henderson confirmed that he can look into the trees during the soil tests.

Hershey inquired if it was possible to bring the basin closer to the gravel pad. Henderson answered that the area between will be used to store vegetation waiting to be shipped.

A motion to continue the Notice of Intent and Land Disturbance Permit hearing for 1049 West Street, DEP#315-1304, to April 10<sup>th</sup> 2024 at 7:15PM was made by Dyer; seconded by Goetz. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

***Continued Land Disturbance Permit: 130 West Street; West End Residences***

A motion to continue the Land Disturbance Permit hearing for 130 West Street to April 10<sup>th</sup>, 2024, at 7:30pm was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

**GENERAL BUSINESS:**

**Minutes**

***Approval of 3/13/24 Conservation Commission Meeting Minutes:***

A motion to approve the 3/13/24 Conservation Commission Meeting Minutes was made by Bebis; seconded by Dyer. Motion Carries 6-0-1 (Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis voted yes and Wiley abstained).

**Enforcement Orders:**

***15 Pinnacle Drive update:***

The court session for the appeal was scheduled on 3/26/24 but the Erosion Control Barriers were replaced before then and half the fine was paid as a settlement with the Town. The site is back in compliance and court will not be pursued.

**The meeting adjourned at 8:55PM.**