

**CONSERVATION  
COMMISSION**

**Town Hall**  
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**Town of Walpole**  
Commonwealth of Massachusetts

MINUTES  
CONSERVATION COMMISSION



MARCH 24, 2021  
7:00 PM

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

Commissioners Present: Jack Wiley (Chairman), Al Goetz (Vice Chair), Betsey Dyer, Doug Burchesky, and Bailey Ziemba.

Also present: Conservation Agent, Landis Hershey; Board Secretary, Allary Braitsch

Guests: Bill Gunther, Ellen, Virginia, Drew H., Carolyn Meklenburg, Carl Balduf, Tim Kadehjjan, Aimee Kadehjjan, Gary Riggott.

The Conservation Agent Report dated March 24, 2021 was given to members.

Wiley opened the meeting at 7 PM

**PUBLIC HEARINGS AND DISCUSSIONS** (vote required for action)

**7:00 PM MVP Work Shop Culvert Survey and Green Infrastructure**

Bill Gunther from Fuss & O'Neill explained the MVP program and work conducted so far for the town. MVP stands for Municipal Vulnerability Preparedness. The program approaches climate change in terms of resiliency at a town level. It focuses on action items the town can take to help them deal with the impacts of climate change. Walpole went through the planning process and was awarded a grant through the MVP program to conduct that work three years ago. The town is now in the action grant phase of the MVP program. The action grant is very competitive and Walpole was ahead of the curve in getting this program off the ground. Bill summarized the climate data that was used to prioritize action items for Walpole, which included the projected increase in temperature, rainfall and intensity of storm events. Climate impacts related to these changes were also summarized including species migrations, increase in potholes, increase in flooding, sewer system overflows, health risks, etc.

The steps of this assessment include the following study areas:

- Identify road stream crossing risks (inspected 170 road stream crossings)

- Assessment procedures
  - Structural condition
  - Aquatic connectivity
  - Hydraulic capacity
  - Geomorphic vulnerability
- Assessment results
  - 36% undersized
  - 29% critical structural conditions
  - 12% severe/significant barrier to aquatic organism passage
  - Bill presented maps showing areas where infrastructure is in need of significant repair or replacement.
- Identify opportunities for green infrastructure – also looking for grants to include green infrastructure options
  - Screen level evaluation
    - Soil type (infiltration)
    - Publicly owned
    - Available space
  - Priority locations were summarized – 34 locations and 10 priority locations identified
- Next Steps
  - Drainage studies
  - Leverage MVP and other grant opportunities for green infrastructure (Brick, FEMA program that provides funding in some cases)

The presentation on the MVP program is available through the Conservation Office and on the conservation page on the town website.

Commission comment: Wiley asked if the report is available in written format. Bill replied that there are three reports available. Wiley asked if Bill is available to meet with the Commission at a future date and Bill replied that he is.

#### **7:45 PM – Continued NOI, 3 Lacivita Drive, Derrick Fitzgerald DEP #315-1245**

Wiley read the legal ad into the record.

Drew Hotten representing the applicant.

Wiley explained that the project was presented at the previous hearing, but were waiting on a DEP File Number. Drew gave a summary of the project, which consists of the construction of a swimming pool and pool house.

Motion to approve the project and close the hearing by Dyer, Burchesky second. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Motion to issue Order of Conditions with special conditions as noted in 3/24/21 report by Goetz, second Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

## **8:00PM Stormwater and Erosion Control Regulations and Wetland Bylaw Regulations Discussion on Revisions**

Landis read the legal advertisement into the record.

Landis summarized the recommended changes to the document with the Commission. Landis recommended that the fees suggested as part of the permit be tied to the building permit since it's triggered by the need of a building permit. Landis suggested some form of a certification for the ongoing maintenance of BMPs, which is a requirement under the MS4 permit. Landis will continue to work on her recommendations and will issue comment to the Commission prior to the April 28th meeting.

**Motion to continue the hearing to April 28th at 7Pm by Dyer, second by Burchesky. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).**

### **Minutes – 3/10/21**

Motion to approve the 3/10/21 minutes as edited by Dyer, Burchesky second. Motion carries 4-0-1. (Wiley, Goetz, Dyer, Burchesky).

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

#### **Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage**

GLM Engineering issued a memo to Landis on 3/24. Landis read the letter into the record.

Landis would like to have a more details conversation with Rob Truax of GLM Engineering about the proposed remedial measures included in his letter. The Commission would like Landis to reach out to Rob tomorrow and they'd like details for their proposal with a plan and specs by the 4/14 meeting.

Landis informed the Commission that Dean Bebis was recently appointed to the Conservation Commission. Wiley asked Landis to remind him to be sworn in with the Clerk's Office.

#### **Main St. #1900, DEP #315-1043 – no new material**

#### **Notice of Noncompliance Brookside Village, DEP #315-1093**

Landis explained they need their CoC, but there is cleanup work that needs to be done prior to their application. There is still a disagreement between the condo association and the developer as to who is responsible for that work.

#### **Palmer Lane, 3 and 4**

Landis explained that she was provided an update and a restoration plan is being pulled together for submittal to the Conservation commission.

#### **Pinnacle Drive, Lot 9 J. Hasenjaeger and L. Petrozzi**

No further clearing and erosion controls have been installed. The applicant is waiting on input from DEP.

Landis briefed the Commission on the current decision from the ZBA regarding to the Summer Street project, which shows the 25-foot No Alteration Area on the plan. Dyer asked then why request the waiver. Landis explained that there are areas where they're proposing work within that area, so they're not able to comply with the 25-foot No Alteration Area. Wiley had a question on item 7 on Landis's letter, the last line that addresses the prohibition of chemicals within jurisdiction. There is a typo that should be revised. Landis will revise and reissue. Wiley asked if the access trail is included on the plan issued with the ZBA permit. Landis does not believe that it was included in the plan and Wiley

resounded that they Applicant stated they'd include it in the plan for the ZBA comprehensive permit. Landis will follow up on the inclusion of the trail.

### **8:30PM Notice of Intent – 5 Spring Valley Drive**

Wiley read the legal ad into the record.

Wiley read letters from the town engineer and building department. The Town Engineer identified a number of issues in his letter.

Tim and Aimee explained their project, which consists of the addition of a full basement, first floor and second floor to their home. They will address the town engineers concerns.

The 26x20 proposed addition will occur within developed portion of the site and is outside of the drainage easement that is to the west of the addition.

Landis asked if they're connected to town sewer. Tim replied that they are and Aimee clarified that it connects from the front of the house and it will be added to the plan.

Aimee explained the driveway will be expanded to the west and will be moved closer to the drainage easement.

Wiley and Landis asked that the revised plan be submitted to the Commission that shows the expanded driveway, sewer connection, erosion controls, orange construction fencing along the drainage easement that's not on the other side of the fence.

Landis explained that the drainage easement is a river that drains from behind Cumberland Farms. The area where the addition is proposed is already altered and she doesn't see the need for the installation of wetland placards because of the nature of the property.

Burchesky asked if excavated materials will be removed from the site. The Applicants replied that it would.

Goetz commented that the WPA form is incomplete, the project description space isn't filled out so he asked that it be filled. Goetz identified the the drain pipe isn't within the easement. Goetz asked for clarification for the area of the home that will be demolished and removed.

Wiley asked Landis to confirm with the Town Engineer where the location of the pipe is and how the town can maintain it if it's not within the designated easement.

**Motion to close the hearing by Dyer, second by Burchesky. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).**

**Motion to issue the Order of Conditions as noted and following updated plan by Dyer, second by Burchesky. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).**

### **8:35PM – Notice of Intent, Adams Farm – Walpole Trails Committee**

Wiley read the legal advertisement into the record.

Gary Right presents to the Commission the proposal to the construction of a new bridge.

Gary is acting on behalf of the Friends of Adams Farm and the trail committee does not have active involvement in this project.

The location of the new bridge is in behind the back field beyond the power line, at the extreme west end of the Adam's Farm property. The wetland resource will be spanned using a trex plank bridge that will be supported on three 4x6 stringers sitting on cinderblock supports. The bridge will be 3 1/2 feet wide. Multiple funding sources are contributing to the project.

Landis stated that the bridge should not block stream flows in any way.

Gary also stated that this bridge will serve as the linkage between the front half of the property to the trail in the rear of the property.

Bailey asked for clarification on the stream form to ensure the bridge will not create an impingement to stream flows.

Doug asked how the building materials will be transported. Gary explained that the materials will be moved to the build location using an ATV.

Wiley informed the Commission the hearing needs to be continued because there is not a DEP File number yet.

**Motion to continue the hearing to April 14th at 7:12PM by Dyer, second by Burchesky. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).**

## **GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS**

### **Pinnacle Point Trail**

Landis explained that the trail, which runs from Riverwalk Commons to Pinnacle Point Lot 9 where it then crosses to another private lot. The trail was thought to be included on a Pinnacle Point Plan, which would be formally conveyed as an easement to the town. This is not the case and the conveyance of the easement for the trail was not done, the easement did not include the trail specifically. Recently the trail has been closed by the Pinnacle Point property. Landis explained that the trail is included in a planning board decision but was never formally conveyed. The trail is also included in the Order of Conditions. Dyer asked why there's no recourse if it's included in an Order. Landis explained that the conveyance was never formally transferred to the town. Landis explained that planning board showed the proposed easement, but not a final easement. She has not yet reviewed the planning board decision. Gary explained that the Pinnacle Point plan is from 1989 and the conveyance of the utility easement was conveyed 18 years later by an entity that no longer owned the property, which apparently renders the transfer meaningless.

Wiley suggested the new owner at one point agreed to maintain a structure along the trail and staff should look into if that's somewhere in writing.

Dyer asked if there's a plan B to bypass the property to continue to allow access through this area. Landis responded that the Lot 9 development may present an opportunity to shift it towards that property. Gary stated that a prescriptive easement may also be able to be applied since there are numerous parties willing to put in writing that they've been using that trail for 20-30 years, but he wonders what the legal fees associated with that would be. Landis will reach out to town counsel what the costs associated with establishing a prescriptive easement would be.

Wiley stated that this will be added to the April 14th agenda under old business.

### **55 Summer Street Peer Review**

Landis summarized the information regarding the BETA peer review of the Summer Street project that was included in her hearing report.

**Motion to adjourn by Dyer, second by Burchesky. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).**

**The meeting adjourned at 9:54 PM.**