

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES

**CONSERVATION COMMISSION
WEDNESDAY 02-10-2021
7:00 PM**

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

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

Guests: John Glossa, Debbie Wayler, John Oliveria, Lou Petrozzi, and Joyce Hastings.

7:00 PM – Continued RDA Pinnacle Point, Historic Mill Complex

Wiley read the legal notice into the record.

Applicant has asked for a continuance to March 10th.

Motion to continue the public meeting to March 10th at 7:15pm by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Request for Extension

Clarks Pond vegetative management DEP #315-958

Motion to extend OOC for three years by Dyer, second by Al. Motion carries 6-0-0.

(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Pond vegetative management DEP #315-634

Motion to extend OOC for three year by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Willett Pond vegetative management DEP 315-1147

Motion to extend OOC for three year by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:10 PM – NOI 7 Echo Way (Lot 3), John Oliveria, DEP #315-1242

Wiley read the legal notice into the record.

John Glossa representing the property owner presented the project. John explained the property consists of four lots, the front two of which have Orders of Conditions for development and they're not seeking Orders for the back two lots. The proposed project consists of constructing a single family home, driveway, minor grading, and installation of a retaining wall. John explained that the driveway will direct water into the street so stormwater is directed into the street culvert, which is directed to a subsurface infiltration unit that will provide stormwater treatment. The wetland placards approved on the subdivision plan are shown on this plan as well and will remain in their approved locations. Disturbed areas will be loaded and seeded following construction.

Landis asked if it's possible to add a split rail fence between the yard and the detention basin and John agreed to that condition. Landis also asked if additional placards can be installed in front of the stormwater basin so the area isn't altered in the future by a landowner that isn't aware of the basins purpose. Wiley asked if the revised plan will identify the additional placards, fencing and the CULTEC units for roof runoff. DiVirgilio asked if there's a pipe or anything in the easement and John replied that it's abandoned and there's likely nothing in the easement.

Motion to close the public hearing by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to approve the special conditions as noted by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:20 PM – NOI 8 Echo Way (Lot 4), John Oliveria, DEP #315-1243

Wiley read the legal ad into the record.

John Glossa presented the proposed project for the land owner. The proposed project consists of the construction of a single family home, driveway, and retaining walls. John explained that riprap will be added to the plan at the outlet of the overflow pipe from the stormwater basin. Landis asked for clarification for the swale/grading along the rear of the house that will act as an emergency spillway from the drainage basin during a 100-year storm. This swale will only flow if the overflow pipe that leaves the basin is overwhelmed. Landis asked where the split rail fences will be located and John clarified that they'll be at the top of the retaining walls, which will be four feet tall. Burchesky asked if the sewer connection would be a forced system or gravity. John answered that the lot will have a grinder pump to the sewer connection. Burchesky followed up by asking what happens when the home loses power and John replied that there is a check valve so it can't back up. Dyer asked if there are any design changes that can be made so in the future a homeowner isn't asking for concessions to allow for use of areas currently occupies by drainage swales or stepped walls. John doesn't believe that the lawn as shown is unusable, more will the area be flooded with stormwater routinely. Goetz asked that a special condition be added that explicitly prohibits the swale from being filled or leveled off.

Motion to close the public hearing by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to approve the special conditions with plan and additional conditions as discussed by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:45 – NOI 3 Chopin Court (Lot 8), Eric Tjonahen, DEP #315-1245

Wiley read the legal ad into the record.

Joyce Hastings from GLM Engineering presented the project, which proposes to install an in-ground swimming pool within the outer buffer zone. Along with the pool installation a patio will be installed within the buffer zone. Other activities will be located outside of jurisdiction. Disturbed soils will be stabilized with a hydro seeded tacifier following work. Pool water will be dechlorinated prior to dewatering. All stockpiling will be outside of the buffer zone and access will be achieved from the driveway. The pool will occur within altered area but some portions are outside of the existing limits of lawn.

Burchesky asked that if the same process of desalination or dechlorination could apply to the hot tub. Joyce explained that the hot tub is outside of the buffer zone but the same condition should apply to the hot tub. Goetz asked if placards can be added to the plan and Joyce agreed and will submit a revised plan showing two placards along the 25 foot No Disturb Zone boundary.

Motion to close the public hearing by Goetz, second by Dyer. Motion carries 6-0-0.

(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to approve the special conditions as discussed by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report:

12 Bubbling Brook Discussion - John Glossa explained that since the last meeting the homeowner agreed to remove the fencing that is off of their property, though it can't be made a condition because it's not on their property. The issue raised by the Commission as to whether there was a 10-foot buffer from the wetland when the home was built was researched by John and Landis and the home was initially built without an Order of Condition so there are existing areas that are altered up to the wetland boundary. The revised plan will increase the distance from altered areas to the wetland in the rear of the property and along the left side of the property. These areas will be allowed to revegetate naturally.

Motion to continue this hearing to the February 24th at 7:50pm by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Enforcement Orders/ Notice of Noncompliance

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage

Landis summarized the need for Lou Petrozzi to attend the meeting. There are issues with drainage on Lot 6, which has a small wetland in the front yard of the home, which then overflowed to Lot 4 and caused significant erosion. Lou stated that the projects have been built per plan so he's not sure why it's a notice of non-compliance. Lou explained that there's more flow through the culvert that discharges to Lot 6 and that when the ground is frozen the water is flowing overland. Lou explained that the installation of a flow control structure on the upgrading side of the road to reduce the amount of water draining to the isolated wetland on Lot 6. Wiley asked if Lou's engineer has reviewed the stormwater calculations to see if they can rework the calculations or determine the effects of installing a flow control structure. Lou stated the water will just back into the wetland and end up in the same location. Landis stated that there is also water flowing down the driveway of Lot 4 that's causing sedimentation of the wetland at the back of that lot. Landis suggested Lou reach out to his engineers to come up with the solution

Dyer feels the proposal from Lou is too vague and the term “trial and error” used by Lou isn’t the best approach and the engineer needs to redesign things to solve the problem. DiVirgilio and Goetz both echoes that the engineer needs to look at the issue and propose a solution. Dyer asked that a deadline be applied to the engineered plan. Lou stated that within the next two weeks GLM will conduct a site visit and draft plans, in time for the February 24th meeting. Landis suggested that if there is another storm event that results in water flowing down the driveway and there are future erosive events on Lot 4 that the Commission issue a fine.

The Commission stated that they expect GLM Engineering to attend the February 24th meeting to discuss the issue and potential resolutions.

Trails Discussion:

The Conservation Commission recently purchased an 8 acre lot referred to as the Pierce Property. There are a number of trails on the property that connect to adjacent parcels of open space. The Friends of Adams Farm looked at the property and have proposed a bridge similar to those on the Adams Farms property to cross a stream that is restriction access. The bridge will cross 175 feet of the resource area. The cost would be \$4,500 and the Friends of the Adams Farm and Coopin Lumber has also agreed to contribute some of the materials. Wiley asks if the Commission would like to contribute \$1,000 to the contraction of the new bridge. Burchesky asked for clarification on the bridge since it was described as more of a walkway and Wiley clarified that it’s a bog bridge. Goetz asked if Wiley is proposing that this would be constructed without a wetland permit and Landis stated that the filing is being pulled together by the office. Goetz agrees that this is a good idea but that it needs a permit.

Motion to spend \$1,000 from the Conservation Fund to approve the purchase of materials for the construction of a bog bridge as described by Goetz, second Dyer.

Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

General Business:

Summer Street:

Landis stated that Brian Butler with Oxbow submitted a letter regarding the fencing but the stormwater report has not been submitted. Wiley explained that BETA submitted a quote for \$1,750 to review the revised plan for consistency with the WPA and all agreed upon changes during the hearing process have been made \$500 to assist in the writing of an Order of Conditions. Wiley suggests that the Commission consider the \$500 scope for the writing of an Order of Conditions.

Motion to approve hiring BETA for \$500 to assist in the writing of an Order of Conditions by Goetz, Dyer second. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Wiley stated that the \$1,750 amount would be paid for by the Applicant and if they refuse the Commission could be paid for out of the Conservation Account. Zeimba asked if this was a requirement or if this was a best practice. Landis replied that for large projects it’s best to have a peer review. Wiley followed that it’s allowed under the WPA that Commissions request a peer review. Landis explained that the Applicant paid a significant amount in filing fees so if they refuse to pay the Commission can use the filing fee account.

Motion to approve the hiring of BETA for \$1,750 to review the revised plan set at their expense and if they refuse the Commission will pay for out of the Wetland Filings Account by Goetz, second by Dyer. Motion carries 6-0-0.
(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Norfolk Aggie Solar Field Update:

Landis received an email from town counsel that the Aggie school is subject to the local bylaw.

Motion to close the public meeting by Dyer, DiVirgilio second. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Meeting adjourned at 9:04PM