

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION



FEBRUARY 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, Emidio DiVirgilio, and Doug Burchesky.

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

Guests: Craig Cygawnoski, B. Butler, John Boulanger, Michael Mitry & Dalia Sidhom, John Glossa, Krista Matthews, David Hale, Phil Macchi, Leslie French, Katie Enright.

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

Wiley opened the meeting at 7 PM

7:00 PM: Stormwater and Erosion Control Bylaw Regulations and Wetland Protection Bylaw Regulations Discussion

Landis read the legal ad into the record. This is a continued hearing from the June 26, 2019.

Landis informed the commission that this evening the Stormwater Bylaw and Regs are under discussion because of the new MS4 permit requirements. Town counsel has reviewed the Bylaw and made suggestions for updates to the existing Regulations and Bylaw. Town counsel and Landis's comments have been provided to the Commission.

Landis walked the commission through each of the areas of the Regulations where changes are proposed and explained that any changes to the Bylaw will require a town meeting vote.

Landis suggested that larger projects could be required to file form annually with a fee for administration for or money in escrow for management for privately owned BMPs or a maintenance contract with the stormwater authority, which would ensure compliance with the new MS4 Permit requirements. Currently Walpole has a 40,000 square foot disturbance threshold for stormwater permitting but there currently is no formal permitting process. Landis explained the difference

between a full review or a fast track review. Town counsel flagged the inclusion of a square footage threshold in the regulations however because there is not threshold stated in the Bylaw.

Comment:

Burchesky - surprised by the exempt activities in regards to the 400 cubic yards of soil being placed on an existing dwelling, which according to his math is 40 dump truck loads of material. Landis stated that it will be flagged. Burchesky also raised questions with the exemption listed in section 5b2, which allows a 15% increase in impervious materials on an existing lot. Landis noted this concern and reminded the Commission that any changes to exemption thresholds will need to be changed in the Bylaw, which requires a town meeting vote.

DiVirgilio - Did not have additional comments but was in agreement with conditions Landis had outlined.

Dyer - commented on the three methods outlined to ensure applicants are meeting the requirements for maintenance to the BMPs all require a fee and she wondered if there was a size requirement for those fees or if the Commission would be reviewing every project annually and collecting annual fees. Landis clarified that this is in section 6. Wiley also had some questions regarding this section. Landis replied that the Commission would need to develop a fee schedule that related to the size of the development and number of BMP's requiring maintenance. Dyer asked for clarification for the single family homes that have stormwater basins on their properties for the overall development. Dyer emphasized conditions Landis included in her notes suggesting that people be encouraged to utilize LID techniques and avoid work within areas at increased risk of erosion and sedimentation.

Goetz - no additional comments.

Wiley asked if there had been any input from other parties and Landis replied that the Town Engineer has provided comment with a primary concern over implementation. Landis read into the record a letter outline the Town Engineers concerns.

Wiley - stated that he's concerned with setting up regulations that may be in conflict with other departments and he'd like to ensure that the regulations are consistent.

Motion to continue hearing to March 24th at 8PM by Dyer, second by Goetz. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

7:45 PM –RDA 72 Mill Brook Avenue, Michael Mitri & Dalia Sidhom

Landis read the legal notice into the record.

Craig Crow, with RIM Engineering Co., Inc. presented the project. The project consists of a proposed in-ground swimming pool within the existing lawn area. Erosion controls will be installed along the 100 foot buffer zone. Landis explained that while reviewing the building permit for the original pool design she identified a wetland. During a site visit she identified a wetland, which is separated from the altered area by a stone wall. Landis recommended a vote for a negative determination since work is outside of jurisdiction.

Comment:

Burchesky asked that during dewatering of the pool the water be dechlorinated since the water will run downgradient into the wetland area.

Goetz asked that the excavated materials be removed from the site and not spread within any jurisdictional areas. Landis noted that these can be included in the cover letter.

John Boulanger explained that he had spoken with the homeowners that dewatering of the pool should not occur towards the wetlands and that dewatering should occur via a water truck.

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

Motion to issue a Determination of Applicability as a Negative 1 by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

7:50 PM Continued 12 Bubbling Brook Scott Mathews DEP #315-1238

Landis read the legal notice into the record.

John Glossa of Glossa Engineering presents the project for the homeowners. Glossa explained that the project consists of the installation of an in-ground pool, pool house and associated fencing. The fencing will be located along the 25 foot No Disturb Zone. The area in the north of the property within the 25 foot No Disturb will be allowed to revegetate and the fence in that area will be removed.

Resource area placards will be installed along the No Disturb Zone. Landis asked if there was a need for a cultec device for dewatering of the pool. John explained its function for that purpose.

Goetz asked that the excavated materials be removed from the site.

Motion to close the meeting by Dyer, second by Goetz. Motion carries 5-0-0.

(Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

Motion to issue an Order of Conditions with special conditions as discussed by Dyer, second by Goetz. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

8:00 PM Continued NOI 55 BH LLC/55 Summer Street, Multi residential DEP #315-1:27. Multi-residential, roadways and stormwater management.

Landis read the legal ad into the record.

David Hale attended the meeting representing the applicant. Landis explained that she received a copy of the Tetra Tec report recently, Wiley responded that it won't be discussed since it was just received. Wiley asked if the Applicant's representatives could elaborate on the fence issue.

Brian Butler explained that the wildlife fencing suggested can be employed if required but that a 6-inch gap will be left along the bottom and they have concerns with the sizing of the opening of a wildlife fence in regards to ease of climbing. Goetz commented that when the posts are put in for the fencing the Applicant needs to be aware of the depth needed to since the posts within a wetland and the density of the substrate could complicate the installation. Brian Butler explained that the substrate in the wetland where the fencing is sited do not have thick peat layers but they will be prepared in the event that they encounter thick peat layers, which would require taller posts to be installed.

Landis raised concerns with their ability to meet the 6-inch clearance because of the proximity of the railroad ballast.

Wiley stated that the Commission is okay with a chain link fence due to safety concerns. Landis will be notified when work is scheduled. Landis asked that the Commission go through WPA issues and the pending Order of Conditions before moving on to the waiver list from the Zoning Board of Appeals. Landis explained that the Commission would like the revised plan be reviewed by BETA and the Commission has begun their review at the Applicant's request.

Katie Enright explained that the Tetra Tec report includes a thorough review of the stormwater report. Landis recommends that the Commission request that Tetra Tec attend a Conservation meeting because it's difficult to assess WPA compliance when the Commission hasn't had access to Tetra Tec, and they're working for another Board for a separate permit application. David Hale stated that the Applicant would approve Tetra Tec's attendance at a Conservation meeting.

Motion to continue the hearing to March 24th at 7:45PM by Dyer, second by Goetz. Motion carries 5-0-0.

(Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

8:15PM RDA Lot 2B Old North Street –soil test pits

Landis read the legal notice into the record.

David Johnson at the request of the applicant has requested that the meeting be continued to the next Conservation meeting.

Motion to continue the meeting to March 10th at 7:30PM by Goetz, second by DiVirgilio.

Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Minutes – (vote required for action)

9/23/20 - motion to approve by DiVirgilio, second by Wiley. Motion carries 5-0-0.

(Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

2/3/21- motion to approve by Dyer, second by DiVirgilio. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

2/10/21 - motion to approve by Dyer, second by DiVirgilio. Motion carries 5-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

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

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage

Wiley stated that Lou Petrozzi had a conflict for this evenings meeting. Landis stated that she emailed Lou stating that the Commission is still expecting his engineer to attend a meeting and propose possible remedial measures. Dyer has concerns over the fact that the engineer hasn't attended the meeting as agreed upon at the last meeting. The Commission discussed and agreed to issue fines if the Applicant's does not appear at the next meeting. Landis stated that another option is to issue an EO that requires them to attend the next meeting.

Motion to issue an EO to Boyden Estates, Wallstreet Development and GLM Engineering by Goetz, second by Dyer.

8:15 on March 10th.

Main St. #1900, DEP #315-1043

Landis explained that she had a meeting with Michael Yan.... Regarding this violation and he stated he will attend a meeting if town counsel is involved because the property is currently in litigation.

Notice of Noncompliance Brookside Village, DEP #315-1093

No new material to present.

Palmer Lane, 3 and 4

No new material to present

Request for Certificate of Compliance (vote required)

Atlantic Court Ext. Land Disturbance Permit 2015-1

Motion to issue a COC by Goetz, second Dyer. Motion carries 5-0-0.

Board Comments

Planning Board –Proposed Site Plan (2-1-21) Case # 21-01 1363, 1369, 1373 and 1375 Main Street:

Landis explained that the changes to the plans do not appear to trigger an additional review by Conservation.

Summer Street - Landis explained that the ZBA issues their new waiver list and though it doesn't explicitly state that they're waiving the entire Bylaw or just portions of the Bylaw b/c of how the decision was written. Dyer has concerns the work within the 25 foot No Disturb, specifically with the replication areas. Wiley state that the Applicant didn't have to remove the stormwater from the Riverfront Area but they did.

Wiley asked when the Commission would need to provide comments to the ZBA. Landis will check with ZBA and report back to the Commission.

Motion to adjourn by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

The meeting adjourned at 9:23 PM.