

**CONSERVATION  
COMMISSION**

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

MINUTES  
CONSERVATION COMMISSION



MARCH 10, 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, Doug Burchesky, and Bailey Ziemba.

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

Guests: Becky Litvak, Leslie French, Mark Brooks, Patrick Bogle, Lou Petrozzi, Rob Truax, Drew Hott, Phil Macchi, JoAnne, Sharon, Julie Lowre, Chris Kaselis and Katie Enright.

The Conservation Agent Report dated March 10, 2021 was given to members.

Wiley opened the meeting at 7 PM

**7:00 PM Continued 32 Starlight Drive, Shawqi A. Alsarabi Family Revoc.**

Landis read the legal advertisement into the record.

Landis explained that the Applicant requested that the hearing be continued to the April 14th meeting. Motion to continue the hearing to April 14th at 7:30PM by Goetz, Dyer second. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

**Minutes – 2/24/21**

Motion to approve the 2/24/21 minutes as edited by Goetz, Dyer second. Motion carries 5-0-1. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky).

**Request for Extension**

**Eastover Glen – 32 Eastover Rd, Eastover glen Condominium Trust. DEP #315-1072**

Landis explained that the Applicant is currently in litigation with the developer to complete portions of the project included in the permit.

Motion to issue an extension for 18 months by Goetz, second Dyer. Motion carries 6-0-0.

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

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

Enforcement Order – Wallstreet Development - Boyden Estates Drainage

Lou Petrozzi and Rob Truax were in attendance to discuss the stormwater issues. Rob stated that it's difficult to determine what caused the flooding and he recommends monitoring the area and assessing the system during a storm event to see how the stormwater is moving through that system. Jack asked if there's anything different from the site conditions compared to the stormwater management report. Jack asked if placing hay bales in the stream channel could lead to upgradient flooding. Rob replied that it would need to back water up more than two feet for it to flood upgradient property and the water can move through and around the hay bale so he doesn't believe they're a concern.

Dyer asked Rob why his calculations didn't foresee these issues. Landis replied that the site conditions stated as an issue (frozen ground and immature vegetation/lawn) could become an issue in the future. Landis also stated that the pitch of the sidewalk could become an issue in the future because it may be a contributing factor to the increased flows to the wetland. Lou stated that the sidewalk pitch could be looked at along with the potential of adding an overflow structure or a path for the water to go if the wetland tops again.

Landis asked that Lou and Rob provide a list of potential solutions to the Commission. Jack asked for that list in writing by March 24th. Lou replied that they'll be at zoning board that night but Rob thinks they can provide a list regardless of whether they can attend the meeting. Rob stated that they'll discuss the mitigation measure with Landis as well.

**7:15 PM Continued RDA Pinnacle Point Historic Mill Complex**

Lou asked for a continuance to April 14th.

Motion to continue to the April 14th meeting at 7:15PM by Goetz, second Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

**7:20 PM Notice of Intent, 3 Lactiva Drive, Derrick Fitzgerald**

Wiley read the legal ad into the record.

Wiley read letter from Board of Health and the town engineer into the record.

Drew Hott with Legacy Engineering presented the project to the Commission. The project consist of constructing an in-ground swimming pool, patio and small pool house. The majority of work will occur within areas that are currently disturbed. A small portion will occur within an undisturbed portion of buffer zone, which is outside of the 25 foot No Disturb Zone. Erosion controls will be installed between the work area and the resource area. Two subsurface infiltration units will be installed to offset the increase in impervious surfaces. Landis recommends that the infiltration be reviewed by the town engineer to make sure that it's sized correctly and Landis asked if soil testing occurred in those areas. Drew stated that he wasn't he lead engineer on this project and will ask Dan and get back to the Commission.

Doug asked for clarification on the sewer line shown on the plan, which was provided by Drew.

Jack asked how the work area will be accessed for construction. Drew stated that the driveway will be used for access. Jack asked that a condition be added that the dirt on equipment tires be swept off prior to access to the street.

Drew added that the pool house will be under 15 feet so it's considered an accessory building.

Motion to continue the hearing to March 24th at 7:45PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

**7:30 PM – RDA Lot 2B Old North Street**

Landis read the legal ad into the record.

Applicant asked that the RDA be withdrawn.

Motion to remove the filing without prejudice by Goetz, second by Dyer. Motion carries 6-0-0.

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

**7:45 PM – Continued NOI 55 BH LLC/55 Summer Street, Multi residential. DEP # 315-1227**

Landis read the legal ad into the record.

David Hale, representing the Applicant explained that the purpose of the meeting as they understand it is for the Commission to ask Tetra Tech any clarifying questions they may have. Jack stated they'd like an overview of their work to date. Sean Reardon with Tetra Tech provided an overview of their role in the project. David Hale explained that the items identified by Tetra Tech are easy for the Applicant to comply with. Sean explained that their role is to ensure that the Applicant's plans can meet the applicable regulations, but the current plans are not final plans, those will be issued prior to the issuance of a building permit later in the process.

Jack asked Landis to address the list of concerns from the Commission.

Landis stated that the Commission has always approved final plans in their Order of Conditions, not partial plans that are able to apply with regulations but not stamped as final due to the variables at play and the likelihood of changes that would require another full review. Landis had a number of questions regarding the proposed project based on the latest set of plans. These included issues related to the construction of the extended wetlands and their planting schemes, stormwater basins, possibility of the basins becoming mosquito habitat or impacting the surrounding vernal pools.

Goetz asked for clarification about the "open space and recreation plan" and the plan doesn't identify any recreation on the site. The only possible recreation on the site is the addition of the trail along the perennial stream, which isn't connected to any other trail on either end. Goetz asked that the trail be connected to another trail so it doesn't dead end and provides an opportunity to the residents for passive recreation.

Goetz also had issues with the plans omitting the specs for the construction of stormwater basins.

Goetz also points out that the stormwater flows within inches of some of the buildings and he would like to see assurances that the stormwater system will not pose themselves as an impediment to the residents of those buildings.

Jack asked why extended treatment wetlands were used and Patrick explained that b/c during testing the infiltration rates were too slow for a conventional basin so extended treatment wetlands were proposed. Jack asked if the Operations and Maintenance plan include measures to maintain those basins in the future so they continue to function. Jack also asked if there will be parking for the public to use the trail. David Hale stated there will be no parking on site for the trail, all access will be for pedestrians only. David stated that the most efficient way for the trail to be included would be to include a condition in the 40B permit issued by ZBA.

Dyer asked a question related to the extended wetland and stated that it seems like an uncommon system and she thinks it would be helpful for them to present to the Commission why this system is a better approach, why it's needed, how to maintain it and how it's constructed. Patrick explained that the system mimics a system that holds water for a period of time so the sediments drop out of the

stormwater before flowing out of the system. Brian Butler added that the basins will be maintained using mosquito “donuts” in the applicable timeframe so the basins don’t pose a mosquito project. Landis asked that a planting plan and full construction detail be submitted for the extended wetlands as required by the stormwater management standards.

Jack stated that there are missing pieces of information that need to be provided. It was agreed upon that the Commission will provide a list of issues to the Applicant in writing.

Dyer asked if anything was resolved regarding the use of BETA as the Commission’s consultant. Jack stated that it had been in a prior meeting.

Public comment: JoAnne Muligan asked for clarification about the use of two peer reviewers and is the project requires two separate permits. Landis explained the process for Conservation approval or denial and the various avenues the project could proceed.

Motion to continue to April 14th at 7:45PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

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

DEP #315-1233 Burns Ave 40B Appeal review additional information.

Landis distributed additional information for the appeal. Landis summarized the materials provided by the Applicant who stated that the two units cannot be relocated based on input from the Zoning Board of Appeals (ZBA). Landis is unsure if ZBA has reviewed this letter and it will be sent to them for review. Landis went on to state that the Applicant needs to provide DEP with additional information. DEP is expecting comments from the Commission on this project. Jack stated that the Commission should issue comment stating that the non-degraded Riverfront Area should not be utilized as if it is degraded and that the alternative to reduce the size of the project should remain on the table.

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

Main St. #1900, DEP #315-1043 - the parcel is up for auction and no additional information has been provided.

Notice of Noncompliance Brookside Village, DEP #315-1093 - Landis informed the Commission that she is hoping for a written communication that relates how the legal action is going.

Palmer Lane, 3 and 4 - Landis reached out to Michael Grey and was told that they are still negotiating with Neponset River Land Holdings who still owns the property and consultants have been retained to work on the mitigation plan.

### **Board Comments**

#### **Planning Board-2021 Spring Town Meeting Zoning Articles**

- Art. 17 Stadium Event Parking Overlay District - FINCOM held off until this goes to planning board next Thursday.
- Art. 18 adding 455 South Street to overlay Photovoltaic Overlay District. - Jack asked if there is a wetland behind the solar field and Landis explained they’re in the vicinity. Jack suggests the Commission comments to planning board that they will have jurisdiction within 100’ of any wetland or 200’ of the Neponset River and siting any solar arrays within these areas or the vicinity of any vernal pools should be avoided.

**Conservation Agents Report**

The Commission discussed adding a stormwater review to the BETA scope for 55 Summer Street and that it could be paid from the Conservation fund. Jack asked that Landis contact BETA to move their review along. Dyer asked that it be communicated to David Hale that the Commission will be paying for the BETA review. Jack agreed.

Motion to ask BETA to expand their review by Wiley, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

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

**The meeting adjourned at 9:19 PM.**