

**CONSERVATION
COMMISSION**

Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7268
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts

MINUTES



APPROVED 2/23/2022
CONSERVATION COMMISSION
FEBRUARY 9, 2022
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
Absent: Dean Bebis

Also present: Landis Hershey, Conservation Agent

Guests: Mark Manganello, Patrick Higgins, Rudy Barajas, Russel Waldron, Gino Pierdomenico, Matt Kennedy, Dale Knapp, Ian Jewkes, Michel Wigney

The Conservation Agent Report dated February 9, 2022 was given to members.

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7PM– Abbreviated Notice of Resource and Delineation – Norfolk County – Hilltop Farm North Street – DEP #315-1256

Hershey read the legal advertisement into the record.

Mark Manganello of LEC Environmental Consultants presented the notice on behalf of the applicant. Manganello discussed the wetland resources on the site which include bordering vegetative wetlands, river front from Bubbling Brook and a stream which they determined to be intermittent by reviewing Stream Stats. Manganello explained that the application was filed for wetland resource determination first. There is no proposed project yet, but Manganello displayed a map of the site's boundaries.

Landis stated that they are in the process of a peer review with Beta Consulting.

Dyer stated that she would like BETA to inspect the stream on the property to determine whether or not it is intermittent. Goetz seconded Dyer's sentiments.

Rudy Barajas stated that he lives in the area and he observed that the stream flows year-round.

Motion to accept the BETA peer review proposal by Goetz seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to continue this case to 7:00PM on 3/9 by Goetz seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:15 – Notice of Intent 12 Comstock Way – DEP #315-1255

Hershey read the legal advertisement into the record.

Russ Waldron of Applied Ecological Sciences presented the project on behalf of the applicant. The proposal is to install a 40' by 20' in-ground pool with a patio, walkways, retaining wall, and a shed. All the activity is designed outside of the 25-foot no alteration bounds on site from a previous filing. Hershey discussed the revisions requested to clarify the plan. The architect Gino Pierdomenico stated that the wall would be up to four feet tall and composed of crushed stone. The pool will be salt, not chlorine.

No public comment.

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

Hershey stated conditions for approval, which are to include a fence if the wall exceed three feet, to stockpile any materials outside of the buffer zone, and to clear out any sediment off the street

Motion to issue the issue the Order of Conditions as discussed by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

7:30PM – Continued Land Disturbance Permit – 455 South Street – Neponset Solar LLC

Hershey read the legal advertisement into the record.

Matt Kennedy of Biodiversity Research Institute presented the project on behalf of the applicant. He stated that they revised some drainage calculations, added an additional detention basin, and provided more a detailed erosion prevention and sediment control plan.

Ziemba asked how Phase 3 & 4 areas would be accessed. Jewkes stated that the construction equipment would be able to drive through the Phase 1 & 2 areas.

Goetz asked what measures would be taken to avoid dust storms during times of drought. Jewkes stated that they would physically transport water onto the site to prevent this.

Hershey discussed the meeting with the applicant and the Town Engineer.

No public comment.

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

Hershey stated conditions for the approval of the Land Disturbance Permit, which are to properly control dust until the site is stabilized, to test soil in each basin in front of a member of the engineering department, to provide documentation of the soil test and elevations of the mean high annual ground water to the Commission and Engineering Department, to provide an As-Built Plan to the Commission upon completion of each basin and prior to pre-construction discharge for review and approval, to provide a Gravel Removal Plan to the Commission prior to the reconstruction meeting, to stake a Limit of Work Survey in the field, and to properly remove any invasive species on the site.

Motion to issue the Order of Conditions as discussed by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

March Meeting venue – Motion to hold the first two meetings in March as hybrid virtual/in-person meetings by DiVirgilio, seconded by Ziemba. Motion carries 5-0-1 (Dyer abstained).

Request for Certificate of Compliance

7 Downing Street DEP #s 315-367 and 315-156

Motion to issue the Certificate of Compliance for #315-367 by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Motion to issue a partial Certificate of Compliance for #315-156 by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Minutes – (vote required for action) –1/26/2022

Motion to approve the minutes for 1/26/2022 as presented by DiVirgilio, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Master Plan Update – Nothing new

Pinnacle Point Update – Nothing new

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Main St. #1900, DEP #315-1043 - on-going - nothing new

Palmer Lane, 3 and 4 – on-going - nothing new

Washington Street – on-going – nothing new

Burns Ave – Wall Street Development – Hershey issued fines for some of the violations, while other fines are delayed because of inclement weather

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle – There was a decision that maintains that Bird Pond is part of the Neponset River and that the Neponset River is indeed a river from beginning to end and therefore has a riverfront area.

DOA Wall Street Development - Pinnacle Historic Mill Complex – A meeting is set up with Town Council to discuss strategy for the upcoming pre-conference hearing with the presiding judge.

Adams Farm Update – The Adams Farm Committee has questioned whether the recently purchased land should be considered part of Adams Farm. The Commission agreed that it would be a good idea as long as the Adams Farm Committee is able to properly take care of the new land.

Motion to propose that the Adams Farm Committee participate in the management of the newly-purchased land by DiVirgilio, seconded by Dyer. Motion carries 5-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba yes, Burchesky abstained).

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

Meeting adjourned at 8:55PM