

**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

Approved 4/13/2022



CONSERVATION COMMISSION  
MARCH 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, Bailey Ziemba, Emidio DiVirgilio, and Dean Bebis  
Absent: Doug Burchesky

Also present: Landis Hershey, Conservation Agent

Guests: Robert Truax, GLM Engineering; John Walsh, Walsh Brothers Building Co.; Josh Hasenfus, Project Manager for the Trustees of Reservation

The Conservation Agent Report dated February 23, 2022 was given to members.

Wiley opened the meeting at 7 PM.

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

**7:00 PM – Continued Abbreviated Notice of Resource Area Delineation – Norfolk County – Hilltop Farm North Street – DEP#315-1255**

Hershey read the legal advertisement into the record.

No Peer Review had been completed due to snow on the property, and the Applicant has requested a continuance to March 23<sup>rd</sup>.

No commission members commented, and there was no public comment.

**Motion to continue the public hearing for the Abbreviated Notice of Resource Area Delineation for Hilltop Farm North Street to 3/23 at 7:00 PM by Goetz seconded by Bebis. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).**

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

**Minutes – 2/23/2022**

**Motion to approve the minutes for 2/23/2022 as presented by Ziemba, seconded by Bebis.**

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

### **Master Plan Update**

Bebis provided an update, explaining that they met earlier that evening. The Census Documents have been completed and a proposal will be submitted to the committee this week.

### **Pinnacle Point Updates**

Town Counsel is reviewing, and there is no update or new information.

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

#### **7:15 PM – Continued Land Disturbance Permit – Lincoln Road – Walsh Brothers Building Co.**

Rob Truax, GLM Engineering represented Walsh Brothers Building, and was accompanied by John Walsh, the applicant.

Hershey explained that she spoke with the Town Engineer, the Applicant and Town Counsel, and all agree that a Tripartite Agreement would apply. She suggested the Commission agree to a bond of  $21.89 \times 9,000 = \$197,010$ .

Truax discussed the bond amount, explaining that the total area of disturbance on the property would be 23 acres, 9 ½ would be road, and 14 acres remain. He asked the Commission if 16 x \$9000 per lot, or \$144,000 would be acceptable.

Hershey explained that the Planning Board will bond for road construction. She also requested that the applicant add a buffer zone associated with the wetlands on the east side of the roadway, and add it to the map as well.

Additionally, Hershey suggested that Lots 13, 14 and 16 have a portion of the River Front area to the Stop River and 100 foot buffer zone to the wetlands and will require a separate filing under the Wetlands Protection Act and Walpole Wetlands Bylaw. Truax disagreed, explaining that calling out specific lots should not be required.

There were no additional comments from the Commission.

Hershey discussed the conditions for this permit:

In addition, after reviewing the ORAD issued 6-15-2020 I found that the ORAD was issued for:

- 1) Isolated Wetlands: Flags 19-1 through 19-14 and 19-101 through 19-107.
- 2) Wetlands Bordering river: Flags 19-201 through 19-230.
- 3) The Boundary of the Stop River and unnamed Tributary and the riverfront area associated with each river.

The Applicant's materials included a reference to an Isolated Land Subject to Flooding along Lincoln Street (off site), while the wetlands are on site shown as a State Restricted Wetlands on MA GIS. The Isolated Land Subject to flooding was questioned and calculations of the ILSF were submitted. The ILSF nor the State Restricted Wetlands was included in the ORAD.

Lots 24 should file under the Wetlands Protection Act and Wetlands Bylaw and provide documentation DEP Data sheets documenting that there are no wetlands or 100 foot buffer zone, or Land Subject to Flooding on these lots.

Revised plans Definitive Subdivision Plan Lincoln Estates, (sheet 1-23 and SUP – A) dated 2-08-2022, GLM Engineering were submitted for the last meeting. Stormwater Report 8-28-2021 was originally submitted, revised Stormwater Report dated 9-20-2021 was submitted. The Applicant submitted a letter addressing the town engineer's comments. The Applicant should explain the changes on each plan sheet.

The Applicant has submitted full subdivision plans that have not been approved by the Planning Board. If the Commission issues the Land Disturbance Permit it should be conditioned:

- 1) A copy of the approved subdivision plan shall be received by the Conservation Commission at least one week prior to preconstruction meeting.
- 2) A preconstruction meeting shall take place with the Conservation Agent 72 hours prior to beginning construction.
- 3) Lot construction only: The development of land for the construction of single family houses and associated utilities and driveways.
- 4) Development of the roadway and post construction Stormwater management system is permitted under a separate land disturbance permit.
- 5) In situ soil tests for each permanent infiltration basin at the approximate final grade shall be conducted with the Engineering department and submitted for review by the Conservation Commission.
- 6) Post construction Stormwater basins and roadway construction is not permitted under this Land Disturbance Permit.
- 7) Street sweeping shall occur at least once a week or sooner as necessary to pick up sediments on the street.
- 8) Lots 3, 4, 5, 13, 14, 16, and 24 shall require either a separate filing with the Conservation Commission under the Wetlands Protections Act and/or the Walpole Wetlands Bylaw.
- 9) A water truck shall be available on site during excavation to dampen areas as needed to prevent dust from the air.
- 10) Applicant provide a performance security of \$9,000/acre of disturbed area to cover emergency grading and stabilization should developer walk away and/ not be in a financial position to complete the work. **Recommended by Town Engineer.**

William Hamilton, member of the public, identified concern with homes being built that could potentially want to add solar, and these homes should have a stipulation against this due to fear of contamination of water supply.

**Motion to close the public hearing for the Land Disturbance Permit on Lincoln Road by Goetz, seconded by DiVirgilio. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).**

**Motion to approve the Land Disturbance Permit on Lincoln Road by Goetz, seconded by Bebis. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).**

#### **7:30 PM – Notice of Intent –Trustees of Reservation, 75 Walcott Street – DEP 315-1257**

Hershey read the notice of hearing into the record.

Hasenfus reviewed the additional details provided to the revised plan, including concrete construction details. The Town Engineer had no additional comments following his review.

No comments from the Commission members, and no public commented.

**Motion to close the public hearing for the Notice of Intent for the Trustees of Reservation, 75 Walcott Street by Goetz, seconded by DiVirgilio. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Bebis, Ziemba).**

Hershey discussed the conditions for 75 Walcott Street.

The applicant submitted a revised plan dated 2-25-22 with additional details on the sluiceway and wing walls.

- Project shall occur during low flow conditions.
- Removed materials shall be deposited into a truck for removal.

- Dewatering if necessary shall be contained in settling basin or similar.
- Excavation within Land Under Water shall be below 100 Cubic yard.
- Alteration of Bordering Vegetative Wetlands requires at least 1:1 replacement of Bordering Vegetated Wetlands pursuant to 310 CMR 10.55(4)(b); A replication plan shall be submitted to the Conservation Commission for approval two weeks prior to the beginning of the project.
- Project meeting with the Applicant and Project manager shall occur one week prior to the project.

Any changes to the alteration of the wetland resource areas do to the removal and or the construction of the structures shall be brought to the attention of the Conservation Commission within 48 hours.

**Motion to approve the Order of Conditions for the Trustees of Reservation, 75 Walcott Street by Goetz, seconded by Bebis. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Bebis, Ziemba).**

**Enforcement Orders/ Notice of Noncompliance –**

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

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

**Washington Street** – Mark Copponi - awaiting information

**Burns Ave – Wall Street Development** – On-Going

**Motion to close the meeting by Goetz, seconded by Ziemba. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis) Meeting adjourned at 8:06PM.**