

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

Approved 4/27/2022



CONSERVATION COMMISSION
APRIL 13, 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, Doug Burchesky, Bailey Ziemba, Emidio DiVirgilio, and Dean Bebis

Absent: None

Also present: Landis Hershey, Conservation Agent; Stephanie Ackley, Board Secretary

Guests: Rudy Barajas, Jean Crocker, Jane Bergen, Mary McDougall, Patrick Higgins, Jonathan Niro, Daniel Merrikin, Russell Waldron, Scott Henderson, Tom Touchet

The Conservation Agent Report dated April 13, 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

Ackley read the legal advertisement into the record.

Patrick Higgins represented the project, explained that the Peer Review was completed by BETA, and that a revised plan was submitted on April 6.

Jonathan Niro, BETA, discussed the findings from the site visit in mid-March.

Hershey was satisfied with the delineations provided on the plans.

A letter from Rudy Barajas regarding Hilltop Farm was read into the record. This letter discussed water and wetlands located on the site. Barros, who was present for the hearing, then commented by thanking the Commission for presenting the letter, and that he appreciates the peer review and the additional resources being identified.

Motion to close the public hearing for the Abbreviated Notice of Resource Area Delineation for Hilltop Farm North Street was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Hershey discussed the conditions for the project.

BVW

WF# A1- A39 (WF#A 40-43 off site), WF#A44- A64, WF# A64R- A69R, WF# A69-A73 (north of Culvert)

WF# B1-B35, B35, B42, B42A, B42B, B43-B50 (south of culvert)

WF# C1-C12 (bubbling Brook)

100 foot buffer of PVP

Potential Vernal Pool

BANK

(Intermittent Stream within wetlands)

BF# B1 to B11 (B12 and B13 Off site), B14 to B18, B18A, and B19 to B22

BF# A1- to A11 (BF#-A12 and A13 off site), and A14 to A25

BF# C1-C4

BANK/MAHW

(Perennial Stream)

BF# B23, B23A, B23B, B23C, C24B, B24A, A24, A2. (unnamed tributary to Bubbling Brook)

BF#A100-A102 and BF#B100-B102 (Bubbling Brook)

Notes from BETA:

Potential Vernal Pools and BLSF noted on plan not to be included in the ORAD

- Additional Resource Areas Subject to Protection under the Act and the Bylaw that are not confirmed under this ORAD are present at the Site and within 100 feet of the Site including, but not limited to, Bank, Land Under Water (LUW), Bordering Vegetated Wetland (BVW), and Bordering Land Subject to Flooding (BLSF). Only the Resource Area flagging noted in this ORAD is approved under this filing.
- The approved plans-of-record depict BLSF and Potential Vernal Pools at the Site for informational purposes. The boundaries associated with these Resource Areas are not approved under this ORAD.
- The boundaries of LUW associated with the approved Bank flagging is not approved under this ORAD.
- A low-flow channel may be present within the B-Series BVW; however, flooded conditions were present during the Site visits conducted throughout March of 2022. Additional Bank and/or LUW may exist within this portion of the BVW and their associated boundaries are not approved under this ORAD.

Motion to approve the Order of Resource Area Delineation for Hilltop Farm North Street was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

7:15 PM – Notice of Intent – 937 Washington Street – Jason Hockman – DEP#315-1258

Ackley read the legal advertisement into the record.

Dan Merrikin represented the applicant, and discussed the intentions of the project.

Hershey discussed specifics regarding the project, suggesting boundary plaques be placed when the slab is set.

Bebis asked if the barn would be set on a slab or foundation, and Merrikin replied slab.

Ziemba asked how the barn would be accessed, and if the vehicles would be allowed to drive around the barn, noting the gravel path on the plans. Merrikin explained that the gravel would surround the barn, but the existing gravel road would be extended to reach the barn area.

DiVirgilio asked if there would be materials stockpiled, and the answer was no.

Dexter-Dyer asked if the river name was correct, and Merrikin explained that he used what was provided on the mapping.

Mr. Marciello, 358 Stone Street asked if there would be impacts to the stream, specifically waterflow.

Mary McDougall, an abutter, asked questions regarding rink drainage.

Gary Wentworth, an abutter, asked the volume of water that would be used in the rink.

Mary Jean Crocket, an abutter, shared concerned for the perc testing, which was done in August, when the soil was at its driest.

Motion to close the public hearing for the Notice of Intent for 937 Washington Street, Jason Hockman, DEP#315-1258 was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Hershey read the conditions for the project:

Plans were updated to include the River front area associated with Spring Brook. No work is proposed within the riverfront area. Activity is proposed up to the 25-foot no alteration area. Plaques are included on the plan.

The twenty-five foot no alteration are boundary plague locations shall be staked in the field and labeled prior to cutting.

The no alteration bounds shall be installed prior to the foundation.

Motion to approve the Order of Conditions for 937 Washington Street, Jason Hockman, DEP#315-1258 was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

7:30 PM – Notice of Intent and Land Disturbance Permit – 965 West Street – Michael Freiburger – DEP#315-1259

Ackley read the legal advertisement into the record.

Scott Henderson represented the project, and was accompanied by Michael Freiburger, the applicant, Ms. Freiburger, the applicants' wife, Mr. Mackey, counsel, and Russ Waldron, AES.

Hershey explained that the project involves two wetland fills in order to access upland to construct a building and landscape storage yard. The Applicant proposes infiltration units within the driveway and an infiltration basin in the storage yard. Test pits will be confirmed by the Engineering Department for infiltration and ground water location.

Bebis confirmed specifics on the plan, including gravel roadway and testing basins. He suggested a construction sequencing plan.

Hershey asked for more detail regarding the well and the block wall along the road.

Burchesky asked for details regarding the fuel storage area on the map.

DiVirgilio asked if chemicals or fertilizer would be stored on-site, and Merrikin explained that there would be these types of materials, but they would all be stored indoors.

Goetz asked where the nursery would be located, and Merrikin explained the intention and location of the nursery.

Merrikin explained that the soil evaluation would be completed the following week.

Motion to continue the public hearing for the Notice of Intent and Land Disturbance Permit for 965 West Street, Micheal Freiburger, DEP#315-1259 to May 11, 2022 at 7:00 PM was made

by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

7:45 PM – Request for Determination of Applicability – Bird Pond Dam – MA Department of Conservation and Recreation (DCR)

Ackley read the legal advertisement into the record.

Tom Touchet, AECOM, represented, and explained the details of the project.

Hershey explained that they are looking to receive a Negative 2 for work within the resource area.

Bebis asked if there was any intention to share the core sample results or analysis, and Touchet replied that they would be happy to provide their findings.

Dexter-Dyer asked if they were able to accurately determine the owner of the dam. Touchet explained that they have sent letters to the presumed owner, but have not made contact. They are reviewing options for this dam as it is now a high risk dam.

Motion to close the public hearing for the Request for Determination of Applicability for Bird Pond Dam/MA DCR was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to approve the Determination of Applicability for Bird Pond Dam/MA DCR was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Minutes – 3/9/2022, 3/22/2022

Motion to approve the Minutes from March 9, 2022 was made by Goetz seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis – Burchesky Abstained).

Motion to approve the Minutes from March 22, 2022 was made by Goetz seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis – Burchesky Abstained).

Master Plan Update

Bebis explained they reviewed the Open Space and Wetland plans, and their comments would be due for submission by April 26. The next meeting is April 27.

Pinnacle Point Updates

No Updates

Discussion of Scheduling and Legal Ad

Ackley explained that due to Gatehouse Media stopping business as of May 1st, the Commission would be starting to advertise with Hometown Weekly. Because of this change, and their print deadlines, the Commission had to revise their filing deadlines. A revised draft calendar was provided to members for review.

Motion to approve the proposed 2022 Meeting Dates was made by DiVirgilio seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Peer Review Bird Middle School

Hershey recommended the Commission vote to accept the proposal from BETA to review the Land Disturbance Permit for Bird Middle School.

Motion to accept BETA to provide the Peer Review of Bird Middle School was made by Goetz seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to conclude the public meeting and enter Executive Session by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).