

**CONSERVATION
COMMISSION**



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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION
JUNE 24, 2020
7:00 PM
Approved 7/8/2020 5-0-0

This meeting was recorded and will be available on walpolemedia.tv

Present on ZOOM Conference: Jack Wiley (Chair), Al Goetz (Vice), Betsey Dyer, Emidio DiVirgilio, Doug Burchesky

Also present: Conservation Agent, Landis Hershey; Amy Messier

Wiley opened the meeting at 7:00 PM

Roll Call: Wiley- Aye; Dyer-Aye; Goetz- Aye; DiVirgilio- Aye; Burchesky-Aye

7:00 PM: Notice of Intent, 55 BH LLC/ 55 SS LLC, 55 Summer Street, DEP #315-1227:

Wiley opened the hearing, Hershey read the public hearing notice. Applicants and persons representing the applicant present on the Zoom conference were as follows; Attorney Joanna Hilvert of Macchi & Macchi, David Hale (applicant) , Mark Brooks (of Omni Development), Brian Butler of Oxbow Engineering, and Patrick Bogle of Howard Hudson Stein. Wiley then and explained to the audience that this hearing tonight is for informational purposes only, with the Applicant de-briefing the audience and the Commission of the proposed project, and that comments and questions from the audience will be held off until the next meeting scheduled. Wiley read comment letters into the record from the ZBA and BOH.

The BOH had comments and concerns regarding the following topics;

- 1.clubhouse pool area: pool meeting various health codes, inspections, lifeguards on duty.
2. recycling and trash: adequate space and pick-up schedule.
3. playground & dog parks: sidewalks, lighting, grass, bicycle racks in place to ensure children can get around in a safe manner, and also cleaned appropriately.
4. maintenance facility: applicant to be required to register their toxic and hazardous materials with the Health dept. and to ensure that storage is adequate and away from wetlands.
5. energy: BOH strongly recommends that the applicant help with carbon footprint and use renewable energy when feasible (solar).
6. BOH voiced concerns regarding global warming, mosquitos carrying EEE, and building near wetlands (Cedar Swamp)
7. BOH will require the applicant provide their dept. with a detailed mosquito mitigation plan for review.

8. BOH has concerns about the cutting down of many trees that would result in the loss of many species of birds, etc. as well as the increase in coyotes in areas where trees are taken down, etc.

9. BOH stated that the applicant should check and verify with DEP and their own LSP, and document to the Town that the use they propose will also be a condition of no significant risk. The applicant should hire an LSP to make certain that the new activities proposed would not have a negative impact on the Town Water supply.

10. bus stop: Bus stop is safe for school children, and recommends having an over-hang for inclement weather for school aged-children while waiting for buses. Also, that the crossing of the street for walkers is safe enough for traffic to slow down in that area.

ENG. Comments:

1. Engineering recommends that the Conservation Commission obtain peer review assistance for this project. The review should include all aspects of the stormwater design report plan, which would serve the commission in a more thorough manner, as well as the applicant, compared to having just a department review.

Joanna Hilvert of Macchi & Macchi made a brief introduction of the project that included the following;

This project is unique in the fact that the Walpole Conservation has jurisdiction over the wetlands protection Act and the ZBA has jurisdiction over the Walpole Wetlands Bylaw. The ZBA has already opened the hearing, with their next meeting being on Monday, July 27, 2020 at 7PM. Hilvert stated for the record that during the BOH comments, a comment was made that the part of the proposed site was contaminated area under the Massachusetts Contingency Plan, and that the site of the proposed project is in fact, not part of the Contingency Plan, and the site that was referenced in the comment letter by the BOH was the other property near-by, that was formerly known as the Baker Hughes Site. The correct site with regards to the proposed project is not contaminated from the nearby property, and the applicant has hired an LSP who has already reviewed the land and had made a submission to the ZBA, in which the ZBA is addressing this under their process.

Brian Butler of Oxbow Associates presented the power-point overview of the project, which included the following;

Project site was two properties (summer street parcel & Baker Hughes Parcel). Wetlands have been flagged on the Coffsky property, the Baker Hughes property was delineated approx. 6 months ago, therefore all of the resource areas on the property have been established, along with all perspective vernal pools were also flagged. Total size of property is approx. 57.8 acres.

Project site plan for the multifamily development was shown, with the most recent revision date of 6/16/20. Brian Butler stated that the project has been evolving a little bit out of phase due to delays and department commentary. The revised plans depict reduced amounts of grading and a changed layout in order to reduce the work within the resource area. Other revisions include a reduction in the riverfront impacts and have taken additional steps to keep the vernal pools out of the 50 ft. buffer zone as much as possible. The Applicant stated that he has submitted a MESA checklist to the Natural Heritage of Endangered Species Program with a specific inquiry as to whether the project as proposed would have an impact under 10.5.9. of the WPA Regulations or whether they would effect a prohibited take under 10.0.2 of the MA Species Act Regulations, in which both came back negative.

Hershey addressed the applicant regarding the set of plans that were submitted to the Commission compared to the plans being presented during the power-point. Hershey stated that any plans the applicants make available to the Commission, we also make available to the public and our peer review consultants in order to keep everyone up-to-date with the latest revisions, etc. and that typically, a project that is going forward to present should be based on the plans that everyone has access to, and that have been submitted to the Commission prior to the hearing/ presentation.

Al Goetz stated that his is displeased with the plan situation, and expressed that going forward he would prefer a large, paper set of plans.

Brian Butler of Oxbow Engineering explained to the Commission that the proposed project currently shows two wetlands crossings – both of which involve BVW and poorly defined intermittent streams.

Crossing #1: 1,996 ft. of impact including intermit stream bed. For each crossing, two replication areas (details are in the plan sets) are proposed, that exceed a 1.5: 1 ratio of impact to the replication in compliance with the standards under the WPA for the BVW. Crossing #2 (westerly): has a net impact is 2,700 s.f., which also alters bank.

Patrick Bogle explained the stormwater design to the Commission, which included the following; the majority of the flow comes from Summer Street on the southern end of the property to Cedar Swamp. There are 5 infiltration ponds throughout the property and 1 Storm-Tec infiltration chamber system proposed on the property. All of the houses and townhouses were designed with systems to infiltrate the clean roof water and recharge the groundwater as well. Each one of the infiltration systems on the 5 infiltration basins and stormwater chamber system as well was designed with deep sump catch basins with a minimum sump depth of 4 ft. and a sediment fore-bay or isolator rug, which has been designed per the Mass Stormwater Handbook, and each of these together with the infiltration pond or the chamber system will meet the 80%tss and will meet the required brown water recharge. Both of these together are going aid in less erosion downstream, and will support a reduction in both volume and flow for both pre and post storm events.

55 Summer Street Peer Review: Wiley stated that the Commission currently has two quotes for a peer preview, and would like a third quote, and therefore the Commission will be tabling this topic to the next meeting on July 8, 2020. Hilvert stated that the ZBA has already engaged Tetra Tec as their peer review consultant, and therefore voiced her opinion that having the ZBA and Conservation use the same peer review consultant (Tetra Tec) to review the project would be beneficial and make sense, in order to avoid duplications of efforts. David Hale addressed Wiley and stated that he, as the applicant, did not request a third bid for peer review services, and that a third bid would only be needed or useful if the previous two that were submitted were financially not in line with the amount of material needing to be reviewed. Hale stated that the Tetra Tec firm seems to be reasonable and highly qualified to review this project proposal, and therefore recommends that the Commission use that same firm as the ZBA has already done. Wiley stated that will take Hales comments under consideration and the topic will be addressed at the next meeting.

Wiley asked if the Commission had any commentary:

Hershey stated that there will be further commentary and review during the next meeting of 7/8/2020.

Hershey stated that the plans that were given to the Commission originally will be the same plans that will be going to the peer reviewing consultant. Other Commission commentary were as follows:

Doug Burchesky: none

Emidio DiVirgilio: none

Betsey Dyer: unsatisfied with the proposed second crossing on plan; proposed single family houses have porches directly onto a drainage structure or extremely close to the 25 no alteration zone; the single family homes will be owned by the Homeowners Assoc.; discrepancy over retention "drain" vs. retention "pond"; sees a lack of open space on the plan proposed; intermittent streams shown on the plan should be labelled.

Al Goetz: wants to have a full size set of plans

With further information needed, Dyer motioned to continue the hearing to August 12, 2020 at 7PM, seconded by Di Virgilio, Roll Call: Wiley- Aye; Dyer-Aye; Goetz- Aye; DiVirgilio- Aye; Burchesky-Aye, the motion carried 5-0-0.

Minutes – (vote required for action) 6/10/20 Dyer motioned to move the minutes, seconded by Di Virgilio, the motion carried 4-0-1 Roll Call: Wiley- abstained; Dyer-Aye; Goetz- Aye; DiVirgilio- Aye; Burchesky-Aye, the motion carried 4-0-1

Enforcement Orders/ Notice of Noncompliance

Main St. #1900, DEP #315-1043 : no action taken or recommended at this time.

Boyden Estates – Summer Street DEP #315-1099 – no action taken

Notice of Noncompliance Brookside Village, : no action taken or recommended at this time.

DEP #315-1093

Request for Certificate of Compliance

Collins Civil Engineering Group, Inc., 6 Northwood Dr., DEP#315-1209: Dyer motioned to issue the certificate of compliance, seconded by DiVirgilio, Roll Call: Wiley- Aye; Dyer-Aye; Goetz- Aye; DiVirgilio- Aye; Burchesky-Aye, the motion carried 5-0-0

Goetz made a motion to adjourn, seconded by DiVirgilio, the motion carried 5-0-0 (roll call: Wiley-Aye; Dyer-Aye; Goetz-Aye; DiVirgilio-Aye; Burchesky-Aye)

The meeting adjourned at 8:40 PM.