

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved on 7/13/2022



CONSERVATION COMMISSION
JUNE 22, 2022
7:00 PM

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

Commissioners Present: Jack Wiley (Chair), Al Goetz (Vice Chair), Betsy Dyer, Doug Burchesky, Bailey Ziemba and Dean Bebis

Absent: Emidio DiVirgilio

Also present: Landis Hershey, Conservation Agent

The Conservation Agent Report dated June 22, 2022 was given to members.

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS

Continued Notice of Intent and Land Disturbance Permit – 965 West Street –Michael Freiburger – DEP# 315-1259

Wiley read the Notice of Public Hearing into the record.

Scott Henderson reviewed the changes explaining that they have added wetland replication, consolidated the wetland crossing to one location with four culverts, and that the replication area is now one and a half to one. A fieldstone wall will separate the work area and allow trees to remain. One culvert will flow into a second culvert and the infiltration system will also promote flow and replication. Henderson also explained that 25 foot no disturbance area plaques are added to the plan surrounding the nursery area and will discuss where additional plaques will be placed along the roadway.

Wiley read the town engineer letter with comments.

Hershey discussed her concerns.

- **Land Disturbance Permit** - Site Preparation Plan C6 addresses stormwater management during construction. Erosion control detail updated. Stormwater management reviewed under the NOI.

- **Notice of Intent:** Total alteration of BVW = 2,150 s.f. Total replication: 3,450 s.f. meets WPA and Bylaw requirements. Stormwater management meets stormwater standards with infiltration basin and below surface infiltration. See draft recommended special conditions
- **Limited Project:** The Applicant filed the application under limited project 10.53(3) (a) Land to be used primarily and directly in raising of trees, nursery greenhouse products, and ornamental plants and shrubs. The nursery stock portion of the site is 60' X 60' although it is part of the use of the site it does not seem to be the **primary use** therefore the limited project should not apply.
- **10.53 (4):** The Commission can approve the project under 10.53 (4) since alteration is below 5,000 s.f., and the replication area meets 10:53(4)(b) 1-7 and 10.53 (4) (d) will not impact rare habitats and (e) is not an Area of Critical Environmental concern.
- The two wetland alterations occur in areas with minimum disturbance to the larger wetland system occur and maintain hydraulic connection with remaining wetlands. There does not appear to be an alternative with less impact to access the upland portion of the site. The replication area meets the requirements of the WPA and Bylaw.

Bebis asked if excavation will harm mature trees and Henderson explained that they will try to avoid any damage during excavation.

Goetz shared his concern with the fuel storage area and asked Hershey to condition this for review if the applicant chooses to install.

Wiley asked Henderson to quantify and locate the no disturb plaques adding that there should be five total along the road, one at each end and three in the middle.

Motion to close the Public Hearing for the Notice of Intent and Land Disturbance Permit for 965 West Street –Michael Freiburger – DEP# 315-1259 by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Hershey discussed the conditions.

Motion to issue the Order of Conditions and Land Disturbance Permit for 965 West Street –Michael Freiburger – DEP# 315-1259 by Goetz, seconded by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Continued Notice of Intent – 295 Union Street – John Meador/295 Union Street Fee Owner, LLC – DEP# 315-1262

Wiley read the Notice of Public Hearing into the record, and followed that with a letter from the town engineer.

Brian McCarthy explained that plans have been revised on the plan and that they were able to review the stormwater basin and see if it would be relocated. It has been moved further out and improves the no alteration zone. They also addressed comments on erosion controls and their location, added no alteration signs every 50 feet, added snow storage, added material stock pile area, addressed the town engineers' comments, and will inspect lines on the property and replace 8-inch line. McCarthy added that the soil logs and sewer details will be included and they have added the future sidewalk to the plan, which will be constructed by the town at a later date.

Lucas explained that there have been improvements in the restoration area calculations since the last revision.

Hershey clarified details regarding trees throughout the restoration area and pointed out that the total restoration area will be 770 ft.² of replication.

Burchesky asked if the snow removal formula is based on pavement area and McCarthy explained that they provide areas for snow pile but the OMM and details removal if it loads are too great.

Goetz asked for the applicants interpretation for gravel and how it percolates. McCarthy explained that it is a -3 base course in paving and that the storm water flows over this material. Goetz also asked the type of oil/water separator and McCarthy explained that they intend to use a Contek CDS unit for Hydrodynamic particle separation.

Wiley asked if the OMM has any reference to cleaning the gravel area to which McCarthy replied that yes the surface material will be inspected and any materials will be removed. Wiley added that there is an extensive use of plaques throughout the site and wants to see additional plaques added by the guard rail.

Motion to close the Public Hearing for the Notice of Intent 295 Union Street – John Meador/295 Union Street Fee Owner, LLC – DEP# 315-1262 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Hershey discussed conditions.

Motion to issue the Order of Conditions for 295 Union Street – John Meador/295 Union Street Fee Owner, LLC – DEP# 315-1262 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Notice of Intent – 415 Stone Street – Daniel & Lauren Beaudreau – DEP #315-1263

Wiley read the Notice of Public Hearing into the record.

Waldron explained that the project consists of a two car garage and that there will be no work in the 0 to 25 foot alterations zone. The project is in the Riverfront area, and he has spoken with Hershey about mitigation plantings and riverfront redevelopment.

Hershey explained that redevelopment was suggested on behalf of the DEP because the garage is being located where the driveway currently exists. The plantings are just located along the buffer zone and riverfront.

Bebis asked about roof drainage and Waldron replied that there will be none because the ground water is so high. Bebis then asked if there would be a basement and Waldron explained that it is slab on grade.

Ziemba asked for no alteration plaques to be added along the property line and one behind the patio area.

Burchesky asked about the building set back line that is included on the plans and Waldron explained that that is for zoning use only.

Dyer Asked what plants currently exist in the Riverfront area and Waldron explained that it is mostly hardwood, pine, and thorns.

Goetz asked if the bluestone patio area is used by the homeowner and Waldron explained yes.

Motion to close the Public Hearing for the Notice of Intent – 415 Stone Street – Daniel & Lauren Beaudreau – DEP #315-1263 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Hershey discussed conditions.

Motion to issue the Order of Conditions for 415 Stone Street – Daniel & Lauren Beaudreau – DEP #315-1263 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Request for Determination of Applicability – 51 Boston-Providence Highway – Dunkin’

Wiley read the Notice of Public Hearing into the record.

Dan Merrikan of Legacy Engineering presented on behalf of the applicant. He explained that they are requesting a negative determination for remodeling the drive-through adding to drive-through windows, a double lane, re-configuring the parking area and adding stormwater management. He also Discussed the floodplain and feels it is not subject to flooding.

Bebis asked if the work done will modify 295 Union St. and Merrikan replied no.

Motion to close the Public Hearing for the Request for Determination of Applicability – 51 Boston-Providence Highway – Dunkin’ was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Hershey discussed the conditions.

Motion to issue the Negative 4 Determination of Applicability – 51 Boston-Providence Highway – Dunkin’ was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Extension Requests

Broken Arrow Estates, Delapa Circle – DEP#315-1158

Motion to grant a 1-year extension for Broken Arrow Estates, Delapa Circle – DEP#315-1158 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Washington Street, 1148, Philip Macchi – DEP#315-0983

Motion to grant a 1-year extension for Washington Street, 1148, Philip Macchi – DEP#315-0983 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Boston-Providence Highway, 990 – David Wluka – DEP#315-1206

Motion to grant a 1-year extension for Boston-Providence Highway, 990 – David Wluka – DEP#315-1206 was made by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Request for Certificate of Compliance

Warren Lane, 12 – DEP# 315-1008

Motion to grant the Certificate of Compliance for Warren Lane, 12 – DEP# 315-1008 was made by Ziemba, seconded by Goetz, seconded by Dyer. Motion carries 6-0-0 (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis).

Summer Street, 323 & 327 – DEP#315-1099

Dyer suggested writing a letter to the owner, and Hershey agreed that she will contact them. This item will be discussed at the next meeting.

Appeals

DOA Wall Street Development – Pinnacle Historic Mill Complex

Hershey explained that there is a new officer assigned to the case and that no date has been set at this time.

Enforcement Orders

1900 Main Street, DEP#315-1043

Hershey explained that a letter has been sent but there has been no reply from the property owner at this time.

Burns Ave – Wall Street Development

Hershey explained that the court has issued an injunction that allows 14 days to install erosion controls and provide a monthly report.

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Minutes – 5/25/2022

Motion to approve the 5/25/2022 minutes as amended was made by Bebis, seconded by Burchesky. Motion carries 5-0-1 (Wiley, Goetz, Burchesky, Ziemba, Bebis – Dyer Abstained).

Minutes – 6/8/2022

Motion to approve the 6/8/2022 minutes as amended was made by Dyer, seconded by Bebis. Motion carries 5-0-1 (Wiley, Dyer, Burchesky, Ziemba, Bebis – Goetz Abstained).

Master Plan Update

Bebis explained that there is one more document to review and then the master plan will go public.

Board Reorganization

Bebis nominated Wiley as Chair, Ziemba seconded the motion. Motion carries 5-0-1, (Goetz, Dyer, Burchesky, Ziemba, Bebis, Wiley abstained)

Wiley nominated Goetz as Vice-Chair, Ziemba seconded the motion. Motion carries 5-0-1 (Wylie, Dyer, Burchesky, Ziemba, Bebis, Goetz abstained)

Conservation Land – North Street Parcel

Hershey reviewed the numbers and amounts provided previously with the town engineer and was able to reduce the amount to \$42,000. She has submitted this request for the capital budget along with treatment of Memorial Pond, which was proposed by Wetlands and Waterways.

Pinnacle Point Update

Hershey explained that Town Counsel met with the Selectboard, and there is no further update at this time.

Documents referenced:

6/22/2022 Agenda

965 West Street – Plan of Land

295 Union Street - Plan of Land

295 Union Street Town Engineer Letter

295 Union Street DEP Letter

415 Stone Street Plan of Land

415 Stone Street DEP Letter

Conservation Agent Report (dated 6/22/2022)