

**CONSERVATION
COMMISSION**

Town Hall
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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 6/14/2023



CONSERVATION COMMISSION
MAY 24, 2023
7:00 PM

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

Commissioners Present: Jack Wiley (Chair), Betsy Dyer, Emidio DiVirgilio, Doug Burchesky, Bailey Ziemba, Dean Bebis, Landis Hershey, Conservation Agent

Absent: Al Goetz (Vice Chair)

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS

Continued NOI – North Street Pull-Off – Town of Walpole – DEP# 315-1284

Wiley read the public hearing notice.

Hershey explained to the Commission that a draft plan has been provided by the Town Engineering Department.

Wiley discussed the revisions to the plan, which now include a footbridge within the town's right of way on the opposite side of North Street, which would connect a trail from Adam's Farm to the Conservation Land on North Street.

Dyer asked if the plan provided was complete, and Hershey explained that it is not, since it does not include any topography or details on the access into the Conservation Property.

Ziemba recommended a crosswalk from the footbridge side of North Street to the Conservation Property.

Burchesky added that there has been a pedestrian incident in the past in that same area.

Hershey explained that those types of improvements are included in the notes of the plan.

DiVirgilio asked if there will be parking allowed on the footbridge side of the road, and Hershey explained that it would remain a pull-off with parking to be discussed at a later date.

Dyer added that she has parked at the location, and that it is very usable, and is agreeable to the relocation and lower impact to Conservation Land.

Kathy Campbell and Laura Fiske asked about the trail and ADA compliance.

Motion to continue the Public Hearing for the NOI – North Street Pull-Off – Town of Walpole – DEP# 315-1284 to June 28, 2023 at 7:00PM was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

LDP – High Meadows Subdivision – Walsh Brothers Building Co. Inc.

Wiley read the public hearing notice, along with a letter from the Town Engineer.

Rob Truax, GLM Engineering, represented on behalf of the applicant. He discussed the project, explaining that it had been approved by the Planning Board in 2016. He indicated that drainage and recharge systems are on the site.

Hershey would like to see the Town Engineers comments addressed and has concerns for underdrains being used.

Truax said he would remove the underdrains from the plan.

Hershey also recommended that silt socks be used, rather than hay bales.

Hershey asked if any materials will be stored on site, and Truax explained that they intend to bring materials in and some stockpiling will occur.

Hershey recommended adding any fueling, stockpiling, concrete and painting locations to be called out on the plan.

She also recommended that the Town Engineer be on-site when soil testing is done.

Bebis asked about phasing for the project, and Truax explained that it is going to be a single phase project.

Burchesky asked if the homes will have septic or sewer, and Truax explained that they intend on using sewer and pumping to the street using an E1 common force drain.

Burchesky asked what happens in the event of a power outage, and Truax said that he has never seen any issues in the past during an outage.

Motion to close the Public Hearing for LDP – High Meadows Subdivision – Walsh Brothers Building Co. Inc. was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Hershey discussed conditions, and added that the revised plans should include silt socks, stockpile areas, washout areas, fueling areas, painting areas, and concrete areas.

Motion to issue the Land Disturbance Permit – High Meadows Subdivision – Walsh Brothers Building Co. Inc. was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued AOO – Renmar Avenue & West Street – Bristol Brothers Dev. Corp. – DEP# 315-1173

Wiley read the public hearing notice, and explained that the applicant has requested a continuance.

Motion to continue the Public Hearing for AOO – Renmar Avenue & West Street – Bristol Brothers Dev. Corp. – DEP# 315-1173 to June 28, 2023 at 7:05PM was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Hershey requested that the Commission also grant a 1-year extension to the existing Order of Conditions for Renmar Avenue & West Street.

Motion to grant a 1-year extension to the Order of Conditions for Renmar Avenue & West Street – Bristol Brothers Dev. Corp. – DEP# 315-1173 was made by Dyer, seconded by Bebis. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued NOI – 15 Pinnacle Drive – Wall Street Development Corp – DPE# 315-1287

Wiley read the public hearing notice.

Lou Petrozzi, Wall Street Development, provided the Commission with aerial photos from 1965 to 2018, specifically calling out the location of the proposed location of his project, and as requested by Dyer at the previous meeting.

Hershey discussed her findings with the Commission and asked Mr. Petrozzi to hold any comments. She explained that 15 Pinnacle Drive was recorded as Lot 24 in 1997, and was reconfigured under a 2004 ANR plan to lot 24A, therefore losing its status as per 310 CMR 10.58(4)(d). She feels that the applicant has provided enough information to determine that Lot 24A is a previously developed lot, but is still unclear on the extent of degraded riverfront. She then explained that Lot 24A can be previously developed riverfront area and not degraded riverfront area, and if that is the case, then the requirements of 310 CMR 10.58 (4) shall be met as a lot recorded after 1997. Furthermore, if the Commission finds that the applicant has shown that Lot 24A is both previously developed and is degraded riverfront, then 10.58(5) a-d apply. She explained that 310 CMR 10.58(a) at a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in MCL c. 131 sec 40. The Applicant must meet this standard “at a minimum”.

Bebis explained that evidence was shown but that the degrading happened in 2001.

Burchesky asked if any asbestos waste testing was done on Lot 24A, and Petrozzi responded that there were none present to his knowledge, and that the 21A report included up to Washington Street, and Riverwalk Commons.

DiVirgilio asked for the definition of degraded, and Bebis provided it. McManus added further explanation of the regulations.

Bebis pointed out that prior to 1997, there was a demolished structure.

Petrozzi explained that Lot 24A was previously developed and became a dumping ground and is now degraded riverfront.

Dyer indicated that a site visit would be beneficial for the Commission, in order to see the actual conditions on the site. She added that if mitigation is needed, it could take place on the adjacent lot, since it is owned by Petrozzi.

McManus explained that mitigation applies to not previously developed riverfront.

Hershey recommended that 310 CMR 10.58, a minimum of proposed work area is done to protect the act. In order to do that, the applicant could complete mitigation on the adjacent lot.

Wiley recommended the Commission schedule a site visit, and the Commission then discussed their availability, and planned two site visits for May 26, 2023 at 8:00AM and 8:30AM. The Commission members would be split, so as to not have a quorum.

Motion to continue the Public Hearing for NOI – 15 Pinnacle Drive – Wall Street Development Corp – DPE# 315-1287 to June 14th, 2023 at 7:30PM was made by Dyer, seconded by Bebis. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS

Minutes

Motion to approve the May 10, 2023 Meeting Minutes was made by Dyer seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

Master Plan Update

Bebis explained that revisions are still being made.

Enforcement Orders/Notice of Noncompliance***33 Woodruff Road – Enforcement Order***

Resolved prior to meeting. Owner was willing to comply with suggested repairs.

1900 Main Street – Enforcement Order

None

Burns Ave – Enforcement Order

Hershey explained that the site is stable.

Peach Street – Enforcement Order

Hershey explained that the Commission still has not received an approved plan.

1342 Main Street – Enforcement Order

Hershey explained that the owner has hired a landscaper, who has removed the gravel, loamed and seeded the area, shrubs have been planted, and signed will be installed. The guardrail should be installed.

Stone Street/Clarks Pond Parking Area

Hershey indicated that over the past few weeks, it has been brought to her attention that the parking lot at Clark's Pond is full, and is aware that this is due to students parking and walking to Walpole High School. This lot is a 2-hour parking lot, with signed posted.

Wiley suggested that Walpole Police put notices on vehicles, and that the High School should also notify students.

Extensions***18 Industrial Road – DEP# 315-850***

The Commission agreed to hold off on granting any extension until the applicant appear before the board and discuss progress on the site. This item will remain on the agenda until the applicant appears and a decision is rendered.

Motion to close the May 24, 2023 conservation commission meeting was made by Dyer, seconded by DiVirgilio. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

The meeting adjourned at 8:46PM.