

**CONSERVATION  
COMMISSION**

**Town Hall**  
Room 212  
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**Town of Walpole**  
Commonwealth of Massachusetts

**MINUTES**  
**Approved 10/11/2023**



**CONSERVATION COMMISSION**  
**JUNE 14, 2023**  
**7:00 PM**

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

Commissioners Present: Jack Wiley (Chair), Betsey Dyer, Emidio DiVirgilio, Doug Burchesky, Dean Bebis, Al Goetz, Landis Hershey, Conservation Agent

Absent: Bailey Ziemba

Wiley opened the meeting at 7:00PM.

**PUBLIC HEARINGS AND DISCUSSIONS:**

***Notice of Intent: Lot 2, Old North Street, DEP#315-1288; J. Walsh Corporation:***

Wiley read the public hearing notice into record along with a letter from the Town Engineer and Board of Health. The Town Engineer had no comments regarding the site plans but notes that the address of the lot will be 1330 North Street. The Board of Health voted unanimously at their May 23<sup>rd</sup>, 2023 meeting that they are not in favor of construction within the 100-foot buffer zone. The board also requests that the applicant as well as all future owners of the property adopt standard best practices for managing mosquitos and preventing still or standing water due to improper grading.

Rob Truax, GLM Engineering Consultants, presented the plan, showcasing the proposed single-family home which is off of Old North Street and Drum Head Way. The lot is relatively flat with a straight-forward design. The house will have a driveway connected to Old North Street, and recharge basins to catch roof run-off.

Hershey inquired if the whole lot was being cleared, and Truax explained that there isn't much to clear. Hershey then asked if the lot was being graded and seeded, Truax answered that the lot was graded and seeded when Drum Head Way was built and so there doesn't have to be a lot of disturbance. Hershey recommended adding the total area of disturbance to the plan.

Hershey asked if there were soil tests for the septic. Truax said there was one done in the past and one done recently. Hershey asked if there were soil tests for the infiltration system, Truax said there was.

Bebis confirmed with Truax that there would be compost socks used for erosion control barriers and that all stockpiling would be outside of the buffer zone.

**A motion to close the hearing and issue an Order of Conditions for Lot 2, Old North Street, DEP#315-1288, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky. Bebis, Goetz).**

***Notice of Intent: 139 Plimpton Street, DEP#315-1289; John Callanan:***

Wiley read the public hearing notice into record along with a letter from the Town Engineer and the Board of Health. The Town Engineer agrees with the proposed plan sizing but notes that the proposed infiltration system should be moved about seven feet southeast, away from the driveway to remain outside of the town's sewer interceptor easements. The Board of Health asserts that they are not in favor of construction within the 100-foot buffer zone. The board also requests that the applicant as well as all future owners of the property adopt standard best practices for managing mosquitos and preventing still or standing water due to improper grading.

Russ Waldron, Applied Ecological Sciences, presented the project which consists of the removal of an existing one-car garage and the construction of a two-car garage. The site is located within the 200-foot riverfront area associated with the Neponset River. Total net increase is 852.2 square feet or 3% of the total riverfront area. A cultec style infiltration system will service any runoff.

Hershey inquired if the slab-on-grade foundation was for the existing grade, Waldron confirmed.

Hershey inquired about the retaining wall that was slotted for removal. Joseph Callanan, owner, explained that it was misrepresented on the plan, and that the retaining wall on the plan is actually pavers that will be reconfigured to showcase the boundary between the lawn and the driveway.

Hershey stated that the proposed plan has to provide some improvement to the riverfront area. Waldron suggested mitigation plantings. Hershey mentioned that in a past filing, no alteration signs were meant to be installed but were not found during the site visit. Waldron agreed to install or replace the no alteration signs. Hershey concluded that mitigation plantings, especially trees, should be added to the proposed plan.

Bebis asked for grading to be included in the proposed plan, Callanan answered that they don't want to change any grading. Bebis then confirmed that the builders would use a compost sock for erosion controls and that no stockpiling will occur.

Dyer noted that mitigation plantings along the boundary with the Neponset River would be ideal. Dyer then requested that the plans be updated to properly label the propane tanks and the retaining wall/pavers present. Goetz added that the plan should accurately show the location of the driveway which will lead into the new garage.

Bebis inquired about the mitigation details, Hershey answered that shrubs and trees should be planted where there is no understory along the area that some trees were removed by beaver.

**A motion to close the hearing and issue an Order of Conditions for 139 Plimpton Street, DEP#315-1289, contingent on receipt of a revised plan as mentioned by the Conservation Commission was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky. Bebis, Goetz).**

***Notice of Intent: 144 School Street, Memorial Pond, DEP#315-XXXX; Town of Walpole:***

Wiley read the public hearing notice into record along with a letter from the Board of Health. The Board of Health asserted that they will not be able to make comments on the proposed project but have no concerns regarding the project at this time.

Hershey, representing the Town of Walpole, provided an overview of the project, which consists of aquatic management for Memorial Pond. The project will focus on the removal of invasive and nuisance vegetation that were located in 2021. Treatment will be done through chemical applications rated for aquatic management. The chemicals proposed include sonar, clipper, and schooner.

Bebis questioned how often the treatments will take place, Hershey answered that the likely plan is to treat once in the spring, twice in the summer and once in the fall. Bebis asked if this will be done in perpetuity, Hershey answered yes unless we could dredge the pond so its deep water, which could help. In addition, local fertilizer output from residences is assisting in the growth of nuisance vegetation. Realistically, this will be a perpetual treatment.

Burchesky inquired when the chemical applicators will determine which specific chemical they are going to use for the project. Hershey answered that each year after their initial survey they will determine which chemicals will be best for treatment. The Order of Conditions will be to allow for treatment, but before treatment, the applicators will submit their initial survey to the Conservation Offices.

DiVirgilio noted that it would be \$4,000 a year for the application, but Hershey suggested it could be more as the application is pond size dependent, where Memorial Pond is a larger pond.

**A motion to close the hearing and issue an Order of Conditions for 144 School Street, Memorial Pond, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

***Notice of Intent: 235 Gould Street, DEP#315-1290; Michael McCullough:***

Wiley read the public hearing notice into record along with a letter from the Town Engineer and the Board of Health. The Town Engineer had no substantive comments at this time. The Board of Health asserts that they are not in favor of construction within the 100-foot buffer zone. The board also requests that the applicant as well as all future owners of the property adopt standard best practices for managing mosquitos and preventing still or standing water due to improper grading.

Russ Waldron, Applied Ecological Sciences, provided an overview of the project which includes the removal of the existing front landing and steps, the front walkway and existing stone retaining wall which is to be replaced with a farmer's porch, redesigned walkway, and retaining wall. There will be some grading to blend the existing lawn into the area the existing retaining wall is coming out.

Hershey explained that the grading needs to be included on the plans, then noted that the shed is to be moved away from the 10-foot no alteration area associated with the onsite wetland, which McCullough and Waldron confirmed. Hershey asked about the installation of a split-rail fence to delineate the no-alteration area, Waldron inquired if they could install posts with plaques as a more cost effective solution, Wiley agreed.

Bebis asked how far the new slope where the retaining wall was will extend. McCullough answered that it won't extend significantly into the front lawn and is just enough to blend the existing grades. The new retaining wall is going to be the end for the new grade, but no new soil or fill is being added.

DiVirgilio confirmed that the owners will be putting in the post and plaques rather than the split rail fencing.

**A motion to close the hearing and issue an Order of Conditions for 235 Gould Street, DEP#315-1290, contingent on the receipt of a revised plan as noted by the Conservation Commission was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

***Notice of Intent: 9 Muskett Lane, DEP#315-1291; David & Shannon Recco:***

Wiley read the public hearing notice into record along with a letter from the Town Engineer. The Town Engineer commented that the plan portrays incomplete grading, showing a 237 contour tying into the property line, to which the applicant is obliged to stay within their ownership unless an agreement with the abutter is in place.

Russ Waldron, Applied Ecological Sciences, provided an overview of the project, consisting of the construction of a 1,030 sq. foot outdoor paver patio with steps, walkway, fieldstone wall, and associated grading of 1,524 sq. feet. Additionally, the owners are proposing to perform additional grading in the rear of the lot to level the play area for their children. The backyard grading will be stabilized by blending the grade along the back of the lot with rip rap. No retaining wall is currently proposed.

Hershey requested the plan be revised so that the grade numbers are more legible, as well as to rectify the Town Engineer's comments. Hershey inquired if the paver patio will be impervious, Waldron confirmed it will likely be impervious. Hershey suggested locating where the run-off will be collected so it isn't running onto the neighbor's property. Additionally, Hershey reminded the applicants that there was a previous filing calling for a chain link fence with no alteration plaques designating the no alteration line. When visiting the site, Hershey found dumping beyond the no alteration signage and requested the landscape debris be cleaned up and the area no longer be used for dumping and for the no alteration signage to be extended along the entire no alteration line. Hershey requested the removal of the play area be shown on the plan.

Bebis requested that the silt fencing be extended to the entire limit of work and that arrows denoting truck travel to be added to the plan. Bebis then inquired what the applicant plans on doing with the timber from the removed play area, Waldron explained it will be broken down by chainsaw and removed from the site.

DiVirgilio confirmed with Waldron that the patio is close to the lot line and that a corner of the play area to be removed is on abutter property.

Dyer confirmed with Waldron that the rip rap will be a sufficient method of stabilization. Dyer also requested that the plan show where the back of the lot will be accessed without utilizing abutting properties.

**A motion to close the hearing and issue an Order of Conditions for 9 Musket Lane, DEP#315-1291, contingent on the receipt of a revised plan as noted by the Conservation Commission was made by Dyer; seconded by Goetz. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

***Request for Determination of Applicability: Mine Brook Wellfields Water Main Cleaning; Town of Walpole:***

Wiley read the public hearing notice into record along with a letter from the Town Engineer. The Town Engineer had no technical comments and provided their full support of the project.

Megan Kearns, wetland scientist, provided an overview of the project which includes maintenance work to remove the solid buildup of iron and manganese within the existing raw water main at the Mine Brook Well Fields near the Willis Water Treatment Plant and the Washington Site near the Delaney Water Treatment Plant. The work is exempt from filing a Notice of Intent under the Wetlands Protection Act since the activities to be performed include the maintenance and repair of existing utility structures. The project will clean 1,650 linear feet of 8 inch piping, 3,250 linear feet of 10 inch piping, 3,650 linear feet of 12 inch piping, and 1,250 linear feet of 16 inch piping. The piping, or water mains, will be cleaned using a hydraulic polyurethane pigging method. Discharge at the water treatment plant will have affected water and removed solids flow into multiple 21,000 gallon open top tanks which will then be put through a sedimentation collection bag and then discharged into an existing water treatment settling basin. The Washington site will be cleaning 2,170 linear feet of 8 inch piping and 3,000 linear feet of 12 inch piping using the same method. Work is anticipated to being in late summer or early fall and will take around 4 weeks. Minimal to no wetland impacts are anticipated since all work is being done in kind.

Burchesky inquired how often this sort of maintenance needs to be performed. Scott Gusterson answered that in recent memory, it was only done once before in the late 1990's or early 2000's.

Dyer inquired where the sediment is brought to at the end of the cleaning cycle. Scott Gusterson answered that the contractor removes the sediment from the site and will likely dispose of it properly outside of Walpole.

**A motion to close the hearing and issue a Negative 5 for the Water Main Cleaning Project was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

***Continued Notice of Intent: 15 Pinnacle Drive, DEP#315-1287; Wall Street Development:***

Wiley read the public hearing notice into record and reminded the Commission that this is a continued hearing from April 26 2023.

Lou Petrozi, Wall Street Development, represented the project, and asked the Commission to approve the building of a house on the degraded site, citing two successful site visits prior to the meeting. Petrozi then presented several aerial photographs, showcasing the lot from 1971 to 2001.

Hershey read a question from previous meetings into record; was the lot recorded on or after 10/6/1997? Hershey explained that the lot was recorded as 24 Pinnacle, not 15 Pinnacle, prior to 10/6/1997 and was reconfigured in 2004 as an ANR to 24a, losing its status as a pre-existing riverfront lot. Hershey then explained that the Commission needs to determine if lot 24a is a previously developed Riverfront Area defined under WPA 10.585. Hershey explained that even with the aerial photographs, it's hard to determine if the piles on site were put there prior to 1997. Further, Hershey explained the Riverfront Standards if the lot is determined to be previously degraded, citing the need to improve the Riverfront Area over existing conditions and that new structures should be built away from the Riverfront area and that they shall not be placed any closer than existing structures or within 100-feet of the Riverfront area, whichever is less. Hershey suggested that the Commission make their decision one whether or not the lot is previously degraded Riverfront and then close the hearing and to issue their decision on the order at the next meeting.

Dyer asked if the degradation due to having a junk yard or dumping grounds on the site happen previous to 1996, as it looks like in 2001 that the site was clear of debris. Dyer then read into record the guidance provided by Town Counsel which states that the Commission should focus on determining if the lot has impervious surface, absence of topsoil, or abandoned dumping grounds that existed on the lot prior to August 7<sup>th</sup>, 1996 and are still causing degradation of the riverfront area.

DiVirgilio stated that during the site visit, they witnessed significant growth, no absence of topsoil, and no junkyards. DiVirgilio noted that at most they witnessed mounds of dirt. The applicant's staff added that the growth of vegetation doesn't technically mean that it isn't degraded.

**A motion to positively determine that Lot 24A was previously developed was made by Dyer; seconded by Bebis. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

**A motion to determine that Lot 24A was degraded by the definition of the Wetlands Protection Act after to August 7<sup>th</sup>, 1996 was made by Bebis; seconded by Goetz. Motion carries 4-2-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

**A motion to close the hearing was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

#### **GENERAL BUSINESS:**

##### ***Allen Pond Dam NRC Plan:***

Natural Resource Conservation had come forward with a review of the Allen Dam requiring restoration of the structure. They provided several alternatives which underwent public hearings and now the Conservation Commission is tasked with voting to accept the preferred plan, Alternative 5C.

**A motion to approve the selection of the preferred alternative for the NRCS Watershed Rehabilitation program Allen Dam, Diamond Brook Watershed, plan 5C as referred by NRCS was made by Wiley; seconded by Bebis. Motion carries 5-1-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

**A motion to allow work to be conducted on land under the jurisdiction of the Conservation Commission in reference to assessors maps and lot 42-93 34-148 Allen Pond off Washington street was made by Wiley; seconded by Bebis. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

##### ***Clark's Pond Sign:***

It has been decided that the Clark's Pond Sign will be blue.

##### ***Master Plan Update:***

Bebis updated the Commission, stating that the Master Plan is done and is undergoing minor edits. It is projected to be complete very shortly.

##### ***55 Summer Street – Request to Amend Existing OOC, DEP 315-1227:***

David Hale, 55 Summer Street LLC, and Patrick Vogel, Howard Stein Hudson, provided an overview of the changes. The existing Order of Conditions covers both lots 1 and 2, however, Fairfield Residential had recently acquired lot 1, and so the applicant is intending to reduce the limit of work accordingly,

resulting in smaller impacts than what was approved. The end result will be the same number of residential units proposed prior, except with less impact on the Buffer Zone.

**A motion to request that the applicant come forward with a formal proposed amendment for 55 Summer Street, DEP 315-1227, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

### **Minutes**

#### ***5/24/2023 Conservation Commission Meeting Minutes:***

**A motion to approve the 5/24/2023 Conservation Commission Meeting Minutes as amended was made by Bebis; seconded by Dyer. Motion carries 5-0-1 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

### **Extensions**

#### ***Jarvis Farm – DEP#315-1103:***

**A motion to extend the Order of Conditions for Jarvis Farm, DEP#315-1103, for three years was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

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

**A motion to extend the Order of Conditions for 18 Industrial Road, DEP#315-850, for one year was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, DiVirgilio, Burchesky, Bebis, Goetz).**

**The meeting adjourned at 9:50 PM.**