

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved 12/13/2023



CONSERVATION COMMISSION
JULY 12, 2023
7:00 PM

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

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

Absent:

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS:

Request to Amend: 55 Summer Street, DEP# 315-1227

Wiley read the public notice into record as well as a letter from the Town Engineer advising the Conservation Commission to check-in with their peer reviewer to see how they feel about the proposed amendment. Wiley additionally read a statement from the Board of Health noting that the Board of Health does not support work to be done in the 100-foot buffer zone and asks applicants to use best management practices to reduce the risk of mosquitos.

Patrick Bogle, Howard Stein Hudson, provided an overview of the proposed amendment which includes the removal of the proposed driveway and single family units from the southern lot in favor of rental units. The rental units will be constructed as a multi-family building with 4 stories and 56 units as well as three townhouses. This will result in an overall reduction of impervious surface and development footprint.

Hershey inquired if the proposed changes will impact stormwater. Bogle answered that the stormwater calculations remain the same for every storm type except for 100 year events in which the stormwater decreases from the prior proposal. Hershey further asked if there would be any adjustments to the limit of work. Bogle confirmed that they would remain outside of the 200-foot Riverfront and 25-foot No Disturb Zone and the area of work will remain the same or shrink. David Hale, 55 SS LLC, added that the Zoning Board of Appeals will likely be assigning the same peer review team, Tetra Tech, as they did for the

original proposal to review stormwater changes, and that the hearing will be opening the coming Monday for confirmation.

Burchesky inquired where water from the fire hydrant will flow during flushing. Bogle answered that the water would flow into one of the basins or dissipate to overland flow, but catch basins on site are all within 300-feet of each other.

Goetz commented that they would like to wait and see what the Zoning Board of Appeals decides before continuing.

Bill Hamilton, Precinct 5, requested that the New England Environmental Lawfirm be employed by the Conservation Commission to provide advice to the Commission. Hamilton further expressed concern over the potential for chemicals to leach into a nearby aquifer and so requests tests for contamination to be done on site. In addition, Hamilton proposed that building on the lot might divert water from the school meadow brook well heads, allowing potential contaminants to build up a higher concentration.

Cathleen Cleary, resident, expressed concern over the blacktop material to be used for the paved areas of the site, asking for 100% pure blacktop to be used and not recycled blacktop so that any existing oils don't leach into the site from the asphalt. Bogle confirmed that the pavement they will be using will be MassDOT specs and under MassDOT regulation.

A motion to continue the Notice of Intent hearing for 55 Summer Street, DEP#315-1227, to September 13th, 2023 at 7pm was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Notice of Intent: Main Street Sidewalks, DEP# 315-1295; MassDOT

Wiley read the public notice into record as well as a letter from the Town Engineer which stated that the Town Engineer has reviewed the proposed plans and has no technical comments and further supports the DOT fixing the sidewalk. Wiley read a letter from the Board of Health into record stating that the Board of Health does not support work within the 100-foot Buffer Zone and asks applicants to employ best management practices to reduce the risk of mosquitos.

Peter Elisson, TEC, provided an overview of the project to fill in the 1050-foot gap of sidewalk along Main Street. A bordering vegetative wetland (BVW) and inland bank along the Neponset River serve as the Resource Areas on site, however no impacts to the Resource Areas are proposed though the sidewalks will impact the 100-foot Buffer Zone to the BVW. Bordering Land Subject to Flooding is not proposed to be impacted due to the height of the road being over the flood plain. 1,455 square feet of impacts are proposed inside the 200-foot Riverfront Area associated with the Neponset. 591 square-feet of the impact will be temporary while 861 square feet is permanent which includes the 5 ½ foot wide sidewalks. There is 990 square-feet of existing pavement. The proposed sidewalk will be built alongside the existing roadway shoulder which currently is disturbed with gravel or dying grass. Mitigation in the form of silt-sacks and erosion control barriers will be in place. An existing catch basin inside the limit of work will be replaced with a deep sump, hooded catch basin. There will be improvements to the collection of stormwater via the new curb formed by the sidewalk.

Hershey inquired how the work will commence. Elisson answered that one lane will be closed with a police detail and barrels. Pavement will then be cut while an excavator comes down the line and scoops the material into a truck. Curbing crews come in behind that and install granite curbs and then asphalt is poured for the sidewalks. There will be no stockpiling as the project will progress linearly. Erosion control barriers will be installed prior to the start of construction.

Bebis asked if erosion control barrier plans will be submitted before sawcutting. Elisson answered that they would be.

Burchesky inquired if the asphalt will be recycled material. Elisson answered that they weren't sure but the project is through the MassDOT and will follow MassDOT regulations.

DiVirgilio confirmed with Elisson that the sidewalks will have granite curbs and asphalt surfacing.

Goetz expressed concern that the utility poles will go through the middle of the sidewalk and restrict access to wheelchairs. Elisson answered that there will be a standard width of 5 ½ feet and where the utility poles extend out of the sidewalk, the sidewalk will extend until a 5 ½ clearance around the pole is met.

A motion to close the hearing and issue an Order of Conditions to DEP#315-1295 was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Amended Order of Conditions: 295 Union Street, DEP# 315-1262; RJOC

Wiley read the public notice into record as well as a letter from the Town Engineer which expressed support for the change in the stormwater to account for soil constraints. Wiley read a letter from the Board of Health into record stating that the Board of Health does not support work within the 100-foot Buffer Zone and asks applicants to employ best management practices to reduce the risk of mosquitos.

Brian McCarthy, RJ O'Connell Associates, provided progress updates on the existing order as well as an overview of the proposed amendment. Most of the work permitted under the Order of Conditions has been completed except for some paving. It was discovered that the proposed location for the stormwater system contains soils that will not facilitate infiltration and as a response, the applicants are seeking to amend the plan by turning the infiltration basin into a wet basin. A wet basin will require the applicant to excavate another foot or two but otherwise the dimensions of the original basin stay the same.

Hershey cautioned that the applicant make sure sediment stays out of the wet basin, as it could accumulate and take up storage. Hershey inquired if there will always be water in the associated forebays. McCarthy confirmed that due to the soils on site, it is expected to be inundated, however the inflow water will still be treated as it slows down before spillover. Hershey inquired how the forebay will be cleaned. McCarthy answered that the bay is only 18 inches deep and there will be access over the side for a bobcat to come in and scoop sediment build up when necessary. Hershey commented that it seems as though keeping the bay wet would cause sediment to churn whenever additional water is introduced. McCarthy replied that the water will actually keep the sediment down and from churning. Hershey inquired what the treatment will be for the wet basin itself. McCarthy answered that a wet basin seed mix will be installed in the altered basin and so vegetation will be growing along the edges and slopes of the pool, sequestering phosphorus and similar floatables. McCarthy confirmed that the same seed mix will be in the forebay for further treatment. Hershey commented that if they plan on mowing the pool twice a year, they may not be able to establish enough vegetation to aid in nitrogen or phosphorous uptake. McCarthy explained that they are comfortable with altering the mowing frequency.

Bebis inquired what will happen during a large rain event, since the forebay is at groundwater elevation. McCarthy answered that the water will still undergo treatment, with sediment being deposited in the forebay before moving onward. Bebis inquired what the bottom of the forebay will be made out of. McCarthy stated they are keeping the existing clay soil base as required. Bebis asked if the nearby parking lot floods. It was answered that during a significant rain it will have puddling but most of the water will flow to the catch basin. Bebis asked what they will do with the water currently in the basins for when they do the work. McCarthy replied that they are going to dewater it by creating a gravel pit with filter fabric so that the water gets pumped out and is clear of sediment.

Dyer commented that as it currently stands, the proposed mowing plan could potentially cause eutrophication in the wet basin via grass clippings from the mowing and so Dyer supports a rework on the maintenance plan for the wet basin. Dyer asked if the clay bottom would be too difficult for wetland plants to grow in. McCarthy corrected that the bottom is a silty clay and is not very hard, in addition, the wetland

seeding will occur along the edges of the basin rather than the bottom and currently there is some natural and unprompted vegetation growth on the edge.

Goetz commented that if mowing is to take place, there should be a system to remove cuttings from the mowed area to prevent issues for the surrounding area. Goetz suggested mowing once a year instead of twice and then removing cuttings. Goetz requests the altered mowing plan, removal of cuttings, and the removal of sediment along with frequency be added to the Operations and Maintenance Plan. Goetz commented that a light fountain could also be utilized to prevent eutrophication and promote aeration of the wet basin.

Wiley inquired what the applicant will do for mosquito control. McCarthy answered that there is a monthly contract in place with a pest control company to handle mosquitos. Wiley asked if there was anything in the Operations and Maintenance Plan that pertains to mosquito control. McCarthy answered that there is not currently anything regarding mosquitos in the Operations and Maintenance Plan but that they can add something. Wiley commented that they should avoid anything that could add toxins to the water. Wiley commented that the mowing and sediment removal from the forebays should happen annually. McCarthy explained that the current plan is to inspect the forebays monthly and to clean them four times annually.

A motion to close the hearing and issue an Order of Conditions contingent on suggested revisions was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Notice of Intent: 1901 Main Street, DEP# 315-XXXX; Allied Recycling

Wiley read the public notice into record as well as a letter from the Town Engineer. The Town Engineer notes that groundwater elevations aren't provided in the plans and should be accounted for and can typically be solved by adding a foot on the base section of the structure. Wiley read a letter from the Board of Health into record stating that the Board of Health does not support work within the 100-foot Buffer Zone and asks applicants to employ best management practices to reduce the risk of mosquitos.

Emma Williamson, Geosyntec Consultants, presented the project to occur at 1901 Main Street. The site is currently serviced by a stormwater program which utilizes gravity in its drainage pattern to ultimately outflow to the Neponset River after passing collection basins. The proposal includes designing and permitting a new stormwater management pattern to use updated technology as well as to bring the site to meet current and future stormwater regulations. The new design will include an expansion of the existing basins and the addition of an active treatment system so that pre-treatment can be provided via a hydrodynamic separator deep sump catch basin and a CIP pre-treatment chamber before being collected by gravity. Both expanded basins will include an outlet control structure and a pump chamber so as to pump the stormwater to an active treatment system. In the event of large, infrequent storms, some of the discharge will flow through the existing outflows. The active treatment system will provide filtration and ion exchange processes to treat stormwater. IT was determined that the work being done inside the buffer zone and 25-foot no disturb zone will not have any impact on the wetlands but the applicant is inquiring if a peer-review will be required.

Hershey asked why the applicant is proposing a new stormwater management system when the site is already serviced by one. Williamson answered that the purpose of the new system is to generally improve the water quality. Hershey confirmed with Williamson that the existing and proposed basins do not provide infiltration. Hershey advised that the applicant installs a compost sock for erosion control rather than the currently proposed silt fence. Hershey inquired if the existing 25-foot no disturb area is vegetated. Williamson answered that they don't believe so but would need to confirm. Hershey advised that if it is vegetated that there should be mitigation plantings to offset disturbance. Hershey commented that the review already done by the applicant through the regulation standards is likely sufficient enough that a peer-review would not be required.

Burchesky inquired if there will be a maintenance plan for the ion exchange. Williamson answered that there will be and it will be provided by the manufacturer.

Dyer inquired what has changed since the last time this site was permitted, specifically in regards to if metals have been found on site or if quality standards have shifted. Williamson answered that stormwater quality standards have changed to be more stringent. In addition, some metals have been detected coming from the site, mainly copper. Dyer inquired where the copper was coming from. Wiley suggested that it is coming from the significant amount of metal materials being stored outside of the facility. Goetz agreed, stating that the rain water washes over the copper outside and creates an oxide that pollutes the water.

Goetz inquired if the material that's removed from the water via ion exchange and filtration is disposed of or removed from the stormwater design. Williamson answered that the manufacturer behind the treatments would likely have a plan for residuals and that disposed of materials would likely be brought to a facility able to store the material safely, it wouldn't remain on site. Goetz expressed concern for removing the toxic materials from this site, only to add it to another and stressed the importance of proper reuse of disposal.

Wiley requested that the routine maintenance of the hydrodynamic and active treatment facilities be added to the proposal in detail.

A motion to continue the Notice of Intent hearing for 1901 Main Street until August 9th, 2023 at 7:00pm was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Continued Amended Order of Conditions: 8 Gigi's Way, DEP# 315-1184

Wiley read the public notice into record.

John Glossa, Glossa Engineering, reviewed the proposed amendment provided an overview of the most recent revisions. The previously approved and permitted concrete box culvert is being amended to a corrugated metal pipe. The pipe will measure 12 feet to account for the full bank width, giving 2 feet of bank on either side of an 8 foot wide channel. A retaining wall is being installed on the property and will be 6-feet high at its highest with a 44-inch deep block by 48-inch width.

Hershey commented that the revisions meet the stream crossing requirements.

A motion to close the hearing and issue an Amended Order of Conditions for 8 Gigi's Way, DEP#315-1184, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS:

Certificate of Compliance; 16 Boyden Lane, DEP#315-1122:

A motion to issue a Certificate of Compliance for 16 Boyden Lane, DEP#315-1122, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Certificate of Compliance; 11 Boyden Lane, DEP#315-1214:

A motion to issue a Certificate of Compliance for 11 Boyden Lane, DEP#315-1214, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Nomination of Chair:

A motion to nominate and accept Jack Wiley as Chair of the Conservation Commission was made by Bebis; seconded by DiVirgilio. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Nomination of Vice Chair:

A motion to nominate and accept Betsey Dyer as Vice Chair of the Conservation Commission was made by Goetz; seconded by Burchesky. Motion carries 7-0-0 (Wiley Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The meeting adjourned at 9:32 PM.