

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved



CONSERVATION COMMISSION
JANUARY 10, 2024
7:00 PM

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

Commissioners Present: Jack Wiley (Chair), Betsey Dyer, Al Goetz, Emidio DiVirgilio, Doug Burchesky,
Bailey Ziemba, Dean Bebis

Staff Present: Landis Hershey, Conservation Agent & Joshua Baker, Board Assistant

Absent: None

Wiley opened the meeting at 7:00PM.

The Commission entered an executive session at 7:03PM. The motion to enter an executive session due to discussion in an open session being detrimental to litigation was made by Goetz; seconded by Dyer. Roll call vote 7-0-0 in favor (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The Commission exited the executive session at 7:33. The motion to close the executive session and return to an open session was made by Goetz; seconded by Dyer. Roll call vote 7-0-0 in favor (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The Commission entered an executive session at 9:24PM. The motion to enter an executive session due to discussion in an open session being detrimental to litigation was made by Goetz; seconded by Dyer. Roll call vote 7-0-0 in favor (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The Commission exited the executive session at 9:40. The motion to close the executive session and adjourn the public meeting was made by Goetz; seconded by Dyer. Roll call vote 7-0-0 in favor (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

PUBLIC HEARINGS AND DISCUSSIONS:

Continued Notice of Intent: 410 North Street, DEP#315-XXXX; John/Ellen Serhant

A motion to continue the Notice of Intent hearing for 410 North Street, DEP#315-XXXX, to February 14, 2024 at 7PM was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Request for Determination of Applicability: 295 Union Street; Richard Sullivan

Wiley read the public notice into record.

Shane Oates, Independence Engineering, presented an overview of the project. The current tenant of one of the buildings at 295 Union Street is a wholesale pool supply company which requires outdoor storage. The proposal is to convert a portion of the parking area into an outside storage area enclosed with a security fence. All storage will occur on existing impervious surface and the only new construction will be the fence.

Hershey noted that currently the stormwater plan for the site shows sheet flow across the parking lot towards a corner basin and requests that no storage should obstruct the flow or leech pollutants. Oates answered that all storage will be placed on pallets, allowing flow and that there will be no storage of chemicals outside.

Bebis inquired about the specifics of the fence. Oates answered that the fence will be chain-link and allow flow. Oates re-iterated that no chemicals will be stored in the area and a security gate will provide access to the storage area.

Burchesky inquired how the reconfiguration of the parking area will affect parking for the site. Oates answered that the parking area affected by the proposal is only a portion of the parking available on site. In total there is 400 parking spaces and only 200 parking spaces will be converted.

Goetz asked where the chemicals will be stored. Oates explained that any chemicals will be stored inside the building within an approved chemical storage room.

Wiley asked what would be stored in the new storage area. Oates answered that decking and pool materials inside original packaging and containers would be stored in the area on pallets.

It was agreed between the Commission and Oates that signage could be included in the interior of the fencing designating that no chemicals could be stored within the outside area in order to remind employees and delivery services.

A motion to issue a negative 3 determination for 295 Union Street was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Request to Amend Order of Conditions, Land Disturbance Permit: 695/1049 West Street, DEP#315-1259; MF Landscaping

Wiley read the public notice into record.

Scott Henderson, Henderson Consulting Services, explained the enforcement order issued to the site as well as what alterations from the Order of Conditions occurred. Henderson noted that there was no change to stormwater as a result of the changes. The changes included the construction of a pervious access road for Eversource access and unpermitted clearing. The site still needs Town Engineer review, but all locations are either stable or under Erosion Control Barriers. The applicant is requesting the changes to be approved after-the-fact as well further amendment to include two new parcels to the Order of Conditions. The intent of the new parcels is to clear then of trees all the way to the 25-foot No Disturb Zone and then use as storage for the nursery. A stormwater basin will be installed at the furthest point into the new parcel and a septic system for a building on the original parcel will be constructed. Both proposals still require review from the Town Engineer.

Hershey commented that when the amendment was advertised, the scope of the work seemed smaller. With the new information, Hershey suggested that the new work proposed on the new parcels may require their own Notice of Intent. Henderson was amenable to filing a new Notice of Intent for the new parcels.

Ziembra expressed concern over work which was done within 25-feet of the as-built replication area. Henderson explained that the work was done prior to the creation of the replication area and prior to the buffer that the replicated area casts, though work will be pulled out of the area.

Goetz noted that there is no path marked to the stormwater basin on the new parcels. The Commission came to a consensus that all work in the new parcels will require a new Notice of Intent.

Dyer asked if the Eversource access path behind the bins was temporary. Henderson confirmed that it was permanent and pervious with no increase in stormwater runoff.

Wiley asked that when the applicant comes forward with a Notice of Intent for the new parcels that it includes all the details including how parking will be configured. Wiley noted that the revisions on the original lot are suitable and acceptable.

A motion to accept only the revisions on Lot 57 of 995 West Street and to issue an Amended Order of Conditions for 695 West Street, DEP#315-1259, was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziembra, Bebis).

Land Disturbance Permit: 1377 North Street; Kearsarge Walpole LLC.

Wiley read the public notice into record.

Rob Makowski, Weston & Samson, provided an overview of the project. 17 and ½ acres of the 54 acre site will be used for staging the solar array. 1 and ½ acres of trees will be cleared from the area. Some grading will occur. The site is mostly grass and a compost sock will be used for erosion controls. The Planning Board approved the project in November and everything is outside of the jurisdiction of the Wetlands Protection Act as determined by an ANRAD. Stormwater will flow southwest and the site can be accessed through an existing driveway.

Hershey inquired if they will be filing a SWPPP. Makowski confirmed that they will be though it isn't drafted yet. Makowski will provide a copy when it is complete. Hershey asked about the limits of grading and tree clearing. Makowski confirmed that the grading is limited to the southwestern corner of the field and that all tree clearing will occur within the existing limits of the field. Hershey asked if there will be any further disturbances to the field. Makowski answered that they will be putting in concrete pads by the access road though it will have limited excavation due to the flat topography. Solar cells in the field itself will be installed on piles/posts, negating the need for further disturbances. Hershey inquired about the western gate noted on the plan. Makowski explained that the gate was installed for the Department of Water and Sewer so they have access to their easement. Hershey reminded that an onsite soil evaluation is needed at a rate of one test per 5,000 square feet and requests completion prior to closing the permit.

Bebis inquired if there will be loaming over the grading. Makowski confirmed that all grading will have a layer of loam to establish grass for final stabilization. Bebis asked how the batteries will be contained. Makowski answered that the batteries are entirely self-contained with a built in fire suppression system. Bebis asked if any material will need to be brought onto the site for the loam and grade and if so, where will the stockpiling be. Makowski answered that there will be and that they will add the stockpile location to the plan. Bebis inquired if the conduits were buried. Makowski answered that they are but the trenching required is minimal and in rows to limit disturbance.

Ziembra inquired if the easement gates will be locked. Makowski answered that they will be. Ziembra asked how tall the perimeter fence will be. Makowski answered that it will be 7 feet tall. Ziembra asked if there is a planting plan. Makowski confirmed that there is.

Burchesky asked about the size of the plantings along the perimeter fence. Makowski confirmed that the chosen species will be taller than the fence. Burchesky asked if there will be routine inspections regarding the fire suppression systems. Makowski answered that the fire department will inspect the systems routinely.

DiVirgilio asked how many panels will be installed. It was confirmed that around 11,000 panels will be installed. DiVirgilio asked when the installation would start. Makowski answered that it would be complete prior to the next winter with a start time in early summer.

Goetz asked how fires will be handled. It was confirmed that there will be a fire response team specially trained to answer any fire needs and that the self-contained fire suppression system will handle internal fires. Goetz asked how the graded areas will be stabilized. Makowski answered that the grading will be stabilized with loam and seed. Erosion control measures such as jute netting will be utilized until the seeds have stabilized the soil.

Dyer reminded that the applicant still needs a SWPPP document.

Wiley asked how many acres of trees will be removed. It was stated that 1.5 acres would be removed. Wiley asked for a carbon footprint offset data. The applicant confirmed that they could provide one but noted that through current statistics done for the project, the solar panels will be offsetting more carbon than the 1.5 acres of trees by an exponential amount and ratio exceeding 1000:1. Wiley asked if there were any alternatives to the removal of the trees. Makowski answered that alternatives were considered during the planning phase but the area chosen was best suited for the solar field and that there will be screen planting which will mitigate some tree removal.

Matt Sheehan, Norfolk County Resident, expressed concern over the project, stating that the area in question has soils of Statewide importance which are prime for growing crops and should be conserved. Sheehan stated that an article from the Harvard Gazette published on October 23rd, 2023 advised a shift from installing solar panels on the ground to solar panels.

Rady Barajas, 1400 North Street, expressed concern that the tree clearing goes into the tree canopy off the field. The applicant explained that only the trees in the existing field are going to be removed. Barajas expressed concern that there will be more than 1.5 acres of trees removed and asked that the Commission hire a peer reviewer to cross check the plans. Barajas expressed concern over the lack of screening on the northeastern perimeter of the area and asked for more screening. The applicant explained that the topography hides the fence from that angle. Wiley asked if there could be plantings regardless to offset the loss of carbon sequestration from the tree removal. The applicant reminded that the solar field offsets carbon sequestration exponentially. Wiley concluded that there doesn't need to be any further plantings. Barajas expressed concern over the level of grading happening in the southwestern corner of the site and asked that the Commission hire a peer reviewer to ensure that the plan sufficiently covers erosion control.

Trish Barajas, 1400 North Street, inquired about the Riverfront area in proximity to the site as well as other wetlands that might affect the project. Hershey explained that all work will be occurring outside all Wetland Protection Act jurisdictions and the wetland boundaries were recently delineated in a recent peer reviewed ANRAD.

Chris Opulske, 177 North Street, asked how many trucks will be needed to facilitate the site. Makowski answered that there may potentially be two trucks. Opulske asked how many pilings will need to be installed. Makowski answered that he will need to get back to Opulske on that question. Opulske inquired if there will be any noise during construction. The applicant confirmed that there would be noise but the process has been done before at a school without disturbing the classes.

Bebis asked if there will be any removal of existing foundation. The applicant answered there would be only if necessary. Bebis inquired about the life of the solar panels. The applicant answered that there is a

20 year contract with a 25 year warrantee but other sites have surpassed 40 years and decommission insurance is in place. Bebis asked if it was possible to remove the solar field and to use the site as farmland. The applicant confirmed that this was possible.

Sheehan inquired who would take over the contract if the county government was to be abolished. The applicant answered that whatever body replaces the county government would be stepping into the role of the county in the leasing agreement.

A motion to continue the Land Disturbance hearing for 1377 North Street to February 14th, 2024 at 7:05 PM was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS:

Extension Requests

Extension of Order of Conditions for Turner Pond Vegetative Management, DEP#315-0634:

A motion to approve the extension of Order of Conditions DEP#315-0634 was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Extension of Order of Conditions for Clarks Pond Vegetative Management, DEP#315-0985:

A motion to approve the extension of Order of Conditions DEP#315-0985 was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Extension of Order of Conditions for Roscommon Subdivision, DEP#315-1094:

A motion to approve the extension of Order of Conditions DEP#315-1094 was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Minutes

Approval of the 12/13/2023 Conservation Commission Meeting Minutes:

A motion to approve the 12/13/2023 Conservation Commission Meeting Minutes was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

Approval of the 9/27/2023 Conservation Commission Meeting Minutes:

A motion to approve the 9/27/2023 Conservation Commission Meeting Minutes was made by Goetz; seconded by Dyer. Motion carries 7-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Burchesky, Ziemba, Bebis).

The meeting adjourned at 9:40 PM.