

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved



CONSERVATION COMMISSION
AUGUST 9, 2023
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, Bailey Ziemba,
Dean Bebis

Staff: Landis Hershey, Conservation Agent and Stephaney Ackely

Absent: Doug Burchesky

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS:

Continued Notice of Intent: 1901 Main Street, DEP#315-1296; Allied Recycling

Wiley read the public notice into record as well as a letter from the Town Engineer. The Town Engineer suggests that the Conservation Commission should condition that the applicant shall provide the details of the proposed equalizer tank as well as the active treatment system and also suggests making the cleaning the existing structures a condition.

Daniel Bordeau, Geosyntec Consultants, provided an overview of the stormwater improvements. The stormwater improvements are proposed to treat stormwater runoff from the industrial facility. There are two existing basins which are undersized under current regulations. The proposed plan is to reconfigure the old basins by expanding them and installing outlet structures with pumping facilities to pump from the basins to the southwest corner of the site where an active treatment system is. The water will be treated through filtration, granular activated carbon and coagulation. The old catch basins will remain and the treatment system will consistently meet multi-sector general permit stormwater benchmarks. The systems will be monitored quarterly and reported to the EPA. All work will take place within existing disturbed areas with no work in the wetland itself. The basins will be lined with impermeable liner and covered with dense aggregate to protect it during construction and grading. The structures will have easy access points for future maintenance. Pump controls and alarms are on each of the Basins and in an accessible, visible location.

Hershey commented that these changes are necessary.

Ziembra inquired who the manufacturer was. Bordeau answered that the manufacturer is Water Tectonics from Washington State.

DiVirgilio asked who will be trained and who will the responsible operators be. Bordeau explained that Water Tectonics has a team for Operations and Maintenance plans and if Allied Recycling has any questions, they can reach out to Water Tectonics for guidance. In addition, Water Tectonics and Allied Recycling will have access to an online database that records and reports the trends of the active water treatment system.

Goetz asked who the manufacturer of the water quality unit is. Bordeau answered that the manufacturer is Shea Concrete and that they've used them in the past. The unit will be precast and captures floatables and sedimentation.

Dyer asked if petroleum or other contaminants other than copper were leaching from the site. Bordeau confirmed that there is no petroleum and the treatment will focus on floatables and metals, which will be neutralized through granular treatments. Dyer asked if the metals that are leaching could be stored in a way to prevent leaching altogether rather than just treating the runoff. Bordeau explained that the nature of the run off is due to precipitation and with the amount of scrap in the yards, the best route is treatment. Bordeau agreed to provide a copy of the final Operations and Maintenance plan with the Commission.

Wiley commented that the Commission should condition that Allied Recycling and Water Tectonics maintain contact in regards to maintenance. Wiley inquired what level of maintenance is required between Allied Recycling and Water Tectonics. Bordeau answered that Allied recycling is investing a lot into the active treatment system and is committed to long term success and if both parties stopped maintaining contact, the system would still be maintained. Wiley asked that the applicant permanently demarcate the 25-foot No Disturb Zone.

Robert Adler, 13 Joel Avenue, inquired if the basins are closed to precipitation. Bordeau explained that the basins are open but the active treatment system is completely contained and not exposed to precipitation.

A motion to close the hearing and issue an Order of Conditions for 1901 Main Street, DEP#315-1296, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziembra, Bebis).

Notice of Intent: Pemberton Street, DEP#315-XXXX; J. Walsh Corp.

Wiley read the public notice into record.

Rob Truax, GLM Engineering, provided an overview of the project which includes the construction of a single-family house on a lot with an isolated wetland. Truax explained that the isolated wetland is not protected under the Wetlands Protection Act but is protected under the Town Bylaw, which is why they are filing with the Commission. Two test pits were dug, one in the rear of the property and one in the front. A ten foot depth was reached without hitting groundwater and gravel suitable for recharge was located. All roof runoff will be directed into the proposed recharge systems. A walkout basement is proposed facing the isolated wetland to reduce the amount of grading.

Hershey relayed the concerns of an abutter who expressed concern over the grading and asked for it to be tweaked slightly so the sheet flow wouldn't enter his property but rather flow towards the wetland. Truax was amenable to altering the plan to allow for this.

Bebis asked if the 25-foot No Disturb Zone applies to the isolated vegetative wetlands. Hershey confirmed that it is applicable only through the Town bylaw. Bebis asked that the applicant add “No Alteration” plaques to the plan to demarcate the 25-foot No Disturb Zone.

DiVirgilio inquired how big the clearing for the lot will be. Truax answered that they are looking to clear about 20,000 square feet.

Muara Hardiman, Kennedy Lane, inquired if drainage will be directed towards Kennedy Lane. Truax answered that stormwater runoff will be collected into recharge basins, not redirected in sheet flow to Kennedy Lane. Hardiman asked how close to the stone wall would the tree clearing come to. Truax confirmed that they will be clearing up to the stone wall.

Mike Hardiman, Kennedy Lane, asked if the removal of the trees will result in free flow of water towards Kennedy Lane and if the Applicant is proposing any mitigation for the removed trees. Truax answered that the topography of the site slopes away from Kennedy Lane and that the natural hill will prevent water flow towards Kennedy Lane.

Elizabeth Reed, 6 Kennedy Lane, expressed concern over water flow and inquired if there will be any changes to the topography that will affect her property. Truax confirmed that there will be no changes to the topography in relation to her property.

Robert Adler, 12 Joel Ave, asked Hershey to repeat her prior comments. Hershey did so. Adler expressed concern over the rising of groundwater and basement flooding as a result of construction. Truax confirmed that starting at elevation contour 97, they did not hit the water table when digging their test pit to elevation 88. Soil in the area was noted as gravelly and characterized by good infiltration rates. Adler asked for an extra assessment in saturated conditions, expressing concern over mounding being caused by fill. Truax explained that putting fill on top of the surface won't cause pressure in which will force the water table to rise elsewhere. Truax explained that mounding is when too much water is being put back into the water table and is not related to fill. Truax explained that the site is not big enough for mounding to be a concern and not enough water will be infiltrated to cause mounding.

Mary Lee Mutry, 2 Beaverbrook lane, commented that they are concerned about flooding in the area as a result of new construction as past construction had caused flooding before. Hershey explained that the examples of flooding given were before the Bylaw was in effect and before there was enforceable work standards around Isolated Vegetative Wetlands.

Mike Mutry, 2 Beaverbrook lane, commented that the foundation is considerable and expressed concern that it might affect the water table. Wiley commented that this concern has been answered by Truax previously and is certain that the construction won't result in a change of water table.

Reed inquired if there will be more houses being built on the lot than what is currently proposed. Wiley noted that this wasn't pertinent to the current hearing. Truax explained that it was unlikely at this time.

Lisa Primavera, 11 Joel Ave, inquired how they are going to capture run off from the driveway. Truax explained that runoff will be recharged in the lawn area.

A motion to close the hearing and issue an Order of Conditions was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Notice of Intent: 461 Lincoln Road, DEP# 315-1297; Greg Coras

Wiley read the public notice into record.

John Glossa, Glossa Engineering, provided an overview of the project. Glossa explained that the property was before the Commission prior as a Request for Determination of Applicability before it was taken over

by the current owner and reconfigured the plan by placing the proposed dwelling lower on the onsite hill. The 25-foot No Disturb Area will be maintained. The driveway will be lengthen to reduce the steepness. The house will have a rear walk-out. An infiltration chamber able to take one inch of the entire roof top is to be installed in the back of the lot and an infiltration trench will be constructed alongside the driveway able to take one inch of rainfall from the pavement. The lot will feature an onsite septic system and a well. The soils were considered good with two to three minute percolation rates.

Hershey inquired if the infiltration system servicing the roof can be put off to the side rather than in the middle of the backyard. Glossa said they could look into revising the location of the system.

Bebis inquired about the details of the driveway's infiltration system. Glossa explained that the infiltration system is a trench filled with crushed stone and that the driveway will be angled to spill into it. The system is sized to handle one-inch of rain and any excess will be discharged onto the lawn for infiltration.

John Bostitch, 460 Lincoln Road, asked if the driveway as at the peak of the hill or just after it. Glossa answered it was just after it.

A motion to close the hearing and issue an Order of Conditions for 461 Lincoln Road, DEP# 315-1297, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Request for Determination of Applicability: 9 Pinnacle Drive; Wall Street Development Corp.
Wiley read the public notice into record.

Lou Petrozzi, Wall Street Development, provided an overview of the plans. Petrozzi explained that the request is just a request to clear an area to perform tests. The tests will involve soil tests for stormwater as well as soil testing along the roadway for stability and ground conditions. The site is currently overgrown, though was cut two years prior, resulting in a fine. The overgrowth is making conditions difficult for soil testing. No trees are proposed to be removed to do the testing and ground disturbance is limited to boring holes.

Hershey noted that the plan and narrative to the plan do not reflect each other, one stating there will be maintenance cutting and clearing of brush while the other states pruning and brush cutting. Hershey inquired about the severity of the requested cutting. Petrozzi noted that they want to cut to get equipment into the area for testing. Hershey clarified that Petrozzi is filing the request under 10.022 B to G activities which are temporary in nature and noted that engineers typically require only a small pathway to get to the testing location, not a total clearing. Hershey stated that if the engineers wanted to cut pathways to the testing area, which would be an acceptable practice, but currently the extent of the clearing is unclear.

Wiley asked if the entire area circled on the plan was intended to be clear cut. Petrozzi clarified that the area will be cleared only of brush and twigs. Wiley commented that even that is different than cutting a pathway to a test pit location. Petrozzi commented that the entire proposed area wouldn't be used for a test pit and that the testing would be done sporadically within the proposed perimeter. Wiley asked that Petrozzi provide a clear representation of what he wants to do and to file appropriately and show the clearing paths to the test pits on the plan.

Wiley suggested a compromise where the determination approves clearing paths of a certain width to the test pit locations rather than clearing the area. Wiley suggested a revised plan narrative to be clear and precise about what will be cleared and how much will be removed. Wiley also suggested the engineer show on the plan where the test pits are going to be.

A motion to continue the Request for Determination of Applicability hearing for 9 Pinnacle Drive to September 13th at 7:10 PM was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Amended Order of Conditions: 350 West Street, DEP#315-1203; SalCorp

Wiley read the public notice into record as well as comments from the Town Engineer. The Town Engineer agrees with the assumptions made of the groundwater after witnessing the test pits.

Cameron Gray, Cell Corporation, provided an overview of the proposed amendment. The proposed catch basin is being relocated to the east corner of the property to connect to a trench drain and provide above ground infiltration. The area is currently a depression with riprap that the trench drains into. Only a small portion of the basin will be in the 100-foot buffer zone and the closest distance to the wetland from the basin will be 86-feet. The basin has been designed to hand a 100 year storm event.

Hershey noted that the site doesn't have as much stormwater storage as it did in a prior proposal. Gray answered that he wasn't aware of the bylaw change at the time of the submittal but when testing the runoff data for the site, it was shown that there was less runoff than expected anyway. Hershey noted that the site is not in a residential area and so if the system can't handle the run off, only the road would pond but still requests that Gray justify the lower storage and reruns the numbers to ensure proper treatment of runoff.

A motion to continue the hearing for 350 West Street, DEP#315-1203, to September 13th at 7:15pm, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Amended Order of Conditions: 9 Musket Lane, DEP#315-1291; David Recco

Wiley read the public notice into record.

Michael Freiburger, MF Landscaping, provided an overview of the amendment. The applicant is proposing to install a retaining wall in the rear of the property to contain an area of the field as well as construct a patio around the walkout of the basement

Hershey confirmed that the wall is allowing the owners to have a flatter space in the back as opposed to a gradual slope.

Goetz inquired what the purpose of the retaining wall was. Freiburger explained that the intention was to bring in fill to flatten the area so the applicant's children have space to play. Goetz asked how tall the wall will be. Freiburger answered that it will be 2 ½ to 3 feet tall.

A motion to close the hearing and issue an amended order of conditions for 9 Musket Lane, DEP#315-1291, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

GENERAL BUSINESS:

Certificates of Compliances

Certificate of Compliance, 24 Heather Lane, DEP#315-598:

A motion to issue a Certificate of Compliance for 24 Heather Lane, DEP#315-598, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Certificate of Compliance, Pennington Crossing, DEP#315-1148:

Supporting documents signifying work was complete and in compliance was requested by the Commission. Mike Massardi, Marchionda & Associates, agreed to provide supporting documents.

Certificate of Compliance, 5 Cardinal Lane, DEP#315-1260:

A motion to issue a Certificate of Compliance for 5 Cardinal Lane, DEP#315-1260, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Certificate of Compliance, 32 Christina Way, DEP#315-374:

A motion to issue a Certificate of Compliance for 32 Christina Way, DEP#315-374, was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

Extensions***Extension of Order of Conditions for New Pond Village LLC, DEP#315-1199:***

A motion to extend the Order of Conditions for New Pond Village LLC, DEP##315-1199, until 9/24/2024 was made by Goetz; seconded by Dyer. Motion carries 6-0-0 (Wiley, Dyer, Goetz, DiVirgilio, Ziemba, Bebis).

The meeting adjourned at 9:59 PM.