

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
Approved



CONSERVATION COMMISSION
SEPTEMBER 13, 2023
7:00 PM

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

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

Staff Present: Landis Hershey, Conservation Agent

Absent: Emidio DiVirgilio, Dean Bebis

Wiley opened the meeting at 7:00PM.

PUBLIC HEARINGS AND DISCUSSIONS:

Continued Amended Order of Conditions, 55 Summer Street, DEP#315-1227:

Wiley read the public notice into record as well as a letter from the Town Engineer and Board of Health. The Town Engineer stated that they understand the project was being peer reviewed by Tetra Tech and suggests the Conservation Commission engage Tetra Tech for review comments. The Board of Health asserts that they are not in favor of work being performed in the 100-foot Buffer Zone and urges the homeowners to use best practices for mosquito mitigation.

David Hale, 55 SS LLC, and Patrick Bogle, Howard Stein Hudson, presented their responses to the Zoning Board's peer reviewer's report. Bogle explained that the primary changes to the drain infrastructure as per the review was the addition of two new storm techs, an infiltration pond that takes drainage from the emergency access, and slightly increased the infiltration rates. Additionally, the 24-foot expanse of the emergency access will be reduced to 20-feet, which also reduces the crossing. A wildflower seed mix is proposed in the cut areas and won't be maintained as grass. The proposed trail was rerouted to be further away from the infiltration pond and three benches have been added. Hale noted that the culvert under Driveway D was not placed for stream crossing but rather to allow animal passage while serving as a drainage pipe.

Hershey inquired why the infiltration basins aren't placed directly on the test pits. Bogle answered that it didn't make sense to put the basins on the exact location due to drainage patterns but they will be doing a test pit prior to construction to ensure their assumptions are correct. Tetra Tech had concerns regarding the subsurface structures, but the manufacturer insisted that the structures were fine. Hershey asked if the two replication areas could be consolidated into one. Hale was amenable to the suggestion.

A motion to continue the Amended Order of Conditions hearing for 55 Summer Street, DEP#315-1227, to September 27th, 2023 at 7PM was made by Dyer; seconded by Goetz. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Continued Request for Determination of Applicability, 9 Pinnacle Drive:

Wiley read the public notice into record.

A motion to continue the Request for Determination of Applicability hearing for 9 Pinnacle Drive at the request of the applicant to 8PM this evening, was made by Dyer, seconded by Goetz. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

At 8:37PM, Wiley read the public notice into record and opened the hearing.

Lou Petrozzi provided an overview of the project. Petrozzi's team has identified the area on the site where soil testing is required and has outline areas where brush cutting needs to take place to move equipment to the testing sites. Using brush cutting machines, these paths have been cleared for equipment to access. The soil testing is the next step.

Hershey reminded Petrozzi that he had filed for a Request for Determination of Applicability under the pretense of either vista pruning or temporary disturbance for planning and design purposes but he has already cleared the area. Hershey noted that Petrozzi didn't wait for the Determination before doing the work. Hershey noted that it is common practice for contractors to clear pathways to get to test pit areas, but noted that when she visited the site, she saw general clearing. Petrozzi commented that the site was too overgrown and because there was pavement underneath, a larger machine needs to be used for test pits. Petrozzi noted that he did the work before the Determination because he has a meeting with the presiding officer the next day. Wiley asked if Petrozzi received a request from the presiding officer to clear the area for the site visit. Petrozzi confirmed he took it upon himself to do the work.

Wiley noted that Petrozzi needs to add the access road he cut to the RDA and to come back with any desired alterations before doing them.

Burchesky asked that erosion controls be installed to protect the paths. Petrozzi noted that the area is a concrete slab.

Wiley reminded that to do work in the Conservation Commission jurisdiction, all facets of the project need to be shown and described on a plan.

Goetz inquired what Petrozzi did with the cut brush. Petrozzi stated that he left it where it fell.

Dyer observed that Petrozzi is presenting a project to get permission to perform it, but he did it before permission was granted. Dyer also commented that the plan was subpar and inquired if an engineer was involved. Petrozzi confirmed there was an engineer. Dyer asked why the Commission hasn't seen the engineer. Petrozzi stated that he doesn't need to ask permission because they are exempt activities. Wiley noted that the issue at hand is the amount of clearing that was done on the site. Hershey asked how Petrozzi came to the conclusion that his work was exempt under 10.584. Petrozzi stated that his legal counsel did. Hershey noted that the area does not fall under 10.584 because the lot has not yet been determined to be pre-developed Riverfront Area as per the regulations. Petrozzi asserted that even if it

hasn't been determined as of yet, it is clearly a pre-developed site and the point of contention is whether or not it is a historic mill complex.

Wiley noted that as the project takes place in the buffer zone and inside riverfront area, it does impact a resource area applicable to the Wetlands Protection Act and that more material was removed than what was necessary to accomplish the project's proposed plans.

A motion to issue a positive determination to the Request for Determination for 9 Pinnacle drive was made by Wiley; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

A motion to issue a Notice of Violation to Lou Petrozzi for excessive clearing at 9 Pinnacle Drive was made by Dyer; seconded by Goetz. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

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

Wiley read the public notice into record as well as a letter from the Town Engineer. The Town Engineer noted that the letter of submittal describes the addition of 12 subsurface infiltration galleys but the apparent change appears to be one stick of 24 inch pipe to each existing row which previously was three rows of 11 pipe sections, now three rows of 12 pipe sections.

Cameron Gray, Bay Colony Group, provided an update of the project. With the update of the stormwater regulations, the applicant had to change the infiltration system to match the new requirements. This resulted in adding an extra row of chambers in the rear infiltration system.

Hershey noted that the revisions made by Gray satisfy the Town Engineer's comments as well as the new stormwater requirements.

Goetz inquired how the stormwater travels to the new row of infiltration pipes. Gray answered that the water is captured in a double catch basin which feeds into the infiltration chambers. Goetz asked if Gray is expecting all the rainwater in the back to be captured by the basins. Gray confirmed that they would be and that the basin is proposed to be installed in a natural low point. Goetz expressed concern that the basin won't be sufficient on its own to capture all the rainfall in the rear of the property but noted he has no further concerns beyond the size of the conveyances. Gray noted Goetz's concerns and added that the site currently has no infiltration service and doesn't experience flooding. Hershey noted that the proposed basin is a double catch basin.

Wiley asked what material the area is made of. Gray answered that is compacted and crushed millings used for a contractor's yard to store equipment. It does not infiltrate. Wiley inquired what portion of the lot is serviced by the catch basin. Gray confirmed that it would be the entire back of the lot. Wiley asked if the 12 inch pipe connected to the basin will be sufficient. Gray confirmed that it would be, saying that the system can handle a 100-year storm without any water leaving the site. Gray noted that the contours around the basin put the basin in the center of a low bowl of land, so that water has only one place to go.

A motion to close the hearing and issue an amended Order of Conditions to 350 West Street, DEP#315-1203, was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Notice of Intent & Land Disturbance Permit, 120 & 126 South Street, DEP#315-1298:

Wiley read the public notice into record as well as a letter from the Town Engineer. The Town Engineer states that the onsite test pits were consistent with the stormwater report but otherwise provided a checklist of items for the applicant to touch upon to improve their stormwater system.

Cameron Gray, Bay Colony Group, provided an overview of the project. The two parcels currently contain an existing single-family home as well as a commercial building in disrepair. Both a 200-foot Riverfront Area associated with the Neponset River and a 100-foot Buffer Zone associated with a

Bordering Vegetated Wetland project onto Eastern end of the work site. A portion of the existing commercial buildings and associated asphalt and gravel parking is in the Riverfront Area. The proposed plan is to demolish and remove all existing structures, debris, and pavement from the site and to construct a new 12,000 square foot building along with an associated parking area, grading and utilities. A small portion of the plan falls inside of the outer Buffer Zone and Riverfront Area. The new building will be approximately 133-feet from the Bordering Vegetated Wetland and 239-feet from the Neponset River, while the current building is 87-feet from the Bordering Vegetated Wetland and 160-feet from the Neponset River. The new paved area will be 91-feet and 191-feet respectively while the existing paved area is 84-feet and 134-feet respectively.

Currently, there are no stormwater systems on the property and so stormwater sheet flows. The proposed conditions include a new stormwater system that will capture runoff from the roof and pipe it directly into a subsurface infiltration system. Water from the parking area will be directed into a surface infiltration basin. Both systems are designed to handle storms up to the 100-year storm without discharge. No stormwater will be discharged from the site. The site will be serviced by Municipal Water and Sewage by access on South Street.

Hershey asked that Gray add the restoration plan being referenced in the narrative to the visual plan. Gray noted that there is an area in the back of the property where leaves and landscaping clippings have been dumped and that they are proposing to remove the debris and establish a conservation seed mix; this will be added to the plan. Hershey indicated that the dumping in the back has resulted in an enforcement order in the past, so work being done on the area would be categorized as remediating an enforcement order rather than restoration and asked if the applicant could think of another project the applicant could do to provide restoration.

Hershey noted that the NRCC extreme precipitation estimates were different than the ones on the stormwater chart provided by the applicant. Gray confirmed that the numbers will reflect the new information, he just didn't have time before the meeting to change it over. Hershey asked how stormwater will be handled during construction. Gray confirmed he would consult with the Stormwater specialist on the project and come back with an answer as well as the revisions the Town Engineer was asking for.

Ziemba asked if any no alteration plaques will be installed as a result of the work, especially if there have been issues of dumping. Burchesky asked if any work will be taking place in the 25-foot No Disturb Zone. Gray confirmed that there would be no work in the 25-foot No Disturb Zone as the 25-foot No Disturb Zone is offsite, which also makes installing plaques unnecessary.

Burchesky pointed out typos on the plans and Goetz requested the wetland and riverfront lines on the plans to be emboldened.

Goetz asked that the applicant include a demolition plan.

Dyer noted that there is a long history of pollutants and industry in the area proposed and inquired if there has been any soil testing for contaminants. Gray commented that they would need to review for pollutants and at this time they've only tested for soil types for stormwater. Dyer asked that the Commission be informed if there is an environmental assessment.

Wiley expressed concern over a level spreader that discharges water from the basin onto an abutting property. Gray explained that it will only discharge under extreme circumstance and that the design is to retain all stormwater on the site. Gray also noted that currently water sheet flows from the site onto that abutting property. Wiley suggested reviewing the stormwater report to verify that no more water than what is currently flowing to the abutting property will occur.

Burke, 94 South Street, commented on the history of the site and expressed concern over decades of dumping and pollutants sitting on the site. Burke noted that currently without stormwater control, sheet flow moves soils from the site and that with stormwater control, she hopes it will contain the site.

Drew Womack, 113 South Street, agreed that the site should be tested for contaminants.

A motion to continue the Notice of Intent and Land Disturbance Permit hearing for 120 & 126 South Street, DEP#315-1298, at the request of the applicant to October 11th, 2023 at 7:00PM was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Notice of Intent, 410 North Street, DEP#315-XXXX:

A motion to continue the Notice of Intent hearing for 410 North Street, at the request of the applicant, to September 27th, 2023 at 7:10PM was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

GENERAL BUSINESS:

Extensions:

Request for Extension, 350 West Street, DEP#315-1203:

A motion to extend the Order of Conditions for 350 West Street, DEP#315-1203, for one year was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Certificate of Compliance:

Request for Certificate of Compliance, 20 Lacivita Drive, DEP#315-1239:

A motion to issue a Certificate of Compliance for 20 Lacivita Drive, DEP#315-1239, was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Request for Partial Certificate of Compliance, 28 Sunnyrock Drive, DEP#315-54:

A motion to issue a Partial Certificate of Compliance for 28 Sunnyrock Drive, DEP#315-54, was made by Dyer; seconded by Goetz. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Request for Certificate of Compliance, 71 Emerson Road, DEP#315-1232:

A motion to issue a Certificate of Compliance for 71 Emerson Road, DEP#315-1232, was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Request for Certificate of Compliance, Portland Way, Lots 1-3, DEP#315-1165, #315-1204, #315-1166:

A motion to issue Certificates of Compliance for Portland Way, Lots 1-3, DEP#315-1165, #315-1204, #315-1166, was made by Goetz; seconded by Dyer. Motion carries 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Administrative Matters:

Request for the continued use of Wetland Protections Filing Fees for Administrative Use:

A motion to request for the continued use of Wetland Protection Act Filing Fees in the amount of \$15,000 for the use of administration tasks related to Wetlands Protection was made by Wiley; seconded by Dyer. Motion carried 5-0-0 (Wiley, Dyer, Goetz, Burchesky, Ziemba).

Minutes

The meeting adjourned at 10:01 PM.