

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts

MINUTES
CONSERVATION COMMISSION



JANUARY 13, 2021
7:00 PM

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

Commissioners Present: Jack Wiley (Chairman), Al Goetz (Vice Chair), Betsey Dyer, Emidio DiVirgilio, Doug Burchesky, and Bailey Ziemba.

Also present: Conservation Agent, Landis Hershey; Board Secretary, Allary Braitsch

Guests: Matthew Holt, Aoife Kelly, Glenn Maffei, Evan Watson, Katherine (Walpole Media), Debbie Weyler, Bailey, Daniel Bien-Aime, Kerry Hnyder, Paul McManus, Joseph Callanan, John Glossa, Russel Waldron, Virginia, Gina Schultheiss.

The Conservation Agent Report dated January 13, 2021 was given to members.

Wiley opened the meeting at 7 PM

7:00 PM: Stormwater and Erosion Control Bylaw Regulations and Wetland Protection Bylaw Regulations Discussion

Motion to continue the discussion to February 24th at 7 by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Turner, DiVirgilio, Burchesky, Ziemba).

Request for Certificate of Compliance

The following COC's were reviewed. Landis visited all sites with Erik Dias of Strongpoint Engineering Solutions and found the majority of the sites to be in compliance with their associated Order of Conditions. There were a few sites where retaining walls were installed following construction. These were found to provide an additional barrier to the resource area and do not represent an encroachment on the resource area. Matthew Holt, Strongpoint Engineering representing the applicant concurred with Landis's report. Special Conditions 27 – 31 are perpetual conditions and remain active following the release of the Orders of Conditions, which will be noted on the COC forms.

51 Kilronan Park, Lot 15, DEP 315-1182
 47 Kilronan Park, Lot 16, DEP 315-1181
 43 Kilronan Park, Lot 17, DEP 315-1180
 39 Kilronan Park, Lot 18, DEP 315-1179
 35 Kilronan Park, Lot 19, DEP 315-1178
 31 Kilronan Park, Lot 20, DEP 315-1191
 27 Kilronan Park, Lot 21, DEP 315-1193
 23 Kilronan Park, Lot 22, DEP 315-1196
 19 Kilronan Park, Lot 23, DEP 315-1195
 15 Kilronan Park, Lot 24, DEP 315-1197
 11 Kilronan Park, Lot 25, DEP 315-1192
 7 Kilronan Park, Lot 26, DEP 315-1194

Motion to issue the above referenced COC's with the perpetual special conditions noted on the WPA form by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

7 Pettees Pond Lane, DEP 315-0578

Landis explained that it was an Old Order of Conditions that was never released, work was conducted per plan, and she recommended the issuance of a COC.

Motion to issue the COC by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Request for Extension

1148 Washington Street, Phil Macchi, DEP # 315-0983

Landis recommended issuing an extension for 18 months to accommodate delays due to the Covid-19 pandemic.

Motion to issue an 18 month extension by Goetz, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Wetland filing fee account

Wiley explained the WPA filing fee account for use at the Commission's discretion is in need of replenishing. The following explanation was provided for the current balance and use of the WPA filing fee account for conservation purposes related to the office's duty enacting the WPA regulations:

The last vote was to spend \$10,000 by Con Com 10/9/2019 approved by BOS 11/5/2019.
 Balance in 9/11/2019 = \$78,172.49. As of end of December \$9771.72 has been spent of the \$10,000. The request for \$15,000 will allow for additional staff hours. January 6, 2021
 balance=\$102,467

Discussion: Burchesky questioned the accounting in the provided explanation, changes resulting from this discussion are reflected in the figures provided above.

Wiley recommended the Commission vote to approve the request to the Select Board for \$15,000 from the WPA filing fee account be moved to an account allowing the Commission use the funds as needed.

Motion to spend \$15,000 from the Wetland Filing Fee account for staff time for meetings, administration, review and enforcement of the MA Wetlands Protection Act in addition to the 29 hours in the budget for the Conservation Agent and 10 hours in the budget for the Board

Secretary stated by Wiley made by Goetz, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Request for Determination of Applicability- Joseph Callanan, 139 Plimpton Street

Russel Waldron of Applied Ecological Sciences presented the project. The project as proposed includes the installation of a home backup generation adjacent to the home on a 2.5' by 4' concrete pad that will be placed on top of crushed stone. There is an existing propane tank in the area of the generator that will be connected to the generator via two 12' trenches. The generator's control panel will be in basement. All work will be conducted within the buffer zone but outside of the 25' no disturb zone. Work is also within the 200' Riverfront Area to the Neponset River but is sited within the resource area b/c it minimizes overall alteration (11 square feet) due to its proximity to the home and the propane tank. All work will occur within previously altered portions of the Riverfront Area, lawn.

Landis stated that it is a minimum disturbed and within existing lawn. Landis recommended a Negative 3. Ziemba asked for clarification on a Negative 3 determination and Landis provided an explanation.

Burchesky asked if there's a safety issue if the river floods and reaches the generator. Mr. Waldron replied that the generator is located outside of the flood zone and that the AE zone is continuous with the wetland boundary. Goetz had a question about if the propane tank is existing or proposed due to discrepancies on the plan and what happens if the tank is properly anchored or if there's a risk of it floating if it encounters groundwater. The homeowner, Joe Callanan explained that the propane tank is existing and located underground and currently runs the stove, grill and a fireplace and is anchored in place so there's no movement if groundwater is encountered. Wiley asked what ongoing maintenance is required of the tank. Callanan stated the tank is inspected by the provider annually and that the tank has passed inspection.

Motion to close the meeting by Goetz, second Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Motion to issue the DOA as a Negative 3 by Goetz, second Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

7:32 PM

NOI - Nathan Schultheiss, 153 Rustic Road, Addition DEP #315-1241

The area indicated on the plan as a drainage ditch should be included as an intermittent stream. Excess excavated material associated with the addition shall be removed from the lot since grade changes are not shown. Roof drain locations should be shown on the plan for the additions. Roof drain infiltration is encouraged. Dewatering plan shall include an area to contain water pumped from the excavation hole for settling sediments prior to discharging towards wetlands, stream or roadway.

John Glossa, from Glossa Engineering in East Walpole presented the proposed project which consists of an addition of two areas of living space to an existing single family home, an additional portion of paved driveway, and a 25' x12' deck as well as temporary alterations to accommodate a construction entrance. All work will occur within previously altered area and outside of the 25' No Disturb. He also described the on-site wetland resource areas, which consists of a bordering vegetated wetland to the north and northeast of the home. Glossa state the roof runoff from the additions will be infiltrated via subsurface units per Landis's concerns.

Landis recommends that the drainage ditch shown the plans be characterized as an intermittent stream because it is shown on the USGS map as a linear wetland system and she believes likely has a

hydraulic connect to up-gradient resources. Landis stated that any dewatering should be discharged away from the wetlands and that any excavated materials should be removed from the site. Goetz reiterated that any discharge from dewatering should not be directed towards the wetlands. Glossa stated that a note will be added to the plan that dewatering will be performed in accordance with best management practices and the engineer and Landis will be notified prior to any dewatering activities. Wiley raised the question of if there will be any wetland placards installed along the buffer zone. Glossa explained that the existing stone wall is approximately two feet high and demarcates the boundary of the resource area very well.

Motion to close the hearing by Goetz, second Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Motion to issue an Order of Condition approving the project with conditions regarding infiltration, dewatering, intermittent stream and removal of spoils from the site, as discussed including the submittal of a new plan to the commission by Al, second Betsy, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

7:52 Continued Request for Determination of Applicability - Wallstreet Development, Pinnacle Drive- Determination of a Historic Mill Complex.

Landis read the legal ad into the record.

Paul McManus from EcoTec presented the proposed project for the Applicant, Louis Petrozzi. McManus explained that Mr. Petrozzi is filing this RDA to determine if the river flowing through the site has a Riverfront Area associated with its mean annual high water line or if it meets the standards laid out in 310 CMR 10.04 as a historic mill complex, which removed the 200' Riverfront Area.

Landis asked what portion of the site was developed under site conditions in 1946 and if a plan exists showing what portions of the site was developed. McManus stated that the Sanborn maps were submitted with the filing but they don't show the entire site. Landis asked if its McManus's understanding that the historic mill complex only applies to portions of the site developed under historic conditions. McManus stated that the RDA did not include a plan with that superimposed. Landis followed up by stating that the Commission will need to see what portion of the site was developed under historic conditions in order to make that determination. Dyer reiterated that a plan is needed showing what portion of the property was developed prior to 1946 and what portion of the 3.66 acre site would be considered as part of the historic mill complex.

Landis clarified that if any clearing of vegetation is necessary to make a determination of prior conditions must be run by Conservation to being conducted. McManus stated he understood. Wiley asked if information could be submitted in a timely manner prior to the meeting and McManus stated information would be provided one week prior.

Kerry Snyder submitted a letter this morning stating that what is being considered a structure and therefore part of the historic mill complex does not meet the qualifications of a "structure": under the regulations. Since submitting the letter she's had a conversation with Mr. Petrozzi and she'd like to continue that conversation with the Applicant.

Virginia Ryan, Town of Walpole Trail Committee spoke to address a comment in the application related to the Pinnacle Trail. Ryan would like to reiterate that the trail is maintained and is an important component of the trail around bird pond and it is important to the town.

Motion to continue to February 10th at 7 PM by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

8:11 PM NOI Daniel Bien-Aime, 23 Daisy Drive – Addition- DEP #315-1240

Landis read the legal notice into the record.

Evan Watson with E Engineering, LLC presented the project for the Applicant. Watson outlined the resource areas present on the property, which include a BVW and perennial stream with an associated 200' Riverfront Area. The proposal includes driveway improvements, the addition of a two car

garage, and an addition above the garage. The garage and addition will be angled to follow existing topography to allow for the least impact to the land and to parallel the 25' No Disturb. The project will result in a slight increase of impervious. A drywell will be installed in the front to mitigate for this increase. A post and rail fence will be installed along the limit of the septic system and existing lawn will be removed from the 25' No Disturb Zone and Riverfront Area. This work is below 5,000 square feet of work and will result in the decrease overall alteration of Riverfront area on the site. No work is proposed within the 25' No Disturb. Applicant is willing to install wetland placards along the post and rail fence or dedicated post.

Landis explained that many of her concerns were communicated to the engineer and have been addressed. Landis explained that the plan should include the 50' buffer zone due to state restrictions that exist on the property. She also had a concern regarding the groundwater elevation and how that will impact infiltration for roof runoff. Watson responded that groundwater was found at 48", roughly the elevation of the wetland and that the drywell could be installed above groundwater. Landis stated that the Board of Health asked that the septic system be delineated in the field prior to the construction so it's not damaged during construction. Burchesky asked if the proximity of work to the No Disturb was of concern. Watson explained that prior to work an orange construction fence will be installed so the crew is aware of the work limit. DiVirgilio asked about soil stockpiling and Watson stated excavation is expected to be balanced on the site, but any excess will be hauled off site.

Wiley recommended that the placards be installed on concrete posts so they're not lost as the post and rail fence degrades and is replaced over time. Five posts and placards should be installed along the 25 foot no disturb per the sketch submitted to the Applicant by Landis.

Motion to close the hearing by Goetz, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Discussion: Landis explained that the Order will be drafted and will be finalized once the revised plan is submitted.

Motion to issue the Order of Conditions approving the project with special conditions as discussed by Dyer, second by Di Virgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Enforcement Orders/Notice of Noncompliance

Landis provided updates on each of the properties listed below.

Main Street #1900, DEP 315-1043 –The property is up for auction, and there are no updates. Things are on hold due to activity with police department.

Brookside Village, DEP 315-1093 –The interested parties are working their difference regarding the wall amongst themselves.

Palmer Lane, 3 and 4 – The interested parties are working on the restoration plan that is amenable to the property owner and the Palmer Lane parties.

Pinnacle Drive, Lot 9 – The fine has been paid and the erosion controls remain in place.

General Business

8:30PM New England Forest Foundation (NEFF) Parcel Purchase Discussion

Parcel of land located off of North Street owned by NE Forest Foundation, 2.84 acres map 9, lot 18 access from North Street abuts NRLH Willet pond land.

Wiley explained he had a preliminary meeting with NEFF in regards to the parcel and he believes that it would be a good addition to Adams Farm open space. Wiley wanted to bring it to the Commission to get an idea if all members agreed to pursue the property if available.

Burchesky asked if there was a purchase price and Wiley replied that none has been discussed thus far but another nearby parcel was purchase by the Commission for \$10,000 in the past. DiVirgilio would be in favor of the purchase if the price is right. Dyer agrees that if the price is right the Commission should consider the

purchase since it's not a buildable lot and if privately owned would be utilized for forestry. She also asked if this parcel could be an access point for the public to Willet Pond, potentially with a parking area that would allow for kayak and small boat access. Wiley explained that scenario was discussed and it would provide access though it may not have parking. Doug raised the issue as to whether there were any restrictions placed on the property in its being deeded to NE Forestry Foundation.

Motion to continue talk with NEFF regarding the potential purchase of this parcel by, DiVirgilio second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba).

Minutes – 9/09/2020. Motion to approve by DiVirgilio, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

Request for Minor modification, Wallstreet Development, (Lot 2) 8 Boyden Lane, DEP #315-1121.

Wallstreet Development requested the issuance of a minor modification to construct a pool within the inner buffer zone (0-50') on the lot.

Wiley, the construction of a swimming pool is not a minor modification and should be its own filing with associated special conditions.

Motion to require the filing of a Notice of Intent for the installation of a swimming pool by Goetz, second by Dyer, motion carries 6-0-0. (Wiley, Goetz, Dyer, Di Virgilio, Burchesky, Ziemba).

General Business

Lot 6 Boyden Lane – Discussion of stormwater issues/erosion and sedimentation

There are ongoing stormwater related issues from Lot 6 onto Lot 5 on Boyden Drive. Landis recommends that Wallstreet Development be invited to a meeting to discuss how to mitigate storm flows from Lot 6 to prevent impacts to lot 5 and prevent sedimentation of the adjacent wetland resource area. The Commission discussed the issue of a Notice of Noncompliance for Lot 5, which will require Mr. Petrozzi's attendance at the next meeting.

Norfolk Aggie Solar Installation

DiVirgilio asked if there is any update on the solar field behind the Norfolk Aggie property. Landis explained she's been in contact with the company and that they need to be in contact with the Commission and if panels are planned on any portion of any of the parcels even if outside of jurisdiction, and that a RDA needs to be filed with the Commission to determine if any of the work will require additional permitting. Dyer asked for clarification as to where the panels will be place and Landis explained they're reconsidering panel locations and an updated plan hasn't been provided.

Motion to adjourn by Dyer, second by DiVirgilio, motion carries 6-0-0. (Wiley, Goetz, Dyer, , Di Virgilio, Burchesky, Ziemba).

The meeting adjourned at 8:57 PM.