

**CONSERVATION  
COMMISSION**

**Town Hall**  
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**Town of Walpole**  
Commonwealth of Massachusetts  
MINUTES



CONSERVATION COMMISSION  
APRIL 14, 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, Doug Burchesky, Bailey Ziemba, Emidio DiVirgilio, and Dean Bebis.

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

Guests: Daniel Merrikin, Paul McManus, Christopher O'Grady, Katherine Mooney, David, Sue Pace

The Conservation Agent Report dated April 14, 2021 was given to members.

Wiley opened the meeting at 7 PM

**PUBLIC HEARINGS AND DISCUSSIONS** (vote required for action)

**7:00 PM Request for Determination of Applicability and Land Disturbance Application – 38 Peach Street – New World Estates. RDZ Associates, Erich Wohler.** Five lot subdivision

Wiley read the legal ad into the record.

Dan Merrikin with Legacy Engineering presented the project on behalf of the Applicant. Dan explained that currently there are three lots and there is a single family home on one of the lots. The proposal is to subdivide the lot into 5 lots and build four additional single family homes along with a 325 foot long road. There is an isolated wetland located offsite to the north of the lot. Three detention basins will be constructed to manage the stormwater from the proposed road. In total the project will result in the disturbance of 1 and a half acres. An additional acre will be disturbed for the construction of the homes. Erosion controls will consist of a compost filter sock and an orange construction fence along the erosion control line. The stormwater management system will result in a reduction of peak runoff and infiltrates more than required by the stormwater standards. The town engineer, Carl Balduf

hasn't reviewed the project yet, the Applicant will be asking for a continuance to the May 12th meeting.

Landis had a number of questions that will pertain to the review with the town engineer. The Applicant, Landis and the town engineer will be meeting to review those questions. Landis confirmed the wetland boundary as accurate and recommended the Commission issue a Positive 2a to confirm the wetland boundary.

Bebis - asked if the lots would be clear cut prior to the construction of the home or if it will be staged and the lots will be cut as the homes are sold. The Applicant will check with the owner, who will be developing the lots and report back.

Concerned about soil stockpiling from the foundation installation. Applicant stated that the SWPPP includes measure to secure any soil stockpiles but they can add stockpile locations to the plan.

Burchesky - how will the maintenance of the three infiltration basins be handled since they will be located on private lots. An Operations and Maintenance plan will be developed for the site as well and will be provided to the Commission.

Dyer - Asked if the flow from Lot 4 currently discharges to the neighboring property. The discharge from the basin on Lot 4, is directed to the neighboring property. Dan stated that the water currently flows onto the neighboring property and towards the isolated wetland. He added that the stormwater management system reduces flows and increases infiltration so they don't expect water to discharge from the basin often. Dyer asked if the isolated wetland would be shrunk due to lack of surface water recharge and Dan replied that the water will be infiltrated, so while there's a reduction of surface runoff there is an increase in groundwater recharge.

Goetz - asked where the topsoil will be placed for the construction of the road, foundations and basins. Dan stated that they'll add stockpile location to the plan.

Public comment - none heard.

The Applicant requested that the hearing be continued to May 26, 2021.

**Motion to continue the RDA and Land Disturbance Application to May 26th at 7PM by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)**

**7:10 PM –RDA 37 Ginely Road, Christopher & Alyssa O'Grady.**

Addition of covered porch and open deck

Wiley read the legal ad into the record.

Sue Pace represented the Applicants and presented the project. The project consists of the demolition of an existing porch and construction an enclosed porch and attached deck. The site borders Cobbs Pond. All work will occur within the outer 100-foot buffer zone, the closest point of work is 84 feet from the wetland. The only land disturbance will be associated with the footings for the deck, which accounts for 11 square feet. Roof runoff will flow across the lawn and towards the back of the property. There are no soil stockpiles proposed.

Landis conducted a site visit and confirms the wetland boundary. She asked that they use straw bales or silt fencing instead of hay bales that can contain invasive seed stock. The Applicant agreed.

Dean - Are the footings going to be concrete sonotubes. Sue replied that they will be 18-inch diameter concrete sonotubes.

Public comment - none heard.

**Motion to close the hearing by Goetz, second by Dyer. Motion carries 7-0-0.**

**Motion to approve the project and issue a Determination of Applicability as a Negative 3 with the condition to use straw bales, wattles or silt fencing for the erosion control by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)**

**7:35 PM – Continued Notice of Intent, Adams Farm. DEP File #315-1247**

Wiley read the legal ad into the record.

The hearing was opened and continued to wait for a DEP File Number to be issued.

Landis suggested that the boardwalk be constructed so it does not constrict flows, materials be removed from the site, make sure that the boardwalk is kept clear of debris and maintained.

Goetz asked that someone take charge of the maintenance of the boardwalk and making sure that debris is cleared from beneath the bridge.

Public comment - none heard.

**Motion to close the hearing by Goetz, second by Dyer. Motion carries 4-0-3. (Goetz, Dyer, Burchesky, Ziemba). Wiley, DiVirgilio and Bebis abstained.**

**Motion to approve the project and issue an Order of Conditions with the conditions discussed by Landis by Goetz, second by Dyer. Motion carries 4-0-3. (Goetz, Dyer, Burchesky, Ziemba). Wiley, DiVirgilio and Bebis abstained.**

**7:45 PM – Continued NOI 32 Starlight Drive, Shawqu A. Alsarabi Family Revoc. DEP #315-1219**

Wiley opened the public hearing.

**Motion to continue the hearing to May 12th at 7 PM by Goetz, second by Dyer. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

**7:47 PM – Continued RDA Pinnacle Point Historic Mill Complex**

Wiley read the legal ad into the record.

Lou Petrozzi presented to the Commission where they are in the process of compiling a case for the property being considered a Historic Mill Complex. Lou submitted the original survey from 1934 that shows the entire mill complex along with an aerial photograph from 1978 with the existing lot lines superimposed today via email to Landis.

Dyer indicated that these materials in the original filing. She asked where the Applicant stands with the location and creation of the plans that shows the extent of the development today and where the foundations are still existing. Landis stated that the plan and aerial was submitted today at 5PM, but missed the deadline for this meeting.

**Motion to continue the meeting to the May 12th at 7:15PM by Goetz, second by Dyer. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

**7:45 PM – Continued NOI 55 S=BH LLC/55 Summer Street, Multi residential. DEP #315-1227 multi-residential, roadways and stormwater management**

Wiley opened the public hearing and read the legal ad into the record.

**Motion to continue the hearing to April 28th at 7:45PM by Goetz, second by Dyer. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

### **GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS**

Reorganize the Board - Wiley asked the Commissioners to think about who will be chair and vice-chair. This will be discussed at the next meeting.

Schedule May meetings 12 and 26 (town meeting 5-1-21). The Commission also scheduled the July 14th and August 11th meeting.

Pinnacle Point Trail - Landis sent a request to town counsel and has not received a reply yet. Landis explained that the trail was on the planning boards definitive plan but it was never established by the applicant.

**Minutes** – (vote required for action)

**3/24/2021 - Motion to approved the minutes for 3/24/21 by DiVirgilio, second by Dyer. Motion carries 6-0-1.(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

**11/4/2020 - Motion to approve the minutes for 11/4/2021 by DiVirgilio, second by Dyer. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

9/9/

### **Enforcement Orders/ Notice of Noncompliance (Vote may be required)**

#### **Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage**

Landis summarized the mitigation required to mitigate ongoing stormwater issues. The Commission was expecting a plan showing possible mitigation measures from Rob Truax.

Landis - there's also erosion and sedimentation on Lot 8 within jurisdiction.

Lou replied that he believed Rob had provided Landis a list of possible measures but he wasn't aware of a plan that was supposed to be prepared. Lou stated that they plan to regrade that area, extend the wall and create an overflow path for any possible overflow water from the wetland.

Dyer - requested that Rob Truax create the plans as discussed and present them at the next meeting.

Landis responded that Rob verbally presented the scenario outlined by Lou but asked for a plan and a site visit.

Landis summarized that behind Lot 8 there is water flowing through the backyard and puddling, which is causing sedimentation and erosion into the No Alteration Zone.

Lou - replied that an upgrading property owner regraded their property, which is directing water towards Lot 8. Lous plans to regard the swale on either side of the new tree line so the water is redirected into the wooded buffer zone and towards the wetlands without creating erosion.

Main St. #1900, DEP #315-1043 - nothing new

Notice of Noncompliance Brookside Village, DEP #315-1093 - nothing new

Palmer Lane, 3 and 4 - the Applicant has requested to start rebuilding the stone wall, moving the loam pile and cleaning out debris. Landis authorized that work pending approve from the property owners and Neponset Land Holding. She also stated the erosion control needs to be restored.

Pinnacle Drive, Lot 9 J. Hasenjaeger and L. Petrozzi - Landis explained that this is related to clear cutting that was conducted to expose old foundations. Lou installed the erosion controlled as requested. Landis sent out the SORAD from DEP that upholds the Commission's decision to classify Bird Pond as a perennial stream. John Hasenjaeger has appealed this permit to DEP so it will go to an adjudicatory hearing.

**Motion to vacate the Enforcement Order by Dyer, second by Ziemba. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.**

**Request for Certificate of Compliance** (vote required)

**110 Norfolk Street – Rolls Royce Marine – 315-1210**

Landis provided a summary and stated that there were a few discrepancies on the as-built plan so she recommends the Commission wait for a new as-built and the stormwater management system to be certified.

**Board Comments**

**Planning Board:**

Pinnacle Point - the Commission discussed the trail easement that was shown on the definitive plan for Pinnacle Point. Landis has reached out to the Planning Board to get additional details on the trail. Landis stated that they'll need to file a land disturbance permit and likely an RDA.

Lincoln Estates, Lincoln Rd and New World Estates, Peach Street

Landis explained this was presented this evening.

600 Lincoln Road – Scenic Road Tree Removal

Landis stated that they're looking to remove a tree along the scenic road.

**Motion to adjourn by Dyer, second by Burchesky. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**The meeting adjourned at 8:38 PM.**