

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
APRIL 28, 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, Emedio DiVirgilio, Bailey Ziemba, and Dean Bebis.

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

Guests: Patrick Shield, Jesse Johnson, Steve Roy, Carl Balduf, Brandon Kunkel, William Hamilton, Romildo Silva, Allie, Ikgor, Tom, JoAnne, Allie, Romildo Silva, Lou Petrozzi, Erica Burdon

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 – Stormwater and Erosion Control Regulations and Wetland Bylaw Regulations Discussion on Revisions.

Jack read the legal advertisement into the record.

Landis explained the purpose of the revisions and the focus of removing overly burdensome requirements to single family homeowners. The requirements of the MS4 permit were also outlined and Landis explained that an annual certificate would be issued to land owners with BMPs requiring annual maintenance. If the land owners fail to obtain the certificate a fee would be submitted.

Betsy asked if the certificates would be issued on a rolling basis throughout the year or for a set time like taxes. Landis explained that Allary is generating a list of all of the properties in town that have stormwater systems on them and once complete letters will begin to go out to the property owners no-

tifying them that they need to provide the Conservation Office with maintenance records annually. Alary stated that within a month the office should be ready to start issuing letters to the larger land owners, with substantial stormwater management systems.

The Commission asked if the 400 yards of material was a typo or if Landis had any clarification as to what that refers to, since that's a substantial amount of fill. Landis stated she would run this by town counsel and that she believes that it refers to the ByLaw.

Motion to continue to the June 9th meeting at 7PM by Dyer, second by Bebis. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

7:28 PM Fields 1A Request to Amendment Order of Conditions and Land Disturbance Permit. DEP 315-1183

Jack read the legal advertisement into the record.

Brandon Kunkel, Steven Roy and Jesse Johnson represented the project for the applicant, the Town of Walpole. Brandon explained that the basins constructed for the field are not infiltrating as designed and they're coming back to the Commission to amend the Order of Conditions to revise the stormwater management system. Steve Roy stated that the fill material beneath the basins didn't meet the specifications, so that will need to be removed and replace, the existing basins will be reconfigured to increase capacity by raising a berm and the weir height, the discharge towards Winter Street will be discontinued, an additional basin (basin number 3) will be added. The new basin will receive the new discharge from the site. The new system has been upgraded to meet the projected precipitation rates, NOAA Atlas 13, which increases the volume of flows. All field runoff will now be modeled like an impervious surface as opposed to a pervious surface. During discussions with the Town Engineer, an infiltration swale will be converted to an additional detention basin.

Carl Balduf, the Town Engineer read a comment letter he issued into the record.

Commission comments:

Dean asked what issues were seen on Winter Street this winter that prompted the redesign. Brandon explained that during a 25 year storm a basin overtopped and overflow ran down a hillside and washed out a slope leading down to Winter Street. Dean followed up by asking the depth of parent material is. Brandon stated it's approximately 18 inches. Dean asked if the excavated material will be used to build up the berm and Dean confirmed. Dean asked if the southern basin will be enlarged. Steve replied that it has been redesigned to have a flat bottom with a series of check dams and a berm at the end with an outlet device. Dean asked if there's been any hydraulic studies to see if the neighbor will see an increase in water on their property and if not where the flows will go. Steven stated that it flows to the southwest and Jesse added that the maximum velocity in the basin will be 7 cfs so discharge would be rare. Dean asked if the basin would infiltrate and what the infiltration would mean to the abutter to the south. Steve and Jesse stated that infiltration rates have been looked at and negative impacts to the abutter to the south aren't expected. Steve added that basin 3 is underlain by sand and very permeable. Landis added that basin 1 will act as a detention basin and basin 2 will inflate and discharge to basin 3, which will also infiltrate.

Emidio asked if the plan is the final plan or they'll be receiving a new plan. Brandon replied that a revised plan will be submitted that will include the changes asked for by the Town Engineer. Emidio confirmed that Landis will review the revised plans.

Betsey asked if all basins have been checked to ensure that the incorrect fill wasn't placed beneath all of the basins. She also asked if the wrong fill is under the field itself because turf field usually drain

very well. Brandon replied that he observed the construction of two of the other basins and the material was correct and the field is performing as expected.

Al stated that updating the stormwater calculations to meet the new projected stormwater rates is beneficial.

Public Comment:

Allie - an abutter to the project who experience the overflow to Winter Street. Allie asked if the drain that is currently adjacent to Winter Street leading from the utility easement will remain. Brandon replied that the black pipe was a temporary measure to deal with overflows during the redesign. Following construction, the pipe will be removed, the slope will be stabilized and there will be a stone channel constructed to convey flows through that area as there is a conveyance that existed prior to the project that was unknown.

Irene Gorsica - 276 Winter Street - asked if at the bottom of the access road (utility easement) - kids were sledding down the hill and are now riding mountain bikes and dropping off into Winter Street. She asked if a fence or something to block access can be added to increase safety. Brandon stated that boulders will be placed, as there was in the past though they hadn't anticipated its use by children. Patrick Shield, the assistant town administrator stated that the town plans to install a guardrail along the access road that will prevent the immediate access to Winter Street. Irene asked if a fence will be added along a trench that runs along 1A so it doesn't become an ice skating rink for the kids.

Patrick Shield – replied that they will look into fencing in that area.

Bill Hamilton - Restricted wetland area - stated that the stormwater that crossed Winter Street flooded out the wetland area and it continues to flood the area. He asked if this overflow will be stopped and Steve Roy replied that the intent of the redesign is to prevent flows from contributing to the area of concern.

Motion to close the hearing by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

Motion to accept the amendment to the existing Order of Conditions by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

8:09 PM – Request for Determination of Applicability – MCCRR Right-of-Way

Jack read the legal advertisement into the record.

Tom Lewis with TEC presented the project on behalf of the Applicant.

The MCCRR is renewing their 5-year vegetation management plan, which expires next year. Tom presented the project plan depicting the maintenance area, which is referred to as the Franklin Line that leads into Boston. Buffer zone areas are limited to one application a year and Zone II wellhead protection areas are restricted to spraying every other year and the yellow area are no spray areas.

Commission Comment:

Dean asked what chemicals are used. Tom replied that it varies from year to year and the annual plan outlines the chemicals proposed and there's a 45-day comment period. The annual plan for Walpole was mailed on Thursday and should be received shortly.

Doug - asked the width of the ROW. Tom replied that it's about 10 feet.

Jack asked how the restricted areas are depicted in the field and Tom replied that there are colored placards permanently affixed to the rail ties that tells the operator where they can and can't spare. Tom added that he accompanies the spray truck and lets them know what area they're in.

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

(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

Motion to issue a DOA as a Positive 2a, Negative 3 and 5 by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis)

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

Jack read the legal ad into the record. Jack explained that the Applicant, David Hale has requested a continuance to May 12th.

Motion to continue the hearing to May 12th at 7:30PM by Goetz, second by Dyer. Motion carries 7-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba) Bebis abstained.

William Hamilton - stated that he's within area 16 and he stated that the is not being notified of inland wetland changes. Landis explained that he is reading from an outdated regulation and that he will be notified per the Wetlands Protection Act if a permit application has been filed.

JoAnne - asked for the reason the Applicant requested a continuance. The Commission replied the Applicant doesn't have to provide a reason.

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

9:02PM - Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage

Lou Petrozzi and Rob Truax attended the meeting. Landis conducted a site inspection of the Kevin's Ways subdivisions and its stormwater system appears to be functioning and residents of the area stated they haven't seen an increase in water.

Rob Truax reported that he has visited the site multiple times and he also has visited Kevin's Way and he can't say definitely if Kevin's Way is adding to the drainage issues off of Boyden Estates.

Lou Petrozzi - summarized that he believes there are two separate issues. The overflow from the wetland to lot 6, the second is the overflow onto a property on 8 Boyden Lane from Kevin's Way. Lou stated that the ponding on 8 Boyden Lane is an issue during every rain event. Jack stated that they will take a look at the Order of Conditions for Kevin's Way to make sure they're in compliance.

Jack asked what Rob plans to have plan prepared for the overflow issue from Lot 6 to Lot 5 and Rob replied that he will have a plan prepared a week before the May 26th meeting.

Dyer asked if the issues at 8 Boyden is a neighbor issue or a conservation issue and Lou stated that none of the houses on Kevin's Way have infiltrated their roof runoff as conditioned by their Orders. Jack asked when the no alteration zone placards will be installed for Lot 5 and the as-built will be submitted. Landis clarified that the Commission asked that the as-built was requested a while ago, the project is completed and the mulch was asked to be pulled back and there appears to be more fill than permitted. Lou asked if the swings that was installed needs to be shown not eh plan and Landis replied that it does not. Lous commuted to submitted the as-built plan within the next couple of weeks. Lou asked the chairman when the commission will be looking at the stormwater issues from Kevin's Way.

Public - Scott Kaery - 3 Kevin's Way - asked that Mr. Petrozzi give advanced notice as he's asked for all along for any activity on his property. He's willing to work with Lou to address stormwater issues

on the adjacent property. He asked that a representative from the Commission attend the meeting between Lou and himself. Betsey asked that a plan be developed for any work proposed and be presented to the Commission. Scott stated that he hired a civil engineer to address this issue. A site visit was set for 1Pm at 8 Boyden Lane between Lou Petrozzi, Jack Wiley and Scott Kaery.

Main St. #1900, DEP #315-1043
No new material.

Notice of Noncompliance Brookside Village, DEP #315-1093
No new material.

Palmer Lane, 3 and 4
No new material.

4 Lost Brook Trail – Notice of Violation-issued 4-20-21 - *New*

All proposed work was outside of buffer zone originally, but work has occurred within the buffer zone. The homeowner, Romildo Silva attended the meeting. He stated that dead wood was cleaned from the buffer zone and per the builder's recommendation he was told that there is not issue with maintaining the area. Jack asked Landis to reach out to the builder since he is constructing a home adjacent to this homeowner, but he hasn't heard back.

Jack asked if there were placards conditioned as part of the permit and Landis stated that they weren't installed because all proposed work was outside of the buffer zone. Landis asked the homeowner to have the wetland boundary flagged and then the Commission could ask for the placards under the Enforcement Order without an additional filing. She also stated that the 25 foot No Alteration Zone will be reestablished if altered at all.

Commission Comment:

Dean - When a permit is issued is it the contractors responsibility to convey the terms of the permit to the new homeowners? Jack and Landis stated that generally that's the builder's responsibility.

Bailey - asked that the site pictures be updated

Reorganization of the Board

Minutes – (vote required for action)

4/14/2021 - Motion to approve the minutes as edited, seconded by Ziemba. Motion carries 8-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, DiVirgilio, Bebis)

9/9/2020 - Motion to approve by Dyer, second by DiVirgilio. Motion carries 7-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, DiVirgilio) Bebis abstained.

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Commission Organization

Motion to nominate Jack to remain as chair by Dyer, second by DiVirgilio. Motion carries 7-0-1. (Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, DiVirgilio, Bebis) Wiley abstained. Motion to nominate Al as Vice-Chair by Dyer, second by DiVirgilio. Motion carries 8-0-1. (Wiley, Dyer, DiVirgilio, Burchesky, Ziemba, DiVirgilio, Bebis) Goetz abstained.

Conservation Agents Report:

Request for Certificate of Compliance (vote required) - 110 Norfolk Street – Rolls Royce Marine – 315-1210 –Waiting for updated As-built

Planning Board Comments:

Lincoln Estates, Lincoln Rd and New World Estates, Peach Street – Under Conservation Review
600 Lincoln Road – Scenic Road Tree Removal - One Pine tree along the roadway. No impact to wet-lands or River front area.

Board okayed comments.

Motion to adjourn by Dyer, second by DiVirgilio. Motion carries 8-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, DiVirgilio, Ziemba, Bebis).

The meeting adjourned at 9:22 PM.