

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
AUGUST 11, 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, and Doug Burchesky.

Also present: Board Secretary, Allary Braitsch

Guests: Dan Merrikin, Lou Petrozzi.

The Conservation Agent Report dated August 11, 2021 was given to members.

Wiley opened the meeting at 7 PM

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

38 Peach Street

Wiley read the legal ad into the record. Wiley also read comments from Carl Balduf, Town Engineer into the record.

Dan Merrikin presented the project on behalf of the Applicant. Merrikin stated that the issues raised by town engineer have been addressed and a new plan was submitted. Merrikin explained that the project includes the subdivision of a parcel into 5-parcels for the construction of new homes. The only work within buffer zone is the installation of an outfall pipe. Per Landis's request a details stormwater management plan was created.

Commission Comments:

Burchesky asked about the basins having different slopes and Merrikin explained that the slopes for the basins differ and the details needed to be cleaned up for clarity.

Goetz asked about the outfall for the water discharging to the neighboring lot. Merrikin replied that there will be a level spreader and it will sheet flow and match pre-construction drainage conditions. Additionally, rate and volume of flows will be reduced post-construction.

Goetz also asked where the bounds would be located and Merrikin identified the bounds, which are shown on the layout plan sheet, but not on all of the sheets.

Public Comments:

Stephania, 8 Stoneybrook Road – asked where this development is located in relation to her and Merrikin identified her property on the locus map.

Motion to close the hearing by Goetz, second Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky)

Motion to issue a DOA with as a negative 3 by Goetz, second Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky)

Motion to issue a standard Order for the land disturbance permit by Goetz, second Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky)

7:18PM – Continued RDA Pinnacle Point Historic Mill Complex

Wiley read the legal ad into the record.

Lou Petrozzi attended the meeting representing the Applicant. Petrozzi explained that the application's intent is to prove that the area in question is considered part of a historic mill complex. Petrozzi presented historic photographs (1962, 1968) of the site illustrating the site conditions in different points in time. Petrozzi stated that cleaning the property up and installing the walking trail would be difficult if the property is not subject to the exemption. Petrozzi stated that they do have a site eligibility letter from Mass Housing to develop a 40B development on the site and if they're not able to develop the whole site it will likely be developed more densely as a multi-family development. Petrozzi added that the property down to the area of the bench along the water is part of the historic mill complex, which is less than a 1/3 of the property.

Commission comments:

Burchesky asked how the dates for the photographs were determined and Petrozzi responded that the company that took the aeriels provided all the dates and they selected the photographs presented based on the clarity of the images.

DiVirgilio – asked were structures existing on August 7, 1996 – Petrozzi replied yes, under the regulations pavement, foundations, etc. are included in the determination of a historic mill complex

Dyer – concerned of the legalese is complicated because there's no building left on the site. She would like to be able to appeal it to DEP so they can help with the determination. Petrozzi is the only one that can appeal it to DEP and because of that she thinks they should deny it and Lou should appeal it.

Wiley – believes that they will be able to determine whether it qualifies as a historic mill complex and that they should continue the meeting. He also offered that town council could also weigh in and offer an option as to what constitutes a structure.

Goetz – wanted to clarify that since Riverwalk has been brought up in this project he wants to say that he believes the Commission made mistakes in Riverwalk and he wants to make sure those mistakes aren't repeated. Secondly, he said that since Petrozzi has said he would like to clean up the area he hasn't seen any documentation as to what he would like to do to clean up the area to improve the conditions of the Riverfront Area and the River. He added that improvements to the Riverfront Area are allowed within the inner 100-foot Riverfront Area. He would like to see a proposal for the improvements Petrozzi has referred to, which would be allowed within Riverfront Area even if not deemed a historic mill complex, removing the Riverfront Area.

Motion to continue to September 8, 2021 at 7:30PM by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

8:02PM- ANRAD – 315 and 319 Summer Street, and 16 Boyden Lane – Wall Street Development Corp.

Wiley read the legal ad into the record. Wiley also stated that Goddard Engineering asked on behalf of the Applicant for a continuance to the next meeting.

Motion to continue to September 8, 2021 at 7:45PM by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

8:05PM – Stormwater and Erosion Control Bylaw Regulations

Wiley read the legal ad into the record. Wiley stated Landis asked this be continued until the next meeting.

Motion to continue to September 8, 2021 at 8PM by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

Enforcement Orders/Notice of Noncompliance

Boyden Estates Drainage

Petrozzi presented an updated plan that proposed a spillway that will be constructed to divert flows to the back end of the property and prevent another slope failure. The blocks to construct an extended retaining wall won't be available until 2022 so he proposes a berm instead of a wall. If the blocks become available sooner they'll be installed.

Wiley asked why this is happening now and if there has been any review, as they've asked in the past for why it's happening. Lou replied that GLM has stated that the calculations are correct and they can't determine why the flooding events have occurred, they're not supported by the stormwater calculations.

Wiley read Landis's comments.

- recommend additional detail of the wall extension and drainage swale, grades and no alteration area;
- letter is required from the owners of the property allowing the change; and
- confirmation from the engineer that this is going to relieve the flooding problem, some analysis of why this change is necessary, and that swale not cause another problem on adjacent property. The original plan indicated that all the flow from this wetland was absorbed into the ground and not over-land flow.

Braitsch asked to send Landis's comments to Petrozzi and he will reply prior to the next meeting.

Wiley asked if a pipe would also be necessary since the swale is only proposed at a 6-inch depth. Petrozzi stated that the pipe couldn't be installed higher than the swale as an overflow because of the surrounding grades, but it could be installed lower.

Wiley asked if the Commission considers this a minor modification to the Order. Dyer replied that she would need to see the letter from Rob first.

Burchesky asked if the block wall would be built next year once available and if it is necessary to direct the water to the grass swale. Lou replied that it's not needed because the swale would be constructed in the lowest spot, where it's currently topping over.

DiVirgilio believes it's a minor modification as does Goetz.

Motion to consider this change as a minor modification to the Order by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Minutes

Motion to approve the minutes from July 14, 2021 by Dyer, second by DiVirgilio. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

North Street – NEFF

Wiley reported that the paperwork is being cleaned up and it should be available by the next meeting.

Enforcement – nothing new

Extension

255 Bullard Street, DEP#315-971

Landis recommends in her report to the Commission to extend the order for 18 months.

Motion to extend the Order 18 months by Goetz, second by Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

Certificates of Compliance

No action taken. All continued to the next meeting.

- 58 Emerald Way (formerly 71 Kilronan Park), DEP #315-1162
- 53 Kilronan Park (formerly 55 Kilronan Park), DEP #315-1167
- 1034 East Street, Liberty Station Apartments, DEP #315-1126

Motion to adjourn by Goetz, second Dyer. Motion carries 5-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky).

Meeting adjourned at 8:32PM