

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
JULY 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, Emidio Di-Virgilio, Doug Burchesky, and Dean Bebis.

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

Guests: Dan Merrikin

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

Wiley opened the meeting at 7 PM

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7:00 PM – 38 Peach Street, New World Estates- RDA and Land Disturbance Permit

Wiley read the legal ad into the record.

Applicant has asked that the hearing be continued to the August 11th meeting.

Dyer motion to continue the August 11th meeting at 7PM, second Goetz. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

Request for Certificate of Compliance

Washington Street – DEP #315-0946

Landis explained that the work was conducted per the approved plan.

Goetz motion to issue the Certificate of Compliance, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

Minutes

Goetz, motion to approve the minutes from 6/23, second by Dyer. Motion carries 6-0-0.

Request for Extension

Lot 2 Lost Brook Trail (315-1156)

Motion to extend the Order of Conditions for 18 months by Goetz, second by Dyer. Motion carries 6-0-0.

1034 East Street, Liberty Station Apartments - DEP #315-1126 1776

Landis explained that she would like to hold off on issuing the COC until she's able to have a site visit with the Applicant as there's outstanding work to be completed.

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Main St. #1900, DEP #315-1043 - on-going

Nothing new material.

Dyer, asked if the Commission can make an inquiry to the Select Board about the status of the property with other boards. Landis to follow up with land owner and the Select Board.

7:15 PM - Continued Hearing 32 Starlight Drive, Alsarabi Family Revoc. Trust, DEP # 315-1219

Wiley read the legal ad into the record.

Dan Merrikin with Legacy Engineering representing the Applicant, present the proposed project. Project entails subdividing a lot into four single family home lots, extending an existing driveway and converting it into a public way, installing stormwater, and grading. He explained the wetland line had been reviewed and agreed upon. A note has been added related to the stormwater basin cited in the buffer zone on Lot 3. A note was also added regarding the rock outcrop. The proposals for the homes within jurisdiction will be presented to the Commission in a separate filing. Historic disturbances along the property line to Adams farm will be regraded and planted to restore the area to a vegetated condition.

Landis outlined the following special conditions that will be included in the Order of Conditions.

Landis asked that the restoration of the buffer zone happen prior to the road construction and Dan agreed.

- 1) Restoration of the buffer zone at the southerly end of the side shall occur prior to road construction.
- 2) The two replication areas constructed for the original driveway shall be reviewed by a wetland specialist and additional grading and plantings should be implemented as needed for the areas to be 75% wetland species.
- 3) The extent of the removal of the rock outcrops in the 100-foot buffer zone shall be determined during the review of the individual Notice of Intent for lots 3 and 4.
- 4) Basin #1 location will be reviewed further under the Notice of Intent for lot 3.
- 5) The culvert under the existing driveway shall be protected from damage during construction. If the culvert is damaged the Conservation Commission shall be notified immediately.
- 6) The infiltration basins areas shall be roped off prior to construction and shall be constructed in a manner that does not compact the soils.

- 7) As-built plans of the basins shall be provided to the Commission and approved prior to use.
- 8) The Basins shall not be used as construction sediment basins.

The replication areas constructed for the original home/driveway are not meeting the conditions laid out in the original Order and should be reviewed by a botanist and additional plantings/work may be warranted.

Bebis, basin 3 - are all the basins constructed prior to the lots being developed, what is the construction sequencing? Dan replied that the basins will be constructed while the road is also under constructed. They cannot pull a building permit for a home until the road and the basins are fully constructed.

Burchesky - asked about the notation on lot 1 for the septic field because the note doesn't fully reach the outlined area. Dan confirmed that the area shown is in fact where they'd plan to install the septic field.

DeVirgilio - asked for clarification on where the stormwater is being directed to.

Dyer - the former replication areas - they're not indicated on the plan, she asked if they should be. Dan stated that it appears that the replication area was installed in a different area and was walked with Landis. Dyer asked if the area is too dry to function as a wetland. Dan replied that a botanist will review it and make recommendations.

Goetz - asked if any stormwater would be installed for the existing single family home, since all the stormwater from the entire site will be on other lots being subdivided. Goetz asked why the roof drains for the existing home isn't being infiltrated into the ground. Dan replied that it will sheet flow into basin 2, which is designed to handle the runoff.

Wiley asked if there are wetland placards shown on the plan, Dan showed the plaque locations.

Wiley - who maintains the treatment structures? Dan replied that the homeowners will maintain them and there is an Operations and Maintenance Plan for the subdivision, and it should be attached to the Order of Conditions.

Motion to close the public hearing by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

Motion to issue the Order of Conditions with special conditions as discussed by Goetz, second by Dyer. Motion carries 5-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky). Bebis abstained.

7:20 PM – Cont. RDA Pinnacle Point Historic Mill Complex

Wiley read the legal ad into the record.

Lou Petrozzi presented the new plan outlining degraded areas of the site and areas he believes should be classified as part of a historic mill complex. The historic mill complex removes the Riverfront Area from the portion of a site that is deemed as a historic mill. Lou stated that they have a letter from Mass Housing approving the site for affordable 40B housing.

Landis read the regulations contained in 310 CMR 10.04 for Historic Mill Complex. She stated they need to know where the footprints on the site exist and the needs to be clarified to show exactly where the old foundations are located. Landis walked through the areas shown on the plans and clarified degraded vs. areas that may qualify as historic mill complex areas.

Bebis - asked if Lou has looked for actual photographs of the mill when it was in use and Lou stated that Covid slowed down being able to obtain actual photographs because the historic commission was closed.

Dyer - stated that she doesn't dispute the stance over the grey areas characterization as a historic mill site. She also stated that the plan should say the Neponset River but not Bird Pond.

Goetz - asked for depictions of the building remnants on the plan.

Motion to continue meeting to the August 11th meeting at 7:15PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

7:30 - Stormwater and Erosion Control Bylaw Regulations

Landis suggested that the Commission continue the hearing to the August 11th meeting.

Motion to continue the hearing to the August 11th meeting at 7:30PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Open Meeting Law Covid-19 updates Minutes – (vote required for action) -6/23/21 Pinnacle Point Trail

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage –on- going
Wiley explained that he stopped by earlier this week during one of the heavy rains. He observed a hole dug by a backhoe close to the wetland line. Lou explained that was for the installation of the wetland placards. Wiley asked where the plan for what is proposed and if they're now carrying on with construction without an approved plan. Wiley stated a plan needs to be provided with a spec for measures proposed.

Wiley also stated that the wetland didn't overflow during the heavy rains but it's also constricted because of the hay bale placed upgrading in from of the culvert beneath Boyden Lane. Lous replied that he pulled the hay bale away and the wetland did overflow until he put it back. Wiley stated that construction may have altered the historic flow path of that water and Lou's engineer should review the drainage calculations to ensure the problem is addressed.

Dyer asked for a firm date for that plan and assessment to be completed and presented to the Commission.

Wiley asked that Lou submit a final plan in time for the August 11th meeting and have Rob attend to discuss the plan. Lous stated he will try to schedule Rob for attendance.

Landis stated that any additional activity like extending the rock wall requires a minor modification or an amendment to the existing Order.

Wiley stated that there is also significant erosion on #16, Lot 4 that needs to be addressed and that there is flooding and issues with the drainage from the base of the culdasc. Lous replied that the roadway flooding was because of a silt sack failure and they've addressed the problem. They've addressed the erosion and plan to apply sod and a blanket to the sloped areas.

Landis asked that the Certificate of Compliance for Lot 5 be filed.

Notice of Noncompliance Brookside Village, DEP #315-1093–

The outstanding work related to the rock wall and potential erosion should have been fixed by now. Landis will schedule a follow up site visit.

Palmer Lane, 3 and 4 –

Landis stated that the plants have been installed and will be monitored for a year.

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle

No new information on the appeal. It may be sometime in August.

Board Comments

1377 North Street Solar Panel- ZBA

Landis explained that this is an appeal of the building inspector's decision that denied the use of the Dover Act so now it's before the ZBA.

Wiley also asked that a letter be sent to ZBA stating there's a perennial stream and wetlands in the vicinity of the proposed solar field and with the current information provided it's impossible to determine that the proposed work is outside of the buffer zone and/or resource areas. Therefore, the Applicant should plan to file with Conservation to confirm the wetland lines.

Also the Commission needs a full set of plan for review by the Commission.

295 Union Street – ZBA

Landis explained that this is the trucking transport site, which borders Traphole Brook and has floodplain on the site. The application with ZBA is from Tesla to prep the vehicles. Landis suggests that a letter is sent to them to inform them that they should at least file an RDA with Conservation.

Lincoln Road Estates (refiles) –Planning Board Paragon Investments -130 West Street- Planning Board

Dyer asked that the Commission comment to Planning that there's a deed restriction (included in a 1956 deed) that prohibits having a commercial gravel operation on that site. She'd like this formally sent to Planning Board. Landis explained that this project will trigger a Land Disturbance Permit.

180 West Street - near Spring Street - Landis explained it's currently two brick buildings. It is going through site plan review. They'll be filing a land disturbance permit.

Neponset River Watershed - approached Landis about a grant that they're seeking with Division of Ecological Restoration Regional Restoration Partnership Program. The grants are aimed at improving riparian function. Landis would put together a letter of support for the Commission and the Town.

Motion to submit a letter of support by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis).

Correspondences

TEC Letter - MA Coastal Railroad – annual vegetation management plan available on mass.gov
Town Fall Meeting announcement from Select Board

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

Meeting adjourned at 9:06 PM.