

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
OCTOBER 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, Doug Burchesky, Bailey Ziemba, and Dean Bebis.

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

Guests: Dan Merrikin, Lou Petrozzi.

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

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7:00 PM –Notice of Intent and Land Disturbance Permit – 533 Lincoln Road (Lot 3 & 4), Walsh Brothers Construction, Inc. Dep File No. 315-

Wiley read the legal advertisement into the record.

Rob Truax presented the project on behalf of the Applicant.

Landis asked why they are grading the site so significantly and why the existing topography of the site isn't able to be maintained.

Truax replied that they are taking the site down significantly in grade to meet the requirements for the roadway and the roadway will result in a 40-foot cut from Deerfield that they needed to smooth out. The homes will also all be on septic and therefore the lots need to be flattened to support the septic systems.

Commission Comments:

Dyer - asked a clarifying question as to what committee or board is constraining the grades and the roadway. Truax replied that it's in the planning boards regulations and he needs to design the site per all applicable regulations.

Landis - asked what type of impact the grading will have on infiltration rates and if there are potential impacts to groundwater.

Truax - they didn't do a complete hydro geologic study of the site but they did do soil testing and have an understanding of the site's hydrology.

Landis - asked for clarification on how they're not impacting groundwater in writing to address the requirements in the stormwater bylaw. She also asked for more clarification on the phased construction of the site to ensure that one portion of the site is stable before moving onto another.

Bebis - asked if they hit any bedrock in their testing and asked what equipment they used. The applicant, John Walsh replied they used a dry drill and then a wet drill. Bebis also asked if the basin in the back of the site will outflow to the river and Truax replied that the basin is designed to infiltrate completely. There is a spillway, but it will only convey water during extreme weather events. Bebis asked if the soil will be processed on site or screened. Truax replied that the loam and subsoil will be screened and stockpiled on Lots 1, 2 and 3. No gravel will be cleaned on site.

Ziembra - asked why septic and not hooking into the town sewer. A connection doesn't exist.

Burchesky - asked about a septic field that's shown within the outer Riverfront Area. Truax indicated that will be pulled out of the Riverfront Area and added that the septic systems aren't

Bebis - will the sites be reported once the grades have been taken down. Truax replied yes.

Dyer - indicated that with 600,000+ yards of material be removed, which makes it essentially a commercial gravel operation. She suggested that a consultant with gravel removal experience be brought in to answer questions surrounding the elevation changes and impacts of removing that amount of material from a site.

Truax asked if they'd review the BETA review and Dyer replied yes but that they Commission hasn't been provided a copy.

Dyer - The Stormwater Bylaw gives the Commission the ability to require LID techniques and she'd like an alternative analysis that doesn't involve the removal of the gravel, but still results in the construction of 24 houses. Dyer also pointed out that on the 1950's deed for the property prohibits the property's use as a commercial gravel operation. While the Conservation Commission doesn't uphold the terms of the deed but she'd like to ask town counsel what the town's liability is to permitting a commercial gravel operation when its prohibited by the deed. She'd also like to know the legal definition of a commercial gravel operation.

Goetz - Asked why the material from the site isn't being used to create the berm on the site and why isn't there an erosion control along the berm sited along the property's border. He also stated that the clear cutting of the property created a heat island instead of a cooling island.

Wiley - asked clarifying questions for the phasing of the project. He also asked how the site will compensate for the loss of material when it comes to the soils ability to retain moisture.

Public Comment:

Kim Williams - Deerfield Drive - she feels this is more of a gravel operation than a housing development. There are other developments in Walpole that use the elevation changes are part of the developments design and aren't leveled completely. She asked who the owner of the property is. She wonders what the impact for the future homeowners due to the noise from the gun club. She has concerns over the truck removing the gravel trucks hauling material from the site and making the already narrow roadways more dangerous.

Eden Nadalia - Lincoln Road - concerns around the gravel removal and would like to know why it's not in front of Zoning Board. She stated she believes this is about gravel removal and less about home construction.

Commission agreed to ask town counsel the questions as laid out by Dyer. Truax asked for a copy of those questions and Wiley replied that they will send the Applicant the answers from town counsel once received.

John Walsh asked that the meeting be continued to October 27th to keep things moving and address the outstanding issues they can at that meeting.

Motion to continue to October 27th at 7:30PM by Dyer, second by Goetz. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis)

7:45 PM – Notice of Intent – 295 Union Street, Tesla, Inc. DEP File No. 315-1250.

Wiley read the legal advertisement into the record.

Mike Cantel from Kimmly Horn presented the proposed project. The project is for an electric car pre-delivery center within an existing building. The work within jurisdiction is the sewer connection from the building to the existing sewer line.

Landis - Landis outlined concerns from the town engineer, which focused on the type of pipe to be used to span the Brook. The Applicant explained that they have enough coverage to span over the Brook and it won't be trenched beneath the Brook and will be installed section by section.

Landis - asked if they'll need to dewater and if so that proper dewatering would need to be set up and the water could not be dewatered directly to the brook or roadway. She also asked if any pavement upgrade would be conducted and the applicant stated that they're not planning any.

Bebis - asked if the culvert has been inspected and the applicant stated they have not. Bebis is concerned that the installation of the pipe and the manhole that's sited over the culvert could damage it. Landis added that it could be conditioned to have the work supervised by an engineer.

Burchesky – asked how the wash water would be handled from the car washing planned for the interior of the building. Also asked if the transformer would be set above the floodplain, the Representative explained that the pad for the transformer will be set above the floodplain.

Goetz – asked for clarifications on the erosion control line and asked that it be moved closer to the work area on both sides of the culvert. Asked if the applicant is prepared for issues with the culvert during construction and able to replace the culvert should it fail during construction. Applicant replied that a condition could be included to inspect the culvert prior to work and if issues are identified during the inspection the Applicant communicate those to the Commission and they can be addressed at that time.

There was some discussion over the use of polyethylene piping instead of cast iron. The reason behind using polyethylene is that it's a smaller diameter pipe and they don't make a cast iron pipe in that size.

Bebis – asked if they had a traffic management plan. The Applicant replied that they did not.

Wiley – suggested adding a cast iron pipe around the pvc pipe to protect it. Wiley asked if the pipe would be one length or if there would be connections since it's 440 feet total length. Wiley asked that there not be a joint after the thrust block.

No public comment.

Conditions to be included in the order:

- No union of the pipe after the thrust block;
- Pre-inspection of the culvert condition prior to construction with a report submitted indicating structural stability to the Commission;
- Engineer supervision of crossing of the culvert and the manhole construction;
- A contingency plan shall be submitted to the Commission outlining the replacement of the culvert if it is damaged during construction; and
- Revision of erosion control line, which will be reflected on a revised planset.

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

Motion to issue the Order of Conditions with conditions as discussed by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis)

8:15 PM – Land Disturbance Permit – 585 Washington Street, Drew Haugton

Wiley read the legal advertisement into the record.

Dan Merrikin presented the project on behalf of the Applicant.

Merrikin explained the applicant is proposing a 6 lot residential neighborhood on a 4-acre site. Previously there was a home on the site previously but it burned down and the site is currently vacant. The neighbors' runoff flows to the site, as the site is a low point. The proposal includes a stormwater management system to deal with runoff from the roadway and drainage conditions from surrounding properties. Two neighboring properties have a shared driveway that runs the length of the property line and the new roadway will provide those property owners a new means of access to their properties. Revisions are proposed to the site to address concerns from those owners.

Landis – asked about how the stormwater system will handle the water during larger storms from the surrounding properties. Merrikin replied that the system has been designed to manage those flows up to a 100-year storm. She asked for other forms of pretreatment for stormwater aside from the deep sump catch basins and Merrikin replied that there's also a sediment fore bay. Landis also asked for clarification on the phasing of the project in terms of erosion controls and Merrikin explained the locations of the erosion controls proposed, soil stockpile locations and the construction entrance pad.

Bebis – asked if the site is on town sewer and Merrikin replied that there will be a 2-inch low pressure sewer main.

Zeimba – asked for clarification on the infiltration basin's use in the future since it takes up a large amount of two of the lots properties. Merrikin replied that they an O&M plan will include restrictions for the basins use and while they could mow it as lawn they aren't allowed to change grades or plant trees that would impact the basins functioning.

Burchesky – asked for clarification for the individual stockpiling locations shown for each lot. Merrikin replied those locations are for the construction of each home.

Wiley – who is responsible for the maintenance of the infiltration basin. Merrkin replied it falls to the homeowners of the two lots the basin falls on are responsible for that basin there is no homeowner's association.

Landis – Is a5 from the stormwater bylaw addressed in the application? Merrikin replied that he will add a note addressing that condition, which states that existing vegetation should try to be maintained.

Public Comment

Motion to continue the public hearing to December 8th at 7PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis)

8:20 PM - Continued Notice of Intent – 272-274 South Street, Hash Brown Holdings, LLC. DEP File No. 315-1249

Wiley read the legal advertisement into the record.

Rob Truax with GLM Engineering presented the project on behalf of the applicant. He explained changes to the plan based on feedback from the Commission at previous meetings and the town engineer.

Landis – asked how the stormwater system will address bacteria removal because the Neponset River has a TMDL for bacteria levels. She asked that a detail be added to the plan addressing bacteria removal. Asked is the snow storage can be moved to the other side to prevent the pile from obstructing flows to the basin. Asked how the vehicles are cleaned and if it's done on site. The Applicant replied they use a heated power washer without soaps. Landis doesn't think the Applicant has submitted enough information to qualify as degraded Riverfront Area, however the plan could still be approved b/c the alterations are below the 5,000 square foot/10% of the overall Riverfront Area threshold for alterations.

The Commission reiterated points made by Landis and agreed that the project, with the changes discussed is able to be permitted. A finding will be made that the degraded Riverfront Area status isn't significant to the project. Truax will submit a revised plan with the changes as discussed and the mention of degraded Riverfront Area removed.

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

Motion to issue the Order of Conditions with conditions as discussed by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis)

Wiley asked if an easement could be added for the portion of the trail that exists on his property. The Applicant replied that he'd be willing to explore that.

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Minutes – (vote required for action) -9/22/21

Pinnacle Point Trail

Master Plan Update

Bebis provided an update. The Committee met last week. The plan is to release the plan next year.

NEFF Property North Street

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage –on-going

Rob Truax explained the drainage calculations done previously for the homes and what's happening is consistent with the calculation done originally for the project. The addition of the retaining wall, which wasn't on the plans is what is preventing the water from flowing where it had originally and constructing the spillway will remedy the slope failure issues from overflow. Landis stated that the land owner has submitted a letter allowing the work to be conducted on their property.

Wiley asked if the plan previously submitted for the spillway needs to be altered at all. Rob does not believe it does. Landis will issue a letter requiring the work to be conducted within 10 days or risk daily fines and that the swale needs to be sodded so it's stabilized.

Landis asked how the spillway will deal with the fence that was just installed without a permit on Lot 6.

Motion to issue a letter to Lou Petrozzi to install the swale per the plan within 10-business days or be subject to \$300 per day fines by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Ziemba, Bebis)

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

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

Palmer Lane, 3 and 4 – On-going

Request for Extension

N/A

Request for Certificate of Compliance

Pine Street-Brookside Village, DEP 315-1093

Landis explained that the project doesn't meet the terms of the Order of Conditions and she's still waiting for the requested items. The Commission should hold off on issuing.

Lost Brook Trail (off of Delaney Drive), DEP 315-0847

Landis recommended a COC be issued.

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

Lot 2 Lost Brook Trail, House #3, DEP 315-1156

Landis explained that the project doesn't meet the terms of the Order of Conditions and the Commission should hold off on issuing.

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle

Site walk will be held Thursday morning at 10AM.

DOA Wallstreet Development-Pinnacle Historic Mill Complex

Board Comments

Planning Board-

Garden Path Estates – 11/4/2021

Lincoln Estates – 10-7-2021

ZBA-Neponset Solar-455 South Street

They will be before the commission for a Land Disturbance Permit.

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

Meeting adjourned at 10:10PM