

**CONSERVATION
COMMISSION**

Town Hall
Room 212
135 School Street
Walpole, MA 02081
Phone (508) 660-7268
Fax (508) 668-2071

Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
SEPTEMBER 22, 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, Dean Bebis, and Bailey Ziemba.

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

Guests: Bob Vey, Ian Brown, Rob Truax

The Conservation Agent Report dated September 22, 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 – 346 Elm Street, John Calisi

Wiley read the legal ad into the record.

Bob Vey from Norfolk Engineering represented the homeowners and presented the project. The project consists of the replacement of a failed septic system. Mr. Vey stated that they tested in the front of the lot and didn't find any suitable materials to place the system, the only suitable area

Landis stated that there are some areas in the backyard that could be cleaned up but that's a different issue. The erosion controls should have been installed prior to excavation.

Bebis asked where materials will be stockpiled. It will be stockpiled to the left of the work area.

Burchesky asked what failed on the existing system. The homeowners have been having backups in the house, which necessitates a new system. It is also in front of the board of health currently but it hasn't been approved.

Goetz asked what side of South Street the property is on. It is across the street from the pond. He also asked for additional details on the materials in the front yard. The materials were mucky and didn't meet the perc requirements. Goetz asked where the filter goes and it was stated that it goes in the outlet "t" in the septic tank.

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

Motion to issue a Determination of Applicability as a Negative 3 by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Bebis, Ziemba)

8:00 PM - Continued Notice of Intent – 272-274 South Street, Hash Brown Holdings, LLC. DEP File No. 315-1249

Wiley read the legal ad into the record. A site visit was held last week.

Rob Truax of GLM Engineering presented the project on behalf of the Applicant, Ian Brown of Hash Brown Holdings.

Landis reminded the Commission that the discuss of the project should to move forward until additional materials are received from the Applicant. Though information was received today she hasn't had the time to go through it fully and it wasn't provided in advance of the meeting as required.

Rob stated that they did submit additional materials and he would wait for the Commission to have time to go through it before going through it with them at the next meeting.

Rob stated that the project entails 46,000 square feet of impact in Riverfront Area. They are not submitting a planting plan to restore a portion of the degraded Riverfront Area by removing the invasive plants and debris and replanting with New England Wetmix. This area will account for 3,600 square feet of restoration.

Rob stated that a DEP Number hasn't been received yet so they understand that the hearing cannot be closed tonight.

Landis - reviewed standards for degraded Riverfront Area (10.58 (5)). She asked what work has occurred on the site since it's transferred ownership in 2015. She stated that there have been tree clearing, fill added and other work conducted since the property transfer. Ian stated that there was some work conducted to prevent private residents from parking on his land where they were using the land to access town forest.

Rob Truax asked where on the property the trees were cut and he stated that the area Landis is indicating has been cut since 2016 isn't being read properly, the area wasn't deforested or filled. Rob added that there was once a railroad bed running through the entire property prior to the installation of the gravel parking lot. He also stated that overall the project is impacting less than 5,000 square feet of Riverfront Area and less than 10% of the overall Riverfront.

Landis asked for a practical alternatives analysis and Rob explained the building is being sited in the front of the property to avoid having the street side of the property becoming storage for the tenants and to provide a street scape and visibility to potential tenants. Rob added that he could reduce the space between the building to fire code.

Wiley stated that these explanations should be articulated in a letter to the Commission outlining the alternative analysis.

Commission Comments:

Ziemba - asked if there will be a fence on the street front and how tall it is. They replied its existing and it's a 6-foot chain-link fence.

Bebis asked if there are existing railroad easements on the deed to the property, that would help the case for degraded Riverfront Area. He also asked if the town did any work in that area and Ian stated that they moved the portion of parking back onto town land.

Dyer stated that google maps would show the old location of the railroad.

Goetz asked about the building with the white roof that is on the newest aerial. Ian stated that it was a temporary structure made out of two storage container with plywood painted white to make a roof to protect plow equipment from the sun. The structure is no longer there. Wiley showed Rob additional pictures that Landis brought to the meeting.

Public comment - none.

Brown asked if the Commission would be determining if the disturbance would be allowed at the next hearing. Landis stated that they'll still need to address the standards related to the degraded Riverfront Area and DEP will need to issue their file number.

Truax asked that the Commission reviewed what was submitted to the Commission and respond to the Applicant with any questions or concerns with ample time for them to prepare a response before the meeting.

Motion to continue the hearing to the October 13th meeting at 8:20PM by Goetz, second by Dyer. Motion carries 6-0-0. (Wiley, Goetz, Dyer, Burchesky, Bebis, Ziemba)

**8:15 PM – Abbreviated Notice of Resource Area Delineation –DEP #315-1248
315 and 319 Summer Street, and 16 Boyden Lane – Wall Street Development**

Wiley read the legal ad into the record.

The Applicant has asked for the hearing to be continued to the October 13th meeting.

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

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Master Plan committee - Dean Bebis received an email that he needs to be sworn in to participate.

Emergency Certificate Lincoln Road Keolis - Landis explained that there is beaver flooding due to the damming of two box culverts. Permission has been requested to remove the dam at the culverts. They're not currently asking to put in a beaver deceiver just yet.

Stormwater Drain Medallions - Landis updated the Commission that the Neponset Stormwater Partnership will be placing medallions on catch basins that state the basins flow to the Neponset.

Neponset River/ Bird Pond River cleanup 9-25-21 - Landis explained that on Saturday the trails committee and volunteers will be cleaning up the area. Dyer added that the cleanup will be going on between 9 and 12 and anyone interested can contact Gary Rigget to find out where to meet.

Minutes – (vote required for action) -9/8/21

Motion to approve as edited by Dyer, second Bebis. Motion carries 5-0-1. (Wiley, Goetz, Dyer, Bebis, Ziemba). Burchesky abstained.

Pinnacle Point Trail - letter to Hasenjaeger and planning board to be sent by Landis.

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage –on-going
Landis stated that the office has no received an updated plan or the letter from the homeowner allowing the work on their property.

Wiley asked if they should reach out to Lou Petrozzi or if Conservation should send a copy to the homeowner and ask for permission for the work to be conducted on their property.

The Commission discussed if they should reach out to the property owner and how having the open enforcement could impact their properties and the closing of their Orders of Conditions. Landis will send a letter to the property owners of Lot 6 explaining that the Commission is waiting for Wall Street Development to provide the Commission with a letter allowing work to be conducted on their property and will copy Lou Petrozzi on the letter.

Rob Truax joined the meeting and stated that he hasn't had time to dive into the original drainage calculations yet, but he plans too. He believes that in larger storms the wall that was installed is now holding the water on the site instead of letting it drain via overland flow to the wetland resource area behind the homes. Rob will send the Commission the details request before the October 13th meeting.

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

Notice of Noncompliance Brookside Village, DEP #315-1093– On-going - nothing new, but Landis expected to hear from them soon about the changes to the rock wall and the infiltration basin.

Palmer Lane, 3 and 4 – On-going - nothing new

Request for Certificate of Compliance

Pine Street-Brookside Village, DEP 315-1093

Landis explained they're not ready for a Certificate yet.

9 Muskett Lane, DEP 315-0841

Landis explained that the sports court that was permitted was never constructed.

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

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle - nothing new

Board Comments

Planning Board- Scenic Road Hearing- 38 Peach Street

Landis explained that there will a change in the scenic road due to the subdivision that became before the Commission for the Land Disturbance Permit. The conservation office will provide comment to planning board that the Commission issued a Land Disturbance Permit for the project.

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

Meeting adjourned at 8:41PM