

**CONSERVATION
COMMISSION**

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Town of Walpole
Commonwealth of Massachusetts
MINUTES



CONSERVATION COMMISSION
OCTOBER 27, 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, Bailey Ziemba, and Dean Bebis.

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

Guests: Lou Petrozzi, Scott Goddard, John Glossa, Adel Marzouk, John Walsh, Rob Truax, and Brian Ahlmeta

The Conservation Agent Report dated October 27, 2021 was given to members.

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7PM– Abbreviated Notice of Resource Area Delineation –DEP #315-1248

315 and 319 Summer Street, and 16 Boyden Lane – Wall Street Development

The Applicant, Lou Petrozzi along with Scott Goddard of Goddard Consulting presented the site conditions outlined in the ANRAD. Wetland resource present on the property include an intermittent stream, bank and land under water and bordering vegetated wetland.

Landis - there were some discrepancies during the field visit from the flags in the field to the flags depicted on the plan. The northern area of the site closest to Stoneybrook was reviewed under the Boyden Estates wetland review and shown as a wetland resource area. She would like this area looked at in greater detail in the field.

Commission Comments:

Dyer - who was the first consultants for the Boyden Estates property. Applicant believes that it was EcoTec. She would feel more comfortable if there was another look at the area in question since the drainage from Boyden Estates continues to be an issue because of the rocky nature of the terrain.

Wiley - asked the Applicant to add the boundary of the property line for the northernmost parcel and label the easement shown on the same parcel.

No public comments.

Motion to continue to November 10th at 7:20PM by Dyer, second by DiVirgilio. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

7:22PM - Stormwater and Erosion Control Bylaw Regulations

Wiley read the legal advertisement into the record.

Landis outlined the revisions that have been made.

Commission Comments:

Wiley - page 12, A.1. - asked how this section relates to B.1. on the previous page. One states a fast track permit is required and the next section states they are exemptions. Landis to clarify this section.

Page 12, B.3. - language needs to be clarified to state four copies of the plan, plus a digital copy.

Dyer - page 12 - does not recall ever taking costs into consideration in any detail. Landis explained that it's discretionary.

Wiley - page 13, D. - clerical change of should to shall? Landis explained that its language in town counsel and the Commission cannot force entry to the property.

No public comment.

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

Motion to approve the Bylaw Regulations as revised by Dyer, second by DiVirgilio. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis)

7:20PM – Notice of Intent – 17-19 Hartshorn Road, Adel Marzouk. DEP File No. 315-1250

Landis Hershey read the legal advertisement into the record.

Al Goetz is recusing himself from the public hearing.

John Glossa presented the project on behalf of the Applicant. The project consists of the construction of a new uncovered deck and addition of living space to the existing home. Work will occur within buffer zone to bordering vegetated wetlands that are located to the left of the home and across the street from the property. All work will occur within altered areas. The silt sock is currently show as crossing the driveway and should be changed to parallel the driveway. If groundwater is encountered during excavation the Applicant shall contact Landis with a dewatering plan that will be approved by Landis and/or the Commission.

Landis agrees with the change to the erosion control line. Noted that the 25-foot No Alteration Zone is already altered on this site, but she believes that a demarcation should be added from the limit of alteration.

Commission Comments:

Bebis - Asked Applicant if they have water in their basement, Applicant stated he does not. Bebis asked Landis what the commission generally asks for in terms of dewatering BMPs.

DiVirgilio - in favor of a split rail fence and placards along the boundary of alteration. Landis stated there is already a wooden fence and the placards could be installed along that line.

Dyer - asked that the intermittent stream be shown on the plan because it's important to the site's drainage. Asked is the erosion controls should be pushed back to accommodate the excavation. Glossa stated that they could condition the project to require excavated material to be hauled off the site as its excavated.

Wiley - would like to see concrete bounds installed instead of attaching the placards to the fence, because the wooden fence is less permanent than a concrete bound. The Applicant agreed to install concrete bounds with placards. Wiley clarified that the bounds should be installed inside of the fence line to ensure they're on his property. Three bounds shall be installed.

No public comment.

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

Conditions:

- Revise erosion control
- Add note for dewatering
- Add three wetland placards on concrete posts
- No material to stay on site
- Add the intermittent stream to the plan
- Street sweeping as necessary.

Motion to approve the Bylaw Regulations with conditions as noted by Dyer, second by DiVirgilio. Motion carries 5-0-0. (Wiley, Dyer, DiVirgilio, Ziemba, Bebis)

7:30 PM –Land Disturbance Permit – 533 Lincoln Road (Lot 3 & 4), Walsh Brothers Construction, Inc.

Wiley read the legal advertisement into the record.

Rob Truax with GLM Engineering and Brian Ahlmeta, the Applicant's legal counsel presented the project on behalf of the Applicant.

Wiley outlined town counsels opinion on the project. Rob Truax asked that they be provided with a copy of the letter from Town Counsel.

Truax explained that they have submitted BETA review letter, construction phasing plan, revised subdivision plan that shows overall site grading. The project proposed construction in three phases, which would be constructed sequentially. Each phase will be stabilized prior to the next phase being cleared and graded.

Landis - asked if there will be a staging area, temporary stormwater management features and final stormwater measures for each phase. Truax confirmed this and explained how the work would proceed.

Truax explained that construction vehicles will not access the site through Deerfield Drive, that access will be utilized by homeowners as the home are constructed.

Landis - asked that the erosion controls be laid out phase by phase. Truax explained that because the property will be cut and therefore lower in grade than the surrounding areas, it isn't necessary to add erosion controls on much of the portions of the site. The controls along the Riverfront Area boundary will be added in phases to avoid the controls being broken down over time.

Commission Comments:

Bebis - asked by test pits will be done following grading. Truax stated that the test pits will be done after grading so the pits don't have to be dug so deeply. Asked what the timing for Phase 1 will be and John Walsh stated it will likely be a year per phase, maybe longer.

Zeimba - asked about the gravel removal operation detail that states 1.8 years. Truax clarified that the note is pertaining to the planning board permit for the gravel removal for the road.

Dyer - asked if the Applicant could ask planning board if this project is proceeding with minimal disturbance. Truax replied that this is the Applicants design, which has been designed to meet planning board regulations. He clarified that the road is designed the way it is because it cannot be brought up the slope as it stands today and result in a development that meets the goal of the

Applicant. She would like the question posed to ZBA of whether or not this project constitutes a commercial gravel operation since this activity is proposed within a residential neighborhood and it's not a residential use.

Wiley - thinks town counsel addressed this issue.

Dyer - asked that the building inspector be asked to submit an opinion as to whether this is a commercial gravel operation.

Goetz - would like a detail added or physical barrier added to show the hard stop for tree cutting and gravel removal. Truax stated that an orange construction fence will be installed prior to any work being conducted. Added that he hopes the berm will be constructed to not only deter stray bullets, but to absorb the noise. Walsh added that the berm is designed to address sound and sight and there is a state statute protecting the gun club from being shut down due to noise complaints.

No public comment on phasing of the project.

Landis asks if there is any other way to minimize disturbances on the site. Truax explained that the design is to address all town regulations and went on to state that the site will be disturbed whether there is less cut or the amount proposed. Attorney clarified that only the gravel necessary for prepping the site for the roadway and the residential lots will be removed. Landis listed other comments from the letter issued by GLM. Landis asked for a list of all LID measures incorporated in the site and an explanation for each measure contained in the stormwater bylaw.

Commission comments:

Bebis - asked for clarification erosion controls for each phase so it's clear to the contractor as they progress through the phases.

Public Comment:

Al Giardi - Lives on Plain Street and asked if the roadways outside of the development (from the development to LaRusso's to process the gravel) are part of Conservation purview.

While not a Conservation issue Truax explained that access will be from Lincoln Road to Norfolk, additionally Walsh has agreed to some offsite improvements to the surrounding roads.

Dyer - Reiterated her concern with asking ZBA

Lincoln Road Resident - traffic concerns. Asked if Board of Health has approved the project. She asked who approves the septic plan, which was answered with the Board of Health. Asked if the permit would be reviewed again by the Commission if there are proposed alterations in wetlands. Landis clarified the process for future permitting and outlined the permitting that was conducted in the past, to confirm that boundary of resource boundaries.

Asked who looks at the overall plan.

Commission Comments:

Wiley - a property owner has a right to develop a property so long as it conforms to the rules and regulations in place.

Landis - asked where the kettle hole is located, Truax identified the kettle hole on the plan.

Brian stated that Rob Truax is not available for the next hearing and asked that any outstanding issues be included as conditions to the Land Disturbance Permit.

Rob outlined information they discussed him submitting to the Commission.

- Concrete washout areas
- Phasing of erosion controls
- Address all LID measures included in the stormwater bylaw
- How temporary and permanent basins will be built per phase

Ziemba - is there a reason the Deerfield Drive has to connect to proposed Parson Lane. Truax, it's required because you're only allowed a dead end of 750-feet.

Wiley - recommends that the Commission close the hearing and vote to issue the land disturbance permit with conditions at the next meeting.

Dyer - asked again that the Commission issue a letter ZBA posing the question as to whether this is an appropriate land use for a residential area. Wiley believes this has already been addressed in the town counsel letter. Ziemba, Dyer and Goetz would all like to pursue this matter further with ZBA.

Public Comment:

Steve Johansen - resident - why aren't all of the boards looking at this concurrently? Does not believe that all parcels of land although developable should be developed.

Wiley - asked the Commission if they're agreeable to closing the hearing, issuing a letter to ZBA and voting on the conditions at the next meeting. The Commission agreed unanimously.

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

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Conservation Agents Report

Minutes – (vote required for action) -9/22/21 and 10/13/21

Motion to accept the minutes from 9/22/21 by Dyer, second by Ziemba. Motion carries 5-0-1. (Wiley, Goetz, Dyer, Ziemba, Bebis). DiVirgilio abstained.

Motion to accept the minutes from 10/13/21 by Dyer, second by DiVirgilio. Motion carries 5-0-1. (Wiley, Goetz, Dyer, Ziemba, Bebis). DiVirgilio abstained.

Pinnacle Point Trail Update (on-going) - nothing new

Master Plan Update (on-going) - nothing new

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage

Landis explained that the work to install the swale has been conducted and the retaining wall has been extended. The area still needs to be stabilized.

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

Notice of Noncompliance Brookside Village, DEP #315-1093– On-going - nothing new

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

Request for Extension

315-1173 – Renmar & West Street AQV

Landis explained that she would prefer to walk the site and have the Applicant to attend the meeting to discuss the project and the need for an extension. She asked the Commission to hold off until the November 10th meeting. Landis discussed the work that has been conducted so far and why the project has stalled.

Request for Certificate of Compliance

295 Union Street, DEP 315-0814

Landis recommended the Commission issue a COC for this project for an expired Order of Conditions.

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

Pine Street-Brookside Village, DEP 315-1093

Landis explained she's still waiting for information from the Applicant.

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

Landis is waiting for the wetland placards to be installed.

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

Landis stated that the Applicant has done the plantings but have not revamped the invasive species per the Order. They asked that the COC be issued and then they will remove the invasive. Landis suggested that they could issue the COC but hold the paperwork in the office until the invasive are removed.

Motion to issue the COC, but to wait until all conditions are met to issue it by Dyer, second by DiVirgilio. Motion carries 6-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis).

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle - nothing new

DOA Wallstreet Development-Pinnacle Historic Mill Complex - nothing new since the DEP site walk that was conducted last week.

Board Comments

Planning Board-

Lincoln Estates Definitive Subdivision revised Plans 10-18-21

272-274 South Street revised Site plan 10-06-21

New application - addition to religious building - not within jurisdiction

605 Elm Street Site Plan 6-25-21 (new)

Mixed used residential and office space outside of jurisdiction.

130 West & 25 Spring Street Site Plan rev. #1 10-06-21

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

Meeting adjourned at 10:06PM