

**CONSERVATION  
COMMISSION**

**Town Hall**  
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**Town of Walpole**  
Commonwealth of Massachusetts

MINUTES



CONSERVATION COMMISSION  
NOVEMBER 10, 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, Doug Burchesky, Bailey Ziemba, and Dean Bebis.

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

Guests: Bailey Ziemba, Sam Solomon, Debbie Anderson, Michael McCay, John Walsh, Lou Petrozzi.

The Conservation Agent Report dated November 10, 2021 was given to members.

Wiley opened the meeting at 7 PM.

**PUBLIC HEARINGS AND DISCUSSIONS** (vote required for action)

**7PM– Request for Determination of Applicability - 4 Shoreview Lane – Ziemba and Solomon.**

Wiley read the legal advertisement into the record. Bailey Ziemba has recused herself as she is one of the project applicants.

The property owners presented the proposed project. Wiley read a letter from the town engineer that suggested the owners to install a foundation drain and run that to daylight within the buffer zone instead of installing a drywall.

Landis recommended the Commission issue a Negative 3 Determination allowing the property owners to install whatever form of mitigation necessary to keep water from flooding the basement.

Goetz asked for confirmation that the filing is to install a drainage system to prevent basement flooding. Ziemba confirmed.

**Motion to close the public hearing by Goetz, second by Goetz. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Bebis). Ziemba abstained.**

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

Following her hearing, Bailey Ziembra has rejoined the Commission.

**7:10 – Notice of Intent – 5 Birch Street- McCay. DEP #315-1252**

Wiley the legal advertisement into the record.

Debbie Anderson, wetland consultant presented the project on behalf of Michael McCay, the homeowner. The project is to remove an existing attached garage and construct a new garage in the same area with an addition above. There will be a slight increase of impervious (50 square feet). No tree removal will be required. Erosion controls are proposed as mitigation measures for the project.

Landis asked that the erosion controls be moved closer to the addition, in front of the septic system so it isn't driven over accidentally, and for any materials removed be trucked out.

Bebis asked that erosion controls be extended across the back of the property as well. Applicant agreed.

Goetz asked if the existing septic would be disturbed and the applicant explained it will not be altered as a result of the project.

Wiley asked for three wetland placards along the 25-foot No Alteration Zone.

No public comment.

**Motion to close the public hearing by Dyer, second by DiVirgilio. Motion carries 7-0-0.**

**(Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziembra, Bebis).**

**Motion to issue the Order of Conditions subject to the issuance of the DEP File Number and conditions as discussed by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziembra, Bebis).**

**7:20PM – Continued 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 advertisement into the record.

Lou Petrozzi presented the project. The Applicant is not proposing any changes to the wetland line following the November 2nd site visit. A report was submitted during the hearing from Goddard Consulting.

Landis stated that though there are no changes to the plan presented she has seen the area under water.

Bebis asked what Landis would like to see in terms of additional information, she replied that she'd like additional information in terms of wetland plots and potentially a hydrogeologic study to determine if the area floods and can be considered a floodplain.

DiVirgilio would like to see additional data.

Dyer reiterated her stance from the previous meeting that with the ongoing issues upgradient to the this with water concerns her and she'd like to see additional information.

Goetz suggests another party should look at the site to help make this determination.

Wiley asked if the Commission felt it was beneficial to have a third party review. Landis replied that she believes it would be beneficial. She believes that if it doesn't qualify under the WPA as BVW it may qualify as a protected resource area under the local Bylaw so the commission may be writing two ORADs, one under the WPA and one under the local Bylaw.

Petrozzi asked for clarification about the wetland line as presented in terms of what area is in question. Landis clarified that the corner of the site in the area of GC34-50, K1-K10, W200-220 is in question.

Petrozzi stated that the area in question isn't slated for development under current plans and he doesn't think that it's necessary or will be useful. He stated that DEP would be the third party to approve the line not a peer reviewer.

Landis identified the flag numbers she'd recommend the Commission could approve under an ORAD tonight, but areas of the present plan would be excluded from the approval. Further the Commission could ask for a study to determine floodplain at the point when an application for development is submitted. Landis then identified the areas of the plan to the Commission that are approvable.

Wiley clarified which areas may be classified as a wetland and which areas may fall under local jurisdiction as areas of inundation. Landis suggested that the whole area be considered potentially inundated.

Goetz is concerned about the K series leading up to lot 5 needs to be looked at again.

Petrozzi asked if there's a buffer zone to the area of inundation under the Bylaw and Landis explained that it is extensive and he'll need to look into it.

No public comment.

**Motion to close the public hearing by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Motion to issue the Order of Resource Area Delineation as discussed during the hearing with areas being approved and area of the line being denied because the Commission believes the area if not properly identified and needs additional study by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

### **GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS**

Conservation Agents Report

#### **Lincoln Estates Land Disturbance Permit -**

Landis explained that there are some discrepancies in the grading shown in the plan set and the Commission generally doesn't approve plans that conflict with one another. Landis recommends that the individual lots come back to the Commission for the individual lots to be approved but that the fees for each application be waived. Landis recommended the Commission can approve the Land Disturbance Permit while identifying the sheets in the plan set (Sheet 1-23) they are approving and the Applicant would then return to the Commission for a Land Disturbance Permit for the lot grading.

Distinction between revised and supplemental, the supplemental plan was in response to a request from the Planning Board, the Applicant have not revised the plan set to include those changes. Additionally, piecemeal applications will add costs and will cause more erosion because the site will be continually disturbed.

Dyer asked if the latest opinion from town counsel stating that the Applicant will need to go to ZBA for the gravel removal will interfere with this permit. Wiley doesn't see how it will effect this permit.

Goetz asked what measures will be put in place to deal with erosion. The Applicant replied with the phasing of the work and Landis supplemented that there will be BMPs in place a SWPPP outlining exactly what will occur during construction.

Landis outlined the following conditions she recommends be included in the LDP:

- The Applicant shall provide to the Conservation Commission a copy of the signed Definitive Subdivision Plan.
- If over 10-feet of fill is to be removed at the locations of the infiltration basins, once the elevation of the infiltration basins is excavated the Applicant shall confirm the MHGW elevation with soil tests with 1 per 5,000 s.f. per basin.

- Each infiltration basin shall be As-built and certified by a registered engineer prior to allowing post construction discharge (discharge of stormwater to the basin via the roadway, pipe and the catch basins).
- Any change to street layout grading and lot grading shall be shown on the Land Disturbance Permit for lot construction.
- A separate Land Disturbance Permit should be filed for the lot construction.
- Each lot shall infiltrate roof drainage.
- All materials stockpile for more than 14 days shall be enclosed with additional erosion controls.
- All materials stockpiled for more than 30 days shall have temporary stabilization such as hydro seed or erosion blankets.
- Erosion controls shall not include hay bales as shown on the plan.
- Each phase shall include areas for concrete, paint and fueling areas.

Bebis asked if the SWPPP would be provided to the Commission. Landis replied that it was supplied. Bebis asked if he could get a copy electronically of the SWPPP and inspection reports. Landis to provide.

**Motion to issue the Land Disturbance Permit with Conditions as discussed by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

Landis explained that the draft budget is in the Commissioners folders. The Budget is due on December 3rd and the next Commission meeting is December 10th. She recommended they add in some money for land maintenance. Wiley asked if anything should be added for the North Street parcel and Landis thinks that would be a capital budget request.

**Motion to approve budget as presented by Goetz, second by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).**

**Minutes – (vote required for action) -10/27/21**

**Motion to approve the minutes for 10/27 as presented by Goetz, second by Dyer. Motion carries 6-0-1. (Wiley, Goetz, Dyer, DiVirgilio, Ziemba, Bebis). Burchesky abstained.**

Change to two names spelled incorrectly. Braitsch to make the changes.

Pinnacle Point Trail - there has been no response to the letter outlining that the easement needs to be recorded with the Registry. Wiley asked that Landis ask town counsel how to get the easement recorded since there has been no response.

Master Plan Update - there is a meeting on 11/17 a 7PM at the high school. Bebis suggested the Commissioners should attend. This will be the first large in person event for data collection. Wiley recommended that any comments from the Ponds Committee be funneled through Bebis and they should be kept in the loop.

Advertising changes to Stormwater Bylaw - Landis explained that we aren't talking about the Bylaw changes tonight but the process to make the changes. The changes will be advertised for the December 8th meeting. Landis has also contacted town counsel to get feedback on the changes that should be made. Wiley asked that Landis have suggestions for the changes to be made for the December 8th meeting.

### Partial Zoom Meetings

Dyer asked if Zoom meetings are allowed are all Applicants are allowed to Zoom into a meeting. Wiley said that they would be able to. Dyer asked if there would be a share screen at the same time as the in person Commission are looking at a paper plan. Dyer asked if there is someone that could help us answer the logistical questions, Landis will ask for someone to attend one of our meetings.

### **Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved**

Notice of Noncompliance – Wallstreet Development - Boyden Estates Drainage –on-going  
Landis explained that the last time she visited the site it hadn't been 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, waiting for spring.

### **Request for Certificate of Compliance**

Pine Street-Brookside Village, DEP 315-1093

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

None of the COC's are ready to be issued.

### **Appeals –On Agenda until resolved**

SORAD DEP 315-1217 Pinnacle - nothing new.

DOA Wallstreet Development-Pinnacle Historic Mill Complex - nothing new.

**Motion to adjourn by Goetz, second Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, Di-Virgilio, Burchesky, Ziemba, Bebis)**

**Meeting adjourned at 9:24PM**