

**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



APPROVED 2-9-2022
CONSERVATION COMMISSION
JANUARY 25, 2022
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

Guests: Robert Truax, Eden Connolly, Kim Williams, Steve Cabral, Michel Wigney, Russel Waldron, Daniel Merrikin, Bernard Hamill

The Conservation Agent Report dated January 25, 2022 was given to members.

Wiley opened the meeting at 7 PM.

PUBLIC HEARINGS AND DISCUSSIONS (vote required for action)

7PM– Land Disturbance Permit – Lincoln Estates, 533 Lincoln Road – Walsh Brothers Building Co.

Landis Hershey read the legal advertisement into the record.

Robert Truax of GLM Engineering presented the proposal on behalf of the applicant. The request is for a Land Disturbance Permit for the 24 acres of grading necessary to prepare the site for the construction of 24 house. The grading would take place in three phases and reseeding of the graded areas would occur after each phase.

Hershey asked how storm water would be handled during the grading process. Truax displayed the erosion plan for the project and pointed out the areas of the temporary basins that would hold the storm water during construction.

DiVirgilio asked about more details of the timeline of the construction process, to which Truax replied that it was not yet finalized. Truax stated that he would return to the Conservation Commission with a more concrete plan to answer their questions.

Betsey Dyer why the applicant was filing since the Planning Board denied the subdivision Plan.

Abutters Eden Connolly concerns about the project disturbing the natural landscape.

Kim Williams wanted the Applicant to point out the area where the berm is located at Deerfield .

Rob Truax explained how the hill will be cut and what will be left will act as a berm.

Rob Truax reviewed the plans and stated that it is necessary to flatten out lots to house pads.

Motion to continue the public hearing to 7:00pm on 2/23/2022 by Dyer, seconded by Goetz. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

7:15 – Land Disturbance Permit – 2220 Boston Providence Highway – DryEx, Inc.

Landis Hershey read the legal advertisement into the record.

Steve Cabral of Crossman Engineering presented the project on behalf of the applicant. The project is the construction of a new corporate headquarters for DryEx on the intersection of Route 1 and Hilltop Drive. The site is currently wooded and aprox.. 56,000 square feet will be cleared and graded for construction of an 8,000 sq. ft. building, parking, utilities and drainage basins. The nearest flood zone is about 1,000 feet east of the site, and there are no wetlands on the property. Parking space has been kept to the very minimum necessary.

Hershey asked about the sequence of events. Mr. Cabral stated that they would first install erosion controls, then clear the trees, install the sediment basin, and lastly begin excavation to level the ground.

Doug Burchesky asked about the vehicle fueling station. Mr. Cabral stated that it would only be onsite during construction to fuel the equipment. Burchesky also asked if there would be any chemical storage in the building, to which Mr. Cabral stated that there would not.

Jack Wiley asked about storm water runoff. Mr. Cabral exhibited the stormwater plan with deep sump catch basins and sediment fore bay leading to the infiltration basin.

No public comment.

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

Hershey stated conditions for the approval of the Land Disturbance Permit, which are to submit an as-built for the infiltration basin, to place the site's dumpster on a pad with a rim, to eliminate the plan's six-inch pipe, and to choose low-maintenance native plant species for landscaping.

Motion to issue the Land Disturbance Permit with the aforementioned conditions by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

7:30PM – Notice of Intent - 52 Cedar Street – Patrick Buckman

Landis Hershey read the legal advertisement into the record.

Russel Waldron, Applied Environmental Services presented the project on behalf of the applicant. The plan is to grade and level the applicant's backyard to construct a patio surrounded by a six-foot high

chain link fence. The activity is located within the 100-foot buffer zone to the wetlands and outside the 25-foot no alteration area.

Dean Bebis asked where the applicant would stage the landfill stockpiles. Patrick Buckman stated that those details have not been determined yet.

Emidio DiVirgilio proposed that the applicant display 'No Disturb' plaques along the site's 25-foot No Disturb line. Wiley suggested placing them on the chain link fence in four locations.

Goetz stated that he does not see anything on the plans preventing the soil from washing out under the fence and into the wetlands.

Hershey explained that the revised plan has proposed grades and the proposed activity is surrounded with erosion controls.

No public comment.

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

Hershey stated conditions for the approval Order of Conditions, which are to place 'No Disturb' plaques on the chain link fence, to include erosion control for any stockpiled material, and to clean up any dirt that gets tracked on the street.

Motion to issue the Order of Conditions as discussed by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

8:00PM – Cont. Land Disturbance Permit – 455 South Street, Neponset Solar

Landis Hershey read the legal advertisement into the record.

Michel Wigney requested a continuance to February 9th on behalf of the applicant.

Hershey stated that final plans will need to be submitted by February 4th.

Motion to continue this case to 7:30 pm on 2/9/22 by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

8:15PM – Cont. Land Disturbance Permit – 585 Washington Street – Garden Estates

Landis Hershey read the legal advertisement into the record.

Daniel Merrikin of Legacy Engineering presented the project on behalf of the applicant. The plan is for the construction of a six-lot single family subdivision with a retaining wall along the south side.

There is a low point in the center of the site where all excess storm water drains towards. They have included an erosion control plan and a storm water pollution prevention plan.

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

Motion to issue the Land Disturbance Permit by Dyer, seconded by Ziemba. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

With stated conditions

8:30PM – Cont. NOI – 48 Bubbling Brook – Michael and Sarah Maden

Landis Hershey read the legal advertisement into the record.

Bernard Hamill presented the revised plan on behalf of the applicant. The project is to install an above-ground pool and patio in the applicant's backyard. Based off the Commission's comments from

last time, the plan has been revised to pull the wall in closer to reduce the area of disturbance to the riverfront area. Hamill described the alternative plans and why the Applicant choose the final submitted plan.

No public comment.

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

Landis stated conditions for the approval of the Land Disturbance Permit, which are to place the 'No Disturb' plaques prior to the construction of the pool, and to refrain from further altering the riverfront area or cutting any more trees than the plan already states and standard pool condition.

Motion to issue the Order of Conditions as discussed by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

GENERAL BUSINESS/OLD BUSINESS/NEW BUSINESS

Motion to approve the minutes for 12/08/2021 as presented by Dyer, seconded by DiVirgilio. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Motion to approve the minutes for 1/12/2021 as presented by Dyer, seconded by Bebis.

Motion carries 5-0-2. (Dyer, DiVirgilio, Burchesky, Ziemba, Bebis yes; Wiley and Goetz abstained).

Master Plan Update

The Master Plan Steering Committee is still working on data collection by hosting Kitchen Table Discussions. The Committee has split up into working subgroups centered around broad topics of the Master Plan to compile data from the responses.

Burns Avenue Update

Landis Hershey has sent out the letter regarding the enforcement order under the Wetlands Protection Act and Walpole Wetlands Bylaw as requested by the Conservation Commission last meeting. She conducted an onsite inspection and informed Mr. Petrozzi of the items that need to be completed. She issued fines for the dates of January 22nd, 23rd, and 24th. Hershey discussed the items that were completed : compost sox added, DEP sign up, orange fence fixed, and storm-water swale constructed. The wetland flags were not resurveyed, the silt fence was not installed and the SWPPP was not delivered.

Lou Petrozzi, Wallstreet Development discussed the items that were completed. He stated that some the silt fence could not be installed because of frozen ground, GLM Engineer will be contacted for survey and the SWPPP would not be delivered to the Commission.. The Conservation Commission agreed to pause some of the fines until the weather changes sufficiently enough to perform those tasks. If any erosion into the wetlands occurs, they will incur a separate fine.

Enforcement Orders/ Notice of Noncompliance – On Agenda until resolved

Washington Street, 0- Steven Capponi – EO – Russel Waldron flagged the wetlands area and determined that none of the fill was in the flood plain area, but they have not provided plans yet.

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

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

Request for Extension

Swan Pond DEP #315-984

Motion to extend the Order 18 months by Dyer, seconded by Goetz. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Appeals –On Agenda until resolved

SORAD DEP 315-1217 Pinnacle – They expect to hear whether Bird Pond is a river or a pond by the end of the week.

DOA Wall Street Development - Pinnacle Historic Mill Complex – A hearing was recently held, during which both sides voiced opinions on the matter.

Board Comments

Planning Board:

173 High Street – Site Plan – Case 22-01 for 2-4-2022 –no jurisdiction.

2220 Boston Providence Highway Special Permit – Case 21-12 for 2-4-2022 – in review

130 West Street & 25 Spring - Special Permit Case 21-04 – in review

455 South Street Neponset Solar Case 21-07 – continued to 2-9-2022

Hershey stated that there is a bill in the Massachusetts State House that would prevent 40B projects from being able to waive wetland town bylaws. Hershey stated that she would draft a letter of support for the bill that the members of the Conservation Commission can review before the next meeting.

Motion to close the meeting by Goetz, seconded by Dyer. Motion carries 7-0-0. (Wiley, Goetz, Dyer, DiVirgilio, Burchesky, Ziemba, Bebis).

Meeting adjourned at 10:00PM