



**Conservation  
Commission**

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**Town of Walpole**  
Commonwealth of Massachusetts

April 25, 2023

To: John Rockwood, Chair Zoning Board of Appeals  
From: Landis Hershey, Conservation Agent

RE: The Residences at Burns Avenue-Brook Lane Modification 01/30/2023  
Request for Waivers

**A. Walpole General Bylaws –Chapter 499 -13 through 30 Stormwater Management  
Article II Erosion Control and Regulations.**

Applicant is requesting a waiver of requirements and that Stormwater Management design shall be in compliance with Massachusetts DEP Stormwater Management Standards and Stormwater Policy Handbook.

- 1) Walpole General Bylaws –Chapter 499 -13 through 30 Stormwater Management Article II Erosion Control (approved 5-07-2022 SATM) and Regulations (approved 03/08/2023). *These are the current versions of the Bylaw and Regulations.*
- 2) The waiver request should be reviewed in more detail because DEP has not updated the Stormwater Management Standards and Stormwater Policy Handbook to include some of the requirements of the MS4 permit that are within the Stormwater Bylaw and Regulations.
- 3) Specifically, some of the requirements listed in Section 8 Stormwater Management Plan for Land Disturbance Permit Applications should not be waived if they have not been applied to the design.
- 4) The Applicant should be asked to request waivers and why these requirements can't be met for **each requirement 1-5** Sections of 8C General Performance Standards for All Sites,; Section 8D Redevelopment Projects; and Section 8E. Stormwater Management Design Standards requirements 1-23; and 8F As-built Plan requirements 1-4.
- 5) Stormwater Regulations (3/08/2023) of particular concern:

**Section 8E. 9** the rainfall data has changed considerably and all stormwater management systems should be designed using NOAA Atlas 14 Precipitation Frequency Estimates: MA or Northeast Regional Climate Center Extreme Precipitation Tables.

**Section 8C. 3.** The first 1.0 inch of run-off from all post-construction impervious surfaces shall be retained on-site through a combination of infiltration, reuse and /or evaporation, to the maximum extent practicable.

**B. Walpole Wetland Protection Bylaw – General Bylaws Chapter 561**

- 1) Applicant should reference Bylaw and Regulations sections they are requesting waivers. This is not clear in section and description columns;
- 2) The Board should not waive **section §561-9** of this Bylaw as it allows for the protection of the first 25-feet of the 100 foot buffer zone to the wetlands as further addressed in the Regulations, section 1.4.1.
- 3) The Board should **not approve the waiver request of 1.4.1 Wetland Protection Bylaw Regulations**: No alteration zone is not applicable. This buffer zone is to be regulated in accordance with the Massachusetts Wetlands Protection Act and Regulation 310 CMR 10.00.

The 25-foot no alteration area is on the approved plan, dated 10-20-22 SUP-B with a restoration plan. The Applicant has provided the restoration plan and demarcated the 25-foot no alteration area so there does not seem to be a hardship to comply with section 1.4.1 of the Wetlands Protection Bylaw Regulations.

Approving a waiver and regulating the buffer zone under only the MA Wetland Protection Act (WPA) and Regulations would remove the requirement of a no alteration area because WPA allows alteration of the 100-foot buffer zone up to the wetland boundary.

Thank you for your consideration of these comments submitted on behalf of the Walpole Conservation Commission.