



Town of Walpole
Commonwealth of Massachusetts

Date: June 21, 2023
To: John Lee, Chair, Zoning Board of Appeals
From: Conservation Commission/
Landis Hershey, Conservation Agent

RE: Residence at Pinnacle

- 1) The Residence at Pinnacle are proposed to be built within the river front area of the Neponset River. The issue of if the Neponset River at Bird Pond had a river front area was adjudicated by DEP the Office of Appeals Dispute Resolution (OADR) under an appeal of 315-1217. OADR found that the Neponset River at Bird Pond has a river front area and therefore was subject to section 310 CMR 10.58. **The water body should be labeled as the Bird Pond on the Neponset River ;**
- 2) The Applicant also submitted a Request for Determination of Applicability to determine if the site meets the definition of a “historic Mill Complex” which would make it exempt from 310 CMR 10.58. This issue is still in review by OADR. The Conservation Commission disagrees that the entire site meets the definition of “Historic Mill Complex”.
- 3) Therefore based on the above two issues the plan submitted for the Residence at Pinnacle can’t be reviewed properly until these issues are resolved,
- 4) Other issues of concern:
 - a. The **historic Pinnacle trail** that runs the length of the property. An easement was to be donated as a condition of the subdivision decision and plan and the Conservation Commission Orders of Conditions. This is still outstanding.
 - b. A portion of a building is located in a wetlands.
 - c. There are stormceptors that were to be installed for the Pinnacle subdivision which are not shown on the plan within the drainage easement on lot 24A;
 - d. The plan does not have a 25-foot no alteration area between the development and the wetlands.
 - e. It appears that the retaining wall may be sitting in the 100-year flood plain.
 - f. The project should be reviewed as it relates to the stormwater management plan for Pinnacle Subdivision.

These are only preliminary comments and concerns based on the plan submitted. Additional comments and concerns will come as the plan develops and issues are resolved.