

**Conservation Commission**

One Liberty Lane  
Norfolk, MA 02056

**NOTES ---April 22, 2015**

**7:00 PM**

<b>Commission Members</b>	<b>Others</b>
John Weddleton –Chair ----- --present	Janet DeLonga ---Agent -----present
Joyce Terrio-----V. Chair ----- present	Marie Simpson –Ad. Asst.-----present
Patrick Touhey ----Member ----- absent	
Dan Crafton -----Member ----- present	
Michelle Lauria --- Member ---- absent	
James Gursha----- Member -----present	

**INFORMAL DISCUSSION**

Department of Corrections – Clark Street - Andy Bakinowski was present seeking guidance for a future project proposed by the Department of Corrections. The project will be the installation of 3 to 5 additional monitoring wells adjacent to a now abandoned drinking water well (closed in 2007). The Department had discovered that there was oil beneath the pump station. The Department is obligated to go back and check the well even though there is evidence that the oil is not migrating. The monitoring well pipes would be hydraulically pushed 20 feet into the ground to monitor the oil. No excavation would be required. There would be no dredging or spoils. The holes would be approximately 3 inches wide. The project is exempt under the State Act.

The Commission discussed that since there would be virtually no impacts a filing under the Bylaw would not be required and informed Mr. Bakinowski.

Mr. Bakinowski noted that the Town would be purchasing 5.35 acres of land from the D.O.C. around the Pond Street Recreation area for additional recreation fields.

**Mrs. Terrio made the motion to not require a filing for the installation of 3-5 monitoring wells around Well #2 as there would be no impacts from the installation. Mr. Crafton seconded. The vote was unanimous.**

A letter to that effect will be sent to Mr. Bakinowski.

**63 Union Street - Appointment**

7:25 PM - Timothy and Richard Drolette were present at the request of the Commission to discuss the vegetation clearing at 63 Union Street this past week. The Drolettes are the new owners of the property. They were advised that some of the property was within a wetland resource and to contact the agent before clearing any more vegetation. Ms. DeLonga had visited the site and spoke to Mr. Timothy Drolette as calls of clearing the site were received by the Commission. Mr. Timothy Drolette stated that he would like to clear some of the briars and brambles near the roadway to the right of the house. Ms. DeLonga gave them a copy of excerpts from a previous decision of the Commission outlining the wetland resources on the property.

**Norfolk Trout Club Appointment**

Mr. Jay Clancy, Mr. Ben Rogers and Lee Lyman from Lyman Environmental Services were present to discuss. Mr. Clancy mentioned that the Norfolk Trout Club has a class 3 aquaculture permit as an aquaculture entity and is therefore exempt from any filings required under the State Wetlands Act. They would like to give an annual report on any of their activities conducted during the year related to their herbicide treatments of the ponds on their property. Mr. Weddleton noted that the Trout Club should put their views in writing and send it to the Board of Selectmen and Conservation Commission. The Town will send the letter to Town Counsel for guidance.

**MINUTES:**

**Mrs. Terrio made the motion to approve the minutes of April 8, 2015 as drafted. Mr. Crafton seconded the motion. The vote on the motion was unanimous.**

**Public Hearing:** *continued from 3/11*

Frederickson Road ANRAD – The Applicant, Mr. Frank Bonvie was present as was his representative, Dan Merrikim of Merrikim Engineering. Mr. Merrikim noted that he sent a letter to the Commission via e-mail, dated April 21, 2015. He noted that their wetland consultant, Russell Waldron, had gone back to the site and found vernal pool activity in the isolated depression and the pond behind the main house. He noted that under the Act these would not be classified as vernal pools. The local wetland bylaw does classify these areas as vernal pools however. They have been watching these areas for over a month. The wetland flagging will not change as they had flagged the limit of flooding for each area. The Commission requested a copy of the NHESP letter that they received from Natural Heritage. Mr. Merrikim will provide this information and schedule an appointment with the Agent to discuss how he delineated the priority habitat boundaries.

Mr. Merrikim also noted that the Inland Wetland Restriction maps are not accurate and does not overlay the site very well. He stated that it is his belief that the Inland Restricted wetland is the actual boundaries of the wetlands on the site. Ms. DeLonga noted that the Inland Restricted Wetland number should be 13 and not 15. Mr. Merrikim stated that he will locate any new flags hung by Mr. Waldron and show them on a plan.

Mr. Weddleton noted that the agent will determine when the vegetation growth is evident to make a final determination on the boundaries of the wetlands.

Mrs. Terrio made the motion to continue the hearing to May 27<sup>th</sup> at 7:40 PM. Mr. Crafton seconded the motion. The vote on the motion was unanimous.

**Orders of Conditions:**

**The Order of Conditions for the septic repair project at 47 Leland Road was reviewed. Mrs. Terrio made the motion to approve the Orders as drafted. Mr. Crafton seconded the motion. The vote on the motion was unanimous.**

**CORRESPONDENCE:**

The members reviewed a letter from the Massachusetts Historical Commission, dated March 25, 2015 relative to the Airport property off River Road.

Mr. Weddleton noted that a recently issued tax title list shows open space parcels in arrears of taxes. Three parcels are owned by Intoccia Development within the Christina Estates Subdivision. The Commission will request that the parcels be taken by eminent domain at the fall town meeting. A letter will be sent to the Board of Selectmen and to the Town Treasurer. The list will be checked to see if there are any other open space parcels that should have been deeded to the town.

A discussion on the proposed Bylaw Regulations was deferred to the next meeting.

**PUBLIC HEARING:**

8:15 PM - **20 Valley Street** – Alan Quaglieri, the applicant was present. Also present was Jamie Bissonette from Prime Engineering. Nate, Betsy and Ashley Whitney, the immediate abutters were present. Donna Jones, a resident of North Street, was also present. A revised plan was presented this evening showing the water line to the structures. The water line is within the buffer resource. There are two driveways to access the 4 one bedroom dwellings. These will be duplexes. All of the dwellings will share a septic system. There should be no problem with the upland/wetland percentage on this PMLD lot. The PMLD lot had not been officially subdivided from the main lot. The drainage for this project has to remain on the site. The roof runoff will be infiltrated.

The proposed septic system design has not been approved as yet. The septic is designed for 4 bedrooms.

The plans depict approximately 15 feet between the two buildings. Mr. Weddleton questioned if the spacing could be made wider. The septic system could be moved closer to the property line. If the septic were moved however, it would be inside the 50 foot no disturb buffer. A discussion ensued on turning and angling the system. Mr. Crafton and Mrs. Terrio stated that they would have a problem with moving the septic system into the no disturb buffer resource.

Mr. Bissonette noted that there is a possibility that they could move the buildings closer to the Whitney property. Mr. Weddleton questioned if the septic field could be placed parallel to the roadway behind the buildings. Each building unit is 35 feet by 30 feet. Each of the two buildings is 100 feet in length. There will be only one floor.

Mr. Quagliari asked if he could put a deck behind one of the buildings into the 50 foot no disturb buffer. He stated that he filed his plan with the Planning Board today. The hearing will be scheduled in May. He stated that if there was no PLMD plan the residential development would not work. He felt that the residential development is better for the neighborhood.

Mr. Bissonette stated that soils and gravity are issues. The soils toward the Whitney side of the property are not very good. They consist of clay and till. There has to be a 25 foot setback to the property line. There is also a water easement on that side of the property line. Mrs. Whitney stated her concern with moving the buildings closer to her property line. Mrs. DeLonga questioned if there was any area set aside for stockpiling.

Mrs. Whitney questioned if the buildings could be two stories high instead of one story. Each unit will be approximately 1000 square feet. The units will be rental property. If the building was moved closer to the Whitney property a large pin oak would have to be cut. Mrs. Terrio noted that only one commission member suggested that the space between the buildings be increased.

Mr. Riccio, an abutter, stated that he would prefer a commercial development but he is impressed with the effort put forth in the development of the residential units. The applicant will try to modify the plans. Mr. Weddleton stated that after the applicant comes back with an actual number of disturbances the commission will address the mitigation.

**Mrs. Terrio made the motion to continue the hearing to May 27<sup>th</sup> at 7:50 PM. Mr. Crafton seconded the motion. The vote was unanimous.**

47 Leland Road – Wetland Restoration. An e-mail was received from Mr. James Susi from United Consultants requesting that the hearing be continued to May 27<sup>th</sup>. **Mrs. Terrio made the motion to continue the hearing to May 27<sup>th</sup> at 8:10 PM. Mr. Crafton seconded the motion. The vote was unanimous.**

#### **PUBLIC HEARING**

9:00 PM - Warren Ave/Pulte Development --- Mark, Mastroianni and Michael Risotti, P.E. were present. At the last meeting they proposed a detention basin on Lot 4. They presented that idea to the Planning Board and ran into opposition from the abutters. The applicants have asked the Board of Selectmen to run their drainage into town owned open space. The stormwater will be piped via an easement through private property into the Maple Street open space land. The stormwater pipe will be installed underground outside of the buffer resource and infiltrate via perforated pipe underground and finally discharging remaining stormwater into a rip rap swale in the open space area. The Maple Street open space area is controlled by the Conservation Commission.

They are also proposing work near Maple Street as well. Mr. Weddleton stated that he had walked this site last week. He noted that there may not be any water discharging above ground into the rip rap area by the time it gets to the level spreader. Mr. Weddleton stated that he met with the DPW director, Bob McGhee and he is amendable to that proposal. The Planning Board is also on board.

In exchange for this use, Pulte will place a conservation restriction on Lot 4. The lot could possibly be sold to someone however. The person could possibly build a house and the runoff from the driveway could impact other neighbors. The Commission would have to vote to allow Pulte to use the open space land.

Mr. Risotti stated that this is a package plan. The first step is to remove the existing drainage pipes. An 18 inch pipe will be installed underground. Additional trees would be planted in the open space areas. The neighbors whose properties

would be impacted already granted an easement for the drainage pipe. Mr. Risotti stated that the pipe would be concrete and perforated PVC. A 12 foot wide swale would be constructed.

**Mrs. Terrio made the motion to allow the use of the open space parcel for stormwater drainage as proposed. Mr. Crafton seconded the motion. The vote on the motion was unanimous.**

**Mrs. Terrio made the motion to lift the enforcement order against Pulte Development. Mr. Crafton seconded the motion. The vote on the motion was unanimous.**

The Commission will not close the hearing due to lack of voting quorum.

A conservation restriction will be a condition of approval on the Order of Conditions. The Orders can be drafted and voted at the next meeting after the close of the hearing.

**Mrs. Terrio made the motion to continue the hearing to May 27<sup>th</sup> at 7:25 PM. Mr. Crafton seconded. The vote was unanimous.**

Mr. Brian Foley was in attendance and questioned why his public hearing was continued. Mr. Weddleton explained to him that the necessary information requested at the last meeting was not received. He was informed of the continuance date.

**Mrs. Terrio made the motion to close the meeting at 9:25 PM. Mr. Crafton seconded the motion. The vote was unanimous.**

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Patrick Touhey, Clerk

In accordance with the requirements of G.L. 30A § 22 approval of these minutes by the Board constitutes its certification of the date, time and place of the meeting, the members present and absent, the matters discussed, and the action taken by the Board with regard to those matters (if any). Any other information contained in these minutes is included for context only. Notes memorializing deliberation or discussion of any matter are in the summary form and may include inaccuracies or omissions. Where proof of the content of a statement is required, a tape recording or transcript should be consulted, if available.