Conservation Commission
One Liberty Lane
Norfolk, MA 02056
September 19, 2017
7:00 P.M.

Commission Members	Other
John Weddleton – Chair ---------- Present	Janet DeLonga – Agent ---------- Present
Michelle Lauria – Vice Chair ---------- Absent	Amy Brady – Administrative Assistant ---- Present
Patrick Touhey – Clerk---------- Present	
Thomas Norton – Member ---------- Present	
David Turi – Member ---------- Present	

The duly posted meeting of the Norfolk Conservation Commission convened at 7:00 P.M. in Room 124 at the Norfolk Town Hall. Mr. Weddleton announced that the meeting was being video- and audiotaped.

PUBLIC HEARINGS:

2 Clark Street, NOI #240-590 - Mr. Weddleton confirmed that a DEP number has been assigned.

***Mr. Norton made a motion to close** the public hearing for 2 Clark Street; **Mr. Touhey seconded** the motion; **the vote on the motion** was unanimous.*

***Mr. Norton made a motion to issue** the Order of Conditions for 2 Clark Street; **Mr. Touhey seconded** the motion; **the vote on the motion** was unanimous.*

7 Grove Street, NOI, #240-589

Present was Tom Cassidy, applicant. Plans presented were entitled "Resource Area Plan of Land in Norfolk, MA," dated 11/2/09, Job #F3571, prepared by Guerriere & Halnon, Inc.

Mr. Weddleton discussed the property with Ms. DeLonga. Ms. DeLonga stated that she had visited the property, and made the suggestion that instead of putting erosion control around the whole wetland property, they could place it just around the work area. Mr. Weddleton suggested that instead of using haybales, they could use a silt fence or straw wattles.

***Mr. Turi made a motion to close** the public hearing for 7 Grove Street; **Mr. Norton seconded** the motion; **the vote on the motion** was unanimous.*

***Mr. Norton made a motion to issue** the Order of Conditions for 7 Grove Street; **Mr. Touhey seconded** the motion; **the vote on the motion** was unanimous.*

144 Seekonk Street - ANRAD

Present was Steve O'Connell, Engineer, Andrews Survey & Engineering; Ted O'Harte, Applicant. Plans presented were entitled" Abbreviated Notice of Resource Area Delineation of 144 Seekonk Street in Norfolk, MA," dated 7/28/17, prepared by Andrews Survey & Engineering, Inc.

Mr. O'Connell began by stating that the ANRAD was submitted to seek confirmation of the wetlands property by the Commission. Mr. Weddleton informed Mr. O'Connell that the Commission would be sending the project out to bid, and a consultant will be chosen at the next meeting. Ms. DeLonga stated that she is not comfortable with the wetland line, and noted an area observed in March that may be a

vernal pool, or isolated land subject to flooding. Mr. Weddleton asked if the construction plan would involve a crossing, and Mr. O'Connell replied that it was not certain. The applicant was requested to provide a new plan with the pertinent part of the plan enlarged to the scale of 1"=50' or less.

Mr. Weddleton opened the meeting to the public. Ann Marie Battistone, Seekonk Street, asked if photographs regarding the wetlands were taken of the property before work started; the answer was no, photos were taken after ConCom was notified that work had begun, to ensure that no resource areas were disturbed.

***Mr. Touhey made a motion to continue** the hearing to October 11, 2017, at 7:15 P.M.; **Mr. Norton seconded** the motion; **the vote on the motion** was unanimous.*

<u>The Enclave at Norfolk, Village Green, NOI #240-591</u>

Present were Randy Miron, Boehler Engineering; Tom Diplacido, applicant; Brian Madden, LEC Environmental. Plans presented were entitled "Preliminary Plan for Comprehensive Permit, "The Enclave at Norfolk," dated 6/13/17, prepared by Bohler Engineering.

Mr. Weddleton informed Mr. DiPlacido that because this is a filing under the state wetlands act only, the town bylaw fee paid will be refunded. Mr. Weddleton further informed Mr. DiPlacido that the project will be sent out to bid, and a consultant will be chosen at the next meeting.

Mr. DiPlacido delivered the certified mail card to the administrative assistant, as well as a check for advertising, in the amount of $101.40.

Mr. DiPlacido gave an overview of the proposed project, stating that it is composed of 34 acres, accessible off Village Green Street; 20 acres will be set aside with a permanent Conservation Restriction (CR). It is proposed that it will consist of 28 duplexes (56 units) on individual lots, "0" lot line; it is a 40B project; age-restricted to 55 and older.

Mr. DiPlacido introduced Randy Miron of Boehler Engineering. Mr. Weddleton pointed out to Mr. Miron that a perennial stream is not denoted on the plan; Mr. Miron referred to Brian Madden of LEC Environmental, who said that the stream center line will be added for that and other stream channels; Ms. DeLonga stated that the banks need to be added also. Mr. Madden agreed that the plan will be updated to show all resource areas, culverts, etc.

In response to a question from Mr. Weddleton, Mr. Miron responded that none of the buildings are within the 100' buffer zone. Mr. Miron continued with an overview stating that the site is 34.4 acres, and the build area has been consolidated to the north, away from the wetlands; roughly 13 of the 34 acres will be disturbed. Mr. Miron stated that each duplex unit will have a driveway, a one-car garage, and most will have a deck; there are pedestrian amenities, community areas, such as a landscaping feature in the front, a bocce ball court; a landscaped seating area with walking paths between, and a community garden. There is a ridge that runs through the site, east to west; stormwater from the south of the ridge flows towards the wetlands, stormwater from the north goes toward Village Green Street; the developer is proposing to decrease runoff rates. The site is located within a mapped habitat for the Eastern Box Turtle; the CR is being proposed to protect the turtle's habitat. New water, underground propane is proposed, new septic in the NW corner. Soil testing has been done with Board of Health, and soils are suited for underground sewage disposal system and infiltration of stormwater. Stormwater management systems utilize Low Impact Development (LID) techniques; there is a series of raingardens, underground infiltration systems, water quality systems, and above ground infiltration systems; design is a tiered system. Erosion controls are proposed around the limits of disturbance.

Mr. Madden resumed with discussion of the NHESP mapped habitat, stating that discussions with NHESP have been ongoing. The CR will be comprised of 20.64 acres, will be delineated by permanent

bounds and signs per NHESP requirements; pre-construction turtle protection measures will be taken, including insulation of temporary turtle barriers around the construction footprint, and pre-construction turtle sweeps to ensure removal of any turtles from that footprint.

Mr. Weddleton inquired as to the boxes shown on the plan behind units 10A, 10B, 11A, 11B, and was informed that it is fencing around infiltration system. Mr. Weddleton asked about a drainage pipe easement coming from the Juniper Lane area, and was informed that it is a drainage pipe for Juniper Lane. Mr. Weddleton informed Mr. Miron that he believes that will need to be addressed, as drainage flowing directly into a wetland is no longer allowed. Mr. Weddleton explained for the benefit of interested parties present, that both ConCom and the ZBA will be having reviews done on the drainage systems, so everybody will now how the drainage for the site will work. Mr. Weddleton noted that the limits of disturbance are right up to the 50' buffer line, which would not be allowable under town bylaw.

Ms. DeLonga stated that the letter from NHESP, dated 9/13/17, was received, and necessary actions reviewed. In response to a question from Ms. DeLonga, Mr. Miron stated that a copy of the MEPA certificate will be provided. Mr. Weddleton inquired as to the possibility of staying completely out of the 100' riparian zone, because as a new project, the 10% rule does not apply. Mr. Weddleton reviewed what needs to be done: streams and riparian areas added to the plan, research into the Juniper Lane drainage pipe, pulling back drainage from the riparian zone; proposals for consultants will be sent out.

Mr. Weddleton opened the meeting to questions from the public. Michael Kozikowski, Stop River Road, asked if the consultants will look at the leaching area, Mr. Weddleton replied yes; Gary Bonomo, Village Green asked if the development will be connected to the public water supply, the applicant responded yes, from the Village Green main. John Zappala, Village Green, asked if soil tests were done recently, during drought, and Mr. Weddleton explained that mottling is used to determine the highest water line. In response to Mr. Weddleton, Mr. Miron answered that the soil testing for the septic was done in April of 2016. Jennifer Catrnacci, Rockwood Road, expressed concern that her concern is very close to the septic system, and Mr. Weddleton responded that there are requirements as to how close it can be; Ms. Catenacci also referred to a small triangle area of questionable ownership, and Mr. Weddleton referred her to the ZBA. Mr. Bonomo asked if Village Green would be widened or would sidewalks be added. Mr. Weddleton asked if this will be a privately owned development with a homeowners' association (HOA), and Mr. DiPlacido responded that it is, and the roads will not be offered for town acceptance. Mr. Diplacido also addressed Mr. Bonomo's question, stating that those questions can be taken up at the Zoning Board of Appeals meetings. Nick Iltchev, 1 Old Colony Drive, stated that there is another pipe not mentioned tonight, coming from Old Colony Drive into the wetlands; Mr. Weddleton responded that it ends before the developer's property. Chris Flaherty, Village Green, referred to a previous proposal in this location, with Order of Conditions, and asked if that could be leveraged; Mr. Weddleton responded that this would be the same process, but differences in the project were that this proposal is almost completely out of the resource area, and it is a 40B. Mr. Zappala requested clarification of the property line between his property, and this.

***Mr. Turi made a motion to continue** the public hearing for The Enclave to October 11, 2017, at 7:20 P.M; **Mr. Norton seconded** the motion; **the vote on the motion** was unanimous.*

<u>11 Old Cart Path, NOI, #B2017-01, Bylaw Only</u>

Present were Steve O'Connell, Engineer, Andrews Survey & Engineering. Plans presented were entitled "Sewage Disposal System (Lot 1) 11 Old Cart Path, Norfolk, MA," dated 8/7/17, 2 sheets, prepared by Andrews Survey & Engineering

Mr. Weddleton recognized Mr. O'Connell who gave an overview of the project, which is exclusively pursuant to Town Bylaw, for construction of a single family home, associated site work, and onsite sewage disposal system. 11 Old Cart Path is a conventional lot within a three lot subdivision that comes

off of Stop River Road, and consists of two conventional lots and one estate lot, previously worked on by Mr. O'Connell. The resource area in question is the Bordering Land Subject to Flooding (BLSF,) which is the Stop River flood plain. Mr. O'Connell indicated that all of the work has been kept outside of the 50' buffer. The septic system, house, and most of the driveway is out of the 100' buffer; the a corner of the driveway and the fill slope for the driveway is within the 50-100' buffer.

Ms. DeLonga mentioned a hole at the cul-de-sac. The driveway for this lot apparently had a board with nails sticking up, creating a dangerous situation. Mr. O'Connell agreed that, given his history with the subdivision, he will follow up in having that rectified. Ms. DeLonga shared her pictures, dated 9/14/17 with Mr. O'Connell. It was further agreed that the site curves have to be staked, and the flags have to be re-hung; the old cartpath will be shown on the map. Mr. Weddleton confirmed with Mr. O'Connell that the grades around the flooding area will not be changed.

Michael Kosikowski, Stop River Road, asked about debris at the front of the property, and was advised that the time to address that would be when lots are released by the planning board.

Lorraine Sweeney, Stop River Road, asked for clarification of the town bylaw in question, and Mr. Weddleton provided that clarification.

***Mr. Norton made a motion to continue** the public hearing for 11 Old Cart Path to October 11, 2017, at 7:30 P.M; **Mr. Touhey seconded** the motion; **the vote on the motion** was unanimous.*

ACTION ITEMS/ORDERS/EXTENSIONS:

- **31 Mirror Lake Avenue, #240-578, Amended OOC**

  ***Mr. Touhey made a motion to approve** the amendment to the Order of Conditions for 31 Mirror Lake Avenue; **Mr. Norton seconded** the motion; **the vote on the motion** was unanimous.*

- **108 North Street – Request for COC**

  ***Mr. Touhey made a motion to issue** the Certificate of Compliance for 108 North Streett; **Mr. Turi seconded** the motion; **the vote on the motion** was unanimous.*

***Mr. Touhey made a motion to adjourn** the meeting; **Mr. Norton seconded** the motion; **the vote on the motion** was unanimous.*

The meeting was adjourned at 8:45 P.M.

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.

TOWN OF NORFOLK
CONSERVATION COMMISSION

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., C.39, S 23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 10/10/17

APPLICANT'S NAME: _____

PROJECT NAME/LOCATION OF PROPERTY: 144 Seekonk St

DEP/NCC FILE NO: _____

ASSESSORS' REFERENCE: _____

I, Michelle Laurie, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on 9/19/17, including (check all that apply):

- ✓ An audio recording
- ✓ A video recording
- • A transcript

_____,
Name of commission member

TOWN OF NORFOLK
CONSERVATION COMMISSION

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., C.39, S 23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 10/10/17

APPLICANT'S NAME: _____

PROJECT NAME/LOCATION OF PROPERTY: The Enclave / Village Green

DEP/NCC FILE NO: _____

ASSESSORS' REFERENCE: _____

I, Michelle Laurie, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on 9/19/17, including (check all that apply):

- ✓ An audio recording
- ✓ A video recording
- A transcript

_____,
Name of commission member

TOWN OF NORFOLK
CONSERVATION COMMISSION

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., C.39, S 23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 10/10/17

APPLICANT'S NAME: _____

PROJECT NAME/LOCATION OF PROPERTY: 11 Old Cart Path

DEP/NCC FILE NO: _____

ASSESSORS' REFERENCE: _____

I, Michelle Laura, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on 9/19/17, including (check all that apply):

- ✓ An audio recording
- ✓ A video recording
- • A transcript

_____,
Name of commission member

TOWN OF NORFOLK
CONSERVATION COMMISSION

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., C.39, S 23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 11/8/17

APPLICANT'S NAME: Bruce Jacobson

PROJECT NAME/LOCATION OF PROPERTY: 144 Seekonk St.

DEP/NCC FILE NO: ANRAD

ASSESSORS' REFERENCE: 23-76-71

I, Bruce Jacobson, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on 9/19/17, including (check all that apply):

- An audio recording
- A video recording
- A transcript

_____,
Name of commission member

TOWN OF NORFOLK
CONSERVATION COMMISSION

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

www.virtualnorfolk.org

CERTIFICATION PURSUANT TO G.L., C.39, S 23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 11/8/17

APPLICANT'S NAME: Bruce Jacobson

PROJECT NAME/LOCATION OF PROPERTY: The Enclave / Village Green

DEP/NCC FILE NO: 240-591

ASSESSORS' REFERENCE: 15-54-87 + portion of 11A

I, Bruce Jacobson, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on 9/19/17, including (check all that apply):

- An audio recording
- A video recording
- A transcript

_____,
Name of commission member