

Conservation Commission
 One Liberty Lane
 Norfolk, MA 02056
 December 13, 2017
 7:00 P.M.

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

APPOINTMENT:

84 Cleveland Street – NHESP Review

Mr. Weddleton announced that the new owner for the project at 84 Cleveland Street, Bisher Hashem, was here to give an update on his project, since it is in a Natural Heritage resource area. Mr. Hashem reported that he had been trying for several weeks to contact NHESP about this project, and was finally contacted today by Emily Holt. Ms. Holt said that the project had been reassigned to Lauren Glorioso, who would be in contact with him regarding the violation letter they had received from the Norfolk Conservation Commission.. Mr. Hashem stated that he would let the Commission know as soon as he heard from Ms. Glorioso. Mr. Weddleton explained that, as this is an Eastern Box Turtle site, the developer is responsible for keeping NHESP up to date on the progress. Ms. DeLonga informed Mr. Hashem that no one had notified ConCom in writing of the change in ownership of the property; Mr. Hashem will provide that information.

PUBLIC HEARINGS:

144 Seekonk Street, ANRAD #240-592 (cont'd from 11/8/17)

Mr. Weddleton announce that a continuance has been requested from the applicant.

Mr. Touhey made a motion to continue the hearing for 144 Seekonk Street to January 10, 2018, at 7:00 P.M.; Mr. Norton seconded the motion; the vote on the motion was unanimous.

The Enclave at Norfolk, Village Green, NOI #240-591 (cont'd from 11/8/17)

Present were Phil Paradis, BETA Engineering; Thomas DiPlacido, applicant; Randy Miron, Bohler Engineering; ; Brian Madden, Lucas Environmental (LEC)

Plans and documents referred to were BETA letter to Norfolk Conservation Commission (ConCom), dated November 13, 2017, “The Enclave at Norfolk Comprehensive Permit NOI and Stormwater Peer

Review”; Bohler letter to ConCom, dated December 4, 2017, “The Enclave at Norfolk Peer Review NOI and Stormwater”

Mr. Weddleton recognized Mr. DiPlacido, who stated that they had received a letter from BETA dated 11/13/17, and Bohler had responded on 12/4/17. Since BETA had not had time to formally review and respond to that letter, Mr. Weddleton suggested Mr. Paradis go through and review the major items verbally.

Mr. Paradis stated that LEC had reviewed the delineation, and they were in agreement with the flagging. There is some work within the 50-100’ buffer zone area that LEC did want to have further comment on. Mr. Paradis stated that there is some work within a NHESP habitat area, and asked that the Commission be copied on any correspondence with them. In response to a question from the Commission, Mr. Madden responded that a package has been sent to NHESP and a determination letter had been provided. Mr. Weddleton stated that since this would be 40B filing, he expected waivers would be requested from local bylaws. Mr. Paradis said there were several technical issues which he didn’t feel were pertinent to go through at this time, and he felt that the applicant had addressed them, and moved on to the more major points.

Mr. Paradis said that some of the unique features of the project were that they were using low impact development techniques in bioretention areas, infiltration areas, and roof areas, which are ideal for the site because the soils are rated as A soils; they used an infiltration rate of 15” per hour, which is above the Rawls rates that are listed for A soils, so he would request they have tests for that or use the Rawls rate. He said they initially modeled the retention areas with a subdrain underneath, and whereas those are typically used in poorly draining soils, he thought most of that water would be infiltrated, and suggested reducing the amount of infrastructure. Snow storage should be addressed. Regarding basins in two of the backyards, Mr. Paradis said they work, but finding another solution should be considered in order to give those people a backyard. Mr. Paradis said there are a number of comments on BMPs including the infiltration system and perimeter drains. Two depression areas observed on a sitewalk didn’t look like they drained, and the applicant was asked to consider those when evaluating existing conditions; there is very little runoff due to the A soils. Mr. Paradis said there would be some modifications to the Operations and Maintenance (O&M) plan.

Mr. Weddleton asked for confirmation that there is no work in the 50’ buffer zone, and that waivers will be requested for work within the 50-100’ buffer zone; Mr. Madden did confirm this. Mr. Miron stated that BETA’s comments had been responded to. The infiltration rate was changed to 8.27”/hr, in compliance with MassDEP Stormwater Standards. The subdrains have been eliminated and the basins have been modeled to infiltrate and exfiltrate stormwater, which has allowed them to eliminate some of the infiltration trenches; a few discrepancies between the model and the plan have been corrected, such as inverts in dimensions. The depressions Phil pointed out have been modeled in the existing conditions, and his suggestions have been included in the O&M plan. Mr. Weddleton confirmed that the updated plans have been submitted; and suggested continuing to the next hearing to give Mr. Paradis time to complete his review of the 12/4/17 Bohler responses. Mr. Paradis will provide and estimate for funds required for the last review. Mr. Paradis asked if it would be OK to converse directly with the applicant and Mr. Weddleton replied that it would. There were no further questions or comments from the Commission or the audience.

Mr. Touhey made a motion to continue the hearing for The Enclave to January 10, 2018, at 7:15 P.M.; Mr. Norton seconded the motion; the vote on the motion was unanimous.

44 Lakeshore Drive, NOI #240-594 (cont'd from 11/8/17)

Present was Rick Goodreau, United Consultants, Inc. (UCI)

Plans and documents presented and referred to were entitled "Site – Septic System Design, Lots A-275, A-276 & A-277, Lakeshore Drive," prepared by UCI, dated 10/523/17, rev 12/4/17.

Mr. Goodreau stated that DEP had not issued a case number as of the last hearing, but that has been received now. Mr. Goodreau said that he had compiled a list of change made since the last meeting, including a typo on the plan (BVW vs. BVM); the land subject to flooding has been labeled based on the FEMA flood elevation, and the Norfolk Zoning Bylaw flood elevation has been added and labeled accordingly. Dimensions of the building have been added, contours on the right side of the lot have been labeled. A section has been provided on sheet two for the garage, boulders have been added at the limit of work. An Eastern Hemlock and a variety of 12 shrubs have been added and listed on sheet 1 of the plan set. Stone has been added to the driveway to enhance runoff flow. The area of human trash pointed out by the Conservation Agent will be removed as mitigation. Erosion control has been changed from a compost sock to haybales and silt fence.

Mr. Weddleton referred to Ms. DeLonga, who had done a site visit, and asked about 5' between the back corner of the house and the boulders, noting that care needs to be taken when working in that area. There were no further questions or comments from the Commission or the audience.

Mr. Touhey made a motion to close the hearing for 44 Lake Shore Drive.; Mr. Norton seconded the motion; the vote on the motion was unanimous.

Mr. Norton made a motion to approve the Order of Conditions for 44 Lake Shore Drive; Mr. Norton seconded the motion; the vote on the motion was unanimous.

60 River Road, NOI #240-

Present were Scott Goddard, Goddard Consulting, LLC, applicant, Valovia Costas, Goddard Consulting

Plans and documents presented and referred to were "60 River Road Lot Development plan of land in Norfolk, MA," prepared by Merrikin Engineering, LLP, dated June 21, 2016, rev through 10/17/16; Wetland Strategies, Inc. Letter to ConCom, dated December 6, 2017, "Notice of Intent, 60 River Rd, Norfolk, MA"; Goddard Consulting Letter, "Supplemental Information 60 River Road," dated 12/13/17.

Mr. Weddleton stated that since Mr. Goddard had just been forwarded the review comments which had been submitted by Wetland Strategies to the Conservation Commission on December 6, 2017, tonight Mr. Goddard should give a brief overview of his project, and next meeting review responses to those comments submitted by WSI. Mr. Weddleton referred to Mr. Goddard's ZBA filing for this property, and stated that the ZBA Variance request should be finalized before ConCom makes a determination, so that ConCom will have a footprint to work with.

Mr. Goddard began by presenting the existing conditions plan that was before the Commission two years ago for a Request for Determination of Applicability (RDA). Mr. Goddard stated that the site is entirely in the flood plain of the Charles River; on the plan, they had located the bank of the Charles River, which is coincidental with its mean annual high water line; the 200' riverfront area encompasses the entirety of the lot; 100' inner riparian zone is indicated; the entire site is within bordering land subject to flooding; majority of the site is within the buffer zone to the bank; there is no bordering vegetated wetland (BVW)

on site. Boundaries of all degraded surfaces were also located on the plan, such as concrete pads, lawn, building.

Mr. Goddard referred to a filing by a different applicant, prior to the RDA detailed above, which had been denied by the Commission approximately 3 years ago, stating that that project was very different than what he is proposing. It included an expanded septic system for more bedrooms, which did not receive approval by the Board of Health, and they were unable to provide compensatory flood.

The current proposed project begins with removing all of the existing infrastructure on the site, and replacing it with something new that meets the two main regulatory thresholds of performance: bordering land subject to flooding (BLSF) and the riverfront area. The septic is designed for 2 bedrooms, and has received Board of Health (BOH) approval. Mr. Goddard described the house as being elevated with openings in the foundation, allowing the area underneath to flood. Existing and proposed flood plain calculations are shown in 6" increments, which show increased storage capacity of floodwaters on the site by 1,200 c.f. of water. Mr. Goddard said that one of the concerns of redevelopment in a riverfront area is whether a project will improve how well the riverfront area performs its functions. Existing degraded areas were documented and will be removed; the new proposal encompasses 1,124 s.f. degraded area, and it is moved further from the river. Mr. Goddard stated that the only new thing being added is a floating dock, where there is historic indication of a dock.

Mr. Goddard submitted a letter dated 12/13/17, to Wetland Strategies' comments, and stated that he will submit an electronic version in the morning. Mr. Weddleton suggested that Commission members visit the property before the next meeting, and noted that Mr. Goddard will need to quantify the compensatory storage, and to demonstrate an overall positive effect of the riverfront.

Ms. DeLonga stated that the previous RDA only confirmed the bank, and listed other resources that were not confirmed. Ms. DeLonga noted that some of the degraded areas discussed are on the neighbor's property, and also stated that there is no record of a previous dock.

Mr. Touhey made a motion to continue the hearing for 60 River Road to January 10, 2018 at 7:30 P.M. Mr. Norton seconded the motion; the vote on the motion was unanimous.

Lawrence Street, ANRAD 240-0595

Present was Ingeborg Hegemann, BSC Group, on behalf of the Town of Norfolk

Plans and documents presented and referred to were entitled "Plan to Accompany an Abbreviated Notice of Resource area Delineation for Lawrence Street, Norfolk, MA," prepared by UCI, dated 9/27/17, rev through 12/11/17

Ms. Hegemann stated that BSC Group had gone out and identified a number of wetland resources on the site; because it's along a long slope of fill, there are a lot of overlapping layers. Ms. Hegemann distributed colored plans. Bush Pond elevation is controlled by an old dam to the north.

Ms. Hegemann reviewed state and local definitions of resource areas, and how they relate to this plan. The state definition of Bank is the mean annual flood; the local bylaw states the opposite, the mean annual low flow or first observable break, whichever is highest. State definition puts the bank of Lawrence Street at 174', local bylaw puts it at 176'. There is offsite Bordering Land Subject to Flooding (BLSF), which is a shrub community. The road is defined by edge of fill, and offsite properties are defined by topography.

At Ms. DeLonga's request, Ms. Hegemann pointed out the right of way along the road, and stated that they do not yet know exactly where the work will be performed. Ms. Hegemann clarified that the "B's" on the plan in red, #118-120, are BVW, the rest are Bank; Ms. Hegemann also clarified that the soils along other areas of the road are fill, and that's why the vegetation is not classified as BVW. Ms. DeLonga confirmed that the buffer areas from offsite resource areas are included on the plan.

Mr. Wilson asked if we need to know the depths and lengths of the banks. Ms. Hegemann responded that length comes into play with the impact; if they altered the length, then they would have to look at the length that was altered. In response to Mr. Turi's question, Mr. Weddleton responded that the borings have been done. Mr. Weddleton opened the meeting to public comment.

Margaret Kahaly, Cranberry Meadow Road, asked if more consideration would be given to the state regulations, or the town bylaws, since it is a state grant; Mr. Weddleton said both state and town, as well as federal standards would all be considered.

Ms. DeLonga stated that she still needs time to review the colored plan.

Mr. Turi made a motion to continue the hearing for Lawrence Street ANRAD to January 10, 2018, at 7:45 P.M.; Mr. Touhey seconded the motion; the vote on the motion was unanimous.

ACTION ITEMS/ORDERS/EXTENSIONS:

17 King Philip Trail – Request COC

Mr. Touhey made a motion to approve the Certificate of Compliance for 17 King Philip Trail; Mr. Norton seconded the motion; the vote on the motion was unanimous

32 Fredrickson Road, OOC #B2017-02

Mr. Weddleton recused himself from this vote.

Mr. Norton made a motion to approve the Order of Conditions for 32 Frederickson Road; Mr. Turi seconded the motion; the vote on the motion was 5-0.

14 Main Street – Request COR, #240-415

Mr. Touhey made a motion to approve the Certificate of Release for 14 Main Street; Mr. Turi seconded the motion; the vote on the motion was unanimous

OLD BUSINESS:

Review Bylaw Fees & Regulations: It was agreed that a redlined copy of the regulations will be provided, suggesting changes to the number of copies that applicants must submit, and some purely administrative changes for readability. In addition, fees will be reviewed to ensure compatibility with state fees. This will be posted as a Public Hearing for the next meeting.

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

The meeting was adjourned at 8:15 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.