

Conservation Commission
 One Liberty Lane
 Norfolk, MA 02056
 March 14, 2018
 7:00 P.M.

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

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:

41 Myrtle Street, NOI, #240-597 (cont'd from 2/14/18)

Present were John Glossa, engineer; Robert Ringuette, applicant

Mr. Weddleton called the continued public hearing to order and recognized John Glossa, who reviewed changes made to plan since the last meeting. Along the 50' no disturb line, a series of 11 brass plaques were added which are typically attached to 4" x 4" concrete bounds that are sunk 2-1/2' in the ground. The plaques read "No dumping or alteration of lands beyond this point is allowed per the order of the Conservation Commission," and are placed 75' apart. In addition the driveway has been changed from gravel to bituminous concrete, with an infiltration trench along the left side of the driveway. The neighbor's well has been added to the plan; there is no septic within 100' of any wells. The square footage of land between 50'-100' of buffer zone is 24,490 s.f., which has been added to the plan. Mr. Glossa stated that the BOH agent had noted that the septic tank and pump should be moved to ensure all piping is a foot above groundwater, and this has been done. Mr. Weddleton referred to Ms. DeLonga, who confirmed that all notes requested have been added to the plan, and two conditions added to the proposed OOC. One that no work shall begin until approval has been obtained for the septic system, and one with regard to the plaques. A neighbor present stated that he is "thrilled" with the sensitivity shown to the land with this project.

Mr. Touhey made a motion to close the hearing for 41 Myrtle Street; Mr. Turi seconded the motion; the vote on the motion was unanimous.

Mr. Touhey made a motion to issue the Order of Conditions for 41 Myrtle Street; Mr. Turi seconded the motion; the vote on the motion was unanimous.

60 River Road, NOI, #240-596 (cont'd from 2/14/18)

Present were Lenore White, Wetland Strategies; Scott Goddard, applicant;

Plans presented were entitled "60 River Road, Lot Development Plan of Land in Norfolk, MA," prepared by Merrikin Engineering, LLP, dated 6/21/16, revised through 2/20/18

Mr. Weddleton called the continued public hearing to order, and asked Mr. Goddard to first go over the riverfront area, including disturbance and mitigating factors, and then the floodplain area, including net storage amount and numbers for remediation.

Mr. Goddard began by reviewing what has taken place since the last hearing, referencing letters back and forth between Wetland Strategies and his office:

from Wetland Strategies dated 12/6/17; response 12/13/17 from Goddard
from Wetland Strategies dated 1/10/18; response 2/9/18 from Goddard
from Wetland Strategies dated 2/26/18, response 3/5/18 from Goddard

Mr. Goddard was informed there is an additional letter dated 3/7/18 from Wetland Strategies, and was handed a hard copy of that.

Mr. Goddard stated that the entire site is within the 200' riparian zone, and they must demonstrate the redevelopment standards of 310 CMR10.585. It is proposed to do this by increasing the amount of naturalized buffer/riverfront area on site; reforesting lawn and removing piles of debris, including concrete paths, gravel drive and a shed, and replacing it with other degraded surfaces further from the riverfront, resulting in a net decrease of 1,124 s.f. in degraded area. Also bring failed septic system to Title V compliance.

Mr. Turi expressed concern that part of the degraded area being mitigated is not within the property lines, but it was determined that is OK, as long as the riverfront is being mitigate; the applicant stated that he has permission from the owner of the area in question. Mr. Wilson question the square footage of what is considered the existing driveway, stating that his observation was that many areas were growing grass, and did not appear degraded. Mr. Goddard responded that there is no top soil or subsoil in those areas. Mr. Weddleton asked Ms. White for comment on the overall riverfront plan. Ms. White concurred that the driveway base is this gravel in spite of some vegetation coming through, and went on to say that Mr. Goddard had stated in a review response letter that the proposed garage would be replaced with a car port, but that has not been shown on the new plan; Mr. Goddard responded that the footprint is the same, but it has been labeled "carport" instead of "garage" on the new plan. Ms. White expressed concern with the amount of work being done on the bank. It is quite vegetated right now, and part of the proposed plan is to remove the invasive plants, which she fells will create the potential for the bank to become unstable; her suggestion would be to condition that activity in the Order of Conditions. Mr. Goddard responded that he had updated the Invasive Species Management Plan to include an assessment post-removal of invasives; he also stated that he did not believe removal would leave it barren, as there were many non-invasive plants there as well. Ms. White stated that the plan showed removal of over 100 plants, with no number for replacements. Asked by Mr. Weddleton if the plants would invade the river, and if removal was necessary, Ms. White responded that they would not invade the river, and she didn't feel removal was necessary. After additional discussion among members, it was decided that removal of the invasives was not necessary, and might be detrimental. Mr. Goddard said it was not taken into consideration in the degraded area analysis, even though it was included in the improvements; Ms. White suggested revisiting the redevelopment numbers to see if they still comply if there is no removal of invasives, but Mr. Weddleton stated that since the offer was made, and it is a relatively small number, then Commission will be satisfied if they are not removed.

Moving on to floodplain, Mr. Goddard referred to the numbers on the plan that refer to the amount of area on the property that is taken up by flood water. 3,955 c.f. represents the amount of floodwater that can currently be stored on the site, versus 5,360 c.f. that can be stored on the site upon completion of the proposed project, a gain of about 1,400 c.f. This is achieved by bringing the grade down, allowing water to flow under the building. In response to Mr. Weddleton, Mr. Goddard said the floor of the proposed basement is concrete, an impervious material, but there would be floodgates. The floodgates are shown on the detail plan dated March 2, 2018. Mr. Weddleton asked about the linear footage of wall vs. gates, and Mr. Goddard said they have to meet FEMA standards.

Ms. White affirmed that her latest comments had been addressed. Ms. DeLonga noted that the deck in the back of the house is closer to the river than any part of the previous house; Mr. Goddard said that was allowable, since other degraded areas are closer to the river than the new proposed deck. Ms. DeLonga asked about a “mystery pipe.” Mr. Goddard said the engineer and surveyor said they appeared to go through a culvert and drain into the river, but there is no town easement, so there is no record. Ms. DeLonga asked what he thought of a metal handle there, and Mr. Goddard said there are a number of posts and things that led him to believe there was perhaps a dock of some sort, and he’s not sure it is related to the pipe. At the request of the Commission, Mr. Goddard agreed to have a town easement placed on the drainage pipe area. Ms. White noted that a Chapter 91 license would be required for the proposed dock. Ms. DeLonga confirmed that there is a copy of the letter from the neighbor in the file. Ms. DeLonga asked if it would be town water; it is. Septic has been approved as a 2-bedroom house.

Mr. Weddleton asked if the applicant would like to keep the hearing open until his hearing with the ZBA is closed, and he replied that he would like to go ahead and close this hearing.

Mr. Touhey made a motion to close the hearing for 60 River Road; Mr. Norton seconded the motion; the vote on the motion was unanimous.

Lawrence Street, NOI, #240-598 (cont’d from 2/14/18)

Present were Lenore White, Wetland Strategies; William Scully, Danielle Spicer, Green International Affiliates (GIA)

Plans referred to were entitled “Impact Areas, Norfolk – Resurfacing & Related Work on Lawrence Street from Cranberry meadow Road to Park Street,” prepared by Green International Affiliates, Inc., revised 3/12/18.

Mr. Weddleton called the continued public hearing to order for the Lawrence Street Bridge, NOI. Ms. Spicer began by reviewing what has occurred since the last meeting. The town had some comments, which were replied to in writing; there was a meeting on site on 2/26/18 with the Conservation Agent and other town officials to walk the area; subsequently a revised, more detailed wildlife plan was submitted. Ms. Spencer stated that the plan being shown was basically the same, but showed the revised wildlife area. With no questions from the Commission, Mr. Weddleton referred to Ms. DeLonga, who said her concern, which she had raised with Green International, was the possibility of overplanting for mitigation. Ms. Spencer acknowledged the concern, and agreed to a reduced number of trees to be conditioned, and the elimination of snags. Mr. Weddleton stated that he would not be taking questions from the public, but would instead be updating the public and the Commission members on recent developments.

Mr. Weddleton stated that he had been reviewing the planting area and the back of the pond, and still had a question as to why there were inlet and outlet pipes to the pond. Upon investigating, he had come upon pictures and soil testing information that he found disturbing, and he consequently contacted Lenore White, a wetland scientist, to do some research. Ms. White found that there is an Enforcement Order on the landfill, which had not been made known to the Conservation Commission. The Enforcement Order has a date of May 17, 2018, by which to comply, or the AUL will be terminated and the site returned to an open Tier 2 status. Mr. Weddleton went on to say that the remediation done by the Mann family in 1999 was never completed. He stated that two areas of concern to him are the language regarding “no significant” risk to human health, and a wetland study was never done accounting for the wetlands and wildlife habitat. Mr. Weddleton said that when an NOI was submitted for this property in 2011 it was considered a Tier 1 project, but he has lost faith in the parties involved with the property over the years. He continued with details of pictures taken of the property which show seemingly unusual colors in the soil and groundwater. The owners were to monitor the backside of the AUL where the Mill River flows,

but this seems to never have happened. Mr. Weddleton said that DEP decided what would be looked for, and two dying agents used on a regular basis at the mill were not included in what they looked for. Stating that the Conservation Commission does NOT [amended 6/13/18] have jurisdiction when groundwater is affected, and acknowledging that it all may be benign, Mr. Weddleton said that the Town Administrator and the Selectmen [amended 6/13/18] said the project will need to be put on hold until some questions are answered. Mr. Weddleton said there would be a PowerPoint presentation by a Licensed Site Professional (LSP) at the next ZBA meeting.

Ms. White noted that the Enforcement Order issued November 17, 2017, is regulated under the Massachusetts Contingency Plan, and is a self-regulating process. LSPs are hired by the site owner or developer to inspect a site and report problems to the proper agency. She said that was done by Buckley & Mann in 2001. In 2017, the DEP did an audit to ensure the LSP did it properly, and they found there were inconsistencies in reporting, in how the land was restricted, in notice to property owners; there were findings of high levels of chromium, lead and zinc which were not comprehensively addressed; there were inconsistencies in evaluating the wetlands and water bodies, and in a Stage 1 Environmental Screening. Based on all of this, the Enforcement Order was issued, with a requirement that it be complied with within 180 days (by May 17, 2018.)

Mr. Weddleton opened the hearing to public comment. Margaret Kahaly, Cranberry Meadow Road, noted that some plywood in the dam at Bush Pond is now sitting in Mill River, and the entire area is flooded. Dave Dimond, Brett's Farm Road, said it would be nice to have an assessment of aquatic life.

Mr. Turi made a motion to continue the hearing for Lawrence Street to May 16, 2018, at 7:00; Mr. Touhey seconded the motion; the vote on the motion was unanimous.

MINUTES:

Mr. Turi made a motion to approve the minutes of February 14, 2018; Mr. Touhey seconded the motion; the vote on the motion was unanimous.

ACTION ITEMS/ORDERS/EXTENSIONS:

21 Holbrook Street, Request for COC, #240-407

Mr. Touhey made a motion to issue a full Certificate of Compliance for 21 Holbrook Street; Mr. Turi seconded the motion; the vote on the motion was unanimous.

CORRESPONDENCE:

Holbrook Street Proposed Well – site walk 3/2/18

Deadline for comments has been extended until March 27, and state will issue their decision on April 6.

Mirror Lake – NOI filed in Wrentham

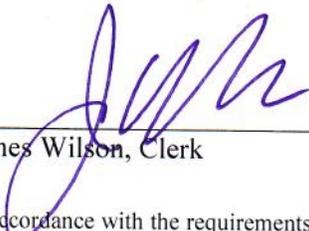
Ms. DeLonga had spoken with the state, and they suggested that we do a request for determination to determine if chemicals will be gone before they come to the Norfolk side of the lake. Ms. DeLonga sent a letter to Wrentham to be included with their package of information at their hearing.

Request for Departmental Action Transmittal – site walk 2/28/18

An abutter appealed the ANRAD for 144 Seekonk Street, so a representative from the State came and did a site walk, but is holding off making any decision until he can come back when the season is better, perhaps in April.

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 8:40 P.M.



James Wilson, 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.