Conservation Commission
One Liberty Lane
Norfolk, MA 02056
September 12, 2018
7:00 P.M.

Commission Members	Other
Thomas Norton – Chair ---------- Present	Janet DeLonga – Agent ---------- Present
David Turi – Vice Chair---------- Absent	Amy Brady–Administrative Assistant ---- Present
Jim Wilson – Clerk ---------- Present	
Bruce Jacobson – Member ---------- Present	
Alexandra Fraher – Member ---------- Present	

The duly posted meeting of the Norfolk Conservation Commission convened at 7:08 P.M. in Room 124 at the Norfolk Town Hall. Mr. Norton announced that the meeting was being audio- and videotaped.

APPOINTMENT:

MBTA, Franklin Line Double Track, #240-599 – Administrative Changes

Mr. Norton gave an overview of the project to date, stating that the MBTA had appeared before the Commission on April 11, and a Notice of Intent was issued on May 16, 2018, for construction of a double track in Norfolk. On September 6, the Commission received a letter from the MBTA proposing changes to the plan deemed they deemed "administrative." The applicant was advised to appear before the Commission to review those changes. After hearing from the applicant, the Commission will vote as to whether they deem these changes "minor" under the existing Order of Conditions. Mr. Norton recognized David Perry from the MBTA.

Mr. Perry said that the changes to be presented were initiated after hearing concerns from the neighbors, and improvements they feel can be made regarding the runoff. On a plan entitled "Franklin Double Track Project, Walpole West to Rockwood Road, Contract No. K74CN01, Sheets TK-110 & 111, Mr. Perry noted the previously a drainage pipe ran parallel to the track, terminating in a drainage structure just on the other side of Highland Lake Drive, with flow to the east, on the north side of the track, and sheet flowing down to a swale and on to Campbell Street, then into the Stop River. After speaking to a gentleman who was concerned about runoff to his home and re-examining the plan, they determined that if they did not run the drainage pipe with the slope, but redirected it more uphill to flow westward to a new outfall structure just above the Stop River. This was considered a minor change, because the flow still ends up in the Stop River. The other change that was made was that a retaining wall to be installed above the Stop River culvert was shortened, eliminating the need for a drainage pipe there.

Mr. Norton said that the redirection of the water seemed like a good improvement. Mr. Wilson asked what type of material would be used in the outfall structure; John Orison, a project engineer working with the MBTA, said the structure is a 6' x 12' trapezoid filled with various rocks, and designed to abate the energy of the flow, and slow it down before it hits the end of the hill.

Next Mr. Perry showed drawing page TK-116, which showed an area behind Dunkin' Donuts, and said that a retaining wall and drainage outflow structure has been eliminated, and the bank will be supported with riprap. Ms. DeLonga said they would have to rely on the engineers who say it will work, and it will be monitored closely. Ms. Fraher asked how they made the determination to eliminate the structures. Mr. Perry said that current construction standards are much more stringent than what is out there right now, so

that the railroad would not have been built with such steep slopes. The wall ion question was indicated because the cattle pass in that area was looked at closely, but when actually viewed on site, that area was determined to be no more steep than any other area in that portion of the railroad. It was also determined that the cattle pass can be filled in and covered over, rather than removed. Ms. DeLonga asked if the cattle pass is in the right of way, and Mr. Perry responded that it is. Mr. Norton clarified that it is the elimination of the wall that negates the need for a drainage outflow structure.

Mr. Wilson asked if several residents' concerns had been addressed. Mr. Perry said he had emailed and spoken to several residents to inform them of this meeting, including sending plans to a resident who was most impacted. Mr. Perry continued that he and Mr. Orison had come out and walked many areas to see if any outflow structures would dump into people's yards, and Mr. Orison had also correlated the plans to Google Maps.

Mr. Norton explained that the Commission would need to agree that they feel this is a minor, or administrative, change to the plans. Otherwise, an amended Order of Conditions would be required, necessitating a new Public Hearing. Mr. Jacobson asked if the correlated mapping could be shared, and Mr. Perry said they were not engineer-quality plans, but they could be shared.

Ms. Fraher made a motion *to deem the changes as minor;* ***Mr. Wilson seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

Donna Jones, 64 North Street expressed disappointment about losing the historic cattle pass, and wondered if the neighbors had been apprised of a timeline for construction, and if DPW had been notified of the project. Mr. Perry said he had been in touch with the DW Director; construction was originally planned to begin "about now," but that has been delayed due to concerns in Walpole, so construction is now scheduled to begin after the winter, in the February-March 2019 timeframe. Notifications to the town was when via the Public Notice for the NOI filing; when they get to the construction phase, notifications will be made with the commuter rail riders.

NEW BUSINESS:

Letter from abutter re: status of 144 Seekonk Street - Mr. Norton reviewed that on September 10, 2018, the Commission received a letter from Lorraine Sweeney, an abutter to the property located at 144 Seekonk Street, for which the Commission issued an Order of Resource Area Delineation (ORAD) on January 10, 2018. Ms. Sweeney subsequently filed a Request for Departmental Action, and a Superseding ORAD was issued on July 13. As the appeal period has now expired, Ms. Sweeney is now coming before the Commission.

Ms. Sweeney stated that she is not here tonight related to the ORAD, as DEP did issue a superseding order, relocating several flags and expanding the one resource area that had been applied for; Ms. Sweeney said that DEP took an additional step and identified something outside of their jurisdiction, namely an isolated vegetated wetland (IVW) approximately 12' off to the northwest. Ms. Sweeney stated that she is here because back in August of 2017, the Zoning Enforcement Office, Bob Bullock, had cited the owner of the property, Edward (Ted) O'Harte, for unpermitted land clearing and excavation; Mr. O'Harte appealed that decision to the Zoning Board of Appeals (ZBA). The ZBA issued a decision on April 26, 2018, which stopped short of ordering any restoration; Ms. Sweeney had assumed the ZBA did not order restoration because it was considered a Conservation matter, and that Conservation would then address the matter. When she wrote a letter asking the Commission what they would do about the matter, then-Chairman John Weddleton said they would wait until DEP had completed their investigation and issued a superseding ORAD. She is here before the Commission now, because the superseding ORAD has been issued. Ms.

Sweeney feels that the issuance of such serves to bolster the case for restoration, as it shows that lands under the jurisdiction of Norfolk Conservation local bylaws. Mr. Sweeney said that in connection with the ZBA ruling, she has filed an appeal with the Superior Court requesting they take enforcement action, but that may prove unnecessary if the Commission is going to do so.

Mr. Norton said that he had only received the letter from Ms. Sweeney on Monday, and although he has spoken to a few people about it, there are others he still needs to speak to. In light of that, Mr. Norton feels it would be best to take this under advisement, and get back to Ms. Sweeney with his findings. Ms. Sweeney asked if this will be continued to the next meeting, so she and other abutters would be sure to find out the outcome. Mr. Norton said he didn't know that it needed to be continued, but stated that he would write her a letter before the next meeting with his findings.

Highland Lake Removal of Water Chestnut Discussion – Discussion centered on how rapidly the plant multiplies, and the difficulties and expense associated with eradicating them. It's currently at about 5 acres, and will multiply about 20% per year. Mr. Wilson suggested an article for Town Meeting to have funds appropriated annually. Mr. Jacobson suggested the plants initially be removed manually and maintained chemically going forward, to keep the cost down. Mr. Wilson said the bulk of the cost will be in the first year, and said that the chemical kills the plant on top of the water, but not the seed pods under water, which last several years. Mr. Wilson agreed, after the initial removal, chemicals could be tried to see how they work. Mr. Wilson also mentioned the idea of the DPW buying a machine, but said the technology is always changing, and that is a lot of money upfront. Mr. Norton asked how that could be put on the town warrant. Discussion ensued with regard to the need to determine what waterbodies would need annual treatment, and various ideas such as purchasing a machine and sharing with other towns.

ACTION ITEMS/ORDERS/EXTENSIONS:

14 Brookside – #240-31, Request for Certificate of Release (COR)

Mr. Jacobson made a motion *to release the expired Order of Conditions for Brookside Acres;* ***Mr. Wilson seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

MINUTES:

August 8, 2018

Mr. Wilson made a motion *to accept the minutes of August 8, 2018;* ***Ms. Fraher seconded*** *the motion;* ***the vote*** *on the motion was unanimous.*

Ms. Fraher made a motion *to adjourn the meeting;* ***Mr. Jacobson seconded*** *the motion; the* ***vote on the motion*** *was unanimous.*

The meeting was adjourned at 7:47 pm.

11/14/18

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.