

Conservation Commission

One Liberty Lane
Norfolk, MA 02056

July 10, 2019

7:00 P.M.

Commission Members	Other
David Turi, Chairman ----- Present	Janet DeLonga – Agent ----- Present
Jim Wilson – Clerk ----- Present	Amy Brady–Administrative Assistant ---- Present
Alexandra Fraher – Member ----- Present	
Alex Weisheit – Member ----- Present	
Fred Laberge – Member ----- Present	
Allen Phinney – Member ----- Present	
VACANT – Member ----- VACANT	

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

PUBLIC HEARINGS:

Lake Street Paving, NOI #240-613 (cont'd from 6/12/19)

Present were Bob McGhee, Norfolk Director of Public Works (DPW); Greg Berube, Pare Corporation; Lauren Gluck, Pare Corporation; Plans presented were entitled Lake Street Paving and Permitting, Sheet C2.3, dated June 2019, prepared by Pare Corp.; letter dated July 8, 2019, from Pare Corp. to the Norfolk Conservation Commission, Re: Notice of Intent – Response to Comments, Lake Street Paving Project;

Mr. Berube explained that the proposal is to pave Lake Street from where the current paved portion ends, northward to the intersection with Medway Street. Grass shoulders will be provided where possible; 4' wide turnouts for vehicles to pass safely where right-of-way (ROW) and terrain allows. Through the 3 resource areas discussed last time, stone clearing pads and stone slope treatments are being utilized for stabilization, and stone headwalls will be built around the two culvert pipes and the shoulder raised about a foot; additional detail has been provided on the plans for this; rock fill, 1' and under, will be placed around the fieldstone headwalls. All work will be outside of the resource areas. Runoff from Medway Street will be addressed through sloping the road, providing asphalt berms and a stone clearing apron at the bottom of the hill. Loam and seed grass will be used where possible. With regard to sediment being deposited into Crystal Lake from the low point of the road, the engineers request that a condition be added to any Order of Conditions that the removal of the sediment plume (about 14 cu. Yds.) be allowed, with owners' permission; the DPW would prepare Right of Entry forms for signature. Mr. McGhee said there are various options for removal of that nature. With the new plan, water will not get down to that low point; it will be dissipated before it reaches that point. Requested corrections/updates to the NOI and a stormwater checklist have been submitted. A response has not yet been received by Natural Heritage.

Elizabeth McCormick, 51 Lake Street, asked for clarification on the number of headwalls; Mr. Berube said there are three areas of concern, but headwalls are planned for only two of them. The areas of concern are the two stream crossings and the area along Crystal Lake, directly in front of #51, where there is an existing culvert and pipes, and where stone slope treatment will be used to stabilize the area; the pipes will not be replaced. Ms. McCormick said she believes the engineering firm's calculations on the sediment plume are inadequate, and there is also a plume in front of #54. Ms. Gluck explained her process for locating the area in front of #51 that was most certainly roadway sediment surrounded by "muck," and explained that there are no plans to remove the vegetation in front of #54, since it has become well-established and likely provides benefit to the surrounding habitat. Ms. McCormick feels that the extent of remediation being proposed is inadequate, and that the vegetation that has been established only came about due to work performed by the town; she feels all of the vegetation in those areas needs to be removed in its entirety; in addition, there is a guardrail that would be on their property that they would like to discuss with

someone; Mr. Berube said all of the work being proposed (except the sediment removal) is within the roadway layout, or right of way (ROW). Mr. McGhee said the plan is to construct a 16' wide paved roadway (14' in front of #51) which is below specification.

Edward McCormick, 51 Lake Street, said he has an agreement with the town that, bordering their property, the road is to be paved no wider than it currently exists, regardless of feet. Mr. McCormick said that the town cannot work in the ROW if it is in the wetlands. He said that he would like more time to review the information recently received.

Mr. Berube pointed to the flagged wetland resources which have been delineated on the plan, stating that they are working outside of the resource areas, but within the buffer zones. Ms. Gluck said they are working within two riverfront areas where the perennial stream crossings are, but because the project encompasses work on structures and roadway in existence before 1996, it qualifies for exemption pursuant to 310 CMR 10.586a. There is about 13's.f. of land underwater being affected by the actual stone placement along the street; this, together with the remediation work being done on private property are the only areas of direct impact.

Mr. Wilson described his visit out there, and his opinion that in order to remove more of the vegetation, much established wildlife would be disturbed. He discussed how ponds always change over time, particularly where houses and roads are built, and just digging it up would not be helpful, outside of the major impact from road sediment. He also said that where the invasive species are in this pond, is not unique to this road, it happens in other places as well. Mr. Gluck detailed how she walked in the pond, and could auger down 24"-25" in the roadway sediment before it turns to "muck," and that is how she calculated the cubic footage.

Anna O'Neill, 12 Lake Street, asked what the timeline would be if the project gets approved. Mr. McGhee said that once it goes through, they would ask Pare Corporation for a price estimate. He said that since \$130,000.00 was put aside about 5 years ago, maintenance has had to be performed on the road, which has used up some of the funding, so an Article will need to be put before Town Meeting, and work would likely begin in very early Spring. Mr. Turi asked if the current erosion controls could be fortified in the meantime; Mr. McGhee said he would do his best, but he has been stopped by neighbors in the past when he tried to place stones to filter the water that did go under the erosion controls; he also said you can't really stop the water from going under, because then you create a dam, so it was best to place stones to just keep the sediment from traveling into the pond with the water runoff. Mr. Wilson asked if the Commission could make a motion to allow the DPW to place stone in the resource area.

Mr. McCormick said he thinks the Commission's proposal is shortsighted, stating there was a Cease and Desist Order from the DEP for doing "just that." He said if the water is stopped by the rocks, it will puddle in the road or go back into his yard. Ms. Fraher emphasized that that is just what the proposal is trying to prevent by allowing the water through, but not the silt. Mr. McCormick said the water will just go under the rocks, like it goes under the barrel in front of his house. Mr. Turi said they are trying to protect the wetlands, and this seems to be the best solution right now, before the project can get underway. Mr. McCormick said it would involve going on his land he won't allow it.

Ms. DeLonga said she seemed to remember that there was a request from DEP to keep up with the erosion controls, and requested the Pare get in touch with them to see what they suggest. Mr. McGhee said DEP told him they didn't have the resources to come out here, and so issued the Cease & Desist based on abutter testimony, without seeing it firsthand. He said that all of the erosion control, straw wattles and rocks, would be within the ROW. Ms. McCormick asked if it would be possible for Mr. McGhee to meet with them offline to come up with a mutually acceptable proposal. Ms. McCormick asked if peer reviewers had been hired to review this plan; Mr. Turi said not by the Commission; the Commission doesn't always retain consultants; Ms. McCormick requested that they consider it in this instance. Mr. McGhee said he would be happy to meet with the McCormicks, with the Pare representatives present, but he was leaving on vacation the next morning.

The need for contacting DEP before placing more stone was debated. Mr. Turi expressed concern for the heavy rains expected this weekend. It was noted again that DPW had been required by DEP to maintain the erosion controls to prevent more damage. Mr. McGhee said he would direct his assistant to contact Marielle Stone at DEP for permission. Mr. Weisheit said that as long as DEP says it's OK, the Commission doesn't actually need to give

their permission. Mr. Berube said that DEP does have provisions for emergency maintenance via an emergency notification to DEP, they don't need to give permission ahead of time.

Mr. Wilson made a motion that 3/4" stone be placed in an approximately 2-1/2' area of the worst erosion on Lake Street to prevent any further erosion of the fines from the road, and to slow down the water speed. Mr. Weisheit amended the motion to include DEP shall be notified of this activity as required. Ms. Fraher seconded the motion; the vote on the motion was unanimous.

Mr. McGhee said he will still have his assistant call DEP for approval, and at the request of Ms. DeLonga, will copy ConCom on the communication. Mr. McGhee asked to clarify that there is more than one area of erosion; Mr. Turi said he could deal with that when he was there. Mr. McCormick asked for a copy of the wording of the motion, and a copy of any letter going to DEP. He pointed out that Mr. Wilson's motion had specified one area, but Mr. McGhee said there are multiple areas. Mr. Turi said the motion would be reconsidered to state "as required" and to leave out all dimensions in the opinion of the DPW Director.

Mr. Weisheit moved to amend the initially approved motion to remove the limitation on the location and dimensional requirements, and instead allow the Department of Public Works, in their discretion, to identify the areas with erosion, and place stone and gravel as necessary to abate the ongoing erosion issues; Ms. Fraher seconded the motion; the vote on the motion was unanimous.

Mr. Weisheit made a motion to continue the hearing to August 14, 2019, at 7:00 P.M.; Mr. Laberge seconded the motion; the vote on the motion was unanimous.

75 Cleveland Street, NOI #240-

Present were Russ Waldron, Applied Ecological Sciences (AES). Plans presented were entitled "Title 5 Sewage Disposal System Upgrade for a 3 Bedroom Dwelling," dated 8/28/18, prepared by Dunn-McKenzie.

Mr. Waldron gave an overview of the project, which was a Title 5 septic repair for sale of a property. It is just under 18 contiguous acres. Closest distance to the BVW boundary is 64'; total proposed disturbance in the 5-100' buffer zone is 2,349 s.f., which is currently lawn, and will be reseeded as lawn. As of now, there is no DEP file number, and NHESP has not been heard back from. The plan is showing the property as two lots, but it actually is not being subdivided, it was only conceptual; Ms. DeLonga spoke with representatives of the engineering firm, and they will remove the dividing line. There is a 75' buffer zone line shown which will also be removed, and the tree line will be adjusted, along with wetland flag #20. Mr. Waldron noted that there is a small man-made "farm pond" between the lawn and the wetland line. Ms. DeLonga said the Commission should be specific with which flags they are accepting.

Ms. Fraher made a motion to continue the hearing to August 14, 2019, at 7:30 P.M.; Mr. Laberge seconded the motion;

Jennifer Shammass, 79 Cleveland Street, asked if the pond shouldn't be noted on plans sent to NHESP; Mr. Waldron said that it is a "scooped out" area that is actually within a larger wetland area anyway; Ms. DeLonga explained that all that is being disturbed on this project is previously disturbed area, so that is what NHESP will be looking at. Ms. Shammass also asked if the system had failed, or if it was just being upgraded; Mr. Waldron said he assumed it did not or would not pass; Ms. DeLonga said we were still waiting to hear whether DEP had any comments or issues

the vote on the motion was unanimous.

Present were Lauren Sullivan, SOLitude Lake Management. Documents presented were entitled "Notice of Intent Application Highland Lake Aquatic Management Program, Norfolk, MA, July 2019, Prepared for Department of Public Works; prepared by SOLitude Lake Management.

Ms. Sullivan said Highland Lake has had an ongoing water chestnut problem for about 10 years, and it is now about 50% covered; they are proposing mechanical harvesting to remove the water chestnut, which is an invasive species. The harvester will be launched from the resident's property at 15 King Philip Trail, and that will be where the plant is offloaded into a Bobcat which will go into a dump trailer and be taken care of by the DPW. The goals are to improve water quality, habitat for fish and wildlife, to promote growth of more native species, and to slow nitrification. Mr. Turi said we would want a signed affidavit that they had permission to use this property. The trailer will go from the cul-de-sac through the lawn, and into the lake; material will be brought up onto the paved area. Haybales and straw wattle will be used along the shoreline; the grass will be restored. This should take about a week this year, but it is a multi-year program. Ms. DeLonga had a list of questions/comments that she gave to Ms. Sullivan to be answered for the next meeting. In response to questions, Ms. Sullivan said that mechanical harvesting is more cost effective than chemical, and delivers more immediate results, and chemical can leave more organic matter behind. Ms. DeLonga said she doesn't believe there is a water chestnut-specific chemical at this time.

Although SOLitude has requested a 5-year OOC, Ms. DeLonga recommends 3 years, then revisit. Mr. McGhee said there is potential for sharing the machine with other towns in future years. Ms. Sullivan asked if she answered all of the questions on the list provided to her, could the OOC be issued before the next meeting, since they are trying to get to it before the seeds drop; Mr. Turi suggested scheduling a special meeting for this.

Mr. Weisheit made a motion to continue the hearing for Highland Lake to July 24, 2019, at 7:00 P.M.; Mr. Laberge seconded the motion; the vote on the motion was unanimous.

OLD BUSINESS:

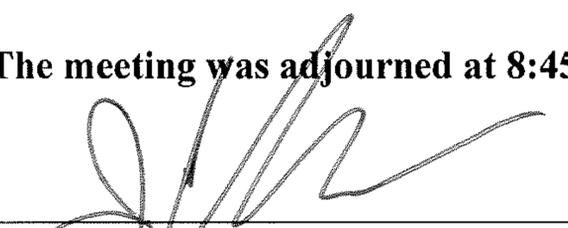
Discuss status of Eagle Scout Project – trail has been marked; Ms. DeLonga will go out and review

Signs – Conservation Commission Properties – The "Park Rules" sign was reviewed as well as individual trail signs proposed by Mr. Turi to be placed at roadsides to direct people to the trail entrances; they are \$39.55 each; Mr. Turi will speak with the DPW to determine the best way to post the signs. The number of signs for each trail will depend on its location. Directional (arrow) signs: Fales Park – 1; Campbell Forest – 2; Highland Lake – 3; Lind Farm – 3. Mr. Turi will see if they can be printed on both sides. "Park Rules" signs: Fales Park – 1; Campbell Forest – 2; Highland Lake – 1; Lind Farm – 1.

Mr. Weisheit made a motion to approve purchasing 14 signs and approximately \$40.00 each; Ms. Fraher seconded the motion; the vote on the motion was unanimous.

Mr. Turi made a motion to adjourn the meeting; Mr. Phinney seconded the motion; the vote on the motion was unanimous.

The meeting was adjourned at 8:45 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.