

Conservation Commission

One Liberty Lane
Norfolk, MA 02056

October 9, 2019

7:00 P.M.

TOWN CLERK
NORFOLK

2019 NOV 14 AM 10:20

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 ----- Absent	
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:

358 Main St, NOI #240-620

Present was Jim Susi, United Consultants, Inc. (UCI); Plans presented were entitled “Septic System Design, 358 Main Street, Norfolk, MA,” prepared by UCI, dated 8/8/19, rev. through 9/5/19.

Mr. Turi noted that the abutter notice needed to be revised, and some changes made to the plan. Abutter notice will be corrected and re-sent. Mr. Susi proceeded with an overview, indicating on the plan where the existing building is that will be razed and the location for the new building, also indicating where the driveway will be and where the buffer lines are. Ms. DeLonga said that if they shifted the building location, they could stay out of all resource buffer zones. Mr. Susi will check with the owners.

Ms. Fraher made a motion to continue the hearing to November 13, 2019, at 7:10 P.M.; Mr. Laberge seconded the motion; the vote on the motion was unanimous.

19 Fredrickson Rd, Request for Determination of Applicability

With nobody in attendance, Mr. Turi said the hearing would be continued.

Ms. Fraher made a motion to continue the hearing to November 13, 2019, at 7:20 P.M.; Mr. Laberge seconded the motion; the vote on the motion was unanimous.

With time to wait before the next hearing, the Chair turned to Old Business.

OLD BUSINESS:

Eagle Scout Project – Sam Woodward updated the Commission on his progress. Ms. DeLonga walked the trail and approved of the path it took; there should be about 3 bridges; trail markers will be painted on trees, maps at the beginning of trails will be updated; will avoid any large tree removal, just some small white pines; hope to start when EEE virus is no longer a threat. Bridges should be 5”-10” above the ground, will not require railings; pressure treated wood will be used for the bridges, slip resistant sheets may be used. There is one area where it connects to other trails, where there is a hill going up; heavy rain can create a gully, so about 3 dirt terraces will be constructed, perhaps with wood railroad ties.

At 7:20, the next hearing was addressed.

PUBLIC HEARINGS: (cont'd)

72B North St, Request for Determination of Applicability

Present was Rob Carelzon, Grady Consulting, LLC. Plans presented were entitled "Site Plan, #72B North Street, Norfolk, Massachusetts," prepared by Grady Consulting, LLC, dated 1/19/18, rev. through 9/23/19.

Mr. Carelzon gave an overview of the plan to raze and rebuild at 72B North Street. Wetlands associated with King Fisher Pond, part of Bristol Blake Reservation, run along the property, and a portion of the existing house is within 100' of the wetland. The plan is to raze this house, and rebuild outside of the 100' buffer zone; the new septic system components will also be outside of the 100' buffer zone. A silt fence is proposed. Per the Board of Health, one septic pipe was moved about 5' but this had no wetland impacts, erosion controls shown on plan are still correct. Access to property is off Johnston Way, via existing driveway.

Ms. Fraher made a motion to close the hearing for 72B North Street; Mr. Weisheit seconded the motion; the vote on the motion was unanimous.

Ms. Fraher made a motion to issue a Negative Determination #3 for 72B North Street; Mr. Phinney seconded the motion; the vote on the motion was unanimous.

MINUTES:

September 11, 2019 - Mr. Laberge made a motion to accept the minutes of September 11, 2019; Mr. Weisheit seconded the motion; the vote on the motion was unanimous.

OLD BUSINESS: (cont'd)

Discuss status of 144 Seekonk Street – Atty. A. said he had asked Patrick Garner if he had back up notes from his investigation, but he did not, so there was no further information for them to review, since the August 8, 2019, report. Mr. Turi said that Conservation Commission had no further information.

Atty. A. referred to soil evaluations done by BETA, along with professionals on behalf of the ZBA, the previous Thursday [October 3, 2019]. Atty. A. said that they had said during the last Conservation meeting that they would share results of this soil testing. An excavator was used, and evaluations have been done. Mr. Turi said no information has been received by the Commission. Atty. A. expressed frustration with communication between the boards.

Atty. Hill differed, saying he had spoken to Atty. A. several times, and had let him know that a representative from BETA was going back to the site this afternoon [October 9] to look at the area her associates had witnessed last week; Atty. Hill had told Atty. A. that he will share the report with him as soon as it comes in.

Dr. John Rockwood, EcoTec, was not at the site last week, but reviewed the information on 3 test pits that he was presented with from Dan O'Driscoll, a Licensed Soil Evaluator, who was at the site. In addition to Mr. O'Driscoll and the two representatives from BETA, Sara White from Tetra Tech and David Crossman from B&C Associates were also there. The documented results were reviewed by a Soil Scientist and a Licensed Soil Scientist at B&C, and were found to not be hydric soils. Dr. Rockwood said the B horizon was too bright, or not grey enough, and given the matrix color, the other features aren't relevant in determining if they are hydric. TP BETA 1 exhibited 9" of fill material, then 3" of organics

into an A horizon; the 2 B horizons documented were “fairly bright.” TP BETA 2 exhibited 14” of fill into two different A horizons, then the B and C horizons; B horizon was very bright. TP Andrews 2022 is “clearly” an upland profile. BETA 1 is in “Area 2” as defined in Patrick Garner’s report of 8/8/19; BETA 2 is south of it, and Andres 2022 is north of it. Both BETA pits are within the alleged fill area. Mr. Wilson questioned why there is an organic layer under the fill in TP BETA 2, but not TP BETA 1; Dr. Rockwood said there also was no organic material seen in Andrews 2022, so that could have just been the natural layer before fill was placed. For reference, Mr. O’Harte referred to Figures 6 & 11 in Mr. Garner’s 8/9/19 report. Atty. Hill said he thought he would have a report from BETA this evening, but since he did not, he recommended continuing the hearing.

Atty. Hill said BETA was hired to be the ZBA’s wetland peer reviewer, as the applicant had asked for waivers from the local wetland bylaw. Mr. Turi said a meeting could be set up with 48 hours’ notice after the report is received from BETA. Atty. A. asked to get the soil profiles from BETA, prior to their report being issued.

Lorraine Sweeney, 14 Stop River Road, said that Mr. Garner made two recommendations: that Area 1 should be surveyed in the late winter, and Area 2 should have a third party go out and look at it with Mr. O’Harte’s experts. Ms. Sweeney said it is her understanding that the Commission is not looking at this with regard to the 40B proposal, but with regard to “other action” by the ZBA in 2017. Mr. Turi said that the Commission will look at all of the information after the BETA report is received, and make a determination as to whether there were violations in a public meeting at that point. Ms. Sweeney said it was her understanding that a determination by the Commission could result in either no action being warranted, or a requirement that a Notice of Intent be filed because wetlands had been altered, with no relation to the 40B process in either case. Mr. Turi said those were two possibilities.

Atty. A. reiterated a prior point of the lack of wetland plants. Atty. Hill said he did not believe that absence of vegetation is a dispositive fact as to the presence of a wetland. Ms. DeLonga said there could be several reasons for there being no vegetation. Atty. Hill noted that the Form 11 Soil Assessments referred to tonight were not signed by a Licensed Soil Evaluator; he also wondered why Dr. Rockwood, who was not on site for the testing, presented the soil evaluations tonight instead of Mr. Crossman, who was present at the testing, as well as present at the meeting tonight. Mr. Crossman said he was present, along with the other 4 people, all of whom were more experienced in soil evaluation. He said that in his experience, however, there was nothing present to indicate hydric soils, due to the bright chroma, but he deferred to the experts. In response to Atty. A. Mr. Turi said he would ask the ZBA Chair to share the raw data, before BETA’s report is prepared, and a meeting will be scheduled as soon as BETA’s report is received.

Mr. Weisheit made a motion to close the hearing; Ms. Fraher seconded the motion; the vote on the motion was unanimous.

The meeting adjourned at 8:25 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.