

**Conservation Commission**  
 One Liberty Lane  
 Norfolk, MA 02056  
**December 11, 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:**

12 Lake Shore Drive, NOI #240-621 (cont'd from 11/13/19) - With no one present for the hearing, Mr. Turi moved on to other business.

**OLD BUSINESS/CORRESPONDENCE:**

Discuss status of 144 Seekonk Street – Mr. Turi announced that a fully executed Stipulation of Dismissal has been received and the matter of “Lakeland Hills, LLC, Lakeland Commons, LLC, Edward B. O’Harte, and Sandra O’Harte v. Town of Norfolk Conservation Commission, et al. C.A. No. 1982CV00845;” case is closed.

November Report for Callahan Pond – everything looks fine.

**PUBLIC HEARINGS: (cont'd)**

360 Main Street, ANRAD #240-622 (cont'd from 11/13/19)

Present was Scott Jordan, EcoTec. Plans presented and referred to were entitled “Abbreviated Notice of Resource Area Delineation (ANRAD) for 360 Main Street in Norfolk, MA,” prepared by Allen Engineering & Associates, dated 10/29/19, rev through 11/19/19.

Mr. Jordan said Ms. DeLonga had determined that flood plain is an AE flood plain (requires elevations) and had an elevation 136; the flood plain elevation and associated buffer zone has been added to the plans. Ms. DeLonga changed the reference of “bank” of Mill River to “riverfront area.” She requested that “historic mill complex” be more completely defined. Mr. Jordan said that “historic mill complexes” refer to those in existence in 1946; they are associated with dug canals, and therefore the sluiceway shown on the plan does not have a riverfront area.

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

*Mr. Wilson made a motion to issue the ORAD indicating that the resource areas are accurately drawn; Mr. Laberge seconded the motion; the vote on the motion was unanimous.*

46 River Road, NOI #240-623

Present was John Glossa, Glossa Engineering. Plans presented and referred to were entitled “#46 River Road, On-site Sewage Treatment and Disposal, Plan of Land in Norfolk Massachusetts,” prepared by Glossa Engineering, and dated 11/8/19.

Mr. Glossa said this is a 3-bedroom house and the owners are planning to update the septic system. Mr. Glossa indicated the Charles River, and inner- and outer-riparian zones on the plan, stating that the entire lot is in the flood zone. An alternative system is being used, which only needs to be 2’ to the water table vs. 4’, but the ground does still need to be raised a little bit. 5,100 c.f. of fill needs to be placed within the flood plain; DEP did not comment on this; the amount of soil compared to the volume of water that would be present in a 100-year storm is minimal. The existing cesspool that is in the water table is being abandoned; the new system will be pumped up to a leaching bed.

Ms. DeLonga did a site visit, and asked why the system is not being placed in the front yard; Mr. Glossa said it was placed where it is for aesthetic reasons; the finished grade is at about 1-1/2’ above the top of the foundation of the house. Mr. Glossa said the proposed system is far enough away from three trees that Ms. DeLonga asked about. There has been a lot of fill placed on this property over the years. The new water line currently goes through where the new leaching field is located; the applicant is aware that the water line needs to be relocated. Mr. Glossa and Ms. DeLonga have discussed erosion controls.

*Mr. Laberge made a motion to close the hearing; Mr. Phinney seconded the motion; the vote on the motion was unanimous.*

*Mr. Wilson made a motion to issue the Order of Conditions; Ms. Fraher seconded the motion; the vote on the motion was unanimous.*

15 Lincoln Road, NOI #240-

Present was Brian Yergatian, BSC Group. Plans presented and referred to were entitled, “Photovoltaic System, 15 Lincoln Road, Norfolk, MA,” prepared by BSC group, dated September 27, 2019, rev’d through 12/11/19.

Mr. Yergatian detailed the location on the property, and indicated where Stop River, with a 100-year flood plain elevation of 123, is located, as well as the 50’ and 100’ BVW buffer zones, and the 100’ and 200’ riverfront zones. Chain link fencing is proposed around the perimeter of the proposed photovoltaic area. The site is accessed through a gravel road, for which the owner (the electric company) has an easement; BSC is proposing to extend a short access road into the property, with some equipment storage pads. Site is an auto salvage junk yard; much of the automobiles and parts have been buried throughout the site over the years. BSC proposed to “flatten out” the site after the removal of metal and vehicle parts, and install a subsurface drainage system in the northern part of the site; there will be 5 catch basins in a riprap-lined swale in this area, which will discharge to 5 different locations into the subsurface system. There is an overflow area, but the system is designed to withstand a 100-year storm. The swale will have stone-lined walls, and the catch basins will be domed. A Sweet Savannah seed mixture is planned, which will be mowed 2 times per year, only allowing it to grow to about a foot at any time.

Mr. Wilson expressed concern about settled contaminants being pushed down further into the aquifer. Mr. Yergatian said that in order to construct the system, about 7’ of soil will need to be removed. The entire site is contaminated; a Licensed Site Professional (LSP) who began work on the project did not get to the point of a remediation plan before the owner went bankrupt. The applicant proposing to purchase and do this work on the site will determine the full extent of contamination and create a plan for cleaning.

Ms. DeLonga suggested it would be a good idea for someone to come look through the files that exist in the town’s files. Mr. Yergatian said he does not have enough information at this time to say whether the entire

site will be cleaned up. Ms. DeLonga also recommended hiring a peer reviewer. The swale with the catch basins will be approximately 100' from the river, although the exact distance is not indicated on this plan yet. Regarding peer review, the Planning Board is already using BETA, who indicated they are open to reviewing the wetlands; Rich McCarthy, Town Planner, said it would be OK to use them; it is OK with the applicant. Mr. Yergatian discussed timing, stating that they would like to have time to respond to any review comments before the next meeting. Ms. DeLonga asked for backup materials that were not included with the Notice of Intent. Mr. Yergatian said it is permissible for Ms. DeLonga or other member of the Commission to go in through the open gate. The gravel road through the easement will probably not be paved, but the extension into the site will be paved. The fire department has asked for 15' wide clear access inside the fence; good enough for a pickup truck, but not necessarily paved. Ms. DeLonga had enquired about a possible gap in the fence for wildlife, but Mr. Yergatian said that neighbors were not in favor of that idea, and expressed concern about pets.

***Ms. Fraher made a motion to continue the hearing to January 8, 2020, at 7:00 P.M.; Mr. Wilson seconded the motion; the vote on the motion was unanimous.***

12 Lake Shore Drive, NOI #240-621 (cont'd from 11/13/19) – Although no one was present for the hearing, Ms. DeLonga noted that she had been able to prepare a draft Notice of Intent, stating that Conservation concerns had all been addressed, although it was unclear if the Board of Health would require revisions.

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

***Mr. Weisheit made a motion to issue the Order of Conditions; Mr. Phinney seconded the motion; the vote on the motion was unanimous.***

#### **ACTION ITEMS:**

84 Cleveland Street, #240-577 – Extend COC

***Mr. Weisheit made a motion to extend the Order of Conditions; Ms. Fraher seconded the motion; the vote on the motion was unanimous.***

15 Harlow Avenue, #240-421 - Certificate of Release

***Mr. Phinney made a motion to issue a Certificate of Release; Ms. Fraher seconded the motion; the vote on the motion was unanimous.***

#### **MINUTES:**

November 13, 2019 – an editorial comment needs to be removed. Also the word “place” will be replaced with “placed.”

***Mr. Laberge made a motion to accept the minutes of November 13, 2019, as amended; Mr. Phinney seconded the motion; the vote on the motion was unanimous.***

#### **CORRESPONDENCE:**

Summary of proposed amendments to 310 CMR 10.00 (emailed to members 11/26/19) – briefly discussed the email received from DEP on November 25, 2019, with regard to reviewing and commenting on proposed regulation changes.

Active Orders of Conditions List – Ms. DeLonga distributed her list of active orders, just to make members aware of what's out there.

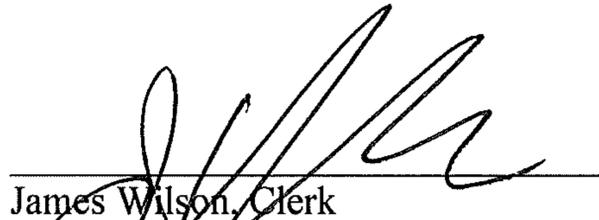
Discuss Eagle Scout Project – Liability form was sent; members not sure of status of project.

**UNANTICIPATED NEW BUSINESS:**

Ms. DeLonga said that the Board of Health is looking for input on where to place signs regarding consumption of fish caught in town. Donna Jones, North Street, said that abutters to the proposed Abbyville project are aware that the site is contaminated, and they had asked about placing signs to that effect at the bridge on Lawrence Street. Ms. Fraher mentioned that people always fish off the bridge on Miller Street, and mentioned she would not be surprised if there was contamination there, due to the proximity of the old airport. Mr. Turi said that members should pass comments/suggestions to Ms. DeLonga and/or Ms. Brady for forwarding to the Board of Health.

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

The meeting adjourned at 8:15 P.M.

A handwritten signature in black ink, appearing to read 'James Wilson', is written over a horizontal line. The signature is stylized and cursive.

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.