

Conservation Commission

One Liberty Lane
Norfolk, MA 02056

March 11, 2020
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 ----- Absent	
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:

3 Cedar Road, NOI #240-625 (cont'd from 2/12/20)

Present was Matt Tavares, UCI. Mr. Tavares said that all open issues with the Board of Health have been approved. Ms. DeLonga said she had sent the draft Attachment A to the Commissioners for approval.

Mr. Weisheit made a motion to close the hearing for 3 Cedar Road; Ms. Fraher seconded the motion; the vote on the motion was unanimous.

Mr. Weisheit made a motion to issue the Order of Conditions for 3 Cedar Road; Ms. Fraher seconded the motion; the vote on the motion was unanimous.

CORRESPONDENCE:

- Callahan Pond Report – all looks good. Report is appreciated
- Highland Lake – Ms. DeLonga has not heard anything
- Mass DOT letter dated 2/27/20 – Ms. DeLonga said she had received an email from Mass DOT, gave an overview of what they intend to do; they will not affect the culvert.

NEW/OLD BUSINESS:

Friends of Mirror Lake (FOML) Discussion

Joe Gately, 6 Pine Road, said the neighbors have an elected board, and they have worked for the last 2 years to facilitate funding, etc. from town of Wrentham for treatment of the lake, and are looking to see what Norfolk's guidelines would be, and if they can get the two towns working together. Tom Sousa, 348 Forest Grove Ave., Wrentham, co-chair of the board, gave a history of the lake. The launch is located on the Norfolk side of the lake. The residents maintain the lake and are very active with fundraisers, etc. They have worked with the Town of Wrentham and received money from them for weed treatment and studies on drainwater. They are looking to see how they can bring both towns together. The highest peaks, where the most drainage is coming from, are on the Norfolk side of the lake. There is "muck" several feet deep. They are looking for the towns to help them meet their goals in cleaning up the lake. They recently received \$23,000.00 from Wrentham CPC for weed treatment and research for stormwater runoff, but have also paid for a lot of it themselves. They are treating chemically, using SOLitude Lake Management. Studies show that the lake could be gone in 10 years; they will be happy to share their information with the Commissioners.

Asked by Mr. Turi what the plan is, Mr. Sousa said first step will be to stem the flow of eutrophication; there are several drains that send runoff right into the lake. Michael Carr, 51 Mirror Lake Ave., also discussed some of the reasons for the degradation of the lake, and community efforts in support of it. Mr. Turi asked the FOML to forward the studies they've had done to the Commission. Mr. Turi said they would try to have some discussion with the Wrentham Conservation agent before the next meeting, and try to come with an outline or a plan that both sides can support. Mr. Gately said that they do get a tremendous amount of support from the Norfolk DPW. Mr. Sousa said that in addition to the \$23,000.00 for FOML, the town also voted to purchase a weed harvester for Lake Pearl and another type of harvester for Lake Archer (which are town-owned) and there may be potential for using those for Mirror Lake. They are also looking to do some dredging. Mr. Turi said they could approach CPC for funds, too, but the first step would be for the Conservation Agent to review the reports.

Donna Jones, North Street, said she has been asking for years what the towns need to do to maintain their lakes and other resources. Her understanding is that, once something gets bad, CPC can restore it, but it cannot maintain it. What would the vehicle be for having it maintained after it is restored. Mr. Turi said he would work with CPC on the correct wording, but he believes the money is there. Mr. Phinney referred to the new stormwater regulations, that would reduce damage from stormwater runoff. Sara Pierce, 290 Forest Grove Avenue, Wrentham, is an environmental consultant with Pare Corp., as well as a member of FOML. She believes a big part of the part of the lake's problem is the sediment discharging directly from streets into the lakes, and the new regulations will help to reduce this. Mr. Wilson noted some specifics with recharging that will be done, and asked if the Army Corps of Engineers had been approached with regard to dredging. John Denekamp, 115 Walnut Road, Wrentham, said it was discussed many years ago, but it never happened. Mr. Wilson said the board could send communication to the Corps regional office of what they would like done. FOML will send their reports and other materials to date to the Commission.

15 Lincoln Road, NOI #240-0624 (cont'd from 2/12/20)

Plans and documents presented and referred to were entitled "DEP Notification of Wetlands Protection Act File No. 240-0624," with comments; letter from BETA Group to Planning Board re: Site Plan Application Peer Review Update, dated 12/24/19; letter from BETA Group to Conservation Commission re: 15 Lincoln Road, Norfolk NOI Peer Review, dated 2/4/20; letter from BSC Group to Conservation Commission re: Proposed Ground Mounted Solar Photovoltaic Array, 15 Lincoln Road, Response to Peer Review Comments, dated 2/14/20.

Present were Marta Nover, BETA Goup; Brian Yergatian, BSC Group, representing Next Grid; Daniel Serber, Next Grid.

Mr. Yergatian said since they were last before the Commission, BETA had performed a peer review, and they responded on February 14. They have received approvals from the Planning Board and the ZBA.

Ms. Nover said that she does not believe the project as presented meets the performance standards under the wetland regulations for riverfront, nor the stormwater regulations and standards. She said degraded riverfront areas have not been defined, and an Alternatives Analysis has not been provided demonstrating there are no alternatives to the current design. She said some comments presented by BETA in December have not been answered; test pit data not provided. She said most of their comments were mirrored by DEP in their File number comments. Ms. Nover said she thinks this is a good site for a solar project, but work needs to be done to make it meet DEP standards; she believes there would be a high likelihood of DEP intervening if the project were approved by Norfolk ConCom. Mr. Yergatian said that he sat down with Phil Paradis from BETA and responded to all of his comments, and subsequently submitted a revised design; he said there were no comments regarding stormwater in Ms. Nover's wetland review. Ms. Nover said she spoke to Mr. Paradis that day, and he said the December 24 letter had not been responded to. Mr. Turi asked for a copy of the applicant's response to BETA's 12/24/19 stormwater comments. Ms. Nover reiterated her feeling that if the current plan were to be approved, there would be a high likelihood that DEP would intervene and supersede. Mr. Serber said that all communication he has received from DEP has been positive, and they will be obtaining 2 permits directly from DEP, since this is a brownfield site. Mr. Serber said their January 14 response letter included responses to the riverfront comments from Ms. Nover, and requested that Ms. Nover put her remaining questions in writing. Mr. Turi requested the applicant and Ms. Nover have a "sidebar."

In addition, Ms. Nover said that although their new plans reflected new flag placement, they were not physically relocated in the field. Mr. Turi said the parties need to talk, and get back to the Commission with a timetable. Ms. DeLonga shared the comments she had originally made to the Planning Board Notice of Hearing. Mr. Serber said the solar panel site is being developed through the Massachusetts Smart Program; it will cost over \$700,000.00 in cleanup and the owner owes a lot of money in back taxes. The site needs to be certified as a brownfield, so they can get funds from the Smart program to clean up and develop the site. If they can't get approval to get it into the Smart program, then they cannot get funding to clean it up. Ms. DeLonga asked if there was a time limit for obtaining the funds, and Mr. Serber said it was a declining block schedule, and you lose money with each declining block.

Ms. Fraher made a motion to continue 15 Lincoln Road to April 8, 2020, at 7:00 P.M.; Mr. Wilson seconded the motion; the vote on the motion was unanimous.

360 Main Street, NOI #240-_____

Plans presented and referred to were entitled "New Manufacturing Building, 360 Main Street, Norfolk, MA, Presentation Plan, dated 3/5/2020. Present was Katie Enright, Howard Stein Hudson, on behalf of Camger Coatings.

Ms. Enright gave an overview of the project. They are looking to redevelop the 6 acre site next door to the existing building. The proposed new building will be one-story 100' x 200' building, located about 150' from the nearest abutter, about 200' from Mill River. ANRAD was previously before the Commission, and was delineated. The have appeared before the Planning Board, and have been through 2 reviews by BETA. Parking & impervious surfaces will be to the east, far from Mill River. Waivers for reduced parking and locating loading area in front of building have been requested from the Planning Board. An area for potential future expansion of about 5,000 s.f. has been provided for in the plan; this would require appearing before the Commission again at that time. Significant testing has been done for the septic system. Extensive soil testing has been done throughout the site; they have good infiltration rates. Ms. Enright reviewed the drainage system elements, which will reduce runoff in all directions. Existing structures will be removed. No work is proposed within the 100' riparian zone; between the 100-200' zone, only work for drainage.

Ms. DeLonga made note that the map-block-lot was incorrect on the application. Riverfront on the site is almost 100,000 s.f. but since this is a newly created lot, it doesn't fall under grandfathering, and allows for 10% and right now about 25% is proposed; suggested that be reviewed, and a reason given. Ms. DeLonga asked for one plan that shows the whole lot. Ms. Enright said a locus plan would be added. Ms. DeLonga said state fees may have been overpaid; requested applicant be sure all boxes are checked on the stormwater checklist; planning board is reviewing stormwater data; Ms. DeLonga asked that BETA's review be sent over. Ms. DeLonga asked where the well will be located.

In response to Mr. Phinney, Ms. Enright described a bioretention area, and said there is an entire Operation & Maintenance manual that goes along with them.

Norman Mullaney, 89 Medway Street, said that retention areas must be maintained, or they become overgrown.

Ms. Fraher made a motion to continue 360 Main Street to April 8, 2020, at 7:10 P.M.; Mr. Phinney seconded the motion; the vote on the motion was unanimous.

Meetinghouse Road Solar Array, NOI #240- (cont'd from 2/12/20) Plans presented and referred to were entitled "Ground Mounted Solar Array, 41 Meetinghouse Road, Norfolk Massachusetts," prepared by CLC Design pg. C-1, dated 1/3/2020, rev. through 3/11/20. Present was Nathan Collins, CLC Design.

Mr. Collins noted that a DEP number was received. He said the only change since the last meeting was that they received conditional approval from the Planning Board, and some landscaping was required. A post-construction meeting will also be held to see if any additional plantings are needed. Letter from Natural Heritage (NHESP)

resulted in “no take” for the habitat. No written comments have been received from DEP, but based on discussions, he does not anticipate any problems. A gravel access drive is proposed; project results in just under an acre of clearing; will be surrounded by 6’ high black vinyl coated chainlink fence, 6” off grade; a detention pond is proposed. most grading will be maintained; a vegetated swale with riprap is proposed near the gravel drive; a swale is also proposed on the eastern side to catch runoff due to the change in surface type. The detention pond is 2’ which is in excess of the 100 year flood event requirement; there is an emergency overflow on the eastern edge if there is a storm in excess of that. Mr. Collins noted the old detention basin that was deemed a wetland resource area; a 50’ buffer zone is being maintained.

Ms. DeLonga asked if there will be additional plans; Mr. Collins said we had copies of all that has been changed. Ms. DeLonga said she was at the site with a tape measure, and is comfortable that the 50’ buffer is being protected. Ms. DeLonga would like to continue to the next meeting, in case there are any comments from DEP; she said she will have the Order of Conditions ready for signatures, and the applicant does not need to be present.

Ms. Fraher made a motion to continue Meetinghouse Road Solar array to April 8, 2020, at 7:20 P.M.; Mr. Phinney seconded the motion; the vote on the motion was unanimous.

APPOINTMENT:

144 Seekonk Street – Marta Nover update – Mr. Turi said that the ZBA was looking for feedback from the Commission. Ms. Nover said she was at the last ZBA meeting for this project, having reviewed the project in order to advise them on potential impacts the project could have on the local wetlands bylaw and regulations. There is a narrow wetland that runs through the site, and a road crossing at the southeast corner. Site plan shows significant site clearing and earth moving. The Commission did previously issue an ORAD and there was a subsequent superseding Order that did confirm the boundary of the wetland boundary as well as an isolated vegetated wetland (IVW.) In December of 2019, BETA observed a stream flowing down the center of the wetland system, that was not identified during the ANRAD process, nor confirmed by the SORAD, because the applicant did not ask for that to be confirmed. Ms. Nover pointed an area above the IVW, and said the stream began there, and flowed down through the BVW, into a rock fill slope. BETA’s feeling is that the project will likely have impacts to the resource area. Ms. Nover said BETA advised the ZBA to require a Buffer Zone Evaluation to provide information about the buffer zone’s value, citing the need to know what wildlife habitat the wetland does provide, and to make sure there is no adverse impact to the wildlife habitat. She said a vernal pool was observed. She recommends that the applicant provide a Water Budget Analysis. The ZBA would like to know if the ConCom would normally require these evaluations/analyses in this case.

Mr. Wilson said it was required of the previous applicant, at Meetinghouse Lane, because it went from forested to grass, and there is a considerable difference in runoff when that is done. It was addressed in the applicant’s stormwater treatment plan, and it is something the ConCom would request. Mr. Weisheit said that since this is a 40B project, and the ZBA is stepping into the shoes of the ConCom with regard to local bylaw issues, it is very important that the Commission give them feedback. Ms. DeLonga concurred that a study would be recommended, and cited the development at Tailwind Circle as an example.

Mr. Weisheit made a motion to authorize Janet DeLonga to place a memo in the file on behalf of the Commission, stating that the Commission endorses with approval BETA's recommendations for how the ZBA should review and apply the bylaw to this project, and allows Ms. DeLonga to include any other issues she thinks appropriate for ZBA to include in their review; Ms. Fraher seconded the motion;

Lawrence Clark, 130 Seekonk Street, said that at the last ZBA meeting, Ms. Nover mentioned a potential vernal pool and recommended it be looked at in the spring; Ms. Nover said that is one of the recommendations in her letter that the ConCom is endorsing.

Karen Clark, 130 Seekonk Street, asked if the stream observed in December interferes with the proposed roadway. Ms. Nover said it would. Ms. Clark asked if 2 wetland crossings were permitted under the bylaw. Ms. DeLonga said it is permissible in some cases, and the area of impact needs to be considered. Ms. Clark asked if the buffer zone is different for a wetland than it is for a vernal pool; Ms. Nover said she believed a vernal pool buffer was 100’ from

the depression, with a 100' buffer for a total of 200', but she would have to confirm. Ms. Clark asked if there was a particular month that it should be looked at to verify; Mr. Turi said March/April.

the vote on the motion was unanimous.

NEW BUSINESS:

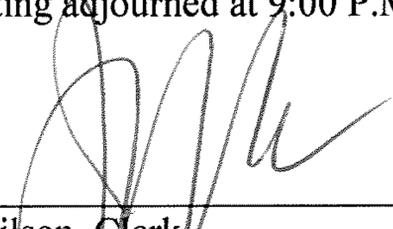
89 Medway Street – Flooding Issues – Norman Mullaney, 89 Medway Street, addressed flooding that has occurred on his property over the last year. Ms. DeLonga wrote a letter to the owners at the corner of Myrtle and Miller Streets, who have a duck pond with a dam at the far end of it. Mr. Mullaney said he has also notice flooding on the opposite side of Myrtle Street, where Cress Brook comes under the road to that pond. The owners responded to Ms. DeLonga's letter saying they had not raised the dam, and suggested that perhaps it was beavers, but he believes that would cause flooding upstream, not downstream. Mr. Turi has visited the site. Mr. Mullaney said since Mr. Turi's last visit, the flooding has intensified on his property. Ms. Fraher said she has seen beaver activity in that area. Mr. Mullaney said he has never had flooding in 42 years. He said the pond has risen to the top of the banks on both sides. He is concerned about standing water contributing to mosquitoes and death of vegetation. Ms. DeLonga recommended that he call Norfolk County Mosquito Control, they have the authority to go onto the property and check it out. Mr. Weisheit said he might to consult an attorney, and perhaps a letter from an attorney's office to the owner of the dam might be helpful. Mr. Turi said there are large beaver dams downstream, on Miller Street. The Army Corps of Engineers was cited as another resource.

OLD BUSINESS:

Conservation Signs – Ms. DeLonga, showed the sample sign that was made up. All of the Commissioners thought the size and colors were just right. Public Works will contribute the posts. Mr. Turi said DPW will also dump wood chips at Campbell Forest's North Street entrance, and Lions Club members and citizen volunteers will spread them. Mr. Phinney asked about the "arrow" signs, and Mr. Turi said they will be addressed. Mr. Turi asked if Ms. DeLonga has a list of Conservation properties; Ms. DeLonga said she is working on that with the Assessor's office.

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 9:00 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.



**TOWN OF NORFOLK
CONSERVATION COMMISSION**

ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

TEL: (508) 541-8455
FAX: (508) 541-3377

norfolk.ma.us

CERTIFICATION PURSUANT TO G.L., Ch.39, §.23D
(ACCEPTED UNDER ARTICLE 12
OF THE SPECIAL TOWN MEETING
OF OCTOBER 24, 2006)

DATE: 4/8/2020

APPLICANT'S NAME: Next Grid

PROJECT NAME/LOCATION OF PROPERTY: Meeting House Road
Solar Array

DEP/NCC FILE NO: 240-626

ASSESSORS' REFERENCE: Map 14 Block 41 Lot 9

I, Alfred Laberge hereby certify that I have examined
all evidence received at the one (1) session of the public hearing in the above matter held

3/11/2020 including (check all that apply):

- An audio recording
- A video recording
- A transcript

Alfred R. Laberge

Signature of Commission Member



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DATE: 4/8/2020

APPLICANT'S NAME: Jim Summers

PROJECT NAME/LOCATION OF PROPERTY: 360 Main St.

DEP/NCC FILE NO: 240-625

ASSESSORS' REFERENCE: Map 12 Block 62 Lot 62

I, Alfred Laberge hereby certify that I have examined
all evidence received at the one (1) session of the public hearing in the above matter held

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DATE: 4/8/2020

APPLICANT'S NAME: Next Grid

PROJECT NAME/LOCATION OF PROPERTY: 15 Lincoln St
Solar Array

DEP/NCC FILE NO: 240-624

ASSESSORS' REFERENCE: Map 22 Block 76 Lot 19

I, Alfred Laberge hereby certify that I have examined
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DATE: 4/8/2020

APPLICANT'S NAME: Camger Coating Systems

PROJECT NAME/LOCATION OF PROPERTY: 360 Main St.

DEP/NCC FILE NO: 240-627

ASSESSORS' REFERENCE: Map 2 Block 6 Lot 3-1

I, Alfred Laberge hereby certify that I have examined
all evidence received at the one (1) session of the public hearing in the above matter held

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- A transcript

Alfred R. Laberge
Signature of Commission Member