Conservation Commission
One Liberty Lane
Norfolk, MA 02056

Meeting of September 9, 2015
7:00PM

Commission Members	**Others**
John Weddleton –Chair -------- --present	Janet DeLonga ---Agent ----------present
Joyce Terrio———V. Chair ------ absent	Amy Brady ---Administrative Assistant
Patrick Touhey ----Member ----- present	
Dan Crafton --------Member ----- present	
Michelle Lauria --- Member ---- present	

The duly posted meeting of the Norfolk Conservation Commission convened at 7:01 p.m. in Room 124 at the Norfolk Town Hall. The meeting was audiotaped.

MINUTES:

The commission reviewed the ***Minutes of July 8, 2015***. *Mr. Touhey made a motion to accept the minutes as presented; Ms. Lauria seconded the motion;* ***the vote on the motion was unanimous.*** *(Mr. Crafton did vote in favor, although he was not present at the meeting of July 8, 2015.)*

The commission reviewed the ***Minutes of August 12, 2015***. *Mr. Touhey made a motion to accept the minutes as presented; Mr. Crafton seconded the motion;* ***the vote on the motion was unanimous.***

VOUCHERS:

One voucher was signed: 47 Seekonk – Consultant Services

ACTION ITEMS/ORDERS/EXTENSIONS:

Forms:

1. Order of Conditions, 20 Valley Street: *Mr. Touhey made a motion to issue the Order of Conditions for 20 Valley Street; Ms. Lauria seconded the motion;* ***the vote on the motion was unanimous.***
2. Order of Conditions, 88 River Road: *Mr. Touhey made a motion to close the hearing for 88 River Road; Ms. Lauria seconded the motion;* ***the vote on the motion was unanimous.***
3. Certificate of Compliance, 18 Medway Branch: *Mr. Touhey made a motion to issue a Full Certificate of Compliance for 18 Medway Branch; Mr. Crafton seconded the motion;* ***the vote on the motion was unanimous.***
4. Certificate of Release, 12 Eric Road Extension: *Mr. Touhey made a motion to issue the Certificate of Release for 12 Eric Road Extension; Mr. Crafton seconded the motion;* ***the vote on the motion was unanimous.***
5. Certificate of Release, Sandy Knoll Estates II: *Mr. Touhey made a motion to issue the Certificate of Release for Sandy Knoll Estates II; Mr. Crafton seconded the motion;* ***the vote on the motion was unanimous.***
6. Certificate of Release, 3 Surrey Lane: *was previously taken care of.*
7. Certificate of Compliance, Partial, Lot 2, #6 Ariana Lane: Mr. Weddleton noted that since they filed as one NOI as a subdivision, and not as individual lots, partial approvals by lot are necessary until the subdivision is complete *Mr. Touhey made a motion to approve the Partial Certificate of Compliance, for Lot 2, #6 Ariana Lane; Mr. Crafton seconded the motion;* ***the vote on the motion was unanimous.***

APPOINTMENTS - PUBLIC HEARINGS:

7:15 Eagle Scout project – **Garrett Schneider** – Lind Farm: Mr. Schneider updated the Commission with regard to his Eagle Scout project. He built 2 bridges to replace older ones, using blueprints of the older bridges, which he had been given; brought refuse to transfer station. He built an information stand with a Plexiglas covering and corkboard to post things on, at the beginning of the trail. Walked with GPS and plotted points, which he then connected to the map, including locations and distances of trails; went through and marked previously unmarked trails. Ms. DeLonga asked for copy of the map; Mr. Schneider will send a digital copy which can be put on the town website. In response to Mr. Weddleton's question, Mr. Schneider responded that he had used pressure treated wood to build the bridge, and that it has not been inspected, although he left a message for the Building Inspector. Mr. Crafton has visited the site, and said it is very nice, and definitely better than it used to be, the sign at parking lot is informative. *Mr. Crafton made a motion to approve the Eagle Scout project; Mr. Touhey seconded the motion;* ***the vote on the motion was unanimous.***

7:30 Mr. Weddleton opened the public hearing for 47 Seekonk Street: Present were Mr. Ray, Tracy Sharkey, Lisa Caladonia, Lenore White. Mr. Weddleton commented that revision dates are not clear on the plans received tonight, and requested they be more uniform going forward. Mr. Weddleton stated that he does not see a gravel drive sketched in, Ms. Caladonia said "it's there;" Mr. Weddleton said the plan must show a properly-labeled, contiguous driveway; it must be shown as a driveway from the house to the street, not a cart path, regardless of whether it is being surfaced. Ms. White reviewed the August 28, 2015, plan and memo from Ms. Caladonia: Ms. White's Comment #1 was that the applicants have demonstrated that riverfront standards have been met to the extent practicable (given that work had been initiated previously, "at their own risk", and without flagging). Comment #2, Ms. White stated that she was somewhat confused about language in the memo relating to geothermal and solar, but nothing is shown on the site plan. Mr. Ray clarified that the geothermal wells referenced in the memo are outside of the plan area. Ms. White's Comment #3 was with regard to plants in the mitigation area being wetland plants; suggested a revised plan to put in more appropriate plants, or commit to a monitoring and replacement plan if the plants fail. Ms. White's Comment #4 was that, in order to gain exemptions that go along with land and agricultural use, an applicant must show proof, such as receipts, showing that the land has been commercially farmed. Mr. Weddleton stated his understanding that, unless you have a Registered Management Plan from the Farm Bureau, you have no rights to infringe in a resource area, and must be approved by the Conservation Commission. Discussion ensued regarding years of mowing/haying. It was agreed that Mr. Ray will submit an updated letter from a farmer showing proof of commercial production, with a subject line "Haying of the Field." Mr. Weddleton asked a question which correlated to Ms. White's Comment #5: the total area of disturbance is 2,904 sf, but only 954 sf is being proposed for mitigation; mitigation plan far short of 2900 ft. Ms. White stated that her concerns had been fully stated.

Ms. Caladonia passed out copies of her responses to Ms. White's comments. Regarding Comment #1: the NOI was filed 10/23/14, before the foundation was installed on 3/11/15; the building permit was signed by ConComm prior to the foundation installation. Mr. Weddleton stated that the Commission's signature did not mean a structure could be built in the resource area, but reiterated that the Commission has already allowed that the standards have been met to the extent practicable. Regarding Comment #2, renewable energy sources – Ms. Caladonia reiterated that the geothermal wells have been installed outside of resource area. Comment #3, plants - new plan added backup species, total of 56 to be planted, now covers 3,109 sf with woody plantings in area adjacent to cart path w/in 50 ft no-touch zone, noted that area won't be mulched or maintained as landscaped area, and planting holes will be hand-dug. Ms. DeLonga said that planting can't be done in the buffer area. Mr. Touhey contested, and discussion ensued regarding placement of plants, previous exceptions in cases where the buffer zone may be the absolute best spot, and the possibility of just letting the plants that are there grow naturally, without adding more. Discussion ensued regarding removal of invasive species. All agreed to carve out the area to grow naturally, and that it will not be cultivated. Mr. Weddleton asked that the future plan clearly show the area to be left undisturbed, showing that it meets the square footage requirements. Mr. Crafton suggested the area be demarked to ensure it won't be hayed or cultivated, and three methods were discussed: split rail fence, boulders, and shrubbery. Regarding Comment #4, Ms. White confirmed that they will get an updated letter from a farmer showing proof of commercial production, with a subject line "Haying of the Field." Regarding Comment #5, increasing area to satisfy town regulations. Mr. Ray asked question regarding trenching. Ms. DeLonga stated that although the plan calls for leaving pipe in place, the actual plan is to take it out, and replace it after trenching is done. Mr. Weddleton suggested waiting for the next, finalized, plan at this point. Ms. Sharkey asked for clarification of labeling the driveway.

Ms. White requested that the plan be stamped in anticipation of it being the final plan. Ms. Caladonia will share a draft of plan with Ms. White before stamping. *Mr. Touhey made a motion to continue the filing for 47 Seekonk Street to 10/14/15 at 7:30; Ms. Lauria seconded the motion;* ***the vote on the motion was unanimous.***

7:45 88 River Road: Judith Ross was present, and was informed by Mr. Weddleton that the Order of Conditions had been approved earlier in the evening, based on information previously received by the engineer, Mr. Paul Cutler.

8:00 9 Spring Street: Present were Don Seaberg with Benchmark, and Douglas Curl. Mr. Seaberg stated that a lot of testing has been done on the site, and the only place the soil is acceptable is in the back, in a resource area. The Board of Health approved the location. Mr. Weddleton asked how many tests had been conducted, and said that all of the test areas should be shown on the plan, to show that the specified area is the only area that perc'd. There is an area of isolated wetlands identified along with the back wetland line. Proposing to fill in about 383 sf, replicating on backside, creating erosion control around isolation area. Mr. Seaberg clarified that an "isolated non-state wetland" it is a wetland area not subject to state regulation, only local bylaw; it does not fall under state jurisdiction because it is not bordering on anything. Mr. Weddleton stated that there was an earlier filing on this plan, with the wetland line established by Russ Waldron; the previous and current wetland lines are about 50' apart and have not been flagged in over 10 years, so we don't know where the wetlands really are. Mr. Weddleton stressed the need to identify where the lines are. Mr. Weddleton also pointed out that there are "inland restricted wetland areas" on the lot. A restricted wetland is a wetland area filled in years ago; there is no buffer zone, but you can't grade or do any work. This one is way in the back, and probably not a large factor. Mr. Weddleton again stressed the need to identify where the lines really are; the last denial was due to plans not being marked sufficiently with test pits, soil evaluations, etc. He also strongly suggested that all test holes that were witnessed should be shown, in order to make clear where the septic cannot go. Discussion ensued regarding current and previous placement of wetland lines. It was agreed that if Mr. Seaberg can accurately stake out where the wetland line is, then it is permissible for him to do so. Discussion ensued regarding the poorly drawn plans resulting in denial 8-9 years ago, and that an updated, detailed plan may even benefit placement of the septic system. Mr. Weddleton stated that the new plan must show resource areas. Mr. Crafton stated that the current plan is labeled wrong directionally, and a street name is incorrect. Mr. Seaberg will make all updates. Mr. Seaberg provided green certified mail cards to Ms. DeLonga. Ms. DeLonga asked that Mr. Seaberg obtain and provide a copy of the Notice to Abutters that was mailed (or confirm that it was the same as in the package). Mr. Seaberg gave Ms. DeLonga a check for the advertisement. Ms. DeLonga stated that the inland restricted wetland #38 was recorded on this lot deed, and can't be filled. Ms. DeLonga requested clarification of the construction note on plan as regarding access to the property requiring Department of Public Works approval. Ms. DeLonga stated that the Commission should have been checked with before perc testing due to the wetlands buffer. *Mr. Touhey made a motion to continue the hearing for 9 Spring Street to 10/14/15 at 7:45 pm; Mr. Crafton seconded the motion.* Asked by Mr. Weddleton if he had any questions, Mr. Curl asked, if the plans are satisfactory upon presentation at the next meeting, would it be possible to be approved at that time; Mr. Weddleton answered that yes, a vote could be taken and the hearing closed at that time. Ms. DeLonga requested that if there are any questions or concerns in the meantime, please check with her, so that they can be addressed, and the plan finalized. ***The vote on the motion was unanimous.***

Mr. Touhey made a motion to adjourn the Public Meeting. Mr. Crafton seconded. ***The vote on the motion was unanimous.*** *Public meeting closed at 8:20 pm.*

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

DATE: September 9, 2015

APPLICANT'S NAME: Chris Ray

PROJECT NAME/LOCATION OF PROPERTY: [illegible]

DEP/NCC FILE NO: 240 564

ASSESSORS' REFERENCE: [illegible]

I, Dan Cr, hereby certify that I have examined all evidence received at the one (1) session of the public hearing in the above matter held on July 8, 2015, including (check all that apply):

- An audio recording
- A video recording
- A transcript

Dan Crafton,
Name of commission member