

**Conservation Commission**

One Liberty Lane  
Norfolk, MA 02056

**February 10, 2016**  
**7:00 P.M.**

Commission Members	Other
John Weddleton – Chair ----- Present	Janet DeLonga – Agent ----- Present
Joyce Terrio – Vice Chair ----- Absent	Amy Brady – Administrative Assistant ---- Present
Dan Crafton – Member ----- Present	
Michelle Lauria – Member ----- Present	
Patrick Touhey – Member ----- Present	
Thomas Norton – Member -----Present	

The duly posted meeting of the Norfolk Conservation Commission convened at 7:02 P.M. in Room 124 at the Norfolk Town Hall.

**MINUTES:**

The Commission reviewed the Minutes of January 13, 2016; the minutes were amended to reflect that: Mr. Crafton had recused himself from the vote on the 60 River Road Determination of Applicability, and Mr. Touhey had seconded that motion; the vote on that motion was 5-0. ***Mr. Touhey made a motion to accept the minutes of January 13, 2016, as amended; Ms. Lauria seconded the motion; the vote on the motion was unanimous.***

**VOUCHERS:** None

**NEW BUSINESS:**

**Dumping of wastewater in wetlands at Southwood Hospital Property:** Mr. Weddleton opened the discussion and stated that during a Bylaw Study Committee Meeting, the Developer for the Southwood Property stated that the Hospital had a permit years ago, which allowed the hospital to process wastewater and then discharge it into the wetland area; considering that the soils and perc rates are not good, the Developer asked if the Conservation Commission would be amenable to doing a similar permit now. Mr. Weddleton noted that the Permit was issued long before the Wetland Protection Act, and expressed concerns to the Developer about what would happen if the machinery were to break down, noting that it was an 80,000 gallons/day capacity system. Mr. Weddleton further stated to the Commission that the Board of Selectmen have received a letter from the Developer stating that they will be presenting their stormwater process plans to the State, and would bring the wastewater question up at that time. Mr. Weddleton is concerned as to what will happen if the State approves a permit similar to the old one, which would come under local jurisdiction also. Discussion ensued with regard to the size and nature of the wetland, how much/how well it could filter 80K gals/day, and the backup systems that would need to be in place. Comparisons were made to Wrentham State School and MCI Norfolk. Mr. Weddleton asked Mr. Crafton to check with the State to see if there is a wastewater discharge permit that the Developer may be pursuing.

**APPOINTMENTS/PUBLIC HEARINGS:**

7:15 – Mr. Weddleton opened the Public hearing for 85 Leland Rd., #240-574, NOI for septic repair. Mr. Peter Lyons, a soil evaluator with Collins Engineering was present to represent the homeowner regarding the property at 85 Leland Road, where there is currently a cesspool. They are proposing a 19.8' x 28' leaching bed, and removal of the existing pit, and stated that the proposed bed itself will be no closer than 51' to the BVW. They are also proposing erosion control within the 50' buffer, as they will be working within that area, as close as 28'. Mr. Lyons stated that there is an existing paved driveway, and an onsite well to be decommissioned; will tie into

town water; meets 100' setback from neighboring wells; treeline just inside 50' buffer will not be disturbed; one tree in front yard to be removed (outside of 50' buffer). Mr. Weddleton noted that disturbance amounts in resource areas need to be calculated and written on the plan, including how much in the 50-100' area is already disturbed. Ms. DeLonga noted that a lot of disturbance has already occurred from the digging of test pits - they have a big dumpster, big trucks, no erosion controls. Mr. Weddleton stated that the area must be cleaned up and inspected by Ms. DeLonga before construction can begin. Mr. Weddleton questioned if this property is being sold, since it was delineated outside of the seasonal timeline. Location of the systems and materials such as filter fabric were discussed, and Mr. Weddleton suggested moving the haybale line closer to the 50' buffer line. Ms. DeLonga stated that whatever changes to the plan were required by the Board of Health, must be carried over to the plan presented to the Conservation Commission. Mr. Crafton asked for confirmation that the area is lawn now, and will be lawn after the project is completed; Mr. Crafton also inquired as to the size of the tree that is coming down, to which Mr. Lyons replied it is about 12" diameter. Mr. Crafton concurred with Ms. DeLonga and the Commission that all that debris must be taken out, and Mr. Lyons asked if there are any requirements as to how. Mr. Weddleton replied that it was disturbed by hand, and must be removed by hand. Mr. Norton noted that leaves and brush can be brought to the Norfolk Transfer Station for free. Ms. DeLonga noted to the Commission that there needs to be better procedures between the Commission and other Boards if an applicant is going to be working in or near wetlands. Ms. DeLonga informed this applicant that the DEP number must be posted in a public place, near the road, while construction is ongoing, and a note indicating this requirement must be made on the plans.

***Mr. Touhey made a motion at 7:35 P.M. to continue the hearing for 85 Leland Road septic repair to March 9, 2016, at 7:15 P.M.; Ms. Lauria seconded the motion; the vote on the motion was unanimous.***

At 7:38 P.M. the Commission recognized Cyndi Andrade, of the Community Preservation Committee (CPC), regarding recent changes in funding for CPC. Background information is that the CPC Administrative budget had been \$35K for years, and whatever was not used at the end of the year was rolled back into the general fund; the Administrative budget is used for many things, including the Assistant's salary, supplies, and due diligence. Appraisals run from the lower end of \$4,200.00 to an upper end of \$8-10K. The CPC can now only use 5% of revenues for the administrative budget, so their last request was lowered from \$35,000 to \$13,000 by the DOR, putting the possibility of multiple appraisals occurring in one year, into some jeopardy. Ms. Andrade noted that the CPC's Administrative budget has run from \$7,000 to \$17,000 over the last 6 years. Ms. Andrade called the Community Preservation Coalition, which was put into place to assist towns on policy, uses, etc., to see if there are any other options to pay for appraisals. Ms. Andrade was informed that the first option would be to go to Town Meeting Warrant, and observed that this would be very difficult in time-sensitive situations. The second option would be to use the general town budget, and the third possibility is to use Conservation funds. Many years ago, Norfolk did have a Conservation fund, which was funded at \$10K /year, but it was eliminated years ago due to budget cuts. Ms. Andrade researched and found that the town can reestablish that account through a request at Town Meeting; CPC would fund the account, use would be restricted for the sole purpose of due diligence by the CPC, and expenditures would need ConComm approval.

Mr. Weddleton initiated a conversation regarding the hundreds of acres of forest land owned by the town, which are being ignored and becoming less valuable, because there is not money for cutting; Mr. Weddleton inquired as to whether the CPC has money for a foresting program. Discussion ensued on companies that will do select cutting for the materials only, with no additional fee. Ms. Andrade stated that the CPC can only establish trails, not maintain the land, but will look into whether select cutting every couple of decades would be an approved use of funds. Discussion ensued with regard as to how to verify that particular properties actually need to be select cut.

Ms. DeLonga asked if it would be appropriate for ConComm to approve expenditures relating to other CPC areas aside from open space (historic, affordable housing, recreation); Ms. Andrade replied that she could not think of a project that did not include some aspect of open space, but acknowledge that her next step is to look into all of the legal ramifications of a fund such as the one being proposed. In response to questions from the Commission, Ms. Andrade stated that she has the legal language from the CP Coalition, as well as MGL, which states that establishing and expending from the fund does not need approval from the Board of Selectmen or Town Meeting; Town Meeting can transfer CPA (CPC) or other funds into the Conservation fund but the warrant article should

specifically mention that the funds are subject to the rules of the CPA (CPC). Ms. Andrade asked whether the ConComm might support a fund of this type, pending further research on her part. A straw vote indicated that all members would be in favor of supporting this. Ms. Andrade will keep the ConComm apprised of developments.

At 8:05 P.M. the Commission discussed revising or eliminating bylaw language related to the 100' buffer zone to a floodplain. After much discussion, it was decided to leave the bylaw as it stands.

At 8:30 P.M., the Commission discussed the letter from the Norfolk Trout Club. Mr. Weddleton stated that they should submit copy of their State license every year, and they would not need to apply for repeated extensions.

#### **ACTION ITEMS/ORDERS/EXTENSIONS:**

Forms were signed as follows:

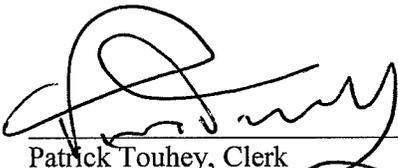
1. #240-524: Holbrook Street, DPW, Certificate of Compliance – *Ms. Lauria made a motion to approve the Certificate of Compliance for the Holbrook Street drainage project; Mr. Crafton seconded the motion; the vote on the motion was unanimous.*
2. #240-9: 15 Essex Street, Certificate of Release – *Mr. Crafton made a motion to approve the Certificate of Release for 15 Essex St; Mr. Touhey seconded the motion; the vote on the motion was unanimous.*
3. #240-522: Off River Rd & Lakeshore Dr., Norfolk Landing, Extension of OOC Compliance – *Mr. Crafton made a motion to approve extend the Order of Conditions for Norfolk Landing off of River Rd. and Lakeshore Dr. for three (3) years; Mr. Touhey seconded the motion; the vote on the motion was unanimous.*

*Mr. Crafton made a motion to adjourn the meeting at 8:38 P.M.; Mr. Touhey seconded the motion; the vote on the motion was unanimous.*

#### **Next scheduled meetings:**

March 9, 2016

April 13, 2016



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.