Conservation Commission
One Liberty Lane
Norfolk, MA 02056
June 1, 2016
7:00 P.M.

Commission Members	Other
John Weddleton – Chair ---------- Present	Janet DeLonga – Agent ---------- Present
Michelle Lauria – Vice Chair ---------- Present	Amy Brady – Administrative Assistant ---- Absent
Patrick Touhey – Clerk---------- Present	
Dan Crafton – Member, CPC Rep------- Present	
Thomas Norton – Member ---------- Absent	
David Turi – Member ---------- Present	

The duly posted meeting of the Norfolk Conservation Commission convened at 7:03 P.M. in Room 214 at the Norfolk Town Hall.

APPOINTMENTS – PUBLIC HEARINGS:

31 Mirror Lake Ave, NOI, #240-578 – Mr. Weddleton opened the public hearing at 7:05 P.M. Present were Larry Foran and A. Foran. Mr. Foran gave a brief overview of the project stating that he wanted to demolish and rebuild structurally deficient portions of the property. The top section of the back of the house is separating from the house. Mr. Foran distributed pictures which have been entered into the record. Mr. Weddleton asked how the deficient portion of the house could be taken down, without falling into the lake, to which Mr. Foran responded that it would have to be done by hand. In response to Mr. Weddleton, Mr. Foran said that he is endeavoring to do the demolition himself. Mr. Foran stated that he would be using helical piers. Mr. Turi asked if the applicant had spoken to the Building Inspector about the piers, and Mr. Foran responded that he had spoken to the Building Inspector about some aspects, but not specifically about the piers. Ms. DeLonga confirmed that there will be a dumpster there for debris. Mr. Weddleton suggested that the applicant call the Agent when he is ready to start demolition. ***Ms. Lauria made a motion*** *to close the public hearing for 31 Mirror Lake Avenue at 7:17 P.M.;* ***Mr. Touhey seconded; the vote on the motion was unanimous.***

Mr. Weddleton informed the applicant that the hearing will be deliberated and voted on at the next hearing, July 6, 2016.

106/108 Main Street, Boyde's Crossing, NOI, #240-575, 40B – cont'd from 5/4/16- Mr. Weddleton reopened the public hearing at 7:20 P.M. Present were Eoghan Kelley, Powerhead, LLC; Jim Pavlik, Outback Engineering; Andrew Ogilvie, BETA Group. Mr. Kelley informed the chairman that Mr. Pavlik would be bringing new plans, revised in accordance to peer review comments by Mr. Ogilvie. New plans entitled "Site Plans for Comprehensive Permit 'Boyde's Crossing', 106 & 108 Main St in Norfolk Massachusetts" prepared by Outback Engineering, dated February 12, 2016, revised 5/3/16 and 5/27/16, were submitted for the record. Mr. Weddleton confirmed that the applicant will be submitting management plans to the ZBA. Mr. Weddleton also asked for and received confirmation that pipes on either side of the driveway had been removed from the plan, since the water would be naturally channeled. The stone wall was briefly discussed to assure that it was up to date with criteria requested by the ZBA. Mr. Weddleton asked Mr. Ogilvie if all of his comments had been addressed, to which Mr. Ogilvie responded that they had. With no questions from the Commission, Mr. Weddleton opened the meeting to public comment. Mr. Peter Diamond of 84 Seekonk St. asked Mr. Ogilvie to review the changes that had been addressed, to which Mr. Ogilvie responded by referring to the May 31, 2016, Stormwater Management Peer Review, submitted by BETA Group, Inc. Mr. Diamond had a few follow-up questions regarding drainage, which were answered to his satisfaction by the Commission and the Engineers. After a few clarification questions from the Conservation Agent and Commission, ***Mr. Crafton made a motion*** *to closed the public hearing for 106/108 Main Street at 7:33P.M.;* ***Mr. Touhey seconded*** *the motion;* ***the vote on the motion was unanimous.***

Mr. Weddleton informed the applicant that the hearing will be deliberated and voted on at the next hearing, July 6, 2016.

6 Lake Path, #240-576, NOI – cont'd from 5/4/16 – Mr. Weddleton reopened the public hearing at 7:35 P.M. Present were Mark Farrell, Green Hill Engineering. Mr. Farrell began by referring to plans prepared by Greenhill Engineering, entitled "Proposed Septic System, Federal National Mortg Assoc, 6 Lake Path Dr, Norfolk, MA," dated 24 February 2016, revised 5/3/16. Mr. Farrell pointed out an area for compensatory storage which had been added to the plan, roughly the same size and elevation as the septic system, and clearer noting that the entire area is in the 100 year flood plain. Mr. Weddleton noted that the Agent, Ms. DeLonga, would like the line for erosion control brought in a little more, to which Mr. Farrell responded that they could do that to some extent, but had an existing septic tank there that needs to be pumped and crushed. Ms. DeLonga asked if the compensatory area was in a wooded area, and was informed that it is in the lawn area. Ms. DeLonga asked for and received confirmation that DEP's comments had been addressed. There being no more questions, ***Mr. Touhey made a motion*** *to continue the public hearing for 6 Lake Path Drive to July 6, 2016, at 7:15 P.M.;* ***Mr. Crafton seconded the motion; the vote on the motion was unanimous.***

19 Union St, NOI, #240-579 – Mr. Weddleton opened the public meeting at 7:42 P.M. Present were Russ Waldron, Applied Ecological Sciences; Stephanie Marra. Mr. Waldron began by referring to plans prepared by Paul Cutler, Landmark Engineering, entitled "Proposed Sewage Disposal System, Norfolk, Mass," dated October 27, 2015, revised 12/3/15. Mr. Waldron noted that the existing cesspool in the back of the house will be abandoned, new system will go in front; excavation area is surrounded by erosion control, as is the cesspool area. Excavation of the area and installation of the new system will cause about 868.6 s.f. of new and temporary disturbance; the current lawn will be reseeded back to lawn. 869 s.f. of plantings along back, include blueberry and winterberry at approximately same elevation as the wetlands. Ms. DeLonga noted her opinion that mitigation was not necessary. There being no further questions, ***Mr. Touhey made a motion*** *to close the public hearing for 19 Union Street at 7:47 P.M.;* ***Mr. Crafton seconded the motion; the vote on the motion was unanimous.***

84 Cleveland Street, Lakeland Farms, Comprehensive Permit, NOI, #240-577 – Mr. Weddleton opened the public meeting at 7:48 P.M. Present were Edward O'Harte, applicant; Stephen O'Connell, Andrews Survey Engineering; Lenore White, Wetland Strategies; Andrew Ogilvie, BETA Group. Mr. O'Connell gave an overview of the project, and stated that wetland resources on the property had been delineated by B&C Associates, and that resources not within 100' were not shown on the plan. The entire property is mapped within an estimated and priority habitat; they have had preliminary meetings with Natural Heritage, and provided them with a MESA filing and a copy of the plans. Preliminary meetings with Mass Wildlife indicate that this project would constitute a "conditional take" of habitat, meaning that the applicant will have some mitigation to do. Mr. Weddleton asked that a document from them be presented. The property is not located with any other environmentally sensitive areas, such as 100 year flood plain, outstanding resource waters, or areas of critical or environmental concerns, or Zone IIs of any public water supply. Mr. O'Connell stated that the property will be serviced by town water currently existing in Cleveland Street, and sewage will be handled with an onsite sewage disposal system. Leach field will be located within the common area, all of the units will have gravity sewer within the roadway to a septic tank, and then to a pump chamber and in the leaching area. Stormwater will be handled onsite through "fairly traditional" methods in accordance with current editions of stormwater management: stormwater will be collected overland, in a series of catch basins and closed pipe networks. In the front part of the site, a small watershed will be collected in a series of catch basins, conveyed to a proprietary separator unit, and discharged to a surface basin, about 2-1/2' deep. From there an outlet structure will control how quickly the water will leave the basin, discharging it out to a level spreader, and continuing on to the wetlands. The rest of the property falls under a separate watershed, and stormwater will be handled similarly. Surface basins will drain within 72 hours of a 100-year storm, and when dry will have a grass surface.

Mr. Weddleton asked for details on the watersheds. Mr. O'Connell referred to "a number of" resource areas not shown on the plan. He stated that there is a watershed which conveys stormwater runoff through a culvert under Cleveland Street, which makes its way down to a pond and exits through the transmission easement. Mr. Weddleton asked what made the engineers consider the stream seasonal, and therefore "not applicable" to the plan (as had been stated at the ZBA meeting), noting that if it were perennial, it would have a great effect. Mr. O'Connell responded that there is no USGS-mapped stream on the northerly side of

Cleveland Street where there is a culvert meant to convey stormwater; the only mapped stream on USGS maps is the stream exiting the pond. Mr. Weddleton expressed his understanding that the water running through the culvert is not "drainage" as referred to by the engineer, but rather a seasonal stream. Mr. Weddleton also questioned why it is a 20" pipe, and whether it was put in as a "critter crossing." Mr. O'Connell stated that the mapped perennial stream exiting the pond would be subject to the Rivers Act, and a 200' buffer would be imposed. Revised plans will be issued pending review by the ConComm, ZBA, and their consultants and will reflect that stream, but he is confident that the 200' buffer does not go any further than the edge of the wetlands shown on his plans.

Mr. Weddleton stated that there are two sets of flags on this property, staked 4 years apart, with substantial difference in some cases. Mr. Weddleton noted that all of the homes are planned in the upland and all of the infrastructure is planned in the resource area, with a number of structures sitting on the wetlands line. Mr. O'Connell stated that soil testing has been done in several different areas, and results are included in the data sheets. Mr. Weddleton inquired as to the perc rates in the septic field, and was informed that it was 7 minutes/inch. Mr. Weddleton wondered if a less invasive drainage system had been looked at, and was informed that yes, it had, but had been decided that the current plan was the best to meet the goals of the applicant and Mass Housing, as well as stormwater and wetlands criteria. Mr. Weddleton stated that the ConComm's goals would be to have a more natural drainage system, without as many manmade structures. Mr. O'Connell stated that swales don't provide the water quality volume, and only remove part of the Total Suspended Solids (TSS) requirement.

Mr. Weddleton stated that the ConComm will be hiring a wetlands consultant, an engineer for review, and an outside surveyor. One proposal (wetlands consultant) was available tonight.

Ms. DeLonga asked for clarification on the pipe configuration and stormwater runoff direction in the front of the property, and Mr. O'Connell stated that it will be more defined on future revisions of the plans. Ms. DeLonga also stated that it was very important that the stream statistical calculations be accurate.

Ms. White reviewed her visit to the property, and stated that the "stream" area in question at the front of the property appeared to have deep banks, indicating there was definitely flow in the area. Ms. White noted that when a stream is not shown on USGS, it is still up to the applicant to look at the size and composition of the watershed to calculate stream stats and determine what the status is, whether perennial or intermittent. Ms. White also noted that she will be reviewing the wetland line in the future. Ms. White suggested that the applicants engineer look at the pipes in the front of the property to ensure there are no wetlands there.

In response to questions from a resident (name not stated), discussion ensued with regard to the pond: its elevation, how long it's been around, etc., and how the wetland flags around it have differed substantially over the 4 years between recent flaggings. Ms. White asked when the pylons were put in by the electric company, and was informed that it was in the 1960's. Ms. White stated that the pond may have been created by impoundment and would therefore fall under riverfront regulations.

Mr. Weddleton opened the meeting to questions from the public, instructing that questions should be kept solely to conservation issues.

Kathy Kubit, 88 Cleveland Street, mentioned easement for culvert in front of her house. Ms. Kubit stated that her basement flooded 7 or 8 years ago, about the time that Mr. O'Harte stated he had replaced a part of the pipe that had collapsed. Discussion again ensued about whether this is a stream, and if so, the regulations that will surround it. Dave Poggi, 89 Cleveland Street, questioned whether his property could be affected, via the pipe running across Cleveland Street that carries water from his partially-wet property, after coming from Jane & Paul's Farm on Fruit Street, and through a pond. Mr. Weddleton stated that the applicant will have to study all water that comes from all directions to the applicant's property, and requested that Ms. Kubit and Mr. Poggi work with Ms. DeLonga in getting their concerns formalized on paper.

Medora Champagne, 2 Seneca Street, asked for clarification between state and local regulations regarding wetland buffer zones; Ms. Champagne also asked about mitigation, and was informed that the state does not require mitigation. Sue Billings, 60 Cleveland Street, noted big changes she has seen in wildlife in this pond area in recent years, and expressed concern about further development. Al Butters, 78 Cleveland Street,

asked what the percentage of impermeable surfaces is, such as driveways, and Mr. O'Connell responded that that information is in the Mass Housing application.

There being no further questions, Mr. Weddleton wrapped up, informing the applicant that ConComm will be in touch with regard to consultants, and they will take action as soon as payment is received.

Mr. Crafton made a motion *to continue the hearing to July 6, 2016, at 7:30 P.M.,* ***Ms. Lauria seconded*** *the motion;* ***the vote on the motion was unanimous.***

Keolis – Purple Line Vegetation Management, RDA – Mr. Weddleton opened the public hearing at 8:45 P.M. Present was Kyle Fair, Fair Dermody Consulting Engineers. Mr. Fair gave a brief overview.

Mr. Touhey made a motion *to close the hearing for Keolis Commuter Rail Service.,* ***Ms. Lauria seconded*** *the motion;* ***the vote on the motion was unanimous.***

Mr. Touhey made a motion *to issue a negative determination #5 for Keolis Commuter Rail;* ***Mr. Turi seconded*** *the motion;* ***the vote on the motion was unanimous.***

25 Rockwood Rd, RDA – Mr. Weddleton opened the public hearing at 8:51 P.M. Present were Jennifer Silva, Outback Engineering. Ms. Silva gave an overview of her testing of the property for wetlands, concluding that there were none. Ms. DeLonga concurred.

Mr. Crafton made a motion *to issue a negative determination under the state act and a negative determination under the bylaw for 25 Rockwood Road;* ***Mr. Touhey seconded*** *the motion;* ***the vote on the motion was unanimous.***

ACTION ITEMS/ORDERS/EXTENSION:

17 Standish Rd, #240-542, Request for COC: Present were Russ Waldren, Applied Ecological Sciences, and Lenore White, Wetland Strategies. Mr. Weddleton gave an overview of the project to date, stating that Wetlands Strategies consultant, Lenore White, does not feel that the plan is in compliance with the Orders of Conditions set forth, due primarily to elevations being 3' to 8' above the elevation necessary for wetland plants to succeed. Mr. Weddleton stated that the applicant needs to rebuild the wetland in accordance with the plans he submitted and which were approved by the Commission. He added that some substitution of plants would be allowed as long as they were first approved by Ms. White. Mr. Waldren contended that the Orders were to restore riverfront and buffer zone plants, not the wetlands. Mr. Weddleton stated that the elevations and water tables on the plan indicated wetland restoration. Mr. Waldren will relay the Commissions comments and requirements to the applicant.

MINUTES:

Mr. Touhey noted that there was a typographical error on the first page: "upgrad" should read "upgrade." ***Mr. Touhey made a motion*** *to accept the minutes of May 4, 2016, as amended;* ***Ms. Lauria seconded*** *the motion;* ***the vote on the motion was unanimous.***

Mr. Touhey made a motion to adjourn*;* ***Mr. Turi seconded*** *the motion;* ***the vote on the motion was unanimous. The meeting was adjourned at 8:06 P.M.***

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.