

CONSERVATION COMMISSION

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ENVIRONMENTAL PLANNER/ CONSERVATION AGENT

HOLLY JONES, MSCI

OFFICE MANAGER/SR. ADMIN. ASST.
LYNN MARCHAND

Norwood Conservation Commission Meeting Minutes February 1, 2023

7:30 P.M.

Present: Stephen Washburn (remote), Carolyn Rocklen (remotely), John Gear, Peter Bamber, Kelsey Quinlan, Olivia Haglund (remote)

Also Present: Holly Jones, Environmental Planner/Conservation Agent

The February 1, 2023 meeting was held remotely using GoToMeeting software and in person at the Senior Center at 275 Prospect St. The meeting was called to order by Chairman Stephen Washburn at 7:30 p.m. followed by a roll call.

Public Hearings:

- 1. Moderna Way- Moderna Bio Bank Notice of Intent** -Norwood Only Norwood No. N2023-01
Applicant: Louis Cicchese of Moderna Therapeutics Representative: Joseph Weed of Pare Corp.
Project Description: Construction of a building addition with associated site work and utilities in the 200 foot riverfront area of an intermittent stream. This is an after the fact filing.

Mr. Joseph Weed informed the Commissioners that he received comments from the DPW Director, Mr. Ryan, and had received approval with conditions from the Planning Board. He discussed the roadway alignment change, the alternate designs that were considered, and the unfavorable issues that would have resulted from the alternatives.

Mr. Anderson discussed the riverfront area line added to the plans. He noted the shifting of the access drive to the west further from the intermittent stream, the increase in impervious area, and the increase in greenscape. He stated that the bio retention area would improve stormwater treatment and that less than 3% of the riverfront area would be impacted.

Ms. Jones said there were two memos received; from DPW/Mr. Ryan and an abutter comment received from Mr. Racer.

Mr. Ryan said the plans were acceptable as designed. He discussed the stormwater and stated that the water the Washington residents were concerned with was not draining from the Moderna site. He recommended a condition to excavate down to confirm that the pipe was closed and that its integrity was not diminished.

Ms. Jones noted the work that had been done (planting plan, stormwater) and was satisfied that the issues had been addressed. She said there was a headwall for the intermittent stream which goes into a pipe under the road, and is discharged off Everett Street. Ms. Jones discussed the recommended conditions which included cleaning the debris at the inlet of the pipe, ongoing maintenance of it, cleaning the drain and downstream manholes, and excavating to the existing connection to confirm that it's closed off. She said it was an additional wetland impact under the Wetland Protection Act and would require another NOI filing. She said it would be

required by the Planning Board and recommended a “friendly agreement” to have it in a filing that would be forthcoming which would be jurisdictional under the Wetlands Protection Act. She referenced the alternatives analysis and said Alternative-C takes it out of the Commission's jurisdiction and there are actually benefits to having it in its jurisdiction particularly regarding the stormwater.

Mr. Gear commented that he appreciated the additional landscaping. He asked questions regarding mitigation for the runoff and if there was filtration. Ms. Jones referenced the detention basin and Mr. Reed mentioned the underground infiltration area and the bio retention area.

Mr. Bamber asked about proposed conditions. Ms. Jones suggested standard special conditions that she presented to the Commission and detailed her condition recommendations.

Ms. Quinlan asked about the planting plan review. Commissioners questioned if the Serbian Spruce was native. They recommended a condition that all plantings have to be native. The landscape architect said they would confirm and make changes as needed.

The Chair opened the floor to public comment. Mr. Racer of 95 Washington Street addressed the Commissioners. He disagreed with the conclusion that runoff was not coming from the Moderna site. He also discussed the alternative analysis stating that Alternative C would not impact the Wetlands. He opined that the Commissioners had to require that the applicant select that alternative, iterated several reasons why he believed it was required, and requested that the Commissioners reject the NOI.

Ms. Jones said the proposed project as currently designed would improve the area and noted the more stringent stormwater standards, more robust planting plan, and that the applicant would be moving the road further away from the riverfront.

The Chair asked Ms. Jones for some clarity regarding jurisdiction. She said the role of the Commission was to condition projects that impact resource areas in order to make them less impactful. She said the performance standards for intermittent river front closely mirrored the Wetlands Protection Act. She explained that there was a balance between protecting resource areas and allowing others the opportunity to develop their project. She said that the project would provide an improvement upon the existing conditions. The applicant also noted that they were intending to provide the appropriate fire access road per request of the Fire Department.

Ms. Jones recommended closing the public hearing and issuing an order of conditions under the bylaw with the special conditions that she mentioned related to stormwater maintenance and the three conditions stated by Mr. Ryan.

Motion: Mr. Bamber made a motion as stated by Ms. Jones.

Mr. Gear seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

2. Intersection of Upland Road and Upland Woods Circle. Notice of Intent

DEP No. 251-0541 Norwood No. 2023-02

Applicant: ARE-MA Region No. 92, LLC Representative: Taylor Donovan of VHB

Project Description: Addition of a traffic light and widening of lanes at the intersection of Upland Road and Upland Woods Circle

Representing the applicant, Ms. Donovan of VHB shared her screen and described the project; installation of a traffic signal at Upland Rd./Route 1 at Upland Woods Circle.

She said they were requesting that the project be reviewed as a Limited Project under 310 CMR 10.53 §(3)(f); maintenance and improvement of existing public roadways, but limited to widening less than a single land, adding shoulders, correcting substandard intersections, and improving drainage systems. She detailed the wetland resource areas in relation to the WPA & the local bylaws, showed photos of the culvert, outlet, metal grate and south view at the BVW. Ms. Donovan outlined the proposed work; traffic signal, additional lanes, catch basin and manhole castings replacement, swale creation, proposed plantings/loaming/seeding, and electrical duct work in Upland Road roadway layout.

She stated that it was in the riverfront area and that she would provide Commissioners with updated plans and impact numbers. Ms. Denise Kardosz of VHB displayed the site plan and reviewed the proposed work.

Ms. Donovan displayed a plan with colorized lines illustrating the work and impact areas and described the proposed work in the resource areas and local resource areas. She discussed the alternatives analysis and explained why two of the three did not satisfy the project purpose/need and explained why Alternative 3 was designed to minimize impacts while meeting the project purpose. She noted that most of the impacts were temporary in nature. Ms. Donovan reviewed the regulatory compliance details and said they were requesting a waiver under Bylaw Section X.1.G: Activities with an overriding community, regional, state, or national public interest where the work has been requested or required by a government entity or public utility.

Ms. Rachel Luna discussed stormwater management, mitigation, the erosion and sediment control plan, loaming and seeding in disturbed roadway, and a proposed water quality swale. Mr. Ryan/DPW said the Town of Norwood supported the project as submitted and they have been working on the project for many years. He gave a brief history of the area, that it is a public safety issue, an important project, and said the new property owners are fulfilling the previous owners' requirements regarding the traffic light.

Ms. Jones said she needed the revised page for the NOI with the box checked for a "limited project". Ms. Quinlan asked about a closed system. Mr. Ryan confirmed it was and said it would not affect any properties in the area. Dewatering was discussed. Ms. Lenhardt said work could be done during the dry season or a dewatering plan would be required.

Ms. Jones provided written comments to the Commissioners and the applicant. The applicant said they were working on their responses. Mr. Bamber asked about a planting and restoration plan. Ms. Jones said she had not requested one but would appreciate if they provided one.

Motion: Ms. Haglund made a motion to continue to February 15th.

Mr. Gear (check) seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

3. Intersection of Washington St, Upland Rd, and Prospect St. Notice of Intent.

DEP No. 251-0542 Norwood No. 2023-03

Applicant: MassDOT-Highway Division Representative: Taylor Donovan of VHB

Project Description: Signalization and reconfiguration of the intersection of Washington Street, Upland Rd, and Prospect St.

Ms. Donovan and Ms. Luna gave a presentation to Commissioners; proposed project/limited project, wetland resource areas, MA DOT projects are exempt from local bylaws, proposed work, colorized marked-up plan, no 25 or 50 tree filters, not being filed under bylaw, proposed work in resource area, proposed work in BLSF (border land subject to flooding), alternatives analysis, regulatory compliance, stormwater management, mitigation, and the landscaping plan. Ms. Donovan reviewed the alternatives analysis and stated that the proposed intersection improvements and signalization were designed to minimize the impacts while meeting the project purpose. She said that most impacts were temporary in nature and that permanent impacts would be mitigated on-site.

Ms. Donovan reviewed the mitigation plan which would include an erosion and sedimentation control plan, post construction landscaping, and jute mesh erosion control fabric for slopes with less than a 2:1 ratio.

Ms. Walsh asked about a catch basin that often backs up and asked if the proposed plans would mitigate that. Ms. Lenhardt responded that they would be mitigating that with 3 catch basins on each side of the road.

Mr. Ryan said the Town of Norwood supports this project as submitted and said they have been working towards it since 2009. He noted that it was a public safety issue for vehicles and pedestrians. He said opening bids would begin this summer with construction starting soon after.

Ms. Jones reviewed her comments to the applicant with the Commissioners; she requested concrete or pervious rather than asphalt to limit heat island effects. Also discussed were additional plantings, a dewatering plan, grading of bank, plans for banks of daylighted area, riprap material, and jute mesh fabric.

Motion: Mr. Bamber made a motion to continue to February 15th at a time to be determined.

Ms. Walsh seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

Certificate of Compliance Request:

1. 59 Puritan Place. DEP File No. N2004-08

Motion: Mr. Bamber made a motion to February 15th at a time to be determined.

Ms. Walsh seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

Potential violations:

1. 1 Moderna Way

Ms. Jones said she was conducting a site visit at Moderna on 1/26 when she found a substantial siltation event in progress in the wetlands adjacent to the Bio Bank. She noted it was actually coming from the other side of the building where modular buildings were being constructed. Ms. Jones said there was roughly 1.5 acres of impacted wetlands and continued to the intermittent stream. She followed up with the EPA as to whether the site should have been included in the NPDES construction general permit. They replied that a formal application would be needed to make a determination. She said there were some erosion control measures in place including silt socks but that flow went through, under, around them. She recommended issuing an enforcement order related to the violation include: inlet protection at all active construction sites at Moderna, that all active construction sites be covered under the NPDES construction general permit, stormwater pollution prevention plan weekly inspections after rain events by a qualified individual, that the responsible party hire a wetland scientist (to quantify the impacts to the wetlands, to propose a mitigation plan, to determine if the potential vernal pool was part of the wetland system, to certify the vernal pool if applicable and determine if any impacts occurred to the vernal pool), and clean out any impacted catch basins. She received photos showing the area had been properly protected within 24 hours. Ms. Jones also recommended issuing a Cease and Desist Order on any construction not covered by the existing NPDES permit or until such time when it is covered by that permit or certified by the EPA that it does not need to be. Ms. Jones displayed pictures of the impact.

A representative for ARE/Moderna addressed the Commissioners regarding the inspection with Ms. Jones. He explained that the drain from the other side of the building goes through the filtering vortex and that they didn't know where the water was coming from at first. He noted that when they realized that water was bypassing the barriers they took immediate action (filtering system was changed and additional straw was added around it) and it was resolved. He said they will start changing out filtering systems around the site. He they will be looking to maintain and correct drainage.

Ms. Jones recommended issuing an enforcement order for the violation based on the extent of the violation and wetland impact. She expressed appreciation for Moderna's swift action but stated that an enforcement order was still warranted with the steps she previously outlined.

Motion: Mr. Bamber made a motion to issue the enforcement for 1 Moderna Way order as stated by Ms. Jones. Ms. Gear seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

2. 277 Providence Highway- Boch Toyota

Ms. Jones said the violation came to light from a tip submitted to her and the DEP strike force. There was a picture of a sump pump hooked up to a washing machine and a hose. A joint inspection with the DEP strike force was held at the location. The sump pump was located in the basement area where vehicles were taken to be cleaned. The washing machine seemed to be actively discharging to the wetland behind the building. An accumulation of duckweed was noted. Ms. Jones said the washing machine was disconnected at the site visit and she was informed that re-plumbing was in progress to connect it to the sanitary sewer. She said a drainage plan was received from Mr. John Driscoll, the facility director. Ms. Jones said she would go back when the plumbing was completed and recommended an enforcement order with a deadline to confirm that the plumbing has been corrected and that the sump pump will only be for groundwater. Commissioners asked what the DEP's follow up was. Ms. Jones said so far it was disconnection and to provide the drainage plans. Mr. Washburn asked about NepRWA water testing.

Motion: Ms. Quinlan made a motion to issue the order of enforcement with those stated conditions.

Mr. Gear seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

After the vote, Mr. John Driscoll addressed Commissioners. He described the drainage systems in detail and answered questions from the Commission. He said the plumbing would be completed the following day.

3. 8 Mill Pond Lane -Ms. Jones said the sand was removed from the bank.

Conservation Commission Business:

1. Endean Orchard Subcommittee update

Ms. Jones asked the Commission to accept the donation of a picnic table from the Women's Community Committee and with funds contributed from the Trails Committee.

Motion: Mr. Bamber made a motion to accept.

Mr. Gear seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

Ms. Jones said that Mr. Negron had reached out to the Boston Food Forest Initiative and would bring them to run a pruning workshop on March 4th. The cost was \$300 for the presenter.

Motion: Ms. Haglund made a motion to move forward.

Mr. Gear seconded the motion. Motion passed unanimously, 7-0 by roll call vote.

Regarding the Community Garden, Ms. Jones stated that she heard from DPW that the existing poles wouldn't be able to be used for a steel fence so poly vinyl fences were ordered.

2. CPC report Ms. Walsh said they had presentations on 4 projects. Ms. Jones said she would be present at the next meeting on 2/8 for a Conservation fund request.

3. Agent update Ms. Jones said the Bernie Cooper survey happened last week. Wetlands were delineated and they identified banner trees. NepRWA said there would be a water quality presentation on 2/6.

4. Minutes: passed over

Adjournment:

Motion: Mr. Bamber made a motion to adjourn.

Ms. Quinlan seconded the motion.

Motion passed unanimously, 7-0 by roll call vote.

The meeting adjourned at approximately 10 p.m.

Next meeting: February 15, 2022 at 7:30 p.m. via Google Meet & in person.

Respectfully submitted by Lynn Marchand.