

CONSERVATION COMMISSION

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ENVIRONMENTAL PLANNER
CARLY ROCKLEN

Norwood Conservation Commission
February 7th, 2024
7:30 P.M.

Present: Stephen Washburn, Catherine Walsh, John Gear, Joseph Pitti, Kelsey Quinlan.

Absent: Peter Bamber

Also Present: Carly Rocklen, Conservation Planner/Agent

The February 7th, 2024, meeting was held remotely using Google Meet and in person at the Norwood Senior Center, 275 Prospect St. The meeting was called to order by the Chair, at 7:30 p.m. followed by a roll call and informatory announcement to attendees regarding meeting procedures.

Public Hearings (7:30pm):

1. 119 Sixth St., *Request for Determination of Applicability*, Norwood No. 2024-01

Applicant: John Feeney. Representative: John Feeney

Project Description: Construction of second-story addition to single family home in Buffer Zone and Riverfront Area of Meadow Brook.

Mr. Feeney, of 119 Sixth St., stated that he wished to remove the dormer roof from his house in order to add a second story. He stated that no square footage would be added to the foundation of the house. Mr. Feeney stated that all the construction materials and equipment would be stored on the driveway of the house and would not block the roadway.

Ms. Rocklen stated that the property is within the 100-foot buffer zone, but she said that she believed there would be little disturbance given that all the work would be on the building itself. Ms. Rocklen recommended that a negative determination of applicability be issued.

Motion: Mr. Walsh made a motion to issue a negative determination of applicability.

Mr. Pitti seconded the motion.

Motion passed, 5-0 by roll call vote.

2. Temporary water crossings & paths, *Request for Determination of Applicability*, Norwood No. 2024-02 Applicant: Norwood Trails Committee. Representative: Joe Greeley

Project Description: Construction of temporary walking paths and water crossings.

Mr. Greeley stated that the Trails Committee has proposed a project that would see the installation of 13 permanent crossings to the east of Route 1. He asked that the Conservation Commission allow the temporary crossings that are currently located along the trail system to remain in place.

Mr. Greeley demonstrated to the Commission members where the temporary crossings currently are with the use of visual maps and aids. He added that all the crossings are on town property. The Chairman stated that he was greatly in favor of the plan and wished to work together with the Trails Commission to see that it comes to fruition.

Mr. Gear also expressed his approval of the plan.

Mr. Greeley told the Commission that water levels on the east side of Norwood were significantly high, making the temporary crossings unusable. It is for this reason that they are seeking to install permanent crossings.

Ms. Rocklen stated that since these crossings are temporary with negligible impacts, it would be a negative determination of applicability.

Motion: Mr. Gear made a motion to issue a negative determination of applicability.

Ms. Quinlan seconded the motion.

Motion passed, 5-0 by roll call vote.

3. Permanent boardwalk, *Request for Determination of Applicability*, Norwood No. 2024-03 Applicant: Norwood Trails Committee. Representative: Joe Greeley

Project Description: Installation of a permanent boardwalk over a floodplain, parallel to Purgatory Brook.

Mr. Greeley stated that they intended to install a permanent boardwalk in a floodplain, along the power easement to the right of University Ave. He stated that the boardwalk would run for 20-30 yards, concluding at Purgatory Brook. Mr. Greeley stated that they were currently collaborating with the Norfolk Agricultural School, who would allow students to partake in the project as part of their studies.

Ms. Rocklen stated that this project constituted a positive determination of applicability, and she asked that the Trails Committee file an NOI.

Motion: Mr. Gear made a motion to issue a positive determination of applicability and requested that the applicant file an NOI.

Ms. Walsh seconded the motion.

Motion passed, 5-0 by roll call vote.

4. 76 Prospect St., Prospect Grove Estates, *Notice of Intent*, Norwood No. 2023-06 Applicant: The Marion Group LLC. Representative: Dan Merrikin, Legacy Engineering

Project Description: Proposed residential subdivision including roadway, stormwater infrastructure, and associated earthwork and utilities, in the Riverfront Area of an intermittent stream.

Attorney David Hern Jr., representing the applicant, stated that the Prospect St. subdivision has been approved by the Planning Board. He stated that they are providing a plan that protects all the interests in the Conservation Commission's regulations, as well as the local bylaw.

Mr. Dan Merrikin, of Legacy Engineering, stated that the Planning Board proposed a planting plan for the restoration area that the applicant is proposing. He stated that they have expanded the proposed restoration area since the meeting in October. Mr. Merrikin stated that the restoration area will total 7,000 square feet. Utilizing photographs, Mr. Merrikin demonstrated the current condition of the property to the Conservation Commission members. He stated that this redevelopment would bring the site into compliance with the Conservation Commission's current regulations. He added that it would reduce impervious surface area, remove invasive species, and add a comprehensive stormwater management system.

Mr. Gear asked if this plan was essentially the same plan that they had been looking at all along. Mr. Merrikin replied that they have made significant improvements to the restoration and planting plan.

Mr. Gear asked if they were told that the Conservation Commission did not want to see a plan with anything located in the 200 feet buffer area.

Mr. Merrikin replied that they do not consider it a viable request from an economic standpoint for a developer.

The Chairman asked Ms. Rocklen what the Conservation Commission's limit was in its ability to require an alternative analysis and in what form is it required to be delivered.

Ms. Rocklen, referring to the Norwood bylaw regulations, stated that there must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified by the Bylaw.

Mr. Scott Goddard, of Goddard Consulting, stated that they cannot ignore the language in the Wetlands Protection Act. He stated that there is a clear distinction in the Wetlands Protection Act between redevelopment projects and new development projects. Mr. Goddard stated that regarding redevelopment, the Wetland Protection Act stipulates the improvement of existing conditions. These improvements include reduction in impervious surface area, stormwater management, increasing the distance between the development and the riverbank, and the restoration of natural habitats. He stated that once the riverfront area is improved, the standards for redevelopment have been met under the Wetlands Protection Act.

Attorney Hill, representing the abutters, stated that there is no distinction in the bylaw between redevelopment and new development. He added that the bylaw puts the burden on the applicant to demonstrate the lack of viable alternatives, and he stated that this has not been met in the case of this project proposal. Attorney Hill stated that it is the applicant's obligation to comply with the bylaw, it is not the Commission's obligation to remind the applicant how to comply. He requested that the applicant present a plan showing where lots and roads could be reconfigured.

Mr. Merrikin asked the Commission to consider the circumstances on the ground when deciding on reasonable parameters for the proposal.

Motion: Mr. Gear made a motion that the Commission requires an alternative plan with no development within the 200-foot riverfront area.

Ms. Quinlan seconded the motion.

Motion passed, 4-0-1 by roll call vote.

Public Hearing:

Ms. Cathy DeGeorge, of 11 Myrtle St., stated that it seems reasonable to have an alternative analysis that reduces the number of lots. She added that although the applicant is making an argument that they are improving the riverfront area, the applicant intends to construct a number of new houses within the riverfront area, which constitutes a significant change. Ms. DeGeorge stated that she submitted a number of videos to the Commission demonstrating water flowing in the intermittent stream that is no longer included in the applicant's plans. She asked for the Commission member's response.

The Chairman stated that it was up to the judgement of Ms. Rocklen. He added that there was the option of a peer review to view the footage and to determine if it is impactful to some of the former delineations made.

Ms. Rocklen stated that it was not within the scope of work of the Commission's peer reviewer, Tetra Tech.

The representative from Tetra Tech stated that all comments and recommendations from Tetra Tech have been integrated into the previous delineations.

Attorney Hill stated that nobody is arguing that the stream in question is perennial, but that the former Conservation Agent Ms. Holly Jones identified an intermittent stream that connects around this project to the culvert that goes underneath Myrtle St. He added that a section of this stream was determined as being non-existent and asked how the water could get to the culvert if the stream did not exist.

The Tetra Tech representative stated that they determined that the area in question did not meet the necessary criteria or characteristics of an intermittent stream.

Mr. Goddard stated that they experienced some sizeable storm events prior to Christmas.

However, the presence of flowing water due to a once-off weather event does not constitute an intermittent stream.

Mr. Scott Horsley, of 39 Chestnut St. Boston, presented a slideshow presentation on behalf of Attorney Hill and the abutters. He concluded that the majority of wetland/waterway issues experienced in Massachusetts are the result of developmental projects that do not comply with applicable laws. He stated that the stormwater system proposed by the applicant will not work as intended and will instead result in more overflow. Mr. Horsley stated that these overflows have not been accounted for in the hydro-cad analysis.

Mr. Gear asked Mr. Merrikin how they determined a suitable location for the retention basin.

Mr. Merrikin replied that the current position allows surface run-off to be collected, as well as a portion of the overflow to soak into the ground, which will support the ground water table.

Motion: Mr. Gear made a motion to continue the public hearing to the next Conservation Commission meeting on March 20th, 2024, at 7:30 pm.

Mr. Pitti seconded the motion.

Motion passed, 4-0-1 by roll call vote.

5. 83 Morse, Notice of Intent, DEP 251-0552, Norwood No. 2023-23

Applicant: Rob Simmons, Cathartes. Representative: Peter Backhaus, Tighe & Bond

Project Description: Proposal to redevelop part of the site into a multi-story, multi-family building with parking, upgraded stormwater management and utilities, lighting and landscaping. Includes the removal of 5 buildings.

Attorney David Hern Jr., representing the applicant, stated that they were still working with the Planning Board and there were requests for adjustments and changes to be made. He requested a continuation of the public hearing to the March 20th meeting.

Motion: Mr. Gear made a motion to continue the public hearing to March 20th, 2024.

Ms. Quinlan seconded the motion.

Motion passed, 5-0 by roll call vote.

Wetland Issues and Updates:

1. Modification request for wastewater siphon structure rehabilitation project behind 290 Vanderbilt Ave., reducing impact - *Order of Conditions*, DEP 251-0535, Norwood No. 2022-03

Mr. Malin Horbaczewski, of the MWRA, stated that the impact of their project would be less than what was previously anticipated.

Ms. Rocklen stated that the applicant would not be performing the entirety of their previously intended plan, which will result in less ecological impact.

Mr. Horbaczewski stated that they have five siphon structures on their wastage water system that are located throughout Norwood. He stated that they had been granted a utility maintenance exemption for one of the locations and had received an Order of Conditions for two other sites.

Mr. Cunningham, with the aid of google maps, demonstrated where the site in question is located and what changes to the Order of Conditions would be taking place. He stated that they were abandoning the idea of constructing an access road.

The Chairman asked if the applicants had any concern regarding the ability to access the site in an urgent manner.

Mr. Cunningham replied that this was not a concern.

Ms. Rocklen stated that they did not have to change the Order of Conditions.

Motion: Ms. Quinlan made a motion to approve the alterations to the plan of proposed work as presented by the representatives of the applicant.

Mr. Gear seconded the motion.

Motion passed, 5-0 by roll call vote.

2. Potential for automation of dam outlet control at Ellis Pond

Ms. Rocklen stated that this is an item in the town's hazard mitigation plan. She added that she has spoken to the DPW, who stated that it is difficult to get electricity to the site, so they are satisfied to keep the manual controls in place.

Conservation Commission Business:

1. CPC report

Ms. Walsh opted to update the Commission at the next scheduled meeting.

2. Agent update

Ms. Rocklen stated that they were planning on setting up a table at the farmer's market for Earth Day on April 21st, in order to educate members of the public on the responsibilities and work of the Conservation Commission. Ms. Rocklen continued by stating that FM Global updated her on the status of their project. She stated that they closed off a number of catch basins that could have been adding sediment to the system. Ms. Rocklen stated that she received an NOI for the replacement of a stormwater pipe on Dean St. in South Norwood.

Adjournment.

Motion: Mr. Gear made a motion to adjourn.

Ms. Walsh seconded the motion.

Motion passed unanimously, 5-0 by roll call vote.

The meeting adjourned at approximately pm.

Next meeting: 20th of March 2024, at 7:30 p.m. via Google Meet & in person.

Respectfully submitted by Thomas Hackett