

**CONSERVATION COMMISSION**

STEPHEN WASHBURN, CHAIRMAN  
CATHERINE WALSH, VICE CHAIR  
KRISTIN CAPEZIO, TREASURER  
JOHN GEAR  
PETER BAMBER



**ENVIRONMENTAL PLANNER/  
CONSERVATION AGENT**

HOLLY JONES, MSCI

**OFFICE MANAGER/SR. ADMIN. ASST.**  
LYNN MARCHAND

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**Conservation Commission Meeting Minutes  
March 16, 2022**

**7:30 P.M.**

**Present: Stephen Washburn, Carly Rocklen, John Gear, Peter Bamber  
Also Present: Holly Jones, Environmental Planner/Conservation Agent.**

The March 16, 2022 meeting was held remotely using GoToMeeting software.

The meeting was called to order by Chairman Stephen Washburn at 7:30 p.m. followed by a roll call.

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*\*\*\*The Chair took 3 agenda items out of order:*

- 92 Union Street (under "Public Hearings")
- Potential Conservation Restriction/Moderna (under "Conservation Commission Business")
- Discussion of Potential parking lot expansion at Mylod St. Community Gardens and Orchard (under "Conservation Commission Business")

*Each item taken out of order will be denoted by "\*\*\*\*" in the following Minutes below:*

**Public Hearings:**

**1. 209 Access Rd (Airport) & off Meadow St on Sewer ROW. DEP No. 251-05XX N2022-02**

Applicant: Town of Norwood Representative: Magdalena Lofstedt, CDM Smith  
Project Description: Replacing and relining sewer manholes along the right-of-way. Project involves temporary impacts to BVW and riverfront for access and staging.

Ms. Jones stated that a continuation request had been received and noted that the abutter notifications had not gone out in time for this hearing. Additionally, she noted that they were waiting to hear from NHESP about whether the project would impact priority habitat.

**Motion: Mr. Bamber made a motion to continue the public hearing until April 6th at a time to be determined.**

**Ms. Rocklen seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

**2. Updates to wetlands regulations: portions updated may include but are not limited to, Section XI. Effective Dates**

Ms. Washburn shared his screen and reviewed his extensive analysis and GIS research. Highlights of the analysis included that about 7/8<sup>th</sup> of the properties which intersected wetland buffers would be likely be subjected to the halved regulations. The affected properties were all in either residential or manufacturing zoning districts; about 2/3 residential and 1/3 manufacturing. Mr. Washburn flagged that although Section XI contained language voiding it in case of a change in zoning, zoning maps from 2003 were not readily available and this section was difficult to

apply. Mr. Bamber asked Ms. Jones about her concern about the potential for permitting an area where new lots were intended prior to new lot creation; he noted that it had been the practice of the Commission to review applications after other board's review. Ms. Jones noted that there was a statutory obligation to open a public hearing within 21 days of receiving a complete application. Board members and Ms. Jones expressed their concerns about a variance process being overused for every application and suggested turning the 'applicable' date into a variance process rather than an automatic by-right halving of the buffer zones.

Mr. Bamber recommended speaking to Town Counsel about language that would allow for only projects accessory to dwellings like fences and sheds; this could be similar to the "minor project" exemption in the Wetlands Protection Act. Mr. Gear mentioned having anything that falls out of the parameters of "minor", such as manufacturing, could require a peer review or anything to qualify for a variance. Ms. Jones said she felt comfortable writing a waiver request process for residential and that she would get input from Town Counsel on the proposed regulation language changes..

### **Potential Violations:**

#### **1. 1400 Washington St. –unpermitted fill and clearing**

Ms. Jones read the email she received and her follow-up email asking for more details including a timeline for the proposed work. She said she had not received a reply in the past two weeks and felt like she had exhausted her friendly use of both email and text reminders. Mr. Washburn asked Commissioners if they felt it would be appropriate to formally require what is needed. Ms. Rocklen suggested an Enforcement Order requiring a plan by a wetland scientist. Ms. Jones said an enforcement order had already been issued that required a plan by a wetland scientist.

**Motion: Mr. Gear made a motion that Ms. Jones communicate to the property owner that if we don't have a plan by April 6th they will issue fines according to the conservation schedule.**

**Mr. Bamber seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

#### **2. \*\*\*92 Union St – shed in buffer zone and bordering land subject to flooding**

Ms. Jones stated that she had made contact with the owner, who was present at the hearing. Theshed is about 30' from the wetland and the smaller shed is closer. Both sheds are in bordering land subject to flooding, would likely not able to be permitted, and may need to be removed. She also noted that the the owner stated that the Building Dept. said they would need to add rocks as fill underneath the sheds to make them closer to the ground which would be more fill in the BLSF. (Bordering land subject to flooding)

Discussion was had regarding the details of the sheds as well as possibly having ramps instead of fill under the sheds. Ms. Jones displayed pictures of the property including the sheds and wetlands. The property owners provided some information and asked questions. Mr. Washburn said he would like to see more communication with the building inspector and something in writing.

**Motion: Mr. Bamber made a motion to continue the public hearing to the next remote meeting on April 6th. Mr. Gear seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

#### **3. Off of University Ave—behind 825 University Ave—unpermitted work in wetland**

Ms. Jones provided written comments to the Commissioners stating that Paul Halkiotis brought to her attention that he had noticed the area as a potential zoning violation. The Feeney Bros.

excavation company has been using this area as an unpermitted contractor's yard. There was an ORAD (Order of Resource Area Delineation) done of the whole property in 2004 before the lot was split into the front lot (825) and the back lot (secret contractors yard) and there's been a couple of OoCs for 825 since then. The ORAD shows the locations of the wetlands on the property and is in the meeting folder. There is a patch of BVW with a few intermittent streams running through it in the back that it looks like the Feeney Bros. built straight over to connect the parcel to an adjoining parcel in Westwood. Aerial photographs show the development. The property has been owned by the same owner since 2014, and she felt confident that the recent expansion circa 2017 was done by that owner. Ms. Jones a letter had been sent and recommended sending an enforcement order to have a wetland scientist document the impact and provide a restoration plan.

**Motion: Mr. Bamber made a motion to issue sending an enforcement order to have a wetland scientist document the impact and provide a restoration plan.**

**Mr. Gear seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

### **Conservation Commission Business:**

#### **1. \*\*\*Potential Conservation Restriction Moderna Campus Development Project**

Ms. Jones informed the Commissioners that she had met with representatives of Alexandria Real Estate Equities (ARE) about their development plans for the Forbes Mansion property. She said their attorneys are interested in working with the Commission and town staff to put a conservation restriction on a portion of the property. Mr. Macchi and Mr. Lee, counsel for ARE, addressed the Commission. They described the portion of the property as an undeveloped area, currently a non-developable parcel. The Planning Board had asked what happens if the subdivision goes away and wanted something on the record between Town of Norwood and Alexandria saying it will remain in its natural state. Mr. Macchi said he needs the Commission to authorize Ms. Jones to work together with the owner to keep the parcel undeveloped. Mr. Gear asked what the motivation for the client to do this. Mr. Macchi said they were asked to by the General Manager and they agreed. He added that the parcel isn't really developable. Ms. Jones showed the parcel in question on the screen, off Upland Rd.

**Motion: Mr. Bamber made a motion to authorize Ms. Jones to work with Macchi and Macchi on this.**

**Mr. Gear seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

#### **2. \*\*\*Discussion of potential parking lot expansion at Mylod St Community Gardens and Orchard**

Ms. Jones and Mr. Greeley expressed concern about the capacity of the parking lot during peak gardening times. It was noted that the expansion of the parking lot would be in the area of Washington St, away from the orchard. Mr. Greeley said with the expansion of the usage of the walking trails they anticipate the need to expand the parking area and also in anticipation of possible construction at the Coakley School which will eliminate the parking spaces on that campus so others may need to use that Mylod St parking area.

Ms. Jones showed the configuration drawing of the before and after Mylod St. parking area that Mr. Greeley provided. It showed only 1 egress and would allow 7-8 additional vehicles.

Ms. Jones asked the Commission if they would consider paying for the excavation work which should be under \$2,000. Mr. Bamber said it's common sense to do both and said it is minor in

scope and noted that DPW had assisted ConCom many times in the past. Mr. Washburn said it's a very pro-active proposal. Ms. Rocklen asked if it was down-slope from anything you wouldn't want draining from there (vehicle fluid). Mr. Greeley said it's downhill from approximately 50' from the boundary between ConCom property and abutter and not near the garden and still far enough away from the abutting property. She asked about the condition of the rest of the parking lot. Mr. Greeley said there is a dip just inside the driveway entrance. He said the rest of the parking lot is gravel but rest of the parking lot is fairly level. He said a leveling-out could help but hadn't heard of any other comments regarding a parking lot area. Mr. Bamber said they could purchase a little extra gravel for the area if needed. Discussion was had regarding using the excavated top layer of soil. Mr. Greeley said it could be reused onsite either as loam or as composting material.

**Motion: Mr. Gear made a motion to support the initiative and provide the funding.  
Ms. Rocklen seconded the motion.  
Motion passed unanimously, 4-0 by roll call vote.**

**3. 2021 Annual Report**

The Commission had no edits or comments.

**Motion: Mr. Bamber made a motion to accept the 2021 annual report.  
Mr. Gear seconded the motion.  
Motion passed unanimously, 4-0 by roll call vote.**

**4. Conservation Planner reclassification request**

Ms. Jones discussed the details regarding the reclassification request to raise her from a grade 8 to a grade 11 which would put her more in line with the Assistant Planner. The salary increase would be from \$67k to approximately \$82k. She said the Planner, General Manager, and HR Director were all supportive of the reclassification but said that the Personnel Board would need to vote on it. Ms. Jones stated that the reclassification would be reflective of her role in managing large grants and projects as well as frequently interacting with the media. The Commissioners expressed support for Ms. Jones work and the reclassification.

**Motion: Mr. Bamber made a support the reclassification and to direct the Chair to issue a letter to the Personnel Board reflecting the Commission's support.  
Mr. Gear seconded the motion.  
Motion passed unanimously, 4-0 by roll call vote.**

**5. Endean Orchard Subcommittee update**

Mr. Washburn stated that 1 injured tree needed action under the warrantee. He said that tools had been requested and that Joe Greeley/the Trails Committee have been pursuing the purchase of these tools. Discussion was had regarding stairs/ramp for the shed, ideas on how to proceed, and cost associated with companion plants (nitrogen plants complimentary to orchard etc.) Ms. Jones sourced out nitrogen fixing plants, the cost of the companion plants, and soil amendments.. She discussed the various plant species to be purchased and their associated cost. She said \$500 was needed to pay for all additional plantings and supplements.

**Motion: Mr. Bamber made a motion to approve \$500.  
Mr. Gear seconded the motion.  
Motion passed unanimously, 4-0 by roll call vote.**

**6. CPC Report**

Ms. Walsh, the Commission's CPC representative, was absent but Ms. Jones said she had attended the March 2nd CPC meeting. She announced to the Board that the CPC had voted to allocate the full funding request of half the amount, for the construction of Bernie Cooper Park. Money from the general fund would pay for the other half. Ms. Jones said will be taking the CPC on a site walk. She also noted that the carillon had been finished.

**7. Agent Update**

Ms. Jones announced the unanimous passing of the Stormwater Management Bylaw at town meeting on Monday, March 14<sup>th</sup> and thanked the Commission for sponsoring the article. Ms. Jones said regarding the dam removal project that the streambed reconstruction would be starting tomorrow. Ms. Rocklen and Ms. Jones will go to check on the progress. Mr. Washburn expressed his interested in the spawning area.

**8. Minutes 2/2/2022 & 2/16/2022**

**Motion: Mr. Bamber made a motion to approve the Minutes of 2/2/2022.**

**Ms. Rocklen seconded the motion.**

**Motion passed unanimously, 4-0 by roll call vote.**

**Adjournment:**

**Motion: Mr. Bamber made a motion to adjourn.**

**Mr. Gear seconded the motion.**

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

Meeting adjourned at approximately 9:18 p.m.

Next remote meeting: April 6, 2022 at 7:30 p.m.

Respectfully submitted by Lynn Marchand.