

CONSERVATION COMMISSION

STEPHEN WASHBURN, CHAIRMAN
CATHERINE WALSH, VICE CHAIR
CAROLYN ROCKLEN, TREASURER
JOHN GEAR
PETER BAMBER
KELSEY QUINLAN
OLIVIA HAGLUND



ENVIRONMENTAL PLANNER/
CONSERVATION AGENT
HOLLY JONES, MSCI

OFFICE MANAGER/SR. ADMIN. ASST.
LYNN MARCHAND

Norwood Conservation Commission

Meeting Minutes

April 5, 2023

7:30 P.M.

Present: Stephen Washburn, Catherine Walsh, Carolyn Rocklen, John Gear, Peter Bamber, Kelsey Quinlan, Olivia Haglund

Also Present: Holly Jones, Environmental Planner/Conservation Agent

The April 5, 2023 meeting was held remotely using Google Meet and in person in Room 24 of Norwood Town Hall, 566 Washington St. The meeting was called to order by the Chair, Mr. Stephen Washburn, at 7:30 p.m. followed by a roll call.

Reorganization:

1. Conservation Commission reorganization.

Motion: Mr. Bamber made a motion to nominate Mr. Washburn as Chairperson.

Ms. Walsh seconded the motion.

Motion passed unanimously, 6-0-1 by roll call vote. Mr. Washburn abstained

Motion: Mr. Bamber made a motion to nominate Ms. Walsh as Vice Chairperson.

Mr. Washburn seconded the motion.

Motion passed unanimously, 6-0-1 by roll call vote. Ms. Walsh abstained.

Motion: Mr. Bamber made a motion to nominate Ms. Rocklen as Treasurer.

Mr. Gear seconded the motion.

Motion passed unanimously, 6-0-1 by roll call vote. Ms. Rocklen abstained.

Public Hearings:

1. 115 Norwood Park South. DEP No. 251-0543 Norwood No. 2023-04

Applicant: Frank Giglio of 1144 Properties, LLC Representative: Deborah Keller of Merrill Inc. Project Description: Building addition and parking lot improvements in the buffer zone of a bordering vegetated wetland.

A continuance has been requested to the May 10th meeting to accommodate Planning Board review on April 20th.

Motion: Mr. Bamber made a motion to continue the hearing to the May 10th meeting.

Ms. Rocklen seconded the motion.

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

2. 3 Edgewater Drive. DEP No. 251-0544 Norwood No. 2023-05

Applicant: E&F Realty Assoc LTD Partnership Representative: Alfons Koka of EBI Consulting Project
Description: Creation and restoration of a detention basin in riverfront area, bank, and bordering land subject to flooding associated with Traphole Brook.

Mr. Koka, the civil engineer for the project, said he redesigned the basin and replaced it with a swale, widened the berm area between the swale and the brook, and created a mounding isle in the middle. He reviewed the sediment/erosion control and discussed the landscaping plan.

Ms. Jones said that phasing would be important. She said a condition might be added for the portion where the current check dam is, close to the brook, that the work be done first or done last before removing the existing check dam as the area is currently stabilized.

Mr. Koka said he would do the first 20' from the brook first.

Ms. Jones stated that since the application was in response to a violation, the Commission might consider a condition with a timeline for completion of the work such as a year from the issuance of the OoC.

Ms. Rocklen advocated for using native species and recommended changing *Cornus alba* "Sibirica" to *Cornus/Swida sericea*.

Motion: Mr. Bamber made a motion to close the public hearing and issue the Order of Conditions with the standard Norwood special conditions, ones that Ms. Jones previously outlined, and a condition that any fill material or machines (excavators etc.) coming into the site shall be inspected to ensure that they are free from invasive vegetation and debris.

Mr. Gear seconded the motion.

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

Certificate of Compliance Request:

1. 59 Puritan Place. DEP File No. 251-0344, Norwood No. N2004-08

Ms. Jones informed the Commission that a request to continue to April 19th was received. She said that she asked the applicant for this to be the last continuation request and recommended that Commissioners issue a negative determination if another continuation was requested.

Motion: made a motion to continue to April 19th.

Ms. Rocklen seconded the motion.

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

2. 429 Neponset Street. DEP File No. 251-0496, Norwood No. N2018-07

Ms. Jones explained that the issuance of a CoC would also cover previous OoC issued for the property which lapsed and then was renewed. She said an as-built was received and a letter from an engineer affirming that the project was built substantially in compliance with the approved plan, however, stairs were constructed that were not on the approved plan but were shown on the as-built plan. She noted that it was also closer to the wetland. Despite this, Ms. Jones recommended granting the CoC since an egress was required per the building code and there was no way to remove the stairs while remaining in compliance with the code. Ms. Jones said while it is less than ideal, issuing the CoC's was still the best way to move forward. She noted that the condos were all inhabited and it would be difficult having to have each condo owner obtain a partial when they sell their condo.

Representing the owner, Mr. Chris Nation, gave a brief history of the property and said the issues were an innocent oversight. He said the egress landing and stairs were built as minimally as possible while still achieving what was required by the building code. He explained that the decks didn't show up on the plan but that the 6' white solid vinyl fence would prevent "creep".

Ms. Jones said the fence was situated between grass/lawn area and the resource area.

Ms. Jones recommended issuing all 4 Orders of Conditions; DEP No. 251-0496, Norwood No. N2018-07, and DEP No. 251-0368 and Norwood No. N2005-02.

Motion: Mr. Bamber made a motion to issue all 4 orders of conditions; DEP No. 251-0496, Local Order No. N2018-07, DEP No. 251-0368, and Local No. N2005-02.

Mr. Gear seconded the motion.

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

Potential Violations:

1. 1 Technology Way

Mr. Scott Goddard of Goddard Consulting introduced the team and owner representative to Commissioners and gave a PowerPoint presentation (attached to Minutes). He said the land survey and site plan had been completed. He noted that they do not yet have a mitigation plan and permitting solutions. He began with a history of the site from the early 1900's to present day. Mr. Patouche said that drainage, from the abutting parking lot and from roofs, was emptying onto the subject site. Mr. Goddard said they should evaluate the function and value of the isolated, man-made wetlands and whether it deserved protection/mitigation, or if it might be better in another area. Mr. Kevin Soley, engineer, touched on presumptive IVW (isolated vegetated wetlands), the watershed map, and existing stormwater patterns. Mr. Goddard said the questions to evaluate were where to go from here, if mitigation was necessary, and if the Commission would be open to different type of mitigation such as opportunities where replication off-site might be better suited.

Ms. Jones displayed photos of the site showing approximately 3 acres that were deforested and grubbed without a construction general permit from the EPA for the land disturbance or a permit from the Conservation Commission. Also displayed were pictures showing algae, a trench along the toe of the slope that was filled with water, signs of anaerobic soil, reduced chroma matrix, saturated wetland soil, and standing cattails. Ms. Jones noted that under local bylaw and WPA, when and how a wetland came to be was not pertinent and did not affect its being regulated. She cited several recent examples that had come before the Commission. She stated that if the applicant wanted to argue whether the wetlands were fulfilling the functions and values to be protected, those arguments should have been made before cutting and filling of the wetland had occurred. Ms. Jones said the former wetland could be assumed to have provided flood control, pollution control, and habitat. Ms. Jones recommended an NOI which would include restoration.

Mr. Washburn talked about the "wild west" of development on the site prior to the WPA. He said that graveling likely provided a connection to the northern hydrology. He noted the property had a lot of disturbance and development as well as a clear and identifiable wetland. Mr. Bamber expressed that the relevance being what was in existence now regardless of the history of property. He said the land owner who cleared the forested area was responsible for not looking into what was required. Ms. Jones asked when the site was actually cleared. (2022). Mr. Gear said that area was providing infiltration and that the wetland served a purpose.

Mr. Patouche said he would like to explore off-site replication due to the very developed area that the site is on. Mr. Washburn said he was not interested in hearing about off-site replication and expressed concern about the amount of water on the site. He said there were multiple acres of disturbance and that Norwood has very limited open space. Ms. Rocklen said no matter the origin of the wetland, it was protected and that the Conservation Commission should protect it. Ms. Quinlan pointed out that it was the only place in that area without impervious surface. Mr. Solli acknowledged that stormwater needed to be addressed. Ms. Walsh said she would like to see what can be done on site which would be the preferred solution. Ms. Walsh also expressed that mitigation should be on site.

Ms. Jones said in regards to intersecting w/groundwater that it would be difficult to put in infrastructure that would provide the amount of pollution reduction and groundwater protection that was provided by the topsoil, vegetation, and wetland that was on the site. She noted that the parcel was outside the parcel groundwater protection district by one parcel boundary but that it was likely contributing to the recharge of those aquifers. She expressed concern about the area becoming impermeable. Ms. Rocklen asked about how ACEC (Areas of Critical Environmental Concern).

Mr. Goddard asked for time to provide formal material. Mr. Bamber suggested May 10th and Mr. Soley confirmed that the time frame would be sufficient.

Additional discussion was had regarding stormwater management.

Ms. Jones said during dry conditions, soils were saturated. Ms. Jones noted that she was leery of the stormwater-basin-solution in lieu of a wetland replication because it could be paved over in the future as opposed to restoring the wetland which would remain protected. Mr. Solli said he would work on a constructive wetland stormwater solution.

Motion: Mr. Bamber made a motion to continue to May 10th.

Mr. Gear seconded the motion.

Motion passed unanimously, 6-0 by roll call vote. Ms. Haglund was no longer present.

Conservation Commission Business:

1. Endean Orchard Subcommittee update

Ms. Jones suggested a spring work day at the Orchard and the Butterfly Garden at Alevizos Park.

2. CPC report

Ms. Walsh said the warrants were being drafted for Town Meeting and they were moving forward with all the submitted projects. Ms. Rocklen said she was approached by the Friends of the Library about creating a pollinator garden and native plants garden. She said they would be looking for funding next year. Ms. Jones suggested checking with Kristen Phelps, CPC Coordinator, regarding eligibility.

3. Neponset Stormwater Partnership

Ms. Jones said she checked with DPW and NepRWA to review what was currently being done. The CWMN (enhanced water monitoring) membership would include 8 additional water monitoring sites above the basic services that are currently received. Ms. Jones said the quote from last year was \$5,000. Discussion was had regarding benefits, groups Ms. Jones works with, current work being done, and additional potential involvement. Mr. Washburn felt the cost was nominal compared to the benefits and value considering the amount of hydrology in Norwood. Mr. Bamber suggested leaving this as an agenda item and getting further information. Ms. Quinlan spoke favorably about the increased partnership.

4. Agent update

- Ms. Jones informed Commissioners that she joined a volunteer day, on March 25th, with the Greater Boston Trout Unlimited. She will be staking along Traphole Brook to help stabilize erosion.
- She announced that they have the schematic designs for the Bernie Cooper Park.
- On April 13th, Ms. Jones will give a stormwater talk at the Senior Center.
- Ms. Rocklen will give a talk at the Library on April 25th regarding sustainable gardening.
- Earth Day weekend will have cleanup days at the Bernie Cooper Park on Saturday and the Progress Norwood Fair & clean-up on Sunday.
- She announced that they were awarded \$1,200 from the Cultural Council for a workshop series and also that Norwood had been awarded a grant to update the hazard mitigation plan.

5. Minutes 2/15/23 & 3/15/23 -page 3 revegetation and rewooding --strike rewooding

Ms. Rocklen recommended corrections: strike "rewooding" and change "pervious" to impervious".

Motion: Mr. Bamber made a motion to approve the Minutes from 2/15/2023 & 3/15/2023 with corrections by Ms. Rocklen.

Mr. Gear seconded the motion.

Motion passed unanimously, 5-0-1 by roll call vote. Ms. Walsh abstained. Ms. Haglund was no longer in the meeting.

Adjournment.

Motion: Mr. Bamber made a motion to adjourn.

Ms. Rocklen seconded the motion.

Motion passed unanimously, 6-0 by roll call vote. Ms. Haglund was no longer in the meeting.

The meeting adjourned at approximately 9:30 p.m.

Next meeting: April 19, 2022 at 7:30 p.m. via Google Meet & in person.

Respectfully submitted by Lynn Marchand.

March 20, 2023

Norwood Town Offices
Norwood, MA

Re: One Technology Way, Norwood, MA
Wetlands Enforcement Order

In response to the Norwood Conservation Commission's Enforcement Order issue on February 23, 2023, Goddard Consulting, LLC ("Goddard") is pleased to provide this information for your review. Goddard has been thoroughly and actively engaged in similar wetland consulting and permitting for over 25 years.

Since the early 1980s, this parcel has been developed as an office park with extensive parking. Compared to its historical grade, the land sits at a relatively low elevation adjacent to Route 1. Along the rear of the parcel is a fairly steep slope which seasonally intercepts the groundwater table. This groundwater interception has caused widespread water management issues on the parking areas of the subject parcel as well as flooding the loading dock area of direct abutters (19 Perwall, Westwood). Historically, a series of stone trench drains and ditches have been dug in a crude effort to manage this water. Recent (2023) efforts to regrade and improve drainage improvements has resulted in this Enforcement Order. A few facts that are clear are as follows:

- This site has not contained any type of wetland areas historically.
- The site was a gravel pit from 1930s to 1980s and built at office park in 1980s.
- The site's rear slope has intercepted the groundwater table causing drainage problems.
- Efforts to manage the drainage to date have been inadequate.
- There are not now, nor have there ever been, any wetlands on this property that would be regulated/protected under the MA Wetlands Protection Act. In other words, no streams or ponds are on the property.
- In 2009, the Town of Norwood passed amendments to their local Wetlands Bylaw and Regulations to include the protection of Isolated Vegetated Wetlands (IVW) and applicable buffer zones, which is an extension of wetland jurisdiction beyond state law.
- To the extent that the hillside weeping area would have qualified as IVW, the Norwood Conservation Commission has discretionary authority to regulate activity in and around it. The Commission could choose to not regulate any IVW by making a determination that this particular IVW was a created excavation, not a natural feature, and it does not serve important functions and values that the Bylaw has been set out to protect and regulate. If such a finding were to be made, the alteration could be allowed to remain without further permitting.

Attached is an historical timeline explaining the evolution of the subject parcel. Figures 1-3 show the parcel at One Technology Way was originally a forested hill, which was cleared and

regraded in order to be converted into a large gravel pit area between 1932 and 1936. No indication that water existed on site until the end of the 1970s, well after 1969 when the cut slope was pushed further to the east. This remnant earthwork and management of drainage on site is what allowed water to begin collecting at the "area of interest", which is the only reason an isolated wetland would have been able to develop. These changes can be seen on Figures 4-6. No further sitework occurred in the "area of interest" following the 1970s, allowing vegetation to recover over the next 10 years. A substantial amount of vegetation was not established in the area until after 1986, as shown in Figures 7-10.

All major land disturbances occurred before 1986 and would have predated any laws or regulations regarding wetland areas under local, state, or federal jurisdiction. leaving it exempt to such laws at that time. In the present day, no federal or state laws would apply, but their remains the discretionary authority of the Norwood Conservation Commission under the 2009 IVW amendments to the local Wetlands Bylaw and Regulations.

Very truly yours,
GODDARD CONSULTING, LLC



Scott Goddard, Manager

Table of Contents

- Figure 1..... 1919 Topography: Original topography
- Figure 2..... 1932 Topography: Last original topography before conversion to gravel pits
- Figure 3..... 1936 Topography: Regrading for gravel pits
- Figure 4..... 1957 Aerial: Active gravel pits
- Figure 5..... 1969 Aerial: Active gravel pits and new commercial buildings south of parcel
- Figure 6..... 1978 Aerial: Cut slope pushed further east between 1969 and 1978. Water now sits on site. New commercial buildings north of parcel.
- Figure 7..... 1980 Aerial: Regrading/flattening of parcel occurs between 1978 and 1980
- Figure 8..... 1986 Aerial: 1 Technology Way building constructed between 1980 and 1986. Trees cleared east of parcel for new commercial building. New commercial building built on west side
- Figure 9.... 1990s Aerial: New parking area in southwest corner of parcel. Road on south side slightly changed
- Figure 10.... 2001 Aerial: Basketball court. Building sign constructed in southwest corner of parcel
- Figure 11.... 2013 Aerial: Volleyball court added between 2005 and 2013
- Figure 12.... 2021 Aerial: Diminished water and drainage patterns

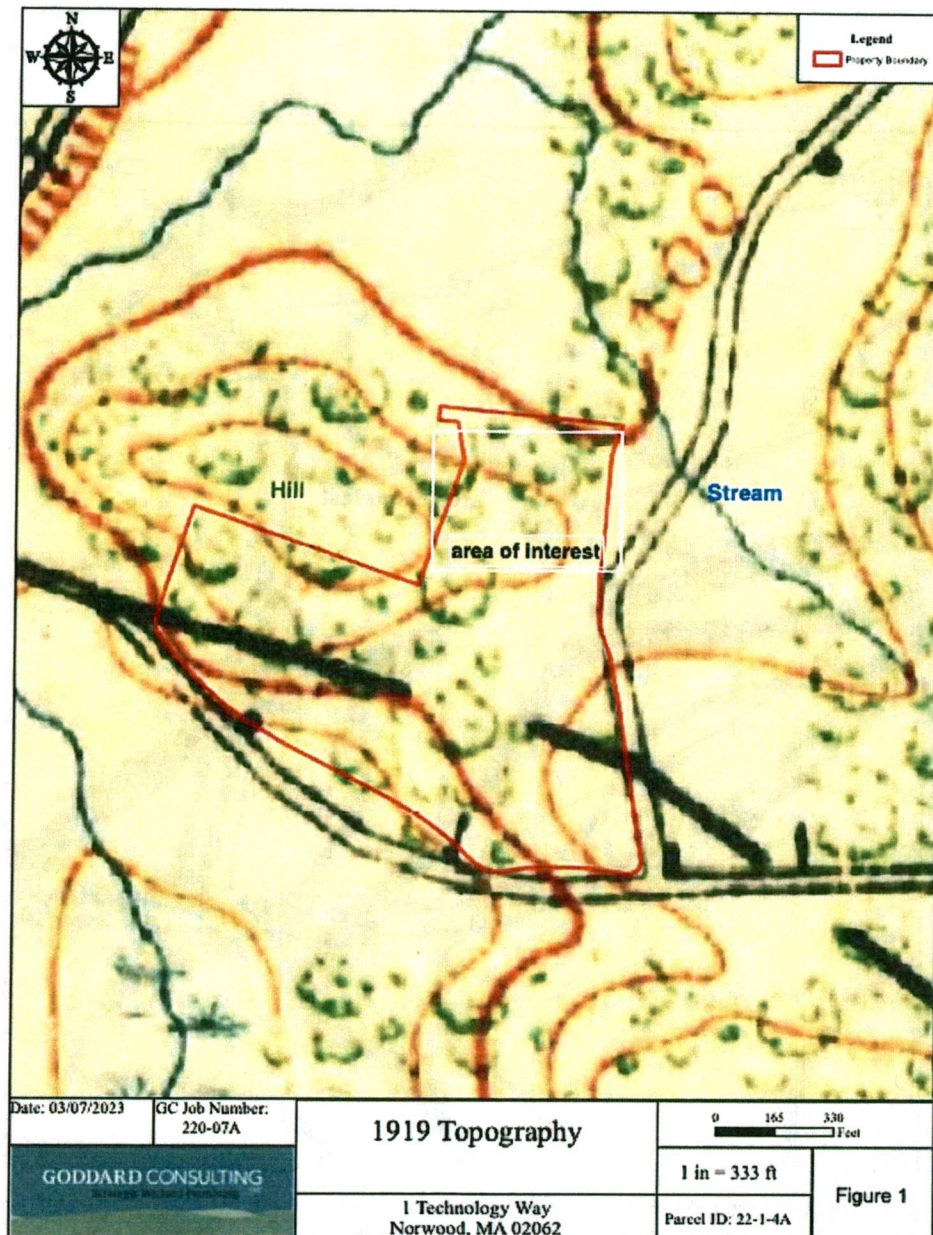


Figure 1 Notes: No streams or bodies of water exist within property bounds.

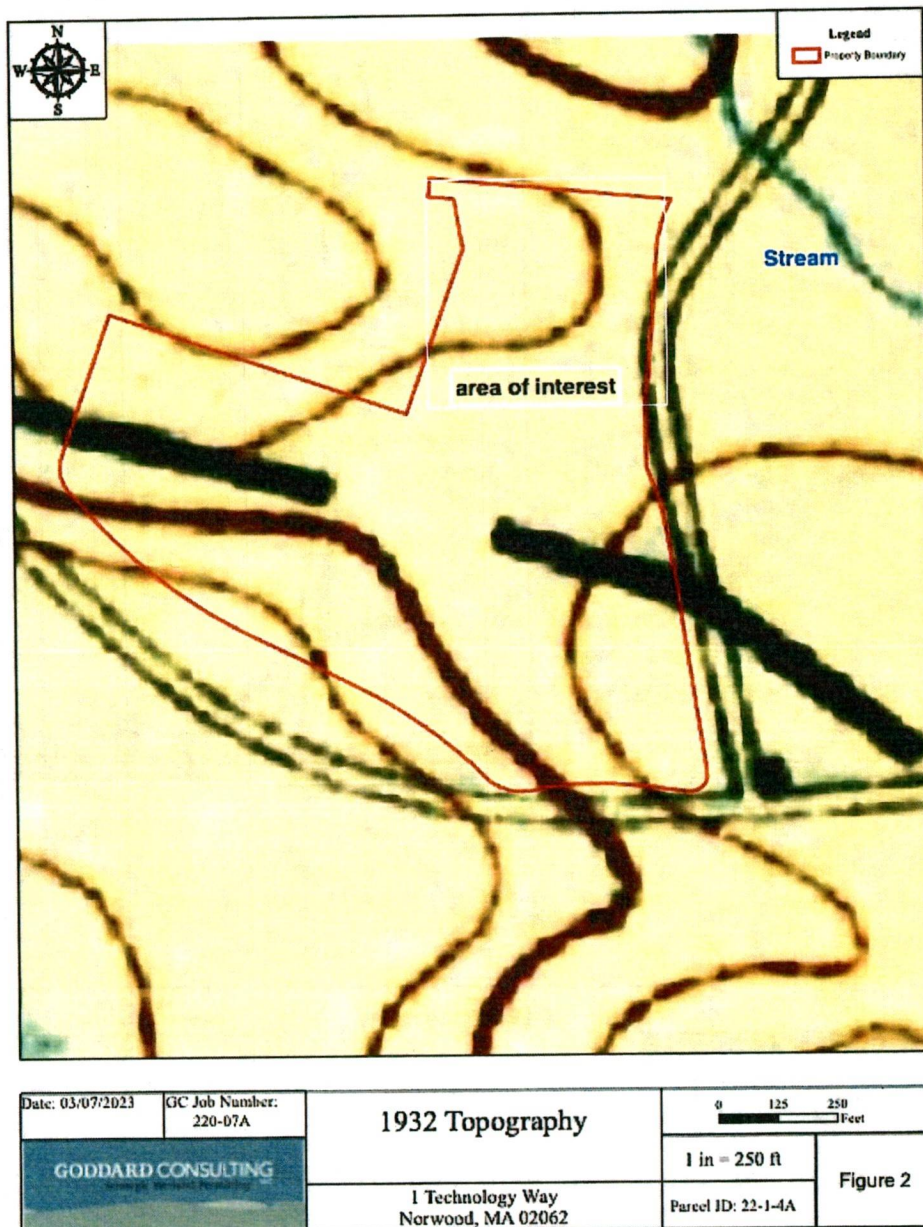
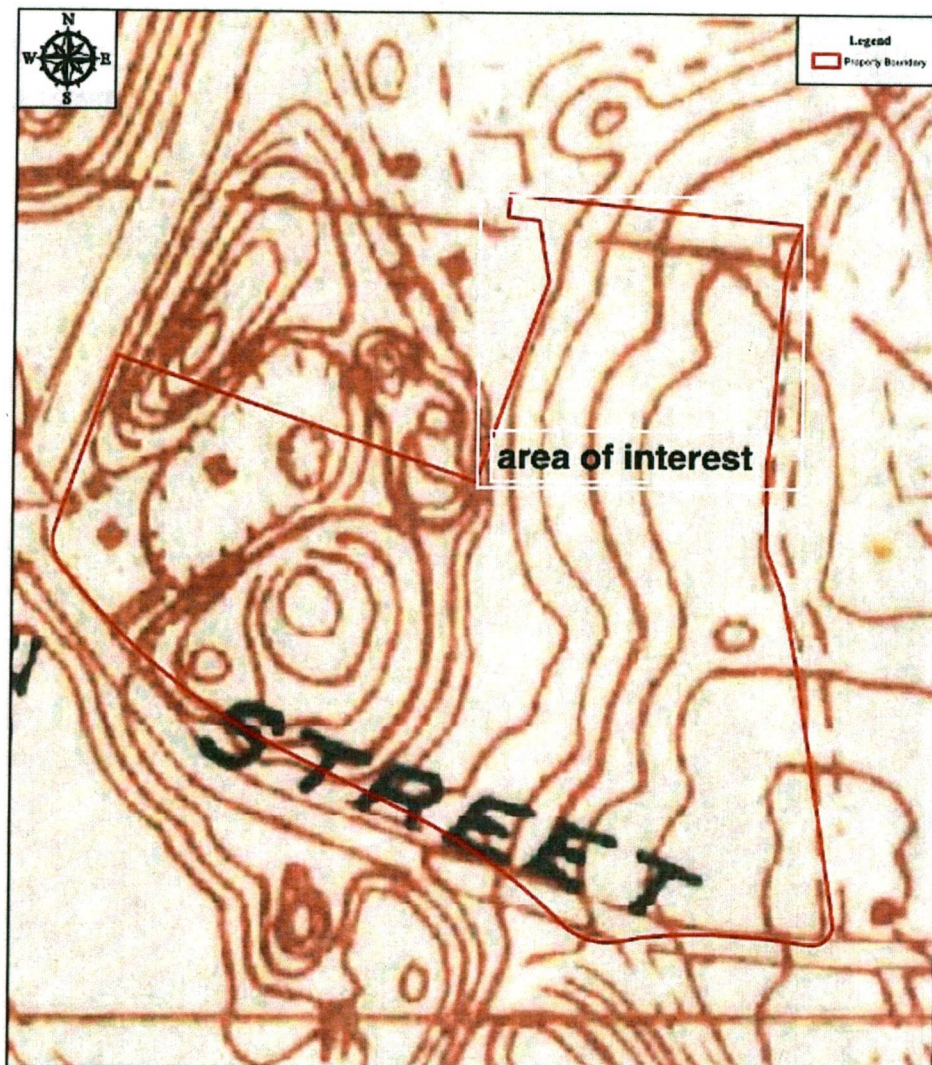


Figure 2 Notes: Land has been cleared in preparation for gravel pits.



Date: 03/07/2023	GC Job Number: 220-07A	1936 Topography	<div>0105210</div> <div>Feet</div>	
<div>GODDARD CONSULTING</div>			1 in = 208 ft	Figure 3
		1 Technology Way Norwood, MA 02062	Parcel ID: 22-1-4A	

Figure 3 Notes: Gravel pits have begun activity on the west side of the parcel. Cut slope exists vertically, near the center of the parcel.

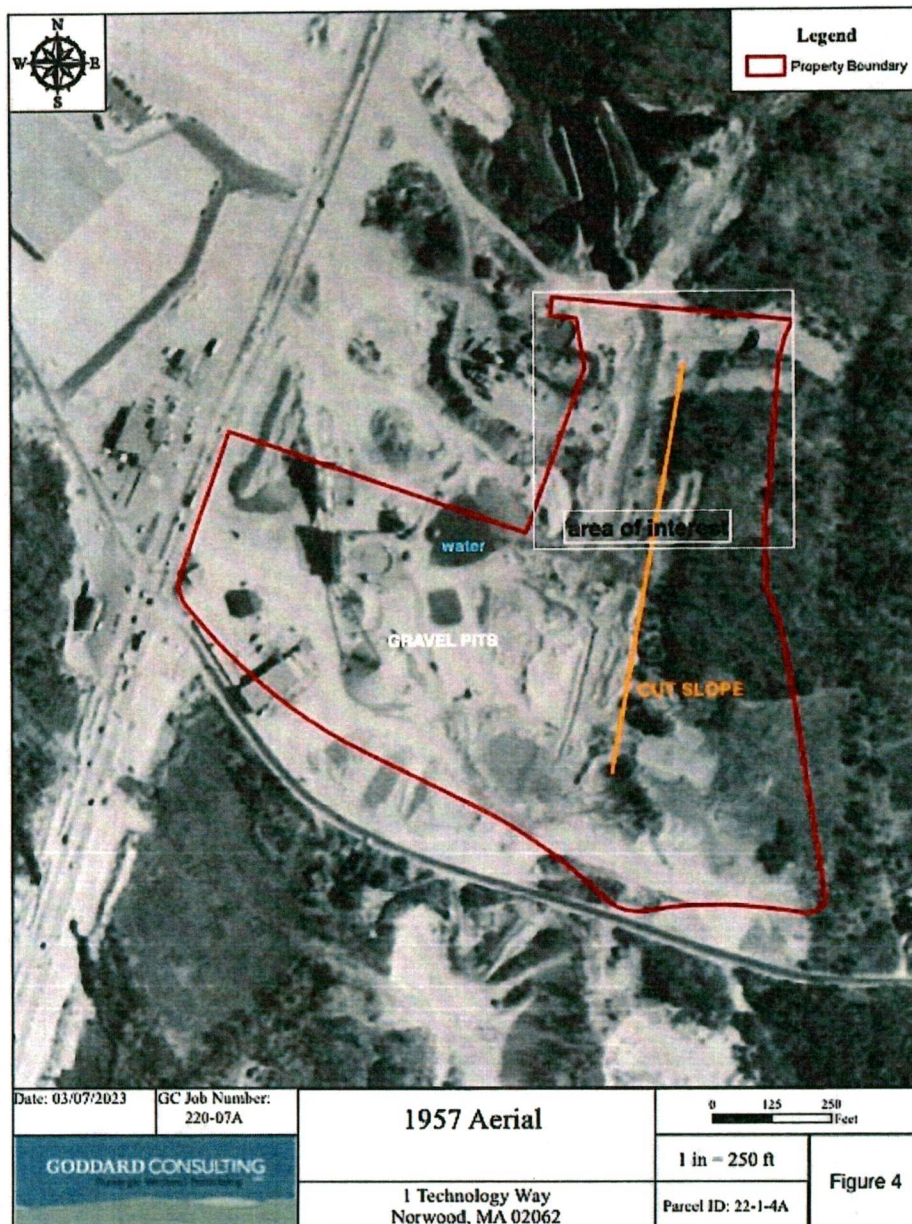


Figure 4 Notes: Active gravel pits located over most of the parcel. No residential or commercial buildings exist on or near the site. Water collects in the center of the parcel as noted by labeled area.



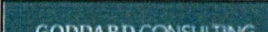
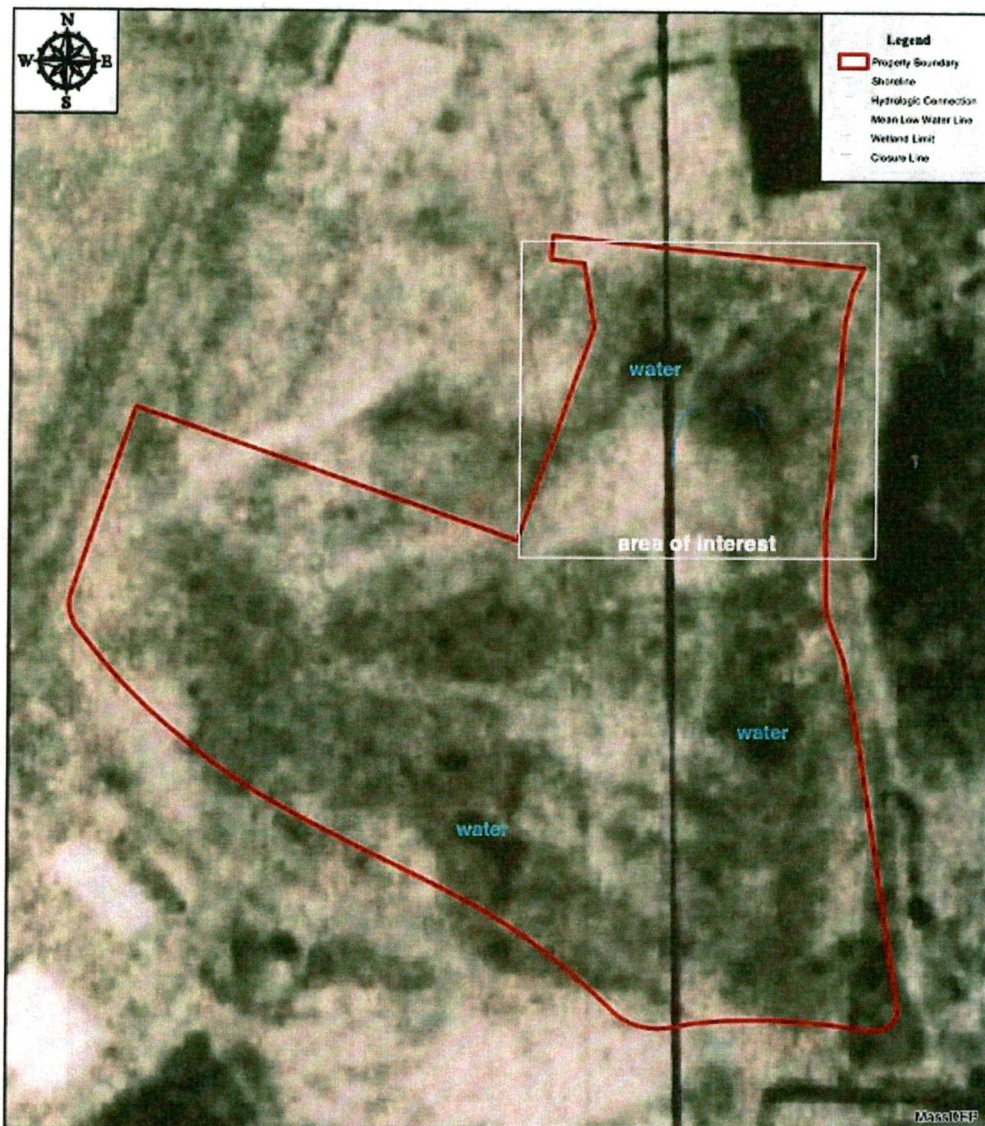
Date: 03/07/2023	GC Job Number: 220-07A	1969 Aerial	<div><div></div><div>0125250</div><div>Feet</div></div>	
 <div>GODDARD CONSULTING</div>			1 in = 250 ft	Figure 5
		1 Technology Way Norwood, MA 02062	Parcel ID: 22-1-4A	

Figure 5 Notes: Trees in center of site have been removed to push the cut slope to the east of the property boundary and extend the gravel pit area. New commercial buildings exist south and southwest of the parcel.



Figure 6 Notes: More commercial construction to the north, outside the parcel, has occurred. Standing water exists within the center of the site and in the northeast corner due to gravel pit earthwork.




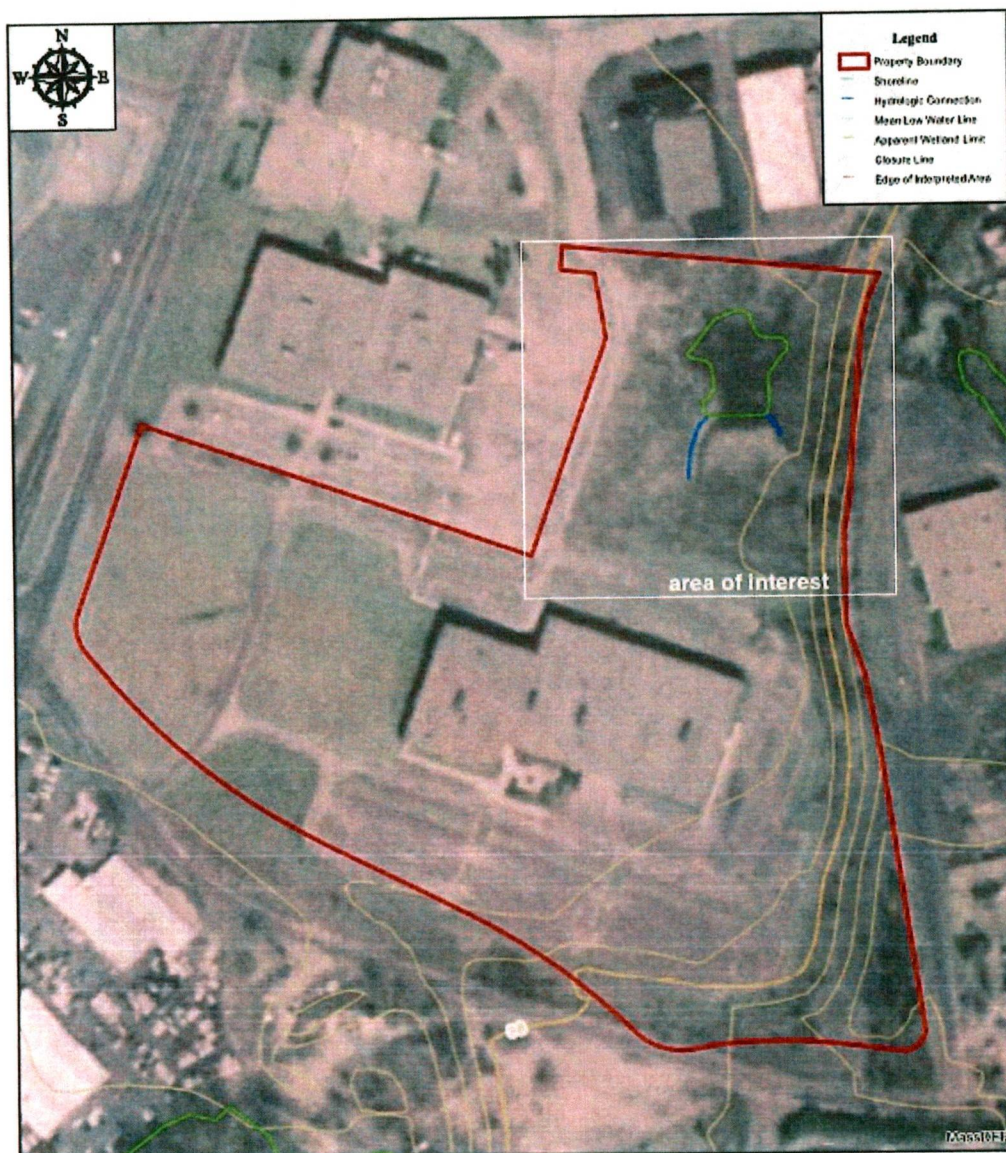
Date: 03/07/2023	GC Job Number: 220-07A	1980 Topo	0 105 210 Feet	
			1 in = 208 ft	Figure 7
		Parcel ID: 22-1-4A		
		1 Technology Way Norwood, MA 02062		

Figure 7 Notes: Regrading/flattening the parcel occurs between 1980 and 1986 to prepare for a commercial building on the site. Slope elevation decreases as it enters the parcel from the east. A polygon has been added to show where the MassGIS DEP wetland layer shows a presumptive IVW.




Date: 03/07/2023	GC Job Number: 220-07A	1986 Aerial	<div>0105210</div> <div>Feet</div>	
			1 in = 208 ft	Figure 8
		1 Technology Way Norwood, MA 02062	Parcel ID: 22-1-4A	

Figure 8 Notes: A commercial building has been constructed on site along with parking lots. The buildings are likely set close to or into the groundwater table. Cut slope on East side remains in same location. Standing water collects in northeast corner of the parcel. Forested land on east side, outside the parcel, has been cleared and a new building constructed. Vegetation has begun to be reestablished on site.




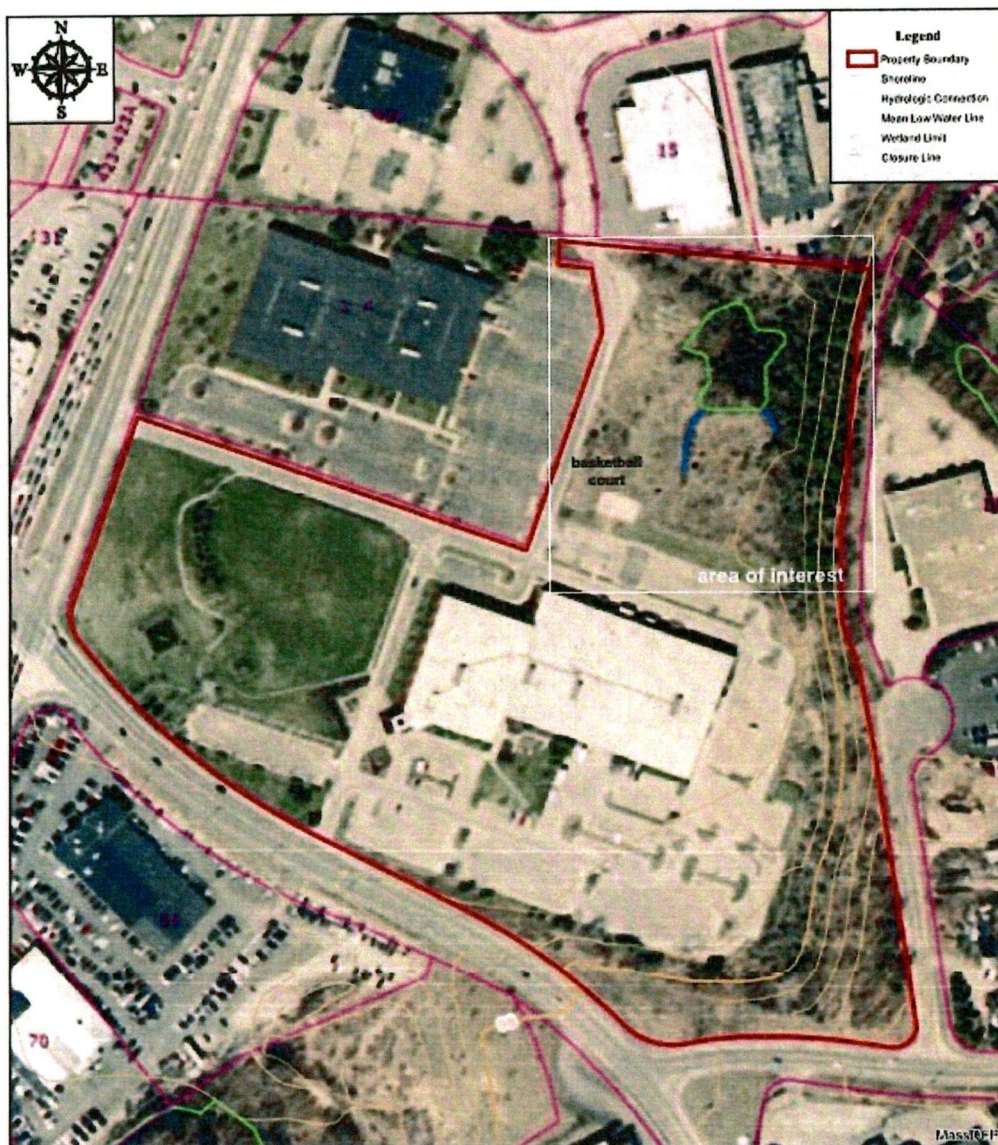
Date: 03/07/2023	GC Job Number: 220-07A	1990 Aerial	<div>0105210</div> <div>Feet</div>	
			1 in = 208 ft	Figure 9
		Parcel ID: 22-1-4A		
		1 Technology Way Norwood, MA 02062		

Figure 9 Notes: Vegetation around the site is still sparse. New parking area in southwest corner of parcel. Road on south side slightly changed. Some linear features are visible directly to the east of the parking lot which are likely early efforts of the drainage trenches.



Date: 03/07/2023	GC Job Number: 220-07A	2001 Aerial	0 105 210 Feet
GODDARD CONSULTING <small>Environmental & Technical Services</small>		1 Technology Way Norwood, MA 02062	1 in = 208 ft
			Figure 10

Figure 10 Notes: A basketball court has been constructed on site to the north of the building as well as a company sign and walkway in the west corner of the site.




Date: 03/07/2023	GC Job Number: 220-07A	2013 Aerial	0 105 210 Feet	
			1 in = 208 ft	Figure 11
		Parcel ID: 22-1-4A		
		1 Technology Way Norwood, MA 02062		

Figure 11 Notes: Basketball court in the northeast has been paved and a volleyball court has been added next to it. Vegetation in northeast corner has increased significantly.




Date: 03/07/2023	GC Job Number: 220-07A	2021 Aerial	0 105 210 Feet	Figure 12
			1 in = 208 ft	
		1 Technology Way Norwood, MA 02062	Parcel ID: 22-1-4A	

Figure 12 Notes: Water and drainage patterns have diminished. Trees around the site have matured.