

CONSERVATION COMMISSION

STEPHEN WASHBURN, CHAIRMAN
CATHERINE WALSH, VICE CHAIR
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JOHN GEAR
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**ENVIRONMENTAL PLANNER/
CONSERVATION AGENT**

HOLLY JONES, MSCI

OFFICE MANAGER/SR. ADMIN. ASST.
LYNN MARCHAND

Conservation Commission Meeting Minutes

April 6, 2022

7:30 P.M.

Present: Stephen Washburn, Catherine Walsh, Carly Rocklen, Peter Bamber, Kelsey Quinlan

Also Present: Holly Jones, Environmental Planner/Conservation Agent.

Jeff Sullivan, Norwood Record

The April,6, 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.

****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. 251-0534 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.

Mr. Mark Ryan is here to represent the town of Norwood, their consultant Mr. Lavoie from CDM Smith, and Magdalena Lofstedt their wetland scientist. Mr. Ryan gives the history of the project and where the issue began from, specifically on Norwood Airport Property. They have submitted an NOI.

Mr. Lavoie shares a short presentation on the screen regarding the airport interceptor manhole replacement. The project location is the 24-in Airport Interceptor in a cross- country sewer easement, running through large bordering Vegetated Wetland associated with Plantingfield Brook a tributary of the Neponset River. There are three access points to the site. CDM did a 2019 field investigation to find the sources of stormwater inflow, all inspection pipes were decent for age (75 years). They recommend replacement of 15 manholes to reduce extent of infiltration and inflow during high ground water times and flooding in the area.

Mr. Lavoie goes into details about the manhole replacement procedure that will ideally occur during the summer. They will use erosion control and timber matting; each work zone will be 25x25, but excavation zone will only be 10x10. Looking to build precast risers to 100-year flood elevation, replace frames and covers.

Ms. Lofstedt stated that the wetlands were delineated in December 2021- any wetlands within 100 ft of the sewer. There was a site visit by Ms. Jones on March 16th to look at sewer easement and wetland delineation that was confirmed. There is a need for 401 Water Quality Certification from MassDEP. They filed a dual notice of intent with the National Heritage Program that CDM received comments back on; CDM is required to file a botanical survey to be done by a qualified botanist. Ms. Lofstedt shares and describes photographs and maps depicting the proposed construction. Seven out of the 50 sewers are in wetland areas. Ms. Lofstedt describes the floodplain volume displaced by elevation due to the construction and the temporary impacts to bordering wetlands. There will also be a 17.8 square foot permanent loss of BVW. The company is asking the commission for an order of conditions to begin work for the town.

The Chairman asks that if the structures proposed to be fixed fall into a significant stat or disrepair during a strong precipitation event could it be enough inflow to cause an SSO by sanitary sewer overflow. Mr. Lavoie responds that when they were doing investigations there was evidence of surcharging and that if there was a significant enough event it could happen.

Mr. Bamber states he supports the project and Ms. Walsh states the report and filing were very complete. Ms. Jones states that the applicants have done a good job to minimize disturbance to the wetlands and make appropriate alterations. Ms. Jones remarks there is difficulty to access the wetlands near the airport and there is a botanical survey that is being waited on. Ms. Jones states prior to the commencement of any work, the applicant shall provide the Conservation Commission with correspondence showing final approval from NHESP demonstrating a finding that the project will not disturb any protected species Full recommended OoC here:
https://docs.google.com/spreadsheets/d/14mH_HzTVs_jmRWKxUE7wKCRsiMqBZ23QLHhHpXTBXY/edit?usp=sharing

Motion: Ms. Walsh made a motion to close the public hearing and issue an Order of Conditions

Mr. Bamber seconded the motion.

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

- 2. Off of Neponset St. and behind 290 Vanderbilt Street. DEP No. 251-05XX N2022-03
Applicant: Massachusetts Water Resource Authority Representative: Christine Walsh of CDW Consultants
Project Description: Repair and Maintenance of siphon structures and construction of an access road from the shoulder of Neponset St, and improvement of access road behind 290 Vanderbilt Ave. The project is in bordering vegetated wetland, riverfront area, and bordering land subject to flooding.**

Ms. Christine Walsh, Mr. Michael Cunningham, and Mr. Milan Horbaczewski are representatives of the project. Mr. Horbaczewski states they are prioritizing 41 of their siphons that includes maintenance and other provisions to these structures for flood protection and better access to the sites.

Mr. Cunningham is the engineering consultant and Ms. Walsh is the environmental consultant. Mr. Cunningham shares an overview of the project via screen sharing. The 40 sites chosen 5 are in Norwood and are on 3 different sites. Two of the sites have impacts to wetland areas and are in their NOI but work to the structures according to Mr. Cunningham is mainly interior. Mr. Cunningham provides details to each of the structures located in Norwood and what work will look like on each structure, including the need for improved access to each site that would require filling a floodplain. The access road they are looking to create would be in the easement and outside of it. The easement filling in would also include wetland plantings after they fill it in.

The Chairman asks if there are any questions or things submitted from the public either before or during the presentation and there was none.

Ms. Jones states that the project did not apply for the limited project proposal so they should be showing more information. Ms. Jones states it would be difficult to compensate for the fill and meeting the standards of the Wetland Protection Act. Mr. Cunningham states it is difficult to compensate for and there really is

not an option without clearing wooded wetland. They did offer provision for judgement of the approving authority whether the project increases flood elevation with the FEMA floodplain. Mr. Cunningham continues to show maps and diagrams highlighting floodway control. He states that the filling is 150 feet away from the floodplain and shows what the impact of stage and velocity is on the floodplain.

Ms. Jones states the Wetlands Protection Act standard about that compensatory storage from the Act directly to inform the commission about specifics. Mr. Cunningham states that the floodplain elevation is consistent, and they are 16ft below the road surface where there is no development and there is no impact to sensitive resources within this reach.

Ms. Walsh asks how people are accessing it now and Mr. Cunningham responds on foot without any truck, and they would need a 13foot road to allow the trucks moveability. Ms. Rocklen wonders what the best management practice is to avoid tracking invasive species seeds. Mr. Cunningham states that their operation only adheres to the gravel road so they can only maintain the road itself from invasives by removing them and would do the yearly check in during dry periods.

Ms. Rocklen asks if there are any long-term effects with having heavy equipment travel through the wetland on the access road behind Vanderbilt. Mr. Cunningham states the road is centered in the easement and would back down to do the maintenance and the soil is already compacted so it should be minimal effects as it would only be the truck coming once a year. Ms. Christine Walsh adds that the gravel doesn't stop infiltration to rainwater as well compared to a cement road.

The Chairman asks to be informed if the siphon structures are part of the transmission network between communities. Mr. Cunningham confirms and states that it's an interceptor system that is near its end in Norwood. Mr. Horbaczewski adds that these are collection system sewers and that this is a direct benefit to the town of Norwood so there is no backup.

The Chairman states that these structures must be maintained properly to not fail and in his opinion this work is critical but that it needs to be navigated in line with all the regulations and bylaws of local and state communities.

Ms. Jones states that if an order of conditions is ordered it should be complaint to regulations that would stand up to an appeal by the DEP and any other organizations. Ms. Jones suggests continuing this. Ms. Catherine Walsh asks if the committee has the documentation of the negligible increase of the floodplain in the filing. Ms. Jones states its supplemental information. Ms. Jones also mentions the Commission could ask for a peer review on this specific proposal.

Motion: Mr. Bamber made a motion to require a peer review.

Ms. Rocklen seconded the motion.

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

Motion: Mr. Bamber made a motion to continue the hearing.

Ms. Walsh seconded the motion.

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

- 3. 136 Access Rd. Request for Determination of Applicability N2022-04**
Applicant: Norwood Light Department Representative: Rich O'Reilly-Broadband
Manager, Norwood Light Dept.
Project Description: Installation of underground conduit along building edge in grassed area in the buffer zone to a wetland.

Mr. O'Reilly states they want to install 203 feet of PVC pipe. The work being done is outside any Wetland Resource area. The 5x5 manhole will be put in and the piping will be 3ft deep and 2ft wide. There is a contractor that will be doing the work and the trench will be open for 2 days. Mr. O'Reilly also talks about running the pipe potentially along another side of the building but that would disturb the parking lot only.

The Chairman asks if any digital comments have been submitted or anyone for the public is on the call and there is none.

Ms. Jones states that the project is minor and approvable as a negative RDA with a condition of erosion control inspection be performed by herself prior to the start of work.

Motion: Mr. Bamber made a motion to close the public hearing and issue a negative determination of applicability with the condition that the Conservation Agent inspects the erosion controls prior to the start of work.

Ms. Walsh seconded the motion.

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

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

Ms. Jones states that there is a benefit to keeping smaller buffer zones specifically for Norwood residents in reference to the Chairmans presentation last week. Ms. Jones drafted some language that allows projects that are accessory to residential dwelling such as fences, sheds, pools, accessibility ramps, etc to a potential waver that the town consul Mr. DeLuca made some minor edits to clarify language but thought intent was sound. Ms. Jones if the Commission wants to keep the prior to 2003 part of the waver or open it up to any residences. Ms. Jones also added projects serving an overriding public interest that is conducted or ordered by a public entity or utility that could also request a waiver.

The Chairman confirms there is no digital comments or people in person from the community and there is none.

The Chairman states that when you look at the data it does not matter if the 2003 condition exists or not as most lots were developed before 2003 anyways and the loophole is ended and the ConCom is allowed more discretion. Mr. Bamber and Ms. Walsh echo these statements.

Ms. Jones adds that for the undisturbed buffer zone none of the projects are allowed to fully clear an undisturbed buffer zone with the waiver.

Motion: Mr. Bamber made a motion to eliminate Section XI of the regulations effective dates and replace it with Section XI waivers with the language as written.

Ms. Walsh seconded the motion.

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

Potential Violations:

1. 1400 Washington St. –unpermitted fill and clearing

Ms. Jones received correspondence after notifying Mr. Copponi about last weeks discussion and Mr. Copponi had already done the work of removing the fill and planting arbor vitaes. Ms. Jones visited the site and stated that quite a lot of fill had been removed- Mr. Copponi's employee said 10-15 dump trucks had been removed but there was still quite a bit remaining. Ms. Jones spoke with Mr. Copponi who was not sure how to safely remove the rest of the fill- most of the fill looks like it is in the floodplain and thus needs to be removed though the line was delineated. Ms. Jones states that if Mr. Copponi is unsure how to remove the fill there is a need for a specialist to be hired ; Mr. Copponi stated he would get back to Ms. Jones next week with a plan.

Ms. Jones had not started fining for the unpermitted fill yet.

The Chairman states that someone in the plans used Google Earth to validate the floodplain and dump site and insists that whoever performs the task of seeing now if the fill is inside or outside the floodplain use survey grade elevation information without exception.

The Chairman asks if in Ms. Jones opinion there has been an adequate enough response from Mr. Copponi that warrants postponing fines. Ms. Jones states she appreciates action was taken and has never issued a fine and it is her preference to work with those in violation as long as there seems like progress is being made. Ms. Jones wants to wait a week until fines are issued to get the new plans for removal.

The Chairman, Mr. Bamber and Ms. Walsh agree with Ms. Jones.

Mr. Copponi is on the line and states they met over the winter and tried to remove and follow Ms. Jones plan. Ms. Rocklen shares information about a list of native deer resistant plants to share if that would be helpful to Mr. Copponi who states he did not believe the deer would eat them. The Chairman asks if any of the arbor vitae will survive the winter and Mr. Copponi is not sure.

<https://photos.google.com/u/1/share/AF1QipPWmLDaaVZ4I758a2eB2L5hgjatADSS0Vh1uOb9ubULfqTTHqp5wtH4D6TLZLKf6A?key=cU9DclpQX1UxZTRSQXptaE5UdXlyQWIRMEExDN2ZB>

Motion: Mr. Bamber made a motion to continue this until the next hearing in anticipation of an updated plan.

Ms. Walsh 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 states that last Friday the owners and Mark Shubert (Building Inspector) met in the yard to discuss if the shed met the standards of both the building code and Wetland Bylaws. The average wall height of the shed allowed for it to be under maximum height so the need for further fill was eliminated, allowing it to pass the building codes.

Ms. Walsh asks if this issue has been resolved and Ms. Jones states yes. The Chairman states that due to the building inspector's approval this is a non-issue now.

The owners daughter asked to clarify what the end result of the hearing was and the Chairman restated the motion.

Motion: Ms. Walsh made a motion to lift the enforcement order that's been issued to the property

Mr. Bamber 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 states that an enforcement order was issued for this property based off the vote from the last meeting. The owners of the property have hired someone who reached out and has received the ANRAD and is working on the plan and delineating the impacted resources. It is an update no action needs to be taken at this time; they were given a month to rectify the issue and that would be voted on in a later meeting.

Conservation Commission Business:

1. Finance Report—end of year and FY23 planning

Ms. Jones states that last November she asked for a quote from Power Corporation for contracting and repair and maintenance of dam- not emergency repair or maintenance. The initial quote was \$37,000; land management budget annually for Con Com is \$35,100. DPW was able to take a part of the suggested maintenance, and do it which lowered the bill to \$34,300. The work could be split between this year and next fiscal year and there is currently \$19,000 left in this fiscal year's budget.

Ms. Walsh asks if there was a price looked for from anyone else and is the construction money also in the budget. Ms. Jones says no to both and describes the three specific projects the company is proposing.

The Recreation department agreed to take on the bill for the aquatic herbicide program at the

Hawes Pool Pond. The Planning Department also agreed to funds between \$2-5,000 toward the Pare and Water and Wetland Contracts for the end of FY 22. The DPW has already taken care of paying for the parking lot expansion at Mylod Street- the work is done. There is \$3,000 left over in FY23 for land management.

The Chairman asks what is usually available for unencumbering funds in the budget at the start of the fiscal year for the last three years because \$3,000 does not seem like a lot. Ms. Jones responds that in fiscal year 2020 the Con Com only spent \$4,700- \$4,000 on the dam safety expansion and \$700 on mowing Endean Field. In 2021; Con Com Pond management was \$13,000 and that was historically the biggest bill. Every year money has been spent mowing fields and removing trees from conservation property. At the end of fiscal year 21' there was \$10,000 left of the \$35,000 that was left to buy the shed. The Chairman states that the most recent years since Ms. Jones engagement that they are in a good place.

Ms. Walsh states we should move forward with the whole scope of work as it is not going to get any cheaper and Mr. Bamber agrees.

2. Endean Orchard Subcommittee update

Ms. Jones states there is a boy scout from Westwood who is interested in building the porch with stairs and a ramp for the shed. No order has been placed for the K-Meg or additional plantings, but Ms. Jones hopes to do that in the coming week.

3. CPC Report

Ms. Walsh states that the last meeting they had was a site walk of the Bernie Cooper Park. The CPC approved a one-year membership to the Regional Housing Organization. Approved \$20,000 for affordable housing deed restrictions. Approved two projects- 1927 Town Hall rendering and restore and preserve annual town reports. Approved construction of the Assurant and Elliott Pocket Park for \$72,000. Deferred two projects- Shattuck Park improvement study- recommended the two citizens create a Friends of Shattuck Park organizations first. Other deferred project was the Airport Playground- they were asked to go back and identify different funding sources to come back next year. Working on the financing of Bernie Cooper Park and what it is going to cost for CPC.

4. Agent Update

Ms. Jones welcomes Kelsey Quinlan- the new Commissioner- to the committee and thanks her for staying for the whole meeting. The Chair- Mr. Washburn was reappointed last night by the Board of Selectman.

Received a letter from MACC letting Ms. Jones know that a letter had been sent to Board of Selectmen letting them know that Ms. Rocklen had completed the MACC 8 core fundamentals course.

Finance Commission approved the proposed budget for the next fiscal year. Stream bed construction of the dam has started. Ms. Jones states there was an outreach event the past Saturday about placing live stakes along the bank to stabilize it.

Ms. Jones states the parking lot on Mylod Street is already done. The project took a week and looks great; DPW took on the cost of it. DPW dropped off compost and woodchips for gardeners.

DPW has started work building the path between Washington St. along Hawes Brook connecting exiting path along the brook making it more accessible for anyone using wheels-wheelchairs or strollers.

5. Commission reorganization

Mr. Bamber asks if Ms. Walsh or Ms. Rocklen are interested in being Chairman. They both respond no, and Mr. Bamber asks if Mr. Washburn would serve as Chairman and he states yes.

**Motion: Mr. Bamber made a motion to nominate Mr. Washburn for Chairman.
Ms. Walsh seconded the motion.
Motion passed by 3-0 by roll call vote.**

**Motion: Mr. Bamber made a motion to reappoint Ms. Walsh for Vice Chairman.
Mr. Washburn seconded the motion.
Motion passed by 3-0 by roll call vote.**

**Motion: Mr. Bamber made a motion to reappoint Ms. Rocklen for Treasurer.
Ms. Walsh seconded the motion.
Motion passed by 3-0 by roll call vote.**

6. Minutes 9/15/2021, 2/16/2022, 3/16/2022

Minutes were not in the folder and will be looked at next meeting to approve

Adjournment:

**Motion: Mr. Bamber made a motion to adjourn.
Ms. Walsh seconded the motion.
Motion passed unanimously, 4-0 by roll call vote.**

Meeting adjourned at approximately 10:00 p.m.
Next remote meeting: April 20, 2022 at 7:30 p.m.
Respectfully submitted by Olivia Haglund.