

## CONSERVATION COMMISSION

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



ASSISTANT COMMUNITY DEVELOPMENT  
DIRECTOR AND ENVIRONMENTAL  
PLANNER/ CONSERVATION AGENT  
HOLLY JONES, MSCJ

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### Norwood Conservation Commission June 28, 2023 7:30 P.M.

**Present: Stephen Washburn, Carolyn Rocklen, John Gear, Catherine Walsh, Kelsey Quinlan**  
**Absent: Peter Bamber**  
**Present: Holly Jones, Environmental Planner/Conservation Agent**

The June 28, 2023 meeting was held remotely using Google Meet and in-person in Room 21 at Norwood Town Hall, 566 Washington Street. The meeting was called to order by Chairman Stephen Washburn at 7:30 p.m. followed by a roll call and inforamatory announcement to attendees regarding meeting procedures.

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#### Public Hearings:

**1. 576 Nichols Street Request (Ellis Pond Dam) 0 N2023-10**

Applicant: Norwood Conservation Commission

Representative: David Caouette of Pare Corp. & Holly Jones

Project Description: Minor Repairs to Ellis Pond Dam consisting of installation of temporary plating to the center gate, reseating of the center gate seal, jetting and re-aligning the toe drain, and vegetation management.

The Chair read the project description into the record.

Mr. Caouette described the nature of the project, which consists of minor repairs to the Ellis Pond Dam, He said the dam was recently repaired and is in a satisfactory condition. Mr. Caouette outlined some areas still in need of repairs, such as the low level outlets. He said it had been some time since the low level outlets had been operated and sedimentation had built up in the intake pipes as a result. He said that they planned on getting a diver at the site who would work with the DPW to slowly operate the low level outlet, so that a contingency plan would be in place in the event that the outlet was open and could not be shut.

He also brought attention to the center gate on the primary spillway, where every winter there is a slight drawdown. Mr. Caouette noted that the center gate is difficult to operate due to the fact that the center seal along bottom of the gate is unseated and stuck between the gate frame and the gate itself. He proposed to attach a steel plate that would allow them to stop water from flowing into the center bay, so that they could replace the seal and restore the operation of the gate. He noted a build-up of sediment in front of the gate observed during diving operations, which would also be removed. All the work on the gate would be repaired in dry conditions. Mr. Caouette reiterated that water would still be able to flow into the downstream channel through those gates.

He also highlighted other work taking place, such as the development of a toe drain, which functions by collecting seepage water along the entire length of the dam. He stated that there is currently discontinuity in the drain, as it is not allowing flow to come out to a visible location and discharges water behind the structure. It is necessary to be able to quantify the seepage in order to

know the amount of water coming through the dam. He said there would need to be some removal of the riprap and putting a coupling on the existing pipe, and then putting the riprap back in place. Mr. Caouette also outlined the potential to install a new v-notch weir. This would allow for the measuring of samples, as well as the measuring of the flow of water through the v-notch weir to quantify the level of seepage coming through the dam.

He stated that significant sediment buildup in the toe drain was preventing seepage from passing through and he recommended that the town should conduct a jet cleaning as part of standard maintenance.

The final site highlighted by Mr. Caouette was the auxiliary spillway, where several wires were severed. He outlined two options, either for the town to cut the wires off or dig out a small channel in between the blocks if they choose to maintain the wires.

Ms. Jones stated that these measures were recommendations that came from a safety inspection conducted by the Office of Dam Safety, which is carried out every two years.

She said that neither herself nor the DPW were interested in installing the V-notch weir, and thus requested that the Commission not permit such a development. She cited the potential for additional impact as a concern. Ms. Jones stated that she saw these repairs as largely maintenance issues, as the DPW has already been working on rectifying the issue of severed wires, as well as undertaking re-seeding work at the toe drain outlet. The current issue is that it is misaligned with the next section of pipe underneath the outlet.

Ms. Jones highlighted an exception in the WPA for maintenance activities to dams, as long as there are no substantial changes. She said that the DPW approves of the plans.

Mr. Gear asked about the work proposed to the gate, he inquired whether it would be conducted by contractors or the DPW. He also asked if the linkage of the mechanisms that raises and lowers the gate could be seen. Mr. Caouette answered that nothing was hidden and that the gate currently functioned, but that its operation was far more cumbersome than necessary.

The Chair asked if the scope of work proposed posed any potential impacts and fell under any exemptions.

Ms. Jones replied in the affirmative but stressed the importance of remaining vigilant in preventing the release of sediment into Hawes Brook. She reassured the commission that there were no potential impacts to resource areas for the work proposed. Vegetation management is conducted every year and falls under that exemption.

**Motion: Ms. Walsh made a motion to close the public hearing and issue a negative determination of applicability finding that the area is within resource areas but the proposed work will not remove, fill, dredge, or alter the resource areas or buffer zone.**

**Ms. Rocklen seconded the motion.**

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

## **2. 1 Moderna Way Notice of Request for Determination of Applicability**

Applicant: Moderna Therapeutics

Representative: Gregory LaCroix of Pare Corp.

Project Description: Repaving an existing walkway.

The Chair read the project description into the record.

Mr. LaCroix proposed to repave an existing walkway in place, with the removal of some pavement at the end. He said the work would remain completely within the existing walkway, all the while reducing the area of impervious surface at the site by approximately 1000 square feet.

He also proposed to install two grass swales at the Northern side of the walkway to help generate infiltration. Mr. LaCroix said that vegetation clearing would not take place at the site and that the swales would be developed in previously non-impervious surface zones.

Ms. Jones said that she took a walk on the site and suggested trying to get a swale into the

shoulders of walkway, as they are currently largely mulch. This would provide a benefit to water quality, as Ms. Jones notes that there are flooding issues on the nearby road. Ms. Jones stated that she is now confident that this work can be conducted without an impact to the resource area, as she noted that Moderna now possesses the appropriate oversight and erosion control capabilities. Mr. Joshua Ames from Moderna said they were willing to have conditions for the project. No members of the public had any comments.

**Motion: Mr. Gear made a motion to close the public hearing and issue a negative determination of applicability with conditions that erosion control be established prior to the commencement of work and be inspected and approved by the Commission or their agent, that the stormwater pollution prevention plan (swppp) be revised to include the area while work is ongoing until its stabilized and swppp inspectors inspect the area, and that no stockpiles be left in regulated areas overnight, Ms. Quinlan seconded the motion. Motion passed, 5-0 by roll call vote.**

**3. 1 Moderna Way Notice of Intent DEP No. 251-0546 Norwood No. 2023-11**

Applicant: Moderna Therapeutics

Representative: Seaver Anderson of Pare Corp.

Project Description: Installing a fire access road in the buffer zone to Bordering Vegetated Wetland and culvert exploration as requested during the Biobank permitting process.

The Chair read the project description into the record.

Mr. Anderson with Pare Corporation, representing Moderna, referenced the plan on the screen.

He said the project is the installation of the fire road associated with the BioBank project.

Mr. Joe Weed, Engineer, discussed some of the minor changes to the project, such as the relocation of the bio retention area closer to the access road due to the location of an installed fence. However, there would be no change in the size of the bio retention area. Mr. Weed also proposed a slight modification to the installed fence line, as well as an increase to the turnaround area to better control traffic flow. However, no fence modification would take place in this area. He noted that there would be no increase in impervious surface and no increase in runoff.

Mr. Weed also highlighted an existing patio area, which he noted would have a different shape but he reassured the Commission that there would be no change in area of the project site. Mr. Weed proposed another bio retention area within the fence area to handle runoff from the turnaround area.

He stated that exploratory work would be undertaken as stipulated by the Planning Board. The intent is to excavate down to the abandoned culvert that crosses Upland Road and the railroad tracks and expose the bulkhead to make sure there are no failures, cracks or signs of leakage and then restore it. It would only require a single day to complete the necessary work.

Mr. Anderson discussed the resource area impacts, which he stated would only be temporary in the case of the culvert investigation and that less than 500 square feet would be disturbed. It is an intermittent stream, so there will be no water flowing during the dry period to impede work. He said that there will be bank impacts of 26 linear feet along the intermittent stream. Impacted area will be approximately 180 square feet in total. Mr. Anderson highlighted that the project is entirely within developed areas and would actually result in a 1500 square foot reduction in impervious surface area as a result of the installation of grass pavers in the buffer zone. He noted that four white pine trees would be taken down. This work does not impact tree requirements in the tree filter zone area. Mr. Anderson stated that the work in the no-build zone would entail minimal grading in lawn areas, which would be restored following the completion of the required work. No work would take place in the no-disturb zone.

Ms. Jones said that the project meets all local and state standards, except for the proposed culvert

exploration work due to its location in the buffer zone. The Fire Department has requested that this work be done and considers it necessary for the safety of building inhabitants. Work would add storage capacity for water, as well as the extra bio-infiltration area. She recommended closing the public hearing and issuing an order of conditions with regular conditions, that work be done by-hand during dry weather periods and that an environmental monitor/wetland scientist be on site to oversee that. Ms. Jones noted that the stream at the site recently had low-flow for the past 6 weeks, so no-flow conditions were likely. She also recommended temporarily blocking flow from the upstream inlet with sandbags or something similar during construction.

Mr. Washburn asked what would happen if the culvert was damaged.

Mr. Weed stated that Upland Road is a Department of Transport (DOT) roadway. All work will take place on the Moderna side and that it is hard to say what will happen prior to conducting exploration work. If findings indicate that a fix is needed, Mr. Weed said that they would coordinate mitigation work with the DOT.

No members of the public had any comments.

**Motion: Ms. Walsh made a motion to close the public hearing and issue an Order of Conditions with conditions as stated by Ms. Jones** (*regular conditions as well as special conditions that work be done by-hand during dry weather periods and that an environmental monitor/wetland scientist be on site to oversee that, and temporarily blocking flow from the upstream inlet with sandbags or something similar during construction*).

**Mr. Gear seconded the motion.**

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

**4. 1 Moderna Way Notice of Intent DEP No. 251-0547 Norwood No. 2023-12**

Applicant: Moderna Therapeutics

Representative: Gregory LaCroix of Pare Corp.

Utility installation in the riverfront area and the buffer zone of bordering vegetated wetland.

The Chair read the project description into the record.

Ms. Jones opened by stating that DEP comments focused on the riverfront restoration area, including any plantings that were established for at least 2 growing seasons prior to issuing a Certificate of Compliance. She noted that the DEP also pushed to see if the work could be moved away from the riverfront area in their comments.

Mr. LaCroix described the conduits to be installed and their proposed locations at the site. He said that some trees would have to be cut. He said per request of Ms. Jones, they would be using a conservation seed mix in the riverfront area if it's added as a condition to the OOC. No plantings were proposed, but Mr. LaCroix stated that they would be happy to perform such work if required. The proposed work would consist of digging a 4 foot wide and 6 feet deep trench through pervious and impervious surface areas, laying down the conduit, and then restoring the area to its original condition.

The Chair asked for clarification regarding the trench and asked to see the footprints of entire project. Ms. Jones stated that the portion of the site of most concern is the area veering off from the existing roadway, partially following a fence and going through an existing wooded area. She added that this is all within riverfront area. Ms. Jones requested that Pare provide the total riverfront alternation on the site including this proposal and the Order of Conditions the Commission recently approved for the security upgrades. She suggested planting a native seed mix, whether a conservation or pollinator seed mix, and that the area be mowed only once a year after the growing season to make sure that it's not growing over with woody vegetation. This would allow the area to maintain benefits for habitat, infiltration, etc.

No members of the public had any comments.

Mr. Gear asked about manholes or switchgears in the resource areas, anything under

Conservation jurisdiction. Mr. LaCroix said there were no manholes, but that the switchgear was outside the jurisdictional area. Mr. Gear asked if there was a cut or a detail on the cross-section of the duct bank and the depth of the trench. He also asked about excavation; trench boxes, and what would be done in the meantime with the earth that had been dug up as part of the work undertaken. A representative of Pare Engineer in attendance stated that storage areas had been identified and pre-characterization analysis had been conducted.

Ms. Rocklen asked where the conduit goes. Mr. LaCroix stated that Moderna Way already has a preexisting crossing over Plantingfield Brook, as well as significant shoulders on either side.

Ms. Rocklen asked if the annual mowing was necessary to access the conduit line for maintenance, and why it was necessary to perform the mowing work after the growing season. She raised the issue of nesting ground birds and habitat disruption as a concern.

Ms. Jones asked how wide is the path that is being cleared for the trench, would be; she stated that she believed there would not be a sizable enough meadow habitat.

Mr. LaCroix estimated that it would have to be approximately 10 feet wide to allow the access of maintenance vehicles and for erosion controls.

Mr. Bamber suggested that the time of year for mowing to be coordinated.

Ms. Quinlan asked about how mowing would be designated in the future and how would it be obvious where to mow. Mr. LaCroix said there is not a significant amount of lawn at the site.

Ms. Jones recommended closing the public hearing and issuing the Order of Conditions with normal conditions, native seed mix of alterations, and requiring a report for the first two growing seasons regarding plant reestablishment by October 15<sup>th</sup>. She also recommended the time of year for mowing be coordinated with the Environmental Planner, as well as an action plan to be put in place in the event that invasive species are found.

**Motion: Ms. Walsh made a motion to close the public hearing and issue the Order of Conditions with standard conditions and special conditions as outlined by Ms. Jones.**

**Ms. Quinlan seconded the motion.**

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

## **Wetland Issues & Updates**

### **1. 1 Moderna Way Enforcement Update**

Ms. Jones said Mr. Seaver requested the opportunity to update the Commission to confirm the compliance of Moderna with the existing enforcement order, as well as discuss a 2nd wetland violation which occurred in late May due to an accidental strike to a water main which resulted in rapid, uncontrolled flooding in the construction area. Ms. Jones stated that she conducted a site walk and did not observe any remaining deposits of sediment. Stabilization work was done as much as possible at the time.

Mr. Anderson said he was not present during the occurrence. There were erosion controls in place which minimized the impacts. It was fixed within a few hours/within a day. One of his colleagues went to the site and observed water entering the catch basins ended up in the same outfall that the previous siltation had entered. Mr. Anderson said that it was a brief event. He showed photos of the area from the following week and demonstrated that the area recovered quickly.

Mr. Ames said the incident happened over several hours. Controls were in place. He stated that GPR was conducted and an existing pipe was discovered that was already cracked. The size of the pipe overwhelmed the controls and began to outflow into the wetlands, but he states that expedient action on the part of Pare helped control the resource area impact.

Ms. Rocklen asked if the flooding reached the vernal pool. Mr. Anderson confirmed that the flooding did not reach the vernal pool.

Discussion was had regarding the impact, erosion control, the pipe repair, and the final results. Ms. Jones noted that had sediment cleaning and clearing effort been undertaken at the North system following the last violation, the water levels would have been significantly lower. Water entering the system would have had less of a medium to travel.

The Chair asked Ms. Jones what the next steps to be taken in this case.

Ms. Jones said it was a check-in for both violations to make sure that everything that needed to occur to rectify the issue had been completed. The full site is now covered by a NPDES permit and regular inspections. Ms. Jones declared the first enforcement situation complete. She offered no recommendations for the second violation.

Ms. Quinlan asked how many SWPPP (Stormwater Pollution Prevention Plan inspections had been conducted to date. Mr. Anderson stated that any time there is a significant deluge of rain or a significant dry spell, an inspection must take place at least once a week.

Ms. Jones said she will draft a memo saying that the requirements of the enforcement order have been satisfied and would provide that to Moderna.

## **2. Request for Certificate of Compliance- 64 Puritan Place**

Ms. Jones said the construction is complete and that the lawn is stabilized with grass. Resource areas are shown on the project plans as being built. On the approved plans, Ms. Jones stated that it was required that some trees remain for the tree filter zone, these have remained intact. She said that the main deviations from the plan were a deck and patio, as well as the addition of a fence. She notes that this addition is less impactful as it is a wrought iron style fence with arborvitae outside the fence. The deck is pervious and patio is made with pavers. Ms. Jones states that the deviations are all within the local-only riverfront area to an intermittent stream. The fence is within the 50-100 foot buffer zone and the deck and patio are outside of the buffer zone.

Mr. Washburn expressed that he was not pleased with the deviation from the plan.

Ms. Walsh said she was leaning to an acceptance and a warning. Mr. Gear concurred.

Ms. Jones recommended issuing the Certificate of Compliance.

**Motion: Mr. Gear made a motion to grant the CoC and a communication from Ms. Jones that the plan should be adhered to as proposed.**

**Quinlan seconded the motion.**

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

## **3. Request for Certificate of Compliance- 59 Puritan Place**

Ms. Jones said this project was completed in 2004 but that they never requested a CoC at the time. After a site inspection, it appears to have been built in conformance with the approved plans. She stated that the current owner has struggled with getting plaques installed. They have now been installed and Ms. Jones recommended granting the CoC since the wetland is down a wall from the house. No incursions observed since the house was built.

**Motion: Ms. Walsh made a motion to grant the Certificate of Compliance.**

**Ms. Rocklen seconded the motion.**

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

## **4. Mowing at 277 Boston Providence Hwy, across Rte.1 from 277 Boston Providence Hwy, and easement maintenance off Codman Road.**

Ms. Jones said she received anonymous calls from residents about three different instances of wetland clearing all in the same area of Route 1 near the Boch Toyota. She said that they mowed along the fence line, which is within the buffer zone. Ms. Jones also observed drainage structures coming out of the wall into the wetland. She recommended that the manager submit an RDA

showing where they wish to mow and how far these mowing operations would be from the wetlands.

Ms. Jones also noted that mowing had taken place at the property of a different owner, located across Route 1 from Boch Toyota. She said that they received an Order of Resource Area Delineation from 2019 for that parcel, confirming the wetland boundary. This RDA is active until September. Ms. Jones met with the owner of the property and asked them to reestablish the wetland line. There are currently fence posts where the wetland flags were placed in 2019. She said that an RDA may be appropriate if the owner wants to keep mowing in the buffer zone to ensure it's not creeping into the wetland areas.

Ms. Jones also drew the Commissions attention to the clearing of sewer right-of-ways (ROW's) taking place behind Boch Toyota. Some had not been maintained in many years and involved tree cutting and removal efforts. She said that contractors are doing the work for the DPW, so the town is now maintaining the ROW's. She suggested "leaving it alone".

Mr. Washburn said if these ROW's need to be maintained, then it should be done regularly so as not to alarm the community. Ms. Rocklen asked if Mr. Ryan gave any kind of public comment to inform people; she suggested that it could lead to a better reception and to perhaps place a sign. Ms. Jones suggested a social media post. She suggested a friendly request for an RDA within a timeline (month).

Mr. Gear added the importance of maintaining an open dialogue with the public works so that complaints can be avoided in the future

Mr. Washburn and Commissioners spoke favorably of the many things that DPW does and praised their hard work for the community.

#### **Conservation Commission Business:**

##### **1. Endean Orchard Subcommittee update**

Ms. Jones announced a workday on July 15th, workday 10am-12pm.

##### **2. CPC report**

Ms. Walsh updated the Commission. She said all 9 projects were approved, working on grant letters

##### **3. Agent update**

Ms. Jones stated that a wetland training day was taking place on Thursday the 13<sup>th</sup> of July. She said that her office was wrapping up grants for the end of the Fiscal Year.

Ms. Jones is doing recordings for other grants.

Kick-off of Hazard Mitigation Planning (has to be updated every 5 years)

Mass Fish and Wildlife interested in delivering a presentation to the Commission about a new update to the bio-map which will be on the agenda for August.

#### **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 9:30 pm.

Next meeting: July 12, 2023 at 7:30 p.m. via Google Meet & in person.

*Respectfully submitted by Thomas Hackett and Lynn Marchand.*