

CONSERVATION COMMISSION

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



ENVIRONMENTAL PLANNER/ CONSERVATION AGENT

HOLLY JONES, MSCI

OFFICE MANAGER/SR. ADMIN. ASST.
LYNN MARCHAND

Conservation Commission Meeting Minutes September 15, 2021

7:30 P.M.

Present: Stephen Washburn -Chairman, Kristin Capezio -Vice Chair, John Gear, Peter Bamber, Catherine Walsh

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

The September 15, 2021 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.

Public Hearings:

1. 209 Access Rd. Map 13 Parcel 13-1 Notice of Intent No. 251-0528 N2021-12

Applicant: Norwood Airport Commission Rep.: Alyssa Jacobs, Epsilon Associates

Project Description: Partial relocation of runway C for runway safety in bordering vegetated wetlands, bordering land subject to flooding, inland bank, riverfront area, land under water, and ACEC.

Ms. Jacobs addressed the Commission and introduced the airport engineers, Ross Tsantoulis and Jeff Adler from Dubois & King Engineering, and the airport manager, Russ Maquire.

Ms. Jacobs displayed a PowerPoint presentation of the proposed project to realign Taxiway C and pave the runway safety area (RSA) #1735. Included in the presentation were the MEPA reviews, current approvals, and needed approvals. Specific to the Conservation Commission, she said they were requesting approval under the local bylaw and a denial under the Wetlands Protection Act (WPA). Ms. Jacobs explained that the project requires a variance order from Mass DEP so they are required to go through the variance process which first requires denial at the local level from the Norwood Conservation Commission. She requested waivers under the bylaws, relative to some of the requirements to work in the buffer zones.

Ms. Jacobs said the need for this project was based on FAA guidance which requires airports to eliminate direct connection from an apron area (the area outside the hangers where the planes are parked) to the active runway. She gave a summary of the proposed project, a project overview showing the proposed work, the resource impact areas, proposed mitigation plan, and the stormwater management plan. Mr. Tsantoulis reviewed the stormwater details.

Commissioners asked questions and provided feedback. Ms. Jones noted the priority habitat that was mapped out. Ms. Jacobs said she would make sure that the Commission is copied on the MESA checklist and any correspondence with Natural Heritage. Ms. Jones stated that one of the differences between the WPA and Norwood's bylaw is that the WPA protects only endangered animal species habitat where the local bylaw protects endangered plant species. She suggested that if the Commission issued an Order of Conditions under the bylaw that they condition it upon a no-take determination from MESA.

Ms. Jones suggested if the Commission issued the Order that they include a condition that the wetland replication be done to the Mass. Handbook Standards and be routinely inspected for a

period of 3-5 years to make sure it's succeeding along with invasive species monitoring and maintenance. Discussion was had regarding the runway length. Mr. Adler explained that they were building it larger for safety reasons and not to grow the airport. No one from the public was present to comment on the project.

Motion I: Mr. Bamber made a motion to close the public hearing and issue an Order of Conditions under the Norwood Wetland Bylaw and regulation and issue a Negative Order of Conditions indicating that the project can't be conditioned under the Wetlands Protection Act.

Mr. Gear seconded the motion.

Motion passed unanimously, 6-0 by roll call vote.

Ms. Jones shared the standard order of conditions and her recommendations of special conditions with the Commissioners on the screen.

Motion II: Mr. Bamber made a motion to include the conditions as presented by Ms. Jones. Mr. Gear seconded the motion.

Motion passed unanimously, 6-0 by roll call vote.

2. 570 Boston Providence Turnpike Map 21-4 Parcel 36-A

Notice of Intent No. 251-0527 N2021-09

Applicant: David Spiegel Representative: Matthew Smith, Norwood Engineering

Project Description: Roadway relocation and construction of an office/retail building with parking lot and in the buffer zone and local riverfront area of an intermittent stream and bordering vegetated wetland in the Fowl Meadow & Ponkapoag Bog ACEC

Mr. Matt Smith and Mr. Alex Kraplin of Norwood Engineering displayed a colorized set of plans on the screen and reviewed the changes with the Commissioners. He noted the pavement that had been removed, which reduced the impervious area of pavement by approximately 1000 square feet. He said the total impervious for the site is now 10,000. He stated that they changed the drainage system to pervious pavement, as requested, since it is in an area between the 25' and 50' buffer zone. Mr. Smith also reviewed the amount and types of trees (eastern white pine) that will be saved and added to the design. He noted that there would be 23 trees on the site rather than the 16 that were required by the regulations and that they had reduced the pavement by about 1000 square feet.

The Chair opened the hearing up for public comment. Mr. Supru, one of the abutters, spoke with the engineer regarding clarification of which trees would remain. One resident asked about plans to build a fence around the perimeter. Mr. Smith showed the plan where the proposed fence would go along the roadway as required by the Zoning Board's approval of a project on the adjacent site. The existing 6' wood fence would be replaced with an 8' tall fence. Discussion was had regarding the location in relation to the pavement and the tree buffer. Mr. Smith said the 8' fence should also help with trash being dumped on Mr. Supru's property. Another abutter, Mr. Nickerson, had questions regarding the location of the fence.

Ms. Jones commented to Mr. Smith that she would like to see the stormwater report show that it accomplishes everything the infiltration unit accomplished. Mr. Smith said it's shown on the plan; that there's a cross-section of the course pavement and the different layers have to be built in accordance to the Mass Stormwater Handbook. He reviewed detailed examples with the Commission. Mr. Washburn asked Ms. Jones for a recommendation of next steps.

Ms. Jones stated that Commission could choose to close the public hearing and issue an order of conditions for the project with the plans as show as the approved plans if the Commission is

comfortable issuing a variance for the basal area and accepting the replacement with the white pines. She asked if the Commission wanted to issue the order providing information about ongoing maintenance for the permeable pavement, marking the trees on-site that are going to be saved, maintaining stockpiles during construction and stabilizing them, seeking out the limit of work with orange construction fencing to prevent an inadvertent encroachment during construction, and minimizing the use of sand and salt on the permeable pavement. She said snow storage shall be per Mass DEP guidelines and shall not go within 30' of a wetland and that the Commission will review any future developments affecting hydrology. Mr. Bamber asked about conditions regarding the fence. Ms. Jones said they could include a special condition about the fence saying a plan showing the 8' fence shall be provided to the Conservation office, prior to construction. Also included would be the standard conditions.

Motion: Mr. Bamber made a motion to close the public hearing and accept the order of conditions that Ms. Jones laid out for us.

Mr. Gear seconded the motion.

Motion passed unanimously, 5-0 by roll call vote. (Ms. Walsh lost her connection.)

3. Westover Parkway Bridge over Germany Brook Notice of Intent No.251-05XX N2021-13 Applicant: Town of Norwood Engineering Department Representative: David Nader of TEC, Inc.

Project Description: Replacing the bridge on Westover Parkway crossing Germany Brook. The project impacts bank, land under water, bordering land subject to flooding, and riverfront area.

The Chair read the notice into the record. Mr. Andrew Spurr of TEC Engineering addressed the Commissioners on behalf of the Norwood Engineering Department. He said they were working with the DPW Director to replace the deficient structure/bridge on Westover Parkway over Germany Brook. He described the structure and noted that it had been flagged by Mass DOT and is starting to lose its structural capacity. It is owned by the Town. He explained the proposal details which would essentially match the existing footprint of the bridge. The existing span is 11' 7", however, they're proposing a 12' structure that is driven by proprietary, off the shelf precast structure sizes. He noted that they had to relocate a gas line as part of the project which will be supported on the upstream side of the bridge along the wing wall. He displayed the site plan on the screen. Mr. Spurr talked briefly about the temporary impact to resource areas that the project would be impacting (5,800 square feet, riverfront area). He said he was seeking feedback from the Commission so they could incorporate changes before the DEP file number is received to hopefully facilitate a smooth approval. Discussion was had regarding phased construction (unable to do), a fish ladder, time of the year that the work is being done in correlation with times of increased fish activity and other aquatic life forms, 1.2 bank width, a stilling basin or forebay between the asphalt and riprap slope, and installing a float silt fence upstream of the control water system. Ms. Jones said it was her understanding that they are meeting the stream crossing standards to the greatest extent possible but they're not able to meet the 1.2 x bankfull widths because the Town doesn't own enough land on both sides to be able to build a bridge wide enough to do that. She said her concerns were time of the year the project is constructed and wanted to make sure that when the dewatering is done and the dam is in place that the material that's placed is well stabilized before water goes back under the bridge. Mr. Washburn asked about stormwater. Discussion was had and Ms. Jones asked Mr. Spurr to look into a potential stilling basin or forebay between the asphalt and the riprap slope.

Motion: Mr. Bamber made a motion to continue to October 6th at a time to be determined Mr. Gear seconded the motion.

Motion passed unanimously, 6-0 by roll call vote.

Wetland Issues and Updates:

1. Wetlands Violation: Hawes Pool Ponds drained by resident

Ms. Jones said she issued an enforcement order on Sept 6th to Mr. John Cline for partially draining the Hawes Pool Ponds which are located on property owned by the Recreation Department. She said that he resides near Endean Park and has considered the ponds and Hawes Brook to be areas that he has assisted with maintenance on; pulling vegetation from the pond, removed boards from the weir to release water from the ponds resulting in very low water conditions that were potentially dangerous to the aquatic life in the ponds. She informed the Commission of previous times he was caught doing these types of activities and again after she had spoken to Mr. Cline and asking him to refrain from these maintenance activities. She said while she believed he was well-intentioned albeit misguided. Ms. Jones said she issued an enforcement order. She noted other activities that Mr. Cline said he engaged in which included removing vegetation, lowering the water level, arranging the stones in the ponds to direct the flow of water to enable scouring the bottoms of the ponds, removing vegetation from Hawes Brook, and applying Round Up to trees near the ponds to kill poison ivy. She informed the Commissioners that she issued Mr. Cline a cease-and-desist order and the General Manager had issued a no-trespassing order having him refrain from entering the water in the ponds. Ms. Jones asked the Commissioners to ratify or amend the enforcement order that was issued.

Motion I: Ms. Walsh made a motion to ratify the order.

Discussion was had regarding modifying the order to utilize Mr. Cline in a way that he could help. Ms. Jones said she had looked into it but was unsure of her ability to direct him to be able to facilitate his assistance. Mr. Washburn commented that he agrees with the notion of finding a future where Mr. Cline could constructively contribute to some of the Conservation initiatives but there has to be some understanding that there is a process of approval and oversight by an environmental planner/conservation agent or other properly equipped individual that has evaluated the situation and determined that a particular course of action is serving the best interests of the property and that individuals can't just "go rogue".

Ms. Walsh's motion was not seconded.

Motion II: Mr. Bamber made a motion that they ratify the order as it stands and allow Mr. Gear and Ms. Jones and others to start a discussion with the individual/Mr. Cline.

Mr. Gear commented that if Mr. Cline wants to help out than he must work within the system and that we'd be more than willing to work with him on it.

Motion was seconded by Ms. Walsh.

Motion passed unanimously, 6-0 by roll call vote.

Ms. Jones said she would coordinate with Mr. Gear and Mr. Cline.

2. Updated request to extend ORAD for 83 Morse St.

Ms. Jones stated that they had previously received a request to extend the ORAD for the property, which was declined, and they had now received a second request and noted that they had hired a wetland scientist to flag the property and sent her a sketch of where the flags were. She said she was unable to compare the sketch to the plan in order to confirm whether it was similar or not but was able to go out and review the flags. She said the applicant was going to plot them onto the plan and this could be added onto a future agenda when the plan is received.

CoC requests for 249 Vanderbilt Ave.

She asked that Mr. Smith of Norwood Engineering be allowed to address the Commission and noted that the property has had a number of Orders of Conditions over the years, has an expired

order for a potentially still-active project, and the certificates for the older orders are no longer active. Mr. Smith said 249 Vanderbilt Ave is located on the corner of Vanderbilt and Morgan and is an office building where GZA is; years ago it was known as the Spears Building. He said there have been many Orders of Conditions and that he would like to consolidate everything to get it back on track. He stated they were asking for a Certificate of Compliance for two of the orders; one project was never built. The other order was issued in 1981 and it was a plan for another company and they did not have a copy of that plan. He said he would like to close out those two so they could go to the Registry to show they were no longer in force/were no longer applicable. He also requested the Commission look at the existing outstanding Order of Conditions which expired in 2012. He said the proposed work had not been completed. He described the work that had been done and work that still needed to be completed. He said the applicant would like to build the addition if he could get tenants and he asked the Commissioners how they should proceed with the existing order. Mr. Smith said he had submitted an as-built of the existing project showing the different orders that have been issued (some of which there were Certificates for). The plan was shown on the screen. Discussion was had.

Motion I: Mr. Bamber made a motion to issue the Certificates of Compliance for 251-72 from 1981 and 251-357 from 2004.

Motion was seconded by Ms. Walsh.

Motion passed unanimously, 6-0 by roll call vote.

Mr. Smith described the existing conditions and showed the plan on the screen. He said the proposed two-story addition had a foundation only, which was constructed in accordance with the permit but they were unable to find a tenant and to the left of it is an existing garage. Mr. Smith stated when the edition is built that the garage will be torn down. He also reviewed the parking areas. He said the applicant would like to have the permit in-hand to allow him to go forward with building the addition as previously approved, finish up the parking lot, and knocking down the garage. Discussion was had regarding reinstating the existing order or applying for a new Order of Conditions. Mr. Washburn and Ms. Jones said they would be looking for a formal request for the CoC from Mr. Smith, they would add it to the agenda, and proceed from there.

Conservation Commission Business:

1. Endean Orchard Subcommittee update

Mr. Washburn gave an activity update: creating plan of activities, conversations, site visits, proposed planting plans, and soil sampling to possibly treat nutrient deficiencies. Ms. Jones said in the past she had sent soil samples to UMASS Amherst Ag. Ext. and they were able to make recommendations for particular crops as well as checking for safety things like lead. She noted that they were a non-profit and the cost would be very low. She added that they can also make up to 3 recommendations of types of crops (denoted by a code) per soil sample.

Motion I: Mr. Bamber made a motion to approve an expense of \$250 to pursue soil sampling for the orchard project.

Motion was seconded by Mr. Gear.

Motion passed unanimously, 5-0 by roll call vote. (Ms. Walsh left the meeting)

2. Trails and land update

Ms. Jones informed the Commissioners that NepRWA would be hosting another water cleanup at the Saint Lot on Sept 25th.

3. CPC report

Ms. Jones said the fall applications are slated to open Oct 12th and will be open until mid-November. She stated that she would like to put forth something related to the Saint Street Lot construction and anything else the Commission would be interested in submitting. Ms. Jones said they could add it to the next Agenda (October 6th) to discuss potential CPC funded projects.

4. Norwood Day

Ms. Jones said Norwood Day will run from 10:30 to 2:30 and set up would be between 9:30 and 10:30. She said she will be receiving a box of outreach and craft materials from NepWRA. The Conservation Commission booth will be C17.

5. Agent update

Ms. Jones said Ms. Miller had a baby girl! Mr. Washburn wished her happy and warm congratulations from himself and the Commission.

6. Commission opening

Ms. Jones announced that Ms. Capezio would be leaving. Ms. Capezio said unfortunately there would be too many time conflicts due to a new school leadership position. The Commissioners expressed how much they will miss her and they wished her well.

7. Minutes 5/5/2021 & 6/30/2021

Motion: Mr. Gear made a motion to approve both sets of minutes. Mr. Bamber seconded the motion. Motion passed unanimously, 4-0 by roll call vote.

Adjournment:

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

Meeting adjourned at approximately 10:32 p.m.

Next virtual meeting: October 6th at 7:30 p.m.

Respectfully Submitted by Lynn Marchand