

CONSERVATION COMMISSION

STEPHEN WASHBURN, CHAIRMAN
CARLY ROCKLEN, TREASURER
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
October 6, 2021
7:30 P.M.**

Present:

Stephen Washburn, Carly Rocklen, John Gear, Catherine Walsh, Peter Bamber

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

The October 6, 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. Westover Parkway Bridge over Germany Brook Notice of Intent No. 251-0529 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 project description into the record and opened the public hearing. Mr. David Nader (TEC) updated the members stating they have received a DEP # and DEP's only comment was that the applicant should look into minimizing the use of rip rap. He stated that it's used throughout the project but they tried to minimize the use of rip rap, other than what the hydraulic engineer recommended for scour protection and also proposed vegetating along the embankments to mitigate the impact. Mr. Nader reviewed the letter that he had sent and highlighted some of the details including: construction sequence within water from July to mid-September, updated plan showing the silt fence in front of the pump to protect aquatic life that may come through there and stormwater improvements. Commissioners were satisfied with the changes. 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 including special conditions to make sure that the turbidity curtain is installed prior to dewatering and providing a plan before dewatering, demonstrating that the stream bed material, that has been placed, is stabilized prior to resuming flow through the culvert, and also standard conditions.

Mr. Gear seconded the motion.

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

2. 87 Plantation Circle Notice of Intent No. 251-0531 N2021-14

Applicant: Daniel Cook Representative: Mitch Maslanka, Goddard Consulting, LLC
Project Description: The addition of a 2-story garage, back deck, and front and rear porches within buffer zone to bordering vegetated wetlands.

The Chair read the project description into the record and opened the public hearing. The applicant, Mr. Daniel Cook, walked the Commission through some photographs and the plans to provide a brief background. He also stated that he had a surveyor mark out the flag locations that Goddard Engineering had identified as the current boundary of the wetlands. Mr. Cook said the NOI package is a colorized version of the plot plan that was provided by the land surveyor. The intent is to show the wetbacks from the building permit perspective and also the current wetland lines highlighted with blue markers. He noted that the original plan showed the wetlands very close to the fence line and now there is area beyond the fence line that no longer qualifies as wetlands.

He displayed a 3-D graphic showing the proposed work and stated that there would not be any direct disturbance of the wetlands. Mr. Cook detailed what he would do to mitigate the effects of the work; permeable pavement, large dry well below the pavement itself to allow for the natural percolation of the water and any potential runoff, redirecting water to the under-driveway dry well, removal of debris piles, and posting signage to prevent future dumping. He said there is a net zero change in the permeable to impermeable ratio of the existing lot; 89% permeable and 11% impermeable. Mr. Scott Goddard of Goddard consulting said even though it's within the setbacks normally prohibited by the ConCom, with the preexisting condition it could be allowed under a new Order of Conditions. Ms. Jones noted it was a tight lot that it is within all the buffers; 25' no disturb, 50' no structure and that typically waivers aren't granted for full structures. She commented on the plan from the NOI from when the house was built and that there was a compensatory buffer zone provided on the right hand side of the plan to allow the house to be built.

The Commissioners provided comments; Ms. Walsh said they seemed to have addressed all of the issues and it seemed to have a net zero impact. Mr. Gear asked about the percentage of the proposed work that would be in the no-build zone. Mr. Cook said 100% of it because the existing footprint of the house is 100% within the 50' no-build zone. He estimated that about 30% of the proposed work would be within the 25' buffer zone. Mr. Gear stated that, that was a lot and typically the Commission has been reluctant to give up anything in the no-build zone because it sets a dangerous precedent. Mr. Washburn commented that historically the Commission had not approved foundation based/fully impervious structures. Mr. Bamber said he was opposed. Ms. Rocklen inquired if alternatives were considered for where to place the addition. Mr. Cook replied that he had looked at other locations but ultimately this design would be the character and function that he was seeking.

Mr. Goddard said he felt there were ways they could improve the 25' buffer zone throughout the property so there would be a net benefit to the resource area and still allow the project to go forward; addition of a vegetated buffer strip of 5-10' along the inner wetland in exchange for doing something on the other side of the wetland that's now in the 10-25' range. He said there was an opportunity to look at some mitigating measures on-site both within Plantation Circle and within the front lawn area that would offset the proposed impacts within a 25' at least a 1:1 ration.

Commission members provided comments, expressing their concerns with the proposed change. The Chair opened the floor to public comment. Ms. Jones said she received a comment from one of the neighbors expressing concern about flooding/additional water coming from the subject property that could be exacerbated by the construction of the addition.

Mr. Cook explained that they would consider extending the permeable pavement for the entire length of the existing driveway which would create a significant net increase of permeable area. Mr. Goddard provided closing comments stating that the strict application of the 25' undisturbed buffer zone does not apply to the site as the work would be occurring in an already disturbed buffer zone. He reviewed multiple sections of the wetland bylaw. He asked the Commission to consider continuing the hearing and invited the Agenda and Commissioners for a site walk of the property. Commissioners expressed concern about setting a precedent of putting buildings in a non-build zone and did not feel a site walk would change that. Mr. Goddard asked for a chance to come back at the next hearing with modifications.

Motion: Ms. Walsh made a motion to continue the public hearing of the next meeting (October 20th).

Mr. Bamber seconded the motion.

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

Ms. Walsh said she would schedule a site visit with the applicant and the members.

3. Route 1 & I95 Stormwater improvements Notice of Intent No. 251-0532 N2021-15

Applicant: MassDOT Representative: Marissa Seirfert of HNTB Corp.

Project Description: Construction of stormwater management BMPs along Route 1 and I-95 to reduce the impacts of highway runoff discharging to the Neponset River. The project is in the buffer zone of bordering vegetated wetland and Riverfront Area of the Neponset.

The Chair read the proposed project description into the record and opened the public hearing. Representing the applicant were Mr. Hung Pham, the Stormwater Coordinator for DOT, and from HNTB Consultants, Mr. Alex Murray and Mr. Michael Turgeon. Mr. Turgeon reviewed the site plans with the Commissioners including the proposed 4 precast infiltration structures that will collect runoff from the off-ramp into a catch basin and the proposed erosion controls. He noted that they would be in the riverfront area but the work is for stormwater structures and is exempt, also working in the buffer zone but preventing erosion by installing controls adjacent to where the catch basins will be located. Ms. Walsh asked for more information regarding overall impact. Mr. Pham said they're retrofitting and improving existing conditions. He said they will be treating about ¼ of an acre of impervious cover. Operation and maintenance schedules were discussed as well as a condition of approval which conveys the expectation of maintenance, inspected at least annually, and maintained upon request by the Commission or their Agent. Ms. Jones expressed concerns about the project related to construction because of the steep slopes and isolated wetlands. She suggested additional orders including no equipment is to enter the wetland at any time, maintaining stockpiles and stabilizing to prevent wind and water erosion sedimentation of resource areas, stormwater management system shall be maintained in good hydraulic condition and kept free of litter, refuse and other extraneous matter, accumulated salt and sediment shall be removed, not stockpiling within 10' of wetland resources, bordering land subject to flooding, or storm drain inlets, as well as the standard conditions. There were no comments from the public.

Motion: Mr. Bamber made a motion to close the public hearing with special conditions as recommended.

Mr. Gear seconded the motion.

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

4. Vanderbilt Park Landscaping Request for Determination of Applicability N2021-16
Applicant: Town of Norwood Representative: Paul Halkiotis, Director of Planning
Project Description: Updates to a landscaping plan along Park Place in the buffer of a bordering vegetated wetland.

The Chair read the public hearing into the record and opened the public hearing. Representing the Town of Norwood, the Planning Director/Paul Halkiotis, addressed the Commission, giving them background information on the project. He stated that in 2017 the town received a \$150K grant from Mass Development which was to be used to implement a 2013 Vanderbilt Master Plan recommendation. He said the recommendation involved creating a gateway to improve the entranceway into the business park, to install signage, and to try to “brand” the park in order to attract more businesses. At the time the master plan was done, there were many more vacancies in the park than there are now. He stated that it would be good time for the park to improve the entrance and to implement a system of signage that was consistent with creating a branded image of Vanderbilt Parkway.

Mr. Halkiotis said the project involved installing a gateway sign, a light post, and installing wayfinding street signs that all match the gateway signs. He said he met with the ConCom in 2019 after filing an RDA. The Commission issued a negative determination and construction of the gateway sign and light post commenced. He discussed the landscaping and how the area became overgrown. He met with a landscaper that is bidding to do the work and he suggested clearing and grubbing an area of about 7’ from the edge of the sidewalk back towards the resource area and installing filter fabric and stone mulch to try to maintain a clear area around the gateway area that would prevent the woody shrub and invasive vegetation from re-growing and requiring more maintenance. Within the planting beds he suggested using flowers, shrubs, and bark mulch. Mr. Halkiotis said after a site visit with Ms. Jones that they determined the best place for the planting beds would be approximately a foot from the edge of the sidewalk. He said they identified an area about 7’ back from the edge of the sidewalk where the planting beds could be placed.

Displayed on the screen was the plan showing the areas of proposed work. Mr. Halkiotis reviewed the details with the Commission. He said some of the proposed work will occur within the 25’ no disturb area but it is for landscaping and not a structure. He stated that they will need to install erosion control/waddles along the limit of work area to keep any disturbed soil from eroding into the resource area. Mr. Halkiotis requested an amended RDA for the work within the resource area in an effort to implement the recommendation from the Vanderbilt master plan in order to create a more attractive gateway to the business park. He shared his screen and showed the commissioners the invasive overgrowth. Ms. Jones commented on the invasive species found and explained that she had recommended coming back before the Commission because of the additional work which was not included in the initial request. She suggested conditions of approval to include all native species plantings and erosion control. Mr. Halkiotis suggested a condition of the plantings being drought resistant species.

Commissioners asked questions including about the loam needed to level off the slope for the planting area. Mr. Halkiotis noted that would be the only area of fill added and he wanted to avoid having to use a retaining or timber wall. Regarding the erosion controls, Ms. Jones suggested straw or hay bales be used that could remain or require 12” mulch or compost socks that could remain in place or a berm made out of mulch socks with back posts and layered 3 socks that were biodegradable but heavier than a typical straw waddle in order to keep the fill in place. Discussion was had regarding the pros and cons of each.

The Chair asked Ms. Jones to review the special conditions; plantings shall be native and along the limit of the work and shall consist of 12” biodegradable mulch sock or similar approved by the Conservation Commission or their agent.

No members of the public had any comments.

**Motion: Mr. Bamber made a motion for a negative (determination of applicability)
Mr. Gear seconded the motion.
Motion passed unanimously, 5-0 by roll call vote.**

Wetland Issues and Updates:

1. CoC request: Power Lane-DEP No. 251-0501 N2018-02

Ms. Jones updated the Commissioners; project is complete and site is fully stabilized, received an as-built from the engineer and reminded the engineer to tell the landscaper not to dump landscaping material over the fence.

The engineer, Mr. Daniel Merrikin showed the Commission a site plan, reviewed the details of the completed project, and requested a Certificate of Compliance.

Motion: Mr. Bamber made a motion to issue a Certificate of Compliance.

Ms. Walsh seconded the motion.

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

2. CoC request: 109 Mylod St-DEP No. 251-0483 N2017-01

Ms. Jones said she did an inspection of the property and that the owners were doing a refinance and requested a CoC. She stated that the project has been completed for several years, the site is stabilized, and the builder provided an as-built plan. Her only concern was that there was a trailer/ RV- type vehicle present between the garage and the wetland but that it was unclear if disturbance in that area was permitted.

A representative of GBI, Ms. Amanda Hicks, addressed the Commission stating that the project had been completed and was stabilized. She did not have further information regarding the grading.

Ms. Jones displayed an aerial pot of the site and said she was not sure what the grade was prior to work. Discussion was with Ms. Hicks who stated that to her knowledge there was no grading that was done that did not correspond with the plan.

Motion: Mr. Bamber made a motion to issue a Certificate of Compliance.

Ms. Walsh seconded the motion.

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

Conservation Commission Business:

1. Endean Orchard Subcommittee update

The Chair updated the Commission on the soil samples that he and Ms. Jones took at the Orchard. He said when they get the results back from the lab it will allow them to make informed decisions about the best location and layout that's been proposed for the plantings so site preparation work can begin. He said the data will provide them with the ability to correct any nutrient or ph imbalances to set the stage for a successful effort. He said the subcommittee would meet next Thursday.

2. Re-sign Conservation Restriction for the Saint Street Lot

Ms. Jones explained that the State realized, due to the wording, that the Town Meeting actually authorized the Selectmen and not the Conservation Commission the ability to grant the conservation restriction so the State Rep. edited the signature page making that change.

3. CPC report- no report/ no meeting.

4. Agent update

Ms. Jones announced that MACD is having their Fall Conference, remotely. She encouraged everyone to check out the workshops and to let her know of any workshops they were interested in so she could register them.

5. Re-org

There was a brief dialogue regarding the reorganization; only addressing the vacancy of the vice chairperson's seat.

Motion: Mr. Bamber made a motion to nominate Ms. Walsh as vice-chair.

Mr. Gear seconded the motion. Motion passed unanimously, 4-0-1 by roll call vote.

Ms. Walsh abstained.

6. Finance update

Ms. Jones provided the Commissioners with a written finance update and gave a brief overview at the meeting and her plan to clear up confusion and provide more transparency. She and Ms. Rocklen/ Commission Treasurer will have a meeting planned with Mr. Halkiotis/ Planning Director and more will be discussed on the next agenda.

7. Minutes 7/21/2021, 8/4/2021, & 8/18/2021

Passed over. Unfortunately was not uploaded with the packets.

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 10:09 p.m.

Next meeting: November 3, 2021 at 7:30 p.m. Location:

Respectfully Submitted by Lynn Marchand