

Town of Norfolk
Inland Wetlands Agency
Botelle School, Hall of Flags
Regular Meeting
October 2, 2023 @ 7:00 p.m.
Draft Minutes

Present: Hartley Mead-Chair, Myron Kwast, Clint Webb, Rich Kessin, Phil Lovett, alt.
Also Present: IWO Michael Halloran Recording Secretary-Marinell Crippen

1. **Call to Order**-7:00 pm
2. **Roll Call**
3. **Agenda Review**-Phil Lovett will sit for Byron Tucker
4. **Approval of Minutes**-A motion to approve amended minutes of the September 5th, 2023, special meeting was made by Myron Kwast, seconded by Rich Kessin and approved unanimously.
5. **Public Comment**- Hartley Mead spoke and wanted to let everyone know that they are all volunteers on the Agency, and they are not scientists, they are lay persons and if people want to join, then please do. He said there was some grouching after the last meeting and how Hartley conducts the meeting, and he made clear that he is the chairman and will conduct the meeting as he sees fit.
6. **New Business**-
 - A. Continuation of Public Hearing 7:05 pm. 23-021 Alfred Benesch & Co. Town of Norfolk redevelopment of Norfolk firehouse work in wetlands and upland review area.
Hartley Mead stated that the Agency received the bugs and bunny review, and the functions and values report on Friday and members might not have had time to read it since it was a holiday weekend.
Will Walter, professional engineer with Alfred Benesch & Company, spoke first. Mr. Walters said he will briefly go over the new information that they have and is requesting approval this evening with some very minor conditions. Emily Bousaada, also from Alfred Benesch & Company, submitted three items: 1-updated storm water management report 2-phase one environmental site assessment 3-functions and values report. Mr. Walters then explained the project. He said they are disturbing about 8,000 square feet of wetlands, which most of it is functionally grass but technically

wetlands. He said that he would obviously not go through 180 pages of the report but would touch upon some highlights. First, one was the phase one environmental site assessment, and he said that there are a few possible contaminants which he read from page 6. Martin Brogie, the soil scientist who wrote the report, said there were 4 possible sources of contamination: 1- possibly a heating oil tank on the site. The site has been used for over a hundred years. 2-reported spill somewhere in the past when upgrading, 3- the former school from the early 1900's possibly had an underground tank associated with that 4-there are 4 drains from the firehouse and there is no record of discharge, but it is possible. He recommends if the contractor comes across contamination, they will contact him or someone like him to review the area.

Mr. Walters then explained that Martin Brogie said that overall, the functions and value of the site and adjacent wetlands system are consistent with an accessible park like urban wetland system providing some storm water attenuation treatment as well as recreational and educational opportunities. Wildlife habitat benefits are present but not expected to be significant given the isolated nature of the system. Mr. Brogie has 6 recommendations and Mr. Walters paraphrased them. 1-Specifications for potential contaminations- someone like Mr. Brogie review the area if a contractor finds anything suspicious while doing the work 2-they are putting in a retaining wall and Mr. Brogie recommends an underdrain under the retaining wall and garage and they think it is a good idea and have included it in their plans 3-he suggests putting some landscaping behind the wall and they agree and they have put it in the plans 4-heavy lighting can be detrimental to wetlands habitat so Mr. Brogie suggests checking their lighting plans so there is no spillage on the wetlands. Mr. Walters said that they must light the boardwalk and are using low lighting LED. 5-Mr. Brogie recommended putting some wetland shrubs toward the storm water outfall of the water system 6-Mr. Brogie said that erosion and sedimentation control system should be carefully installed and monitored and maintained which is already in the plans. Mr. Brogie said that the proposed development will not have any negative impact to wetland functionality.

Mr. Walters then opened the meeting up to questions from the Agency. Clinton Webb-practicing professional wetlands scientist for 43 years and has worked as contractor for many towns wetlands agencies said this is indeed an Army Corp Wetlands which is indicated by soils, hydrology, and vegetation. Mr. Webb did not have a chance to review the reports. Mr. Webb said that he thought they needed to be rigorous since it is a town project.

Mr. Webb needs to read both reports before he can make a decision.

Will Walters said he asked Mr. Brogie many times if it was an Army Corp designated wetlands and Mr. Brogie said it was not. Mr. Walters said that if it is designated Army Corp wetlands and needs to be reviewed by the Army

Corp that could take up to 2 years. Mr. Webb wants Mr. Brogie to explain why it is not an Army Corp wetland, so the public won't complain that they did not get an Army Corp approval. Mr. Webb wants it to be in the record why the Agency did not apply for an Army Corp approval.

Mr. Webb said that they need a letter from Mr. Brogie that not over 5,000 square feet are not Army Corp wetlands and the reasons for that.

Phil Lovett asked about the underground system, the footing drains, and wondered if they would be run to daylight and Mr. Walters said they would be connected underground to the system, the same with the underdrains behind the retaining wall that will be connected to the system underground.

Mr. Lovett wondered if they would do any testing for contaminants before starting construction. Mr. Walters said that it is normal to wait for construction to see if there is any contamination and then take steps to remedy it. Otherwise, they would need to go to Phase 2 and Phase 3 and start taking samples all over the property. Mr. Lovett believes that testing would make sense. Mr. Webb thinks it would be overkill to try to hunt down any contaminants. Mr. Webb said that with these smaller sites if the contractors come upon something they deal with it then.

Myron Kwast thinks the report is very helpful but believes the public needs to have a chance to look at it so he thinks they should wait 30 days. Michael Halloran said that someone had come to Town Hall requesting to see the report.

Mr. Halloran read in the record a letter he received from Ken Ludwig, item number 12.

Hartley Mead asked if any federal or state money was given to City Meadow in such a way that would affect giving some of the land to the Fire Dept, which is using some of City Meadow land and they say they have an easement. Michael Sconyers, the lawyer for City Meadow, said it was only town money used to buy City Meadow. Molly Ackerly, past chair of City Meadow, said that funds to do the park were from a grant from the state to cover much of the cost of the City Meadow renovations. She does not think this would affect the grant, but she is not sure.

Michael Halloran said that there is no deed that shows an easement.

Hartley Mead then opened the discussion up to the public.

1-John Anderson, resident, and a member of the Conservation Commission, asked about the permeable pavers used for the parking area and believes there needs to be storage under the pavers.

2-Martin Morgan-member of the fire house committee wants clarification from the agency asking what exactly deliverables you are looking for other than Martin Brogie stating that this is not Army Corp wetlands. Clint Webb said that time was needed because the Agency received the report too recently and the public needs to see the report as well.

3-Ted Hinman-asked how many applications have the Agency had in the last five years that have included Army Corp of Engineers project applications? Michael Halloran said one was for City Meadow. Mr. Hinman said that only 505 feet of undisturbed Wetlands is being impacted.

4-Paul Padua, 43-year volunteer of Norfolk Fire Department, thanked the Agency for their work and realizes they need time to read the report but also wants the public to know that the conditions the volunteers of the Fire Dept. work in are not good. There is diesel fuel in the air which they have to breath and carcinogens are hanging from the ceiling from the diesel because there is no exhaust system.

Hartley Mead agrees with Paul and says the building is in dire need of help and it is a dangerous place to work.

Rich Kessin wondered if it would be a good idea for the public to see the building and Paul said it was a good idea and that they are planning on doing that and will have some open houses soon.

5-Molly Ackerly-said that the public has a right to be heard and are probably here tonight and only 1 person asked for the report. She doesn't think that the Agency should wait another month and wondered what they gained by waiting.

Clint Webb said that Army Corp comes back if over 5,000 square feet of wetlands are disturbed, and the report now says 8100 square feet.

6-Michael Sconyers said that they should only have the next meeting to learn about the Army Corp of Engineers and that is it and nothing else. He said that the Agency is not coming across very well right now as a commission. He doesn't believe that anything else should be discussed.

7-John Anderson disagrees with Sconyers and said they need time to look at the report and it was given too late.

Matt Riiska said that after this is approved by Wetlands then it goes to P and Z and then finally, they can start fundraising.

It was decided to continue the public hearing on Wed 25th at Town Hall at 7 pm.

Matt Riiska will ask for a 15-day extension. Michael Halloran had put both reports on the Town Website today.

B. Don and Marie Louise Torrent are asking for a subdivision of the property at 77 Sunset Ridge Road.

They need to put their application in to Wetlands before they can go to P&Z and show that it has been reviewed. There is no house proposed to go into the Wetlands. They are on city septic and water. A stipulation is that they cannot work in Wetlands. This is for review only because there is no house site. Myron Kwast is recusing himself because he lives on Sunset Ridge.

Phil Lovett made a motion to accept the subdivision of land as long as the house is not built in the Wetlands, and that the applicant will apply for

wetlands permit before construction of a house begins. Clint Webb seconded, and it was approved unanimously.

7. **Old Business-none**

8. **WEO Report-**

A couple of Wetland permits.

Dave Pilbin is building a garage.

Rick McCue was approved last month.

Ann Childs from 125 Windrow Road from two months ago is continuing to have runoff so she has hired an engineer, Mr. Steven Trinkaus, who has planned for a low earth berm to direct runoff from existing swale to new defined low point where they will put an 8" solid pvc pipe that will go under the driveway to a field where the apple trees are. There will be a trench with crushed stone where the water will run off. There are no Wetlands.

9. **Communications and Bills**

Minutes from P&Z were passed out.

10. **Adjournment-**A motion to adjourn the meeting at 8:36 pm was made by Rich Kessin, seconded by Myron Kwast, and approved unanimously.

Respectfully submitted,
Marinell Crippen, Secretary