



July 7, 2018

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Mr. Joseph Sheehan, Chair  
Norwood Planning Board  
Norwood Town Hall  
566 Washington St.  
Norwood, MA 02062

Via Hand Delivery

**RE: Special Permit Application filed by DCD Realty for development  
of property located at 84 Morse Street and adjacent parcel**

Dear Chairman Sheehan,

The Neponset River Watershed Association (NepRWA) is a nonprofit conservation organization working to clean up and protect the Neponset River, its tributaries and surrounding watershed lands. Pursuant to our mission, we are deeply troubled by the above-referenced proposal to clear-cut and develop one of the few remaining parcels of natural, undeveloped land along the Neponset River in Norwood. Moreover, we do not believe it meets the criteria required for approval under Norwood's Special Permit bylaws; and even if it did, it does not warrant relief from the buffer and landscaping requirements.

Under Norwood Zoning Bylaw §10.4.2, the Planning Board is authorized to issue a special permit "only upon [the Board's] written determination that the proposed use will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site." Given the undeveloped nature of the westernmost portion of the site in its current condition, and the proposed new development and use, the Board should deny a special permit.

This written comment will address each of the special permit decision criteria (Norwood Zoning Bylaw §10.4.2), followed by additional observations and concerns.

**The Board should deny the special permit and requested relief because the proposal will negatively impact the environment and further burden the surrounding neighborhood. (Decision Criteria #4)**

Under Town law, the Board must consider the environmental impacts of the proposed development. As described below, the proposal will clearly have significant negative impacts on the environment, and the Board should deny the special permit.

1. The proposed development will have immediate detrimental effects on flooding in the neighborhood and potential pollution of local waterways.

The proposal, if realized, will worsen flooding, increase polluted stormwater runoff. The subject property includes a floodplain and wetland habitat that helps prevent flooding of nearby homes and downstream properties during storms and periods of snowmelt. Clearing the land and applying “recycled asphalt” to it, as proposed, will eliminate existing natural vegetation and reduce the permeability of the area—meaning that instead of being absorbed into the ground, rainwater and snowmelt will run off the surface into local water bodies. This runoff will carry pollutants from the ground, including debris, petroleum products and the like, polluting the nearby Neponset River and Hawes Brooks. While the applicant has proposed installing “raingardens” and an infiltration trench to filter stormwater runoff, the proposed design does not appear to comply with the MA Stormwater Standards for this site.

2. The proposed stormwater management uses faulty data and fails to comply with the MA Stormwater Handbook.

The proposed use of the site meets the definition of a use with higher potential pollution load described in the MA Stormwater Policy as a fleet storage area for nearly 1000 vehicles. As such it is required to treat the first inch of runoff from the site using a variety of specific pre-treatment and treatment devices specified in the stormwater handbook. The applicant has not proposed structural BMPs that meet these criteria. The applicant should modify the proposed BMPs accordingly and describe how it intends to the LUPHPL requirements.

The drainage calculations assume a hydrologic soil group A soil type throughout the site. The NRCS soil data attached to the drainage report does not include the page that indicates the NRCS Hydrologic soil group, nor is any supporting site specific soil evaluation data provided. Reviewing the NRCS data directly online, the entire site is indicated as urthodents with wet substratum, with no soil type given. The applicant must provide appropriate documentation that soils throughout the site are HSG A, or modify the calculations accordingly.

The applicant has indicated that it intends to “pave” most of the proposed parking areas with gravel, recycled aggregate or recycled asphalt. The applicant has also assumed a curve number of 76 for this surface (based on an assumption of hydrologic soil group A soils) rather than the 98 that would apply to a paved surface. We would observe that the site is going to be heavily compacted with frequent heavy truck traffic, and completely covered with cars. We would further observe that recycled asphalt or aggregate and even unwashed gravel contain a mix of fine and coarse material and asphalt contains binding agents that may be partially reactivated by heat and pressure. The applicant has not indicated any maintenance practices to maintain the porosity of this finished surface. Lastly, as discussed above, the applicant has provided no information to document its selection of HSG A for a soil type. We believe that the applicant is being

unrealistically optimistic in its selection of a curve number and a more realistic expectation for the performance of the proposed surface would be a curve number of 98.

Infiltration trenches as proposed are not compatible with the requirements of the MA Stormwater handbook and should be removed from the design or modified.

- Pretreatment is required prior to discharging sheet flow to an infiltration. The MA Stormwater handbook identified vegetated filter strips or a pea gravel diaphragm as the only appropriate pre-treatment techniques for use with infiltration trenches. In the absence of pretreatment, the system will clog and fail, especially in light of the proposal to use unwashed stone as a “paving” surface.
- MassDEP prohibits the addition of an underdrain near the bottom of an infiltration trench as proposed here. Furthermore, placement of the underdrain is incompatible with the peak runoff calculations that assume significant infiltration and detention in the trench. An underdrain could be placed near the top of the infiltration trench, but if so, the calculated storage volume should include only the area below the invert of the underdrain.
- The MA Stormwater Handbook requires a horizontal setback of 150 feet between an infiltration trench and any waters of the Commonwealth (i.e. the Neponset River and Hawes Brook). Almost none of the proposed infiltration trenches meet this requirement.
- The Stormwater Handbook requires 2 feet vertical separation between the bottom of an infiltration trench and the seasonal high water table. The application should provide test pit and soil boring data to document that this criteria has been met.
- Given that the infiltration trenches play an important role in managing (by exfiltration) peak runoff rates during the 100 year storm, we would recommend that a 2 foot vertical separation be required between the bottom of the infiltration trench and the 100 year flood elevation. It appears that in some areas the bottom of the infiltration trench may be below this elevation rather than 2 feet above it.
- The calculations for peak discharge rates at the site relies significantly on exfiltration out of the Infiltration trenches in the post development condition. In the absence of required pretreatment, the applicant cannot take credit for this exfiltration, and therefore the peak rate calculations should be modified accordingly.

There are a number of issues with the proposed design of the raingarden basins proposed for the site.

- The rain gardens shown on the plans receive inflow from the infiltration trench systems, as well as via direct sheet flow from the parking areas. In addition the applicant is relying on the raingardens to function as both quarter quality treatment and infiltration BMPs, and for attenuation of peak discharge rates via infiltration.
- The raingardens have no provision for required pretreatment. The design of the raingardens should be modified to incorporate appropriate pretreatment measures such as a vegetated filter strip or sediment forebay as required by the MA Stormwater Handbook. There seems to be some suggestion that the applicant intends to rely on a layer of bark mulch applied to the raingardens as a pretreatment measure, however the MA Stormwater Handbook does not recognize this as an acceptable pretreatment measure for a raingarden.
- The drainage calculations indicate that Basin C and Basin D have a storage volume of 1.5 feet, but the plans indicate a vertical separation of only 0.75 feet between the bottom of the basin and the invert of the overflow spillway. The plans and drainage calculations should be re-checked for all basins and any discrepancy between the two in terms of provided storage volume should be resolved.

- The various raingarden basins shown on the plans do not indicate any provision for preventing erosion of the streambank, this in spite of the fact that the drainage calculations indicate that some of the basins will be discharging at a rate of 6 CFS or more during the 100 year storm event. The applicant should describe the steps they plan to take to ensure streambank stability during all runoff conditions.

It does not appear that the applicant is proposing structural stormwater BMPs to provide required treatment and recharge of runoff from the existing building on the site nor the area in the front or side of that building. The applicant should amend the plans to address this area and should split the delineation of drainage area DA31 into two different drainage areas that reflect the area that does and does not drain into Basin C.

Notably, in addition to the aforementioned deficiencies, Planning Board members articulated during the early part of the hearing that the applicant has repeatedly failed to comply with maintenance of existing landscaping and stormwater management BMPs on other property it owns in Norwood. Given the proximity of the property at issue to the Neponset River and Hawes Brook, and the natural state in which part of it exists today, such failure to maintain stormwater BMPs could have devastating effects. I would urge the Planning Board to recognize the significant environmental risk the proposed project poses, and ask that they deny the requested special permit.

3. The proposed development will reduce Norwood's resilience to climate change.

The town of Norwood is currently at the forefront of Massachusetts communities in planning for climate change resiliency. While Norwood contains few undeveloped areas, town leaders and community members are engaged in the Commonwealth's Municipal Vulnerability Planning (MVP) program. The MVP program provides support for cities and towns to begin the process of planning for climate change resiliency and implementing priority projects. The state awards communities with funding to complete vulnerability assessments and develop action-oriented resiliency plans with an emphasis on nature-based solutions. Communities who complete the MVP program are certified as an MVP community and are eligible for MVP Action grant funding and other opportunities. Norwood is one of the first towns to participate in the program and is well on its way to achieving MVP certification.

The applicant proposes to take one of the few undeveloped areas of town, clear cut the existing natural vegetation, and apply "recycled asphalt" on top of existing soil. This will degrade the land, and interfere with storage of flood waters (running off of nearby streets or coming from the adjacent waterways). This will not only negatively affect residents in the immediate area, but also those further downstream. I urge the Board to deny a special permit to the applicant.

4. The floodplain and riparian zone delineation has not been independently confirmed by the Conservation Agent or Commission.

It is unclear that the floodplain delineation is accurate and up-to-date, nor has the Conservation Commission been invited to review this proposal. While the applicant's plans identify floodplain and riparian zones, these delineations must be independently identified by the appropriate environmental authority. For example, it is unclear what the applicant means when the plan indicates the flood zone has been identified "based on elevation." Until the Conservation Agent

and Commission or some other authority can verify the boundaries of these areas, the Board should deny the special permit.

5. The proposed development will take place within the riverfront area, protected by both state and local law.

At first glance, it is clear that development is proposed within the 200 foot riverfront area, protected by the Rivers Protection Act and the Norwood Wetlands Bylaw. While some development may be permissible in the outer 100 feet of a riverfront area, the Conservation Commission must determine that such development is appropriate on *this* parcel. Moreover, some of the development is proposed within the inner riparian zone/buffer zone<sup>1</sup> and, indeed, within Hawes Brook itself. This area is subject to heightened protections and the applicant must show by a preponderance of the evidence that the development will not harm resources protected by either law.

The proposed bridge over Hawes Brook is particularly concerning. Hawes Brook is a significant tributary of the Neponset River. The applicant has asked for permission to build a bridge on or within the brook without any detail whatsoever other than its proposed location. It is totally unclear how the developer will ensure that this bridge—proposed within the floodplain and riverfront area—will not harm the brook and river nor degrade the floodplain or otherwise harm wildlife, the environment, and nearby private property. Because of the serious detrimental effects such development can have on a waterway, the appropriate environmental evaluations must be made prior to the issuance of any special permits.

6. The proposed development will adversely affect an already overburdened community.

The property under consideration is located within a neighborhood which the Commonwealth of Massachusetts has designated as an environmental justice community. The Massachusetts' environmental justice program "is based on the principle that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment. [Environmental Justice] is the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits." The Commonwealth's policy includes an emphasis on:

- Restoring "natural resources, increased access to open space and parks, and to address environmental and health risks associated with existing and potential new sources of pollution..., and to improve overall quality of life;"
- enhanced environmental review of new or expanding significant sources of environmental burdens; and
- ensuring residents are resilient to the effects of climate change (such as heat island effect or flooding), and ensuring that these effects are minimized during development;

in environmental justice communities.<sup>2</sup>

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<sup>1</sup> Norwood Bylaw Article XXV, § III(A)(17).

<sup>2</sup> Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Environmental Justice Policy (January 31, 2017).

The proposed development will destroy, rather than restore, natural resources, and will increase the potential for pollution in the adjacent waterways. Additionally, the proposal will reduce the climate change resiliency of the neighborhood by reducing flood storage capacity and increasing heat island effects. Given that the Commonwealth favors an enhanced environmental review of projects such as this, the Planning Board should deny the requested special permit.

**The Board should deny the special permit and related relief requested because the proposal would negatively impact social, economic and community needs. (Decision Criteria #1)**

The Board must determine whether the proposal will negatively impact social economic and community needs. Based on the following, I urge the Board to see that the proposal will have a negative impact on all of these needs.

1. The requested relief from buffer and landscape requirements would seriously and negatively impact the surrounding community and should be denied.

As noted above, the proposed development includes land designated as an environmental justice community. As such, the community deserves enhanced review of any development within it. I note that in addition to the environmental impacts the proposal will have, the applicant is also requesting relief from the required landscaped buffer that must separate the new development from the residential district it borders. This represents another significant burden on the surrounding community.

§ 6.3 of the Norwood Zoning Bylaws requires a landscaped buffer on land designated as Manufacturing within 50 feet of a residential district. § 6.4 specifies landscaping and screening that must be implemented in certain developments. The applicant is requesting relief from both requirements without any explanation as to why the project cannot comply with the law. The proposal anticipates development and use of a parcel that is currently naturally vegetated and which not only abuts a residential district but also lies very close to actual residences. Such development would pose a substantial detriment to the neighborhood. Therefore, given its proximity to existing homes, the Board should require the applicant to comply with the 50 foot buffer and landscaping requirements.

2. The proposed non-residential use does not provide for the needs of local residents, nor does it provide any economic opportunity for them (or, indeed, the Town).

The proposed car storage lot is incompatible with the neighborhood and does not serve the needs and interests of, nor provides economic benefit to, local residents. The proposed use of the land directly abutting the residential neighborhood requires clearing all trees, shrubs and other vegetation which screens the local commercial and industrial buildings from residential view. The land will then be covered in “recycled asphalt” or processed gravel, and will be used to store more than 800 cars belonging to one or more private car dealerships. There is nothing about this use that benefits the community. In fact, it represents a significant adverse impact to the neighborhood. The negative effects from lighting, increased traffic, proximity to residential neighborhoods (and therefore reduced property values), environmental degradation, reduced climate change resiliency, increased flood risk and polluted runoff far outweigh any positive economic benefit the town may realize from a change in tax status.

**The proposal will adversely affect the neighborhood through increased traffic circulation. (Decision Criteria #2)**

Local law also requires the Board to evaluate whether the proposal will adversely impact traffic circulation and related public safety. The proposed development of the land at issue for storage of more than 800 cars will significantly increase heavy truck traffic past schools, shopping areas, homes and town recreation facilities along Washington Street because a low train bridge blocks direct access from Route 1. While the applicant has indicated that the area already supports tractor trailer and school bus traffic, that assertion ignores the facts. Specifically, school buses are smaller than car carriers (and carry out a necessary function for the town). Moreover, the area is a lot busier and supports more residents than it did when initially approved for manufacturing use and related truck traffic. The applicant proposes to add approximately 14 trips by carriers of 8-10 cars which is an enormous change to the current traffic circulation. At the very least, *the Board should conduct an independent and comprehensive traffic study* to identify the traffic impacts and determine whether or not they can ever be mitigated by the applicant to ensure residents' safety.

**The Board should deny the special permit and requested relief because the proposal will adversely affect drainage and public safety. (Decision Criteria #3)**

The Board must consider whether the proposal creates adverse effects for public utilities, public safety and the like. As described in more detail above, the proposal concerns land directly abutting both a residential neighborhood and two major waterways (Hawes Brook and the Neponset River). By clearing and developing this undeveloped and naturally vegetated area, the applicant's proposal will reduce flood storage and reduce climate change resiliency in an already heavily developed area. Natural water infiltration will be reduced and replaced with faster flows to the brook and/or river. The flood potential will be increased as will the risk to public safety. The Board should therefore deny the requested special permit.

**The Board should deny the special permit and requested relief because the proposed use is incompatible with the site. (Decision Criteria #5)**

Additionally, the Board must consider whether the proposed use is compatible with the specific site. The proposal includes the development of a parcel of land that is currently undeveloped. In fact, the land is naturally vegetated with established trees and shrubs, and serves as a habitat for wildlife in the midst of a densely developed neighborhood. Moreover, the land in its current state serves to separate a vibrant residential neighborhood from nearby manufacturing land uses. Despite the fact that the parcel is zoned as a manufacturing district, the site is located in an area that has changed—it is primarily residential. Clearing the parcel for car storage at this point is not compatible with the area.

**The Board should deny the special permit and requested relief because the proposed development is visibly incompatible with the neighborhood. (Decision Criteria #6)**

The Board must consider the visible compatibility of the proposed development with the surrounding neighborhood. As described above, the proposal includes the clearing of approximately 8 acres of naturally vegetated land—one of the few such parcels left along the Neponset River in Norwood. The dense trees and shrubs screen commercial and manufacturing

businesses from the residential neighborhoods. Clearing this area, even with an appropriate buffer and landscaping, will completely change the look and feel of the neighborhood. Adding yet another car storage lot instead of the natural lot is visibly incompatible with the neighborhood.

**The Board should deny the special permit and requested relief because the proposal does not provide a fiscal benefit to the town. (Decision Criteria #7)**

The Board must also consider the fiscal impacts from the proposed development to the town. The undeveloped portion of the land to be developed is currently taxed as wetlands. The town may realize a slight increase in property tax revenue on the undeveloped parcel after development; but there are no structures included in the proposal, which reduces the potential tax assessment from development of the parcel. Moreover, the development may actually reduce the value of adjacent residential property. Finally, as described above, public safety risk and traffic circulation will increase, and the proposed use will adversely affect the environment. Consideration of the proposal in total demonstrates that the adverse impacts of the proposal far outweigh any fiscal benefit to Norwood.

**The Board should deny the special permit and requested relief because the application process has not addressed the needs of the surrounding community or town. (Decision Criteria #8)**

Finally, the Board is charged with determining whether the application process has sufficiently involved the surrounding community, and whether the proposal includes specific compensation or benefits to impacted residents. Unfortunately, I don't believe the applicant has sufficiently listened or responded to the neighbors who will be most immediately impacted by the proposal. Throughout the process, residents have indicated that for years they were led to believe the undeveloped portion of land considered in the proposal would be turned into a public amenity, permitting access to the river. Moreover, residents have testified at public hearings that the applicant has not been a good neighbor with respect to other properties in Norwood (e.g., failing to maintain the property, unlawfully storing cars on unauthorized lots). Finally, a recent "community meeting" to discuss community concerns was held by the applicant with barely a day's notice. All told, my observation is that the residents on abutting properties do not feel that their concerns have been heard by the applicant, nor does the proposal reflect sufficient benefits or mitigation to the neighborhood.

**Proper environmental review by all relevant agencies, boards and commissions is crucial.**

Given the location of the proposed development and redevelopment and the need for additional permits outside those authorized by this Board, the applicant must file an Environmental Notification Form (ENF) with the Massachusetts Environmental Policy Act (MEPA) Office and a permit application with the Norwood Conservation Commission under the Wetlands Act. Filing of an ENF is warranted because the proposal includes the addition of more than 300 new parking spaces.<sup>3</sup> I would argue that the applicant must do this *prior to the issuance of any permit by the Planning Board* to ensure consistency across all permitting authorities.

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<sup>3</sup> 301 CMR 11.03(6)(b)(15).

## Conclusion

In sum, the current development proposal represents an incredible burden on the neighborhood and the town as a whole. The environmental risks alone should be enough to deter the issuance of a special permit. Norwood is a forward-thinking town, as demonstrated by its participation in a statewide effort to plan for the local impacts of climate change. Permitting this development to move forward would be a significant step backwards. As described (though much of the detail is lacking), this proposal is likely to increase flooding, degrade important waterways, increase polluted stormwater runoff, increase heat island effects, and eliminate wildlife habitat. Further, it will significantly increase the traffic burden on a residential area and environmental justice community, thereby increasing the risk to public safety. In short, the proposal is simply incompatible with the community.

There is no reason the naturally vegetated area needs to be clear-cut for car storage. There are other options for storing new cars in the area that have less impact on the community and environment (such as redeveloping less environmentally sensitive sites or adding structured parking over existing surface lots). Moreover, the property has great potential for public access to the river and has been a land acquisition target in the Norwood Open Space Plan for many years. This is simply the wrong project for this area.

Based on all of these deficiencies, I urge the Board to deny the special permit and other relief requested by the applicant.

Thank you for your consideration of this matter. As the applicant revises its proposal, we will amend these comments or submit additional ones. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Kerry Snyder  
Advocacy Director

Cc: Alfred P. Porro, Jr., Vice Chair  
Ernie Paciorkowski, Clerk  
Debbie Holmwood  
Robert Bamber  
Paul Halkiotis, Dir. Comm. Planning & Econ. Dev't