

**Norton Conservation Commission  
70 East Main Street  
Norton MA 02766**

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NORTON TOWN CLERK

2012 NOV 26 P 3:31

**Monday, April 23, 2012**

**Attendance**

David Henry (Chairman), Ron O'Reilly (Vice-Chairman), Julian Kadish, Lisa Carrozza, Michele Simoneaux, and Jennifer Carlino, Conservation Agent

Chris Baker was absent.

**Minutes**

David Henry called the meeting to order at 7:00 pm.

The members reviewed the Bills Payable Sheet (Chessia Consulting). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Corp.). Lisa Carrozza made a motion, seconded by Michele Simoneaux, to pay the bill. Approved.

Jennifer Carlino stated that Daniel Ruff, Eagle Scout, will not be here this evening to discuss the Eagle Scout project at the Norton Reservoir Dam. She said he asked to be continued to the regular meeting of Monday, May 21, 2012.

The members reviewed a Request for a Determination of Applicability – **(DET. #979) – Frederick & Claire Kelley – Parcel 55 (Assessor's Map 16) 116 Freeman Street** – for proposed plans to repair/replace a septic system within 100 feet of Norton Reservoir.

**Document List**

1. WPA Form 1 – Request for a Determination of Applicability.
2. Plan entitled "Repair" Sewage Disposal System, 116 Freeman Street, prepared by hutchins-TROWBRIDGE associates, inc, Scale: 1"=30', signed and stamped by Michael A. Trowbridge and dated April 13, 2012.

Present at the public hearing was Michael Trowbridge who described the project to the members. He stated that there are three existing cesspools located at the rear of the dwelling between the reservoir and the house. He said the applicant proposes to place the new septic system in the front yard which will be 130 feet from the reservoir and the tank will be placed at the rear of the dwelling at 65 feet from the reservoir. He noted that silt fence will be in place. Mr. Trowbridge noted that the cesspools will be abandoned. Lisa Carrozza asked if this project was in a flood zone and Mr. Trowbridge replied

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Michele Simoneaux had questions regarding the elevation. She asked Mr. Trowbridge where the top of the bank was and he replied he did not label the top of the bank. Jennifer requested that the Bordering Vegetated Wetland and bank be shown on the plans as they are the resource areas on the property.

Jennifer Carlino requested that the compost be removed from the wetlands. She noted that erosion from the driveway was causing sediment to flow into the wetlands and this should be fixed in the near future. Julian Kadish, made a motion, seconded by Michele Simoneaux, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability. Approved.

The members reviewed a Notice of Intent – (#250-884) – **Robin McDonald/Attleboro YMCA Camp Finberg – Parcel 292 (Assessor's Map 26) 295 West Main Street – (cont. from the February 13, 2012, March 26, 2012 & April 9, 2012 mtgs.)** - for the removal of debris from the wetland resource areas, removal and proper disposal of cut branches and vegetation within the wetland resource areas and vegetation maintenance of the view shed area.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Attleboro YMCA, Camp Finberg Property, Norton, Massachusetts, Permitting Plans for the Maintenance of: Attleboro YMCA Billboard Area." (pages C1 and 1-3)
3. Revised "Narrative" of the project.

Michael Moonan from Weston and Sampson submitted additional information to the board. He submitted Riverfront Area calculations and noted that most of the project is within the 200-foot Riverfront Area. He submitted a revised "Narrative" describing how the Performance Standards would be met as well as more detail on the maintenance of the area at a six-foot height. Jennifer Carlino asked Mr. Moonan to read aloud the revised maintenance plan. Ron O'Reilly asked Mr. Moonan if a copy of the "Operations Procedure" would be given to the person or persons doing the work and he replied that they would have a copy.

Lisa Carrozza asked Mr. Moonan if the YMCA had spoken to the billboard company (Clear Channel) about being careful when changing the billboard not to litter or encroach into the wetlands. He replied that they have. Michele Simoneaux asked if the Resource Areas had been delineated correctly and Jennifer Carlino noted she had added the Mean Annual High Water Mark from her observations in the field but had not flagged it in the field.

Jennifer Carlino requested that the areas to be cleared should be marked in the field for the members to see before the next meeting and Mr. Moonan agreed this would be done by next Wednesday. The members agreed to look at the site before the next meeting in order to close and sign the Order of Conditions at the next meeting. Jennifer Carlino stated permanent markers will eventually be in place to prevent future encroachment into the wetlands. She said the requirement will be listed in the Order of Conditions. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, May 21, 2012. Approved.



Notice of Intent – **Bay Road Heights/Shawn Kelly – (#250-871) - Parcels 27, 29, 30 & 131 (Assessor's Map 12) & portions of Bay Road, off Bay Road (Phase 2 of Bay Road Heights 40B) – (cont. from the June 13, 2011, June 27, 2011, July 11, 2011, August 8, 2011, September 26, 2011, October 17, 2011, November 14, 2011, December 19, 2011, January 23, 2012, February 27, 2012 & March 26, 2012 mtgs.)** - for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.

Jennifer Carlino stated the applicant requested a continuance of the public hearing until the next regular meeting.

Notice of Intent – **Bay Road Heights/Shawn Kelly – (#250-872) - Parcels 29, 30 & 131 (Assessor's Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B) – (cont. from the June 13, 2011, June 27, 2011, July 11, 2011, August 8, 2011, September 26, 2011, October 17, 2011, November 14, 2011, December 19, 2011, January 23, 2012, February 27, 2012 & March 26, 2012 mtgs.)** - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

Jennifer Carlino stated the applicant requested a continuance of the public hearing until the next regular meeting.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing for files #250-871 & #250-872 to the next regular meeting of Monday, May 21, 2012. Approved.

The members reviewed Abbreviated Notice of Resource Area Delineation – **(#250-887) Dakota Partners, LLC – Parcels 4 & 22 (Assessor's Map 2) Newland Street** – for verification of the Wetland Resource Areas.

#### Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plans entitled "Turtle Crossing, Comprehensive Permit-Local Initiative Program-Notice of Resource Area Delineation, Assessor's Map 2/Parcels 4 & 22, Newland Street, Norton, MA. (Sheets C-1.0, C-1.1, C-1.2, C.1.1a) – Signed and stamped by Daniel R. Campbell.

Daniel Campbell of Level Design Group represented the applicant at the public hearing. He stated that LEC Environmental Consultants, Inc. was retained to do the wetland delineation because they were familiar with the site. He noted that the project that is proposed for this site has been reviewed by the Zoning Board of Appeals and that the project, as revised, will not encroach the portion of the site, therefore the resource delineation in this area should be the same as for the previous project.

Mr. Campbell stated that LEC had re-flagged this area and there will be minor changes to the submitted plans. He noted that a drainage swale had been dug previously which is not connected to anything. He

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tried pointing out the different areas on the plans such as the BVW and drainage swale using a color code, but the members had only black and white plans. Lisa Carrozza requested color copies to be submitted before she could review the various areas he was noting. She noted that the numbers were very hard to read being so small. Jennifer Carlino noted that the previous owner had permission to fill in an Isolated Wetland and had dug this swale to direct the water from the site. Lisa Carrozza requested that the old Isolated Land Subject to Flooding be shown on the new plans. She asked in which direction the swale flowed and Jennifer Carlino replied that it flowed toward the large pond.

Mr. Campbell stated he had only delineated the areas which were included in the proposed project, not the rear of the property. Michele Simoneaux and Lisa Carrozza stated that the entire property should be shown on the submitted plans. Jennifer Carlino requested plans with a smaller scale be submitted and Mr. Campbell replied he would submit plans with a 40-foot scale. She suggested to Mr. Campbell that he could also note any delineations that were approved for the previous owner with the approval dates. He noted that the previous ORAD and OOC have both expired.

Michele Simoneaux asked if there were any Endangered Species Habitat on the property and Jennifer Carlino noted there were mussels and some sort of fish to the rear of the property near the Canoe River. Mr. Campbell noted that the entire project is within the Canoe River ACEC and the Sole Source Aquifer.

Jennifer Carlino asked if the project consisted of 1 or 2 parcels. Mr. Campbell explained that there was a title issue with a small triangle of property which was omitted from the mortgage in error after the first owner had gone bankrupt. Julian Kadish stated that he did not see a problem with only a portion of the property being delineated at this time since no activities are proposed for the rest of the site. He said a limit of work could be established. Lisa Carrozza stated she would have to hear from DEP on this issue. Dan Campbell stated he had no objections to revising the plans but would like to know as soon as possible what the commission is requesting to be shown on the plans to have them revised before the next meeting.

Mr. Campbell noted that the owner's bank had requested that the applicant submit an application for a Notice of Intent and he would like the application put on the agenda for the next meeting, but continued immediately in order to address all issues at the public hearing for this ANRAD application first. Earl Willcott, an abutter, wanted clarification of the submitted pictures and Dan Campbell described where the pictures were taken. Jennifer Carlino asked Mr. Campbell to put the date on the picture of when it was taken. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, May 21, 2012. Approved.



The members reviewed a Request for a Determination of Applicability – (DET. #980) – Mass. Dept. of Transportation – Highway Division – District 5 – Route I-495 – for proposed plans to apply herbicides within 100 feet of wetlands.

Documentation List

1. WPA Form 1 – Request for Determination of Applicability.
2. Vegetation Management Program – Proposed Scope of Work.
3. GIS Map.
4. Drawings of Route 495, Miles 25, 26, 27, 28, 29 & 30.
5. Rights-of-Way Sensitive Area Materials List.

Lisa Carrozza recused herself from the public hearing.

Tom McGuire and Michael Clemments from The Mass Highway Department of Transportation were present at the public hearing. Tom McGuire explained that Mass Highway is proposing to spray Sections of Route 495 where the guardrails are located with herbicides for vegetation management.

Michael Clemments handed the members a packet including a USGS map of the locations to the members. He said the map covers the area from the Taunton city line to the Mansfield town line. He noted that 94% of the vegetation management consists of mowing, 1% consists of herbicides and the other 5% consists of other methods. He explained this project is for the herbicides only which will be done in the areas under the guardrails, edge of highway and on any center median strips. He stated that this is the safest way to manage the vegetation.

Mr. Clemments stated that the Regulations are two-fold; 1. regulations under the Department of Agriculture and Resources (DAR), Section 333 CMR 11 and 2. Wetland Protection Act. He said the DAR requires an improved Vegetation and Management Plan which was submitted in 2009 and is good for 5 years. He stated under the Wetland Protection Act, a permit is necessary from the Conservation Commission. Mr. McGuire mentioned that the Regulatory requirements set forth by the Mass Highway DOT is more restrictive than that of the DAR. He noted that a 100-foot no spray zone is set up over the private drinking wells, major streams and the Canoe River areas.

Mr. Clemments stated that the DAR has been notified of the proposed spraying as well as several Town Departments. He said spraying will be done approximately July – August and a 10-day advance notice of spraying will be given to the town. He stated that the herbicides to be used have been tested and approved by DEP and a list of the various herbicides are included with this application. He said they are common products that can be purchased at many local building and supply stores. Mr. Clemments noted that spraying is not done in wet weather nor very windy weather. He stated all the no-spray areas will be marked and monitored during spraying by DOT crew members. Jennifer Carlino asked how the no spray zones get cleared and Mr. Clemments stated the crew would use weed wackers.

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David Henry asked how the different pesticides are chosen and Mr. Clemments replied the contractor would decide. Mr. McGuire noted that all the contractors are licensed to use pesticides. Jennifer Carlino requested a list of pesticides to be used as well as the MSDS sheets and a copy of the contractor's license. Jennifer pointed out on the submitted table under "Rare Species Habitat", the word "none" was printed. She asked if that meant no spraying in that area or if it meant no setbacks. Mr. Clemments noted that meant that NHESP would have to be notified. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plan and with the condition a copy of the contractor's license to spray is received along with the MSDS sheets. Approved.

At 8:30 pm Michele Simoneaux made a motion, seconded by Ron O'Reilly, to reconvene the public meeting at the Norton Public Library. Approved.

The member reviewed a Notice of Intent – **(#250-882) – Kenneth Leavitt – Parcel 720 (Assessor's map 3) Pheeny's Island, Norton Reservoir – (cont. from the February 13, 2012 & April 9, 2012 mtgs.)** – for proposed construction of ropes based adventure course to include construction of a building, shed, dock, wood chip walkways and picnic areas within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent.
2. Stormwater Management Form.
3. Several color photographs of the proposed camp.
4. Several color photographs of the Island.
5. Response letter from Yarworth Engineering Company, Inc. dated March 27, 2012.
6. Plan entitled "Plan of Proposed Recreational Day Camp On "Pheeny's Island" In Norton Reservoir Prepared For Kenneth Leavitt, Prepared by Yarworth Engineering Company, Inc. and signed and stamped by Christopher D. Yarworth, scale of 1"= 40' and dated January 5, 2012 with revisions on March 27, 2012.

Present at the public hearing were Kenneth Leavitt and Chris Yarworth of Yarworth Engineering Company, Inc.

David Henry asked Mr. Leavitt if he wanted to clear up the issue with the floodplain under Chapter 44, 53G at this time. Mr. Leavitt addressed the commission and noted that the original calculations for the floodplain done by Pare Corporation using the 8.5" rainfall are incorrect and not the same as performance standards which call for a 7" rainfall. He said he was aware of the estimate of \$1,000 submitted by Pare Corporation to do another evaluation. He stated that he did not think it necessary to pay Pare Corporation to do another evaluation of the floodplain and that the number 8.5" should be replaced with the number 7". David Henry replied that he could use Pare Corporation or he could obtain the evaluation on his own.



Jennifer Carlino noted that Pare Corporation had done the evaluation as part of the dam repairs and not for this project. She suggested that the 7" rainfall replace the 8.5" rainfall used by Pare Corporation. Mr. Leavitt objected to the charge of \$1,000 for a small revision to the calculations submitted previously by Pare Corporation. He stated the amount of work to be done should not cost \$1,000. David Henry stated it is not the Conservation Commission's business to question what Pare Corporation is charging. Mr. Leavitt agreed to pay for the evaluation in order to move the public hearing along. Jennifer Carlino said she would send a letter to Pare Corporation with the go ahead for the evaluation.

Christopher Yarworth proceeded to continue where he left off on his response letter at the previous meeting.

**15. Submit the complete design of the dock, how it is stabilized within the landscape, and the materials and methods of construction.**

Mr. Yarworth stated he submitted new information on the dock including the materials and construction. He proceeded to explain the information to the members. He pointed out how and where the dock would be located. Jennifer Carlino asked Chris Yarworth if he had a sample of the dock to show the members of the board and he replied he did not but could get a sample if she requested that. She asked how much of the dock would be transparent and how much would be shaded. Chris Yarworth replied he would get that information to her. Ken Leavitt noted he could get an installation manual to the commission.

Jennifer Carlino asked where the dock would be stored during the off season and Chris Yarworth replied on the main land because of its size.

**16. Wetland resources at the location of the dock must be identified particularly pertaining to wildlife habitat. The area should be evaluated for freshwater mussel habitat.**

Scott Goddard stated that a mussel habitat evaluation is not required due to the impact being less than the threshold for a habitat study. He said that a proper mussel survey must be performed by a qualified specialist and must also take place during a specific window of time beginning in May. He said he submitted pictures of three common mussel previously.

**17. Methods of bringing people to and from the site should be included. The type of boat, motor, speed, and draft information should be included. How many boats will be available? How many people are expected to utilize the site at one time and daily?**

Chris Yarworth replied one or two 27'-long Jon boats holding 30 people would be in use daily. He said a 17' Tracker Marine aluminum boat with a 40 hp motor will be used for emergency situations and a 22' pontoon boat for utility and safety purposes. An abutter asked how fast the boats would be moving and Chris Yarworth replied about 6 miles per hour. Jennifer Carlino noted the Town By-Law for motor boats.

She said the speed was 5 miles per hour within 100 feet of a beach and 10 miles per hour for other areas. Chris Yarworth stated that there will be harnesses to accommodate up to 250 people, but the average daily attendance will probably be 50 to 150 people with up to 30 employees. The operating season will run from April through November.

**18. Describe boat maintenance and management with regard to fueling locations and methods and impacts to the reservoir that may exacerbate existing problems with exotic invasive plant species like Eurasian and Variable water milfoil.**

Chris Yarworth replied that repairs/maintenance will be done out of the wetlands in a shop. He said that fuel is readily available near the site and fuel will be transported by pick-up truck in 5-6 gallon fuel tanks and funnels will be used to avoid spillage. He noted the boats will be fueled each morning, and most days, will last until the next day. He said one Jon Boat should be sufficient to meet the passenger requirements. Lisa Carrozza asked if any gas would be stored on the island and Chris Yarworth replied that, at this time, it is not likely any gas will be stored on the island. Mr. Leavitt said if a 5-gallon can is on the island it will be stored in a locked maintenance shed. David Henry asked where the boats will be stored at night and Mr. Leavitt replied that he was not sure at this time.

**19. Confirm that the dock and type of boat proposed will not require dredging of the Reservoir.**

Jennifer Carlino asked Mr. Leavitt if there is any potential for propeller dredge or turbidity from the propellers. Mr. Leavitt replied that electric motors will be used for the Jon Boats and the propellers will not cause any dredging.

**20. Submit a complete list of all required permits and expected dates of the submittals.**

David Henry read aloud the list provided by Chris Yarworth as follows:

Norton Board of Health

- On-site Sewage Disposal System Permit
- Well Permit
- Food handling and storage permit

Norton Building Inspector:

- Building Permit

Norton Board of Selectmen:

- License to operate the Camp, coordinate safety issues & address issues of all other departments that may or may not request a license.
- Rental Lease for (Recreation department) town property.



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Norton Fire Department

- Campfire permit
- Fire alarm permit
- Sign off on Building Permit
- Permit for use of propane
- Coordinate with license agreement as necessary

Norton Police Department

- Coordinate with license agreement as necessary

Massachusetts DEP

- Chapter 91 licenses
- Superseding Order of Conditions if required

Mansfield Conservation Commission

- Notice of Intent may be required

Massachusetts Architectural Access Board

- Waiver from strict conformance with regulations

Massachusetts Department of Safety

- Annual License and Inspection for Challenge Course Operators

Massachusetts Department of Health

- Annual License and Inspections for Recreational Day Camp Operators

**20. Methods of trash removal, bringing construction equipment to and from the site, and methods of bringing propane to and from the site post-construction should be identified.**

Chris Yarworth read aloud his reply as follows:

Trash will be collected at the end of each day, removed from the island by boat, and disposed of daily. Both trash and propane will be stored on-site in secure containers, and then removed by one of the camp's boats to be disposed of onshore. Propane will be handled per Fire Department standards. The storage shed will hold the materials until they are ready for transport. Construction materials will be hand carried on-site until the dock and ramp are in place, at which time they will be used for transport. A small bobcat or similar piece of equipment, a construction trailer and portable chipper may need to be transported to the site, and these items will be transported via a low draft barge with a ramp. New wetland flag #92A has been hung next to flag #92, at an area where a sandy beach is located at the end of an existing path. If a piece of heavy equipment is needed it will be landed between these flags and driven up the path. Sheets of 3/4-inch plywood will be placed over the sandy beach and path to prevent

erosion from occurring. The equipment will remain on the island until all work is completed and then be removed. The beach will be hand raked to restore it to its original condition if the two crossings of the equipment actually impact the area, and wood chips will be placed on the existing path if it is impacted. This type of small landscaping equipment is designed specifically to be used to restore the landscape and to have minimal detrimental impacts, and the plywood should further assure protection to the area.

Chris Yarworth stated that his client has been looking into the possibility of bringing electric to the island which would eliminate the propane tanks and the noise associated with them. He asked the commission if this would be a possibility and Lisa Carrozza stated he would have to submit a report detailing the construction method and impacts before a decision could be made. Julian Kadish noted this would be a decision for the Selectmen. Christopher Yarworth said he would submit the requested information at the next public meeting.

**22. What are the impacts of the project on the capability of the wetland resource areas to provide wildlife habitat for common wildlife? We will need to agree on the need, parameters and qualifications of the person performing the investigation.**

Scott Goddard noted that at the previous meeting, he had submitted a report which included the only wetland resource area that met the standard for review under the DEP Wildlife Habitat Policy was the BVW area where the proposed zip line would be located. He said he did not think any further review would be necessary at this time.

Jennifer Carlino asked Mr. Goddard what his qualifications were for doing the review for the wildlife habitat study. He replied that pertaining to the wildlife habitat portion of the report, he has at least 15 years experience as a wetland scientist and reviewing similar areas.

Jennifer Carlino directed Mr. Goddard to page 5 of his report to the 4<sup>th</sup> line of the paragraph at the top of the page which read "None of the trees proposed for cutting had greater than 18" diameter cavities." and asked him why the box on the previous page was not checked ("Trees with large cavities (18" tree diameter at cavity entrance). He replied that none of the trees being cut were 18" or larger.

Jennifer Carlino asked Mr. Goddard about the mink and otter dens. Mr. Goddard stated that, even though Jennifer Carlino has noticed evidence of Otter activity, he has not seen any evidence of mink or otter activity within 100 feet of the zip line crossing. Jennifer Carlino asked Mr. Goddard if he knew what otter and mink dens look like and he replied that he did. She asked him about trees that could support larger permanent nests and Mr. Goddard replied the trees involved in the project are not large enough to support large nests and he has not noticed any nests in these trees during his review. Jennifer Carlino stated that for BVW, this is ok, but if for the Floodplain portion of the project, the threshold is triggered, a habitat evaluation may be required. Mr. Goddard agreed.



**23. Will there be a kitchen and describe what will be cooked at the “fire pit and cooking area”?  
Will there be sinks and necessity for grease traps, etc. associated with food preparation and handling?**

Mr. Yarworth replied that no indoor cooking will be done for the public, and there will not be a commercial kitchen sink associated with cooking. Flow regulated sinks will be provided in the bathrooms, and a utility sink will be used for cleanup. The second floor apartment will have a sink for the private use of two guides, and while some cooking may occur there, no grease trap is required for this minimal use. Foods sold from the lodge will be pre-packaged items such as bottled water, sports drinks, energy bars, ice cream bars etc. If a fire pit is installed it is required that it be associated with cooking of some type. This will need to be permitted by the Fire Department, and may not be allowed. The pit is proposed in a location that is outside the buffer zone. The menu is not known at this time, but will likely include only minor items like marshmallows, s'mores and possibly hot dogs. The requirement for the installation of grease traps is regulated by the Board of Health and the Plumbing Inspector, and will be further addressed with those departments if necessary.

**24. Provide information regarding the drinking water well.**

Mr. Yarworth stated the well will be 1.25” in diameter with a stainless steel point driven to a depth of 20 to 25 feet. He said it would be serviced by a Goulds Shallow Well Jet pump flowing to a 28 gallon holding tank inside the lodge. He stated if a treatment system is required due to poor water quality, it would be regulated by the Board of Health, but this will not be known until the well is installed and tested. Jennifer Carlino asked Mr. Yarworth to point out the well on the map. Jennifer Carlino asked Mr. Yarworth what would be used to dig the well and he replied a gas auger would be used.

**25. What soil information do you have pertaining to the proposed on-site sewage disposal?  
Provide all specifications for the system. Confirm that the system is not located within the floodplain and determine the separation from the system to the groundwater elevation.**

Mr. Yarworth pointed out the area that the system will be located which is out of the floodplain. He replied that the design of the sewage disposal system is regulated by the Board of Health. He stated the Board of Health is in favor of the Clivus Multrum system. He stated added details are on the submitted plans.

**26. Describe ADA compliance issues with dock, ramp and course.**

Mr. Yarworth replied that the applicant is working with the Massachusetts Architectural Access board (AAB) to resolve a couple of issues. He stated on-site staff personnel will be available to assist people on and off the boats.

- 27. Describe visual buffer proposal for vegetative screening of the project from residents. Show locations on plans with species names (scientific and common), number, and size of plant.**

Mr. Yarworth replied that this issue was previously discussed. He stated that a buffer is not proposed at this time because it would encroach into a buffer zone of a wetland, but if the commission requires it, this will be discussed further. He said it would be more feasible to wait until after the course is installed to see if a buffer is needed and Jennifer Carlino and Julian Kadish agreed.

- 28. Provide all calculations for the Cultec units demonstrating that they are sized for the 100-year storm and demonstrate compliance with storm water management requirements.**

Mr. Yarworth replied that this information was provided in the Notice of Intent Application in Appendix 4. He said he had called and got information from DEP

- 29. The storm water form says the soil group is an A. How did you determine this if you did not do any soil tests?**

Mr. Yarworth stated the information was obtained from the USDA SCS soils maps. He said hand dug holes were also tested.

- 30. Describe how you meet Standard 8 of the storm water management form. There are no erosion or sedimentation controls illustrated on the submitted plan and the note states that it won't be used. Revise the form to reflect what will actually happen on the site.**

Mr. Yarworth replied that a silt fence has been added to the revised plans at the limit of work. Both buildings are on piers, with permeable soils left below them. Jennifer Carlino noted that the areas that will be temporarily altered, such as the access area, should be shown on the plan as well as how they will be stabilized. Chris Yarworth stated that plywood would be put down to protect that area. The only areas of excavation proposed for this site are the building piers, roof recharge units and leach system chambers. Lisa Carrozza asked if the piers were going to be made of concrete and he replied that they would be. She stated the concrete waste should be disposed of properly.

- 31. Residents and the Commission have expressed concern over the bald eagle, otter and other wildlife species utilizing the island. Please be aware that the Migratory Bird Act and Bald Eagle Protection Act could take effect even after the course is constructed, if approved. This means that even if the course is approved, constructed and operated for a period of time, if an eagle nests on the island, the tree, nest, and eaglet are protected until fledging takes place (approximately Feb through June). In other projects in Massachusetts, this has meant a 500-foot setback of no disturbance during that time period.**



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Scott Goddard responded by saying that he and the applicant are aware of the fact that the Migratory Bird Act and Bald Eagle Protection Act could possibly take effect.

Jennifer Carlino had a question regarding the Course Plan. She noted the plan was not available at the time she wrote the last comment letter. She asked if the legend on the plan showed the course in order of difficulty. Ken Leavitt stated the color codes were not in difficulty order. Lisa Carrozza asked if new paths were being created on the course and Mr. Leavitt explained that primarily existing paths would be used. Jennifer Carlino requested that if a new path was to be created, to add it to the plan. She requested that corrections be made to the course color legend to match the correct colored paths to be taken.

Michele Simoneaux asked that the board acknowledge the letters received from the public. David Henry replied that letters were received as follows:

3/20/12 – Linda and Michael Clark – 4 Bailey Lane

3/26/12 – Richard Schaefer, TRWA

3/29/12 – Linda and Michael Clark – 4 Bailey Lane

4/5/12 – Linda and Michael Clark – 4 Bailey Lane

4/23/12 – Joyce Guild, 444 Reservoir Street

David Henry asked if there were any more comments or questions from the board, and there wasn't.

Frances Shirley of 10 Mansfield Avenue noted that the island is listed by the Environmental Office of Environmental Affairs as protected open space. Jennifer Carlino replied that this is an error on the GIS map and that the island is private property.

Frank Hovey of 42 So. Lakeview Rd. had concerns with filling the boats with gas on land and said they should be filled on land at the gas station. Mr. Hovey stated that he has pictures of a bald eagle sitting in a tree on the SE corner of the island. He said he has pictures of otters and muskrats as well. He suggested fencing off the wetlands under the zip line to prevent people from walking into the wetlands.

Scott Goddard said that, even though a bald eagle may land on a branch, the nests are quite large and they may not be able to nest in the same tree. He noted that the tree Mr. Hovey is referring to is not one of the trees proposed to be cut down. Jennifer Carlino stated she had looked at 4 of the 10 trees in the bordering vegetated wetlands to be cut and only 1 tree had the potential for nesting. She said that there are at least 16 more trees adjacent to the zip line that can be used for nesting. She said a condition can be added to the Order of Conditions to protect some of these trees.

Joyce Guild of Reservoir Street read a paragraph from a larger article from the New England Wildflower Society. The article made reference to the removal of certain trees and how certain life forms will be affected.

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Linda Clark of 4 Bailey Lane asked how the company would cater to handicapped persons using the zip lines. David Henry stated that, because of the time, questions would have to be related to the wetlands and her question would have to be answered later on by the applicant.

Susan Johnson of 20 Larson Farm Drive asked what would happen if a person was half way across one of the zip lines and panicked. Who would help her? Jennifer Carlino stated this was not a wetlands issue. Mr. Leavitt replied that there will be many guides on the site and if you get stuck, one of the guides will climb up to you and guide you to the other side.

Brian Chase of 49 Island Road asked what the hours of operation would be and Jennifer Carlino asked the abutters to stick to wetland questions. Mr. Leavitt briefly explained that the course would be open a little later during summer hours. He stated the course, obviously, cannot be used in the dark. David Henry stated that the course will have to abide by the Norton Town By-laws for "Motor Boats".

Frank Hovey of 42 So. Lakeview Rd. asked what would happen to the trash that accumulates on the island during the 4 months of non-operation. David Henry stated this question can be asked at the Selectmen's meeting for the licensing of the business.

Rosemary Sweeney of 3 Sailors Lane asked if the water holding tank would be open and Chris Yarworth explained that it is not a holding tank but an infiltration tank and a filtering system for the water. He said it is designed to hold a large amount of water and the amount being dispersed into the Reservoir will be less than that of a single family house.

Barbara Cobb of 8 Mayflower Road noted that at the previous hearing there was the question with soils that are dug out. She stated the amount being dug up turned out to be more than previously thought. She asked what would be done with the soil. Jennifer Carlino stated a letter of the remaining issues would be sent and replied to at the next public meeting.

Julian Kadish stated that there is a substantial amount of uplands in the center of the island which could be a potential area to distribute the soils.

Ziad Khallouf, 33 So. Lakeview Road submitted a flyer entitled "Survival of Fecal Coliforms in Dry-Composting Toilets". He briefly stated that the waste from the toilets will not have the right conditions to compost properly and will wash into the wetlands. David Henry suggested to speak to the Board of Health on this issue.

Linda Clark asked at what point does an issue become a Conservation issue. David Henry stated that the location of the sanitary disposal unit is not within the wetlands. Lisa Carrozza stated that if something were to flow into the wetlands that might contaminate the wetlands, then it becomes a Conservation issue. Julian Kadish stated that the plants absorb most of any waste products before they run into any water body.



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Jennifer Carlino asked the members when they would like to hold the next inspection for the island. Mr. Leavitt stated a weekend would be better for him. She explained he did not need to be present for the inspection. It was agreed the inspection would be held on Sunday, April 29<sup>th</sup> at 10:00 am to begin on Robinson Lane.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, May 21, 2012. Approved.

The members reviewed a request for a Certificate of Compliance for file **#250-739 – Angelo Pasqualino, Tr./Teddy Realty Trust – Parcels 499 & 527 (Assessor's Maps 10 & 17) Johnson Road**. Jennifer Carlino stated that all final work has been completed and the storm water basins have been maintained. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

**Old Business – Violations:**

**81 Freeman Street** – Jennifer Carlino stated that she has not received a response from the homeowner yet. She said that an Enforcement Order has already been issued to the homeowner and stated that he was making progress, but after removing the woodpile from the wetlands, has since placed other items in the wetland area, including a new bridge. Michele Simoneaux made a motion, seconded by Julian Kadish, to issue a second Enforcement Order giving the homeowner two weeks to comply. Approved.

**241 Mansfield Avenue** – Jennifer Carlino noted that the owner has cleaned up the area quite a bit and has decided to apply for a permit rather than remove the fill. She said the owner will be giving her the name of an engineer this week.

**6 Rumford Road** – Jennifer Carlino noted she met with the owner and the owner has decided to file an application to increase his lawn. She stated this would be within the Riverfront area.

**45 Crane Street** – Jennifer Carlino stated she received an email from the owner who will be contacting her when she is ready to plant.

**94 & 96 Maple Street** – Jennifer Carlino stated the owner of 94 Maple Street is cooperating but the owner of 96 Maple Street denies any wrong doing and has received two letters. She suggested issuing an Enforcement Order but will wait until the next meeting. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to have Jennifer Carlino send an Enforcement Order. Approved.

**19 Union Street** – Jennifer Carlino stated she notified the owner to file for a permit for the dock.

**23 Robinson Lane** – Jennifer Carlino stated she notified the owner of the dock violation and she will be meeting with him on Thursday.

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Jennifer Carlino stated she issued an Emergency Certificate for 5 Maggie Lane for a septic system repair.

Jennifer Carlino stated there was a possible PCB leak at 95 No. Worcester Street but has heard nothing further from DEP.

Jennifer Carlino noted that National Grid will be doing some vegetation maintenance work between Dean Street and Richardson Avenue starting on May 14<sup>th</sup>.

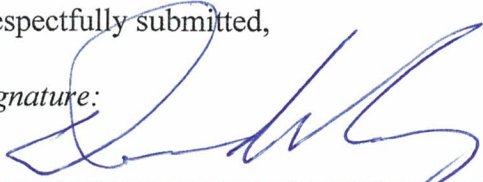
Ron O'Reilly made a motion, seconded by Julian Kadish, to adjourn the meeting at 10:02 pm. Approved.

Minutes Approved by Committee on:

11/19/12  
(Date)

Respectfully submitted,

Signature:



(Name)

Chairman,

Conservation Commission