



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

Monday, July 9, 2012

**Attendance**

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

Lisa Carrozza and Chris Baker were absent.

**Minutes**

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

The members reviewed the Bills Payable Sheet (GateHouse Media NE). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (MACC). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Chartley Landscape). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #985) – **Ralph Fairbanks – Parcels 47, 47-01 & 47-02 (Assessor's Map 14) 167 No. Worcester Street** – for proposed plans to construct a garage within 100 feet of wetlands and 200 feet of a river.

**Document List**

1. WPA Form 1 -- Request for a Determination of Applicability
2. Plan entitled "Plan Showing Proposed Garage for Ralph Fairbanks at 167 No. Worcester Street in Norton, MA, Scale 1"=40' signed and stamped by John F. Vance, Jr. dated June 11, 2012 (sheet 1 of 2).

Ralph Fairbanks described the project to the members. He stated he would like to attach a 24' x 24' garage to his house. Julian Kadish asked Mr. Fairbanks where the entrance to the garage was and he pointed it out and stated the driveway would have to be moved.

John Vance stated that a Notice of Intent should have been filed for this project instead of the Request for a Determination of Applicability because the project is closer than 200 feet from a river. He noted the location of the old river and stated a man-made inlet was dug. He said that the project is approximately 80 feet from the wetlands. Michele Simoneaux asked him when he flagged the wetlands and he stated he used a six-year old septic system plan and recently added a few new flags after walking the site.

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Mr. Vance stated most of the existing area to be disturbed is paved surface. Jennifer Carlino asked if grading was proposed and Mr. Vance replied there was no grading proposed. He stated he would be filing a Notice of Intent. Michele Simoneaux requested all wetland resource areas be shown on the plans including all Riverfront Area. The members questioned the legibility of the plan and requested that it be revised for the Notice of Intent filing. Julian Kadish made a motion, seconded by Michele Simoneaux, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Michele Simoneaux, to issue a positive Determination requiring the filing of a Notice of Intent. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #984) – Dr. Ryan Welter, MD, PhD - Parcel 126 (Assessor's Map 22) 184 West Main Street – (cont. from the June 25, 2012 mtg. )** for proposed plans to construct a second-story addition within 100 feet of wetlands.

Document List

1. WPA Form 1- Request for a Determination of Applicability.
2. Plans entitled "Proposed Building Addition, 184 West Main Street, Norton, MA 02766, Conservation Commission Plans, Prepared by Coneco, signed and stamped by Tracy L. Duarte and dated 06/05/2012. Sheet 1 of 1.
3. Plans entitled "Welter Office Building, 184 West Main Street, Norton, MA, Not for Construction, Proposed Floor Plans" Sheets A-101 & A-102 dated 2-9-2012 Prepared by Richard P. DeCoste Architect, LLC.

Present at the public hearing were Ed Ryberg of Land Tech General Contracting, Inc. and John Novak of Coneco Engineers, Scientists & Surveyors representing Dr. Ryan Welter of Tristan Medical.

Mr. Ryberg stated that expanding the footprint of the building 360 sq. ft. was part of the proposal as well as re-locating the transformer. He said that on the second floor, the expansion was located over an existing roof area and was not a problem. He stated that expanding the footprint first floor 360 sq. ft. would require the filing of a Notice of Intent. Mr. Ryberg stated the project was continued to allow Mr. Ryberg to confer with the applicant to decide if he wanted to file a Notice of Intent or remove the expansion of the first floor footprint from the project.

Mr. Ryberg stated that the applicant has decided not to expand the first floor footprint but to just expand the second floor 360 sq. ft. to be held up by a single column. He said the transformer would not be placed under the building but be re-located to the rear of the building and further away from the wetlands. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Michele Simoneaux made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination as long as the work is done according to the approved plans. Approved.



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**Minutes, Page 3.**

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, April 23, 2012, May 21, 2012, June 11, 2012 & June 25, 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.

Dave Henry stated the engineer, Jim Pavlik, has sent an email requesting a continuance of the public hearing until the first meeting in August. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, August 13, 2012. Approved.

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, April 23, 2012, May 21, 2012, June 11, 2012 & June 25, 2012 mtgs.)** - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

Dave Henry stated the engineer, Jim Pavlik, has sent an email requesting a continuance of the public hearing until the first meeting in August. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, August 13, 2012. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-890) – David Erikson/Executor – Parcels 33, 171 7 32-01 (Assessor's map 12) Bay Road – (cont. from the June 25, 2012 mtg.)** - for verification of the Wetland Resource Areas.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation.
2. Plan entitled “Wetland Location Plan of Land in Norton, MA Prepared for David Erikson” Scale =1”=60’, prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano dated April 26, 2012.

Jennifer Carlino stated the boundary line is fine but on the plan, the “PVP” should be labeled “CVP” with the certified number of the vernal pool that she gave him. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Jennifer Carlino said she would email the applicant to make the plan change and request a revised copy of the plan.

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The members reviewed a Notice of Intent – (#250-891) – **Kevin Roffi/Wheaton College – Parcels 14 & 51 (Assessor's Maps 17 & 23) 26 East Main Street – (cont. from the June 25, 2012 mtg.)** - for proposed plans for construction of athletic fields/track and amenities within 100 feet of wetlands and 200 feet of the Rumford River.

Document List

1. WPA Form 3 – Notice of Intent
2. Storm Water Pollution Prevention Plan
3. Plan entitled “Wheaton College, Norton, Massachusetts/New Track and Synthetic Turf Field. (Sheets 1-5) prepared by Activitas and signed and stamped by Alicja A. Zukowski. Scale = 1”=40’ submitted on June 25, 2012.

Present at the public hearing was Pat Maguire of Activitas Landscaping updated the Commission on the project. He said that since the previous meeting, the field has been shifted away from the 200-foot Riverfront Area. He noted that because of the time frame of moving the field and revising the plans, he has not had time enough to respond to all of the comments made by Jennifer Carlino, but plans to do so. He said he is in the process of revising the plans further as well as the SWPPP, which will be reviewed by Brandon Fanuef of Eco Systems Solutions. He mentioned that he will be meeting with Jennifer Carlino this Thursday to make sure all requirements by the Commission are met before the next public meeting to, hopefully, close the public hearing at that time.

Mr. Maguire stated he has submitted the Peer Review by Thompson-Farland and has included a new planting plan in tonight's packet. Michele Simoneaux noticed that the proposed shrubs were going to be planted on the wetland side of the berms as well as right on the berms and Mr. Maguire noted that these may not be the final location of the plants. He noted that he does not know at this time what the nurseries will have available for shrubs and plants at the time of the planting.

Jennifer Carlino suggested to Mr. Maguire that if he intends on closing at the next meeting, he should go over #5 of her comment letter, Wildlife Habitat Evaluation. Mr. Maguire stated he went over this with Brandon Fanuef but did not want to speak for him. He mentioned that according to the state maps on line, the project is near, but not in, the significant Wildlife Habitat area. He noted that between the two parcels, the figures do not add up to the 5,000 sq. ft. to meet the presumption for the standard. He requested waiting until Thursday when he will meet with her and Mr. Fanuef to discuss this issue any further. David Henry questioned the numbers submitted in his calculations and Mr. Maguire stated the numbers have changed. Jennifer Carlino stated she would go over the numbers at their meeting on Thursday. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 23, 2012. Approved.



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The members reviewed a request for a Certificate of Compliance for **#250-876 – Wheaton College – Parcel 14 (Assessor's Map 17) 26 East Main Street** – for proposed plans for paving and construction of drainage facilities with associated grading at the maintenance building. Jennifer Carlino stated the project was completed as proposed. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed the draft Order of Conditions for the Notice of Intent – **(#250-889) – Bing He/MBCP REO II, LLC – Parcel 240 (Assessor's Map 9) Mansfield Avenue** – for proposed plans to construct a building with parking and utilities within 100 feet of Norton Reservoir. Michele Simoneaux suggested to add to condition #21, "proof or evidence that the system is being maintained shall be submitted". She suggested changing the word "concreted" to "concrete" in condition #27 before the words "broken up". Michele Simoneaux made a motion, seconded by Ron O'Reilly, to accept and sign the Order of Conditions, as amended. Approved.

Old Business –

Notice of Project Change MEPA #14610 – Commerce Center. A draft letter to Richard K. Sullivan, Jr., Secretary, EOEEA was sent with the agenda for the Commission's review. Jennifer Carlino stated that the original MEPA filing was for the Horizon site. The Secretary's Certificate required future MEPA filings to address the entire industrial park. Since then, the applicant has been segmenting the MEPA filings. Jennifer Carlino stated the Notice of Project Change has to include all changes, not section by section. Michele Simoneaux made a couple of suggestions; first paragraph, second to last sentence, change the wording "Please require that" to "We respectfully request that you require"; second paragraph, change the wording from "The ACEC is also a threshold" to "The fact that the project is completely within an ACEC triggers an additional threshold". Ron O'Reilly made a motion, seconded by Julian Kadish, to send the letter, as amended. Approved.

Red Mill Village condo association letter – Jennifer Carlino stated that the residents of the condo unit will probably attend the next public meeting regarding the improper use of the storm water basins.

RFQ for engineering review of Turtle Crossing – Jennifer Carlino stated that the RFQ has been sent and due by July 18<sup>th</sup>.

RFQ for survey of reservoir dam – Jennifer Carlino stated she sent out the RFQ because people keep dumping trash and using this property. She wants to survey and mark the property and then send out violation notices to people who are trespassing on the property. She said there is money in the budget for the survey. The RFQ response is due by July 18<sup>th</sup>.

Violations -

**81 Freeman Street** – Jennifer Carlino stated that she sent out another violation notice requiring a permit for the new bridge that was constructed.

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**241 Mansfield Avenue** – Jennifer Carlino stated she has heard nothing further.

**6 Rumford Road** – Jennifer Carlino stated she sent out a request for an update but has not heard back.

**45 Crane Street** – Jennifer Carlino stated that the restoration area has been planted.

**81 East Hodges Street** – Jennifer Carlino stated that the violation notice that was sent was returned to the office and an updated address has to be found.

**2 Foster Drive** – Jennifer Carlino stated that the owners have not recorded the Order of Conditions for their wetland violation nor have they set up a pre-construction meeting. She stated that the owners have mentioned that they want to install a pool and she stopped by the building inspector's office to ask if they got a permit for the pool but found out that they did not. She said she sent a letter advising that they missed their June 1<sup>st</sup> deadline and would like an update on the restoration project.

Jennifer Carlino handed out the thank-you letters for Lee Parker and Herb Ellison for the members to sign.

Jennifer Carlino handed out the Land Grant application for the Erikson property for the members to sign.

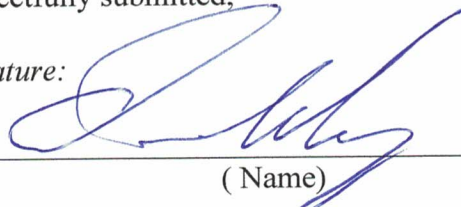
Jennifer Carlino noted that the Pheeny's Island Order of Conditions was appealed. Julian Kadish asked if the appeal contained at least ten signatures of ten people that actually attended the public hearings and Jennifer Carlino stated there were no signatures attached.

David Henry noted that the Commission has not re-organized and Ron O'Reilly suggested waiting until more of the members are present.

Scott Ollerhead made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:00 pm. Approved.

Minutes Approved by Committee on: 11/19/12  
(Date)

Respectfully submitted,

Signature:   
(Name)

Chairman, Conservation Commission