



Norton Conservation Commission
70 East Main Street
Norton MA 02766

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Monday, July 23, 2012

Attendance

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

Chris Baker was absent.

Minutes

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

Reorganization of the Conservation Commission

Lisa Carrozza made a motion, seconded by Julian Kadish, nominating David Henry to remain the Chairman and for Ron O'Reilly to remain the Vice-Chairman. Approved.

There were no draft minutes for April 9, 2012 for review.

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

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

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

Discussion – Red Mill Village letter to Ron Homung, Lorell Management re: storm water drainage system.

Jennifer Carlino stated she sent a letter to the Red Mill Homeowner's Association and a letter to the Management Company for Red Mill Village and has not heard back from either one. Lisa Carrozza suggested sending a second letter and copy the Board of Selectmen, DEP, Fred Civian and the Water Department. Michele Simoneaux suggested copying Tom Maguire, DEP. Jennifer Carlino said she would copy all of the above.

Norton Conservation Commission
Monday, July 23, 2012
Minutes, Page 2.

The members reviewed 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 & July 9, 2012 mtgs.) - 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. (latest revised date of **July 16, 2012**)
4. SWPPP dated July, 2012
5. Response letter dated July 16, 2012 addressed to Jennifer Carlino in response to her comment letter dated June 28, 2012.

Present at the public hearing were Pat Maguire of Activitas Landscaping, Brian Douglas, from Wheaton College, John Sullivan from Wheaton College, Stephen Garvin of Samiotes Consultants, Inc., Marc Tisdelle of Thompson Farland and Brandon Faneuf of EcoSystems Solutions.

Mr. Maguire stated that he had met with Jennifer Carlino on July 12th and went over the items that were needed to complete this application. He then proceeded to go through, one by one, his response comments to the comments of Jennifer Carlino's comment letter dated June 28, 2012 as follows:

1. **The project lists 2 parcels but only lists one book and page. Please revise page 2 unless both parcels are found on the same deed.**

Mr. Maguire stated that a revised page showing both book #s and pages have been submitted.

2. **Please uncheck the Buffer Zone only box on page 2. The project is located within Riverfront Area, which is a wetland resource area.**

Mr. Maguire stated that a revised page with the box unchecked has been submitted.

3. **There is a small portion of work proposed within the 100-foot inner riparian zone where the erosion control extends beyond the 100-foot area. Please remove this work from the zone or revise page 3 of the NOI.**

Mr. Maguire stated that because the field has been shifted, the work is no longer located within the 100-foot inner riparian zone and is reflected on the revised plans.

4. **Since the project is within the Riverfront Area an economic alternatives analysis is required. Please provide the analysis in compliance with 310 CMR 10.58(4) and address all items. Also provide a written description of how the project meets all performance standards for Riverfront Area.**

Mr. Maguire stated that he has now given pages 5 & 6 as well as separate letters to cover this information which was omitted in the original application.

- 5. The Conservation Commission may require a wildlife habitat evaluation for this project. An evaluation must meet requirements of 310 CMR 10.60 (2)(e), Appendix B of the Wildlife Habitat Evaluation Protection Guidance since the project appears to be located in a Regionally important area as shown on the CAPS map. Prior to conducting the wildlife habitat evaluation, provide the name and credentials of the person proposed to perform the evaluation for Commission approval.**

Mr. Maguire stated that Brandon Faneuf studied this area and this area is not shown on the new CAPS map. He said, therefore, the short Form, Appendix A, would be appropriate for this site. He noted that Brandon Faneuf checked the Wildlife Habitat within the Riverfront Area and stated there were no significant habitats that would be impacted by this project.

- 6. Please place a permanent conservation restriction on the Riverfront Area. A draft conservation restriction can be provided to you.**

Mr. Maguire stated that this request has been given to the college. He said that this matter has to be reviewed by the Board of Trustees and when he has heard back he will then notify the Conservation Commission.

- 7. Please revise page 3 of the Storm water checklist by unchecking the box stating there is no disturbance of a wetland resource area.**

Mr. Maguire stated that page 3 has been revised by unchecking the box and re-submitted.

- 8. Please submit page 5/6 of the NOI. They are missing from the application.**

Mr. Maguire stated that pages 5 & 6 have been submitted.

- 9. Under 3.2 Rivers' Act, Impact Assessment, paragraph 3, please further explain the statement regarding "no wildlife resource areas" as shown in Appendix 2.**

Mr. Maguire stated that he changed the statement to read that no "rare" wildlife resource areas".

- 10. The project does not meet Standard 8. Please revise the SWPPP so that it is consistent with the EPA's template and includes all checklist items listed for Standard 8.**

Mr. Maguire stated that a revised SWPPP, which has been reviewed by Brandon Feneuf, has been submitted.

- 11. The project does not meet Standard 9. Please revise the Operations and Maintenance Plan to meet the checklist items for Standard 9.**

Mr. Maguire stated that he had pointed out the areas of the Notice of Intent that address these items to Jennifer Carlino during their meeting on July 12th.

- 12. The fee does not appear to be correct. This proposed work is not a category 1 b. It is a 3 a. Please revise the fee accordingly and submit to the Conservation Commission. There is also one small portion of the grading that is within the buffer zone and the Riverfront Area.**

Mr. Maguire stated that a revised calculation sheet using category 3a. and checks for the difference have been provided to the Town and to the State.

- 13. Please include the construction sequence in detail and notes on the plans.**

Mr. Maguire stated this information has been provided in the revised drawings submitted.

- 14. Please include the erosion and sedimentation notes on the plans.**

Mr. Maguire stated that this information has been included with the revised set of drawings.

- 15. It appears that the contour elevations have been blocked out of the existing conditions sheet (EXL.1). Please revise.**

Mr. Maguire stated that this information has been included with the revised set of drawings.

- 16. On sheet C1.1 there appear to be several areas where the erosion control/limit of work line can be moved closer to the work than proposed. And there is a spelling error in the caption for the bio filter swales.**

Mr. Maguire stated that, as a result of shifting the field, the erosion control/limit of work lines have been modified for both phases of the project. The spelling error has been corrected.

- 17. On sheet C1.2, please explain why the snow stockpile area is so far from the road. Is this the appropriate place for it?**

Mr. Maguire stated that this stockpile area is for the field and not for the road.

- 18. On sheet C2.1, please call out the bio filter swale more clearly on the eastern portion of the site. Include the construction and stabilization measures. Please add more specifications to the detail sheet.**

Mr. Maguire stated that this was an error on his part. He noted that this is not a bio filter swale but just a regular swale placed at the bottom of the slope for grading and drainage purposes. He said the notes have been changed on the revised plan to reflect this.

- 19. On sheet C3.1, show the legend. What is DW1?**

Mr. Maguire noted he has added the legend to sheet C3.1. He stated that DW1 means Dry Well 1.

- 20. On sheet C4.1, the temporary settlement basin (TSB) detail is shown but it is not located on any of the other plan sheets. Where is this to be used? Please remove the reference to hay bales.**

Mr. Maguire stated that all references to the hay bales have been removed from the plans. He said that a contractor has not yet been chosen for the work and he does not know how they will move around the

site. He said a construction detail has been drawn to show the size and intent of the TSB to the bidders and he will go into more detail with the contractor that has been chosen.

21. On sheet L1.1, please show the location of a concrete washout and provide a detail.

Mr. Maguire said that the proposed location of concrete washout has been provided on L1.1 and L2.1. He noted that a detail has been provided in the revised set of drawings.

22. On sheet L1.3, please confirm that the limit of the restoration area is consistent with Phase II such that the restored area will not be removed in order to construct Phase E. If so, it may be more economical to propose an invasive plant control project for certain areas within the Riverfront Area that already contain invasive species. Please include the size and quantity of the plants and a planting plan.

Mr. Maguire replied that he has submitted a planting plan for 2 phases. He said that general plant species, as discussed at the previous meeting were listed and a few suggested plant species, ones that may be suitable for the area, were listed as well. He said that the planting plan has been revised to allow the same amount of plants for Phase 1 and Phase II. He stated he has submitted a copy of the revised plan.

23. On sheet L2.1, is the proposed earth form to remain grassed seating or part of the restoration area?

Mr. Maguire stated that the existing earth form will be shaved back and the area will remain as a grassed area.

24. Are the javelin and hammer event areas to be located on this field too?

Mr. Maguire stated the javelin and hammer events will not take place in the area but will take place on the Mirrione and/or Keefe Fields.

25. Are the 2 biofilter swales to the south of the site included for planting in the restoration area?

Mr. Maguire replied that the swales are included for planting in the restoration area and will probably consist of perennials.

26. Please confirm lighting is Dark Sky compliant or similar.

Mr. Maguire stated that an athletic lighting system, called Musco Sports Lighting, will be used. He noted that there will be hoods on the light to direct the light down and there are internal reflectors which will also direct the light downward.

27. Upon review of the previous wetland file for the athletic center (DEP file number 250-226), it appears that an ENF was filed but I have not been able to obtain the Secretary's Certificate. This project may require a Notice of Project Change.

Mr. Maguire stated that the staff at Wheaton College at the time the ENF for File #250-226 was filed are not longer at Wheaton College and he has not been able to obtain the Secretary's Certificate for that ENF filing. He replied that he does not think he would have to file a Notice of Project Change as the

previous filing showed athletic fields in this area and the triggers would not be tripped to require a new MEPA filing at this time.

28. This previous project (DEP file number 250-226) does have a Certificate of Compliance; however, As-Built plans are not in the file and the project does not appear to have been completed according to the approved plan. There are letters indicating modifications to the plan were approved but no clear indication of what the changes were other than additional wetland fill (4927 sf total) and requirements for replication (4930 sf). Replication as proposed was not completed in the location as shown on the approved plans. Also, a recharge basin was proposed in a location south of the athletic center but the size and configuration do not reflect what has been found in the field. Rebecca Longley of Sasaki Associates, Inc. and Robert Campbell of Wheaton College signed the letters to the Commission and may have some information regarding the final locations of the replication and storm water basins. Please investigate this issue since it has direct bearing on whether the basin as constructed is adequately sized, maintenance issues going forward and proposed plans to shift the track/field closer to the basin. The location of the replication area should be documented as well.

Mr. Maguire stated that he tried to get information on this file, but, again, most of the people who were involved with this project are not longer around. He said he had taken the design plans from this file and compared it with the present plans. He pointed out that, in his opinion, the 5,000 sq. ft. of replication was moved to a different location as well as the detention basin. He said a sketch was drawn up to show the Commission. Jennifer Carlino stated the intent of this comment was to find out if adequate wetland replication was performed and to make maintenance of the retention pond easier for the college.

Michele Simoneaux asked if the project was within a rare species habitat or ACEC and Jennifer Carlino replied it was within the Three Mile River ACEC. Lisa Carrozza stated that it appeared that the revising of the SWPPP was going to be left to the contractor and Mr. Garvin stated it was. He said the contractor would be submitting the NOI and updating and submitting the revised SWPPP.

Lisa Carrozza asked what guidance was given to the contractor regarding temporary storm water runoff and she asked where a temporary basin would be located because of the small size of the project area. Mr. Garvin replied a detail was shown on Sheet 4-1. He noted that the volume was based on the amount of disturbance that was anticipated. He explained that the contractor would explain the details at the pre-construction meeting. Lisa Carrozza asked if the track and field and spectator section was proposed for Phase I and Mr. Garvin replied that the money is not available at this time to complete the track and field and spectator section but he thought it would be available after Phase I has been completed. He also noted that if they receive full funding, Phase I might be eliminated and construction would begin on the whole project. Lisa Carrozza stated she wanted to make sure that the contractor will know to stabilize Phase I if Phase II is not started. Mr. Garvin assured her the contractor will have sufficient information on the plans.

Norton Conservation Commission
Monday, July 23, 2012
Minutes, Page 7.

Lisa Carrozza stated that the responsibility party to the SWPPP is the owner of the property and the contractor. She suggested that someone review the SWPPP on behalf of Wheaton College if the submission of the SWPPP is left to the contractor.

Lisa Carrozza said that it was noted that the project was not within 50 feet of surface water and Mr. Garvin stated that the River is not considered surface water. Lisa Carrozza replied that the definition under the Clean Water Act for surface water does include rivers and wetland. She said the project is within the inner 50-ft. of the buffer zone and the application should reflect this. She noted that a Historic signoff would be necessary. Lisa Carrozza stated that since this is a Federal permit, US Fisheries and Wildlife would have to sign off on this project.

Julian Kadish asked where the area was that encroached into the 50-ft. buffer zone and Mr. Maguire pointed out those areas.

Jennifer Carlino asked Brandon Faneuf to briefly go over the Wildlife assessment that he had done. He noted that anytime more than 5,000 s.f. of Riverfront area is altered, an Appendix A (Simplified Wildlife Habitat Evaluation) has to be done. He stated that he checked for the presence of all "significant" habitat features and did not find any. He said that if he did find any, an Appendix B would have to be done. He suggested to move forward with the project. Jennifer Carlino asked him about the wildlife evaluation, particularly about the mink and otter dens.

Michele Simoneaux asked Mr. Garvin why some of the dry wells were labeled "mini" dry wells and he replied that when the field was shifted further from the wetlands, small depressions were created and these areas will contain the "mini" dry wells.

Jennifer Carlino noted that the previous plans for File #250-226 showed a detail that a retention basin was going to be installed for storm water purposes. Mr. Maguire stated that the location for the replication and the retention basin were reversed which resulted in a better storm water system. Jennifer Carlino noted that it would be good if the College could maintain the retention basin. Jennifer Carlino stated she would add this in the Order of Conditions under "Findings". Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

Notice of Intent – (#250-888) – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) – Newland Street – (cont. from the May 21, 2012 & June 11, 2012 mtgs.) - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands. David Henry read an email received from Dan Campbell of the Level Design Group requesting a continuance of the public hearing until the second regular meeting in August if the Peer Review can be completed by then, and, if not, continue to the first regular meeting in September. Jennifer Carlino noted that the applicant has appealed the ORAD for this project. She stated that the applicant may move forward on this, but the wetland boundaries may change.

Earl Willcott of 145 Newland Street noted that the applicant had asked the Board of Selectmen to be involved with the appeal for the ORAD for this project but they declined.

Norton Conservation Commission
Monday, July 23, 2012
Minutes, Page 8.

Jennifer Carlino asked the members to choose a Peer Review and it was agreed to go with BSC Group.

Lisa Carrozza made a motion, seconded by Michele Simoneaux, to contract BSC Group for the Peer Review under MGL Ch. 44 Section 536½ and to have Jennifer Carlino send a letter to the applicant stating that a second Peer Review may be necessary based upon DEP's decision to the appeal of the ORAD. Approved.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the second regular meeting of Monday, August 27, 2012. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-819 – Andrew Davison/c/o Richard Tula – Parcel 6 (Assessor's Map 32) 38 John Scott Boulevard**. Jennifer Carlino suggested to table the request until the next regular meeting of Monday, August 9, 2012. She noted that she has not received the information needed to close out this project.

The members reviewed the draft Order of Resource Area Delineation for Abbreviated Notice of Resource Area Delineation – **(#250-890) – David Erikson, Executor – Parcels 33, 171 7 32-01 (Assessor's map 12) Bay Road** - for verification of the Wetland Resource Areas. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to sign and issue the Order of Resource Area Delineation as written. Approved.

Old Business

LAND grant submitted for Erikson property (lot 3). David Henry asked Jennifer Carlino if she got the grant application submitted for the Erikson property and she replied that she did.

Discussion of bids received for survey of reservoir dam conservation commission land. Jennifer Carlino stated she received an old plan from 1989. She said she wanted a plan showing the corners of the property owned by the homeowners in order to notify the people responsible for trashing the bank and beach area of the Conservation property. Lisa Carrozza stated that any retaining wall and drill holes set should still be visible. Jennifer Carlino stated it will cost \$1,400 to put the four stakes in and survey this area of the reservoir. She noted she wanted stakes with flags on them in place and she could then take pictures of the property. Michele Simoneaux made a motion, seconded by Julian Kadish, to have the surveyors place more stakes on the properties as suggested by Jennifer Carlino.

Violations

81 Freeman Street – Jennifer Carlino stated that she helped the owner's wife fill out a Request for a Determination form for the construction of the bridge on the property.

81 East Hodges Street – Jennifer Carlino stated she met with Fred Bottomley and he said he has been cleaning the trash out of the barn and maintaining the existing driveway.

Norton Conservation Commission
Monday, July 23, 2012
Minutes, Page 9.

New Business

Jennifer Carlino noted that two new appeals have been received, one for Pheeny's Island and one for Turtle Crossing.

She stated there will be a meeting in the Selectmens' meeting room on August 16th at 9:30 am for the Pheeny's Island appeal. She stated after the meeting they will be going on site. She said that she spoke with Ingerborg Hegeman, BSC, who said the attorney for the residents/abutters has asked her to be their wetland consultant and she wanted to know if the Commission was ok with that or if they thought it would be a conflict of interest on her part. She said that Ms. Hegeman stated that she would have to be appointed as a Special Municipal Employee to avoid an ethics problem should the case have to go to an adjudicatory hearing. Jennifer Carlino stated that Ms. Hegeman said that if the Commission had a problem with this she would rather be a consultant for the Commission on the Newland Street project rather than represent the abutters. She said if the Commission did not have a problem with this, she would do both. Michele Simoneaux made a motion, seconded by Julian Kadish, to notify Ms. Hegeman that it would not be a conflict to be the wetland consultant for the residents/abutters. Approved.

Water Body Committee update –

Julian Kadish pointed out on the attached Town of Norton Water Bodies Minutes Form that instead of referring to the individual Conservation members as permanent members, the form should read "Conservation Commission Representative" for that particular meeting.

David Henry said there was discussion regarding the use of chemicals at the meeting of June 18, 2012. Julian Kadish stated that since the weeds were very thick on both sides of Lake Winnecunnet leaving a small path through the middle, the use of chemicals near the shore would make sense. Jennifer Carlino stated that many permits would be needed to use chemicals on Lake Winnecunnet. David Henry noted that the Water Bodies Committee does not have any funding for anything at all. He said that the committee did suggest to put signs up around different water bodies in Norton reminding residents of the importance of keeping the waters clean.

Jennifer Carlino noted that the Conservation Department does not have any free cash to fund any Water Body Committee projects. She offered to go out with the committee to identify some of the species located in the different water bodies in Norton. David Henry stated the next Water Body Committee meeting will be held on Monday, August 6th at 6:00 pm.

Jennifer Carlino collected the evaluation sheets from the members for her performance. She noted the amount of site visits she had done for one year as follows:

July – 33	November -17	March - 46
August – 20	December -26	April - 19
September – 33	January – 24	May - 29
October – 28	February – 26	June – 18

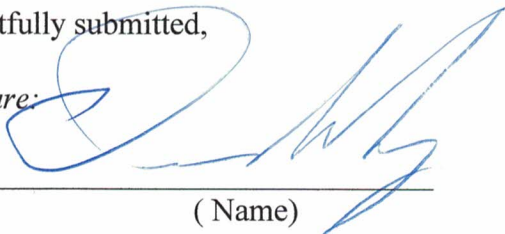
Norton Conservation Commission
Monday, July 23, 2012
Minutes, Page 10.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:56 pm.
Approved.

Minutes Approved by Committee on: 7/14/13
(Date)

Respectfully submitted,

Signature:



(Name)

Chairman, Conservation Commission