

Monday, May 20, 2013

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.

The members reviewed the draft minutes of **January 28, 2013**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **December 17, 2012**. Scott Ollerhead made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved. Lisa Carrozza abstained from voting. Approved.

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

The members reviewed the Bills Payable Sheet (Benjamin Forestry). Ron O'Reilly made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Corp.). Ron O'Reilly made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

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

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

The members reviewed the Bills Payable Sheet (Chessia Cons.). Michele Simoneaux made a motion, seconded by Julian Kadish, to pay the bill. Lisa Carrozza abstained from voting. Approved.

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

Discussion – Angelo Pasqualino – Angelo Pasqualino requested a release of bonds for Lots #14 & #16 Johnson Drive and requested to be put on the agenda for tonight's meeting. The discussion was tabled to the end of the meeting because Mr. Pasqualino was not in attendance yet.

Discussion – Anthony Abazorius, 7 Todd Drive.

Mr. Anthony Abazorius addressed the commission and said that he received a letter from Jennifer Carlino stating that he was in violation of the Mass Wetlands Protection Act. He said they met at his property and she advised him he was in violation by having a pump in the wetland. He stated that he has a sump pump between his and his neighbor's house. He said that he has had flooding problems at least 10 or 12 times since 1986. He noted that he had a contractor go out to his property who advised him to place a pump in the depression between the two properties to help prevent flooding onto his property. He said that Jennifer Carlino suggested moving the pump out of the wetlands closer to his house and digging a hole to put the sump pump. He asked the board if this would be ok to do.

Julian Kadish asked Mr. Abazorius if he was just pumping surface water and suggested that when it rains, the water table rises and floods his basement. Mr. Abazorius said that he has been running 2 hoses to his neighbors property but the property has been sold and the new owner asked him to remove the hoses which he did. He said he is now running the hoses along his property.

Michele Simoneaux noted that the property is surrounded by different wetland features which would make his property more likely to flood than other upland properties. Julian Kadish suggested putting in a French drain and an observation well. He said when the water started to show up in the observation well, he could start pumping the water outside the house before the water enters the basement.

Jennifer Carlino advised Mr. Abazorius that the board has given him a couple of suggestions to help figure out a way to keep the water from entering his basement. She said the board cannot approve altering the wetlands because it is a violation of the Wetland Protection Act.

The members reviewed a Notice of Intent – (**#250-907**) – **John Nadworny – Parcel 159 (Assessor's Map 31) 187 John Scott Boulevard** – for proposed plans to construct a garage/addition and extend the driveway within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed Garage Addition, 187 John Scott Blvd., Norton, MA 02766 Prepared for John Nadworny, Scale 1"=20', signed and stamped by Christopher D. Yarworth dated April 16, 2013 with latest revisions on May 13, 2013.
3. Color pictures of the property

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Mr. Nadworny noted that his engineer did not go over the plans with him and he said that his engineer stated that he did not have to be present at the Conservation meeting tonight. Mr. Nadworny stated he is proposing to construct an 8-foot breezeway, a 26-foot wide garage and expand the driveway within 30 feet of bordering vegetated wetlands. Julian Kadish stated that the silt fence should be installed before any work is started. He asked Mr. Nadworny if the garage is going to be constructed on a slab and he replied it would be.

Michele Simoneaux noted there are no grading notes on the plans and Mr. Nadworny replied there would not be any re-grading and the site is quite flat. Jennifer Carlino asked what was going to be done with any soils dug out when the frost walls for the slab are dug out and Mr. Nadworny replied they would be removed off site. Lisa Carrozza asked where the entrance was located and he replied at the front.

Jennifer Carlino noted that the wetland boundaries were changed and revised plans were submitted this evening. She stated that any piles of leaves should be removed off neighboring properties and put on his own property. She said that there is a lean to at the rear of the property and measures have to be taken to keep debris from spilling into the wetlands.

Michele Simoneaux asked what was proposed for the small gravel area and Mr. Nadworny replied he was going to loam and seed that area.

Janet Kilguss, 185 John Scott Boulevard, asked if the wetlands between her house and Mr. Nadworny's house would be impacted by this project. The members assured her they would not be impacted by the proposed plans.

Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a request for a Notice of Intent (#250-908) – **Rocco Davanzo/Reed & Barton Corporation – Parcel 36 (Assessor's Map 17) 47 Elm Street** – for proposed plans for repairs to the Rumford River Dam on Cross Street.

Document List

1. WPA Form 3-Notice of Intent
2. Plan entitled "Rumford River Dam Repair", Cross Street, Norton, MA, Design-Build Project Permitting and Construction Drawing Set, May 2013.
3. Operation and Maintenance Manual, Rumford River Dam – MA DAM No. 03071

Present at the public hearing was the engineer for the applicant, Nils Wiberg of Fuss & Oneill.

Lisa Carrozza recused herself from the public hearing.

Mr. Wiberg noted that Reed and Barton Corporation owns the dam and the adjacent mill which is no longer in use. He stated that many deficiencies were noted in a Phase I report that had been done by the Office of Dam Safety back in 2011.

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He said an Order was issued by the Office of Dam Safety to fix several problems with the dam and dam embankment. He stated that his company has been retained to design the repairs to the dam.

Mr. Wiberg noted that there were a few priority issues. One, he noted was that the trees need to be cleared along the embankment. The second issue, he noted, is to replace the low level outlet structure which has a controlled gate which is inoperable at the present time.

He stated two other deficiencies are the stone wall which is leaking and a retaining wall that is collapsing. He pointed out also that the posts in the former steel walkway are collecting debris and they would like to remove the posts. Mr. Wiberg said that there is a low level outlet structure that the applicant would like to replace with weir board configuration to be able to adjust the level of the pond during a storm event. He said he is proposing a steel grading platform with a railing system for access to the boards.

Mr. Wiberg stated that in regards to the erosion/sedimentation system, a blanketing system without haybales or synthetic materials, will be used. He noted that the apron that extends upgradient of the spillway has collected 2-3 inches of sediment. He said 1 cubic yard sand bags are proposed to be placed across this inlet to cut off the water during construction. He said sump pumps will be in place to address any seepage that gets through the sand bags which will then pump into the river.

Jennifer Carlino noted that comment #9 in her letter dated May 20th requires that the site plan show, in detail, the location of the dirt bags, concrete washout areas, stockpile and staging areas, dewatering controls, construction entrances and sedimentation control. She said once these items are put on the plan, and the Commission has had a chance to review the details, they will have more comments.

Michele Simoneaux asked Mr. Wiberg why these repairs are being done as a "Design Build". He replied that it is a contractual mechanism to eliminate a few steps which would eventually lead to the owner hiring someone to do construction services. He said that the design is developed more efficiently when the entire process stays within one company from the start.

Michele Simoneaux asked Mr. Wiberg about the method for removing the walkway. He replied that the I beams and support beams would be saw cut at the surface and then the walkway would be removed in sections by hand to be removed manually off the site. He said the method could change and a machine would have to be used but cannot determine this at this time.

David Henry referred Mr. Wiberg to Jennifer Carlino's comment letter dated May 14, 2013.

1. How will the trees be removed? By hand or machine? Please provide the pesticide license for the person or company to perform the herbicide application. The stabilization plan and the Operation and Maintenance Plan should include measures for monitoring and mitigating for exotic, invasive plants and plant colonization.

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Mr. Wiberg replied that neighbors will be cutting the trees manually with chain saws. He said he has a couple of herbicide companies in mind and they will provide a license once hired. He noted that once the trees have been cut, a stump treatment will be done. He said the Operation and Maintenance Plan falls under the Standard Procedures for Woody Vegetation. He said turf grass will be established in areas that are disturbed by construction.

2. The proposed access is both from the Elm Street entrance and the Cross St dam location. A thorough evaluation of the appropriate locations for sediment control should be done. It appears that additional sediment controls may be necessary along the entire access road between the rear of the building and the bank, as well as across the street from the dam on Cross Street. A construction entrance on Cross Street will be required during mobilization and placement of fill materials.

Mr. Wiberg replied that there will be no soil filling or removal on the Elm Street entrance and therefore sediment/erosion control would not be necessary. Jennifer Carlino noted that some kind of erosion control would be necessary after the trees are removed as roof runoff flows directly down the slopes into the pond. Mr. Wiberg agreed that crushed stone could be placed along the roadway. He said that the owner will be installing downspouts to direct roof runoff. Jennifer Carlino suggested placing wattles for erosion control and Mr. Wiberg replied that crushed stone would be better where it is pervious and with wattles water would pond on the pavement. He agreed wattles could be used if that is what the commission would like.

Mr. Richard Leitch, 33 Elm Street, stated he lives on the Rumford River. He stated that there are two pipes that come out of Cross Street, one large pipe and one small pipe. He said the large pipe drains into the Rumford River and the small pipe just flows onto land creating a man-made pond. He suggested that the small pipe should drain into the large pipe.

Mr. Wiberg assured the Commission he would have erosion control across the construction entrance. He said he would have a crushed stone berm on the downstream side. He said the equipment will not be driving on any earth but would remain on the crushed stone, therefore not tracking any dirt onto the roads.

Benjamin Middleton, 17 Cross Street, asked how long the project was going to take and if any streets would be shut down during the repair process. Mr. Wiberg replied the project was going to take approximately 45 days and no streets would be shut down.

Another abutter noted that graffiti was being drawn on sections of the dam walls. Mr. Wiberg replied he would bring this to the attention of the owner.

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Richard Leitch asked what the weight limit for the pipes going under Cross Street was and noted that the street was collapsing. Mr. Wiberg said he would investigate this situation before he begins construction. Jennifer Carlino suggested he get in touch with the Highway Superintendent.

Lisa Carrozza, 34 Cross Street, had a few questions to ask Mr. Wiberg.

1. She stated that his notes on page CN001 references “21 days stabilization period, items 7 & 9” and should be revised to 14 days based on the EPA NPDES 2008 CGP.
2. She stated that the sequencing identified the concrete saw cutting and asked if he was planning on having in place measures to prevent concrete dust from entering the river.
3. She noted that it was not noted how the equipment staging area would be stabilized when the project was finished.
4. She noted that the fishing path that the public has worn and listed by him as “stairs” will be graded, loamed and seeded, but how will the public be prevented from creating another pathway? She said another plan will have to be in place because the area will be continuously eroding.
5. She pointed out areas where sediment control was omitted and should be included.
6. She pointed out the slope along the East side at 2-1 with 4-inch stone which will abut the concrete wall and asked what was going to prevent the stone from getting dislodged.
7. She pointed out that the existing rail is broken along Cross Street and asked if that was going to be replaced.
8. She pointed out that Sheet CD503 suggests that, at the stonewall embankment, 6 inches of soil is proposed to be removed and a 3-1 slope created. She suggested detail be added to the plan to show the area where the 6 inches of soil is being removed in relation to the top of the 3-1 slope.

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8. She pointed out a large maple tree and asked if was going to be cut down and Mr. Wiberg replied it was.
9. She asked is there were measures to capture any materials floating downstream to the other side of Cross Street.
10. She pointed out that a gas-run generator was going to be stored in the storage area within the buffer zone and advised against it.
11. She asked to see a detail on the 3-foot sand bags to be used which might be damaged by the teeth of the heavy equipment.
12. She asked that the contractor appear before the board with any outstanding issues.

Ron O'Reilly asked Mr. Wiberg if the dam was going to consist of only wood boards. Mr. Wiberg replied that the boards replacing the wall across the channel will have two openings 4 feet wide that will have stacked up weir boards. He noted there will be a hook to remove them. Ron O'Reilly noted that these are usually hard to remove when there is more than an inch of water. Mr. Wiberg replied there will be a hook on the boards with a specific tool to remove them.

Michele Simoneaux suggested to Mr. Wiberg that at the next hearing he could explain to the general public the nature of the letter from The Office of Dam Safety and what they have requested and why he is doing this project.

Scott Ollerhead made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of June 10, 2013. Approved.

Notice of Intent – (#250-906) - Campanelli Thorndike Norton, LLC – Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (cont. from the April 22, 2013 mtg.) for proposed plans to construct a 230 unit apartment complex, roads, stormwater management system and grading within 100 feet of wetlands.

Dave Henry noted that an email was received from Mark Manganello, LEC Environmental, requesting a continuance of the public hearing on behalf of the applicant to the next regular meeting. Scott Ollerhead made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, June 10, 2013. Approved. Lisa Carrozza abstained from voting.

Notice of Intent – (#250-888) – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) – Newland Street – (cont. from the February 25, 2013 mtg.) - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands.

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David Henry noted that an email was received from Dustin DeNunzio, DeNunzio Group, LLC, requesting 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 until the next regular meeting of Monday, June 10, 2013. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-894 – David Worthley – parcel 68 (Assessor's Map 6) 19 Fairlee Lane**. Jennifer Carlino stated that Mr. Worthley has already posted a bond for the unfinished work for the project. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue the partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-552 – Champion Builders – Parcels 507 & 510 (Assessor's Map 10) Arrowhead Village**. Jennifer Carlino stated that she has received the Wetland Report and As-Built Plans and will record the Certificate of Compliance once issued. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Order of Conditions – File #250-567 – Donald Roach/c/o Gifford Investments, Inc. – John Scott Boulevard. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the duplicate Order of Conditions. Approved.

The members reviewed a request for a duplicate Certificate of Compliance – File #250-169 – W & G Development Corp./Todd Associates – Barrows Street. Michele Simoneaux made a motion, seconded by Julian Kadish, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed the draft Amended Order of Conditions for **Files #250-871 & #250-872 – Bay Road Heights**. Jennifer Carlino noted that the applicant has requested to have condition #26 removed. She said she does not have a problem with this because it is a duplicate of a condition that has already been removed from both Order of Conditions. She noted the request to remove condition #26 was only requested for one of the Orders. Lisa Carrozza made a motion, seconded by Julian Kadish, to amend the Order of Conditions for #250-872 and #250-871 by removing condition #26 from Order #250-872 and to remove the same condition from Order #250-871. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Order of Conditions, as amended, for #250-872 & #250-871. Approved.

OLD BUSINESS

12 Forest Lane – no new update

6 Rumford Road – David Henry noted that the owner had picked up a NOI Form and will be coming into the office to have Jennifer Carlino help him finish it.

OLD BUSINESS (cont.)

45 Crane Street – David Henry noted that Jennifer Carlino had received the wetland report and inspected the property. He said she noted that the shrubs are growing nicely and she recommends releasing the violation. Lisa Carrozza made a motion, seconded by Julian Kadish, to release the violation. Approved.

418 Reservoir Street – Jennifer Carlino stated the owner has withdrawn his application and has decided to replant the shrubs that he had removed. Lisa Carrozza noted that the existing dock has to be permitted.

East Hodges Street – Fred Bottomley - Jennifer Carlino noted that she received a stabilization plan for the access roadway side slopes from Chris Yarworth, Yarworth Engineering Co., Inc. Fred Bottomley said the work could be done within three weeks. The members agreed the work should be done.

NEW BUSINESS

60 No. Washington Street – Jennifer Carlino stated the homeowner had removed several trees next to a Certified Vernal Pool. She said the homeowner is cooperating and has already purchased the trees to replace the ones removed.

Laura Lane Conservation Restriction – Jennifer Carlino stated trees have been cut, etc. on Conservation property and she said she is meeting with the homeowner on site to look at plans and discuss the property lines.

263 Reservoir Street – Jennifer Carlino stated she has scheduled an inspection at this property because the stream was channelized with plywood.

Sunrise Drive - She noted compost has been dumped into the wetlands.

Watershed Policy – No update

DEP Regulatory Reform – Jennifer Carlino noted the comments have been extended to May 30th. Lisa Carrozza stated she has a few comments to submit.

Jennifer Carlino replied that there is one issue that was not agreed to by this Commission and has been brought up by other Commissions. She said they are trying to create a minor exemption which would not require a permit for a house that is expanded by 50% or less, even if the work is within a River Front or buffer zone. Michele Simoneaux suggested they disagree with this exemption. The members agreed.

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Jennifer Carlino noted that she has not received any bids for the RFQ to assess the Town's flowage rights on the Reservoir. She said there is not an available map with the corresponding numbered lots to review. It was agreed a Title Examiner should be hired to sort out the lots.

Discussion ensued regarding the violations on Alder Road.

A resident of 20 Alder Road asked why she did not receive a violation letter and Jennifer Carlino replied because she did not have a violation. The resident noted that there were two large trees which she always thought were on her own property but was told that the trees are on Conservation property. The resident asked if she could get a copy of the latest plan of the area and Jennifer Carlino replied she would send her a copy. Jennifer Carlino showed her the path to walk to access the reservoir.

Jennifer Carlino noted that each resident is asking to keep their own path to the Reservoir even though it is not their property. Lisa Carrozza replied that you cannot help but make a path if the same spot is traveled each day. It was agreed to allow the residents to walk to the water only without any structures being built or any other disturbance of the area.

Jennifer Carlino noted that the residents want to manage invasive plants, but Lisa Carrozza noted the wetland plants need to grow naturally without any disturbance from the residents. Jennifer Carlino replied a plan can be created to allow most wetland plants to grow naturally and to allow some to be pulled out. It was agreed the area cannot be mowed. She stated that most of the concern is over bittersweet in the upland.

Jennifer Carlino stated a planting plan has to be put in place to have all the residents pitch in to replace plants that have been removed. Jennifer Carlino stated she had already spoken to a few of the residents about a restoration plan and how it works. It was agreed Jennifer Carlino would get a few bids for the restoration plan. Lisa Carrozza made a motion, seconded by Michele Simoneaux to have a landscape architect create a restoration plan to be followed by the residents.

#250-882 – Pheeny's Island Update - Jennifer Carlino noted she has just received the final Order of Conditions from DEP.

David Henry noted that the Norton Founders Day Picnic was going to be held on June 22nd from 5-7pm and the rain date would be June 29th. Lisa Carrozza, Scott Ollerhead and David Henry agreed to set up a table at the picnic and split the time into shifts. It was agreed to have hand outs available on Vernal Pools, a frog audio tape, Conservation land brochures, tick cards, etc.

Jennifer Carlino noted that the Waterbodies committee will start meeting on the 3rd Monday of each month.

Jennifer Carlino noted there is a Shpack meeting tomorrow morning.

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Jennifer Carlino noted that the Board of Health has Homeland Security money which can be used to supply iPads to the Department Heads.

Jennifer Carlino noted that Patricia MacLeod has donated a canoe to the Commission and she will be sending her a thank you note.

Discussion – Angelo Pasqualino – for release of bonds for Lots #14 & #16 Johnson Drive which was tabled from the beginning of the meeting was not held because no one was present for the discussion.

Michele Simoneaux made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 9:30 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____