

Monday, July 8, 2013

### **Attendance**

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),  
Julian Kadish, Lisa Carrozza, 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 **February 25, 2013**. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **March 11, 2013**. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

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

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

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

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

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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 Notice of Intent – **(#250-909) – A. Brandt & Marie Henderson – Parcels 702 & 703 (Assessor's Map 3) 25 South Lakeview Road – (cont. from the June 24, 2013 mtg.)** for proposed plans for an addition, grading, driveway and landscaping within 100 feet of bank on Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent Form.
2. Color photos of the property.
3. Plan entitled "Conservation Plan", 25 So. Lakeview Road, Scale of 1"=20', prepared by Hutchins-Trowbridge associates, inc., signed and stamped by Michael A. Trowbridge and dated December 19, 2011. **Latest Revisions:** July 2, 2013.

Present at the public hearing was Attorney Peter Clark to represent the applicant. He noted that the plans had been revised as follows:

1. BVW have been flagged and delineated on the plan by Dr. Walter Hewitson.
2. An area on the plan with a wetland flag #9WH has been moved slightly and the location of the shed and limit of work line has been adjusted slightly to stay out of the 25-ft. no-touch zone.
3. Trees that were shown in pictures were marked. Mr. Clark noted that all trees to be removed are out of Conservation jurisdiction and will be located in the shed area and driveway area.
4. Top of foundation has been added which is at the same height as the house foundation.
5. handicap ramp and walkway has been added.
6. The Town's drainage easement has been added. He said that the easement is shown on the plan but has never been recorded. He noted that the town has taken this area for tax title in the 1980s which has been combined with the adjoining town property, therefore, any existing easement would cease to exist. Mr. Clark explained that even though his client is purchasing a small 1,617 sq.ft. parcel of land from the Town, an easement would be given to the town to access a small 12" pipe on the parcel of land.

Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #997) – Maureen & Thomas Jarbeau– Parcel 117-80 (Assessor's Map 28) 5 Lisa Drive** – Proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability.
2. Plan entitled "Upgrade of Subsurface Disposal System at 5 Lisa Drive, Norton, MA" prepared by BDO Engineering, signed and stamped by David A. Oberlander and dated May 6, 2013.

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David Oberlander of BDO Engineering described the project to the members. He noted that the existing septic system is located in the front yard to the right side of the driveway. He said that the tank is within the 100-buffer zone. Mr. Oberlander stated that the existing tank would be used but a new leaching field is proposed which would not be located under the driveway and would not be near the existing leaching field. He said it is approximately 54 feet from the wetlands at its closest point.

Jennifer Carlino noted that an Emergency Certificate was signed for this septic repair at the previous meeting. Julian Kadish made a motion, seconded by Scott Ollerhead, 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 completed according to the approved plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #996) – Barbara E. Martin Parcel 89 (Assessor's Map 28) 24 Margaret Drive** – for proposed plans to install an irrigation well and to remove and fill an existing irrigation well within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Plan entitled "Proposed Well Plan", owner: Barbara A. Martin, Lot 57, 24 Margaret Drive prepared by Yarworth Engineering Co., Inc., Scale 1"=50', signed and stamped by Christopher D. Yarworth and dated 6/18/13.

Barbara Martin explained the project to the members. She said she was proposing to close in and fill in the existing shallow point well and install an artesian well in a different location. She noted the well would be used for irrigation only. Jennifer Carlino commented that she would like to meet with the company that is installing the new well (Ace Drilling) to make sure that the water pumping out during the pump test will not be going into the potential vernal pool. Barbara Martin said that the drilling company informed her that any water pumping out will remain in the area of the well.

Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent **(#250-908) – Rocco Davanzo/Reed & Barton Corporation – Parcel 36 (Assessor's Map 17) 47 Elm Street – (cont. from the June 24, 2013 mtg.)** - 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. **Revised:** June 6, 2013
3. Operation and Maintenance Manual, Rumford River Dam – MA DAM No. 03071
4. Response letter and packet from Nils S. Wiberg of Fuss & O'Neill dated June 6, 2013.

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5. Response letter from Nils S. Wiberg, P.E., CFM of Fuss & O'Neill

Lisa Carrozza recused herself from the public hearing.

Nils Wiberg of Fuss & O'Neill updated the commission on the project. He submitted, and gave copies to the members, a response letter dated July 8, 2013 to Jennifer Carlino's letter of June 18, 2013. He said that many of these issues were discussed at the previous public meeting. He said he would go through the issues not discussed.

- 2. Item 9 of your letter mentions and A-series flags that are not shown on the plans. The project must identify bordering vegetated wetland (BVW) particularly where the bvw is lower than the bank in locations that are to be cleared or where the sediment control is illustrated on the plans.**

Mr. Wiberg stated that the inset aerial plan on Sheet CS-101 has been revised to reflect the location of the A-series wetland flags on the northern side of the impoundment above the dam.

David Henry noted that the responses to the Jennifer Carlino's June 18<sup>th</sup> letter were already discussed at the previous meeting and he could start with the responses to the June 25, 2013 letter.

The following questions/comments were received from an abutter:

- 1. On sheet CN-001 of the project drawing set, could the method of achieving erosion and sedimentation control please be specified as "coir rolls" consistent with Fuss & O'Neill's response to comments letter dated June 18, 2013?**

Mr. Wiberg noted that sheet CN-001 has been revised to include reference to coir rolls in the title header for erosion control notes.

- 2. There are no spot elevations in the staging area, could these please be added?**

Mr. Wiberg replied that a survey had been done and the spot elevations in the staging area and the location where the fill is to be placed for the embankment slope have been added to the project base map.

- 3. Prior to clearing woody vegetation and brush, please have the contractor stake out clearing limits.**

Mr. Wiberg replied that a note has been added to the plans "clearing limits shall be staked in the field prior to the start of work".

- 4. The concrete washout basin should be moved to the south side of Cross Street so as not to discharge within the work site.**

Mr. Wiberg replied that the temporary concrete washout basin is lined and does not have a discharge. He said that it has been moved to the south side of Cross Street, within the parking area owned by Reed & Barton that will also be used for off-hours parking of construction equipment.

- 5. Please specify that construction equipment be parked on the south side of Cross Street.**

Mr. Wiberg replied that the parking area owned by Reed & Barton to be used for work crew parking, inclusive off-hours construction equipment parking and equipment storage have been added to Sheets CS-102 and CS-103.

- 6. Will the silt sack be used for bypass pumping only?**

Mr. Wiberg replied that the silt sack will be used to pump water that has leaked through the sandbag cofferdams, prior to being impacted by construction activities. He noted that when the footing is constructed for the proposed center pier, dewatering of the excavation will also be required, which will also be discharged to the silt sack, which will be located within a secondary containment structure.

- 7. Please state the size of coir rolls to be utilized for erosion and sediment controls on sheet CD-503.**

Mr. Wiberg stated that 12-inch diameter coir rolls have been specified for use on this project on sheet CD-503.

- 8. On sheet CD-503, 1 ½ inch stone is specified for the temporary crushed stone construction entrances. It has been my experience that this size stone is of small enough diameter to get caught in the trends of construction vehicle tires and be unintentionally dispersed offsite. Could you please specify that 3-inch stone be used for this purpose?**

Mr. Wiberg stated that the note regarding the size of the stone was revised to show 3-inch stone.

- 9. The 2:1 vegetated slope called out on sheet CD-505 is too steep, please flatten this slope and change the callout to a 3:1 slope.**

Mr. Wiberg stated that the slope has been flattened to a 3:1 which will result in more of the wall face exposed. He said soil-filled vegetated stone armor will still be placed on this portion of the slope for stability and protection. He noted the revisions have been made on sheets CS-103 and CD-505.

- 10. There is a pipe downstream of Rumford Dam, on the south side of Cross Street and west of rumford Dam, that can be seen discharging periodically, is this a concern?**

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Mr. Wiberg replied that this pipe is an outlet pipe which is connected to the roof drains and will not be affected by the proposed work.

**11. During construction, will Reed & Barton take actions to reduce flooding on downstream properties?**

Mr. Wiberg stated noted that Reed & Barton will continue to cooperate with the Town before and during storms to minimize downstream flooding impacts.

Lisa Carrozza asked Mr. Wiberg when the project was going to begin and he replied as soon as the permit is issued because the water levels are lower this time of year.

Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

Notice of Intent – (**#250-906**) - **Campanelli Thorndike Norton, LLC – Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (cont. from the June 10, 2013 mtg.)** for proposed plans to construct a 230 unit apartment complex, roads, stormwater management system and grading within 100 feet of wetlands.

David Henry noted that an email was received from Mark Manganello, Engineer, requesting to continue the public hearing to the next regular meeting of July 22, 2013. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 22, 2013. Approved.

Sign Denial Order of Conditions for **#250-888 – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) Newland Street** – proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of bordering vegetated wetlands.

Lisa Carrozza suggested changing the word “bank” to “property owner” at the end of #9. in the Findings. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign and issue the Denial Order of Conditions as written. Approved.

The members reviewed the draft conditions for a Notice of Intent – (**#250-909**) – **A. Brandt & Marie Henderson – Parcels 702 & 703 (Assessor's Map 3) 25 South Lakeview Road – (cont. from the June 24, 2013 mtg.)** for proposed plans for an addition, grading, driveway and landscaping within 100 feet of bank on Norton Reservoir.

Lisa Carrozza suggested changing the word “adjacent” in condition #22 to “town land”. It was agreed to change the words “visual barrier” to “exerior tree line” in condition #24, which would then eliminate conditions #25, #26 and #27.

It was agreed to add a condition to install a temporary construction fence at the drip line not at the trunk.

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Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the conditions, as amended. Approved.

The members reviewed requests for Certificates of Compliance for Files:

<b>#250-781</b> (full)	<b>Angelo Pasqualino</b> <b>Teddy Realty Trust</b>	<b>Lot 9-A, Parcel 225 (Map 17)</b> <b>14 Johnson Drive</b>
<b>#250-782</b> (full)	<b>Angelo Pasqualino</b> <b>Teddy Realty Trust</b>	<b>Lot B-1, Parcel 230 (Map 17)</b> <b>16 Johnson Drive</b>

David Henry noted that no one was present at the public hearing for discussion. Ron O'Reilly made a motion, seconded by Julian Kadish, to deny the request for a Certificates of Compliance for files **#250-781 and #250-782**. Approved. David Henry stated that both homeowners gave permission, in writing, for the Commission to remove the burning bush from the property. Jennifer Carlino stated she had met with Matt Crowe, Chartley Landscape Management, and he is going to submit an estimate for re-installing the visual barriers and to replace the burning bush. She said she will meet with Matt Crowe and the homeowner to decide on what to replace the burning bush with.

Ron O'Reilly made a motion, seconded by Julian Kadish, to pull the bonds that were posted on the two parcels of property in order to complete the work on the two parcels. Approved.

## **OLD BUSINESS**

**DEP #250-871 & #250-872 – Bay Road Heights, LLC – Withdrawal letter.**

David Henry noted that DEP accepted the withdrawal of the appeal from the original letter from Bay Road Heights LLC. Jennifer Carlino commented that the Amended Order of Conditions is the final Order.

LL Bean – Jennifer Carlino noted that a signed copy of their lease has been received.

Violations: Jennifer Carlino stated nothing has changed with the following list of violations:

12 Forest Lane  
6 Rumford Road

East Hodges Street – Fred Bottomley – Jennifer Carlino noted she has not heard from Mr. Bottomley since he was requested to finish the mulch and stabilize the top of the driveway.

7 Todd Drive

Laura Lane Conservation Restriction violations  
Alder Road

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**NEW BUSINESS**

Watershed Policy  
DEP Regulatory Reform

Reservoir Update - Jennifer Carlino noted that she received a response from Pare Corp. with an update and she sent an email to Town Counsel and Pare Corp. with a few questions and she said she did hear back from Pare Corp. but has not heard back from Town Counsel.

2 Land Grants – Erikson & Reilly  
Bike Trail  
Right of First Refusal – Fairlee Lane

Report from Staff-  
Site visits –

Waterbodies Committee update – Jennifer Carlino reminded Ron O'Reilly and David Henry about the joint meeting with the Board of Selectmen and the Waterbodies Committee on Thursday, July 11<sup>th</sup>. David Henry replied he would try to attend.

Jennifer Carlino noted that the Commission would be re-organizing at the next meeting.

Ron O'Reilly noted there were two new docks off of Freeman Street that should be inspected.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:15 pm.  
Approved.

Minutes Approved by Committee on: \_\_\_\_\_  
(Date)

Respectfully submitted,

*Signature:*

\_\_\_\_\_  
( Name)

Chairman, \_\_\_\_\_