

Monday, June 23, 2014

Attendance

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),
Julian Kadish, Jan Franceschelli
and Jennifer Carlino, Conservation Agent

Lisa Carrozza, Scott Ollerhead and Chris Baker were absent.

Minutes

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

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

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

Notice of Intent – (**#250-924**) – **Fred Akerblom – Parcel 247 (Assessor's Map 10) 6 Rumford Road** – (**cont. from the June 9, 2014 mtg.**) - for proposed plans to expand a lawn within 200 feet of a river. (postfacto).

David Henry noted that Mr. Akerblom has requested a continuance of the public hearing until the next regular meeting of Monday, July 14, 2014 in order to hear from DEP and to submit revised plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 14, 2014. Approved.

The members reviewed a Notice of Intent – (**#250-925**) – **Fred Bottomley – Parcel 46 (Assessor's Map 19) 16 Maplewood Avenue** – (**cont. from the June 9, 2014 mtg.**) - proposed plans to raze an existing house and construct a new structure within the 100-yr. Floodplain and within 100 feet of Lake Winnecunnet.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Proposed House Plan, 16 Maplewood Avenue, Norton, Ma 02766 Prepared for Fairland Farm, LLC, Scale 1"=10', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated April 24, 2014.

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3. Comment letter dated May 5, 2014 from Jennifer Carlino to Chris Yarworth.
4. Letter dated May 13, 2014 from Fred C. Bottomley to Jennifer Carlino.
5. Letter dated May 16, 2014 from Craig Mitchell, Golemme Mitchell Architects, LLC to Jennifer Carlino.
6. Response letter dated May 19, 2014 from Scott Goddard, Goddard Consulting to the Norton Conservation Commission.
7. Letter dated June 4, 2014 to Norton Conservation Commission from the Division of Fisheries and Wildlife, NHESP.
8. Letter dated May 20, 2014 to Jennifer Carlino from Fred C. Bottomley
9. Plan entitled "Proposed House Plan, 16 Maplewood Avenue, Norton, Ma 02766 Prepared for Fairland Farm, LLC, Scale 1"=10', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated April 24, 2014. **Latest Revisions – 5/30/14.**
10. Letter dated June 9, 2014 to the Norton Conservation Commission from Scott Goddard, Goddard Consulting.

Present at the public hearing were Fred Bottomley, Christopher Yarworth and Nicole Hayes of Goddard Consulting.

Ms. Hayes addressed the board and quickly went through the report that was received on the day of the previous meeting. She commented that all Performance Standards have been met. She noted the issues addressed in the report as follows:

- there will be no loss in compensatory flood storage
- accumulative flood storage
- no increase in flood stage or velocity
- no impact to the hydrologic connection to the lake
- no rare significant wildlife habitat will be impacted

Ms. Hayes noted that because more than 10% of the BLSF would be impacted, an Appendix B (Wildlife Habitat Evaluation) was submitted. She said the only outstanding characteristic she found on the property was a 6" tree cavity in one of the red maple trees proposed to be removed. She commented that the cavity can be replaced if necessary with a nesting box. Ms. Hayes noted the only rare species on the site are mussels and they will not be disturbed by this project.

David Henry suggested planting 3 trees and to install a nesting box. Chris Yarworth noted he had added the trenches to the plan as well as the utilities. David Henry asked about the floodplain elevations and Chris Yarworth replied he used the entire lot for his calculations.

Jennifer Carlino requested that spot grades in front of the house and driveway be added to the plans for comparison later on with the As-Built Plan. She said she will add that as a condition.

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David Henry suggested a visual barrier be installed at the rare species line. Chris Yarworth said he would submit a revised plan before the next meeting.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing to the next regular meeting of Monday, July 14, 2014. Approved.

Amendment to Order of Conditions - #250-753 – James Elliott - Parcels 140-149 (Assessor's Map 3) 29 Holly Road – to add tree clearing.

Jennifer Carlino noted that the abutters have not been notified of the public hearing as the notices were only mailed today.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 14, 2014. Approved.

The members reviewed a Notice of Intent – (**#250-928) – 249 South Worcester Realty Trust – Parcel 213 (Assessor's Map 27) 249 South Worcester Street – (cont. from the June 9, 2014 mtg.)** - for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Septic Repair Plan" #249 South Worcester Street, Norton, MA, Scale 1"=20', prepared by Grady Consulting, LLC, signed and stamped by Richard J. Grady dated April 28, 2014.
3. Revised Page 6. of the WPA Form 3 – Notice of Intent

Jennifer Carlino stated that revised plans, revising the sediment control, have been received and she has drafted the Order of Conditions which was included with the agenda. She said the only issue to be decided this evening is whether or not they want to require markers for the visual barrier. She said she will give him a couple of makers. Julian Kadish 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 sign and issue the Order of Conditions as drafted. Approved.

Notice of Intent – (#250-930) – Vincent Grzesik – Parcel 39 (Assessor's Map 9) 40 Farm Lane – for proposed plans to remove an old house and replace it with a new house and deck.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled Conservation Commission, Existing Conditions, Plan of Land, 40 Farm Lane in Norton, MA owned by Vincent & Mary Grzesik, Scale 1"=20', prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano and dated June 2, 2014 with latest revisions on **June 23, 2014.**

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4. Document entitled Wattle Installation Directions

Present at the public hearing were John DeLano, Mr. & Mrs. Grzesik and Joe Neelan, the Grzesik's nephew.

John DeLano handed out miniature revised plans to the members. He noted that the applicant proposes to demolish the existing house and deck, to be replaced with a new house, remove a few diseased trees and install a floating dock. He commented that a decision was received from the Zoning Board and the Water Department has reviewed the project in order to move the easement on the property.

Mr. DeLano pointed out the various wetland areas on the plans as well as the flood plain areas. He said the proposed house is 40' x 36', 1 ½ stories high with no full foundation. He said there would be a crawl space with a concrete floor under the addition. He noted a stockpiling area has been designated outside of the buffer zone. He said sediment control is proposed around the entire work area.

Mr. DeLano commented that a 4-ft. high post and rail fence is proposed from the southerly end of the property to within 10 feet of the north western portion of the property. He said the 10-ft. gap is to allow access to the dock. He noted that a filter strip will be installed at the house side of the visual barrier. The filter strip will be 3 ft. wide by 39 ft. long and 12 ft. deep with ¾ " to 1 ½ " washed stone with a filter fabric 2" below the surface for maintenance purposes.

Mr. DeLano stated that on the pond side of the visual barrier 3 high-bush blueberry bushes and 3 Sweet pepper bushes will be planted. He said the applicant would like to remove the large pine trees on this site to prevent any mildew and rot to the new structure. He noted the sediment control area has been corrected on the revised plan. David Henry asked if the maple trees would be left on the property and Mr. DeLano replied that Mr. Grzesik would like to remove all the trees. Mr. Grzesik stated there was no sunlight on the property because of all the trees.

Mr. DeLano commented that the impervious area will be reduced by the new structure, removal of the car port and removal of the black top pavement. David Henry asked how deep the foundation will be located and Mr. Neelan replied just to the freezing point.

David Henry asked if there were any details on the dock and Mr. Grzesik replied he has not done any calculations on a proposed dock because he wanted to get this permit first and see how many trees can be removed. David Henry noted that in order for the Commission to approve a dock as part of this application, details would have to be submitted first. He said the dock can be removed from this application if they wanted. John DeLano suggested removing the dock from this application and applying for an Amendment to the Order in the future. Mr. Grzesik commented that he would like to receive the Order of Conditions as soon as possible. David Henry noted an Order of Conditions can be issued at the July 14th meeting if the dock is removed from the application.

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Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 14, 2014 at which time a draft Order of Conditions will be reviewed. Approved.

The members reviewed a Notice of Intent - **(#250-932) – Rachel Friberg – Parcel 46-01 – (Assessor's Map 15) – 33 Walker Street** – for proposed plans to regrade a lawn, to extend, replace and regrade an existing driveway and to install an above-ground pool and deck within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan to Accompany Notice of Intent 33 Walker St., Norton, MA Prepared for Rachel Friberg", Scale 1"=20', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated June 4, 2014.
3. Color photos of the existing lawn and driveway

Present at the public hearing were Chris Yarworth and Rachel Friberg.

Mr. Yarworth explained that the applicant would like to flatten out the steep slope located in the front of the house and add stone to it. He said they would like to put an above-ground pool in the back yard and re-pave the entire driveway and grade it away from the house. He said there are a couple of trees they would like to remove at the front of the house. David Henry asked if they get much runoff from the street and the owner replied that they do get some runoff from the street.

Jennifer Carlino noted a DEP File # has not been received yet. Chris Yarworth said he would submit revised plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until Monday, July 14, 2014 at which time draft Order of Conditions will be reviewed. Approved.

The members reviewed a Notice of Intent – **(#250-929) – Jeffrey O'Neill, Condyne Capital Partners – Parcels 86 & 84-01 (Assessor's Map 25) 40 Commerce Way** – for proposed plans to construct a 14,400 s.f. building with associated parking and utility improvements and a private fueling facility within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. nelight – calculations for light levels
3. Landscape Plan
4. Letter (comment) dated June 12, 2014 to Mark Dibb from Jennifer Carlino
5. Letter dated May 16, 2014 to the Planning Board from Mark Dibb with a Site Plan application
6. Letter (response to comment letter) dated June 19, 2014 to Jennifer Carlino from Mark Dibb
7. Letter dated June 12, 2014 from Amory Engineers to the Norton Planning Board

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Presenting the project at the public hearing was Mark Dibb of Condyne Engineering Group. He commented the application is for a Penske truck leasing facility. He said the project consists of two lots which are almost in the center of the Commerce Center. He noted that the project abuts a vacant lot located in Taunton and that there is an existing pond on the property. He said this pond had been filled in at one time but since has been restored.

Mr. Dibb stated the proposed building is an office/repair facility of approximately 14,400 sq.ft. He pointed out where cars and trucks would be entering and leaving the property or parking on the property. He noted there is a little landscaping proposed. Mr. Dibb noted that the wetlands flags had been re-flagged. He pointed out the flags that were re-flagged as well as the 100-ft. buffer zone and 25-ft. no-disturbance zone.

Mr. Dibb commented that the storm water system proposed is a series of deep sump catch basins throughout the site then routed through a storm ceptor. He said a concrete weir is proposed for an additional 1-ft. of storage if needed in the forebay/infiltration basin.

Jan Franceschelli asked how many trucks would be using the facility and Mr. Dibb replied there are 60-80 trucks registered trucks in Norton. She asked how fuel leaks would be handled and he replied that most minor spills would be handled with the common standard fuel kits as used by general service stations. He noted that larger spills would be handled by a method that will be in place. Ms. Franceschelli asked where the fuel tanks would be located and Mr. Dibb replied they would be located under ground. She asked how someone would know if the tanks were leaking and Mr. Dibb replied that the tanks are steel with a fiberglass casing. He said that if the steel tank started to leak, a sensor would detect it before the outer fiberglass casing started to leak. Jan Franceschelli asked how long this company has been using these tanks and Mr. Dibb replied he did not know.

David Henry asked how the concrete forebay using the concrete and wooden weir works and he explained to the members how it works. The members wanted to know where the board is stored and suggested that it be made clear where it is stored in case it is needed. Mr. Dibb commented that there will be training for any emergency procedures. Ms. Franceschelli asked if there will be inspections and Mr. Dibb replied there will be annual inspections.

Mr. Dibb asked if the board would like him to go over the response letter to Jennifer Carlino's comment letter this evening and it was agreed to wait until the next meeting as his letter was just received today.

Mr. Dibb noted that the Planning Board had Amory Engineering review the Special Permit application submitted by Penske. Jennifer Carlino commented that the Planning Board review is not the same as a wetland review. Jennifer Carlino explained that under Chapter 44, Section 53G, the Commission can require a review by a consultant.

She said she will contact Amory Engineering and Chessia Consulting to give her a quote to review this application.

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Mr. Dibb asked if this can be done before the next meeting. Jennifer Carlino stated she could not be sure as there is a couple of important time-sensitive matters that have to be completed regarding \$500,000.00 worth of grants before she can contact the consultants.

Ron O'Reilly made a motion, seconded by Jan Franceschelli, to have the Commission contact the consultants for quotes to review this application. Approved.

Jan Franceschelli made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 14, 2014. Approved.

The members reviewed an **Enforcement Order – (#250-848) – Fred Bottomley, Fairland Farm LLC – Fairlee Lane (Map 6, Parcel 6,9)** – sediment and erosion discharged into bordering vegetated wetland and pond.

Jennifer Carlino stated she had sent an Enforcement Order to Fred Bottomley.

Tim Infante, who was retained by Fred Bottomley to clean up the disturbed area and correct the violation, addressed the board. He submitted pictures of the progress to date. He noted grading was done around the inlet and cleaned out the outlet. He said loam was spread and jute netting was used to contain the slopes. He said he will hydro seed the area tomorrow. Jennifer Carlino asked how the seed would be watered and Mr. Infante replied he would confer with Fred Bottomley on this issue. He said rip rap has been placed in front of the inlet. Jennifer Carlino said she would inspect the area either Wednesday or Thursday.

Ron O'Reilly made a motion, seconded by Julian Kadish, to ratify the Enforcement Order. Approved.

OLD BUSINESS

Violations:

East Hodges Street – Fred Bottomley – Jennifer Carlino stated she had met with Fred Bottomley and Mike Chisholm, who has an easement across the driveway, this past January. She said they were supposed to come up with a permanent stabilization plan and give her an estimate for the paving of the driveway by April but has received nothing yet. She said Mr. Bottomley called to say the disturbed area has re-grown and would like it inspected. Jennifer Carlino stated she will re-inspect the area. David Henry said that if the area is not stabilized properly, Jennifer Carlino will send Mr. Bottomley an Enforcement Order.

Alder Road
12 Forest Lane
7 Todd Drive
14 Laura Lane

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112 Mansfield Avenue
243 So. Worcester Street
241 Dean Street
5 Sailors Lane

NEW BUSINESS

DET. #995 – Blue Wave, solar project – Fairlee Lane Violation

Jennifer Carlino noted that the project had started without notification. She said the work was stopped on Thursday, June 12th. She said after the on-site inspection on June 16th, 4 items had to be completed, 2 immediately. She said she did a follow-up inspection on Wednesday, June 18th and released the Cease and Desist Order with the remaining items to be completed by June 30th.

Reservoir Update –
Report from Staff
Site visits

Waterbodies Committee – Jennifer Carlino noted that a second mailing for the RFQ had been done with only one reply from ESS Group.

DOT – Jennifer Carlino commented that the Department of Transportation had their meeting at the library last week regarding the reconstruction of the bridge on Plain Street over the Canoe River. She said a lot of good comments were made at the meeting by residents. She said she will send her comments within the next 10 days.

Draft Dock Guidance

Wetland Protection Fund

Grants – Jennifer Carlino noted the closing had taken place for the Reilly property and the closing for the Erikson property is scheduled for June 26th. She noted all re-imbursement information must be submitted by June 30th.

157 Mansfield Avenue Update – Jennifer Carlino commented that the LSP for the oil spill had resigned and sent a resignation letter listing all outstanding issues.

MEPA notice - Jennifer Carlino noted that she received a MEPA notice that the Water/Sewer Department is doing hydrogeologic work for well #5 on Plain Street

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SHPACK – Jennifer Carlino noted that the PRP is proposing to raise the wetlands. She said after inspecting the site, it was agreed they would not fill the vernal pool that they created and they would put the fill at a higher contour elevation.

Jennifer Carlino noted the Conservation Commission will re-organize at the next meeting. She said she will ask the Board of Selectmen to advertise for new members.

Open Session (topics not reasonably anticipated 48 hours in advance)

David Henry adjourned the meeting at 9:00 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____