

MINUTES

March 9, 2015

The meeting was called to order at 7:00pm.

Attendance: Ron O'Reilly, Scott Ollerhead, Dan Pearson, Jan Franchescelli, Julian Kadish and David Henry, Conservation Agent Jennifer Carlino

Absent: Lisa Carrozza

7:00 pm Review draft minutes

May 19, 2014 - Motion by Ron O'Reilly, seconded by Julian Kadish. Approved.

June 9, 2014 - Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

June 23, 2014 – Motion by Ron O'Reilly, seconded by Scott Ollerhead.

Approved.

July 14, 2014 - Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

Bills Payable

Verizon – Motion by Scott Ollerhead, seconded by Ron O'Reilly, to pay the bill. Approved.

Pare Corp. - Motion by Scott Ollerhead, seconded by Julian Kadish, to pay the bill. Approved.

MSMCP /MACC - Motion by Scott Ollerhead, seconded by Ron O'Reilly, to pay the bills. Approved.

7:05 pm Notice of Intent – (#250-947) – **Norton Landfill Solar, LLC – Parcels 31-03-0-E, 36-0-E, 49-0-E & 50-0-E (Assessor's Map 24) 0 (rear of So. Washington St., 0 (rear) Hill Street & 0 Hill Street – (cont. from the February 23, 2015 mtg.)** - for proposed plans to install solar PV modules, construct a portion of a gravel access road & removal and clearing of vegetation within 100 feet of wetlands.

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Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Norton Landfill Solar Project, Norton Massachusetts, Permit Set, Not for Construction”, prepared by Tighe & Bond, signed and stamped by Brian S. Huntley and Francis J. Hoey, III and dated October, 2014, Revised March, 2015.
3. Letter dated January 7, 2015 from Jennifer Carlino to Briony Angus, Tighe & Bond, Inc.
4. Letter dated January 16, 2015 from Briony Angus, Tighe & Bond, Inc. to Jennifer Carlino.
5. Letter dated February 20, 2015 from Briony Angus, Tighe & Bond, Inc. to Jennifer Carlino with attached Sheet 3 of plan Norton Landfill Solar Project with Commission comments of 1-16-15.

Emma Kosciak, Manager of Solar Development, Norton Landfill Solar, LLC and Briony Angus of Tighe & Bond attended the meeting. Legal notice check was sent in last week but not yet received by Conservation. Green cards still need to be submitted. Emma Kosciak described the project. She commented that late last summer the Town of Norton advertised a Request for Proposal for a ground mounted solar project and awarded the project to Citizen’s Energy. She said Citizens Energy will be leasing the land from the Town of Norton and electricity will be sold to the Town of Norton for Municipal use. She said the Town would also be receiving more tax revenue. She commented this is a great project for the undevelopable property.

Ms. Kosciak stated that some tree clearing had been proposed, but after walking the site with the neighboring residents and looking out from their homes, tree clearing is no longer proposed. She said the system size has also been reduced. She commented a stockade fence would be added along the property of some of the neighbors.

Briony stated she received a comment letter from the Conservation Commission dated January 7, 2015. She reviewed the response letter dated January 16, 2015 item by item.

- Item 1 regarding the landfill cap: Briony stated the town will submit to DEP drawings for the repairs. All repairs must be fixed prior to the installation of the solar panels.
- Item 3 regarding electricy: Briony and Emma described that the conduit pipe will be installed within the gravel driveway. They cannot dig into the landfill cap at all so the conduit will be installed within the driveway, built up from the existing grade. Members asked for a detail of the conduit pipe within the 6” gravel driveway and an explanation of the grading and stabilization. Ron asked about the snow plowing.

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- Item 5 regarding the ILSF calculations: Jennifer asked Briony to review the calcs. She stated that neither area met the quarter/acre/foot requirement for ILSF jurisdiction. Jennifer stated one of the members who usually reviews the ILSF calcs couldn't attend tonight's meeting but would get her comments to Tighe & Bond asap. She explained we normally would go out for consulting review if the review can't be done in-house. Jennifer asked if groundwater influence was included in the calcs and Briony stated they were.
- Items regarding the storm water report will be added to the plans and resubmitted. Lisa may have comments on these and will be forwarded to Tighe & Bond asap.
- Item 10: the illicit discharge statement still needs to be submitted.
- Site plans: members and Jennifer requested that potential vernal pools be added to the plans in their appropriate locations in the BVW and the larger ILSF.
- All plan revisions will be reviewed when received.

Emma stated that the project has been before MEPA and the Secretary's Certificate has been issued. Dan asked if there were any impacts on local wildlife. Briony stated there have been documented impacts on rare birds but she didn't think there were any other documented impacts. There are no rare birds documented for this site.

Motion made by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, March 23, 2015 to allow members to submit comments on the ILSF, Stormwater plan and SWPPP and for Tighe & Bond to provide green cards, legal notice bill, revised plans with conduit detail and PVP locations. Approved.

7:15 pm Notice of Intent – **(#250-948) – Michael Yunits, Town Manager, Town of Norton – Parcels 28, 29 & 525 (Assessor's Map 10) Reservoir Street/Falls Road – (cont. from the February 23, 2015 mtg.)** - for proposed plans for repairs and modifications to the spillway and gate structure of the Norton Reservoir Dam.

No one was present to update the Commission on the status of the project. Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, March 23, 2015, seconded by Julian Kadish. Approved.

7:25 pm Notice of Intent – **(#250-949) Mark & Kristy Perry - Parcel 30 (Assessor's Map 18) - 21 South Washington Street** – for proposed plans to raze a house and shed and to construct a single-family house to include a septic system, utilities, driveway and grading within 100 feet of wetlands.

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Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Sewage Disposal Plan” 21 South Washington Street, Norton, MA prepared for Mark & Kristy Perry by Earth Services Corporation, signed by Karen D. Patneade and Michael P. Patneade and dated January 30, 2015.

Paul Patneade submitted a check for the Sun Chronicle for payment for the publishing of the legal ad. He noted he will submit the green receipt received cards as soon as he picks them up.

He noted the applicant is proposing to tear down the existing house and rebuild a new house. He stated the contours will be approximately 5 feet higher than the existing contours. He commented that the proposed house will be closer to the wetlands, the closest point being 60 feet from the wetlands.

Jennifer Carlino asked if the existing cesspool was on the plan and Mr. Patneade replied it was described in note #11. Jennifer Carlino commented she has not been able to do an inspection of the site due to the fact that there is still 2 feet of snow on the ground. She said she thought she might be able to do the inspection soon.

Jennifer Carlino asked if any new sheds were proposed and Mr. Patneade replied there are not. Jennifer Carlino commented that she will not know if there will be any comments until she does the site inspection.

Motion made by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, March 23, 2015, seconded by Julian Kadish. Approved.

7:35 pm Notice of Intent - (#250-950) **Bernard Marshall, Norton Water/Sewer Department - Parcel 93 (Assessor’s Map 17) Fillmore Drive** – for proposed plans for a Town Center Sewer Project consisting of 1,700 linear feet of 15-inch PVC gravity sewers and appurtenances, 5,300 linear feet of 6-inch and 8-inch PVC force mains and one suction-lift pumping station within 100 feet of wetlands.

Documents:

1. WPA Form 3 – Notice of Intent
2. Draft Stormwater Pollution Prevention Plan (SWPPP)
3. Expanded Environmental Notification Form
4. Letter dated February 2, 2015 from Brona Simon addressed to John Felix, Deputy Associate Commissioner, Mass DEP

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5. Letter dated March 5, 2015 from Jennifer Carlino to Steven Pedersen, Weston & Sampson Engineering, Inc.
6. Plan entitled "Town Center Pumping Station Site Plan and Details" prepared by Weston & Sampson, signed and stamped by Steven Pedersen and dated February 23, 2015.
7. Plan entitled "Fillmore Drive STA 0+00W to 5+40W, Fillmore Drive STA 0+00E to 6+50E" prepared by Weston & Sampson, signed and stamped by Steven Pedersen and dated February 23, 2015.
8. Plan entitled Town of Norton, MA Needs Area 6 Conceptual Wastewater System Layout-Resource Area Impacts dated January, 2015.

Present at the public hearing were Bernard Marshall, Norton Water/Sewer Superintendent, Steve Pedersen, Weston & Sampson, Gary Pavao, Wheaton College, and John Platz.

Mr. Pedersen gave a brief description of the project.

- Priority need areas, specifically Wheaton College area
- A pumping station to be built on Wheaton College property with forces mains up Pine St. and Plain Street
- 3-5 years between each project
- Pointed out resource areas
- Pumping station in buffer zone
- Rumford River Crossing
- Floodplain on Pine Street
- Directional drilling under Rumford River, no above ground excavation
- Wetlands off of Plain Street
- Stated exemptions for work in buffer zone and Riverfront area

Jennifer Carlino asked that the Riverfront areas and buffer zone areas be shown on the submitted plans as well as the entrance and exit pits to avoid any future confusion. She commented that there are no exemptions for work in the Floodplain areas.

Mr. Pedersen commented that there will not be any work within the Floodplain areas because of the directional drilling under the Rumford River. He noted that the road will have to be closed off at some point for 3 days or less. Jennifer Carlino commented that a Frac-out plan should be in place in case a problem arises with the directional drilling.

Jennifer Carlino asked Mr. Pedersen if he could make a pdf copy and one hard copy of the plan used for his presentation tonight and he agreed he would.

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Mr. Pedersen pointed out the 35'x60' area within the limit of work for the pump station.

Mr. Pedersen had a couple of questions pertaining to Jennifer Carlino's comment letter dated March 5, 2015.

- **Regarding the NOI** - He noted he will submit the abutters list.
- **Regarding the SWPPP** – He explained that he included a general draft SWPPP which is not on the EPA template as the work within the limit of work is less than 1 acre. Jennifer replied that he should include this explanation in his response letter.

Mr. Pedersen noted that any excavated dirt will be put back into that area and there will be no stockpiling. He commented that most excavation work should take less than a week.

Jennifer Carlino asked what size wattles would be used and Mr. Pedersen replied they will be 12-inch. She asked they be labeled on the plans.

Mr. Pedersen had a question regarding the requirement of obtaining a ground water discharge permit. Jennifer Carlino replied it is listed as a requirement in the storm water management handbook. He said he would compile a response to her comments to be ready for the next meeting.

Jennifer Carlino noted she has not been able to do an inspection because of the snow but expects to be able to do one before the next meeting of March 23rd.

Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, March 23, 2015, seconded by Julian Kadish. Approved.

SIGN/ACCEPT ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

Notice of Intent – (#250-943) – Bernard Marshall/Norton Water Department – Parcels 2 & 3 (Assessor's map 19) off Plain Street – (cont. from the January 12, 2015 mtg.) - for the construction of a new water treatment plant with associated water piping.

Members reviewed the draft order of conditions for this project. Motion was made by Scott, seconded by Julian to accept the draft as reviewed and issue the OOC. Approved.

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OLD BUSINESS

Violations:

#250-38 – The landowners requested continuance to 3/23/15.

MassDOT-Sean Ross of MassDOT requested that the commission consider the previous request for a de minimis decision on the Plain St bridge reconstruction/Canoe River project. Members requested that they postpone this discussion for a full board. It will be discussed at the next meeting.

No action was taken on the following violation items due to the snow:

195 East Main Street
90A Freeman violation
East Hodges Street – Fred Bottomley
Alder Road
12 Forest Lane
7 Todd Drive
14 Laura Lane
243 So. Worcester Street
241 Dean Street
5 Sailors Lane

NEW BUSINESS

WPF – The Town Manager sent a request for the transfer of \$8,000.00 from Wetland Protection Fund to the General Fund. Members discussed the need to keep a substantial and reasonable amount of money in the Fund on reserve for appeals. They also discussed the need for additional help in preparing the minutes for review. Members decided they would like to postpone this discussion for a full board and to have an idea of the cost of hiring help for the minutes. The discussion will continue at the next meeting.

#250-937 – Wheaton Solar appeal update. DEP has appealed the OOC for this project. DEP scheduled an on-site meeting for March 25th. Jennifer notified DEP that she cannot make that meeting and requested the date be changed. The meeting was rescheduled for April 1 at 10:45am at Wheaton.

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#250-871 & #250-872 – Bay Road Heights – Enforcement Order release. Members reviewed a draft release letter for the Bay Rd Heights enforcement Order. Motion by Scott Ollerhead to send the letter as drafted, seconded by Julian Kadish. Approved.

ALI meeting – Jennifer notified the board of the March 10, 2015 meeting to be held at 6:00 pm at the Solmonese School to review the new proposal to close the Attleboro Landfill.

MEPA Sewer Expansion project – March 13, 2015. MEPA comments for the sewer extension project are due March 13, 2015. However, Jennifer received a letter today extending the comment deadline to March 27, 2015. She will prepare a draft letter.

Watershed Policy

Reservoir Update

Report from Staff

Site visits

Waterbodies Committee update – Jennifer Carlino noted the next meeting is 3/16/15 with ESS.

Draft Dock Guidance

Wetland Protection Fund

Grants – SCR 2015 grant award. Jennifer notified the board that she received a grant for \$28,600 for a water quality treatment BMP on Crane st at the Three-Mile River as part of the South Coast Rail Technical Assistance Grant through SRPEDD.

The meeting adjourned at 9:24pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____