

Monday, August 24, 2015

Minutes

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

Attendance: David Henry, Chairman, Ron O'Reilly, Julian Kadish, Dan Pearson and Conservation Agent Jennifer Carlino

Absent: Jan Franceschelli, Scott Ollerhead and Lisa Carrozza

Motion by Ron O'Reilly to allow any board member to sign the Payroll Sheet and Bills Payable Sheet, seconded by Julian Kadish. Approved.

7:00 pm Request for a Determination of **Applicability – (DET. #1022) – Dylan Ribeiro – Parcel 196 (Assessor's Map 27) 157 So. Worcester Street** – for 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 157 South Worcester St., Norton, MA”
Prepared by BDO Engineering, signed and stamped by David Oberlander and dated July 22, 2015.

Present at the public hearing was David Oberlander who described the project to the members. He explained that this was the only place to locate the septic system on the property. He noted it will be a raised system because of the high water table.

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

7:25 pm Notice of Intent – **(#250-957) – WLFB, LLC – Parcel 114-01 (Assessor's Map 36) 1 Mary Joe Road – (cont. from the August 10, 2015 mtg.)** - for proposed plans to construct a single-family house and driveway within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts
Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1”=40’, signed and

Norton Conservation Commission
Monday, August 24, 2015
Minutes, Page 2.

stamped by Christopher D. Yarworth and dated April 27, 2014.

3. Plan entitled "Subsurface Sewage Disposal Plan (Lot 1) dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014
5. Letter dated July 16, 2015 to Chris Yarworth, Yarworth Engineering Co., Inc. from Jennifer Carlino.
6. Letter dated July 22, 2015 to Jennifer Carlino from Chris Yarworth, Yarworth Engineering Co., Inc.
7. Letter from NHESP dated August 18, 2015

Present at the public hearing was Chris Yarworth who explained the Commission was waiting for the letter from NHESP which has been received. He said he did not have any further information at this time. He commented that the commission was requiring storm water management which he did not think was necessary for this project. Julian Kadish questioned the need for storm water management. David Henry commented that it is written into the regulations that it is necessary.

Julian Kadish replied that he was not in favor of requiring storm water management for this project because of the expense it would be to the applicant and because, in his opinion, the project was located on high ground. David Henry replied that there might be a solar project planned for the rear of the property in the future which will be located nearer to the wetlands, therefore requiring that the storm water management be done at this level.

Motion by Dan Pearson to close the public hearing, seconded by Ron O'Reilly. Approved.

7:30 pm **Notice of Intent – (#250-958) – WLFB, LLC – Parcel 114-04 (Assessor's Map 36) 3 Mary Joe Road – (cont. from the August 10, 2015 mtg.)** - for proposed plans construct a single-family house, a septic system and a gravel driveway with underground utilities and associated grading within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1"=40', signed and stamped by Christopher D. Yarworth and dated April 27, 2014.
3. Plan entitled "Subsurface Sewage Disposal Plan #3 Mary Joe Road dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014
5. Letter from NHESP dated August 18, 2015

Norton Conservation Commission
Monday, August 24, 2015
Minutes, page 3.

Present at the public hearing was Chris Yarworth who explained the Commission was waiting for the letter from NHESP which has been received. He said he did not have any further information at this time.

Davis Henry noted the information for this project is the same as the preceding hearing.

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

7:35 pm **Notice of Intent – (#250-959) – WLFB, LLC – Parcel 114-03 (Assessor's Map 36) 4 Mary Joe Road – (cont. from the August 10, 2015 mtg.) - for proposed plans to construct a single-family house and associated grading within 100 feet of wetlands.**

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1"=40', signed and stamped by Christopher D. Yarworth and dated April 27, 2014.
3. Plan entitled "Subsurface Sewage Disposal Plan, #4 Lot 3, Mary Joe Road dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014
5. Letter from NHESP dated August 18, 2015

Present at the public hearing was Chris Yarworth who explained the Commission was waiting for the letter from NHESP which has been received. He said he did not have any further information at this time.

Davis Henry noted the information for this project is the same as the preceding hearing.

Motion to close the public hearing by Dan Pearson, seconded by Julian Kadish. Approved.

Julian Kadish commented that a subdivision with 4 house lots will trigger the storm water management requirement and that only 3 houses are proposed for this project. Jennifer Carlino replied that a road with the potential for 6 houses exists on the property at this time. She noted that some correspondence states the possibility of a solar project being constructed at the rear of the property which is a commercial project which would require storm water management. She suggested to the board members they review the project carefully.

Norton Conservation Commission
Monday, August 24, 2015
Minutes, page 4.

- 7:10 pm Request for a Determination of **Applicability – (DET. #1016) – Timothy & Emalee Johnson – Parcel 97 (Assessor’s Map 18) 0 South Washington Street - (cont. from the July 13, 2015 mtg.)** - to determine if proposed work for a house, septic system, driveway and lawn are jurisdictional.

Documents

1. WPA Form 1 – Request for a Determination of Applicability
2. Plan entitled “Proposed Sewage Disposal System” for Timothy and Emily Johnson, Map #18 Lot 97, 0 South Washington Street, Norton, MA prepared by Gregory Denis, signed and stamped by Robert M. Berube and dated March 2, 2015. **LATEST REVISION:** July 28, 2015
3. Letter dated April 17, 2015 to Beth Hallal from Jennifer Carlino
4. Letter dated August 11, 2015 to Beth Hallal from Jennifer Carlino

Present at the public hearing was Gregory Denis of Proline Engineering who updated the commission on the project. He stated Jennifer Carlino had noted that the project was within the Riverfront Area but it was not. Jennifer Carlino replied it was noted on the application as being within the Riverfront Area. She pointed out an area that trees and brush had already been cleared and asked if the area was going to be allowed to grow back. Mr. Denis stated no further work is proposed in that area or within 100 feet of the wetlands. He said the driveway will stay at the existing grade. Jennifer Carlino asked details be shown on the plan regarding gravel removal and replacement.

Jennifer Carlino requested the no-disturbance zone and visual barrier be shown on a revised plan. She said the visual barrier is usually a post and rail fence and she will supply markers to be placed along the no-disturbance zone. Jennifer Carlino stated to Mr. Denis he can mail in 2 copies of the revised plans.

Motion by Ron O’Reilly to close the public hearing, seconded by Julian Kadish. Approved. Motion by Julian Kadish to issue a negative (#3) Determination of Applicability as long as the work is completed according to the approved revised plans. Approved.

- 7:20 pm Notice of Intent – **(#250-960) – Jeffrey O’Neill, Condyne Capital Partners – Parcel 116 (Assessor’s Map 24) 60 Commerce Way – (cont. from the August 10, 2015 mtg.)** - for proposed plans to construct a commercial building and a portion of a driveway and storm water management within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Norton Commerce Center, 60 Commerce Way, Plan to Accompany the Filing of a Notice of Intent (Sheets 1 & 2) prepared by Condyne Engineering Group, LLC, signed and stamped by Mark D. Dibb and dated May 13, 2015.
3. NHESP Vernal Pool Observation Report

Norton Conservation Commission
Monday, August 24, 2015
Minutes, page 5.

4. Letter dated June 17, 2015 from Chessia Consulting Services LLC to the Conservation Commission.
5. Stormwater Management Report dated May 13, 2015.
6. SWPPP dated May 13, 2015.
7. Letter dated June 18, 2015 from Jennifer Carlino to Mark Dibb, Condyne Engineering Group LLC.
8. Letter dated June 30, 2015 from Jennifer Carlino to Mark Dibb, Condyne Engineering Group LLC.
9. Letter dated July 2, 2015 from Chessia Consulting Services LLC to Jennifer Carlino.
10. Letter dated July 2, 2015 regarding a Notice of Transfer for 60 Commerce Way.
11. Letter dated July 20, 2015 from Mark Dibb, Condyne Engineering Group to Jennifer Carlino in response to Chessia Consulting Services, LLC's letter dated July 2, 2015.
12. Memo dated July 21, 2015 to Mark Dibb from ECR
13. Supplemental Notice of Intent Review-60 Commerce Way dated August 3, 2015

Jeffrey O'Neill was present and noted that his engineer had responded to John Chessia's letter dated July 20, 2015 and sent to Jennifer Carlino.

Jennifer Carlino commented she received a third review from John Chessia of Chessia Consulting today. She said there are quite a few items that John Chessia is suggesting to add to the Order of Conditions.

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

7:20 pm **Abbreviated Notice of Resource Area Delineation – (#250-951) – Kevin Lobisser Norton Development, Inc. – Parcel 62 (Assessor's Map 24) 0 Hill Street – (cont. from the July 13, 2015 mtg.) - for verification of the Wetland Resource Areas.**

David Henry commented an email was received from Nicole Hayes requesting a continuance of the public hearing to the regular meeting of Monday September 28, 2015. Approved.

Motion by Julian Kadish to continue the public hearing to the regular meeting of Monday, September 28, 2015, seconded by Dan Pearson. Approved.

7:30 pm 90A Freeman Street restoration plan

Augustino Fernandes was present at the meeting and noted he had restored the area. Jennifer Carlino replied the area has been restored as requested and looks fine. She said the reduced plan will be acceptable.

Norton Conservation Commission
Monday, August 24, 2015
Minutes, page 6.

Motion by Julian Kadish to accept the reduced plans as submitted, seconded by Ron O'Reilly. Approved.

REQUEST FOR PARTIAL FULL CERTIFICATE OF COMPLIANCE

#250-519	Edward J. Corbeil III	Parcel 34 (Map 17)
(full)		37 Reservoir Street

---for construction of a house, garage and septic system with associated grading and seeding.

Jennifer Carlino noted the original plan required a visual barrier. She said the owner has installed 4'x4' posts with markers over the weekend.

Motion by Julian Kadish to issue a Certificate of Compliance, seconded by Dan Pearson. Approved.

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

#250-888	Dustin Denunzio	Parcels 4 & 22 (Map 2)
AMENDED	Turtle Crossing	Newland Street

Motion by Julian Kadish to issue and sign the Amended Order of Conditions, seconded by Ron O'Reilly. Approved.

OLD BUSINESS

Violations:

195 East Main Street – Jennifer Carlino commented there was no new information at this time
90A Freeman violation
241 Dean Street-Jennifer Carlino commented there has been significant improvements

#250-38 – 162 West Main Street – Enforcement Order-

The members reviewed the draft Enforcement Order. Jennifer Carlino noted she had received comments from Town Counsel. She said they may have further comments. Motion by Ron O'Reilly to send any further comments from Town Counsel to the members for their review and approval before sending the final Enforcement Order, seconded by Julian Kadish. Approved.

Norton Conservation Commission
Monday, August 24, 2015
Minutes, page 7.

28 Alder Road – Jennifer Carlino commented that the chicken coop has been removed.

NEW BUSINESS

Fall Town Meeting is October 19, 2015 – Warrant articles due September 1, 2015.

Reservoir Update – Motion by Ron O'Reilly to sign the revised contract for Pare Corporation for construction monitoring for the dam improvements project, seconded by Julian Kadish. Approved.

Report from Staff

Site visits

Waterbodies Committee update

Draft Dock Guidance

Wetland Protection Fund

Grants

Jennifer Carlino commented she had received the permit from the Army Corp. of Engineers for permitting Mass Highway to repair the bridge on Plain Street.

Jennifer Carlino noted MACC had sent a flyer for the commission's review and for ordering. She said the flyer will have the Commission's name on it and contain Wetland Protection Act information.

Discussion ensued on the proposed projects on Mary Joe Road. Jennifer Carlino commented there were other stormwater options for the applicant to follow, but at this time storm water management is required for the project since it has a total of 5 houses and a potential commercial project. She said that the access road to access the houses would require storm water management. She said there has been an ongoing problem with the stabilization of the driveway for the existing house at this site that the commission has been trying to resolve for a few years.

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

The meeting adjourned at 8:10 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____