



Norton Conservation Commission
70 East Main Street
Norton, MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

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NORTON TOWN CLERK

2018 MAY -7 A 10:47

Monday, June 13, 2016
7:00 pm
2nd Floor Conference Room
Norton Town Hall

Minutes

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

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

Absent: David Henry, Lisa Carrozza, Jan Franchescelli

7:00 pm Open meeting, Bills Payable, Review draft minutes. (As a quorum wasn't possible, draft minutes were not reviewed.)

7:05 pm Request for a Determination of Applicability – **(DET. #1038) – Edward J. Capone – Parcel 222 (Assessor's Map 4) 16 Renwick Drive** – for proposed plans to construct a garage addition within 100 feet of wetlands.

Ed Capone attended the meeting and described his project to construct a garage. He described the rainwater from the garage would go down the driveway into the catch basin. Ms. Carlino asked if that water could be infiltrated instead. Mr. Capone agreed. Mr. Capone was asked how he would take care of plowing snow in winter. He responded that he would use a snow blower and that there would be no plowing. There was a discussion about the cutting and clearing of wetland vegetation along the edge of the pond. Mr. Capone claimed that his neighbor does that. The Commission explained that the vegetation must grow back or he will have to add a corresponding alteration to his permit. It was expected that the vegetation would grow back in good time. Motion by Mr. Kadish to close the hearing and issue a negative determination, seconded by Mr. Pearson. Approved.

7:10 pm Request to amend Order of Conditions – Mark Grzesik for **File #250-930 – 40 Farm Lane**. -Installation of a dock on Norton Reservoir.

Mark Grzesik attended the meeting to describe the proposal to add a dock to the existing permit. Ms. Carlino stated the dock meets the DEP guidance document for a dock but that the existing Order of Conditions would need to be amended to allow it. A further amendment would be required because of the presence in the area of freshwater mussels. Members suggested that the wind and wave action would require the dock be

connected to the shoreline. Ms. Carlino informed Mr. Grzesik that there is an excessive amount of trash on the site during construction and it should be put in the dumpster.

7:15 pm Notice of Intent – **(#250-977) – Thomas Jackson – Parcel 50 (Assessor’s Map 118) South Washington Street – (cont. from the May 16, 2016 mtg.)** - for proposed plans to construct a single-family house within 100 feet of wetlands, a driveway crossing the wetland and to remove an existing culvert and restore the stream bed and bordering vegetated wetland.

Brad Holmes, M. Patenaude and Thomas Jackson attended the meeting. At the last meeting, members requested that they look at the existing cart path as an alternative access road to new wetland alterations. Brad Holmes and Ms. Carlino inspected the site between meetings for this purpose. Mr. Holmes submitted revised plans showing that driveway in the existing cart path location because it would do less damage to large trees than creating a new path. The replication area was also reduced to meet a 1:1 ratio. Ms. Carlino suggested that the wetland replication area could be planted with a wet meadow mix rather than trees/shrubs to match the existing wetland. This was agreeable to the owners. Motion by Mr. O’Reilly, seconded by Mr. Kadish to close public hearing. Approved.

7:20 pm Notice of Intent – **(#250-982) – Michael Yunits/Town of Norton – Parcel 10-03 (Assessor’s Map 29) 0 Crane Street – (cont. from the May 16, 2016 mtg.)** - for proposed plans to install stormwater management infiltration basin within 100 feet of wetlands and the Three-Mile River.

The Commission was just waiting for revised plans containing the construction notes. This revised plan set has been received. Motion by Mr. O’Reilly, seconded by Mr. Kadish to close the public hearing. Approved.

7:25 pm Notice of Intent – **(#250-985) – Brian & Jackie Donahue – Parcel 162 (Assessor’s Map 15) 2 Foster Drive** – for proposed plans for restoration of 4,127 sq. ft. of wetlands, installation of in-ground pool, landscaping and a fence within 100 feet of wetlands.

Mr. Donahue attended the meeting to update the commission on his project. This project was approved but the permit expired before he could install the pool or complete the wetland restoration. Mr. Donahue would like to complete this portion of the project now and is requesting a new permit. He said he removed the compost material from the

wetland and dug out the restoration area already. He would like to add a stone wall to the visual barrier location. There was a short discussion about the contractor not providing evidence that he has expertise in wetland replication. Mr. Donahue said he already retained Goddard Consulting to handle the wetland restoration work. Ms. Carlino said they should have a more detailed restoration plan sequence and it would be conditioned. Motion by Mr. Kadish, seconded by Mr. O'Reilly to close the public hearing. Approved.

7:30 pm

Notice of Intent – (#250-984) – David LeMieux, Sinclair Manufacturing Company – Parcels 124-01, 126, 127, 127-01 & 128 (Assessor's Map 26) – 12 South Worcester Street - for proposed plans to dredge approximately 30 cubic feet of sediment from Chartley Brook.

Bob Atworth and Joe Callahan attended the meeting as the LSPs for the project. They need to remove the 6" contaminated layer of soils within the stream to remove the copper and trichloroethylene. They would do this in a low-flow period (e.g. late summer) and block off one side of the stream to work—then work on the other side. There was a long discussion about not replacing the finer materials to the streambed when they remove the contaminated sections. Ms. Carlino asked the Sinclair representatives how they will meet performance standards for land under waterbodies and waterways. They couldn't answer this. She asked if they had wetland professionals on staff to direct the meeting of such standards, since doing so is required under WPA regulations. Mr. Kadish initiated a discussion about whether it was necessary to meet such standards. Mr. Ollerhead stated that it is necessary to meet the performance standards. Ms. Carlino reminded the meeting that Sinclair must also meet wildlife habitat section of the Performance Standards. Mr. O'Reilly asked about the status of the retaining walls to Chartley Pond, that are owned by Sinclair. Mr. Atworth and Mr. Callahan stated that they didn't think the owners had to do anything. Ms. Carlino suggested meeting with them to review the case on site. She had mailed them plans for retaining wall repairs years ago but hasn't heard anything from them since. Mr. Atworth concurred that Sinclair survey the property line and then meet onsite with Ms. Carlino. This is acceptable. Motion by Mr. O'Reilly, seconded by Mr. Pearson to continue the public hearing until July 11 for the written description of how this project would meet performance standards. Approved.

7:40 pm

Request for an Amendment to Order of Conditions – (#250-888) - 129 Newland Street LLC – Parcels 4 & 22 (Assessor's Map 2) Newland Street – (cont. from the May 16, 2016 mtg.) - for proposed plans to change seven 3-story apartment buildings to three 3-story buildings (with the same number of units) and to modify drainage and grading within 100 feet of wetlands and in the Canoe River ACEC.

Mr. Ollerhead read a letter from the applicant requesting that the request for an amendment be withdrawn without prejudice. Motion by Mr. O'Reilly, seconded by Mr. Kadish to accept the withdrawal.

7:41 pm Request for an Extension – **(#250-888) – Turtle Crossing**

The existing permit will expire on March 26, 2017 and the applicant is requesting a two-year extension. There was a short discussion about why they needed an extension and review of the regulations regarding approval and denial of extension requests. Motion was made by Mr. Kadish, seconded by Mr. Pearson to approve the two-year extension. Approved.

7:45 pm Notice of Intent – **(#250-981) – Tom Brodeur, The Tournament Players Club of Boston (TPC Boston) – Parcels 16-02, 16-03 & 123 (Assessor's Map 8) 400 Arnold Palmer Boulevard – (cont. from the May 16, 2016 mtg.)** - for proposed plans to renovate two holes (#12 and #13) within the 100-foot buffer zone and construct a pile-supported bridge through a portion of a bordering vegetated wetland.

Sarah Stearns and Dan Gagne of Beals and Thomas attended the meeting. They described their response letter regarding stormwater and a minor increase of 0.2 cf to the adjacent wetland by removing the detention basin. Drainage calculations were submitted. The boardwalk detail will be added to the plans rather than the 11" x 17" sheet of paper. The applicant will submit two sets of the final plan. Motion made by Mr. O'Reilly, seconded by Mr. Kadish to close the public hearing. Approved.

7:50 pm Amended Order of Conditions - **(#250-960) – Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way – (cont. from the May 16, 2016 mtg.)** - to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and a new water line.

Mr. Ollerhead read a letter from the applicant requesting a continuance to June 27, 2016. Motion by Mr. O'Reilly, seconded by Mr. Pearson to continue the public hearing to June 27, 2016. Approved.

8:00 pm Notice of Intent – **(#250-968) – William Brandon – Parcel 10 (Assessor's Map 28) – 131 Taunton Avenue – (cont. from the May 16, 2016 mtg.)** - for proposed plans for construction of an access driveway, utility installation and grading within 100 feet of wetlands and to fill and replicate 3,491 sq. ft. of wetlands.

Bill Brandon, Brooke Monroe and Patrick Carrera attended the meeting to discuss the revised plans submitted for this project. Ms. Carlino pointed out that the bank of the pond is still neither flagged nor delineated on the plans. Mr. Carrera more than once

protested the need for delineation by flags, a complaint made irrelevant by regulations governing resource areas, in keeping with which the Commission insisted that all wetland resource areas be flagged and that the addition be noted in the plans.

There was also a discussion about this case's limited project status. Patrick has claimed limited project status because this is a driveway project. Ms. Carlino explained that the project cannot meet performance standards for alteration of a wetland in an ACEC (which would trigger limited project status). The Commission reviewed the two alternative plans for the driveway crossing, one new crossing and one crossing the wetland at the existing cart path. The existing cart path location provides the least amount of wetland vegetation alteration.

The wetland must be reviewed in the field by a consultant because there is still a discrepancy with the flagged wetland and the plants in the field. The written description of how the project meets performance standards was not included in the application and should be submitted.

Motion by Mr. O'Reilly, seconded by Mr. Kadish to continue the public hearing to July 11, 2016 to flag the bank, put bank flags on the plans, submit written description of how the project meeting performance standards and for a site inspection with the consultant. Approved.

8:10 pm

Notice of Intent – (#250-983) – **Muhammad Itani/Island Brook LLC – Parcels 57, 238, 239, 240, 241, 242, 243, 244 & 245 (Assessor's Map 17) 0 East Main Street** – for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

Rene McDonough, Goddard Consulting, Frank Gallagher PE and Muhammad Itani attended the meeting to give an overview of the comprehensive permit application. Wetland resource areas were already verified with an ORAD. Water and sewer is now available for the project. There is a wetland crossing for utilities proposed. Ms. Carlino asked if the soils could support infiltration basins instead of detention basins. Gallagher suggested that they could. Appendix B of the wildlife habitat evaluation was submitted with the application. A NHESP letter will be required since a portion of the project is within Priority Habitat. The open space will include a dog park and play lot adjacent to the wetland. Ms. Carlino questioned the areas to be deed-restricted open space areas. The large forested area in the rear could be added. The applicant claims there were significant attempts to stay out of the 25-foot No Disturbance Zone but that they are requesting relief if certain locations. The Commission notified the team that a peer review consultant would be required to review the stormwater management system. The applicant requested that at least two reviewers receive the packet for an estimate. Mr. O'Reilly asked how snow would be stored on the property. The Commission will

submit a list of questions and comments about the project prior to the next meeting. Motion to continue to July 11, 2016 made by Mr. O'Reilly, seconded by Mr. Kadish. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-849 Paul Freeman Parcels 117 & 118 (Map 4)
(full) 11 Teepee Trail
 ---create a lawn and construct a driveway
 Motion by Mr. O'Reilly, seconded by Mr. Pearson to issue full. Approved.

#250-933 **Michael Galloway** **Parcel 153-01 (Map 4)**
 (full) **187 No. Washington St.**

---construction of a house, well and septic system with associated grading
 Motion by Mr. O'Reilly, seconded by Mr. Pearson to issue full. Approved.

#250-570	Peter Gomes	Parcel 38 (Map 19)
(full)	(Sewer Project)	29 Charlotte Avenue
--- sewer project on Lake Winnecunnet area		
Motion by Mr. O'Reilly seconded by Mr. Pearson to issue a full. Approved.		

OLD BUSINESS

#250-957, #250-958 & #250-959 – Mary Joe Estates – MEPA Certificate. A copy of the Certificate was included in the Commission’s packet. No discussion.

Violations:

90A Freeman violation
241 Dean Street
250-38 – 162 West Main Street. The complaint was finalized by town counsel and signed.
250-961 Fairlee Lane OOC: There was no discussion of this.

NEW BUSINESS

Right-of-First-Refusal – 19 Leonard Street (Lot 11-66) & 235 East Main Street (Lot 11-32), 0 Leonard Street (Lot 11-22), 0 Leonard Street (Lot 11-25) & 0 Leonard Street (Lot 11-25-01). Ms. Carlino accidentally attached the wrong notice so this was continued to the next meeting.

Reservoir Update Report from Staff

Site visits: Members would like to do a few site inspections. Ms. Carlino will send an email for them to schedule the inspections.

Waterbodies Committee update

Wetland Protection Fund

Grants

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

Motion to adjourn by Kadish, seconded by O'Reilly. Motion passes and meeting closes at 8:24 pm.

Minutes approved by the Commission on 4/23/18 (Date)

Conservation Commission Signature:



Scott Ollerhead, Conservation Commission Chairman