

Norton Conservation Commission  
70 East Main Street  
Norton MA 02766

**Monday, July 11, 2016**

**Minutes**

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

Absent: Scott Ollerhead, Chairman and Jan Franceschelli

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

**Request for a Determination of Applicability – (DET. #1039) – TEC Associates – Massachusetts Coastal Railroad Right of Way** – for vegetation control within Railroad right-of-way using herbicides and mechanical methods.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Yearly Operational Plan, 2016.
3. Notice from (Massachusetts Department of Agricultural Resources. (MDAR)

Jennifer Carlino commented that she had a site inspection with the contractor and all the placards have been repaired. She noted the wetlands were correctly depicted on their plans. Lisa Carrozza asked how long the Vegetation Management Plan was good for and Jennifer Carlino replied the Vegetation Management Plan is good for 5 years but the Determination of Applicability is good for 3 years.

Ron O'Reilly asked if there were any questions from the audience or from the board and no one replied.

Motion by Lisa Carrozza 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 Lisa Carrozza. Approved.

**Request for a Determination of Applicability – (DET. #1040) – Kenneth Towne – Parcel 288 (Assessor's Map 27) – 16 Fordham Drive** - for proposed plans to remove 9 trees within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Portion of an Assessor's Map labeled Plan of Trees to Be Removed, Kenneth Towne, June 23, 2016 showing the location of the trees to be removed.
3. Color photos of the trees to be removed.
4. List of trees to be removed

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Jennifer Carlino commented that the trees requesting to be removed are leaning over the house and over the driveway. She commented that there are no violations on the property and no compost or debris dumped into the wetlands. She supported the request for removal of the nine trees.

Kenneth Towne listed the trees to be removed and why he wanted to remove them.

Ron O'Reilly asked if there were any questions from the audience or from the board members with no response.

Motion by Julian Kadish, to close the public hearing, seconded by Lisa Carrozza. Approved. Motion by Julian Kadish to issue a negative (#3) Determination of Applicability as long as the trees are removed according to the submitted plan, seconded by Lisa Carrozza. Approved.

**Request for a Determination of Applicability – (DET. #1041) – Stephanie Rezendes – Parcel 11 (Assessor's Map 36) 76 East Hodges Street** – for proposed plans for clearing trees, installation of a fence and planting grass within 100 feet of wetlands.

Document List

- WPA Form 1 – Request for Determination of Applicability
- Plan entitled "Foundation Plot Plan" Lot 1, East Hodges St., Norton, MA prepared by R.E. Field Associates and signed and stamped by Robert E. Field dated May 1, 1998.
- Color photos of the site.

Attending the public hearing were Lincoln and Stephanie Rezendes. Ms. Rezendes noted she would like to clear a few trees and create a lawn within 100 feet of wetlands. She stated that when she had started the project she did not realize she was within 100 feet of wetlands. She commented that she ceased all work and filed for a wetlands permit.

Ms. Rezendes pointed out the area where the clearing has taken place and the area where she is proposing a lawn.

Jennifer Carlino stated that this was a violation but the owners have fully cooperated and filed for the appropriate permit.

Ron O'Reilly asked if there were any questions from the audience or from the board and no none replied.

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

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**Notice of Intent (#250-986) – Craig Kilburn, Wheaton College – Parcel 14-03 (Assessor's Map 17) 42 Howard Street** – for proposed plans to decommission a sewer treatment plant, abandon sewer manholes and removal of invasive species within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Site Plan Wheaton College Treatment Plant", Scale 1"=40', prepared by Farland Corporation, signed and stamped by Christian Albert Farland and dated June 27, 2016.

Attending the public hearing was Stevie Carvalho, Farland Corp. and John Sullivan, Wheaton College.

Mr. Carvalho noted that the project consists of decommissioning of the sewer treatment facility, sewer lines and manholes on the North side of the athletic center. He said the applicant would like to lower the manholes about 6 inches, fill them with sand and cover them over with soil and loam and seed up to 25 feet around the manholes. He commented that they would like to install silt sacks in the catch basins.

Lisa Carrozza asked Mr. Carvalho if he had chosen a work site for the operating equipment and he replied that the existing paved roadway on the north side will be used when removing the treatment plant. He noted the existing 6-foot wide foot path will be used when removing the invasive species and then fill in the manholes with sand and plant 30 inkberry shrubs in the area adjacent to the three manholes.

Lisa suggested using 8 or 9 inch wattles as there is no fill proposed. She asked who will be identifying the invasive species to be removed and Jennifer Carlino noted the only invasive species in that area is Japanese knotweed.

Ron O'Reilly asked if an Illicit Discharge Statement has been submitted and Mr. Carvalho replied it was submitted with the application. Jennifer Carlino commented the Illicit Discharge Statement would have to be revised to state that they have been to the site and did not see any discharges. Mr. Carvalho agreed to inspect the site and revise the Illicit Discharge Statement.

Jennifer Carlino asked what type of seed mix was going to be used and John Sullivan replied the typical grass seed mix and she asked if it would be possible to use a pollinator mix to grow naturally with no mowing. Mr. Sullivan commented that the two reasons he would like to plant and mow grass in this area is for aesthetics and to create a small recreation area for the students near the athletic fields.

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Jennifer Carlino commented that one or two of the manholes was in the Riverfront Area and asked that the page in the NOI be revised to give the calculations.

Ron O'Reilly asked Mr. Carvalho if anything could be done for the storm water management for the road and parking lot where it does not exist at the present time. Mr. Carvalho noted that there is already a storm water management system (catch basins) in place for these areas. Discussion ensued on where the two catch basins lead. Jennifer Carlino suggested a system to allow any water from the road and parking lot to flow onto a pervious surface rather than directly into a wetland.

John Sullivan noted that the catch basins are cleaned annually.

Lisa Carrozza requested a detailed plan be submitted showing the location of the catch basins and the exact location of the outlets to show where the water flows and, if the water flows directly into the wetland, if any sedimentation has altered the wetland in any way. Mr. Carvalho noted he would call Jennifer Carlino when he would do the onsite inspection of the catch basins and asked if she would like to join him with the inspection to make suggestions. She replied she would.

Motion by Dan Pearson to continue the public hearing to the next regular meeting of Monday, July 25, 2016, seconded by Lisa Carrozza. Approved.

**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 – (cont. from the June 13, 2016 mtg.) - for proposed plans to dredge approximately 30 cubic feet of sediment from Chartley Brook.**

Document List

- 1.WPA Form 3 – Notice of Intent Form
- 2.Color photos
- 3.Letter dated July 11, 2016 to the Town Manager from Coogan Smith, LLP, Attorneys at Law.
- 4.Addendum to the Notice of Intent
- 5.Plan entitled "Sediment Removal Plan", Sinclair Manufacturing dated May 26, 2106

Attending the public hearing were Joe Callahan, Senior Project Manager for Sinclair Mfg. Company, and Robert Atwood, Site Engineer, Resource Controls.

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Mr. Callahan commented:

- that Sinclair Manufacturing, under an MCP Remedial Action, is required to dredge 30 cubic yards within 100 feet from Chartley Brook to remove contaminated sediment from the area.

He commented that the Addendum addresses the five Performance Standards for Land Under Water Bodies.

- approximately six inches of sediment would be removed.
- it would be less detrimental to remove the material and to not replace it and let it restore itself.
- if the commission requested, a gravel sand mixture could replace the sediment to restore the same elevation.
- a dam will be in place to work for a portion of the stream.

Julian Kadish suggested putting cobbles to replace the sediment removed.

Jennifer Carlino suggested replicating the area with similar materials found in the sieve analysis.

Jennifer Carlino noted that the Wildlife Habitat portion of the application has not been fully addressed and discussions on this issue would have to be continued. She commented that if the replication materials are very similar to the materials found in the sieve analysis, the Wildlife Habitat portion would not have to be completed. She said this could be an added condition to the Order.

Mr. Callahan suggested working with the commission and Ron O'Reilly as to when the work will begin in order to dam up the water for a period of time. Jennifer Carlino stated diving work activities cannot prevent water from going downstream.

Motion by Julilan Kadish to close the public hearing, seconded by Lisa Carrozza. Approved.

**Notice of Intent – (#250-968) – William Brandon – Parcel 10 (Assessor's Map 28) – 131 Taunton Avenue – (cont. from the June 13, 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.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Proposed Driveway & Wetlands Crossing Plan" for William Brandon, 131

Taunton

Avenue, Norton, MA prepared by P.M.P. Associates, LLC, Scale 1"=30', signed and stamped by Michael E. Perrault and dated September 21, 2015 (Sheets 1 & 2).

3. Color photos of the site.

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4. Letter (Cease & Desist) dated November 30, 2015 from Jennifer Carlino to William Brandon.
5. Letter dated December 1, 2015 from Jennifer Carlino to Patrick Carrara, PMP Associates LLC.
6. Email dated December 8, 2015 from Patrick Carrara, PMP Associates LLC to Jennifer Carlino.
7. Letter dated January 7, 2016 from Michael Perrault, P.M.P. Associates, LLC to Norton

Conservation

Commission.

8. Rainfall, Runoff Analysis and Culvert Design dated January 5, 2016, revised March 3, 2016.
9. Plan entitled "Exhibit 2 – Detail of Swale Crossing" for William Brandon prepared by P.M.P. Associates, LLC and dated May 10, 2016.
10. Letter dated April 26, 2016 from Brooke Monroe, Pinebrook Consulting to PMP Associates LLC
11. Letter dated July 5, 2016 to Norton Conservation Commission from Patrick H. Carrara III, P.M.P. Associates, LLC.

Attending the public hearing were William Brandon and Patrick Carrara, PMP Associates LLC.

Mr. Carrara commented:

- he had a site visit with Jennifer Carlino on June 20, 2016.
- he submitted a revised plan.
- he submitted a narrative of all revisions made.

Mr. Carrara proceeded to go through his letter dated July 5, 2016 listing a summary of the plans and documents as revised per a site meeting with Jennifer Carlino on June 20, 2106 and per comments made at the previous Conservation meeting as follows:

**1. Proposed Driveway and Wetlands Crossing Plan – Sheet 1 of 3:**

- The Top of Bank of the Pond feature was flagged by Brooke Monroe of Pinebrook Consulting on June 20, 2016. A notation has been added to note 2. The flags are shown on the plan.
- The 25', 50' and 100' buffers to the Top of Bank are shown. He noted that they have been trimmed out where the Top of Bank buffer zones overlap with the wetland buffer zones to avoid unnecessary clutter on the plan sheets.
- Post & Rail fence visual barriers have been added in multiple locations on the plan to provide a visual, protective barrier from the driveway to the adjacent resource areas and the 25' buffer zone. They have also been added in 2 locations to prevent future use of the existing cart path along the northerly property line.



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Because the cart path will be abandoned and allowed to re-vegetate into wetlands, the area of the cart path through the wetlands is being shown as “re-claimed” wetland area and has been added into the total area of replication. It is our understanding that this area shall be monitored and that enhancement plantings may be needed in the future.

- The total areas of wetlands to be filled/alterd, and replicated and reclaimed, are shown at the top of the plan sheet.
- Observation holes 1, 2 & 3 which were performed on 4-22-2016 are now shown.

2. Proposed Driveway and Wetlands Crossing Plan – Sheet 2 of 3:

- No revisions were needed to sheet 2.

3. Proposed Driveway and Wetlands Crossing Plan – Sheet 3 of 3:

- A 3<sup>rd</sup> sheet was added to the plan set for exhibits 1, 2 & 3 to provide these exhibits on a single sheet all at a scale of 1”=10’.
- Exhibits 1 & 2 which were previously provided to the Conservation Commission, have been updated to include new information as shown on Sheet 1 of 3.
- Exhibit 3, which is a detail of the wetland crossing, has been added.

Julian Kadish suggested making the slope 2:1 rather than 3:1. Mr. Carrarra agreed this would be possible.

Lisa Carrozza asked Mr. Carrarra how wide the paved driveway is and he replied 16 feet. Lisa Carrozza commented that the paved driveway could be reduced. She noted the Commission does not generally approve paved driveways more than 12 feet wide. Mr. Carrarra agreed the driveway through the wetland crossing can be reduced to 12 feet.

Mr. Carrarra continued with his responses to Jennifer Carlino’s letter as follows:

4. Alternate Wetland Crossing Plan – Sheet 1 of 1:

- The plan was revised to reflect the same existing conditions information as shown on the Proposed Driveway and Wetlands Crossing Plan including the latest wetland line, Top of Bank of the pond feature, and buffer zones.
- The total area of wetlands that would be filled/alterd by the alternative route is shown in a note at the top of the plan sheet. Please note that the alternate route would result in an additional 199 s.f. of wetland filling/alteration and the loss of the 706 s.f. of wetland to be reclaimed by abandoning the cart path.

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5. WPA Form 3 – Notice of Intent:

- Page 3 of the form has been revised to reflect the size of Proposed Wetland Alteration and Replacement as noted on Sheet 1 of the Proposed Driveway and Wetlands Crossing Plan.

Jennifer Carlino commented that the visual barriers are incorrectly located on the plans according to policy. She suggested expanding the visual barrier along the bordering vegetated wetland line toward the house.

Lisa Carrozza asked what type of sediment control was used and Mr. Carrarra replied silt fence. Jennifer Carlino suggested using a silt fence with a 12" wattle.

Jennifer Carlino commented she will add a condition to the Order regarding the driveway width, slope grade and sediment control. She said the Order of Conditions will be ready for the next meeting as long as revised plans are submitted.

Ron O'Reilly asked if anyone in the audience had any questions and no one responded.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, July 25, 2016, seconded by Dan Pearson. Approved.

**Amended Order of Conditions - (#250-960) – Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way – (cont. from the June 13, 2016 mtg.) - to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and a new water line.**

Mark Dibb was present at the public hearing.

Lisa Carrozza commented that she has to recuse herself from this public hearing and, because of this, Jennifer Carlino noted that there is no quorum for this public hearing. Jennifer Carlino advised Mr. Dibb to submit a check to pay for a Peer Review by John Chessia, Chessia Consulting.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, July 25, 2016, seconded by Dan Pearson. Approved. Lisa Carrozza abstained from voting.



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**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 – (cont. from the June 13, 2016 mtg.)** – for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Preliminary Plan Comprehensive Permit “Island Brook” in Norton, MA” prepared by Gallagher Engineering, Scale 1”=100 ‘, signed and stamped by Frank Joseph Gallagher and dated April 15, 2014.
3. SWPPP dated May 27, 2016
4. Plan entitled “Existing Condition Drainage Area Plan, Island Brook, Norton, MA” prepared by Gallagher Engineering, Scale 1”=60’, signed and stamped by Frank Joseph Gallagher and dated January 19, 1011.
5. Plan entitled “Proposed Condition Drainage Area Plan, Island Brook, Norton, MA”, Scale 1”=60’, prepared by Gallagher Engineering, signed and stamped by Frank Joseph Gallagher and dated January 19, 2011.
6. Stormwater Management Report dated April 25, 2014.
7. Calculations report dated April 25, 2014

Muhammad Itani noted it was his understanding the only issue discussed this evening would be the choosing of the Consultant for this project. Jennifer Carlino explained the process that would follow noting Mr. Itani would be receiving a letter as to who was awarded the Peer Review contract and commented that the process would go quicker if a check for the funding was received as soon as possible.

Jennifer Carlino noted two bids for the Peer Review were received; one from John Chessia, Chessia Consulting and one from Horsley Whitten. Jennifer Carlino described the two bids to the members. She noted both were qualified. Motion by Julian Kadish to award the Peer Review to John Chessia, seconded by Lisa Carrozza. Approved.

Mr. Itani agreed to submit a check in the amount of \$6,400.00 tomorrow for Peer Review Funding.

Motion by Julian Kadish to continue the public hearing to the regular meeting of Monday, August 8, 2016, seconded by Lisa Carrozza. Approved.

Jennifer Carlino commented that the Commission will re-organize at the next meeting.

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**NEW BUSINESS**

**Reservoir Update** – Jennifer Carlino commented that Pare Corp. had reported that when they took down the gate house, portions of the concrete fell into the reservoir but in an area where it can be removed during the dewatering period.

Jennifer Carlino noted she will remind the members by email for a site inspection on July 11, 2016.

**Report from Staff**

**Site visits**

**Waterbodies Committee update** – Jennifer Carlino noted the Invitation to Bid went out due back by July 19, 2016.

**Grants**

Jennifer Carlino noted that a Drought Declaration has been declared for Southeastern Massachusetts and Norton is in the “watch” category.

Jennifer Carlino commented she received a letter from Sinclair Manufacturing’s attorney, Coogan & Smith stating that Sinclair Manufacturing has no responsibilities pertaining to the Chartley Pond Dam.

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

Motion by Ron OReilly to adjourn the meeting at 8:35 pm, seconded by Julian Kadish. Approved.

Minutes Approved by Committee on:

11/14/16  
(Date)

Respectfully submitted,

Signature:

Scott Ollerhead, Chairman,

Scott M. Ollerhead