

**NORTON CONSERVATION COMMISSION****Minutes****Monday, August 22, 2016**RECEIVED  
NORTON TOWN CLERK  
2017 JAN 24 A 10:07

**Attending:** Jennifer Carlino, Conservation Agent  
Lisa Carrozza, Jan Franchescelli, Dan  
Pearson, Julian Kadish, Scott Ollerhead,  
Chairman, Ron O'Reilly

**Absent:** none (all present)

**Call to order:** Approximately 6:30 pm

**Prospectus**

- I. Wetland Hearings
- II. Acceptance and Signing of Permits
- III. Old Business
- IV. New Business/Updates/Reminders
- V. Open Session

**I. WETLAND HEARINGS**

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>	<u>Other</u>
6:30	DEP 250-988	NOI	183 Taunton Ave.	Lukasz Wasiak	151	28	cont. fr. 08/08/16

**Purpose:** for proposed plans to construct an addition and an in-ground pool within 200 feet of Wading River

**Documents:** 1. Notice of Intent application received July 22, 2016  
2. Proposed House Addition Plan for No 183 Taunton Ave in Norton MA, prepared by RIM Engineering, signed and stamped by Craig Cygawnoski, dated July 13, 2016. Final Revision date August 18, 2016

**Discussion:** Mr. Wasiak, who was unable to attend, was represented by Greg Cygawnoski of RIM Engineering. Mr. Cygawnoski updated the Commission on RIM's steps to comply with the Commission's requests, viz., moving the sediment control closer to the construction site and increasing the distance of the visual barriers to comply with the Commission's policy. Ms. Carlino noted that such measures were added to the construction plan after the meeting agendas had been sent and all was now in order.

<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
to close public hearing	Carrozza	Kadish	Unanimously PASSED unan.

<u>Time</u>	<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
7:25	to issue OOC as discussed	Carrozza	Kadish	Unanimously PASSED

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>
<b>past 6:35</b>	<b>1043</b>	DET	61 Hill Street	Paul Lamb	54-04	24

Purpose: for proposed plans to construct a barn within 100 feet of wetlands

Documents:

1. Request for Determination of Applicability application prepared by Outback Engineering, received August 8, 2016.
2. Site Plan, 61 Hill St, prepared by Outback Engineering, signed and stamped by Jason A. Youngquist, dated August 2, 2016. Final Revision date 8/29/16.
3. Site photographs

Discussion: Mr. and Mrs. Lamb were present and represented by Jim Pavlik of Outback Engineering. Mr. Pavlik related the Lambs' desire to put a space for "storage," a garage—which would look like and had been indicated on the plan as "a barn"—on a foundation that used to be a swimming pool. Ms. Carlino asked that it be labeled according to its usage, i.e., as a garage. Mrs. Carrozza asked about the disposition and composition of vehicular access to the property. Some of it would be paved; the rest would be grass. Mrs. Carrozza asked for the driveway to be shown on the plans. Mr. Kadish asked about how the house would access the propane tanks shown on the plans (which he admitted were of a more general concern). Ms. Carlino asked Mr. Pavlik whether there would be enough room to construct the garage within the limit of work. Ms. Carlino noted that most of the 25-ft NDZ on the site is currently lawn. The distance from the garage to the sediment control is 3'-4', which Ms. Carlino requested that Mr. Pavlik note on the revised plan. Mrs. Carrozza suggested that construction in that area is so close to the NDZ that it might as well be granted that construction be allowed to use that land provided that it be restored with loam and seed when construction is complete. Ms. Carlino requested that an accurate depiction of the deck also be indicated on the revised plans.

<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
<b>to continue public hearing until 9/12 meeting</b>	<b>Carrozza</b>	<b>Kadish</b>	<b>Unanimously PASSED</b>

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>
<b>past 6:40</b>	<b>1044</b>	DET	196 Mansfield Ave.	John Cuming	278-18	9

Purpose: for proposed plans fill a certified vernal pool

Documents:

1. Request for Determination of Applicability application prepared by GAF Engineering, received August 9, 2016
2. Letter from GAF Engineering dated August 8, 2016
3. Email thread from Conservation Commission to DEP and ACOE
4. Site photographs
5. Existing Isolated Man-Made Depression Plan, Norton Bird Garden, 196 Mansfield Ave, Norton Mass. prepared by GAF Engineering, signed and stamped by John Bertorelli. dated May 15, 2009 (2 different plans, same title)

Discussion: Mr. Cuming was represented by Brian Grady of GAF Engineering, who mentioned

that his firm had not been involved in the prior history of the project. This is the location of the former Norton bird sanctuary and pet store. Mr. Grady noted that the isolated wetlands in question didn't have the requisite criteria to qualify as ILSF. Ms. Carlino noted that the packet submitted to the Commission didn't have ILSF calculations in it and asked whether Mr. Grady would like to resubmit them. Ms. Carlino and Mrs. Carrozza noted that both the present Commission and the DEP require not only the results of such calculations, but also the steps that were taken to reach such figures. Mrs. Carrozza determined from Ms. Carlino that the land was in fact IVW. Grady was told that area D should be the only area on the plan indicated as undergoing construction: A plan before the Commission should match the narrative submitted for the permit. Ms. Carlino asked that Mr. Grady get the ISLF calcs to her in a week.

<u>MOTION</u>				<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>		
to continue the public hearing to 9/12				Carrozza	Pearson	Unanimously PASSED		
<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>		<u>Parcel</u>	<u>Map</u>	<u>Other</u>
after 6:50	DEP 250-987	NOI	120 West Main	Andrea Downey/ Norton Housing Auth.		99	22	cont. fr. 08/08/16

Purpose: for proposed plans to reclaim and pave existing asphalt driveway, parking areas and concrete sidewalks and drainage repairs within 100 feet of wetlands

- Documents:
1. Notice of Intent application prepared by GCG Associates Inc. received July 22, 2016.
  2. Site improvement project, NOI site plan-erosion control, Woodland Meadows (667-1 & 667-2), Norton Housing Authority, Norton MA, prepare dby GCG Associated Inc., signed and stamped by Michael J. Carter, dated July 8, 2016. Final revision date 8/15/16.
  3. Revised Operation and Maintenance Plan, dated August 22, 2016
  4. Emails from Conservation Office
  5. DRAFT Stormwater Pollution Prevention Plan prepared by GCG Associates, date August 22, 2016.
  6. Letter from Ivas Environmental to Conservation Commission dated August 14, 2016.
  7. Site photographs

Discussion: Ms. Downey was represented by Mike Carter of GCG Associates, who expanded on what the housing project entailed, viz., (1) replacing old drainage pipes that drain into the site's resource areas, adding rain gardens to each of the eleven inlets where the pipes drain. Each of these inlets would be lined with stone and have a two-foot sump accessed by a grate three inches above it. When incoming water reaches a level of three inches, it will drain. (2) An existing parking area will be removed to the other side of the site and bordered by a chain-link fence. The applicant is also including a SWPPP and a more detailed O&M plan.

<u><b>MOTION</b></u>				<u><b>Sponsor</b></u>	<u><b>2<sup>nd</sup></b></u>	<u><b>Result</b></u>	
<b>to close the public hearing</b>				<b>Carrozza</b>	<b>O'Reilly</b>	<b>Unanimously PASSED</b>	

<u>Time</u>	<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
after 7:30	to issue OOC as discussed	Carrozza	Kadish	Unanimously PASSED

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>	<u>Other</u>
after 6:55	DEP 250-960	AOOC	60 Commerce Way	Condyne Capital Partners	116	24	cont. fr. 08/08/16

Purpose: to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and new water line

Documents:

1. Request for an Amendment to the Order of Conditions prepared by Condyne Engineering Group, received February 25, 2016.
2. Site Plans, 80,000 sf facility, 60 Commerce Way, Norton Commerce Center, Norton MA, prepared by Condyne Engineering Group, signed and stamped by Mark Dibb
3. 60 Commerce Way, Norton Commerce Center, Stormwater Management Report, prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, dated 5/13/2005, revised 7/20/15, revised 4/6/16
4. Norton Commerce Center, 60 Commerce Way, Layout plans options, prepared by Condyne Engineering Group, dated 4/6/15.
5. NHESP Vernal Pool Observation Report V1239, dated 4/7/16.
6. Letter from NHESP to Conservation Commission re: certified vernal pool, dated August 28, 2015.
7. Email thread from Chessia Consulting Services LLC to Tom Maguire, DEP re: VP setbacks under WPA Regs, dated May 17, 2016.
8. Letter from Chessia Consulting Services LLC to Conservation Commission dated May 13, 2016.

Discussion: Applicant sent a letter requesting a continuance to the next meeting.

<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Abstaining</u>	<u>Result</u>
to continue public hearing to 9/12	Pearson	O'Reilly	Carrozza	Unanimously PASSED

<u>Time</u>	<u>Nº</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>	<u>Oth.</u>
after 7:00	DEP 250-947	AOOC	Hill/ Washington Strs.	Norton Landfill Solar LLC	31-03, 36, 49, 50	28	cont. from 08/08/16

Purpose: to install swales on a landfill solar project with a view toward controlling runoff

Documents:

1. Notice of Intent application prepared by Tighe & Bond, received December 30, 2014
2. Draft Stormwater prevention pollution plan, prepared by Tighe and Bond, dated June 2016
3. Norton Landfill Solar Project, Norton Massachusetts, Permit Set, Not for Construction, prepared by Tighe & Bond, signed and stamped by Francis J. Hoey III and Brian Huntley, October 2014, revised March 2015, revised August 2015, final revision July 2016
4. Environmental Notification Form prepared by Tighe & Bond dated October 2014.
5. Certificate from the Secretary of Energy and Environmental Affairs (EOEEA #15275) dated November 19, 2014.
6. Letter from Tighe & Bond to Conservation Commission dated December 29, 2014.
7. Stormwater Management Report prepared by Tighe & Bond, dated December 2014.
8. DRAFT Stormwater Pollution Prevention Plan prepared by Tighe & Bond dated December 2014.
9. Letter from Conservation Commission to Tighe & Bond dated January 7, 2015.
10. Response to Comments and ILSF memorandum, from Tighe & Bond, dated Jan 16, 2015
11. Letter from Tighe & Bond to Conservation Commission dated February 20, 2015.
12. Letter from Chessia Consulting Services LLC to Conservation Commission dated March 12, 2015.
13. Letter from Conservation Commission to Tighe & Bond dated March 17, 2015.
14. Letter from Tighe & Bond to Conservation Commission dated March 20, 2015.
15. Letter from Chessia Consulting Services LLC to Conservation Commission dated April 2, 2015.
16. Selected pages of MACC Annual Environmental Conference 2015, workshop #17, Solar Arrays: Permitting Issues.
17. NHESP Vernal Pool Observation Report V1193 and V1192, dated May 4, 2015.
18. Letter from Board of Selectmen to Conservation Commission dated March 23, 2015.
19. Letter from DEP to Norton Board of Health dated June 23, 2016
20. Letter from Conservation Commission to Tighe & Bond dated July 13, 2015
21. Letter from Tighe & Bond to Conservation Commission dated July 13, 2015
22. NHESP letter re: certified vernal pools dated August 6, 2015.
23. DRAFT Stormwater Pollution Prevention Plan, prepared by Tighe & Bond, received July 22, 2016
24. Norton Landfill Solar Project, Norton MA prepared by Tighe & Bond, signed and stamped by Francis J. Hoey III and Brian Huntley, dated 7/6/16, final revision 8/11/16
25. Memorandum from Tighe & Bond, Proposed Stormwater Management Design, Norton Landfill Solar Project, and lease documentation dated August 15, 2016
26. Various email threads
27. Site photographs



Discussion:

Norton Landfill was represented by engineer Jean Christy of Tighe and Bond's Westfield, MA office and an associate. Ms. Christy told the Commission that the area of the evening's concern was outside of the landfill cap. Norton Landfill has proposed to install two "shallow" swales with a view toward protecting a CVP and the larger area of storm runoff from the site's access road, etc. Ms. Christy mentioned that the swales would be located outside the area of the property's lease, though the applicant didn't feel that such location was much of an issue and in any case failed to provide the Commission with said lease. Ms. Carlino requested that the lease be provided. Mrs. Carrozza noted that NLS hadn't planned any stormwater control features for the solar panels themselves. She further noted that pre- and post-development calculations for the site were identical, an error caused by considering the cap's pre-development state as impervious. In sum, Mrs. Carrozza had Ms. Christy confirm, the landfill didn't have any stormwater features. Ms. Christy said that runoff, etc., would flow radially from the site, responding to which Mrs. Carrozza asked about erosion issues. The other representative of Tighe and Bond mentioned that there had been two previous failures of the cap, but that they had done a full inspection. Mrs. Carrozza noted that landfills typically have stormwater management features—this one did not: It would be a concern for the Town, she continued, were the site a significant source of unchecked erosion. Mrs. Carrozza asked for the depth of the proposed swales. The second representative answered that, following DEP guidelines, the swale alluded to at the moment was 12" deep. Mrs. Carrozza expressed further concern that the slope failure that had already occurred had done so *before* the stressors on the slope had reached their peak. She suggested that the Commission might confer with "the powers that be" about maintenance of the site. Mr. Kadish asked how such situations/failures are remediated. Mrs. Carrozza answered that her employer has gained municipal approval for, and achieve success by, laying a 7" lip of crushed stone at a fill's dripline in order to mimic pre-rain conditions by reducing the velocity of rainwater headed directly toward the swale's liner. Mr. Kadish asked if this was the cause of failure at the liner. Mrs. Carrozza restated that rain velocity should be dissipated *before* rainwater reaches the liner. A T&B representative disagreed with Mrs. Carrozza that the rainwater would be going faster in the swales as proposed. Mrs. Carrozza noted that the applicant is responsible for the area inside the lease line anyway. Ms. Carlino confirmed that this is what the Town had asked. The applicant further recognized that "Citizens" would maintain the swales regardless of whether or not they were fully contained within the lease line. Finally, Ms. Carlino noted for the applicant once again that the other CVP was in the BVW.

<u>MOTION</u>		<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
to close the public hearing		Carrozza	Kadish	Unanimously PASSED
<u>Time</u>	<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
after 7:35	to issue the amended AOOC as discussed, i.e., with the proviso that NLS be responsible, in writing, for maintaining the site's swales	Carrozza	Kadish	Unanimously PASSED

## II. ACCEPTANCE AND SIGNING OF PERMITS

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>
after 7:45	DEP 250-967	AOOC	14 John Scott Boulevard	Cleber Feiljo	98	32

Purpose: for proposed plans to reclaim and pave existing asphalt driveway, parking areas and concrete sidewalks and drainage repairs within 100 feet of wetlands

Discussion: Ms. Carlino noted that there were no changes to the order; it was only the plan's date that had to be changed.

<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
to issue the AOO with a change of plan's date, as discussed	<b>Kadish</b>	<b>Pearson</b>	<b>Unanimously PASSED</b>

### III. OLD BUSINESS

<u>Time</u>	<u>No</u>	<u>Address</u>	<u>Defendant</u>	<u>Parcel</u>	<u>Map</u>
<b>after 7:46</b>	<b>DEP 250-038</b>	162 W. Main Street	Bella Music Center/ Robert & Annabella Pesa	127-01	22

Purpose: court action to bring the Defendants into Compliance with the Wetlands Protection Act

Discussion: Ms. Carlino informed the Commission that, despite Town Counsel's keen focus on the issue at hand, the case was held up due to slow movement through the court system. Mr. Kadish and other Commission members expressed concern that the Defendants made some progress—they hadn't—with respect to the Commission's requests in defense of the WPA and the Town's interests. Town Counsel's main point was that the Defendants did not appeal the enforcement order they were served, which is to say, they had no further recourse to the law.

### IV. NEW BUSINESS/UPDATES/REMINDERS

<b>Time</b> <b>after</b> <b>7:50</b>	Ms. Carlino requested that commissioners who filled out conservation agent <b>performance evaluations</b> forward them to the Conservation Agent. The Commission was informed that its Chair would accompany the Conservation Agent in her evaluation before the Town Manager.
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<u>Time</u>	<u>No</u>
after 7:52	DEP 250- 078

Ms. Carlino updated the Commission on the Norton-Attleboro **Shpack Landfill** site, namely, that she had sent Town Counsel the Commission's list of requested changes to the Notice of Activity and Use Limitation (NAUL, sent to the Commission from the DEP) but hadn't yet heard back definitively on the matter from Town Counsel.

Ms. Carlino mentioned issues relevant to the upcoming **Town Meeting** scheduled for October 17:

1. **The Solar Bylaw.** The Planning Board accepted the Conservation Commission's requests (a) that the work is prohibited in the riverfront area and (b) that the Conservation Agent, rather than the Building Inspector, review and enforce the SWPPP.
2. **The Stormwater Bylaw.** Required by the EPA, the bylaw is in the process of being written, its completion pending a meeting of department heads. Ms. Carlino noted that the EPA (through the NPDES permit) only called for the bylaw to apply to land alteration greater than one acre. Because a significant number of local property would fall under such an exclusion—and the Town would be left to deal with the consequences of the resultant runoff—Ms. Carlino was in the process of drafting a more inclusive bylaw. Stormwater approval would be granted administratively at the same time as a building permit. Ms. Carrozza asked if Commission members would need further bureaucratic empowerment to administer stormwater concerns, which are often rather within the purview of a municipal engineering department. An answer pends. Ms. Carlino notes that such a change would apply infrequently (yet *cf.* cases such as the New England Ice Cream project or DET #1044).
3. **The Boating Bylaw.** Ms. Carlino told the Commission that the bylaw had been revised and suggestions by the commissioners would go before the 8/23/16 meeting with department heads.
4. **The Open Space and Recreation Plan.** Ms. Carlino raised the possibility of hiring a consultant to do the plan (in the manner of all other Town departments).

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<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>
8:00	DEP 250- 948	NOI	Reservoir Street/Falls Road	Michael Yunits, Town Mgr.	28, 29, 525	10

**Discussion:** Ms. Carlino apprised the Commission of the status of the construction on the **Reservoir Dam**, where work had been held up by problems getting the rip rap at the bottom of the coffer dam to seal. Pare Corporation was considering other options. Ms. Carrozza suggested that Pare might consider the services of Portadam of Brockton, whose products were used on the "Big Dig."

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Ms. Carlino reported on the **Water Bodies Committee**, which had had a scheduling meeting wherein it revealed that it had hired a contractor to treat aquatic plants in the Norton Reservoir, Chartley Pond, Barrowsville Pond and Winnecunnet Pond. It planned to do so after the seasonal ice-out, approximately at the beginning of April 2017 (at the same time as the planned treatment of Winnecunnet Pond, Ms.



Carlino answered to a query from Peter J. Wiggins of 157 Mansfield Avenue). Ms. Carrozza and Mr. Ollerhead asked whether the WBC, comprised largely of townspeople living on the Norton Reservoir, had been included in the discussion about the town Boating Bylaw (above). Ms. Carlino answered that she had brought up the issue before the WBC, but that the final determination as to jurisdiction lies with the Board of Selectmen. Mr. Kadish opined that, as far as he was concerned, the Reservoir did not require any treatment, adding that lily pad stands benefitted the Reservoir by keeping fishermen out of areas where fish could spawn in seclusion.

Ms. Carlino underscored the e-mail she had sent the Commission that the MACC would be hosting upcoming **erosion and stormwater classes** in Lakeville and New Bedford, which Mr. Pearson expressed an interest in attending (as he would later do).

Ms. Carrozza indicated a desire to give a talk of her own on erosion control for the benefit of the Commission (to be given in simultaneity with taking on additional responsibilities pertaining to stormwater control).

Mr. Ollerhead asked what progress [environmental concerns] had made to address Governor Baker's Executive Order 262, which insists that all Massachusetts laws be validated within a year's time or be eliminated. Ms. Carlino responded that the DEP was proposing to add performance standards for Land Subject to Coastal Storm Flowage, the only resource area that presently lacked performance standards.

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**V. OPEN SESSION: ITEMS UNANTICIPATED WITHIN 48 HOURS OF THE PUBLIC HEARING**

<u>Time</u>	<u>No</u>	<u>Permit</u>	<u>Address</u>	<u>Appl.</u>	<u>Parcel</u>	<u>Map</u>
after 7:15	DEP 250-986	NOI	42 Howard Street	Wheaton College	14-03	17

Purpose: for proposed plans to decommission a sewage treatment plant, abandon sewer manholes and remove invasive species within 100 feet of wetlands

Documents:

Discussion: Stevie Carvalho of Thompson Farland Corporation, led John Sullivan and Craig Kilburn of Wheaton College in a discussion of the Commission's request that the applicant remove invasive species (Japanese knotweed, *Fallopia japonica*, etc.) along the stream leading to the Rumford River. Further discussion about whether to reopen a public hearing resulted in calling this further action a "clarification," namely that invasive species would be removed for an additional 25' beyond what is shown on the plan.

<u>MOTION</u>	<u>Sponsor</u>	<u>2<sup>nd</sup></u>	<u>Result</u>
to <i>clarify</i> OOC	Kadish	Carrozza	Unanimously PASSED

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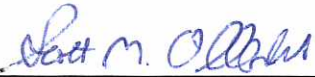
**Call to Adjourn: 8:06pm**

Minutes approved by the Commission on: 11-28-16

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(Date)

Respectfully submitted,



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(Signature)

Chairman, Norton Conservation Commission



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(Name, Printed)