



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

2017 JAN 24 A 10:07

Monday, September 26, 2016
Minutes

The meeting was called to order at 6:30 pm.

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

Absent: Scott Ollerhead, Lisa Carrozza, Jan Franchescelli

Review **draft minutes** of:

- April 25, 2016, *postponed for next meeting for a quorum*
- May 16, 2016, *Motion was made by Carrozza, seconded by Kadish to accept. Aprproved. O'Reilly abstained.*
- June 13, 2016, *postponed for next meeting for a quorum*
- June 27, 2016 *Motion was made by Carrozza, seconded by Kadish to accept. Approved. O'Reilly and Franchescelli abstained.*

WETLAND HEARINGS

Request for a Determination of Applicability (DET. #1047) – Tony Borges/BABS Foundry – Parcel 36 (Assessor's Map 36) 135 East Hodges Street – for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List:

1. Request for Determination of Applicability application prepared by Earth Services Corporation, received August 31, 2016.
2. "Sewage Disposal Plan, 135 East Hodges St, Norton MA prepared for Bab's Foundry", prepared by Earth Services Corporation, signed and stamped by Michael Patenaude, dated July 20, 2016. Final revision, August 24, 2016.
3. Site photographs

Mike Patenaude of Earth Services Corporation attended the hearing for the applicant. The septic systm proposal did not have any issues but Carlino noticed stormwater runs off parking lot directly into the wetland. Members requested the owner refresh the gravel with a layer of fabric to stop the erosion near the wetland.

Motion was made by Carrozza, seconded by Pearson to close the public hearing. Approved. Motion was made by Carrozza, seconded by Pearson to issue a negative 3, with the requirement for the stone. Approved.



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Notice of Intent (#250-989) – Mike Haskell – Parcel 1 (Assessor's map 34) 119 West Hodges Street – for proposed plans to construct a 1,300 sq.ft. common driveway for 2 houses within 100 feet of wetlands and rare species habitat.

Document List:

1. Notice of Intent application, prepared by Goddard Consulting, received August 30, 2016.
2. "Plan of Proposed House Lot Construction, West Hodges Street, Norton MA, prepared for Neal and Mike Haskell", prepared by Yarworth Engineering, signed and stamped by Christopher Yarworth, dated July 19, 2016. Final revision 9/28/16.
3. Letter from Natural Heritage and Endangered Species Program (NHESP) dated Sept. 26, 2016.

Riley Lund and Renee McDonough of Goddard Consulting and Mike Haskell attended the meeting. Letter from NHESP requires certain conditions be added to our OOC. Commission requested the cumulative amount of land alteration for the two lots because it may requirement for a SWPPP. Regarding the No Disturbance Zone, the applicant has on the plans that they will post our signs on trees in most of the limit of work and a post and rail fence in a small portion. Commission requested that the signs be not more than 25 feet away and use posts rather than trees. Commission requests a revised plan and the acreage to determine if a SWPPP is needed.

Motion was made by Carrozza, seconded by Kadish to continue the public hearing to Oct. 3, 2016 for the revised plan and determination of acreage for a SWPPP. Approved.

Request for a Determination of Applicability – (#1044) – John Cuming, Trustee, GST NonExempt Family Trust – Parcel 278-18 (Assessor's Map 9) Mansfield Avenue – (cont. from the September 12, 2016 mtg.) - for proposed plans to fill a Certified Vernal Pool.

Document List:

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)

The ILSF calcs have been submitted and clearly follow the hydrology handbook. The wetland doesn't qualify as ILSF or federal wetland.

Motion was made by Carrozza, seconded by Pearson to close the public hearing. Approved. Motion was made by Carrozza, seconded by Pearson to issue a negative 1. Approved.



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Request for a Determination of Applicability (DET. #1046) – Massachusetts Electric Company/National Grid – Public Roadway ROW – West Hodges Street – for proposed plans to install an underground conduit within 100-yr. Floodplain, Riverfront Area and 100 feet of wetlands.

-This should not be an RDA. This should be an NOI. They make the claim that they meet the exemptions for utility work in the buffer but they are not solely in the buffer and therefore, not exempt. I further notified them that they are performing work in the floodplain. They claim they are not. But if you look at the FEMA map it shows floodplain at elevation 106, then look at their plans and see that the bore holes are in the road shoulder below the 106' contour, clearly in the floodplain. They could either move the bore hole into the road, move it further up the road so it is higher than the 106' contour, or file an NOI. Attachment C.

Amended Order of Conditions - (#250-960) – Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way – (cont. from the September 12, 2016 mtg.) - to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and a new water line.

The applicant requested a continuance. Motion was made by Kadish, seconded by O'Reilly to continue to Oct.24, 2016. Approved.

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 August 8, 2016 mtg.) - for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

The applicant requested a continuance. Motion was made by Kadish, seconded by O'Reilly to continue to Oct.24, 2016. Approved.

The chairman read the following notice.

7:00 pm **Executive Session:** *Discuss strategy in executive session with respect to 162 West Main Street litigation, related to the enforcement order issued by the Conservation Commission (DEP File #250-38), pursuant to G.L. c. 30A, s21(a)(3), if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares; votes may be taken.*

Motion was made by Carrozza, seconded by Kadish to enter into executive session.



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REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-944
(full)

Weder Pereira

Parcels 220 & 222 (Map 9)
60R Reservoir Street

--- construct a single family dwelling, driveway, & septic system with related utilities and grading and upgrade an existing stream crossing with new headwalls and new pipe within 100 feet of Norton Reservoir.

Motion was made by Carrozza, seconded by O'Reilly to issue the full COC. Approved. Kadish abstained.

TPC Requests for COCs

Sarah Stearns appeared before the commission to discuss the following requests for COCs. The commission had an extensive discussion regarding the lack of information presented to the commission for their decision. It appears that none of the requests verified the amounts of wetland alteration and replication even at a minimum. Further, the respective Orders of Condition have requirements for the issuance of COCs that also have not been followed.

*Motion was made by Carrozza, seconded by Kadish to **deny** all TPC requests until the applicant verify that the construction completed is what was approved and include significant details within each application package. Approved.*

#250-445
(full)

Tournament Players Club of Boston (Maps 8, 9 & 15)

**(8) – 16, 17, 18, 19, 19-01 to 19-10, 20, 20-01, 21, 21-01, 30
31, 33, 35, 36, 37, 38, 39, 39-01 to 39-07, 40, 41 & 42
(9) – 288, 292
(15) – 10, 12, 14, 17, 18, 19, 24, 25, 27, 29 & 34-01
400 Arnold Palmer Boulevard**

---to construct an 18-hole golf course, clubhouse, maintenance facility, cart paths, access roadway and storm water management.

#250-554
(full)

Tournament Players Club of Boston (Maps 8 & 9)

**Parcels (8) 123, (9) 292 & 301
Arnold Palmer Boulevard**

---limited project to alter 6,928 sq.ft. of wetlands for boardwalk installation and clearing, parking lot, new tees and additional paving.

#250-562
(full)

Tournament Players Club of Boston (Map 8 & 9)

**Parcels (8) 123 & (9) 293
Arnold Palmer Boulevard**

---to construct a temporary spectator bridge, new boardwalks, a new tee and an overflow parking area.



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#250-614
(full)

Tournament Players Club of Boston

(Map 8 & 9)

(8) 123 & (9) 292

Arnold Palmer Boulevard

---parking lot expansion, temporary bridge and temporary tents.

#250-724
(full)

Tournament Players Club of Boston

Parcel 123 (Map 8)

Arnold Palmer Boulevard

---to construct a permanent bridge over Great Brook, new paths and parking lot improvements to The Tournament Players Club of Boston golf course.

OLD BUSINESS

Violations:

90A Freeman violation

241 Dean Street

NEW BUSINESS

Review Conservation Restriction for 274 E Main St.-

Motion was made by Carrozza, seconded by Kadish to sign the Conservation Restriction. Approved.

Fall Town Meeting – October 17, 2016 *The following list of items are on the warrant and the commission should be aware of them.*

- 1. Article 3 is about supplementing the town's budget but no one in the union is aware of what he is proposing.*
- 2. Article 9 is requesting approx \$20,000.00 for technical assistance/consultant to help us update the Open Space and Recreation Plan. This is essential for getting grant funds.*
- 3. Article 13 is the boating bylaw I was asked to write.*
- 4. Article 14 is the stormwater management bylaw required by EPA for the town's MS4 permit.*
- 5. Article 15 is the revision of the solar bylaw.*
- 6. Articles 17 and 18 are all about the zoning changes. This does not change anything regarding wetlands or floodplain. All projects still need to come before us regardless of zoning if they are in jurisdiction.*

Reservoir Update-Pare is working out the final paperwork for the revised dewatering plan for the gatehouse work

Chartley Pond update –sink holes have been repaired.

Report from Staff

Site visits

Waterbodies Committee update

Wetland Protection Fund

Grants



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OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

Meeting adjourned at 8:53pm.

Minutes approved by the Commission on 1/23/17 *(Date)*

Respectfully submitted,

 *(Signature) Chairman, Conservation Commission*

Scott Ollerhead *(Printed name)*