



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766  
508-285-0275  
508-285-0277 fax  
[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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**Monday, October 3, 2016**

**Minutes**

**Attendance:** Scott Ollerhead, *Chair*, Lisa Carrozza, Julian Kadish, Ron O'Reilly, Dan Pearson, and Jennifer Carlino, *Conservation Agent*.

**Absent:** Jan Franceschelli

**Notice of Intent (#250-989)**

**Mike Haskell, Parcel 1 (Assessor's map 34) 119 West Hodges Street (cont. from September 26 mtg.)**

For proposed plans to construct a 1,300 sq. ft. common driveway for two houses within 100 feet of wetlands and rare species habitat.

**Documents:**

1. Notice of Intent application prepared by Goddard Consulting LLC, dated August 29, 2016
2. "Plan of Proposed House Lot Construction West Hodges ST, Norton Massachusetts, 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. Site photographs
4. Letter from Natural Heritage and Endangered Species Program to Mike Haskell, dated September 26, 2016.

**Discussion:** Mr. Haskell said that he spoke to Suzanne at the EPA regarding the SWPPP and was informed that the SWPPP wasn't needed for two reasons: (A) There are two separate parcels, (B) neither of which amounts to over one (1) acre of disturbance. Ms. Carlino questioned this finding. Mr. Haskell explained that the two lots are 36,000 sq. ft. (=approx. 31,000 sq. ft./Lot 1 + 5,000 sq. ft./driveway) and 37,000 sq. ft. (=Lot 2 & driveway), neither of which amounts to more than an (1) acre of land. Ms. Carlino pressed on for greater clarification, pointing out that two lots were being turned into one parcel for the same family member: How then could this not be considered a common plan? While Mr. Haskell wasn't sure, he noted that the two weren't to be developed at the same time: one would be developed and stabilized before the next one would be developed. Ms. Carrozza asked for clarification that the lot was indeed owned by two separate owners. Yes. Ms. Carrozza noted that if two parcels are developed within six months of each other, they are considered one parcel, but that the issue in this case hinged on separate ownership of the parcels in question. Ms. Carrozza asked if everything inside the property's fence would be loamed and seeded. Yes, it would. Ms. Carrozza asked Mr. Haskell about when he intended to seed and cautioned that if he didn't start seeding within two weeks to a month, winter weather could have an adverse effect on growth. The SWPPP would have helped him in this situation, Ms. Carrozza added. Ms. Carlino noted that among the standard conditions for such a situation



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are either (1) an erosion control blanket or (2) a 3"-thick clean grain mulch over the entire area until the area is permanently stabilized. Ms. Carlino asked how the plants would be watered when there is a watering ban. Ms. Carrozza said that a silt fence would be a builder's "last line of defense" and emphasized that tardiness in seeding the lot would result in having to fight erosion on the exposed lot all winter. Since the builder hadn't provided a SWPPP, Ms. Carrozza said, conditions would be added to the OOC. But, Mr. Kadish queried, as discussion now centered on a flat, upland area well outside the buffer zone, were Ms. Carrozza's concerns justified? Ms. Carrozza countered that the lot declines from 108'-100' in the direction of the wetland. Yes, Mr. Kadish concurred, but because all the *building* activity was happening atop a flat knoll at 110' elevation "far from" the construction, he was unconcerned about the builder's present disposition. Ms. Carrozza suggested that lack of the proper regulation at the site might result in Ms. Carlino having to check it periodically over the course of the coming winter to see if it was eroding. Ms. Carlino further countered Mr. Kadish by pointing out that discussion now centered on a *standard* condition, one that could in this case be considered "preventative medicine." Directing her comments toward Mr. Haskell, Ms. Carlino emphasized that Lot 1 should be taken care of "as soon as possible." Ms. Carlino moved discussion back to the second lot, which would share the same permit as the first. Ms. Carrozza asked whether there would be any clearing done on the second lot in the near future. Mr. Haskell said that there would not, the builder merely wishing to dig a well in the second lot.

Ms. Carrozza made a **MOTION TO CLOSE THE PUBLIC HEARING** for file #250-989, seconded by Mr. Pearson. **PASSED.**

Ms. Carrozza asked for additional clarification for #250-989 about (1) when the OOC would take effect, (2) which part of the property was outside jurisdiction, and (3) whether or not an NHESP "turtle search" had been begun. Ms. Carlino answered that the Conservation Office had in its possession a draft OOC that included NHESP Conditions and that only a portion of the driveway was inside of jurisdiction. Ms. Carlino added that Mr. Haskell would give Conservation a bond after which Conservation would grant them a PCOC. (Ms. Carlino would need to meet personally with NHESP, adding that the Conservation Agent had enforcement authority in the absence of NHESP or, e.g., the DEP.) Ms. Carlino had been sent an e-mail saying that the turtle search was being conducted on the day of the meeting (3 October). Ms. Carrozza asked Ms. Carlino if she was going to inspect the site in the near future, and she replied that she would in order to make sure that previous activities had been completed in a manner in keeping with NHESP regulations.

Ms. Carrozza made a **MOTION TO ISSUE AN ORDER OF CONDITIONS** for file #250-989, seconded by Mr. Kadish. **PASSED.**

In anticipation of going into executive session, Mr. Kadish made a **MOTION TO CLOSE THE OPEN MEETING AND ENTER EXECUTIVE SESSION**, seconded by Ms. Carrozza. **PASSED.**



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At approximately one hour into the meeting, the Commission left executive session and reentered the regular meeting.

## NEW BUSINESS

Ms. Carlino brought the contract addendum for **Pare Corporation**, which has been repairing the **Norton Reservoir Dam**, before the Commission. Pare Corporation is overbudget again by approximately \$9,000.00. Ms. Carrozza suggested that the Commission highlight a copy of the bill and send it to the Pare Corporation with the admonition that this was the last time the Commission would pay Pare *ex post facto*.

Mr. Kadish asked to what percentage of the previous budget the overage amounted. Ms. Carlino noted that, with the coffer dam, the total amount for the bill was \$70,000.

Upon Ms. Carrozza's mention of the role of the Commission's consultant, Mr. Pearson questioned whether the fault lay in consulting. No, answered Ms. Carrozza, as will sometimes happen with such building projects, there were additional unforeseen considerations—a weak substrate—for which funding hadn't been allocated.

However, Ms. Carrozza took issue with point 2. of Pare's budget request ("Projected Additional Costs..."). For what was it, she asked, that Pare would need an additional \$6,350. Ms. Carlino explained that this was an indication that this money would be for contingent, unforeseen problems. Ms. Carrozza asked if Pare knew that it would exceed projected costs. Ms. Carlino pointed out that the project was divided into two separate parts, the first of which was already completed, the second of which was currently under way. However, it was noted, the bill indicated that costs for the second part of the project were already expended. There was general agreement that the language of the bill was confusing. Ms. Carrozza parsed the bill as indicating that not only had Pare already exceeded their costs by \$9,000, now they would be requesting another \$6,350. Ms. Carrozza asked how often the site was visited. Ms. Carlino answered that the site was visited weekly with additional visits by a junior engineer.

Ms. Carrozza asked what work remained. Ms. Carlino answered that all of the work on the spillway and repairs to the coffer dam remained, all of which would amount to at least a month's worth of work.

Ms. Carrozza asked if there was enough money appropriated to the Commission by the Town. Ms. Carlino: Yes, both the Town and she had budgeted with such exigencies in mind. The budget would be "close," but should cover all costs. The Town would have to do additional "borrowing," but not to the extent that it would require a town or Finance Committee meeting to do so.

Ms. Carrozza made a MOTION TO PAY THE ADDENDUM WITH THE PROVISIO THAT THE COMMISSION WOULD NO LONGER APPROVE EXPENDITURES FOR WHICH THE CONTRACT HAD NOT ALREADY BUDGETED, seconded by Mr. O'Reilly. PASSED.



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## **NEW BUSINESS continued**

Ms. Carlino updated the Commission on Chartley Pond, saying that the hole was fixed.

Following was a **discussion** largely about pragmatic concerns—e.g. opening doors, emergency contacts, **site visits**—during Ms. Carlino's approaching vacation.

Ms. Carlino suggested that the Commission might wish to do a site inspection to the 71 Leonard Street property, which directly abuts the floodplain but would not be regraded. Rather than regrading, continued Ms. Carlino, an inadequate visual barrier had been proposed. The Commission would have to determine how to define the no disturbance zone. What was the nature of the planned work, asked Mr. Kadish. Ms. Carlino answered that a new house, septic tank, and garage would all be right next to the floodplain without a buffer zone. Ms. Carlino would ask the engineer to stake the property for the members.

Ms. Carlino noted that the project on Willis Street was visible from the road and members can drive by before the meeting.

Ms. Carlino updated the Commission on status of relations with Condyne, who slow down the application process by failing to make the changes to their applications as mentioned by Ms. Carlino in meetings.

Ms. Carlino suggested that the parties at 119 W. Hodges Street would like to get started on a pre-construction meeting. She asked if anyone could do that while she is gone. Ms. Carrozza agreed.

Ms. Carlino alluded to a violation on 22 Maplewood Ave. where regrading was done next to Winnecunnet Pond.

Ms. Carlino mentioned that Phyllis Bernard's position had been posted internally.





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The **Minutes** for April 25, 2016 and June 13, 2016 were considered.

- Mr. O'Reilly made a MOTION TO ACCEPT THE MINUTES FOR April 25, 2016, seconded by Mr. Pearson with Ms. Carrozza abstaining. PASSED.
- Mr. Kadish made a MOTION TO ACCEPT THE MINUTES FOR June 13, 2016, seconded by Mr. O'Reilly with Ms. Carrozza abstaining. PASSED.

Mr. O'Reilly made a MOTION TO ADJOURN, seconded by Ms. Carrozza. PASSED.

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

Respectfully submitted,

Scott M. Ollerhead (Signature) Chairman, Conservation Commission

Scott M. Ollerhead (Printed name)