



Norton Conservation Commission  
70 East Main Street  
Norton, MA 02766  
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2016 DEC 29 P 6:18

Monday, November 14, 2016

Minutes

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

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

**Absent:** Jan Franchescelli

Review draft minutes for:

- **July 11, 2016**, Motion made by Carrozza, seconded by O'Reilly at approve minutes. Approved.
- **July 25, 2016**, Motion made by Carrozza, seconded by Kadish to approve minutes with edits. Approved.
- **July 25, 2016 (Executive Session)** Motion made by Carrozza, seconded by Kadish to approve minutes with edits. Approved.
- **August 8, 2016**. Motion made by Carrozza, seconded by Kadish to approve minutes with edits. Approved. Scott abstained.

**Discussion: Matt Ladewig, ESS Group – Update on Waterbodies projects per Order of Conditions.**

*This update is part of the Order of Conditions. Matt Ladewig and Alex Patterson came to the meeting to review what they did this year and the plan for next year. Plan removal activities did not take place this year. The town does have a contractor hired for next year. ESS and Solitude are discussing the use of granular Sonar with Natural Heritage and Endangered Species Program (NHESP) vs. the liquid formulation because there is new research to suggest it is safe to use with freshwater mussels. Carlino reminded them that use of granular herbicide would be a change in the project and requires an Amended Order of Conditions. She cautioned them to bring any requests for Amended OOCs to the Commission early and not wait til the last minute. ESS submitted the safe zone maps. Carrozza asked if the mapping yielded any changes in the project for access or staging. ESS claims it will not. Carrozza strongly suggested that ESS actively keep track of NHESP discussions and if they don't get an answer from NHESP prior to end of this year, they should be contacting them. She cautioned them about not waiting til the last minute to come back to the Commission. Carrozza asked question about how the safe zones will be mapped in the field. All points will be given electronically to the contractor.*

**Discussion: Brian Coughlin re: Conservation Land in Norton.**

*Mr. Coughlin addressed the commission with questions about how the commission views the proposed zoning changes to Leonard Street. Carlino stated Mr. Coughlin requested to be on the agenda to discuss conservation land, and didn't say anything about this issue. Mr. Coughlin expressed strong views about protecting wildlife habitat on Leonard Street. Kadish addressed his concerns stating that the commission has not had any discussion on this issue but that individual members will have their*

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*own opinions and will likely attend some of the upcoming meetings on the issue. Carrozza and Pearson explained that the commission can answer questions about its jurisdictional areas on the properties but that the commission isn't likely to provide formal comments the way planning board does for town meeting.*

**Notice of Intent – (#250-990)**

**Hosam Mahmoud – Parcel 26 (Assessor's Map 11) 72 Leonard Street**

for proposed plans to construct a garage and a portion of a driveway within 100 feet of wetlands. (cont. from the October 24, 2016 mtg.)

**Documents:**

1. Notice of Intent application prepared by Goddard Consulting, dated September 21, 2016.
2. "Subsurface Sewage Disposal System Plan, Hosam and Shima Mahmoud, 72 Leonard St, Norton MA 02766", prepared by Yarworth Engineering Company Inc., signed and stamped by Christopher Yarworth, dated 8/11/16. **REVISED 11/14/16.**
3. Site photographs
4. Letter from Yarworth Engineering to Conservation Commission re: floodplain datum, dated 11/2/16.
5. "#72 Leonard Street" plan illustrating stakes set for house, garage and floodplain.

*Riley Lund of Goddard Consulting and Hosam Mahmoud attended the hearing. Revised plans were submitted by Yarworth this afternoon. At the last meeting Commission members requested the following information:*

1. Confirm the same datum is used for the floodplain as the FEMA plan. *A letter was received from the engineer stating this is correct.*
2. Plans label an existing "grass field". This is an actively managed "hay field". The new owners are going to continue to hay the field (in the floodplain). *Commission requested this be added to permit and revise page 3 of NOI to quantify work in the resource area. Mr. Lund will submit prior to next meeting.*
3. *Limit of work will be marked with orange construction fence and then permanent post and rail fence with markers as visual barrier. Commissioners felt additional fencing between the driveway and proposed hayfield in the floodplain would not be necessary. Owners stated they understand they cannot fill in the floodplain or alter it, other than the proposed mowing.*
4. Invasive plants (bittersweet/buckthorn) near the garage should be managed during construction to prevent spread. *Mr. Lund will provide method prior to next meeting.*
5. *Area near wetland on abutting property appears to have some junk at the wetland edge. Commission will send letter to abutter.*
6. PE has staked location of house, garage and floodplain.

*Motion made to continue hearing to 11/28/16 for revised page 3 and invasive plant management documentation. Motion made by Carrozza, seconded by Kadish. Approved.*



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**Notice of Intent – (#250-991)**

**Emerson Builders, Inc. – Parcels 7-01 & 7-05 – (Assessor's Map 35) 52 West Hodges Street**  
for proposed plans to demolish a house, accessory building, well and portion of a driveway and to construct a house, expand a driveway and install utilities within 100 feet of wetlands.

**Documents:**

1. Notice of Intent application prepared by Bay Colony Group Inc. dated October 2016.
2. "Sewage Disposal System Design, 52 West Hodges Rd, Norton MA" prepared by Bay Colony Group Inc, signed and stamped by William Buckley Jr. dated October 10, 2016.
3. Site photographs.

*Briscoe Lang, Pare Corporation, attended the hearing to represent the owner. Legal notice bill needs to be paid. Green certified mail cards were received. This project involves demolition of the existing house and trailer, abandonment of the existing well and cesspool, construction of a new single family home with garage under, septic system and well. This project is subject to Natural Heritage and Endangered Species (NHESP) review. Commission cannot close for 30 days or until receiving the NHESP issues letter. There are invasive plants to be removed on the property. Lang suggested restoration of a portion of the No Disturbance Zone rather than plant management near the road. He will discuss with engineer and applicant. Kadish asked about straightening out the jogs in the visual barrier to reduce costs and make more cohesive fence line. Carlino asked if the fence line could be at the NHESP line. Lang will discuss with client.*

*Motion was made to continue hearing for legal notice bill payment, NHESP letter, buffer zone restoration and invasive plant management information and revised plan for No Disturbance Zone/visual barrier, to 11/28/16 by Pearson, seconded by Kadish. Approved.*

**Notice of Intent – (#250-992)**

**Steve Kelly – Wheaton College Parcel 14 (Assessor's Map 17) 26 East Main Street (Peacock Pond)**

for proposed plans to repair the façade and structural integrity of a stone retaining wall that contains Peacock Pond.

**Documents:**

1. Notice of Intent application prepared by Farland Corp, received October 31, 2016.
2. "Site Plan, Wheaton College, Peacock Pond, Assessor's Parcel ID17-14, Norton Massachusetts", prepared by Farland Corporation, signed and stamped by Christian Farland, dated October 28, 2016.

*Matt White, Farland Corp, represented the owner. The application contains no details about the means and methods. Commissioners asked for more detailed description of project including*

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*dewatering means and methods, sand bag perimeter, concrete cutting methods, staging areas, length of time for work, and drawdown specifications. White will provide prior to next meeting.*

*Motion was made to continue public hearing to Nov. 28, 2016 for detailed description of project. motion made by Carrozza, seconded by Kadish. Approved.*

**Amended Order of Conditions (#250-960)**

**Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way**

to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and a new water line. (cont. from the October 24, 2016 mtg.)

**Documents:**

1. Stormwater Management Report, 60 Commerce Way, prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, dated 10/7/2016.
2. "Site Plans, 80,000 Square Foot Facility, 60 Commerce Way, Norton Commerce Center, Norton Massachusetts", prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, dated October 10, 2016.

*Revised plans received 11/9/16 and sent to Chessia to review. Applicant requested a continuance to the next meeting.*

*Motion was made to continue to 11/28. Motion by Kadish, seconded by O'Reilly. Carrozza recused. 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**

for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River. (cont. from the October 24, 2016 mtg.)

*Applicant requested a continuance to the next meeting.*

*Motion was made to continue to 11/28. Motion by Carrozza, seconded by Kadish. Approved.*





#250-930 (full)	Mark Grzesik	Parcel 39 (Map 9) 40 Farm Lane
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*The applicants didn't plant the 6 trees/shrubs to revegetate the NDZ, and the visual barrier is not done correctly. Applicants should demonstrate that they met the dock conditions. Motion to deny COC made by Carrozza, seconded by O'Reilly. Approved. Carlino to send letter.*

*No parking signs were installed every 20 feet but they were installed in the incorrect location between wetland and the stone trench instead of between the stone trench and the parking area. This defeats the purpose of preventing people from parking in the stone trench. Commissioners asked Carlino to contact them and find out why they were installed in the wrong location. The previous wetland permit (DEP 250-815) needs to be closed out. Applicants were supposed to document that they cleaned the catch basins but didn't mention it in their application. However, the basins were cleaned at the beginning of the project, and still have the silt sacks in them so they should be clean.*

*Motion made to issue Full COC by Carrozza, seconded by Kadish. Approved.*

*Motion made to issue Full COC, release the bond and release the rest of the consulting engineer funds by Kadish, seconded by Carrozza. Approved.*



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**#250-165**  
(full)

**CPWL Norton, LLC**

**Parcel 18 (Map 32)**  
**380 So. Worcester St.**

-sysco building and parking lot

*Motion made by Kadish, seconded by Carrozza to issue the Full COC and require that snow removal be added to the Operation and Maintenance Plan. Approved.*

### **OLD BUSINESS**

388 Reservoir St –Town Counsel submitted a Stipulation regarding the ongoing issue of the Demers taking the Town to Land Court to claim town land. Commissioners requested Carlino find out the actual agreement made with the Selectmen and if there is a new plan with a new legal description for this land. Further, the Commissioners discussed potential Article 97 conversion and would forward that concern to Town Counsel.

DET 1046 Massachusetts Electric Company/National Grid work on W Hodges st-  
*We received notice from DEP re: 401 Water Quality Cert inspection on 11/16/16 at 10am. Carlino emailed DEP that we issued POSITIVE determination and a NOI hasn't been submitted yet. Carrozza questioned why a 401 was necessary. Carlino will contact DEP.*

### **NEW BUSINESS**

25 smith st violation- *Conservation office received call about new stone right next to stream. There is no permit for this work and it is the 2<sup>nd</sup> violation, same issue as 2014. Carlino will send a letter.*

**Crane Farm Preserve** land dedication event with LPS November 19 at 11am.

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

- Capital improvement budget is due for FY18.
- 55<sup>th</sup> anniversary of the Conservation Commission is March 5, 2016. *Commission should highlight accomplishments.*
- DEP 250-947, Hill St, landfill solar project *Carlino contacted applicants regarding winter stabilization and the swales not being installed yet. Response was that it would happen next year. Carrozza questioned how stormwater would be managed during construction if they didn't construct the swale. Carlino will discuss with applicant.*
- DEP 250-972, East Main St, sidewalk project, *applicant requested a Duplicate OOC for recording. Motion made by Kadish, seconded by Carrozza to issue Duplicate OOC. Blood recuse.*
- DEP 250-957, 250-958, 250-959, Mary Joe Road, *DEP issued Superceding OOCs allowing projects without stormwater management.*

*Meeting adjourned at 8:30pm.*

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Minutes approved by the Commission on 11-28-16 (Date)

Respectfully submitted,

Scott Ollerhead (Signature) Chairman, Conservation Commission

Scott Ollerhead (Printed name)