



Norton Conservation Commission  
70 East Main Street  
Norton, MA 02766  
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**Monday, January 9, 2017**

**Minutes**

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

**Attendance:** Dan Pearson, Julian Kadish, Gene Blood, Lisa Carrozza, and Conservation Agent, Jennifer Carlino

**Absent:** Ron O'Reilly, Scott Ollerhead, and Jan Franceschelli

**WETLAND HEARINGS**

**Determination of Applicability (DET#1052)**

**Shawn Simmons, 25 Smith Street, (Map 9, Parcel 251)-** for proposed plans to install gravel within 100 feet of wetland.

**Document List**

1. Request for Determination of Applicability application, prepared by Shawn Simmons, received December 15, 2016.
2. Mortgage plan of land in Norton, modified by Shawn Simmons, dated 12-15-16

*Shawn Simmons appeared at the hearing. The legal notice payment was made. The Conservation office received a complaint that owner was dumping stone and filling wetland. Upon inspection, Carlino found stone close to wetland without a permit. An old cease and desist letter was found in the file for the same activity done a few years ago. Owner had no long term plan for the stone, just using up old stone. Carlino said that it appeared to be more than just left over stone with the additional stone area in the rear of the property. Kadish asked depth of stone. Simmons stated it was approximately 1-1 ½ inches deep. Kadish thought the vegetation could grow back through it; but Carlino was not certain of that and thought the stone should be raked back to the No Disturbance Zone. Carrozza asked about the property line. Members concluded they prefer to see restoration than the post and rail fence. In spring, owner should contact office for inspection to mark out NDZ, rake stone back to NDZ and plant tree/shrub fence at limit of work line. Posts with buffer zone markers should also be used.*

*Motion was made by Carrozza, seconded by Pearson to close public hearing. Approved. Motion was made by Carrozza, seconded by Blood to issue negative 3 with conditions. Approved.*

**Notice of Intent – (#250-995) – Erin Whoriskey, Massachusetts Electric Co d/b/a National Grid West Hodges Street public roadway shoulder (nearest Assessor's Map 35, Parcel 7-04) (Continued from Dec. 19, 2106) –**for proposed plans to install new underground conduit by directional drilling under wetland and Goose Branch Brook and within the 100-year floodplain.

*The applicant requested a continuance to January 23, 2017. Motion was made by Carrozza, seconded by Pearson. Approved.*



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**Amended Order of Conditions - (#250-960) – Condyne Capital Partners**

**60 Commerce Way, (Assessor's Map 24, Parcel 116)– (cont. from the October 24, 2016, Nov. 14, 2016 mtg, Nov. 28, 2016, Dec. 19, 2016.) - 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 to January 23, 2017. Motion was made by Blood, seconded by Pearson. Approved.*

**Notice of Intent (#250-983) – Muhammad Itani/Island Brook LLC**

**0 East Main Street – (Assessor's Map 17, Parcels 57, 238, 239, 240, 241, 242, 243, 244 & 245) (cont. from the October 24, 2016, Nov. 14, 2016 mtg, Nov. 28, 2016, Dec. 19, 2016.)- 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. Notice of Intent application prepared by Goddard Consulting, dated May 31, 2016.
2. Preliminary Plan, Comprehensive Permit, "Island Brook" in Norton MA. Prepared by Gallagher Engineering, signed and stamped by Frank Gallagher. Dated 4/15/14, revised 1-27-16, final revision 10-24-16
3. Stormwater Management Report, "Island Brook", prepared by Gallagher Engineering, dated June 21, 2013, revised October 24, 2016.
4. Stormwater Pollution Prevention Plan, prepared by Gallagher Engineering, dated 5/27/16.
5. Notes, office meeting with Gallagher, Goddard, Chessia and Conservation Commission, June 29, 2016
6. Site photographs, June 14, 2016.
7. Letter from Conservation Commission to Muhammad Itani dated July 13, 2016.
8. Letter from Chessia Consulting Services to Conservation Commission dated August 2, 2016.
9. Letter from Gallagher Engineering to Conservation Commission dated November 21, 2016 with revised engineering calculations and plans.
10. Letter from Goddard Consulting to Conservation Commission and NHESP dated December 27, 2016.
11. Riverfront Area Performance Standards and Alternatives Analysis, prepared by Goddard Consulting, dated December 27, 2016.
12. Riverfront Area Invasive Species Management and Restoration Plan, prepared by Goddard Consulting, dated December 27, 2016.
13. Email from NHESP dated January 6, 2017 to Goddard Consulting.



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*Renee McDonough, Goddard Consulting, and Frank Gallagher, Gallagher Engineering, attended the meeting for the applicant. Applicants submitted documents responding to all letters (Conservation, NHESP, and Chessia Consulting). McDonough summarized the overall plan changes as follows:*

- *Some work was moved out of the No Disturbance Zone (NDZ)*
- *Stormwater basins were moved 50 feet from wetlands*
- *TSS removal was increased to 89%*
- *BVW/Bank impacts were avoided by directional drilling in utility easement*
- *Reduction of alteration in the Riverfront Area*
- *Use of pollinator seed mix for sideslopes of stormwater basins*
- *Claims of Low Impact Development (LID) were made and disputed by Carlino and Carrozza*
- *Invasive species removal plan with Natural Heritage and Endangered Species Program (NHESP) comments.*

*Gallagher described changes to the stormwater program as follows:*

- *Confirmed this is 40b, not cluster development*
- *Confirmed infiltration basin design*
- *Added new erosion control plan sheets*
- *Asked for relief of NDZ requirements for remaining areas*

*There was a discussion about the sewer force main and water main the utility easement. Commission requested revised plans enlarging the crossing area and need for more details on the means and methods. Carrozza requested condition regarding exit/entry pits, frac-out plans and mobilization. Carrozza suggested backreaming might be needed for construction due to limited space. Contractor should provide Commission with extensive details.*

*Kadish asked about slopes on basins. Gallagher explained they are 2:1. Carrozza explained proper placement of sediment control with a 5-8' "shelf" between fence and toe of slope. Sediment fence shouldn't be perpendicular to slope. There is not enough room for construction equipment. Carrozza requested more details on erosion control sheets including erosion control details, seed rates etc.*

*Sheet 1 comments from Carrozza and Carlino:*

- *No hay*
- *Lots are still in Priority Habitat, mirrors NHESP comment letter*
- *Deed restriction needed for open space land per 40b regs (760 CMR56.02), section read for record, followed by questions about parcel c shown on plan as open space and future septic area. Cannot be both uses and meet requirements of 40b. Requested applicant to decide and label plan correctly.*
- *If septic system, must show access to it on plan*

*Sheet 4 comments Carrozza and Carlino:*



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- *Not enough room for construction work zones*
- *Efforts to pull in limit of work on lots 1-3? Limit of work pulled in for other lots?*
- *Smaller culvert proposed than existing? Why? Doesn't it have to meet stream crossing standards? NHESP had similar comment. Opportunity to shorten length of pipe? Gallagher suggests swale.*
- *E main st a state or town road? Question related to MEPA requirements. Is there a state permit required?*
- *What is groundwater elevation? Were any of the perc tests witnessed by town employee? Gallagher said no, only him. Discussion of mottling found 3 feet down in some areas. Appears to have high groundwater in locations toward east end.*
- *Catch basins are only 36" instead of 48" deep. Gallagher to correct.*
- *Discussion about decentralizing stormwater (true LID concepts) to provide dry wells at house locations to reduce basin size*

*There was a discussion about the construction of the retaining wall and the detail. Need means, methods and materials details. Not enough room to construct by this plan. There was a discussion about construction of the rain garden and the future access and maintenance of it. Carrozza requested condition for retaining wall and rain garden construction. Contractor will provide detailed construction information. How will it be constructed without impacting floodplain? Gallagher will investigate further.*

*Sheet 5 comments:*

- *Fence around playground and dog park? Gallagher says yes. Question about dog waste management to be investigated. Will new trails be cut from playground? Shouldn't happen with fencing.*
- *Basin inlet directly across from outlet will short change the system. Add berm or channel to move water throughout basin.*
- *No hay on lot 19*

*Motion was made by Carrozza, seconded by Pearson to continue to Jan 23, 2017. Approved.*

### **SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**Notice of Intent – (#250-992) - Steve Kelly – Wheaton College - 26 East Main Street (Peacock Pond) (Assessor's Map 17 Parcel 14)** for proposed plans to repair the façade and structural integrity of a stone retaining wall that contains Peacock Pond. 2

*Motion was made by Carrozza, seconded by Blood to issue OOC with edits. Approved.*





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## REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-920 (partial)	Campanelli Thorndike Norton LLC	East Main St and Newland St.
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-for plans to install a sewer line along East Main St and Newland St.

*We didn't have a quorum to issue this. Blood recused. Item is postponed to January 23, 2017 meeting.*

#250-972 (partial)	Campanelli Thorndike Norton LLC	East Main St ROW Map 11, parcel 20 and ROW
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-for plans to install a sidewalk along Route 123 and reconstruct a headwall

*We didn't have a quorum to issue this. Blood recused. Item is postponed to January 23, 2017 meeting.*

## REVIEW DRAFT MINUTES

October 3, 2016, October 3, 2016 exec session, Dec 19, 2016

*All minutes postponed to next meeting.*

## OLD BUSINESS

**Violations:**

90A Freeman

241 Dean Street

## 22 Maplewood Ave Enforcement Order

*The owner had received violation notice in September. Called office and was told to file a permit for regarding floodplain, within 100 feet of wetland, Winnecunnet pond and in rare species habitat. He attended October meeting where Commission advised him of the same. He has not submitted anything to the Conservation Office.*

*Motion was made by Carrozza, seconded by Pearson to issue Enforcement Order. Approved.*

388 Reservoir St—*no new progress on this issue*

## NEW BUSINESS

Land donation- Reservoir st rear, map 4 parcel 6

*Donor requested issue tabled until February meeting.*

Norton Reservoir Lease agreement- Norton Kayak

*Motion by Carrozza, seconded by Blood to accept and issue the lease. Approved.*



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## Reservoir Update

Chartley Pond update

Report from Staff

Site visits

Waterbodies Committee update

Wetland Protection Fund

Grants

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

- *MACC requested picture with town and date Conservation Commission was adopted at town meeting. Carlino will send picture with info. Also, Norton Con Com has 55 year anniversary this year, established March 5, 1962.*
- *DEP #250-853 Request for an Extension by Mary Longo. Project has been going on since 2010. Permit will expire in a few days. They finished all of the landscaping and need to finish the paving of the driveway in the buffer zone. In discussion about gate that leads to Conservation land, commission decided that is can stay. Commission expects this project to be finished this year. Motion was made by Carrozza, seconded by Blood to issue 1 year extension. Approved.*
- *DEP#250-963 MFN sewer treatment plant, Hill st. Carlino brought up sedimentation issues and non compliance with permit and SWPPP. Last wed, met with contractors and were supposed to bring project back to compliance. Only partially done by Monday, so Carlino sent email requesting the information by 1pm today. Didn't receive any. Commission suggests contacting Lee Azhineira, owner, and giving until end of today for information before issuing stop work order.*
- *Wetland Protection Fund. Short discussion was held about Wetland Protection Fund and use of those funds.*

Meeting adjourned at 8:30pm.

Minutes approved by the Commission on 2/27/17 (Date)

Respectfully submitted,

Scott M. Ollerhead (Signature) Chairman, Conservation Commission

Scott Ollerhead (Printed name)