



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

RECEIVED  
NORTON TOWN CLERK

2017 JUN 12 A 9:47

Monday, April 24<sup>th</sup>, 2017  
6:30 pm  
2<sup>nd</sup> Floor Conference Room  
Norton Town Hall

### Minutes

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

**Attendance:** Scott Ollerhead, Ron O'Reilly, Julian Kadish, Dan Pearson, Lisa Carrozza, Jan Franceschelli, Conservation Agent Jennifer Carlino, and Conservation Secretary Sarah Brodeur

**Absent:** Gene Blood

### WETLAND HEARINGS

6:31 pm      **22 Maplewood Ave Enforcement Order** (Map 19, parcel 49)  
Violation consists of altering Bordering Land Subject to Flooding, Priority Habitat and buffer zone to Bordering Vegetated Wetland to Winnecunnet Pond without a valid permit. Alteration consists of re-grading the yard and expanding the parking area.

#### Document list:

1. Site plans entitled, "Sanitary Disposal Repair for Mark Landolfi in Norton, Mass.", prepared by John F. Vance Jr., signed and stamped by John F. Vance Jr., dated January 18, 1996.
2. Site photographs, dated September 25, 2016.
3. Enforcement Order, addressed to Alexa Medina of 22 Maplewood Ave, Norton MA, dated January 10, 2017 and revised February 13, 2017.
4. Cease and Desist letter, addressed to Alexa Medina, of 22 Maplewood Ave, Norton MA, dated September 16, 2016.
5. Site plans entitled, "Site Plan, 22 Maplewood Avenue, Norton, Massachusetts, prepared for Alexa E. Medina and Kevin Rooney", prepared by Robert L. Mason, signed and stamped by Robert L. Mason, dated April 20, 2017.

*This is an after-the-fact filing, for the purpose of establishing the existing conditions of the property. The existing conditions of the site can be compared to older site plans to determine the overall amount of alteration that occurred, and the historic elevations of the property with respect to flood storage.*

*Kevin Rooney submitted site plans to the Commission, which will enable Carlino to determine the amount of alteration to the property as a result of working without a permit. Carlino explained that alteration to the driveway, installation of*



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

*the septic system, and changes to the area on the side of the house are the focus of the Enforcement Order, and that it is crucial to address these aspects of the work conducted so that there are no future enforcement issues on the property. Kaddish and Carrozza explained to Mr. Rooney that the Commission is helping to protect his interests by requiring that he file a permit including all of the work that occurred on site. Carlino informed Mr. Rooney that the next step in this process is to fill out and submit a permit application along with the most recent site plans, and that she is available to assist him if necessary.*

6:41 pm

**Request for Determination of Applicability, DET #1054: Timothy Emerson- 11 Austin St, Norton MA (Map 22, parcels 123 and 124) -** for proposed plans to repair and replace a septic system within 100 feet of a bordering vegetated wetland.

Document list:

1. *Request for Determination of Applicability application prepared by Charette Land Surveying.*
2. *Plans entitled, "Proposed site plan, 11 Austin Street in Norton MA", prepared by Charette Land Surveying, signed and stamped by Christopher Charette, dated March 21, 2017.*
3. *Site photographs, dated March 23, 2017.*

*Carlino explained that there was an error in the legal notice for this hearing and that is had to be re-advertised at the Commission's expense. No abutters were present at the hearing.*

*Motion made by Kadish, seconded by O'Reilly to close the hearing for Determination #1054. Approved.*

*Motion made by Kadish, seconded by O'Reilly to issue a Negative Determination, Box 3 for DET # 1054. Approved (Carrozza and Franceschelli abstain).*

6:44 pm

**Request for Determination of Applicability, DET #1055: James Downey, 29 Plain Street (Map 17, Parcel 75-01) –** for proposed plans to remove a debris pile within 100 feet of wetlands and a stream.

Document list:

1. *Request for Determination of Applicability application dated April 6, 2017.*
2. *Reference Plan from MapGeo dated April 3, 2017*
3. *Site photographs, dated April 2, 2017.*

*Mr. Downey was present at the hearing, and explained that he inherited the debris pile from the previous property owners when he moved to the property in 2004. The debris pile, consisting of dirt, rocks and other debris, is located in close*



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

*proximity to an intermittent stream. Mr. Downey informed the Commission that his intention is to have a contractor remove the debris pile. Mr. Downey intended to hire a contractor to remove the debris pile, and was waiting for the Commission's determination in this matter before hiring someone to remove the debris. Carlino stated an onsite meeting with the contractor would be required and listed in the Determination.*

*Motion made by Kadish, seconded by Pearson to close the hearing for Determination #1055. Approved.*

*Motion made by Kadish, seconded by O'Reilly to issue a Negative Determination, Box 3 for DET # 1055. Approved.*

6:48 pm

**Request for Determination of Applicability, DET #1056: Christopher Vittorini – 30 Strawstone Lane (map 8, parcel 103) – for proposed plans to remove vegetation and expand a lawn within 100 feet of bordering vegetated wetland.**

Document list:

1. *Request for Determination of Applicability prepared by BDO Engineering for Christopher Vittorini, 30 Strawstone lane, Norton MA 02766*
2. *Plans entitled, "Proposed Lawn Expansion within Wetlands Buffer Zone at 30 Strawstone Lane, Norton MA", prepared by David Oberlander, signed and stamped by David Oberlander, dated March 30, 2017.*
3. *Site photographs, dated March 7, 2016.*

*David Oberlander, Professional Engineer, was present at the hearing and explained to the Commission that this project proposes to convert the outer fifty (50) foot Buffer Zone to a Bordering Vegetated Wetland (BVW) to a lawn. The original intention was to install erosion sediment control (ESC) lines that transcend property bounds, into an abutting property that is maintained as open space for the residents in this area. The Commission explained to Mr. Oberlander that ESC lines cannot be installed on the abutting property if there is a Conservation Restriction (CR) on it.*

*Carlino mentioned the NCC policy that requires property owners to install a visual barrier at the twenty-five foot (25) No Disturbance Zone. Mr. Oberlander explained that this location would be beyond the property bounds. Carrozza suggested that the visual barrier could be constructed farther away from the BVW so that it would be installed along the property bounds. Carlino provided Buffer Zone markers to Mr. Vittorini. Mr. Vittorini's next steps are to remove brush and loam and seed the area for final stabilization.*



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

*Motion made by Carrozza, seconded by O'Reilly to close the hearing for Determination #1056. Approved.*

*Motion made by Carrozza, seconded by Kadish to issue a Negative Determination, Box 3 for DET #1056. Approved.*

6:57 pm

**Notice of Intent (DEP # 250-996) – Laurie Bonaparte: 19 King Philip Rd (Map 19, Parcel 73-19)** – for proposed plans to demolish/reconstruct a house, driveway and install utilities within the 100-year floodplain and within 100 feet of Winnecunnet Pond.

Document list:

1. *Notice of Intent Application prepared by RIM Engineering for Laurie Bonaparte at 19 King Philip Rd (map 19, parcel 73-19).*
2. *Plans entitled, "Proposed House Location Plan for No. 19 King Philip Rd in Norton MA" prepared by RIM Engineering, signed and stamped by Ralph Maloon, dated April 6, 2017.*
3. *Email from Conservation Commission to RIM Engineering dated April 10, 2017 re: incomplete application.*
4. *Site photographs, dated April 17, 2017.*

*Chris Olson, trustee for the King Phillip Realty Trust, was present at the hearing. The representatives stated in their description of the project that flood storage would be increased between the current and proposed site conditions.*

*Carlino addressed several issues with the application, including inaccuracies in the flood storage calculations – the flood storage can't decrease on site because the project wouldn't meet the performance standards, but it also can't increase because the entire property is located within the floodplain. The application additionally lacked a narrative describing the resources areas on the property, and how the proposed project intends to meet the performance standards for each resource area. It was also unclear from the application and site plans as to how the structure will meet the State Building Code for flood construction.*

*Items to be submitted to the Commission:*

- *Written description of compliance with performance standards for each resource area impacts*
- *Written description of compliance with Flood Construction of State Building Code*
- *Chart of existing conditions by elevation including impervious area (house, shed, driveway) and proposed impervious area (house, pavers, patio, driveway)*
- *Explanation of grading changes on the lot*



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

- *Wildlife habitat evaluation is required per the regulations, but the Commission agrees to restoration plan instead. Restoration Plan to be prepared after the flood construction is finalized and approved.*

*Also noted were Chapter 91 requirements regarding the prohibition of docks on Great Ponds within an ACEC without a Resource Management Plan.*

*This project also requires Natural Heritage and Endangered Species approval prior to closing the public hearing.*

*Motion made by Carrozza, seconded by Kadish to continue the hearing until May 15, 2017. Approved.*

7:20 pm

**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, Nov. 28, 2016, Dec. 19, 2016, Jan 9, 2017, Jan 23, 2017, Feb. 13, 2017, March 13, 2017) - 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, revised 2-1-17, final revision 4-11-17.*
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.*





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

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.*
14. *Email from Conservation dated January 11, 2017 to Goddard, Gallagher, Chessia and Leddick.*
15. *Letter from Chessia Consulting Services LLC to Conservation Commission dated January 18, 2017.*
16. *Letter from Goddard Consulting, dated February 20, 2017.*
17. *Memo from Chessia Consulting Services LLC to Conservation Commission dated February 28, 2017.*
18. *Site photographs of vegetation from Gallagher Engineering dated March 13, 2017.*
19. *Stormwater Pollution Prevention Plan, Island Brook, dated April 18, 2017.*
20. *Letter from Gallagher Engineering, RE: Proposed Comprehensive Permit – Island Brook, Notice of Intent, dated April 17, 2017.*

*Frank Gallagher, of Gallagher Engineering, was present at the hearing and began by informing the Commission that there are still two areas (Lots 6 and 7; and Lots 17 and 18) where work is proposed within the twenty-five (25) foot No Disturbance Zone, but restoration of these areas is also proposed in a Restoration Plan. The Commission also asked Mr. Gallagher to look at lots 27 and 28 to shift houses sideways to move further from the wetland and provide a greater buffer. These lots have a side yard, whereas others do not, so this is an opportunity to maintain the twenty-five (25) foot No Disturbance Zone.*

*Overall restoration to the stream on-site has been proposed, including replacement of the stream crossing culvert. Carlino verified that the construction direction for the streambed restoration would occur from the end of the stream, working back toward the road. Carlino stated that the stream crossing doesn't meet the performance standards because it isn't 1.2 times bankful width, and requested Mr. Gallagher supplement the submitted stream crossing analysis by Goddard Consulting to compose a narrative describing the calculations he used to determine the culvert size and to explain how close or far the culvert is to meeting the performance standards for stream crossings. Mr. Gallagher explained the main reason is that enlarging the culvert to the stream crossing standards would result in downstream flooding.*

*Carrozza asked about LID (low impact designs) designs for the project. With respect to the stormwater system, Mr. Gallagher stated that he was in favor of*



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

*using standard stormwater systems and constructing infiltration basins because the basins will meet the stormwater standards by providing water storage, infiltration, and improving water quality by removing ninety (90) percent of TSS (total suspended solids). Gallagher explained that other LID designs were unsuitable for this project.*

*A discussion was held about the revised plans showing a retaining wall inside the infiltration basins. The Commission has already held a discussion about the slope requirements under Stormwater Management and the requirements of the Norton Highway Department for maintenance. The Commission has already drafted a Finding for the OOC with Mr. Gallagher that stormwater BMPs shall have 3:1 slopes, and this new change does not meet the agreed upon Finding or direction given by the Commission. Carrozza stated that she wanted the new design of the infiltration basin confirmed by Chessia.*

*Mr. Gallagher was asked about groundwater discrepancies of his latest letter. He stated that he inherited the project from a previous engineer. Mr. Gallagher explained that he conducted a ground topographic survey of the entire site, due to differences in groundwater readings he had gotten versus the readings that were provided by the previous engineer. Mr. Gallagher contacted the previous engineer to determine the location of the base used in the initial site surveys, and determined that the base initiates from a NVGD disk within a rock on the property. Carlino instructed Mr. Gallagher to label the location of this disk on the site plans.*

*Carlino overcame the presumption that vernal pools do not exist on the property by submitting the vernal pool documentation form submitted to the Natural Heritage and Endangered Species Program (NHESP). The vernal pool is found within bordering vegetated wetland near flag WF19. Mr. Gallagher had already received an email from Carlino stating such.*

*Carlino also sent an email regarding the town's stormwater bylaw adopted last spring. Mr. Gallagher was requested to demonstrate how the project has been designed to meet the bylaw requirements.*

*Carrozza asked about TMDL for fecal coliform at the dog park and compliance with SWPPP and the town's NPDES permit. The management company will need to provide dog waste management, which can be accomplished by providing waste stations with bags.*

*It was noted that the public hearing can't be closed until the approval letter from NHESP is received by the Commission. Mr. Gallagher will connect with NHESP regarding this approval.*



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

*A motion was made by Carrozza, seconded by O'Reilly to continue the hearing for DEP #250-893 to May 15, 2017. Approved.*

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

### **REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

#250-570	Lake Winnecunnet Association	Roads around Winnecunnet
Full	Katie Rando	22 Samoset (25/61)

This Request is for individual house lot sewer connections.

*Carlino performed conducted a site visit to the property to discover that the entire front yard is ripped up, and there is new construction occurring in the rear of the dwelling, which is entirely in the floodplain.*

*A motion was made by Carrozza, seconded by O'Reilly to deny the Request for a Full Certificate of Compliance for DEP #250-570. Approved.*

## **DISCUSSION**

Right of First Refusal Re-Notification under MGL Chapter 61A

- 235 East Main St (11/32), 0 Leonard St (11/22), 0 Leonard St (11/25), 0 Leonard St (11/25-01), 19 Leonard St (11/66)

*The Commission decided to resubmit the letter previously written to the Town Manager and Board of Selectman regarding the Right of First Refusal for the aforementioned properties.*

## **REVIEW DRAFT MINUTES**

April 10, 2017

*A motion was made by O'Reilly, seconded by Kadish to accept the minutes as amended. Approved.*

## **OLD BUSINESS** – No action was taken.

Violations:

- 90A Freeman
- 241 Dean Street
- 388 Reservoir St

## **NEW BUSINESS** – No action was taken.

Chartley Pond update

Reservoir Update

Chartley Pond update

Report from Staff





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

Waterbodies Committee update  
Wetland Protection Fund  
Grants

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

*No open session topics were discussed.*

*A motion was made by Carrozza, seconded by Pearson to adjourn the meeting at 8:45pm.  
Approved.*

*Minutes approved by the Commission on* 5/15/2017 *(Date)*

*Respectfully submitted,*

 *(Signature) Chairman, Conservation Commission*

Scott Ollerhead *(Printed name)*