



Norton Conservation Commission

70 East Main Street
Norton MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

RECEIVED
NORTON TOWN CLERK

2018 JAN 29 A 10: 51

Monday, November 27, 2017
6:30 pm
2nd Floor Conference Room
Norton Town Hall

MINUTES

recorded by Regen Milani, Conservation Secretary

6:30 pm Open meeting

The meeting was called to order at 6:34 pm.

Attendance: Scott Ollerhead, Julian Kadish, Dan Pearson, Gene Blood, Agent Jennifer Carlino, Secretary Regen Milani

Absent: Lisa Carrozza, Ron O'Reilly

WETLAND HEARINGS Wetland hearings will be taken in order.

A. 139 Pine Street compliance and ratification of Enforcement Order.

Document list

- 1. Enforcement order issued 11-7-17 to Lisa Boyden*
- 2. Site photographs*

The property owners Lisa and Jeff Boyden were present. The Chair Ollerhead suggested that if there is a septic plan, the commission may be able to use that. Normally the edge of a wetland needs to be on the septic plan. So if they get a copy of that from the Board of Health, and it has the wetland indicated then they may be able to use this to indicate which trees they wish to take down as part of the NOI. The Boydens are planning to do the NOI application. They also have been in touch with a civil engineer and a wetland specialist. The Boydens were notified that December 4th was the deadline for the next meeting, which is December 18th.

B. Matt Ladewig, ESS Group and Solitude, update of waterbodies treatments

Document list

- 1. Report entitled, "2017 Lakes and Ponds Annual Report, Norton, Massachusetts" prepared by ESS Group, Inc., dated 10/30/17.*



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

Matt Ladewig of ESS and Colin Gosselin from Solitude presented an update on progress and recommendations for the waterbodies treatments. Town's four waterbodies are being treated for non-native, invasive aquatic plants. A new pioneer infestation of the invasive plant, swollen bladderwort, was found in three of the four ponds this year. Chartley Pond had more of an issue. Bladderwort is a cryptic plant when not in bloom and a species that they are watching. Fanwort was found for the first time in Chartley. These were weak. But they plan to get to these next year. This year had herbicide treatments in each of the four ponds. They varied depending on the targeted invasive plants. In this first year they achieved goals, knowing that this is a multi-year plan. This is a control program, and not an eradication program.

Matt started with Winnecunnet. He showed fanwort survey pre- and post-treatment. Treatment began in May with Sonar. Treatment was very effective. None was found post-treatment, however they don't expect it to be completely gone. They also treatment Variable Leaf Milfoil. Post treatment results showed greater open water, but still a band around the edge of the pond. They are now recommending another low dose of Sonar next year, to try and knock this Variable Leaf Milfoil (VLM) down. If Conservation Commission is ok with this, then they also need Natural Heritage approval for this second application. These are the two major species at that pond. Then he reviewed the Reservoir- also has Eurasian Milfoil, VLM, and Swollen bladderwort, and Fanwort. Sonar treatment in May with booster treatment had excellent impact in the Reservoir for VLM. Next year in the Reservoir they want to use a blend of contact herbicides in the areas where there were plants remaining post-treatment in year one. Chartley Pond- focus of treatment was Water Chestnut. Clearcast was used by applying directly to the leaves in three treatments. Beds were thinned out post-treatment. If you prevent this annual from making seeds, then in post-treatment you did not see seeds. VLM was there but they did not target this. In post-treatment it was reduced, but it may be seasonal, natural decline of the plants in the fall. This is a plant that will be targeted next year. Swollen bladderwort was not expected, low densities, but was throughout the pond. Barrowsville- Water Chestnut was targeted. It is almost entirely taken over by it. There are other invasives there, but they are kept at minimum due to the Water Chestnut. Densities were reduced, no seed set at the end of the season. VLM incidental in the pond. Could be locally dense. They were not targeted. Same with Fanwort. These may take off once Water Chestnut is controlled. Treatment was difficult due to the density of the beds. If they can get an airboat, they can get more efficient treatment. Water Bodies Committee was contacted. How can they get on into the pond- an alternative access point? Pearson asked what happens to the herbicides after the treatments? They have varying rates of decay into byproducts. Some are non-detected after as little as 48 hours.

C. Notice of Intent (#250-1005). Daniel Defeo, 1 Mulberry Brook Drive (Map 5, Parcel 250) (cont. from 10/16/17). Proposal to construct a single-family house, driveway, septic system, well, and associated grading within 100 feet of wetland.

Motion was made to close the public hearing for NOI 250-1005, made by Kadish, seconded by Pearson. Motion passes.



Norton Conservation Commission
70 East Main Street
Norton MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

A motion was made by Kadish, seconded by Pearson to issue Order of Conditions as drafted. Approved.

- D. Request for an Amended Order of Conditions, and Request for an Extension (#250-943). Bernard Marshall, Norton Water Department. Off Plain Street (Map 19, Parcels 2 & 3). (cont. from 10/16/17).** Proposal to construct a new water treatment plant with associated water piping within 100 feet of a wetland.

Document list

- 1. Request for Order of Conditions Amendment and Extension prepared by Weston & Sampson. Dated 10/2/17.*
- 2. Site plans entitled 'Town of Norton, Massachusetts, Water treatment Plant' signed by Barbara K. Cook of Weston & Sampson Engineers, Inc. Dated 10/2/17.*
- 3. Certified abutter mailing list evidence. Dated 10/4/17.*

Motion was made to close the public hearing for NOI 250-943, made by Kadish, seconded by Pearson. Motion passes.

A motion was made by Kadish, seconded by Pearson to issue Amended Order of Conditions as drafted, adding the amended conditions includes the limit of work shall be fenced with chain link or plastic jersey barriers prior to commencement of any earth moving activities. Approved.

- E. Notice of Intent (#250-1001). Margaret Robinson, American Tower. 122 W Hodges Street (Map 34, Parcel 2) (cont. from 9/25/17, 10/16/17).** Proposal for the construction of a 150-foot monopole communications tower within 100 feet of a wetland and rare species habitat.

Applicant requested a continuance. Motion was made to continue to 12/18/17 by Kadish, seconded by Pearson. Motion to Continue passes.

- F. Notice of Intent (#250-100X.) Jeffrey O'Neil, Condyne Construct, 46 Commerce Way (Map 25, Parcel 86).** Proposal to install approx. 1,100 linear feet of (2) 4" PVC conduits (in the same trench) in a proposed 20-foot-wide utility easement within 100 feet of a wetland.

Applicant withdrew the application for this project on 10/8/17.

- G. Request for an Amended Order of Conditions (DEP # 250-960). Condyne Construct, 60 Commerce Way (Map 24, Parcel 116) – for proposed plans to construct a 20,860 square foot building with truck/parking access, employee parking and fuel facility within 100 feet of wetlands.**

Document list

- 1. Amendment request letter from Condyne Engineering Group to Norton CC. Dated 10/19/17.*



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

2. *Site Plans (C1-C14) entitled, "Site Plans, 60 Commerce Way, Norton Commerce Center" prepared by Condyne Engineering Group., signed and stamped by Mark Dibb, P.E. Dated 10/11/17.*
3. *Forwarded email from J. Carlino to M. Dibb regarding town-hired consultant J. Chessia's list of items that need to be included in the site plans. Dated 11/2/17.*
4. *Mitigation Completion Report prepared by Environmental Consulting & Restoration, LLC on the restoration planting area near #1 isolated vegetated wetland. Dated 11/10/17.*
5. *Contract between Norton Conservation Commission and Chessia Consulting Services to review the Amendment to the Order of Conditions for 250-960 60 Commerce Way. Dated 11/10/17. Signed and accepted by J. Carlino 11/16/17.*
6. *Review of AOOC from Chessia Consulting Services to J. Carlino. Dated 11/21/17.*

Mark Dibb and Jeff O'Neil from Condyne Engineering was here to present the project. It is at the cul-de-sac of Commerce Way. The amendment reduces the project from 80,000 sq. foot building to a Ryder-only maintenance facility at the size of 20,860 sq. ft. All activity is within the previous limit of work. Now impervious roof area will be impervious paving. Stormwater design is the same. Minimal reduction in impervious surface at the site. He is waiting for review of some calculations from Commission Consultant J. Chessia at this time.

Carlino asked about the status of conditions 80, 81, & 82 and if they are compliance with existing permit. Dibb replied that the property has been cleared. There was an upland restoration area that has been completed. Dibb also responded to inquiry that yes the trees were planted every 10 feet on center, and shrubs every 8 feet on center as required and that the berms of the basins have been stabilized with mulch or grass. Currently the site is fully stabilized. The planting plan, and

reports still need to be sent to Carlino per the existing conditions, and Dibb said that he would send those. Chessia's comments will be in by the next meeting and all items are due from the applicant a minimum of one week prior to that meeting or the Commission will automatically continue to the first meeting in January.

Motion was made to continue the public hearing for 250-960 to 12/18/17 by Pearson, seconded by Blood. Motion passes.

H. 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, April 10, 2017, April 24, 2017, May 15, 2017, 6/12/17, 6/26/17, 7/10/17, 7/24/17, 8/14/17, 8/28/17, 9/11/17, 9/25/17, 9/25/17, 10/16/17)- for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

Applicant for project # 250-960 requested a continuance. Motion was made to continue to 12/18/17 by Kadish, seconded by Pearson. Motion to Continue passes.

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-906 Campanelli Thorndike Norton, LLC 274 East Main Street
Full map 11, parcel 61 & 76
(Norton apartments) Construction of a 230-unit apartment complex, road, stormwater management system and grading within 100 feet of wetlands.

New As-Built plans were submitted by the applicants per the request of the Commission. No action as Blood needed to recuse and therefore there was no quorum.

#250-920 Campanelli Thorndike Norton, LLC East Main Street & Newland
Partial corrected and Full map n/a, parcel n/a
(Norton apartments) Plan to install water and sewer main extensions within 100 feet of a wetland and the Canoe River.

No action as Blood needed to recuse and therefore there was no quorum.

#250-972 Campanelli Thorndike Norton, LLC 70 East Main Street
Partial corrected and Full map 11, parcel 20 & ROW
(Norton apartments) Plan to construct a sidewalk, headwall, and replacement and drainage improvements within 100 feet of wetlands, bank, and in Canoe River ACEC.

No action as Blood needed to recuse and therefore there was no quorum.

#250-961 Ken LaCourse, ProTech Energy Solutions 21 Fairlee Lane
Full map 6, parcel 6
Proposed plans to restore wetlands and stormwater management associated with an existing solar array

Applicants were not present at the meeting. Outstanding items for this file to receive a Certificate of Compliance were discussed, 1. The as-built plans and the letter do not describe or show that work stayed within the limit of work 2. Town bylaws says not to issue any permit with outstanding taxes. We notified owner on 10/30/17 and have not received a response or notice from Treasurer that it has been paid. Commission agreed these items are required before issuing.



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

Motion to deny a request for a full Certificate of Compliance was made by Kadish, seconded by Pearson. Motion passes.

#250-950 Bernard Marshall/Norton Water/Sewer Department Fillmore Drive
Full map 17, parcel 93
Plans for a town center sewer project within 100 feet of a wetland and installation of a sewer line at Rumford River within 100-year floodplain

Commission is still awaiting full-sized, revised plans. Smaller sized plans were submitted, but the Commission is unable to properly read them and requires full sized plans. Motion to deny the request to issue a full Certificate of Compliance was made by Kadish, seconded by Pearson until they submit full sized plans. Motion passes

REVIEW DRAFT MINUTES

8/28/17 – *no quorum*

9/21/17 special meeting – *no quorum*

9/25/17 – *no quorum*

10/16/17 – *no quorum*

OLD BUSINESS

NEW BUSINESS

Update of Fall Town Meeting (October 23) included articles to:

Purchase Camp Edith Read

Conduct Phase II evaluation of Chartley Pond

Conduct repairs to upstream wall of Chartley Pond

All the articles submitted by Conservation at the fall town meeting passed.

Reservoir Update

Chartley Pond update

There will be another addendum for the work on Chartley Pond dam as the diving work needed was more extensive than previously anticipated. The town/Commission has the money already appropriated.

Report from Staff

Regen has been reconciling the budget and is doing a great job.

Waterbodies Committee update

Grants



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

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

22 Maplewood permit has not been picked up by Kevin Rooney. It was returned by the Post Office. Regen emailed him to let him know it was here. She can follow up with him one more time. Gene Blood offered to drop it off, and get a signature of receipt at this residence. It is supposed to be recorded.

Executive session: Discuss strategy in executive session with respect to 162 West Main Street litigation, related the enforcement order issued by the Commission (DEP File No. 250-38), pursuant to G.L. c. 30A, §21(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.

A motion was made to enter into Executive Session by Kadish, seconded by Pearson. Motion passes. Roll call was taken: Scott Ollerhead, Julian Kadish, Dan Pearson, Gene Blood. The Commission entered executive session at 7:50pm

Returned to public meeting at 8:00pm.

Motion to adjourn at 8:00 by Kadish, seconded by Pearson. Motion passes and meeting was closed.

Respectfully submitted by: *Regen Milani*
Regen Milani, Conservation Secretary

Minutes approved by the Commission on 1/8/18 (Date)

Conservation Commission Signature:

Scott M. Ollerhead
Scott Ollerhead, Conservation Commission Chairman