



Norton Conservation Commission

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Monday, December 18, 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 6:37 pm.

Attendance: Julian Kadish, Dan Pearson, Gene Blood, Ron O'Reilly Agent Jennifer Carlino, Secretary Regen Milani

Absent: Scott Ollerhead, Lisa Carrozza

A motion was made to enter into Executive Session by O'Reilly, seconded by Pearson. Motion passes. Roll call was taken: Julian Kadish, Dan Pearson, Gene Blood, Ron O'Reilly. The Commission entered executive session at 6:39pm

Executive Session with Town Counsel: 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.

Returned to public meeting at 7:12 pm.

WETLAND HEARINGS

Wetland hearings will be taken in order after Executive Session (anticipate that will begin at 6:50pm or soon thereafter).

A. Request for Determination of Applicability (DET 1060). Dylan Ribeiro, 117 West Hodges Street (Map 34, Parcel 1-01). Proposal to replace and existing septic system with a new system within 100 feet of a wetland.

Document list

1. WPA Form 1 -RDA application for Dylan Ribeiro for 117 West Hodges Street. Dated 11/22/17.
2. Plans entitled, "upgrade of Subsurface Disposal System at 117 West Hodges Street, Norton, MA" prepared by BDO Engineering, signed and stamped by David A. Oberlander. Dated 11/15/17.

Dave Oberlander with BDO engineering was in attendance to present the project. It is an existing house on West Hodges. The house is being remodeled and as part of that there is a new septic system. There are some flags on the edge of the property and he stayed 50 feet away in the layout. Proposed is a straightforward gravity system. Kadish commented that the site appears pretty flat. The septic is halfway mounded near the road, but overall will blend in fairly nicely. Carlino asked about sediment control. Oberlander responded that sediment control would be straw waddles along the house, at the 50-foot buffer, and on the proposed grade. There were no further questions from Commission nor the public attendees.

Motion was made to close the public hearing for DET 1060, made by O'Reilly, seconded by Pearson. Motion passes.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1060 by O'Reilly, seconded by Pearson with the caveat that project carried out to plan. Motion passes.

B. Notice of Intent (#250-1007). Stephen & Kara Newcomb. Dean Street (map 35, Parcel 20-01). Proposed new construction of a single-family house and grading within 100 feet of a wetland.

Document list

1. WPA Form 3 -NOI application for Stephen & Kara Newcomb for proposed new construction of single family home at 0 Dean Street. Dated 11/29/17, modified page 1 provided 12/7/17.
2. Plans entitled "Notice of Intent plan of land in Norton Ma prepared for Stephen Newcomb" prepared by W. T Whalen Engineering. Dated 11/8/17. Revised 12/7/17 sealed by: John F. Vance Jr. No. 9097 Registered Land Surveyor Commonwealth of Massachusetts.
3. Copy of the septic plan as given to the Commission at the meeting, signed and sealed by: Peter Huie No.19454 Registered Professional Engineer Commonwealth of Massachusetts.

Mark Whalen was at the meeting to represent the project. Proposed is a four-bedroom house located in the buffer zone to bordering vegetated wetlands. The septic system would be outside the wetland. The activity is out front compared to the size of the parcel. This project is not within the floodplain. Nine wetland flags are still out there. Whalen located them last month and they are using those flags. The yellow line on the plan is the 100-foot buffer. There will be grading out to 25 feet per the Commission policy. Carlino then asked Whalen to respond her comments that were sent to him in an email on 11/29, specifically that the visual barrier is not consistent with the policy. Whalen replied that on Monday (12/11) full sized plans were dropped off and that six placards will be spaced evenly on trees. Carlino indicated to him that the requirement is a barrier or fence so that the yard doesn't get extended at a future date or by a future owner. Whalen simply replied that the applicant has agreed to put placards up every 25 feet. This would be about six.

Kadish then stepped in to clarify that placards are not sufficient, and that the Commission has a policy of a barrier, stone or fence. It has to be a physical barrier. Even if people are well meaning, the yards get extended. So, a physical barrier is required but could be a rock boundary. The applicant Newcomb was in the audience. He indicated that there are boulders on the property and that he wants to comply, so asked to have a boulder barrier instead of a fence. Dana Rappandeau spoke. The Commission agreed that they would accept a boulder barrier if it was significant. Next, Carlino asked Whalen about the engineer's stamp on his plans. She indicated that a stamp from a surveyor does not meet the state requirements for stamping plans for septic or grading design; it requires an engineer or sanitarian. Jack Vance cannot do the septic design; that would require an engineer. Carlino further questioned whether Mr. Vance, who has significant health issues, was able to actually do the work as shown on the plans. Whalen provided a copy of the septic plan to the Commission with another stamp. Newcomb then addressed the Commission to say he grew up in Norton and he's excited to come back and that he means well. Kadish responded that he's welcome back to town but informed him that everyone is treated the same when it comes to enforcement of the Wetlands Protection Act and the Commission's requirements.

Motion was made to close the public hearing for NOI 250-1007, made by O'Reilly, seconded by Blood. Motion passes.

Motion to issue the Order was made by O'Reilly, seconded by Blood. Motion passes.

C. Notice of Intent (#250-1006). Eco-Site. 15 South Washington Street (Map 18, Parcel 31 & 150). Proposal to construct a cell tower facility with associated driveway crossing and appurtenances within 100 feet of a wetland.

Document list

1. WPA Form 3 -NOI application for Eco-Site for proposed new construction of a cell tower and appurtenances at 0 & 15 South Washington Street. Dated 11/29/17.
2. Plans entitled "Nason, MA-0030, 15 S Washington Street, Norton, MA 02766, Bristol County" prepared by NB+C Engineering Services, LLC, signed and stamped by Krupakaran Kolandaivelu. Dated 10/17/17, final revision 11/18/17.
3. Email from D. Kellman to J. Carlino with attachments, including revised NOI pages, responding to comments and questions from Norton. Dated 12/8/17.

Brad Holmes of Environmental Consulting & Restoration was here to present the project. This is a new development on the back lot behind 15 South Washington. He explained it will have gravel, base, cell tower, and a driveway leading into the site with associated stormwater management. DEP File # 250-977 was the previous OOC for these two parcels, and the owners are looking to do now is install a cell tower. The driveway will be a grass paver system and 12 feet wide, a pervious drive that will be used in a limited capacity. The client is aware that this project may go

out to consulting review, if the Commission feels this is necessary. The pavers will look like extended lawn. Holmes sent Commission consultant Chessia a copy of the NOI application for this project and he believes the engineers sent the plans. Carlino has not received an estimate from Chessia as of this meeting. The Stormwater will be reviewed. Carlino asked Holmes if the previous plan for the house and septic is still a proposed project. Holmes replied that no, this is the plan B and that if this plan is approved and moves forward then the house proposed in 250-977 will not be built. Holmes will confirm that the house will not go up and that it is an either-or scenario. Either 250-1006 OR 250-977. There were no questions from audience.

Motion was made to continue the public hearing for NOI 250-1006, made by O'Reilly to 1/8/18, seconded by Pearson. Motion passes.

D. 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, 11/27/17). 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 1/8/18 by O'Reilly, seconded by Pearson. Motion to Continue passes.

E. Request for an Amended Order of Conditions (DEP # 250-960). Condyne Construct, 60 Commerce Way (Map 24, Parcel 116) (cont. from 11/27/17). Proposed plans to construct a 20,860 square foot building with truck/parking access, employee parking and fuel facility within 100 feet of wetlands.

Jeff O'Neill from Condyne Engineering, owner and developer of the property, was at the meeting to present the project. He indicated to the Commission that all of the four comments, have been addressed from Chessia. Conditions 80, 81 and 82 from original order for the restoration the applicants have proceeded and added 11 native saplings and shrubs. Carlino indicated that standard restoration plans require a total of 70 trees, placed every 10 feet on center, and 148 shrubs placed every 8 feet. The number of plants is from DEP guidelines. Condyne are willing to abide by the increased number but will have to ask for an extension of the planting date deadline in the OOC. After discussion, the Commission agreed that Condyne only need to plant half of the 70 (35 trees) and half of the 148 shrubs (74) in order to be in compliance. The Commission requested that all species be native to SE Massachusetts. The Commission noted that around the vernal pool there is a riprap wall, and a landscape buffer which have not been constructed. They required that these be constructed by May 1, 2018. Carlino asked about a shut off valve, and O'Neill replied that shut off valve was added to the revised plan.

Motion was made to close the public hearing for NOI 250-960, made by Pearson, seconded by Blood. O'Reilly abstained from the vote. Motion passes.

A motion was made by O'Reilly, seconded by Blood to issue the Amended Order of Conditions as drafted with the changes to the four conditions as discussed. Approved.

F. 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 10/24/16, 11/14/16, 11/28/16, 12/19/16, 1/9/17, 1/23/17, 2/13/17, 3/13/17, 3/27/17, 4/10/17, 4/24/17, 5/15/17, 6/26/17, 7/10/17, 7/24/17, 8/14/17, 8/28/17, 9/11/17, 9/25/17, 10/16/17, 11/27/17)- for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

No one was in attendance at the meeting to represent the applicants. Carlino reported to the Commission that Gallagher submitted the final plan, and that therefore Chessia's final report is pending. The final report will be paid for by the commission and not the clients. The estimate is \$1800 and would come from Wetland Protection Fund. Carlino indicated that the approval of this permit will take deliberation, as this is not an easy project. Next meeting there will be time for deliberation.

Motion was made to continue to 1/8/18 by O'Reilly, seconded by Pearson. Motion to Continue passes.

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

REQUEST FOR AN EXTENSION

Request for an Extension (#250-943). Bernard Marshall, Norton Water Department. Off Plain Street (Map 19, Parcels 2 & 3). Proposal to construct a new water treatment plant with associated water piping within 100 feet of a wetland.

A motion was made by O'Reilly, seconded by Pearson to issue an Extension to the Order of Conditions for two years for DEP file #250-943. Approved.

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.		

Blood recused and the Commission did not have a quorum to hear this request.

#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.

Blood recused and the Commission did not have a quorum to hear this request.

#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.

Blood recused and the Commission did not have a quorum to hear this request.

#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

No response to denial letter sent. No action.

#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

Motion to issue a full Certificate of Compliance was made by O'Reilly, seconded by Blood. Motion passes.

No File # **Paul Freeman** **4 Rumford Rd**
Full **map 10, parcel 247-01**
Violation notice was recorded on the deed and needs to be released.

No action as information requested was not yet provided by applicant.

250-203 **Josh Fox** **41 Pleasant Street**
Partial for lot only **Map 20, parcel 22-01**
House was never part of the Cortland Estates condo project.

No action as information requested was not yet provided by applicant.

REVIEW DRAFT MINUTES

8/28/17 – no quorum

9/21/17 special meeting– no quorum

9/25/17– Motion to accept O'Reilly, seconded by Blood. Motion passes.

10/16/17– no quorum

11/27/18 – no quorum

11/27/18 Executive Session minutes. – no quorum

OLD BUSINESS

NEW BUSINESS

Reservoir Update

Chartley Pond update

Report from Staff

Waterbodies Committee update

Grants

J. Carlino reported that they received the grant from the State towards the purchase of Camp Edith Read property. She is working with the Town Manager and the property broker to negotiate a purchase price.

Right of First Refusal- 19 Leonard Street (map 11, parcel 66) Re-notification of an Amendment. The town is not in the position to purchase. Commission's recommendation is that we don't have funds but that they should do resource protection.

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

Motion to adjourn at 8:19 by O'Reilly, seconded by Pearson. Motion passes and meeting was closed.

Respectfully submitted by:


Regen Milani, Conservation Secretary

Minutes approved by the Commission on 11/22/18 (Date)

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman