



Norton Conservation Commission
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Monday, March 12, 2018
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 6:30 pm.

Attendance: Scott Ollerhead, Julian Kadish, Dan Pearson, Gene Blood, Ron O'Reilly, Daniel Doyle Jr Agent Jennifer Carlino and Secretary Regen Milani

Absent: Lisa Carrozza

WETLAND HEARINGS

Wetland hearings will be taken in order.

A. Notice of Intent (#250-1012). Town of Norton. Chartley Pond (Map 26, Parcel 8) Proposal to drawdown water and repair the upstream wall of Chartley Pond.

Document list

- 1. Notice of Intent (NOI) application prepared by Town of Norton, dated 3/1/18.*
- 2. "Chartley Pond Dam Upstream Wall Repairs", prepared by Pare Corporation, signed and stamped by Matthew Belisle, dated January 2018.*

Jennifer Carlino presented the project. Engineer was requested but did not show. Ron O'Reilly is an abutter so he recused. Carlino showed the plans to the public members who were interested. They will drawdown the pond all the way to the bottom of the gate and this should be done early enough in the season to allow the water to come back up this year. There are cracks in the concrete wall, these need to be repaired. It is all concrete work. A member of the public (unidentified abutter) asked if water is running through the cracks? Carlino informed them it was not; the concrete is eroding and so it just needs to be repaired. Ron O'Reilly asked how does the drawdown impact the [Conservation Commission's current] weed (invasives removal) program and Carlino informed him there will be no impact to that program. An unidentified abutter asked if this repair project will take a couple months to get the project done and to get the water back up. Carlino replied that the project should be done by July in order to be in compliance for the grant the Town received to complete the repairs. O'Reilly wanted to know how much a coffer dam would have cost and was informed that that cost is beyond what was budgeted for this repair. An unidentified abutter asked what the impact will be on the fish? Carlino replied that it is likely they will head up stream. There was public comment that the stream is very low and there are lots of weeds and so

they are concerned that this will be harmful to the wildlife. Carlino said the Natural Heritage and Endangered Species Program will have review and comment and this will ensure the wildlife are adequately protected during this project.

Motion was made to continue to 3/26/18 by Pearson, seconded by Blood. Motion to Continue passes.

B. Request for Determination of Applicability (DET 1064). Robin McDonald, Attleboro YMCA, 295 West Main Street (Map 26, Parcel 292). The proposed project involves installation of a splash pad within 100 feet of wetlands.

Document list

- 1. WPA Form 1 -RDA application for Attleboro YMCA for 295 W Main Street. Dated 2/27/18.*
- 2. Plans entitled "Wetlands and Buffer Zones", prepared by Weston & Sampson signed and stamped by Jeffrey F. Budrow dated 2/23/18.*

Carl Lummey from Weston and Sampson was here to present the project. The YMCA are proposing a spray deck/splash pad next to an existing pool. It is an interactive water feature that is a self-draining pad and does not allow for any static water build up. All the spray features would be contained within the spray area and not beyond that boundary. It will drain to a collector tank below the pad via two main drains. The Strip drain discharges to an existing man hole. Collector deck will have an overflow pipe and this will also drain to existing structure. There are two areas that fall within the 25 to 50-foot buffer and this is 430 square feet. Erosion control will be installed. Carlino asked how they will access the area with the equipment during construction and if they had enough room for a concrete truck. Lummey replied that yes there should be enough room to the left of the existing building. She asked if there would be a concrete wash out area and Lummey was not sure. Carlino informed him a concrete wash out area would need to be on the plan, and if it is a pit, it needs a poly lining. Carlino stated that [during her inspection] she noted that there were only three wetland flags, and she asked if that was the extent of the work. Robin MacDonald from the YMCA (who was in the public audience and identified herself) indicated that it was.

Motion was made to close the public hearing for DET 1064, made by O'Reilly, seconded by Blood. Motion passes.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1064 by O'Reilly, seconded by Blood. Motion passes.

C. Notice of Intent (#250-1009). Tournament Players Club of Boston. 400 Arnold Palmer Boulevard (Map 8, Parcel 123-01) (cont. from 2/26/18). Proposal to perform herbicide application control of *Phragmites australis* within bank, bordering vegetated wetland and within 100 feet of a wetland.

Applicant requested a continuance. Motion was made to continue to 3/26/18 by Pearson, seconded by Blood. Motion to Continue passes.

D. Notice of Intent (#250-1006). Eco-Site. 15 South Washington Street (Map 18, Parcel 31 & 150) (cont. from 12/18/17, 1/8/18, 1/22/18, 2/12/19, 2/26/18). Proposal to construct a cell tower facility with associated driveway crossing and appurtenances within 100 feet of a wetland.

Applicant requested a continuance. Motion was made to continue to 4/9/18 by Pearson, seconded by Blood. Motion to Continue passes.

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, 11/27/17, 12/18/17, 1/8/18, 1/22/18, 2/12/18, 2/26/18). 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 3/26/18 by Pearson, seconded by Blood. Motion to Continue passes.

F. Abbreviated Notice of Resource Area Delineation (ANRAD) (DEP #250-1011) Jeffrey O'Neil, Condyne Capital Partners. 0 Leonard Street, 0 Rear Leonard Street, 0 Burt Street (Map 11 Parcels 22, 25-0, 25-1; Map 25 Parcel 15). North. Proposed plans to verify wetland resources areas.

Document list

1. *Abbreviated Notice of Resource Area Delineation (ANRAD) application prepared by Condyne Capital Partners, dated 2/20/18.*
2. *"Norton Business Park Plan to Accompany an ANRAD Leonard St (North)", prepared by Condyne Engineering group, signed and stamped by Mark Dibb, dated 2/1/18.*

Mark Dibb and Jeffrey O'Neil from Condyne were here to represent the project. The Commission chair addressed the public to say this hearing is only to assess the wetland resources for the parcels, and not a discussion on any future construction plans. Dibb informed the group that 250-1011 was is the "North Side" of the project. Since it is a large property they split the application into two, but that in his presentation he would review the entire site 250-1010 and 250-1011 together. Their wetland scientist found all of the wetland resources. Endangered species are also represented on the plans. They submitted 60-scale drawings resulting from this work. Each portion of the site has a map. But Condyne also made an overall plan which he presented to the Commission at the meeting. Wetland Scientist delineated an A series of wetlands, a B series of wetlands, the C and D series were later combined as part of the B series. The E series is the wetlands in the interior. The F series is the outer boundary of the site to the East. The G and I series encompass a wet meadow, which looks like a field from a distance, but there is a significant portion of wetlands based on the soils. H series starts where the river comes under the exit ramp and comes around to the driving range and wraps back up to Leonard Street. Inland banks of Canoe River were put on the plans. There is also a perennial stream identified. For every BVW a 100-foot buffer is shown on the plans and the 25 foot no disturbance zone. In addition, the flood zone is also included on the plan. Flood zone is the 74- foot contour. There is a natural heritage line associated with the river for rare mussels. This is also shown on the plan. They have provided Locus maps, FEMA maps, a wetland report, and also the 60 to-scale plans.

He understands that the site has not been visited yet by Carlino. He mentioned that he did get a request for some additional information on the wetland reports from her and he indicated that he can complete any data sheets she need. Carlino said she only needs what plant species should be listed and what soils are there, she does not need data sheets. She said the reports is sorely lacking.

Carlino asks what happens to the E series- why doesn't that go to the end of the map? Dibb made a note of this question and said he also noticed that just before the hearing and will get more information for the Commission. Carlino asked if the perennial river goes all the way to the Canoe River. Dibb said yes it does and he will clarify that as well prior to the next hearing. There was discussion on the size of the area – over 100 acres- included in these applications. Carlino said a month is reasonable for site inspections of this project.

Mr. Houghton said the stream dries up in the summer time.

Frank [did not get last name] lives on Burt street. He's concerned about the whole project. He wanted to know if the project will change water levels. Dibb informed him that any development will meet stormwater standards for the state. They are proposing to not fill flood zone area, and if they do, they will create additional storage.

Amelia Lydon on Burt Street. She wanted to know if you can build in a flood zone. Dibb said, yes there will be alteration within the flood zone. Carlino specified that under the regulations, Dibb would have to prove that he can't avoid alteration of floodplain first, then minimize the impacts and finally mitigate for them. Dibb agreed.

Bill Witford stated that these fields absorb the water. He wanted to know where will that water go? He was informed that will be addressed in future filings. Dibb mentioned that any stormwater will need to put it back into the ground per state regulations.

Michelle Fitzgerald. 100 feet from the wetland. 200 from the Canoe River- is that on there? Yes, it is on the plan.

What happens to the animals? Frank asked. Carlino asked where the project stands with MEPA? It will be posted in the Environmental Monitor this week. There will be reports available at certain locations, at the Town Hall and the Library in hard copy, and online. A pad was sent around for people to add their name and address for Dibb to provide future notifications. The Commission was asked about the wetlands and how they hold flood water. Carlino looks at the function and values of the property. She said that good photographs can be compared to the plans if people had specific locations where they were concerned

John Perillo, also on Burt Street. Is there a list of endangered species that may be impacted? Dibb replied that there is a rare mussel and this location is on the plans. Dibb offered to put together more of a summary for the next hearing.

Motion was made to continue 250-1011 to 3/26/18 by Kadish, seconded by Pearson. Motion to Continue passes.

G. Abbreviated Notice of Resource Area Delineation (ANRAD) (DEP #250-1010) Jeffrey O'Neil, Condyne Capital Partners. 237, 227, 235 E. Main Street, 19 Leonard St. (Map 11 Parcels 32, 34, 35, 66) Proposed plans to verify wetland resources areas.

Document list

1. *Abbreviated Notice of Resource Area Delineation (ANRAD) application prepared by Condyne Capital Partners, dated 2/20/18.*
2. *"Norton Business Park Plan to Accompany an ANRAD Leonard St (South)", prepared by Condyne Engineering group, signed and stamped by Mark Dibb, dated 2/1/18.*

This is the "South Side". See the information above for description of the ANRAD By Mark Dibb of Condyne, the Civil Engineer.

Motion was made to continue 250-1010 to 3/26/18 by Pearson, seconded by Kadish. Motion to Continue passes.

Carlino informed the public that any letters in reference to this filing they wish to contribute should be sent to the Commission. She also suggested they come back in two weeks if they wish. She mentioned that there will be no newspaper notice or mailings for this continuance.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-999 Massachusetts Electric Co. Parker St, S. Worcester St, John Scott Blvd
Full Map 26, Parcel 169-01; Map 27, Parcels 177-01 & 179-02; Map 31, Parcels 39-01 & 39-02
Plans to remove 14 trees within 100 feet of wetlands and riverfront area within the Three-Mile River Area of Critical Environmental Concern.

Chase Bernier from BSC Group was at the meeting to represent the project. They reduced 14 trees to 7, sediment controls are still out there, as they wanted to get the COC before removing this.

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

#250-259 Harry Forster via Jeffrey Lovely, Esq. 19 Leonard Street
Full Map 1, Parcel 32
Establishment of a golf learning center, portions of which were proposed within the 100-foot buffer zone of the Canoe River and within the 100-foot buffer zone of wetland bordering on the river.

Carlino requested additional information and it has not been provided yet. No action

Discussion: Request from Town Manager to Commission for FY19 transfer of funds from Wetland Protection Fund to Town Operating Budget

Carlino still does not have a quote from the attorney on how much the Island Brook appeal will be. In the past the Commission has not provided any funds or only has given \$5,000. Kadish feels comfortable. Ollerhead is comfortable with \$5,000.

O'Reilly made a motion to transfer \$5,000 from Wetland Protection Fund to Town Operating Budget. Blood seconded. Motion passes.

REVIEW DRAFT MINUTES

2-26-18 Motion to accept Kadish, seconded by O'Reilly. Motion passes.

OLD BUSINESS

#250-983- Island Brook Request for Superceding Order of Conditions

Ollerhead asked how the Island Brook meeting went, and Carlino said it went fine. Carlino is expecting DEP to ask for additional information. She feels Goddard may ask to redo the wetland boundary as he suggested this at the site meeting.

NEW BUSINESS

- Reservoir Update
- Chartley Pond update
- Report from Staff
- Waterbodies Committee update
- Grants
- EPA award nomination letter *Carlino recommended to the commission that Bill Napolitano from SRPEDD be nominated for the EPA Lifetime Achievement Award. She indicated that she would draft a letter of support for the members to sign. The Commission was supportive of this nomination.*

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

Motion to adjourn by Pearson, seconded by Doyle. Motion passes and meeting closes at 7:29 pm.

Respectfully submitted by: 
Regen Milani, Conservation Secretary

Minutes approved by the Commission on 4/9/18 (Date)

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman