



Norton Conservation Commission
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NORTON TOWN CLERK

2018 AUG 13 P 1:35

Monday, June 25, 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 6:31 pm.

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

Absent: Gene Blood

WETLAND HEARINGS

A. Request for Determination of Applicability (DET 1068). Shannon Dolan. 127 Reservoir Street (Map 10, Parcel 10-01) The proposed project involves digging up pavement to add topsoil and grass within 100 feet of wetlands.

Document list

- 1. Request for Determination prepared by applicant, dated 6/7/18*
- 2. "Front Lawn", dated 11/9/00, revised 6/7/18.*

Shannon Dolan presented a brief summary of his project. Pearson asked if this was a former violation and if all items were now taken care of. Carlino responded that yes, this was a violation but now all sediment barriers were in place and this application was filed as required.

Motion was made to close the public hearing for DET 1068 by O'Reilly, seconded by Doyle. Motion passes. Kadish recused.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1068 by O'Reilly, seconded by Carrozza. Motion passes. Kadish recused.

B. Request for Determination of Applicability (DET 1066). Columbia Gas of MA. Commerce Way (public roadway layout) (cont. from 5/21/18, 6/11/18). The proposed project involves gas main installation within 100 feet of wetlands.

Thomas A. Pozerski, Senior Project Manager at Merrill Engineers and Land Surveyors, was at the hearing to present for the applicant. He provided updated plans with the sediment barriers shown. He went over

items requested at the last hearing including: the applicant doesn't anticipate needing dewatering operations but they will be prepared for this in case the need arises. Roadway elevation is 81 and the bottom of the gas main will be around 76 in elevation. They typically use a dirt bag installation if dewatering is required and Pozerski stated that it would probably be 8' x 10' bag. When the dirt bag is full they pick it up and put another one down. Carlino asked for a note on the plan for the contractor that the curb inlet of the catch basin opening should be blocked as well. Carrozza asked if the potential location of the dirt bag would be in the roadway layout and Pozerski replied that it would be. She asked Pozerski to add a note on the plan regarding this as they do not want it to be placed by accident in the wetland.

Motion was made to close the public hearing for DET 1066 by Kadish, seconded by O'Reilly. Motion passes.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1066 pending information on the plan as discussed by Kadish, seconded by Carrozza. Motion passes.

C. Notice of Intent (#250-10XX). Thomas Powers. 21 Samoset Street (Map 25, Parcel 29). Proposal to construct a single-family house, driveway, utilities, and associated grading within the 100-year floodplain.

Document list

1. Notice of Intent (NOI) application prepared by applicant, dated 6/7/18.
2. "Proposed Plot Plan for 21 Samoset Street, Norton, Massachusetts", prepared by Dana Junior, signed and stamped by Robert A. Junior, dated February 22, 2018.
3. Standards for Bordering Lands Subject to Flooding performance standards
www.mass.gov/files/documents/2018/01/18/macc2017blsf_1.pdf

Dana Junior was here to present the project along with applicant Thomas Powers. The site is a 8,905 square feet lot within the Canoe River Area of Critical Environmental Concern and all within AE flood zone. Junior indicated to the Commission that a similar plan design was permitted by the Commission about 7 years ago. Junior has basically adopted a plan very similar to this early plan. The floodplain is 73 The foundation plan has the sill elevation at 73 feet and first floor elevation is 74 feet, so above the floodplain. And the garage is at 72.4 elevation. Compensatory flood volume is proposed in the back yard. They will create a depression in the back yard and there are calculations on the plan that show that over 500 feet should be ok. Piles will be removed at the end of the project. The foundation has been designed with three-foot-wide gates flood gates. . No basement or crawl space is proposed. Sill is one foot off the ground and first floor is two feet off the ground. Waters will flow through the house. Pearson asked if there would be a flood vent in the building and Junior replied that the gates are vents per se but openings, and larger than vents. Pearson stated that DEP does not allow vents. Any foundation would be a "hydraulic restriction". At this time Carlino provided Junior with a photocopy of DEP's presentation on work within Bordering Lands Subject to Flooding and referenced the regulations. Carlino says that the openings designed for this parcel would not be approved because it is not in compliance with the regulations. This project currently has 5320 feet of alteration whereas the Commission can only approve 10% of the lot or 5000 sq. ft., whichever is less, for this lot per the regulations. She asked for a statement from the applicant/contractor of how this project will meet all of the performance standards laid out in

the handout provided. The date of the MESA map reviewed is the wrong date and this needs to be updated. Kadish indicated that the foundation won't meet performance standards and it needs to be elevated. If the house is on stilts it would be only the diameter of the stilt calculated for alteration. They can alter the design and put the house on stilts. If they cannot meet the performance standards then it is not a permittable. The plan should also have a signed engineer stamp and a surveyor stamp.

Motion was made to continue to 7/9/18 by Kadish, seconded by Pearson. 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, 2/12/18, 2/26/18, 3/12/18, 4/9/18, 4/23/18, 5/21/18, 6/11/18).
Proposal to construct a cell tower facility with associated driveway crossing and appurtenances within 100 feet of a wetland.

Thomas A. Pozerski, Senior Project Manager at Merrill Engineers and Land Surveyors and Brad Holmes of Environmental Consulting & Restoration, LLC, appeared to describe the revisions to the plans to bring the site into compliance for stormwater. The wetland lines have been updated by Holmes and there was one significant change from what Carlino had already inspected. Holmes will give Carlino flag numbers to complete the inspection. Pozerski said that Chessia had commented that it had to be looked at from the ground up, so Pozerski has been in touch with him regularly. They did soil examinations for drainage and Chessia observed the three soil tests. The second test pit showed that it is compacted glacial till. They put a note on the plan to have that area moved. (not sure what that means) The site is a challenge as to how they have to treat the stormwater so they have elevated the proposed road. Pozerski wants it to look as natural as possible so it has grassed pavers. There will be two stormwater treatment devices. There is the required groundwater separation on this project with 44% pretreatment. Pavers provide recharge. Stream crossing is a box culvert system and will meet MA stream standards. A temp diversion ditch will be used to maintain stream flow during construction. No untreated stormwater. Outlets will be at the toe of the slope. Pozerski proceeded to review all of Chessia's comments and how the project has addressed them through revisions. There is not a lot of impervious area in this project. It's in an ACEC. See response report from Merrill for details on response to Chessia [located in the project file at Conservation Department]. The engineers doubled up the dirt bag locations during construction. The O & M plan has addressed everything that Chessia has requested. Carlino asked which flags were added/changed. Holmes pointed out this on the plan for the Commission - flag numbers A7 to A 14. Holmes moved a few flags as well and he will email Carlino that detail. Carlino asked about how they are raising the road. Pozerski provided the detail. The wall will be 10.5 feet tall. Part of the wall will be embedded. About 7 feet will be exposed. Carlino stated diversion ditch proposed is a lot of earthwork and asked if there is a reason they will not pump it. Pozerski said they could absolutely do that if that's what the commission wants. the stream is not perennial. Work needs to be done in the dry season. Carrozza said that the plan needs to say that the ditch is required to be built in the dry season. Carrozza asked if this work would be done this summer [2018] and Pozerski replied that since it has to go through the Army Corps it would not be this summer. Carrozza said replication should be built early and then work out from there and Pozerski agreed. Carrozza asked how they would get in to maintain it, and he showed her using the plan. No trees would be cut to replicate wetlands. Carrozza said they would condition to have the replication area be put in first. Holmes said it is in the wetland replication narrative and plan. Holmes said he would update this for the file. Add grass stabilization details to the plan. Carrozza asked why there is a 50-foot buffer-

it is for stormwater? Carrozza stated that the general construction notes on plan are outdated. Carrozza asked them to look at all the notes on the plan and to update them as required.

Motion was made to continue 250-1006 to 7/9/18 by Carrozza, seconded by Pearson. 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, 3/12/18, 3/26/18, 4/23/18, 5/21/18, 6/11/18). Proposal for the construction of a 150-foot monopole communications tower within 100 feet of a wetland and rare species habitat

Motion was made to close the public hearing 250-1001 to 7/9/18 by Carrozza, seconded by Pearson. Motion to Continue passes.

Motion to deny for lack of information for 250-1001 by Carrozza seconded by O'Reilly

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

REVIEW DRAFT MINUTES

5/21/18 Motion to accept the minutes made by O'Reilly, seconded by Doyle. Motion passes. Carrozza abstained.

6/11/18 Motion to accept the minutes made by Carrozza, seconded by Kadish. Motion passes. Ollerhead and O'Reilly abstained.

OLD BUSINESS

NEW BUSINESS

— Bills

1. McGregor & Legere* \$110.25 242-171-100-5700 Wetlands Protection Fund Island Brook Appeal
2. Allegra \$34.06 001-171-570-5315 Operations Prof Svcs. Fundraiser Brochure C. Edith Read
3. Chessia Consulting Svcs. \$3,000.00 243-171-100-5700 Outside Fees 250-1006 & SWP-1 Reviews
4. MACC \$55.00 001-171-570-5716 Operations -Education Unit 102 Fundamentals San Doyle Jr.
5. Pare Corporation* \$2,385.00 011-171-614-6071-17-08 Chartley Pond Phase II
6. Jennifer Carlino \$199.94 001-171-570-5308 Operations Cons. Maint.
Reimbursement for two camera traps for Edith Read from Bass Pro Shops

7. Chartley Landscape \$1,425.00 001-171-570-5315 Operations Prof Svcs. Mowing and
clean ups at Chartley, Johnson Acres, Reservoir, and Edith Read Properties.
8. Jennifer Carlino \$31.22 001-171-570-5308 Operations Cons. Maint.
Reimbursement for camera trap supplies for Edith Read from Best Buy

** those with asterisk are also signed by Town Manager*

— Violations

- 4 Kensington – *No update.*
- 54 Sturdy St – *Carlino still needs to draft the letter.*

— Reservoir Update

Carlino is waiting for the final as-built plan to close out dam repair project. Pare Corporation gave them a Certificate of Completion for the project. They want to close out the permit for Office of Dam Safety.

— Chartley Pond update

The contractors are nearly finished, but the inspection showed more cracks than the plan that they bid on. They gave Carlino an update today. The new work will still be less than the grant amount. So they need an addendum for the contract amount.

— Report from Staff

— Waterbodies Committee update

— Grants

Reimbursement packet is due this week for Edith Read. She'll have to hand deliver on Friday. Almost everything is ready.

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

Commission will do a site visit for 15 South Washington. Pearson could only make the Friday. Doyle, Ollerhead and Carrozza can do weekends. Carrozza cannot make it at 10:30 am. They set the time and date as Saturday July 14th at 8:30 am. Carlino asked them if want the consultant there and no one indicated they did. Carrozza said she will get the plans at the next meeting to be able to bring to the site.

183 Taunton Ave, Norton (Map 28, parcel 151). Carlino conducted a site inspection on May 24, 2018 and found extensive fill brought to the site and trees marked for removal. This activity is within the 100 year floodplain (Bordering Land Subject to Flooding) and requires a permit. The owner was issued a cease and desist order however has continued work on site. Owner said that the plans will come the week of July 9th and that is when she intended to do the site inspection. They will get a follow up letter and follow up emails from Carlino. Violation under existing wetland permit but also under the

Stormwater Bylaw as the owner needs a Stormwater permit. Carlino informed the Commission that the Stormwater Bylaw allows Fines. An enforcement order has been drafted. Carlino read the order to the Commission.

Carrozza made a motion to issue and Enforcement order file 988, seconded by Pearson. Motion passes.

EPA sent Town Manager a request to sign a tolling agreement about the Speck Superfund Site. Carlino read this letter to the Commission. The Town Manager signs the letter for the Town. In the past, the town was told that if the town accepted the property as conservation land that the town would not have to pay a fine.

Founders day was a success. It was slow traffic-wise at the table.

Motion to adjourn by Kadish, seconded by Pearson. Motion passes and meeting closes at 7:43 pm.

Respectfully submitted by: 
Regen Milani, Conservation Secretary

Minutes approved by the Commission on 7/23/18 (Date)

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman