



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 AUG 13 P 1:35

Monday, July 9, 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 6:32 pm.

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

Absent: Scott Ollerhead

Reorganization of Board

Scott Ollerhead and Julian Kadish were unanimously accepted as Chairman and Co- Chairman respectively.

WETLAND HEARINGS

Wetland hearings will be taken in order.

A. Request to Amend Order of Conditions (#250-1016). Wheaton College. 26 East Main Street (Map 17, Parcel 14) Proposed plans to modify the permit DEP #250-1016 to add ADA compliant sidewalk repairs around portions of Peacock Pond.

Document list

1. Request to Amend Order of Conditions prepared by GZA engineering dated 6/13/18.
2. "Notice of Intent Permitting Plans Peacock Pond- Retaining wall repairs Norton, Massachusetts, Overview Plan", prepared by GZA. Engineering, Inc., dated 6/13/18.

Randy Muse from GZA Environmental and Craig Kilburn from Wheaton were here to represent the applicants. While doing permitted work, they realized that the pedestrian path adjacent to Peacock Pond needs to be replaced as it is in poor condition. Applicants will use a compost sock which will run 5 feet off the downslope all the way to Clark Hall. A bobcat will bring the pavement out as materials will be brought out to the road and hauled offsite. There is no change in grade proposed. Carlino asked if sediment controls are on the plan? Carrozza asked for the sediment control details to be on the plan for the contractor. The proposed sequencing of the work also needs to go on the plans for the contractor and

the restoration information and general notes. Muse said they are happy to do that. Carrozza said they can approve with those conditions.

Motion was made to close the public hearing for 250-1016 amendment by Carrozza, seconded by Pearson. Motion passes.

Pearson asked for the last condition as drafted to be edited for typos. These notes were taken by Carlino and will be corrected. A motion was made by Carrozza to issue an Amended Order of Conditions, seconded by O'Reilly. Motion passes

B. Notice of Intent (#250-1018). Matthew Fernandes. 0 South Worcester Street (Map 32, Parcel 182). Proposal to construct a single-family house with associated driveway within rare species habitat and 100 feet of a wetland.

Applicant Matthew Fernandes, Joseph Fernandes (property owner) and Scott Goddard from Goddard Consulting were here to present the project. Goddard explained that this is new construction of a single-family house. Lot 1 and Lot 2 are proposed to be subdivided from the whole 45 acres. Lot 2 is a 2-acre parcel scheduled for tomorrow night's planning board meeting in addition to the common driveway special permit application. Godard pointed out that the items shown in color on the plot plan [on file] are only 10% of the 45-acre parcel. Resource areas are to the east. There is a Bordering Vegetated Wetland (BVW), and a big sand and gravel knoll. To front of the property is an isolated wetland (ILSF) and there is a potential vernal pool. To the west there is a larger BVW with two large flooded areas. The Isolated Land Subject to Flooding (ILSF) doesn't have a 100-foot buffer, but the applicants show 100 feet to show setbacks. The driveway is within 50 to 100 feet of the ILSF/PVP. Grading is outside 25 feet but within 50 feet of the BVW. Goddard is working on getting a larger scale plan to the Agent as requested.

Carlino questioned need for an 18-foot-wide driveway access to a single family house and stated it appears that this is a segmented project. What is the rest of the project? Why is the cul du sac extending beyond the house? House footprint is high on the sandy knoll and the septic system would be within 100 feet of the BVW. Joint filing under Massachusetts Endangered Species Act (MESA) for box turtle. Natural Heritage and Endangered Species Program (NHESP) is asking about future potential build out of the property. Right now there are no future plans for build out. No future proposal for the 'shared' driveway. Carlino asked for the applicants to have a civil engineer stamp the plans and to change the plans for not greater than a 40-scale. Carlino asked for Floodplain information and a note be added to the plan. Goddard answered that it is Zone X (500 year) and that he can add that to the plan. Joseph F. wants the driveway approved so that they know that the back upland lots can be accessed. Carlino and Kadish attempted to explain to Joseph F. that even if it is approved now, the permit will expire and any future build out would need to be a new permit application and therefore may not be applicable to future plans. Carrozza asked about the width of the shared driveway and why it is 18 feet. Joseph F. responded that it is a requirement of public safety for vehicles as part of the special permit application process. Carlino and Carrozza pointed out that minimum acceptable driveway width has been 10-12 feet, not 18. A single-family driveway would be a minimum of 10 feet. Joseph F. said that under R60 requirements there is availability for three houses/lots for family members in the future. Goddard said it makes sense to keep

this hearing open until the planning board closes. Joseph F. said that 12 feet wide of the driveway will be paved, while 18 cleared.

Carrozza asked if there is grading with the septic system and it should be shown on the plans for approval. Applicants said that there has not been soil testing done yet. Carrozza said that she cannot approve a rectangle on a plan. Applicants said that a perc test would require trees to come down. Carlino said this septic testing can be done now at this stage. Goddard said they can start to get the plans for the septic ready.

Motion was made to continue to 8/13/18 by Doyle, seconded by Carrozza. Motion to Continue passes.

C. Notice of Intent (#250-1017). Thomas Powers. 21 Samoset Street (Map 25, Parcel 29). (cont. from 6/25/18). Proposal to construct a single-family house, driveway, utilities, and associated grading within the 100-year floodplain.

Dana Junior was here to present the project along with applicant Thomas Powers. Based on feedback at the last meeting Junior was to update the date of the MESA plan. That was updated on NOI sheet to August 1, 2017. He added land surveyor stamp on the plan. Changes in the foundation and house footprint were made to put the house on footings. It will now be a pre-fab house so it will be brought in to reduce construction on site. Footings are six feet apart. Porch and deck will have footing so there are 44 one-foot square footings. Top of footings will be at the top of the 100-year flood elevation of 73-feet and the first-floor walking surface will be higher than that. A u-shaped driveway will be at grade. Loam, gravel, then asphalt will be at grade. There will be no fill. Floodplain compensation (flood storage) cannot be on the lot as the entire lot is within the flood plain. However, they still made a depression on the side of the house to offset the 40 feet of the pilings as Junior was unsure how else to proceed. Carlino asked him to go through the regulations more thoroughly. Carlino handed him the regulations. Junior then went through his response to the standards as requested by the Commission and the Commission asked specific questions. Carrozza and Carlino suggested Junior call DEP and to review that with them to see what they suggest regarding flood storage compensation. Kadish asked if there are any appeals and what the record was on this however no one knew the answer to this. Carrozza said that as this is currently planned the Commission cannot approve it as it does not meet the Performance Standards. Carlino also said Junior can ask for off site compensation. Kadish asked if there were any other issues. And Carlino, Carrozza, Junior had a discussion about spot grades throughout the site and particularly at the driveway location. Carrozza asked for more spot elevations. Junior will go back to the standards and then get a wildlife professional/wetlands person. 10 Year floodplain elevation is something that needs to be addressed under the wildlife habitat evaluation. 10-year floodplain is the 71-foot contour. They asked Junior to refer to the FEMA floodplain map.

Motion was made to continue 250-1017 to 7/23/18 by Pearson, seconded by Carrozza. 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,

6/25/18). Proposal to construct a cell tower facility with associated driveway crossing and appurtenances within 100 feet of a wetland.

Chessia's review came in on Thursday. Applicants requested a continuance. Motion was made to continue 250-1006 to 7/23/18 by Pearson, seconded by Carrozza. Motion to Continue passes.

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 Executive Session by Pearson, seconded by O'Reilly. Motion passes. Roll call to enter was taken: Julian Kadish, Lisa Carrozza, Gene Blood, Ron O'Reilly, Daniel Doyle Jr., Dan Pearson. The Commission entered executive session at 7:47pm.

Commission reentered the public hearings at 8:00pm.

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

Order of Conditions (#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.

It was clarified for Carrozza that 9/25/17 was the only hearing that the applicants came to. Motion to issue denial was made by Carrozza, seconded by O'Reilly. Motion accepted.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-965	Collins Civil Engineering Group	57 Evergreen Road
Full		Map 9 Parcel 76
Plans to elevate a house within 100 feet of wetlands.		

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

#250-991	Robert Baker	52 West Hodges St
Partial		Map 35 Parcel 7-01 and 7-05

Plans to demolish a house, assessor building, well and portion of a driveway and to construct a house, expand a driveway and install utilities within 100 feet of wetlands.

Motion to issue a partial Certificate of Compliance with a \$2,500 bond required was made by Carrozza, seconded by Pearson. Motion passes.

REVIEW DRAFT MINUTES

6/25/18 *Some members did not review so no vote.*

OLD BUSINESS

NEW BUSINESS

— Bills

Summary list of bills signed period June 26- July 9, 2018

FY2018

<i>Vendor</i>	<i>Amount</i>
<i>WB Mason</i>	<i>\$87.83</i>
<i>WB Mason</i>	<i>\$12.41</i>
<i>Verizon Wireless</i>	<i>\$35.99</i>
<i>Pare Corporation*</i>	<i>\$3,330.00</i>

FY2018 "Encumbered" (paid in FY19 but against FY18 budget)

<i>Vendor</i>	<i>Amount</i>
<i>C & B Pest Control</i>	<i>\$455.00</i>
<i>National Grid</i>	<i>\$225.00</i>

FY2019

<i>Vendor</i>	<i>Amount</i>
<i>Chessia</i>	<i>\$900.00</i>
<i>Condyne Engineering</i>	<i>\$1,800.00</i>
<i>MSMCP</i>	<i>\$20.00</i>
<i>MACC</i>	<i>\$493.00</i>

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

— Site Inspections

○ DEP appeal July 10 9:30am

Kadish cannot make it as he has a conference call at 9am, O'Reilly cannot make it. Pearson said he can go. Carrozza and Doyle must work and cannot attend.

○ Members South Washington St Sat, July 14 at 8:30am

Carrozza asked for an email reminder and Carlino indicated she has that in her calendar already. Carlino asked if anyone is anyone is interested in site inspection at Samoset or South Worcester Street.

— Violations

— Reservoir Update

— Chartley Pond update

— Report from Staff

- Waterbodies Committee update
- Grants
- Performance Evaluations

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

Motion to adjourn by Kadish, seconded by Pearson. Motion passes and meeting closes at 8:01 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