



Norton Conservation Commission
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NORTON TOWN CLERK
2019 JUL 23 A 9:07

Monday, June 10, 2019
6:30 pm
2nd Floor Conference Room
Norton Town Hall

Minutes

Recorded by Melissa Quirk, Conservation Secretary

6:30pm Open meeting
The meeting was called to order at 6:30pm.

Attendance: Gene Blood, Ron O'Reilly, Julian Kadish, Dan Pearson, Melissa Quirk, Conservation Director Jennifer Carlino

Absent: Scott Ollerhead, Lisa Carrozza

WETLAND HEARINGS

Wetland hearings will be taken in order.

A. Notice of Intent (#250-1040). Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252). (continued from 4/29/19) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW.

The applicant requested a continuance to 7/8/19. Motion was made to continue the public meeting for DEP#250-1040 to July 8, 2019 by Pearson, seconded by Blood. Motion passes.

B. Notice of Intent (#250-1037). Next Grid Redwood LLC. 54 Plain St. (Map 18, parcel 9). (continued from 1/28/19, 2/25/19, 3/11/19, 4/8/19, 4/29/19, 5/20/19) For proposed plans to install a ground mounted solar array, driveway, stormwater, utilities within 100 feet of wetland in the Canoe River Area of Critical Environmental Concern.

The applicant requested a continuance to 6/24/19. Motion was made to continue the public meeting for DEP#250-1037 to June 24, 2019 by Doyle, seconded by Pearson. Motion passes.

C. Notice of Intent (#250-1034). Mass Dept. of Transportation. East Main Street (Route 123) Elm Street to Rt 495 overpass. (continued from 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/29/19, 5/20/19) For proposed plans to perform roadway improvements including new sidewalks, wider road shoulders, rehabilitation of existing roads and sidewalks, installation of traffic signals at Rte 495, and stormwater management within 100 feet of wetland and 200 feet of the Canoe River within the Canoe River Area of Critical

Environmental Concern. Alteration includes 174 square feet of wetland and 89,924 sf of Riverfront Area.

Gene Crouch of VHB reviewed the project. He discussed his most recent meeting with peer reviewer John Chessia and Carlino. Crouch discussed the changes made following the meeting.

- Chessia had identified a series of existing outflows in need of attention. The first is a catch basin located off of the project area and out of the jurisdiction for this project. Crouch reviewed the revised plan showing a flared end section on the southwest side where there is concern of an outflow being broken. He noted the project is being advertised in July. The contractor will need to do some utility relocations which will take approximately 3 years before work on the road can begin. Therefore, the work on the flared end will not be done for approximately 3 years. Crouch suggested speaking with the highway department to handle this as a maintenance issue to try to get it repaired sooner. Carlino clarified with Crouch where the location at the Rumford River. Crouch showed on the plan noting that some old pipes are being kept and some are being replaced.*
- Chessia noted some of the outfalls are broken, non-existent or are filled with sediment and have observable erosion at the end pipe. Chessia noted this should be fixed during the roadwork because once the culverts are cleaned and new drainage installed this could cause more erosion. Carlino questioned that DOT is saying this is district 5 issue and town issue. Joe from Mass DOT stated he has been in touch with district 5 maintenance engineers regarding the outfalls and they will go out to investigate. Carlino asked if they could do a joint site inspection which Joe agreed to. It is just at 495, at the Canoe River.*
- Carlino noted that the work will not begin for about 3 years, but the wetland permit is only good for 3 years. Are they requesting a 5 year permit? Crouch stated they will have to come back for an extension. They need a permit for bids. Town Manager, Mike Yunits asked if a permit could be given for 5 years. Carlino said the commission would review to see if this project qualifies.*
- Crouch showed STA 58 just east of the rail trail on the plan where there is a headwall and cross culvert they are planning to take out by a residential property. Chessia had questioned the grades on the plan and couldn't verify if the water was being brought off the property or discharged onto the property from the road. Crouch states his analysis shows the water is coming from the road onto the property. Therefore, by removing the headwall and cross culvert, and with the other roadwork being done, the water will not be going onto the property as it does now. Carlino questioned if the changes discussed at the office meeting had been completed to pull the outfall back further from the wetlands and note revision at the wetlands added to the plan. Crouch states all the splash pads are 8 feet long now and the wetlands are on the plan. Keith Silver of the highway department expressed concern with the pipe being removed causing the neighbors to be flooded. Crouch disagreed. Carlino stated adding a condition as a contingency and require that the applicant monitor the property after construction. Kadish questioned the commission's consultant's concerns are the same as Silver. Carlino states the need for a condition in case the water doesn't where it is planned. Crouch states he can put in a specification that this will be specifically monitored by the*

Resident Engineer during construction and any issues will immediately be brought to the Commission and Highway departments' attention.

- *Kadish questioned the property location. Crouch noted house number 154. Silva states this is the area he's concerned about where they are making significant changes. Crouch showed on the plan where he is proposing to put the pipe off set due to the wetland areas with the same inverts. He discussed the manholes and riprap being installed for erosion control. Crouch states this is the only wetland impact on the project and showed the wetland and mitigation area on the plan.*
- *Crouch discussed the new flared end at station 11 of the state highway layout at the new bioretention area. Crouch explained it is taking water from both the town road and the state highway. Crouch explained they have separated out the forebays so the town can maintain their jurisdiction and the state can maintain theirs. Crouch noted District 5 is aware of the broken pipe bubbling and will look at and repair or replace. He also said there was a concern about puddling in the area. Crouch believes because the soil there is so hard, it is impenetrable and will not be able to infiltrate. The underdrain there will function as a filter. Crouch showed the state area of work at station 14. He noted the limit of work is the paved surface. Joe says district 5 has been alerted about maintenance issues there. Crouch noted in response to question #2, they moved the outfalls out to 8 feet.*
- *Crouch discussed the draft SWPPP and stated that DOT requires the contractor be responsible to prepare the SWPPP. Therefore, Crouch cannot give the SWPPP since the contractor will prepare their own. Since ConCom will require an order of conditions for comment and approval, Crouch will make a draft. Carlino stated that he SWPPP must be submitted and approved by the Commission prior to work, not just submitted.*
- *Crouch discussed the illicit discharge statement. He stated much of the system is new but will use some of the existing pipes. DOT requires if the contractor notices illicit discharge statement, the contractor must notify the Resident Engineer, ConCom, and Highway if an illicit discharge is found during construction. Crouch stated this will be part of the specifications.*

Motion was made to close the public meeting for DEP#250-1034 by O'Reilly, seconded by Blood. Motion passes.

D. Notice of Intent (#250-1036). NextSun Energy LLC. 210 Bay Rd. (Map 6, parcels 6 and 11). (continued from 1/28/19, 2/11/19, 2/25/19, 3/25/19, 4/8/19, 4/29/19, 5/20/19) For a proposal to construct a 2MW dual use solar energy facility on existing cranberry bogs with 48 linear feet of Bank alteration, 17,900 square feet of floodplain alteration, 15,150 square feet of wetland alteration and 7,000 square feet of riverfront alteration within the Canoe River Area of Critical Environmental Concern.

Stacey Minihane of Beals & Thomas (B & T) and Adam Schumaker of NextSun attended the meeting to update the commission on the progress with requests from the last meeting. Ian Ward of New England Consulting Services appeared on behalf of the applicant. Charles LeRay of Dain

Torpy appeared on behalf of the applicant. Pat Garner attended the meeting to discuss his peer review for the Commission.

Schumaker discussed the submittal of 2 sets of plans. 1 set was a revision to the original proposal with revised calculations and response letter. The second set was an alternate plan submitted due to the concerns of the project within an ACEC. The new plan restricts the panels to only the upland bogs and significantly reduces the size of the project by approximately 55%. This was accomplished through working with the landowner and changes made to the land agreement. Carlino asked Shumaker to clarify that the original plan has been withdrawn and the Commission and peer reviewer were requested to review the alternative plan. Shumaker confirmed this.

Minihane addressed the ConCom's request for written documentation of bogs created out of upland areas, to determine jurisdictional BVW and Bank. DEP provided B&T with a Superseding Determination from the Town of Hanson. In that Determination, it was confirmed that upland bogs are not jurisdictional wetland. Carlino noted the two projects are not the comparable but that the Determination may confirm non-jurisdictional wetland but what about bank. Minihane's understanding is that bank would not have jurisdiction either. Carlino asked what evidence is being submitted that those areas were upland before the bogs were created in those four locations.

- Minihane stated her 5/31 letter contained a packet summary of information and maps.*
- Also, Schumaker viewed 1985 plans of this property for the bypass canal to the west in the ConCom office. The plans showed the flow through bogs but did not show cranberry bogs. Minihane stated on all the maps they found, the area appeared to be upland.*
- Carlino submitted for the record a copy of the plans for file #250-124 for the Emergency Bypass Canals showing topography of the area at the time of the construction. Carlino had requested an overlay of what they are proposing on the 1985 topography in order to confirm that all of it was upland. B&T was unable to do the overlay due to the quality of the scans, but did submit copies of a USGS plan with the bogs for the record.*
- Minihane submitted a soils map. The circular cranberry bog referenced is mapped with a 55A soil in Freetown which is a mapped hybrid soil. Minihane noted the soil was all windsor within the bogs. Kadish noted that the map submitted was from 1944, but Minihane states the bogs were built in the late 90s to about 2008.*

Carlino also submitted Pat Garner's peer review and a letter from an abutter at 202 Bay Road for the record.

Carlino requested they review each resource area being impacted with the new alternative (reduced) plan and confirm the quantities.

- Minihane states a revised notice of intent was submitted. The alternate plan eliminates impact to BVW and Bank.*

- She reviewed the numbers stating that the new plan reduces impact to BLSF to 27,600 sf. Of that, 1,200 cubic feet of flood storage lost. They are proposing 3,560 cubic feet of compensatory storage which is more than what is required.
- For riverfront area, the total impact is 9,500 sf although 9400 sf of that is temporary. Trenching, utility poles and panels (everything except timber mats), the new plan is a 700 sf reduction from the full build project. Permanent impact for the piers for the racking system is 64 sf. That is from the piles and utility poles. (They rounded to 100 sf of permanent impact.)
- Regarding flood plain, total alteration for utilities is 27,600 sf with 1,200 cubic feet lost and 3,560 cubic feet gained. Temporary impact which is trenching, side casting and timber mats is 27,100 sf. Permanent impacts which are the racking system, utility poles and equipment area skid supports are 500 sf. Compensation is 3,560 cubic feet. Carlino requested this be reported in sf also for the order of conditions. Minihane states the proposed replacement is 27,100 sf. Carlino will review and clarify if necessary. Carlino clarified all the compensation is in bog #12. Yes per Minihane. A separate hydrology analysis was done for base elevation for the 100 year flood plain for the property and the calcs varied from 73 to 77 per Minihane. The 10 year flood plain elevation varied from 71 to 75.
- For the riverfront, Garner states the inner repair is 6100 sf and the outer is 3400 sf. For the degraded area in riverfront, that being impervious surfaces from existing structures or pavement, absence of top soil, junkyards or abandoned dumping grounds, Minihane states they did not update the numbers with the reduced project since they did not file as a redevelopment project. In the full build it was approximately 7000 sf and it would be reduced from that. Carlino confirmed they are not counting the bogs.

Carlino requested that the applicant review the agricultural activities to ensure the bogs could still be viable as required under the SMART program. Ward gave a summary of his review. He has concerns with the sprinkler heads and recommended a change to the RCS approved pop-up sprinkler heads which have lower projectile. He discussed different ways fertilizing and dry harvesting can be done. Kadish clarified with Ward that he does not see any difficulty with continuing agricultural activity with the panels in place. Ward replied that with any change, there are changes in habits and practices, but the primary cultural practices will still be able to be implemented, the crop will be able to be grown and the harvest will take place. The vine health will be maintained.

Carlino questioned the monitoring and reporting requirements for the Dual Use solar project. Schumaker stated with the SMART program Dual Use requirements, they must report to the Department of Energy and Department of Agriculture each year on the farming activities and how well the crop produced the previous year. They also volunteered to submit documentation to the Commission that they are maintaining the bogs as organic. He noted with the panels now being restricted to just the upland area, they are planning to do the dual use project but it is not necessary under the program or the DEP guidance since the bogs are non-jurisdictional as BVW. Carlino clarified for the description of the project and the Order, it is still Dual Use.

Schumaker replied yes. The acreage of the four bogs is just under 26 acres. The output of the solar is 3.9 MW DC and 2 MW AC.

At the site inspection, the ConCom looked at the violation area near the existing solar fields, and the sedimentation and the erosion into the wetland. Schumaker stated that although they do not own the land and lease it, he feels they will end up taking restoring it. He states if the ConCom wants it stipulated that they will take care of it as part of the project area, they will do so.

Carlino asked the commission to again define "impair", "impact", and "destroy" for the record since they are not defined in the Wetland Protection Act. Kadish gave his interpretation of the terms: Impair means partially damage and interfere with a given resource or activity. Impact means potentially having an effect that does not materially change the resource or the activity. Destroy is self evident. What was there is no longer there and is not likely to come back on its own. After discussion, the ConCom agreed to accept these definitions.

Garner stated his interpretation of the Hanson decision differed from B&T. Therefore, he had a discussion with David Johnston of DEP trying to find out if their decision was based on policy or regulation. DEP stated it was just the southeast region policy. The Hanson decision is not analogous. However, it is Garner's opinion that if this project were appealed to SERO, they would probably confirm that these are upland bogs and therefore not jurisdictional. But, in his professional opinion, if it were appealed to adjudicatory, it would be a different story. It is DEP's opinion that bogs are farming. Kadish noted we must use what guidance we have which may require remedy at a legislature level.

Resident questions were addressed:

Kelly Gallagher of 201 Bay Road questioned if soil tests were done from the upland bogs. Minihane says no. Kadish clarified with Minihane that they used historical data about what exists in that area. It is sand and gravel. Carlino states the soil tests requested before were just to clarify if the bog was upland. Carlino states geo technical data was requested by the commission, but has not been received yet. Gallagher asked if there would still be a battery. Schumaker says yes, there will still be energy storage and shows it is the same location as before. Gallagher asks if the battery is still the same size. Schumaker says yes. Gallagher asks why the same size if the project is now half the size. Schumaker states it allows them to store the power for a longer period of time, and therefore can better optimize the output through the batteries and one of the main things that allows this reduced size project to remain financially viable. Gallagher asks what is to stop them from expanding in the future. Carlino states they would need a new permit. Gallagher questions what Ward had said about the agricultural position. Gallagher wants to remind everyone this has never been done before in the country. Gallagher stated solar panels killed the cranberries in Carver (from producing berries). The vines came back after years, but the amount of bloom was dramatically reduced. They are not harvesting cranberries in Carver anymore. Gallagher states none of their other concerns have

been addressed with the reduced project size: water contamination, wildlife, home values, fire, noise, structure of private wells.

Ken Knopf of 5 Fuller Drive questions if it is customary for NextSun to start off a meeting with threatening to sue the town. Another resident adds that they were coerced to either go along with this plan or NextSun would sue and put the full project through. Knopf also questioned under the SMART program, he thought you had to own the land, not lease it. Kadish states as far as the commission reviewing the project, the ConCom just needs the signature of the owner and then the commission deals with the applicant. Knopf questioned even under the SMART program? Kadish does not know. Carlino states even if the SMART program does require the owner be the applicant, the wetland permit does not supersede that. The SMART program does not supersede the wetland permit. The applicant would have to comply with all the requirements of all the programs involved.

Chuck Gallagher of 201 Bay Road states Schumaker contacted one of the abutters to say what NextSun planned to do here tonight. Schumaker told the abutter in that conversation that he wanted a spokesperson from the group to come to tonight's meeting and give full support and if they didn't, they would be going to court immediately to file for the original project.

John Willard of 561 Bay road questioned that Easton considers that wetland. He cannot put a pool in his backyard because that is wetland. He questions that there is no confusion. Willard is an electrical engineer and does not do projects where things "seem like, look like, and might be" as has been said in the discussions of the bogs being upland or not. Kadish responds he is raising an issue of a law that was passed in 1964, has gone through several revisions and every detail of every law is not addressed. We don't know if DEP will come out with new regulations in the future to address ambiguities discussed. Carlino notes Easton has a very comprehensive bylaw so they may look at wetlands differently than we do under state law. Willard also questioned that they say they have dry harvested over the last 10 years because he has observed wet harvest unless he is misinterpreting what dry harvest is. Schumaker responds that it is a combination of wet and dry in some areas and dry in others which he shows on the plan. Carlino questioned Ward on how they would do the wet harvest if the solar panels are approved. Ward states the same way they do a wet harvest now. They use beaters and explained how they work. A traditional harvester is a 3 or 4 wheel vehicle with a beater on the front. Because the cranberries are hollow, they float to the surface. He states people are going to a pull behind, harrow on a light weight tractor. Presently owned are the water pickers. Flooding mechanism would be the same. Staging area to corral and load the berries stays the same.

Meredith Falconer of 11 Fuller Drive questions if we are sure that the bogs they are proposing putting panels are on are not wetland? Carlino states the commission will review the file with the information that has been presented and decide if they agree.

Jeanine Simmons of 15 Massasoit Avenue states as recently as 2012 the bogs were all wet harvested. Kadish states the issue before the commission is not how they are harvested. It is

jurisdictional. She questions their claim that there would be less trenching and utility poles on the other side of the Mulberry Brook bridge. Which Bridge? Carlino states the one in the middle. Simmons states she has repeatedly asked at these meetings about the environment, ecosystem, animal and birds. Have we done a species study? She is concerned with the overhead wires and the birds getting caught in the lines. She is also concerned with bog #18. Are they still doing trenching for that? Impacts reptiles etc. Simmons referenced the Hanson decision being used as guidance., She states the commission also has our peer review for guidance. Our peer review states he is not comfortable with this. Simmons does not feel the commission can vote tonight on this project with the new modified plans submitted by NextSun without reviewing all the information and concerns. Simmons questioned if they have spoken to the fire department about the telephone poles being installed since there is a lot of wind in that area and not a lot to protect them. If they go down in the wind, who will come in to fix them? Could affect people's electricity in the area. Carlino states the commission will review the peer review comments and all information that has been submitted and deliberate. The applicant has the burden of proof. Carlino had Ward confirm that the existing equipment will work for watering and will fit under the solar panels for the wet harvest. Simmons just wanted it noted that there was misinformation given. Carlino states that under the Wetland Protection Act, if people propose to alter a certain amount in each different type of wetland area, a wildlife habitat evaluation is required. Each resource area has a set amount where it triggers a wildlife habitat evaluation. With the reduced plan, they are under the threshold, so no wildlife habitat evaluation is required.

Mike Wagner of 211 Bay Road questioned the inverters being by the horse trails and why are they near the panels. Schumaker replied they have all the necessary easements. The inverters are as far away from residents as possible. Wagner asked if they are leasing that land. Schumaker said they have easements.

Georgene Arvanitidis of 207 Bay Road asked them to clarify the extra battery storage that makes this project financially feasible. What makes this change feasible? Schumaker replies that the land owner agreed to lease a smaller portion.

Multiple residents questioned that this is a well protected zone. What studies are being done? Kadish questioned if this is a BOH issue. Residents say they reached out to BOH and had no response. Kadish states there are no tests being done. Resident states there is nothing being done to protect the well water. Kadish states if the residents feel there is a threat, they can bring it to the BOH and they can act on it.

Carlino questioned Schumaker on the timeframe for the geo-technical work. Schumaker responds it depends on the timing of the permitting. Carlino clarifies, NextSun will get their geo-technical information which the commission will require in the conditions. The commission would also require a peer review of that. Minihane stated that in one of their response letters, they discussed the geo-tech and when it's typically undertaken and a suggested condition. There were abutter concerns of a confining layer and how that would affect well quantity. The applicant addressed if there were a confining layer, how to not penetrate it. Carlino states that

may not be adequate to just provide that to the commission and have the commission review it with a peer reviewer. It may need to come back for the commission with notification to the abutters. It's missing information that had been requested. The commission has the option to deny for lack of information or condition receiving the information and deliberate on the "what-ifs". Pearson questions if the geo-technical data will take care of the drinking water questions and ground water protection. He is not comfortable with just leaving it to the BOH. Kadish questions what the actual threat is.

At this point in the meeting, multiple residents voiced concerns with the drinking water from the lead in the galvanized posts. Kadish states they are galvanized with zinc, not lead. Residents respond it is in the letter provided that there can be a lead coating in the galvanization process. Pearson states he also has concerns with the drinking water. Kadish states there is no clear-cut information to resolve this. It is his personal opinion that he does not agree with the idea that since you can't solve this, you can't act on it. Garner suggests that a condition be developed that requires a baseline testing for herbicides and pesticides in the ground water in each of the bogs and again once the project is complete and then seasonally. Garner feels these are real concerns. LeRay states the solar panels don't change how fertilizer works and how plants grow so he does not see the need to test for herbicides and pesticides. He suggests testing for zinc from the pipes. Garner replies there is a standard metals protocol that looks at multiple metals including zinc. Carlino questions Minihane if B&T have in-house monitoring capability and draft parameters. Minihane replies that B&T has undertaken protocols for similar testing, but not a solar project. More of a water quality certification. Carlino asks if B&T can come up with a draft in the next 2 weeks or would they want to continue the hearing. Schumaker states for this reduced project to work, they don't have that time. Gallagher of 201 Bay Road questions if they will repair if there is damage to the wells from the piles being driven. Kadish states that's out of wetland protection jurisdiction. Arvanitidis of 207 Bay Road questions if the baseline testing is done, and in a year there is an issue, what will they do? Don't want to be an experiment. Simmons of 15 Massasoit Ave questions if there is an issue, would the commission put something in a condition for that. Kadish said no. Carlino states we can condition in order to protect the Interests of the Act. The applicant can agree to them or appeal. The commission can condition monitoring, and the what-ifs,. The commission is trying to get the information ahead of time before they actually do construction. Falconer of 11 Fuller Drive questioned what is the legislature for the ConCom requiring protecting the drinking water. Carlino replies the presumption with the Wetland Protection Act is if you meet the performance standards for the flood plain, they would be protecting the drinking source.

Multiple residents expressed concern about the size of battery. Carlino replied that the fire dept would inspect that. Will there be a MEPA review? Carlino states if they are required to get a state permit or state funding and they trip any of the MEPA review thresholds. Schumaker noted that though there may not be a similar dual use project, there are many solar projects that drive piles into the ground. He referenced the Carver project which is in a wetland cranberry bog. Residents questioned are they surrounded by personal wells? Schumaker states it's an irrelevant

thing to bring up. He points out that due to the sandy soils he shows on an area of the plan of upland bogs, they will be using screws instead of the piles in that location.

Garner states he is concerned that the application is essentially incomplete by switching the plans at the last minute. He stated in his review that he feels the compliance with performance standards is vague. He is concerned that the B&T comments are to the full project, not this reduced size. He feels we are missing a lot of important information. He feels it is reasonable to ask them to fill this in over the next 2 weeks until the next hearing. Minihane states there is not information missing. There are just reductions or information that is no longer applicable with the reduced project. Schumaker states that all of the information needed to comply with the Wetland Protection Act has been provided. Residents disagree due to the changes in the plan. Kadish confirms that Schumaker does not want a continuation of the hearing. Carlino explains to the residents the commission cannot require the applicant to continue to another hearing under Wetland Protection Act.

Motion was made to close the public meeting for DEP#250-1036 by O'Reilly, seconded by Doyle. Pearson abstained. Motion passes.

E. Abbreviated Notice of Resource Area Delineation (#250-1030). John Quattrochi. East Hodges Street (Map 36 Parcel 2-0) (cont. from 10/22/18, 11/19/18, 12/17/18, 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to 6/24/19. Motion was made to continue the public meeting for DEP#250-1030 to June 24, 2019 by O'Reilly, seconded by Blood. Motion passes.

F. Notice of Intent (#250-1032). Albert Faxon. Oak Street (Map 15 Parcel 9). (cont. from 10/22/18, 11/19/18, 12/17/18, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19). For proposed plans to construct a driveway associated with a new single-family house within 100 feet of wetlands.

The applicant requested a continuance to 6/24/19. Motion was made to continue the public meeting for DEP#250-1032 to June 24, 2019 by O'Reilly, seconded by Blood. Motion passes.

G. Notice of Intent (#250-1035). Condyne Capital Partners Leonard Street reconstruction (Rte 123 to west of house #54). (continued from 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 5/20/19) for proposed plans to widen Leonard Street, install utilities, replace culverts and stormwater management. Project involves alteration of 4,607sf wetland, 12,918 sf of 100-year floodplain and 2600 sf of Riverfront area within Canoe River Area of Critical Environmental Concern.

Mark Dibb, Jeff O'Neil and Don O'Neil of Condyne attended the meeting to update the commission on their progress with Commission letters and requests from the town's

consultant, Horsley Witten (HW). Also in attendance were Town Manager Michael Yunits and Highway Superintendant Keith Silver.

Dibb discussed the revised plans that were submitted along with narrative, response to comments and wetland replication plan revision. There is a new table provided for the culvert replacement section (page 5) and a riverfront analysis section. Dibb states most of Stormwater issues were closed out. Dibb discussed the culverts which he feels are subjective and sought some guidance.

The project has 3 culvert replacements. For the 2 that are intermittent stream culverts, they are proposing replacing the two 12" pipes with elliptical 14" wide pipes. They are conveying both the drainage and the intermittent stream, and they don't want to modify the hydrology. By using the elliptical, they are improving the openness, improving the possibility for the wildlife to navigate that. It's a shallower pipe. Dibb states that they did confirm the water line depth with the Water Department, which had been questioned. The water line is below the culverts. At the top of the water line, it is about 5 feet deep. The Water Dept. was on hand when the water line was confirmed. They will not allow them to modify the water line so the applicant must fit their proposal for these replacement culverts within the restraints of the finished pavement. The ellipticals will fit well. The 3rd culvert is on the perennial stream. They are proposing a box culvert. It must be a closed culvert because they must disperse the weight on the water line. Dibb states they can not meet the stream crossing standards 100 percent for any of the culverts due to the restraints of the existing stream, water line and the finished grade. Dibb is looking for feedback on the culverts. He refers to the Stream Crossing standards (there is a culvert section) which he feels they do meet. Dibb states they are guidelines, not regulations. Carlino stated that the Stream Crossing Standards did become regulation somewhere around 2014. Doyle questioned what the existing condition was on culvert 3. What is CMP21? Dibbs states it's a corrugated metal pipe. Dibb questions if Carlino received letter from the Highway Dept 2-4 weeks ago regarding scope of drainage. Carlino will check. Carlino suggested that Condylne meet with her and HW in the office to finalize the issues since all new information was submitted that evening.

The applicant requested a continuance to 6/24/19. Motion was made to continue the public meeting for DEP#250-1035 to June 24, 2019 by Pearson, seconded by O'Reilly. Motion passes.

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

- **Request for Full Certificate of Compliance (#250-968). William Brandon, 131 Taunton Avenue. (Map 28 Parcel 10).** For proposed plans for construction of an access driveway, utility installation and grading within 100 feet of wetlands and to fill and replicate 3,491 sq. ft of wetlands.

Applicant has requested an extension. Therefore, motion was made to deny a Full Certificate of Compliance by Doyle, seconded by Blood. Motion passes.

- **Request for Full Certificate of Compliance (#250-971). John Caponigro, 7 Dean Street. (Map 27, Parcel 180-01).** For proposed plans to construct a single-family house, barn, septic system, driveway and associated grading within 100 feet of wetlands.

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

- **Request for Full Certificate of Compliance (#250-1007). Stephen & Kara Newcomb, 150R Dean Street. (Map 35, Parcel 20-01).** For proposed plans to construct a single-family house and grading within 100 feet of wetlands.

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

REQUEST FOR EXTENSION

DEP #250-968. William Brandon, 131 Taunton Avenue. (Map 28 Parcel 10). For proposed plans for construction of an access driveway, utility installation and grading within 100 feet of wetlands and to fill and replicate 3,491 sq. ft of wetlands.

Motion was made to grant a 2 year extension by O'Reilly, seconded by Pearson. Motion passes.

REVIEW DRAFT MINUTES

4-8-19 – Motion was made to accept meeting minutes of 4/8/19 by O'Reilly, seconded by Blood. Motion passes.

4-29-19 - Motion was made to accept meeting minutes of 4/29/19 by O'Reilly, seconded by Blood. Motion passes.

5-20-19 - Motion was made to accept meeting minutes of 5/20/19 by O'Reilly, seconded by Blood. Motion passes.

5-23-19 (Executive Session) -No quorum. Will be reviewed at 6/24/19 meeting

OLD BUSINESS

Request for Superseding Order of Conditions DEP #250-1027

Request for Superseding Order of Conditions DEP #250-1039

Turtle Crossing (DEP#250-888) release of remaining consulting fee

- *Carlino waiting for letter for amount. Continue to 6/24/19 meeting.*

NEW BUSINESS

Founders Day- June 15, 2019

Site Inspections

Violations

211 Oak and 21 Kensington

68 Dean and 4 Kensington

Reservoir Update

Chartley Pond Update

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

BILL SUMMARY

Summary list of bills signed period – June 1 -June 10, 2019

FY2019

Vendor	Amount	Town Account #
Item		
Plumber's Supply Co	\$29.50	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read lodge renovation		
Norton Ace Hardware	\$63.96	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read lodge renovation		
Horsley Witten	\$5,596.83	243-171-100-5700 Consultant Fees
Leonard St Improvements (DEP#250-1035)		

New items in red

* those with asterisk are also signed by Town Manager

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

Motion to adjourn by O'Reilly, seconded by Pearson. Motion passes and meeting closes at 10:07 pm.

Respectfully submitted by: Melissa Quirk *Melissa Quirk*

Minutes approved by the Commission on 7/8/19 *(Date)*

Conservation Commission Signature:

Scott M Oller
Scott Ollerhead, Conservation Commission Chairman

7-22-19
Date