



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

RECEIVED
NORTON TOWN CLERK

JUL 23 A 9:07

Monday, June 24, 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: Scott Ollerhead, Lisa Carrozza, Gene Blood, Ron O'Reilly, Julian Kadish, Dan Pearson, Dan Doyle, Conservation Secretary Melissa Quirk, and Conservation Director Jennifer Carlino

Absent:

WETLAND HEARINGS

Wetland hearings will be taken in order.

A. Request for Determination of Applicability (DET #1084) Dylan Ribeiro. 3 Fordham Drive (Map 27, Parcel 250). The proposed project involves the repair and replacement of an existing septic system within 100 feet of the wetland area.

Document List DET #1084

1. RDA (WPA Form 1), USGS locus map, FEMA locus map, NHESP locus screen shot and ACEC map
2. Plans entitled "Upgrade of Subsurface Disposal System" prepared by BDO Engineering, signed and stamped by David Oberlander, P.E., dated 5/16/19

Dave Oberlander, Design Engineer, of BDO Engineering attended the hearing for the applicant. Oberlander stated the project is a simple replacement of an existing leaching facility. They will be reusing the existing tanks. The new leaching area is roughly in the same area since there is really nowhere else to go.

Carrozza questioned if any stockpile material would be in the front. Oberlander replies yes and the lawn will be restored. Ollerhead asked if they need to bring in fill to raise the elevation. Oberlander states no.

Carlino states there are no issues with the wetland boundary. A note will be made on the permit that if there is any tracking in the road, it will be swept at the end each day. Carlino noted that since this is a sale, ConCom may want to consider requiring some markers at the edge of the lawn for the new owners.

Motion was made to close the public hearing by O'Reilly, seconded by Carrozza. Motion passes.

Motion was made to require markers by O'Reilly, seconded by Doyle. Motion passes.

Motion was made to issue a negative 3 Determination for DET #1084 by O'Reilly, seconded by Pearson. Motion passes.

B. Request for Order of Resource Area Delineation (ORAD, DEP #250-1041) A.R. Building Company, Inc. 195 Mansfield Avenue (Map 9, Parcel 273). For proposed plans to confirm the boundaries of wetland resource areas.

Document List (DEP #250-1041)

- 1. Abbreviated Notice of Resource Area Delineation dated 6/7/19 prepared by LEC Environmental Consultants Inc*
- 2. Plans entitled, "Existing Conditions Plan, Mansfield Avenue" prepared by DiPrete Engineering, signed and stamped by Brandon D. Carr, dated 5/17/19, revised 6/21/19.*

Brian Madden of LEC Environmental Consultants attended the hearing for the applicant. Madden states this hearing is for the verification of wetland boundaries at a single-family house on a residential parcel immediately north of the Great Woods Marketplace. The wetland resource boundaries minimally extend onto the property. The BVW areas on the property were flagged by Madden.

Madden emailed revised plans today showing the existing tree lines and removing the minimum 25 foot No Disturbance Zone as requested by the Director. He will mail the plans. Carlino states the wetland boundary is fine and the flood plain is per our policy.

Motion was made to close the public hearing for DEP#250-1041 by Kadish, seconded by Carrozza. Motion passes.

Motion was made to approve the draft of the Order of Resource Area Delineation for DEP#250-1041 by Kadish, seconded by Carrozza. Motion passes.

C. 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, 6/10/19) 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 7/22/19. Motion was made to continue the public hearing for DEP#250-1037 to July 22, 2019 by Kadish, seconded by Pearson. Motion passes.

- D. 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, 6/10/19, 6/10/19). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to 7/8/19. Motion was made to continue the public hearing for DEP#250-1030 to July 8, 2019 by Kadish, seconded by O'Reilly. Motion passes.

- E. 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, 6/10/19). 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 7/8/19. Motion was made to continue the public meeting for DEP#250-1032 to July 8, 2019 by Kadish, seconded by O'Reilly. Motion passes.

- F. 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, 6/10/19) 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.

The applicant requested a continuance to 7/8/19. Motion was made to continue the public meeting for DEP#250-1035 to July 8, 2019 by Kadish, seconded by O'Reilly. Carrozza abstained. Motion passes.

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

- G. 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.

Document list

1. Notice of Intent (NOI) application prepared by VHB Inc. received 1/3/19.

2. *"East Main Street (Route 123)", prepared by Vanasse Hangen Brustlin Inc., signed and stamped by Susan Hamilton Kremer, dated 1-3-19, revised drainage sheets (17 pages) 2/11/19*
3. *Letter from conservation to VHB dated January 7, 2019*
4. *Letter from NHESP dated January 14, 2019*
5. *VHB response to comments letter dated 1-25-19*
6. *Con com letter re: Chapter 53G requirement dated 2-28-19*
7. *MEPA Secretary's Certificate EEA: 15974, dated 2-22-19*
8. *DOT email of 3/5/19 re: Chapter 53G requirement*
9. *NOI review by Chessia 1-28-19*
10. *DOT email 3-22-19 re: ROW process with abutters*
11. *VHB letter dated 5/10/19 response to peer review comments from Chessia received 4/25/19*
12. *Route 123 (East Main Street) construction plans – sheets 11 – 21*
13. *Letter from VHB dated 6/4/19 - Peer Review Comments on NOI*
14. *Plans entitled "Norton East Main Street (Rte 123)", prepared by Vanasse Hangen Brustlin, Inc, signed and stamped by Susan Hamilton Kremer, dated 6/4/19, sheets 1-83 and 115-121 of 203 sheets.*

Carrozza and Ollerhead recused from discussion. The ConCom discussed the draft order of conditions and made appropriate modifications.

Motion was made to issue the Draft Order of Conditions as discussed with modifications for DEP #250-1034 by O'Reilly, seconded by Pearson. Carrozza and Ollerhead recused. Motion passes.

H. 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.

Document list

1. *Notice of Intent (NOI) application prepared by Beals & Thomas , January 2, 2019*
2. *"Fairland Farm Solar off Bay Rd", prepared by Beals & Thomas, signed and stamped by Elena Vershinina, 8 pages, dated 12-27-18.*
3. *"Index Plan, Fairland Farms, Norton MA", prepared by Beals & Thomas, signed and stamped by Ian Wisuri, 12 pages, dated 12-21-18.*
4. *Letter from Conservation to Beals & Thomas dated January 10, 2019 with comments*

5. *Letter to Conservation from Beals & Thomas dated January 18, 2019 re one resubmittal with con com and planning and peer review comments*
6. *2 sets of photos of cranberry bogs from Beals & Thomas at meeting of January 28, 2019*
7. *Photos from resident Chris C 1-28-19*
8. *Photos from resident at 201 bay rd, 1/28/19*
9. *1-28-19 public hearing attendance sheet*
10. *3/15/19 Beals & Thomas submittal of response to con com comments, revised NOI page 3, copy of con com letter, o & m scope of work, DEP guidance, ag photos, wetland resource area calculation summaries (4), and stormwater management report dated 3/15, 2019*
11. *Email from resident 208 Bay Road re: concerns 4-8-19*
12. *Email from 30 year cranberry farmers re: guideline re definition of agricultural solar tariff generation units – nextsun not demonstrated cranberry yields under panels 3-24-19*
13. *Letter from cape cod cranberry grower's association to planning board re: their general position on solar energy projects on cranberry bogs dated 3-26-19*
14. *Email from Kelly Gallagher re: response to documents #12 and 13 dated 4-3-19 with attached letters*
15. *Letter from Beals & Thomas dated 3-29-19 submits revised hydrology calculations in response to peer review*
16. *Abutters attendance con com mtg 4-8-19*
17. *Beals & Thomas response to comments at April 8, 2019 hearing*
18. *Plans entitled "Fairland Farm Solar 210 Bay Road Norton, Massachusetts (Bristol County)", prepared by Beals & Thomas, signed and stamped by Elena A. Vershinina, 15 pages, dated 12/27/2018, rev 5/30/19.*
19. *Plans entitled "Fairland Farm Solar 210 Bay Road Norton, Massachusetts (Bristol County) Upland Cranberry Bog Alternative", prepared by Beals & Thomas, signed and stamped by Elena A. Vershinina, 14 pages, dated 5/30/19.*
20. *Beals & Thomas response to peer review comments (Garner letter dated 4/15/19) dated 5/31/19.*
21. *Beals & Thomas Calculation Summary entitled "Revised Pre-& Post-Development Hydrologic Calculations" dated 12/27/18, revised 5/30/19.*

The ConCom discussed the draft order of conditions and made appropriate modifications.

Motion was made to issue the Draft Order of Conditions as discussed with modifications for DEP #250-1036 by Carrozza, seconded by Kadish. Motion passes.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

REVIEW DRAFT MINUTES

5-23-19 (Executive Session) – *Motion was made to accept meeting minutes of 5/23/19 by O'Reilly, seconded by Doyle. Kadish, Carrozza and Blood were absent 5/23/19 meeting. Kadish, Blood and Carrozza abstained. Motion passes.*

6-10-19 – *next meeting*

OLD BUSINESS

Right of First Refusal

- 19 Leonard Street (Map 11, Parcel 66), M.G.L.c.61B-Re-notification Amendment to Purchase and Sale Agreement
- 235 East Main Street (Map 11, Parcel 32), 0 Leonard Street (Map 11, Parcel 22), 0 Leonard Street (Map 11, Parcel 25), 0 Leonard Street (Map11, Parcel 25-01), M.G.L.c.61A-Re-notification Amendment to Purchase and Sale Agreement

Carrozza recused from discussion. Kadish noted some ConCom members have stated it would be nice to preserve some of these areas for the town but it is not financially feasible. His recommendation is to decline as previous.

Motion was made to send a letter to the Selectmen to not exercise our right of first refusal on the 19 Leonard Street and 235 East Main Street properties by Kadish, seconded by Blood. Carrozza abstained. Motion passes.

Request for Superseding Order of Conditions

- DEP #250-1027 Lot 5, Leonard St
- DEP #250-1039 Building 7, Leonard St

Carrozza recused from discussion. Motion was made to issue a response letter to the Superseding Order of Conditions on DEP#250-1027 and #250-1039 by Pearson, seconded by O'Reilly. Carrozza abstained. Motion passes.

- DEP #250-983 Island Brook, E Main St

Carlino states DEP has submitted a letter to the applicant requesting more information and plan revisions.

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

Carlino states the permit has expired and we must release the remaining consulting fees that are in the Conservation account.

NEW BUSINESS

Site Inspections

Violations:

New complaint at Pine Needle Drive – *Carlino states the owner is cooperating and a site inspection is scheduled.*

211 Oak and 21 Kensington

68 Dean and 4 Kensington

Reservoir Update

Chartley Pond Update – *Carlino states the ConCom received an extension on the grant received. Work will be finished by the end of July*

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

BILL SUMMARY

Summary list of bills signed period – June 1 -June 30, 2019 FY2019

Vendor	Amount	Town Account #
Fernandes Lumber	\$116.98	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read Lodge renovation		
Chartley Landscape	\$200.00	001-171-570-5315 Professional Services
Reservoir & Chartley Dam maintenance		
Chartley Landscape	\$225.00	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read & Johnson maintenance		
National Grid	\$10.18	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read pool meter		
Sun Chronicle	\$138.00	448-171-000-5800 Chartley Repairs/Construction
Chartley Dam Repair bids		
National Grid	\$9.42	001-171-570-5308 Operations Maint. Cons. Areas
lodge meter		
Chessia Consulting	\$875.00	243-171-100-5700 Outside Consultant Fees
Rt123 Improvements (250-1034)		
Chessia Consulting	\$1,747.50	243-171-100-5700 Outside Consultant Fees
Bernie & Phyl's (250-1040)		
Chessia Consulting	\$437.50	243-171-100-5700 Outside Consultant Fees
Wheaton College		
Home Depot	\$225.57	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read		
Patrick Garner	\$1875.00	243-171-100-5700 Outside Consultant Fees
Nextsun 210 Bay Rd (250-1036)		

Horsley Witten	\$3210.92	243-171-100-5700 Outside Consultant Fees
Leonard St improvements		
Horsley Witten	\$487.50	242-171-100-5700 Wetland Protection Fund
Appeals review (250-1027 & 250-1039)		
Plumber's Supply Co.	\$22.23	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read		
Home Depot	\$309.90	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read		
Pare Corporation	\$2,651.28	448-171-000-5800 Chartley Dam
Chartley Dam		
MACC	\$503.00	001-171-570-5730 Professional Dues
MACC membership dues		
Fernandes Lumber	\$104.98	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read		
Midway Automotive	\$85.57	001-171-570-5243 Operations Maint. Cons. Areas
truck repair		
Jim's Auto Services	\$35.00	001-171-570-5243 Operations Maint. Cons. Areas
truck inspection sticker		
Verizon	\$36.49	242-171-100-5700 Wetland Protection Fund
Agent cell phone		
Home Depot	\$836.00	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read lodge renovation		
Allegra	\$158.00	001-171-570-5308 Operations Maint. Cons. Areas
signage		

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 8:07 pm.

Respectfully submitted by: Melissa Quirk 

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

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman

7-22-19
Date