



Norton Conservation Commission
70 East Main Street
Norton MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

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NORTON TOWN CLERK

2019 SEP -9 P 12: 59

Monday, July 22, 2019
6:30 pm
2nd Floor Conference Room
Norton Town Hall

Minutes

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, Daniel Doyle, Jr. Conservation Secretary Melissa Quirk and Conservation Director Jennifer Carlino

Absent:

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

A. Request for Determination of Applicability (DET #1085). Fairland Farms, LLC, c/o Fred Bottomley, 210 Bay Road (Rear C Bog) (Map 6, Parcel 11). The proposed project involves plans to install a septic system within 100 feet of wetlands/cranberry bog.

Document List – 210 Bay Road – Rear Bog C

- 1. WPA Form 1 – Request for Determination of Applicability prepared by W.T. Whalen Engineering Co. dated 6/28/19*
- 2. Plans entitled, "Septic System Site Plan of Land in Norton, MA. Prepared for Fairland Farm LLC, signed and stamped by Luis Oliveira, dated 4/2/2008, rev 6/20/19.*

The applicant, Fred Bottomley and Mark Whalen of Whalen Engineering attended the hearing. Bottomley stated last October, he came before the Commission to install electrical lines to his barn. This is the next phase to bring hot and cold running water. Carlino asked if BOH had any questions or comments about the size of the system. Bottomley said no. Whalen did the percs with Chris from BOH. Carlino noted for the record that the plans are stamped by Luis Oliveira, P.E. from Whalen Engineering. Mark Whalen, who is a soil evaluator and registered here with the BOH, did the soil evaluation. Carlino questioned his license number. Whalen noted it is on the plan. Carrozza questioned detail on the silt sock. Kenny Furtado will do the installation. Carrozza suggested an 8 inch minimum sock be noted on the plan. She also questioned the access to the system, and how the equipment will be getting in there. Bottomley showed the system is on the left rear side of his map. Carlino asked he provide that map for the record,

which he did. Carrozza questioned if the compost filter stock would preclude access. Bottomley says no.

Resident Jeff Bodin of 130 Bay Road expressed concerns with the bog area that floods minimally twice a year. Bottomley acknowledged the flooding each year and replied that the system is designed to accommodate the septic. Carrozza clarified the septic is within the flood zone. Bottomley says yes. Carrozza questioned what is the flood plain elevation. Carlino states the Commission has it from a previous project. Resident Bodin expressed concern of overflow from septic. He states flooding goes over the banks every year (and could impact the septic). Bottomley replied the system is to be built within compliance of state and federal laws. Kadish noted that Norton has a high percentage of wetland area. As a result, many systems are built within the 100 feet of wetland and the systems do function.

Motion was made to close the public hearing for DET #1085 by Kadish, seconded by O'Reilly. Motion passes.

Motion was made to issue a negative 2 Determination for DET #1085 by Kadish, seconded by Carrozza. Motion passes.

B. Notice of Intent (#250-1042) Sylvia Markley, 8 Agoritsa Lane (Map 11, Parcel 57).
(continued from 7/8/19). The proposed project involves the upgrade of an existing subsurface disposal system within 100 feet of the wetland area.

Document List

- 1. WPA Form 3 – Notice of Intent prepared by BDO Engineering, dated 6/13/19*
- 2. Plans entitled, "Upgrade of Subsurface Disposal System at 8 Agoritsa Lane, Norton, MA", prepared by BDO Engineering, signed and stamped by David Oberlander, PE, dated 5/22/19.*
- 3. Certified abutters list*
- 4. Site photographs*

David Oberlander of BDO Engineering attended the hearing for the applicant. He states the entire lot is within the flood plain. There are 2 septic systems. The system in the back yard passed inspection. The system in the front yard did not. All the proposed work will be in the front yard. It is a pump system. With the existing grades, there will be no increase as to what is there now. Carlino questioned the revised page 3 (alteration of bordering lands subject to flooding). Were there any special requirements from the BOH? Is there a barrier? Oberlander states no. There is no impermeable barrier. Carlino clarified there is no elevation certificate required since there will be enough spot grades on the system on the as-built plans. The flood plain elevation won't changed. Pearson asked if we need posts as buffer zone markers? Carlino says

that is probably appropriate. Kadish asked if the edge of lawn is the edge of wetlands? Oberlander says no, but it is close to it. Oberlander states all of the work will be in the existing lawn area.

Motion was made to close the public hearing for 250-1042 by Kadish, seconded by O'Reilly. Motion passes.

Motion was made to accept the order of conditions as submitted for 250-1042 by Pearson, seconded by Kadish. Motion passes.

C. Notice of Intent (#250-1044). Alan & Lori Sylvestre, 20 Margaret Drive (Map 27, Parcel 137-104). The proposed project includes the construction of an addition to a single-family home within 100 feet of the wetland area

Document List – 20 Margaret Drive

- 1. WPA Form 3 – Notice of Intent prepared by RIM Engineering Co., Inc. dated 7/5/19*
- 2. Plans entitled, "House Addition Plan Existing Conditions HSE.NO. 20 Margaret Drive", prepared by RIM Engineering Co. Inc., signed and stamped by Craig Cygawnoski, dated 7/5/19*
- 3. Revised WPA Form 3 – Notice of Intent prepared by RIM Engineering Co., Inc., received 7/11/19*
- 4. Revised WPA Form 3 – Notice of Intent prepared by RIM Engineering Co., Inc., received 7/16/19*
- 5. Plans entitled, "House Addition Plan Existing Conditions at HSE.NO. 20 Margaret Drive", prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 7/5/19, rev 7/12/19*
- 6. ECR Riverfront Area Analysis dated 7/15/19*
- 7. Plans entitled, "Proposed House Addition Plan at HSE.NO. 20 Margaret Drive in Norton, MA", prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 7/5/19, rev 7/18/19*
- 8. Site photographs*

The applicant, Alan Sylvestre and Craig Cygawnoski of RIM Engineering attended the hearing. Cyganowski states the house is a single family home and the resource area is the Riverfront Area of the Wading River. The existing house is within the ACEC of the 3 Mile River. The existing house/driveway/deck patio area is planned to be removed and replaced with a 2-car garage. He showed the project area, mitigation and impervious areas on the plan. Driveway access area is on the side of the house due to the septic system in the back.

Pearson questioned is landscaping really mitigation. Cygawnoski says they are removing lawn and replacing with shrubs and trees so the mitigation is a 2:1 ratio. Also due to the Norton stormwater bylaws, they are putting in a water recharge system to the back of the house. Carlino clarifies the mitigation area will just be planted, not mulched. Correct per Cygawnoski.

Carrozza states there are some issues with the proposal in meeting the regulations. Under riverfront regulations, you're allowed to alter up to 10%. Total riverfront is 18,544 sf. Carrozza asks of that, how much is degraded? Are they over 10% already? Cyganowski states yes. Carrozza asks why are we proposing something in excess of that? Regulations say you can only have 10% degraded riverfront. Cyganowski states he is relying on Brad Holmes of ECR (Environmental Consulting Restoration) that he hired who states that by providing 2:1 ratio of mitigation, that issue would be handled. Carrozza states mitigation must improve the site. Therefore, mitigation to a degraded riverfront area would be planted. He is just converting a non-degraded area and planting it, which is a wash. It's already non-degraded. You need to provide mitigation. She says Mr. Holmes needs to go back and look at the regulations. It does not meet the reg. Kadish suggests it would not take much to convert some of the suggested pavement to pervious pavers to meet the regulation. Carrozza states they need to work within the 10% threshold and cannot exceed it. Technically they should not add 1 sf of impervious surface. Carrozza questions does the garage itself put him over the 10% before he looks at converting the pavement into impervious pavers? Cygawnoski states they are already in excess of 10% before they do any work. Can they just replace the amount they are removing? The 10% was already exceeded. Carrozza states Mr. Holmes needs to look at that part of the regulation. Are there any provisions for that? Carlino suggested the wetland professional attend the next meeting.

The applicant requested a continuance to 8/12/19. Motion was made to continue the public hearing for DEP#250-1044 to August 12, 2019 by Pearson, seconded by Carrozza. Motion passes.

D. Notice of Intent (#250-1043). Paul & Jeanne Saariaho, 122 East Hodges Street (Map 36, Parcel 35). The proposed project includes the construction of an addition to a single-family home within 100 feet of the wetland area.

Document List

- 1. WPA Form 3 – Notice of Intent*
- 2. ECR Riverfront Area Analysis dated 6/11/19*
- 3. Plans entitled, "Proposed House Addition at HSE.NO.122 East Hodges Street in Norton, MA", signed and stamped by Craig Cygawnoski of RIM Engineering Co. Inc P.O. Box 32 Mansfield, MA 02048, dated 6/12/19*

4. *ECR Riverfront Area Analysis dated 7/15/19*
5. *Plans entitled, "Proposed House Addition at HSE.NO. 122 East Hodges Street in Norton, MA", prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 6/12/19, rev 7/15/19*
6. *Plans entitled, "Proposed House Addition at HSE.NO.122 East Hodges Street in Norton, MA" prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 6/12/19, rev 7/18/19*
7. *Site photographs*

Craig Cyanowski of RIM Engineering attended the hearing for the applicant. He is still waiting to hear from Natural Heritage to determine if they are subject to filing with them. The objective is to add a 2 car garage with expanded pavement, a breezeway to an existing house, with a bump-out to the existing kitchen. Some pavement will be left in place. The rest replaced with lawn. The mitigation area would be planting trees and shrubs. Cygawnoski states that 10% of the entire riverfront area is 24,548sf. The existing degraded is 23,842sf. So they are below the 10% degradation. Carrozza questioned the separate mitigation area in the green on the plan. Cyganowki states the owners would like to remove this pavement. They are restoring the area to its natural state, removing the existing lawn and replacing with conservation seed and native plants. Carrozza states that area is technically a restoration area, not mitigation since they don't need to mitigate there.

The applicant requested a continuance to 8/12/19. Motion was made to continue the public hearing for DEP#250-1043 to August 12, 2019 by Kadish, seconded by Pearson. Motion passes.

- E. 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, 6/24/19) 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 8/26/19. Motion was made to continue the public hearing for DEP#250-1037 to August 26, 2019 by Kadish, seconded by Carrozza. Motion passes.

- F. Notice of Intent (#250-1040). Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252).** (continued from 4/29/19,6/10/19,7/8/19) 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 8/12/19. Motion was made to continue the public hearing for DEP#250-1040 to August 12, 2019 by Pearson, seconded by Kadish. Motion passes.

G. 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, 6/24/19, 7/8/19). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to 8/26/19. Motion was made to continue the public hearing for DEP#250-1030 to August 26, 2019 by Kadish, seconded by Pearson. Motion passes.

H. 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, 6/24/19, 7/8/19). 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 8/26/19. Motion was made to continue the public hearing for DEP#250-1032 to August 26, 2019 by Pearson, seconded by Kadish. Motion passes.

I. 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, 6/24/19, 7/8/19) 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 8/12/19. Motion was made to continue the public hearing for DEP#250-1035 to August 12, 2019 by Kadish, seconded by Pearson. Carrozza abstained. Motion passes.

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

REVIEW DRAFT MINUTES

7/8/19 - Motion was made to accept meeting minutes of 7/8/19 by Pearson, seconded by Kadish. Motion passes. Doyle Abstained (absent 7/8/19 meeting)

OLD BUSINESS

NEW BUSINESS

Kingsbury Hill requested to be on agenda scheduled for 8/12/19

NextSun applicants did appeal the Bay Road approval (#250-1036). There was discussion as to whether the appeal was late. Carlino will check with DEP.

Site Inspections

Violations

Pine needle drive complaint – Carlino did an inspection with the owner. There is no violation. They have been released.

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 – July 1 – July 31, 2019

FY2020

Vendor	Amount	Town Account #
Item		
MSMCP	\$20.00	001-171-570-5730 Operating-Prof Orgs
Membership dues		
Town of Norton	\$70.00	001-171-570-5308 Operations Maint. Cons. Areas
Water and sewer		
B&B Landscaping	\$1,000.00	001-171-570-5308 Operations Maint. Cons. Areas
tree work		
Chessia Consulting	\$1,937.50	243-171-100-5700 Outside Consulting
54 Plain St solar		
Chessia Consulting	\$1,437.50	243-171-100-5700 Outside Consulting
Wheaton College		
Horsley Witten	\$1603.99	242-171-100-5700 Wetland Protection Fund
Leonard St appeal		
Norton Ace Hardware	\$412.42	001-171-570-5308 Operations Maint. Cons. Areas
Edith Read – paint		

