



Norton Conservation Commission
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RECEIVED
NORTON TOWN CLERK
2020 JAN 28 A 9:25

Monday, September 9, 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, Ron O'Reilly, Julian Kadish, Gene Blood, Dan Pearson, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk and Conservation Director Jennifer Carlino

Absent: Lisa Carrozza

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

- A. Notice of Intent (250-1047). Nicholas Miller, 115 Burt Street (Map 12, Parcel 14).**
The proposed project is to replace a house foundation and deck within 100 feet of wetlands.

Document List – 115 Burt Street

- 1. WPA Form 3 – Notice of Intent received 8/27/19*
- 2. Plans entitled, "As Built Plan Subsurface Disposal System" prepared by BDO Engineering, signed and stamped by David Oberlander, dated 5/14/19*

Nicholas Miller, owner of the property, presented the project. He is doing all of the work himself. The foundation is caving in and will be replaced. The deck is falling off of the house and will be replaced with the same size deck. Ollerhead asked if he would be generating any soil. Miller states no. Kadish clarifies the site looks fairly flat in the front so should not have a problem with material eroding toward the wetlands. Miller says no. Carlino noted there are sediment controls on the plan. The deck construction does not require moving any soil. Kadish asked if it would be resistant to frost heave. Yes, per Miller. Doyle clarified what is being removed on the side of the house. Miller states a concrete landing by the side door that is crumbling will be removed and replaced with a wooden structure. O'Reilly asked about the deck plans. Miller states they have not yet been submitted to the Building Commissioner. Carlino states she will see the plans at that point.

Motion was made to close the public hearing for DEP#250-1047 by Kadish, seconded by Doyle. Motion passes.

Motion was made to accept the order of conditions with modifications as discussed for DEP#250-1047 by Kadish, seconded by Doyle. Motion passes

- B. Request for Determination of Applicability (DET#1088). Norton Village Condominium Association, 5 Robin Circle (Map 16, Parcel 209).** The proposed project involves plans to replace the existing septic system within 100 feet of wetlands.

Document List

- 1. WPA Form 1 – Request for Determination of Applicability received 8/15/19*
- 2. Environmental Figures prepared by River Hawk Environmental Civil & Environmental Engineering, dated 8/8/19*
- 3. Plans entitled, “Subsurface Sewage Disposal System Repair Design”, prepared by River Hawk Environmental Civil Engineering & Environmental Consulting, signed and stamped by Robert Rego, dated 7/12/19*
- 4. Plans entitled, “Subsurface Sewage Disposal System Repair Design”, prepared by River Hawk Environmental Civil Engineering & Environmental Consulting, signed and stamped by Robert Rego, dated 7/12/19, rev 8/20/19*

Avishek Pramamik of River Hawk Environmental attended the hearing for the applicant. Most of the work in replacing the septic system is within the existing location. Erosion control has been provided for where necessary. A catch basin has also been provided within 100 feet of the work area and also at the entrance to this parcel of property. Carlino noted there were no issues with the wetland boundary. However, there were discarded Christmas trees and some compost in the wetland. The management company was notified and were supposed to have it removed.

Motion was made to close the public hearing for DET#1088 by Kadish, seconded by O'Reilly. Motion passes.

Motion was made to issue a Negative 3 Determination for DET #1088 by Kadish, seconded by Pearson. Motion passes.

- C. Request for Determination of Applicability (DET #1087). CIL Realty of Mass Inc., 183 John Scott Blvd (Map 31, Parcel 144).** The proposed project involves plans to repair an existing septic system within 100 feet of wetlands.

Document List – 183 John Scott Blvd

1. *WPA Form 1 – Request for Determination of Applicability – received 8/5/19*
2. *Plans entitled, “Repair Sewage Disposal System”, prepared by Hutchins Trowbridge Associates, signed and stamped by Michael Trowbridge, dated 8/2/19*

Carlino noted this legal notice was not advertised, so we can not have a public hearing on the project tonight. However, since the system was in failure, she issued an Emergency Certificate so they could begin work ahead of obtaining the wetland permit. She met with the contractor this morning. They reviewed the sediment controls and are aware they still need to go through the permitting process. They will be at the next meeting.

Motion was made to Ratify the Emergency Certificate issued for DET #1087 by Kadish, seconded by Pearson. Motion passes.

- D. Request for Amendment to Existing Order of Conditions (#250-996). Thomas Powers, 19 King Philip Road (Map 25, Parcel 73-19).** The proposed project is to raise the existing house above the floodplain elevation within 100 feet of wetlands and within the 100-year floodplain.

Document List – 19 King Philip Road

1. *Plans entitled, “Existing and Proposed Structural Framing Plans”, prepared by NativeTEC, signed and stamped by Robert Marini, PE, dated 3/4/19, rev 4/10/19*

Rob Marini of NativeTec attended the hearing with the applicant Tom Powers. The original septic Order of Conditions was to build a new house on the property. The reason they are requesting to amend the Order of Conditions is because Mr. Powers wants to rehab the existing house, but it is in the flood plain. A few feet within the flood plain. They came up with a scheme where they used lifts and jacks to jack it up in both directions. One of the advantages of raising it is it creates more storage volume. Once raised, the foundation is not occupying flood storage. They need access to the doors, and it will provide a way for pedestrian access. There is also a shed that will be raised so the first floor will all be level. There are enhancement plantings in the protected species area. The driveway remains the same. Mr. Powers is willing to engage an arborist as part of the Order of Conditions. Ollerhead asked if they provided notification to the abutters yet because the Commission can not close without that. They were not aware they had to. Ollerhead tells them they must notify abutters and may need to do the presentation again for them. Also, Ollerhead recommended they do the application form again as a separate document instead of taking the old application and crossing out old/incorrect information. Kadish

questioned the amount the house is being elevated. Marini responds 2 feet. Kadish questions if the existing foundation will stay as is. Marini states it will be removed. Kadish questions the piers that will remain. Could be a habitat under the house. Carlino states it will be filled with stone so won't be a habitat. Marini states it will be a 4 inch layer of stone. The foundation will be sealed and there will be floor insulation. Marini states Mr. Powers is willing to monitor the growth of the restoration plantings. He will also test the water quality as a baseline and in sequence test the water quality to protect the town and the proponent. Ollerhead requests they continue until after they notify abutters. Also, Ollerhead showed edits to be made to the owner application. Marini questioned if they must send to DEP. Carlino states yes.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DEP#250-996 to October 7, 2019 by Kadish, seconded by O'Reilly. Motion passes.

- E. Notice of Intent (#250-1046). Joseph Fernandes, 461 South Worcester Street (Map 32, Parcel 182).** (continued from 8/12/19) The proposed project is to construct a dwelling, septic, driveway, grading and utilities within 100 feet of bordering vegetated wetland.

Document List – 461 South Worcester Street

- 1. Plans entitled, "Sewage Disposal System 461 South Worcester Street", prepared by Hutchins-Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 6/10/19*
- 2. WPA Form 3 – Notice of Intent received 7/22/19*
- 3. Plans entitled, "Sewage Disposal System 461 South Worcester Street", prepared by Hutchins-Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 6/10/19, rev 8/15/19*
- 4. The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife letter dated 8/29/19*
- 5. Plans entitled, "Sewage Disposal System 461 South Worcester Street", prepared by Hutchins-Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 6/10/19, rev 9/4/19*

Michael Trowbridge of Hutchins-Trowbridge Associates attended the hearing along with the applicant Joe Fernandes.

Trowbridge noted he had received the letter from National Heritage (NHESP) with the approval and the letter was sent to Conservation Commission. He addressed concerns from the last meeting and provided a color plan to show the changes. He added an extension to the visual barrier as requested by Carlino. He also placed the limits of the cul-de-sac on the plan as well as a couple distances to the potential vernal pool and the limit of work. There was a slight amendment to the stockpile area. Carlino had requested a 2nd row 10 feet back from the initial

barrier and dry wells. Carlino noted the distance from the vernal pools to the proposed work includes the septic system and the dry wells to be in compliance with Stormwater Management and Title V. Trowbridge noted all the requested changes were made.

Motion was made to close the public hearing for DEP#250-1046 by Kadish, seconded by Doyle. Motion passes.

Motion was made to accept the order of conditions as drafted for DEP#250-1046 by O'Reilly, seconded by Kadish. 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, 6/24/19, 7/8/19, 7/22/19, 8/12/19) 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.

Document list

- 1. Notice of Intent (NOI) application prepared by Condyne Engineering Group LLC, received January 14, 2019.*
- 2. Plans entitled, "Blue Star Business Park – Leonard Street Improvements", prepared by Condyne Engineering Group LLC, signed and stamped by Mark Dibb, P. E., dated 1/11/19, rev 3/15/19*
- 3. Condyne letter dated Jan 14, 2019 project narrative, rev. 3/15/19*
- 4. Carlino letter to Condyne dated 2-14-19 comments to NOI*
- 5. Plans entitled "Blue Star Business Park – Leonard Street Improvements", prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, P.E., dated 1/11/2019, rev 4/19/2019*
- 6. Condyne letter dated 4/22/19 – response to HW comments 4/8/19*
- 7. Highway dept letter dated 4/16/19*
- 8. SWPPP prepared by Condyne 3/18/19*
- 9. Condyne project review summary: (Project narrative, CEG'S response to comments, ECR'S response to comments, Wetland replication narrative with soil profiles), dated 1/14/19, revised 6/10/19*
- 10. Plans entitled, "Blue Star Business Park Leonard Street Improvements", prepared by Condyne Engineering Group, dated 1/11/19, rev 6/10/19*
- 11. Summary of changes made to plans and documents for Leonard Street widening dated 6/27/19*

12. Plans entitled "Blue Star Business Park Leonard Street Improvements" prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, dated 1/11/19, rev 6/27/19.
13. Horsley Witten Peer Review Letter 3 dated 7/8/19

Mark Dibb, Jeff O'Neill and Don O'Neill of Condyne along with Scott Smeyers, Professional Wetland Scientist of Oxbow Associates attended the meeting to update the commission. Frank Fournier, Water Superintendent and Michael Yunits, Town Manager also attended the hearing.

Dibb states since the last hearing, they met with town departments including the water department to get additional information from the water department as requested. The summary of that discussion was forwarded last week to the Commission and HW. They also performed long profiles for the property. He explained they had their surveyor measure the fall way (the lowest point of the stream bed) for long distance upstream and downstream of the culverts. For each of the 3 culverts, they went approximately 250-300 feet upstream and downstream and documented this in the long profiles. This was done to ensure that the inverts of these replacement culverts were at the right elevation as requested by HW. It was referred to in the stream crossing standards as suitable information to assist in the design of the inverts. HW reviewed this information last week. They did a draft submittal to HW last week followed by a conference call last Friday. Dibb states, regarding the culverts, there are 3 main criteria for when you can not meet the standards. Criteria one has to do with erosion. Criteria two had to do with flooding. The long profiles confirmed there is less than a 1 foot change in grade in over 600 feet. The perennial stream is 4/10 change in grade. They determined the 1st 2 criteria are unaffected by whatever size culverts. They are not a reason for not meeting the standards. They have provided all of the documentation for that and also 100 year storm calculations for these water sheds. During a 100 year storm, that flow will make it through the small round pipes that are there. It may be constricted. However, the calculations show if you replace it with either the ellipticals that are proposed or an 8 foot wide box culvert, it is determined there is potentially no risk of flooding. The last criteria is site constrictions. Based on discussions and feedback from the water department (Frank Fournier, Superintendent of the water department is here), they have determined, for the 2 intermittent streams, the single elliptical culvert is the best proposal based on the water department's concerns. One of their concerns is creating a drop in the water line increases sedimentation. Another concern is a large box culvert creates a cover issue over that water line. An open-air box culvert could cause freezing of those pipes. Their proposal of open air is down to 6 inches of cover. They have maintained to propose elliptical culverts for the two 12 inch intermittent streams. They have revised their proposal on the perennial stream to the same style culvert. Last time they reduced the 6 foot wide box culvert down to the same elliptical culvert due to site constraints. HW wanted to raise the road up. He has provided a spreadsheet on the cost analysis. If they were to put those box culverts appropriate in size to meet the standards, they would have to relocate the water line. In raising that entire piece of Leonard Street about 7 feet, would cost about \$1.5 million. They have maintained their proposal as well as changing the 3rd perennial stream culvert to an elliptical pipe. Dibb states that as of the

conference call Friday morning, HW agreed that the engineering back-up calculations were not applicable at this point. It is the town's departments working together to decide that what they have proposed is the maximum extent feasible for these culverts. Dibb states they meet the maximum extent possible for these culverts. They did add to the plans that any insulation or modifications to the water line in that area would be done within the same footprint. Dibb was expecting a summary letter from HW today stating 2 things: that it is the town's decision to allow this proposal, that it meets the standards, and that no more information would be needed. He provided 2 stamped set of plans.

Ollerhead questioned Frank Fournier: At the last meeting, it was stated adamantly by Condyne, that it was the water superintendent's opinion that we could not build the properly sized conduit because it was too close to the pipes that were there. We could not lower the pipes. Fournier explained that lowering of the water main will create a settling basin for sedimentation. We have high levels of iron and manganese in our system which are difficult to clean out even with the flushing program. Any valleys or low spots create water quality issues. Depending on the structure in the ground, it can potentially cause a blockage in the system. Although the treatment plant will go on line shortly, what exists in the system does not change. The separation is the 2nd concern. Any time you have an open-air box culvert, that area is subject to freezing conditions. The water main in its current elevation is at 5 feet which is the minimum culvert that they recommend so we don't have frost/freezing situations on the pipe. Anything that goes on top of that takes away from the 5 foot cover. You then want to make sure that pipe is insulated which requires more work in the vegetated wetlands.

Mike Yunits, Town Manager, thanked everyone for their time and work on this project.

Carlino stated she had expected HW's review today, but should be this week. She requested notes from the Friday conference call from Dibb.

Doyle, Pearson, O'Reilly and Blood stated they would like to see the HW review letter before they close.

Carlino stated the commission could have the draft OOC ready for the next meeting if they continue, so there is no time lost. Dibb feels following the conference call, they don't need their input anymore. Ollerhead also states there is no time lost, since even it was approved today, it could not be signed until the next meeting.

Kadish agrees with Dibb. The details have been clearly presented and he is comfortable with the proposed plan. Ollerhead agrees. Kadish asks what is the HW response going to say that would make you not support this? Carlino notes we typically look for information to be in the office at least one week prior to the hearing. The Condyne information was received Friday. The conference call was Friday, but we have no notes from it. The HW letter is expected today or tomorrow. The commission hired HW to do that review. Jeff O'Neill states they need to get this closed. Their initial filing was January of this year. They have spent an additional \$15-20,000 to

produce these plans and details to meet everything that HW wanted. Ollerhead states they didn't meet it. They've been modifying it, going back and forth and have finally come up with a final version. O'Neill states, since the initial filing, they are back to their original plan filed in January with no change. Carlino states the documentation provided Friday could have been provided in the beginning with the initial application. The HW comments have been consistent with documentation requested which has taken months to get. O'Neill feels it is time as a team to make a decision and move the project forward. There are \$500,000 in building permits waiting to be picked up, but they must close first. Kadish proposes closing the hearing, and having all of the information that some of the commission members want to see before they sign. The Commission could then sign at the next meeting. It was agreed a draft OOC would be provided to Condylne prior to the meeting and they would share their notes from the conference call.

Motion was made to close the public hearing for DEP#250-1035 by Kadish, seconded by Doyle. Motion passes.

Deliberations: Ollerhead asked if everyone was satisfied with Frank's discussion of the water line since that limits the size of the culvert they can build. That is a big limiting factor. The longitudinal studies were done as requested. After discussion, the commission agrees they are comfortable with the project once they receive the HW letter stating what Dibb has claimed.

G. 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, 7/22/19) 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 9/23/19. Motion was made to continue the public hearing for DEP#250-1037 to September 23, 2019 by Kadish, seconded by Pearson. Motion passes.

H. 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, 7/22/19). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to 9/23/19. Motion was made to continue the public hearing for DEP#250-1030 to September 23, 2019 by Kadish, seconded by O'Reilly. Motion passes.

- I. **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, 7/22/19). 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 9/23/19. Motion was made to continue the public hearing for DEP#250-1032 to September 23, 2019 by Kadish, seconded by O'Reilly. Motion passes.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

Request for Full Certificate of Compliance (#250-989). Mike Haskell. 121 West Hodges St., (Map 34, Parcel 1). For proposed plans to construct a 1,300 sq. ft. common driveway for 2 houses within 100 feet of wetlands and rare species habitat.

Motion was made to issue a Full Certificate of Compliance for DEP#250-989 by Kadish, seconded by Doyle. Motion passes.

REVIEW DRAFT MINUTES

8-12-19 – continued to 9/23 meeting

OLD BUSINESS

DEP# 250-1036 Next Sun appeal of OOC, Wed./Sept.18th at 10:45.

The site visit has been rescheduled to September 18th at 10:45. Our peer review consultant will be there. Carlino has requested town counsel be there. She will follow up with them. Commission members may attend, but abutters can not be on the property. Kadish noted he has a conflict and can not attend.

DEP# 250-983- Island Brook appeal update

Carlino states new plans and documents were submitted last week. They have been sent to John Chessia to review. Carlino will email DEP to let them know ConCom is reviewing and will send comments.

New Buffer Zone guidance handbooks were received by the commission. Carlino suggested breaking up the handbook into sessions to review on Thursday nights.

NEW BUSINESS

Carlino will be attending the Planning Board tomorrow for proposed revisions to the Stormwater Bylaw for fall town meeting.

Site Inspections

Violations:

68 Dean – Carlino states they never came back and filed their permit application. There is new soil dumped on the property. Two letters were sent and they contacted us twice. A new permit application was sent for the tree cutting next to the wetland and the vernal pool, but was never returned. Carlino asks if the commission wants another letter sent or an enforcement order and appear before the board. The ConCom agrees to send an Enforcement Order.

10 Dean St
211 Oak and 21 Kensington
4 Kensington

Reservoir Update

Chartley Pond Update

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

Carlino notes there is a special town meeting for the fall town meeting October 21st. She has submitted budget requests for a full time secretary and seasonal part time employment for Camp Edith Read. Ollerhead asked about the possibility of an alternate ConCom member for when a member is out. The alternate would attend all hearings and only vote when there is less than 7. Kadish asked if the law provides for that. Carlino will look at the macc handbook. Some other towns do have alternates. She will look at what the rules are.

Macc fall conference is Saturday, October 19th if any ConCom members are interested. The focus is buffer zones. Carlino will register and get approval in the budget to pay for.

9/10/19 – volunteers are coming to Edith Read to paint the lodge inside and out. On Saturday, Wheaton students are coming to finish the painting.

Art Steniford donated the campfire pits and metal fire rings which will be installed when we have volunteers.

Open house 9/28 at Edith Read.

Norton Kayak Company is having a reservoir cleanup on the 14th.

BILL SUMMARY

Summary list of bills signed period – September 1 – September 9, 2019 FY2020

| Vendor/ Item | Amount | Town Account # |
|--|---------------|--|
| Norton Ace Hardware Supplies | \$116.40 | 001-171-570-5308 – Operations Maint. Cons. Areas |
| Chartley Landscape Maintenance – Reservoir & Chartley | \$200.00 | 001-171-570-5315 – Professional Services |
| Chartley Landscape Maintenance – Read & Johnson | \$225.00 | 001-171-570-5308 – Operations Maint. Cons. Areas |
| National Grid pool meter | \$10.00 | 001-171-570-5308 – Operations Maint. Cons. Areas |
| Allegra copies of Island Brook plans | \$54.80 | 242-171-100-5700 – Wetland Protection Fund |
| Norton Ace Hardware Supplies – Edith Read | \$118.63 | 001-171-570-5308 – Operations Maint. Cons. Areas |

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

Motion to adjourn by Kadish, seconded by Pearson. Motion passes and meeting closes at 8:00pm.

Respectfully submitted by: _____Melissa Quirk_____

Minutes approved by the Commission on _____10/7/19_____ (Date)

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman

1/27/20
Date