



Norton Conservation Commission
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Monday, March 9, 2020
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, Julian Kadish, Lisa Carrozza, Ron O'Reilly, Gene Blood, Dan Pearson, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent:

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Notice of Intent (#250-1054) New England Power Company, 315 & 327 Transmission Line ROW.** The proposed work includes general utility maintenance activities and improvements including structure replacements, access road upgrades and work pad construction at existing structures within Bordering Vegetated Wetland, 200 feet of Riverfront Area and Bordering Land Subject to Flooding.

Alison Milliman of BSC Group attended the hearing on behalf of the applicant and provided the green cards. She explained the project involves replacing and refreshing existing structures within an existing maintained transmission line in Norton and adjacent communities. She noted some of the existing structures are within BVW and protected wetland. They are requesting a variance for the maintenance activity to happen under the limited project status within those jurisdictional areas. The maps show the access points off the public roads where the structures will be replaced and where temporary construction matting will be used within wetland resource areas. She noted some access off of public roads will be remote only. In other locations, they are proposing to refresh the access roads with a layer of stone for safe travel of the construction equipment. Some access route improvements are within BLSF. They are proposing to over-excavate and lay the stone into the excavated road base. Therefore, they will not decrease any volumetric flood storage for

those improvements. Portions of the ROW are within NHESP habitat areas. They are consulting with NHESP and preparing a Conservation Management Plan.

Milliman reviewed the plan, sheet by sheet, and addressed questions and concerns of the ConCom members. Nominal size of the temporary matting is typically 125 x 100 depending on the circuit. Some of the work on the 327 line will be done while the lines are live and will require a larger work space. Where the mats are shown as perpendicular rather than parallel, that is because they are existing structures. Carrozza clarified they are looking for a limited project due to the ACEC. You cannot condition destruction of the BVW in ACEC.

On sheet 1, access is from Dean Street and/or Tremont Street in Rehoboth. They are trying to re-use access routes from previous projects. Carrozza questioned the lack of erosion control integral to the mats. Milliman explained the mats are a thick wooden platform on top of the wetland vegetation. They act as containment of the work. When they auger, they will use secondary containment. The contractor will be required to use either fabric on the mats with a compost soc or metal drill boxes that contain the dirt and re-use or take off-site. BSC will have a full-time inspector on-site during the work. Upon removal of the mats, the criteria for regrowth is 75%. BSC will do post restoration monitoring until all of the permits are received. Kadish asked how long the mats will be in place. Milliman states the engineers are looking to begin work in April or May and finish in about a year. The mats could be down for several months in one place. Carrozza questioned any protocols for tracking onto Dean Street. Milliman states they install tracking pads at the access points to public roads and the roads will be swept at the end of the work day. Doyle asked if they take any precautions for motor oil and hydraulic fluids with the trucks. Milliman states they take steps to avoid and minimize any impacts with leaks or spills. There will be no equipment parked overnight within 100 feet of a wetland resource. All contractors are required to have a spill kit on site and secondary containment for equipment that is difficult to move.

Carrozza asked why there is a wetland replication area on sheet 5. Milliman explained there is a small amount of loss with the replacement of the structures. There is a minor increase in footprint. The cumulative total of the diameter of the structures is 481 sf and is being replicated in one area. They are proposing a field directed planting plan and using National Grid approved wetland seed mix. Carrozza requested the 481 sf be added to the plan.

Sheets 6&7: Carrozza asked if there is a reason for the fencing in the ROW on sheet 6. Milliman believes it is not National Grid's fencing since that is not typically allowed in the ROW. There will need to be a discussion with the land owner about letting the workers in there. Milliman will clarify how that will be handled. Carrozza questioned the grading on sheet 7. Milliman states there is a lot of bulldozing of material there. She believes it is town owned. Carlino states it is the back of the Dorrance pits, not town land. Milliman stated they will be using on-site resources and not hauling in new material. Carrozza questioned how they would span the stream. Milliman shows photos of temporary mats they would use, but states it is already pretty compromised. Carrozza suggests conditioning the system be a

closed system over the crossing. She also suggests taking photos before work starts since it is compromised. Milliman states they have. Carlino notes Harvest Street needs to be changed to Harvey Street on the plan. Carrozza questioned the perennial stream on West Hodges and why there is a work pad there. Milliman explained the guard structure is used when the lines are pulled over the street in case there are cars under. Carrozza asks if it could be relocated out of the stream. Milliman explains it must be under the wires. She can ask if there is room on the shoulder of the road. Carlino states there is not much shoulder there. Carrozza asks if there will be any controls on either side of the access on West Hodges Street at the top of sheet 7. Milliman states if they were to use that access, they could add the requirement to use permanent controls on the W20, W21 and W22.

Sheets 8&9: Kadish clarified that all of the wood structures are being replaced with steel. Milliman states that is correct. The wood has problems with rot and woodpecker damage. It is a light duty steel.

Sheets 6,7,9 & 10: Carlino questioned the flood plain. It needs to be shown on the legend. Milliman will update.

Sheet 12: Kadish and Carrozza questioned the area labeled proposed Shpack perimeter. Milliman states the boundary was determined based on the results of analytical testing they did for the ground water and soil. This was determined to be the boundary of the contamination. Milliman states they have groundwater and soil specialists working with them and are adhering to additional health and safety measures outside of this boundary. Kadish clarifies the remediation there has been completed. It is capped. Ollerhead asks how deep they go to put the poles in. Milliman states it can be up to 40 feet. Ollerhead states it could go right through the cap. Milliman states they will be following a soil and groundwater management plan here.

Carrozza noted the project is over 1,000 feet in length. It is her understanding that the radius for abutter notices should be 1,000 feet for linear projects. Milliman states that is an option. Carrozza believes it is mandatory. Milliman states they typically do the affected parcel boundaries and buffer from that. This has been the consistent way National Grid has done the abutter notices, but she will check the DEP requirement.

Ollerhead noted the ConCom will need the NHESP permit before they close. Carlino noted the book, page and parcel number will also be needed to write the permit so it can be recorded. Milliman states National Grid usually does that after, but she will get.

Carlino asked if all previous projects are all closed out. Milliman states there is one at the end of the month. Ollerhead asks Milliman if she could walk the site to make sure any previous projects have been removed. She agrees. Carlino asks if the wetland is flagged now. Milliman states all the flags were refreshed in the last few weeks where there is work occurring in the vicinity of the wetlands.

Paul Messier of 216 Dean Street asked about the impact to the private drinking water wells. Milliman asks if the private wells are located in the right of way. Mr. Messier says no. Milliman states all work will occur on the right of way. They will not be driving off the easement onto adjacent properties. They should not be impacting the well as far as running into it or damaging it. Mr. Messier questions when they start excavating and pouring foundations for the new lines, what will determine what percentage of soil you take out of there or spread around? He states everything you pull out of the ground by those poles is contaminated. Milliman states the existing creosote-soaked poles will be completely removed from the wetland area. Any dirt put back into the wetland area will be from the adjacent area where the new structures are being put in. Other dirt will be taken off-site. Any soil spread is required to be spread in an upland area, not the wetlands where you have groundwater. Carrozza noted that nobody is saying the water is contaminated. If they encounter contaminated material while they are excavating, there are a host of regulations on how that is handled and disposed of. Mr. Messier asks if soil samples will be done by the poles. Milliman states the soil and groundwater are handled by another firm, not by her. She can look at their protocols. Mr. Messier asks how far the creosote leaches into the surrounding dirt. Milliman will look into.

The applicant requested a continuance to 3/23/2020. Motion was made to continue the public hearing for DEP#250-1054 to March 23, 2020 by Pearson, seconded by Kadish. Motion passes.

- B. Notice of Intent (#250-1052) Scot & Joan Stormo, South Worcester Street (Map 26, Parcel 103 & 103-1) (continued from 12/2/19, 12/16/19, 1/13/2020, 1/27/2020, 2/24/2020).** For a proposed project to construct 2 Triplex units and 5 Six-Family units with an associated roadway and 2 infiltration basins within 100 feet of bordering vegetated wetland.

The applicant requested a continuance to 4/13/2020. Motion was made to continue the public hearing for DEP#250-1052 to April 13, 2020 by Pearson, seconded by Carrozza. Motion passes.

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

REVIEW DRAFT MINUTES

2/24/2020 - Motion was made to accept meeting minutes of 2/24/2020 by Blood, seconded by O'Reilly. Kadish and Carrozza abstained since they did not attend the hearing. Motion passes

NEW BUSINESS

DEP #250-1032 213 Faxon 213 Oak Street – Goddard Consulting is requesting an administrative change to the Order of Conditions issued since a portion of the land was sold to the abutting golf course.

Motion was made to accept plan change for DEP #250-1032 by Carrozza, seconded by Kadish. Motion passes.

Town Manager has requested a transfer of \$5,000.00 from the Wetlands Protection Fund to the FY21 Town of Norton operating budget.

The ConCom discussed the Town Manager's request. It was noted there are three appeals happening now and we are still paying for a consulting engineer with Island Brook.

Motion was made to transfer \$3,000 from the Wetlands Protection Fund to the FY 2021 Town of Norton operating budget by Doyle, seconded by Carrozza. Motion passes.

Town Manager discussion about existing Boating Bylaw and limiting size of motors

The Town Manager asked about prohibiting motorized boats on the Reservoir. Carlino said it is unlikely. She met with the Division of Fisheries and Wildlife about a couple of locations for a boat ramp. She discussed the size and speed of the boats. They felt it would be better to limit the size of the motor. Carlino feels it would be difficult to enforce. After discussion, the ConCom agreed they would like more information regarding the specific reason behind the request. Is there an environmental concern, destruction of vegetation, oil spill, abuse?

Coronavirus notice

10 Commerce Way

Carlino stated they want to do an addition. They are staying 100 feet away from wetlands. However, with the new impervious surface, some of the stormwater would go to the existing basins which Carlino believes would require a wetland permit. Ollerhead clarified the ConCom would ask them to get a permit to demonstrate there is no change to the amount of discharge to stormwater. Carlino stated if Planning Board is having someone review it, the Planning Board engineer could confirm whether or not they have additional water going toward the existing system and then they would need a wetland permit if they have additional water. Kadish makes a motion to send the draft letter, as discussed, to Condyne Engineering Group, seconded by Pearson. Carrozza abstained from the discussion. Motion passes.

OLD BUSINESS

DEP #250-1053 TPC, Request for Departmental Action (appealed Denial OOC) update
Carlino stated the site inspection was done. It appeared DEP was upholding avoid, minimize and mitigate requirements under the Wetland Protection Act.

Proposed 40B -- Reservoir Apartments at 253 Mansfield Avenue update

Norton Kayak lease of conservation land

Dave Lennon of Norton Kayak Company attended the hearing. He is requesting to add a couple of canoes for families and the Boy Scouts. He will store them on saw horses next to the storage unit.

Motion was made to renew the annual lease to Norton Kayak Company with the approval of the additional storage for more canoes by Carrozza, seconded by Pearson. Motion passes.

Site Inspections -

Violations

122 W Hodges St.

Carlino stated this is under the town's stormwater bylaw. It is not a wetland issue. They did not get their stormwater permit and have almost completed construction. There is a pipe that goes from the site discharging directly into the road. The silty water coming from the pipe goes down a gutter, down the road, back into a gutter line into the wetland. Carlino issued a Cease and Desist under the stormwater permit. Carrozza notes it should be both because it is discharging to the wetland. Carlino agrees. She is making the ConCom aware of it. Carrozza asks if she should make a motion to issue an Enforcement Order for the wetland. Carlino states she would need photographs in a rainstorm which she does not have yet.

184 W Main St.

Carlino stated they had cleared Riverfront area and more than an acre back in October. She gave them a Cease and Desist. Months later, they stabilized the site. She has been waiting for a restoration plan since December.

Motion was made to issue an Enforcement Order for 184 W Main Street by Carrozza, seconded by Kadish. Motion passes.

77 Charlotte

68 Dean

Carlino will instruct him to file for a permit, but he needs to have a plan.

Harvey Street-Dorrance pits- Ratify Enforcement Order:

Carlino explained a resident called about cloudy water on Dean Street. She traced it up to Harvey Street. The Dorrance pits are polluting Goose Brook for at least a half mile. She called them first and issued an Enforcement Order. She did a site inspection. They

did the immediate stuff right away. They mobilized right away and were very cooperative. Carrozza asked what type of business they run. They may need coverage under the multi-sector. We need to point that out to them that they may need a separate permit. Certain sectors require a SWPPP for operations which is enforced by the Feds. It's a multi-sector general permit. She believes the sand and gravel requires it. It forces them to create a SWPPP. They would know exactly where their points of discharge are all over the site and they implement good housekeeping measures year-round.

Motion was made to Ratify the Enforcement Order for the Harvey Street Dorrance pits by Kadish, seconded by Carrozza. Motion passes.

211 Oak and 21 Kensington
4 Kensington

Reservoir Update -
Chartley Pond Update -
Barrowsville Dam
Report from Staff
Waterbodies Committee update
Grants

BILL SUMMARY

RATIFY LAST MEETING'S OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

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

30 Alder Road: The resident abuts conservation property. A large pine tree snapped. The resident would like the town to go in and remove all the pine trees from the conservation property because they could, at some point, fall. Carlino went out with Keith Silver, Highway Superintendent. They do not believe there is damage or disease to the trees. There is no obvious reason why the trees need to be taken down. Silver offered to prune the tree that snapped to improve its appearance, but not take all the trees down. Carrozza and Kadish clarified the structure of the house was not in danger.

Carlino presented a hypothetical question about putting in a new parking lot where a house was removed. If the house and slab are gone, do we count the impervious cover for the stormwater permit? It is loamed and seeded now. Making the parking lot would be impervious. Carrozza states we look at the existing conditions now. It is pervious. The house is gone.

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

Respectfully submitted by: Melissa Quirk Melissa Quirk

Minutes approved by the Commission on 4/13/2020

Conservation Commission Signature:

Scott M. Oller
Scott Ollerhead, Conservation Commission Chairman

4/16/20
Date