

Monday, January 23, 2012

Attendance

David Henry (Chairman), Ron O'Reilly (Vice-Chairman), Julian Kadish, Lisa Carrozza, Michele Simoneaux, and Jennifer Carlino, Conservation Agent

Chris Baker was absent.

Minutes

David Henry called the meeting to order at 7:00 pm.

The members reviewed the draft minutes of **September 26, 2011 (Executive Session)**. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **November 28, 2011**. Lisa Carrozza and David Henry had a couple of changes to the minutes. Lisa Carrozza made a motion, seconded by Julian Kadish to accept the minutes as amended. Approved. Ron O'Reilly abstained from voting.

The members reviewed the Bills Payable Sheet (TFord). Lisa Carrozza made a motion, seconded by Michele Simoneaux, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Universal). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (MACC). Michele Simoneaux made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Corp.). Michele Simoneaux made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability - **(DET. #975) – Francis A. Cerroni & Joyce Majcher - Parcel 12 (Assessor's Map 12) 119 Burt Street** – (post facto) – cutting trees within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Portion of a plan entitled "Sewage Disposal Plan for Lot 12, #119 Burt Street, prepared by RIM Engineering Co., Inc. dated January 6, 2005.

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Francis Cerroni and Joyce Majcher were present at the public hearing. Mr. Cerroni explained that, as a result of the snow storm of October 30th, many trees had snapped off just missing the house. He stated he had hired a company, Tree Tech, to remove the trees and grind the stumps as well. David Henry asked Mr. Cerroni how many trees were removed and he replied that 19 trees were removed. He stated that none of the trees were within the 25-foot no-disturbance zone and only six trees were within the 100-foot buffer zone. Mr. Cerroni stated he had asked Tree Tech if a permit would be needed and he says that Tree Tech replied that no permit would be needed.

Julian Kadish asked if there was any stabilization to be done and Jennifer Carlino replied there was not, but a number of logs had to be removed from within the buffer zone. Mr. Cerroni stated the logs have been removed as requested. Julian Kadish asked if there was any thing else that had to be done by the home owners at this point and she suggested planting a visual barrier to prevent any encroachment within the 25-foot limit of work. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans and plants are planted as a visual barrier to prevent encroachment into the No-Disturbance Zone. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-879) – **Lillian Stenfeldt/Gerda A.M. Stenfeldt Trust of 2008 – Parcel 20 (Assessor's Map 35) Dean Street – (cont. from the December 19, 2011 & January 9, 2012 mtgs.)** - for verification of the Wetland Resource Area boundaries.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation.
2. Plan entitled "Plan of Wetland Resource Boundaries, Dean Street, Norton, MA Prepared for Gerda A. M. Stenfeldt Trust of 2008, Scale of 1"=40', by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated October 17, 2011.

Scott Goddard of Goddard Consulting represented the applicant at the public hearing and updated the commission on revisions made since the previous meeting. He noted that Chris Yarworth of Yarworth Engineering had visited the site and has submitted a topography plan of the site tonight. He stated he had revised the original plan to note the changes to the wetland flags as suggested by Jennifer Carlino after a field review.

Mr. Goddard noted that the owner's address has changed on the application. He noted an addition of the NHESP Rare Species boundary line to the plan as well as contours and spot elevations. He said that in answer to Mr. Kadish's inquiry as to the overall relief of the site, the rear area was at 110 feet and a high spot at the front of the area was 118 feet, so the total relief is 8 feet. Mr. Goddard pointed out the flag changes as follows: at B10 to B11, Jennifer Carlino added B11A and she added B3A eliminating B2 going from B3 to B3A to B4. Jennifer Carlino added an A10A flag as well as a few more flags after A1. He stated no changes were made to the D series.

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Mr. Goddard stated in response to Jennifer Carlino's question about soils between Flags A and B, he has submitted a DEP Data Sheet which show inconclusive soils, some upland types and some wetland types, with no vegetation. He stated red maple is the dominant tree on the property. He stated that, in his estimation, this area was not a Bordering Vegetated Wetland.

Scott Goddard stated that the calculations for volume were based on the topography of 6" relief in the Hydro-analysis and stated the spill out for most of the depressions was not that high. Michele Simoneaux asked what the volume capacity for the "C" series was and he replied 3,786 which is 1/3 or 1/4 of the needed volume. She asked about the "B" series and he replied about 231 sq. ft. Mr. Goddard noted that series "A" is a larger off-site Bordering Vegetated Wetlands that drain underneath Dean Street. Lisa Carrozza asked Mr. Goddard when he flagged the area and he replied he had flagged the site last July. Jennifer Carlino pointed out a depression which was at an elevation of 110.5 and suggested it might be a vernal pool. Scott Goddard stated that even if this depression is a vernal pool, it would not be jurisdictional under the Wetland Protection Act. Jennifer Carlino reminded him of Water Quality Certificates and ACOE.

Scott Goddard noted that there were no plans for this property at this time and the owners are just trying to find out what they own. David Henry asked if anyone wanted to visit the site and Michele Simoneaux stated she would. Lisa Carrozza stated she was ok with the added information submitted this evening. Michele Simoneaux and David Henry agreed to meet on-site on Friday, January 27th at 7:30 am. Scott Goddard agreed he would meet them there. Because of the upcoming site walk, Scott Goddard requested a continuance of the public hearing until the next regular meeting. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 27, 2012. Approved.

Jennifer Carlino asked Scott Goddard if he has stabilized the site on John Scott Boulevard and he stated that the site was all sand and did not need to be stabilized at this time. He said the erosion control was in place and showed no signs of existing sedimentation. Lisa Carrozza suggested to Mr. Goddard that he stop by and check the site tomorrow or the next day, after the rainfall, and check the site.

The members reviewed a Notice of Intent – **(#250-880) - Timothy & Oanh Russell – Parcel 94 (Assessor's map 19) 4 & 6 Bay Road – (cont. from the January 9, 2012 mtg.)** - for proposed plans to re-grade, repair sewer lines and plant trees within 100 feet of Lake Winnecunnet.

Document List

1. WPA Form 3 – Notice of Intent.
2. Plan entitled "Conservation Plan of #4 & #6 Bay Road, Norton, Massachusetts Prepared for Timothy & Oanh Russell", scale: 1"=40', Prepared by Yarworth Engineering Company, Inc., signed and stamped by Chris D. Yarworth and dated November 30, 2011.

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Jennifer Carlino stated the public hearing was continued for a sited inspection to be done by David Henry, Chris Baker and Julian Kadish. She asked David Henry if they had inspected the site. David Henry stated they did inspect the site. Julian Kadish stated he saw a little erosion but no evidence of significant filling and grass growing in the subsoil. He said the grass was growing, but not thick. He stated the only erosion breakdown he could see was in the far corner of the property leading into the Snake River. He said that they noticed that soils had been raked back off of the roots of some Yew trees and suggested to the owner that fix the soils or the trees will die.

Julian Kadish stated that they saw a lot of rubble at the edges of the chain link fence and suggested to the owner to put the rubble at the area where the erosion was starting to breakdown and then place the cobble stones over it. Lisa Carrozza asked if the owner should reseed the grass to stabilize it better and Julian Kadish suggested having the owner put a good fertilizer on the grass to make it thicker. Michele Simoneaux suggested planting grass over cobblestones in the channel area for drainage purposes. Jennifer Carlino suggested adding a condition to the Order to have the owner follow these instructions for the grass and areas to be stabilized. Jennifer Carlino stated that the owner would probably not be able to do anything until the spring. Lisa Carrozza suggested that Jennifer Carlino inspect the area next fall. Jennifer Carlino stated she would add a condition to the Order stating that she will inspect the site within one year. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

Notice of Intent – **Bay Road Heights/Shawn Kelly – (#250-871) - Parcels 27, 29, 30 & 131 (Assessor's Map 12) & portions of Bay Road, off Bay Road (Phase 2 of Bay Road Heights 40B) – (cont. from the June 13, 2011, June 27, 2011, July 11, 2011, August 8, 2011, September 26, 2011, October 17, 2011, November 14, 2011 & December 19, 2011 mtgs.)** - for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands. David Henry noted that the applicant has requested a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 27, 2012. Approved.

Notice of Intent – **Bay Road Heights/Shawn Kelly – (#250-872) - Parcels 29, 30 & 131 (Assessor's Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B) – (cont. from the June 13, 2011, June 27, 2011, July 11, 2011, August 8, 2011, September 26, 2011, October 17, 2011, November 14, 2011 & December 19, 2011 mtgs.)** - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands. David Henry noted that the applicant has requested a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 27, 2012. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-648 - Angelo Pasqualino/ Teddy Realty Trust - Lot 8 - Parcel 611 (Map 10) 11 Johnson Dr.** - single-family house, porch, deck, garage, driveway and sewage disposal system within 100 feet of wetlands. Jennifer

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Carlino stated she had not received a response to her letter to the owner. Michele Simoneaux asked Jennifer what the letter referred to and Jennifer Carlino replied the letter advised the homeowner to remove the invasive plants from the property before a Certificate of Compliance can be issued. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to continue the request until the next regular meeting. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-673 – Angelo Pasqualino/Teddy Realty Trust – Lot 9-A – Parcels 230 & 231 (Map 17) 14 Johnson Dr.** – single-family house with attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Jennifer Carlino stated that the owner had another violation but has resolved the issue. She said some plants have died but others have grown up in their place. She inspected the property and the visual barrier, is in place and the project is completed according to the approved plans. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-677 – Angelo Pasqualino/Teddy Realty Trust – Lot B-1 – Parcels 225, 230 & 224 (Map 17) 16 Johnson Dr.** – single-family house with attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Jennifer Carlino stated the project has been completed according to the approved plans and any wetland areas or buffer zone areas seem to be growing naturally and undisturbed. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue the Certificate of Compliance. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-877) – Brian & Jacqueline Donahue – Parcel 162 (Assessor's Map 15) 2 Foster Drive** - for proposed plans for restoration of 4,127 sq. ft. of wetlands, installation of a well and construction of an addition within 100 feet of wetlands. Lisa Carrozza and Michele Simoneaux had a few comments and suggestions for revisions to the draft Order of Conditions. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed the draft Order of Resource Area Delineation for Abbreviated Notice of Intent – **(#250-881) – Norton Mobile Home Realty Trust –Parcel 264 (Assessor's Map 9) Units 1 & 2, 157 Mansfield Avenue** – for proposed plans for restoration of a portion of the buffer zone and bordering vegetated wetland along the shore of the Norton Reservoir. Lisa Carrozza and Michele Simoneaux had a couple of suggestions and revisions to the draft Order of Conditions. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to sign and issue the Order of Conditions as amended. Approved.

Lease of Conservation Land:

Norton Kayak Co., Inc. – season. Jennifer Carlino stated this was a renewal of an existing lease. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign the lease. Approved.

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Peter Derienzo – 1 day. Jennifer Carlino stated that a fishing club would like to hold their tournament on the Norton Reservoir on September 8, 2012. She said they would be parking off of Juniper Road. She stated that there is a problem with parking and sanitation (bathroom facilities). Ron O'Reilly stated that there is a sign on Juniper Road requesting that the road not be used before 6:00 am and he stated the tournament will begin at 4:00 am.

Jennifer Carlino noted that there is an area further down the road on So. Lakeview Road that could be used for parking. She stated each person will have their own truck with a trailer and boat. Lisa Carrozza suggested calling the applicant and asking if canoes or boats will be used. She stated if canoes are used, there might be room to park, but not room for trucks, trailers and boats. Ron O'Reilly stated that they cannot use the cul-de-sac at the end of Juniper Road because it will block the neighbors from leaving their driveways. The discussion was continued to the next regular meeting.

102 Dean Street

Jennifer Carlino stated the owner had a previous permit and had cut trees within the buffer zone. She said she sent a violation letter.

Update on violations;

38 John Scott Boulevard

Jennifer Carlino stated that Mr. Tula responded to her letters and will submit a plan for temporary stabilization.

12 Woodward Street

Jennifer Carlino stated discussion on this violation will be continued to the next regular meeting.

15 Freeman Street

Jennifer Carlino stated she had scheduled a site meeting with John Freeman, but that the on-site meeting had been cancelled, and due to the weekend and holiday last Monday, she was not aware of this and went to the site. She was told by Peter Freeman, owner, that he had to reschedule the meeting for a later date. She said she inspected the site today and did not see any evidence of new tree or brush cutting, but took pictures for the file for future reference.

81 Freeman Street

Jennifer Carlino stated that because of the weather, she has not seen much change from the last meeting.

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241 Mansfield Avenue

Jennifer Carlino stated that because of the weather, it is difficult to continue with improving the violation and does not expect any updates soon.

6 Rumford Road

Jennifer Carlino stated that because of the weather, it is difficult to continue with improving the violation and does not expect any updates soon.

Shpack Update:

Jennifer Carlino stated she has received recorded copies of the three easements for the PRP clean up.

Norton Reservoir Repairs

Jennifer Carlino stated much progress has been made and it is nearly half completed. She stated that eventually, there will be a locked gate to the gravel access road on the left side going to the Reservoir. She suggested that the old parking lot area could be a small area to park and fish provided it does not get trashed. She said the area would have to be maintained and another gate would have to be installed in that area as well. Lisa Carrozza noted that there is no filter fabric under the gravel at the equipment access road. She asked if the parking area would eventually be loamed and seeded and Jennifer Carlino replied that it would be. Jennifer Carlino stated there may be funds available after the repairs to the Reservoir are completed to help make the area nicer.

Jennifer Carlino stated that the Water Department has a truck to give to her to replace her truck, which will not pass inspection. She said it will be available in two to three weeks.

Jennifer Carlino stated that the Spring Town warrant articles are due soon and ask the members if they had any thing to submit and they did not. She said she will be submitting an article for the Forestry Revolving Fund.

Jennifer Carlino noted that the funds for the MACC annual Conference were approved by the Town Manager and stated if any one else wanted to attend, they need to fill out a registration form and submit it.

Jennifer Carlino noted that the budget for FY13 is level funded except for a 1% personnel increase pending contract negotiations. She said hers would be 2.5% because she has three extra jobs at .5% each.

Jennifer Carlino stated that the Board of Selectmen requested funds to be transferred from the Wetland Protection Fund to the General Fund and she replied that there was not enough to transfer.

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Jennifer Carlino noted that Red Mill Village is not at build out yet but the trustees are getting ready to take it over. She stated they claimed they did not have enough water for irrigation and suggested pumping water directly out of the Canoe River. She stated they may request that, but more than likely will not be able to do that. She said they have four wells at this time and may be requesting another one. She said any of these proposals will require a permit. She said this can be discussed at the next regular meeting of Monday, February 13, 2012.

Lisa Carrozza stated she has many comments for the Bay Road Heights SWPPP. She said she will type her comments for the regular meeting of Monday, February 27, 2012.

Ron O'Reilly made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 8:36 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____