

Monday, February 13, 2012

Attendance

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

Minutes

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

The members reviewed the draft minutes of **December 19, 2012**. Julian Kadish made a motion, seconded by Michele Simoneaux, to accept the minutes as written. Lisa Carrozza abstained from voting. Approved.

The members reviewed the Bills Payable Sheet (Truck repairs.). Lisa Carrozza made a motion, seconded by Chris Baker, to pay the bill. Approved.

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

The members reviewed the Bills Payable Sheet (Verizon). Chris Baker made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (T-Ford). Lisa Carrozza made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Chessia Consulting). Ron O'Reilly made a motion, seconded by Chris Baker, to pay the bill. Approved.

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

Jurisdictional Determination – Water Department – for Bay Road, Plain Street water main replacement and review of upcoming projects.

Jennifer Carlino stated the Water Department has requested a continuance of the discussion until the next regular meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 27, 2012. Approved.

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The members reviewed an 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 & January 23, 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. Latest Revisions on January 19, 2012.

Scott Goddard of Goddard Consulting was present at the public hearing for the applicant. He noted this was the fourth hearing for the application. He stated the public hearing was continued from last meeting in order to give any Commission members the opportunity to do an on-site visit. He said that David Henry and Michele Simoneaux had joined him for an on-site review a couple of weeks earlier. He stated that he would like the public hearing to close this evening referencing the January 19, 2012 plan, affirm the accuracy of the boundary of the A & D series of flags are Bordering Vegetated Wetlands regulated under the jurisdiction of the Mass Wetland Protection Act and that the B & C series of flags are not jurisdictional resource areas as defined under the Wetland Protection Act.

Michele Simoneaux stated that after the site visit she would agree with boundaries as shown on the January 19, 2012 plan submitted by Mr. Goddard. David Henry agreed. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Jennifer Carlino noted she had included a draft Order of Resource Area Delineation with the agenda. Lisa Carrozza asked if in condition #9, the applicant would have to prove that a possible vernal pool on the site was actually a vernal pool or not or if it was just suggesting that the possible vernal pool was a vernal pool. Jennifer Carlino said it was just a suggestion. Julian Kadish made a motion, seconded by Lisa Carrozza, to approve the Order of Resource Area Delineation as drafted. Approved.

The members reviewed a Minor modification request for File **#250-868 – Horizon Beverage Company – 45 Commerce Way**

- additional grading in restoration #2 area.
- Additional grading at end of proposed retaining wall.

Document List

1. Request letter dated January 20, 2012 to the Conservation Commission from Mark D. Dibb, P.E. of C & A Engineering Services, LLC.

Mark Dibb was present at the public hearing. He described the first modification. He stated the applicant would be providing additional grading in the area of buffer zone restoration #2. He pointed out that additional grading at a slope of 10 to 1 is proposed which would

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provide for adequate drainage as well as room for seeding and planting. He noted that a grade break at a slope of 3:1 will remain prior to the roadway shoulder.

Mr. Dibb described the seconded modification. He stated that the applicant proposes providing additional grading at the end of the proposed retaining wall toward the rear of the site near the loop access road around the building. He stated that this would provide a larger shoulder at this portion of the road. He said the limit of work would change but no work was proposed within the 25' no-disturbance zone.

Mr. Dibb stated the applicant would be finalizing the stabilization of the area up-gradient to the boulder retaining wall before any fill would be brought in if permitted by these modifications. He said the applicant proposes to do the hydro-seeding of all wetland facing berms and exposed areas before March 15, 2012, weather permitting. David Henry asked if the approved plantings were going to change and Mr. Dibb stated they were not. Jennifer Carlino stated she had advised Mr. Dibb that she would like to ensure that the restoration area is separate from the lawn area and to be marked to prevent encroaching into the upland restoration area by mowing. He replied that the slope at the shoulder will prevent further encroachment or mowing into the upland restoration area.

Lisa Carrozza asked Mr. Dibb if he planned on using rip rap temporarily and suggested more disturbance would be done if it had to be removed. She suggested using a filter blanket rather than using rip rap. He suggested that he would like to make the rip rap permanent. Michele Simoneaux asked how wide of an area was the area he wanted to put rip rap and he replied 15 feet. Lisa Carrozza suggested to Mr. Dibb that he put a filter blanket underneath the rip rap and he agreed he would. David Henry requested he add a note to the plan regarding the blanket.

Mr. Dibb stated he would be seeking a partial Certificate of Compliance sometime in March in order to get an Occupancy Permit from the Building Inspector. Michele Simoneaux asked when the plantings for the restoration were going to be planted and Mr. Dibb replied this Spring. Ron O'Reilly made a motion, seconded by Chris Baker, to close the public hearing. Approved. Michele Simoneaux made a motion, seconded by Julian Kadish, to approve the two minor modifications with the installation of the permanent rip rap with a filter blanket. Approved. Lisa Carrozza abstained from voting.

Notice of Intent – (#250-884) – Robin McDonald/Attleboro YMCA Camp Finberg – Parcel 292 (Assessor's Map 26) 295 West Main Street – for the removal of debris from the wetland resource areas, removal and proper disposal of cut branches and vegetation within the wetland resource areas and vegetation maintenance of the view shed area.

Document List

1. WPA Form 3 – Notice of Intent
2. Project Description
3. Locus Map & GIS Maps

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4. Project Construction Plans entitled "Attleboro YMCA, Camp Finberg Property, Norton, Massachusetts, Permitting Plans for the Maintenance of: Attleboro YMCA Billboard Area". (Sheets 1-2) prepared by Weston & Sampson Engineers, Inc., Scale of 1"=300', dated 1/9/12.
5. Bordering Vegetated Wetlands Delineation Information
6. Stormwater Report and Checklist
7. Abutter List

Present at the public hearing were Michael Moonan from Weston & Sampson Engineers, Inc. and Yano Amara from Clear Channel. Mr. Moonan pointed out an area of 7,000 sq. ft. that had already been cleared and stated the applicant is requesting permission to further clean the debris from the area. He stated the second request is permission to maintain another area of approximately 4,720 sq. ft. at no lower than 6 feet which is within the bordering vegetated wetland. He stated the reason for the maintenance is to provide a clear view of the billboard. Lisa Carrozza asked how the bill board is accessed and Mr. Moonan replied by the side on West Main Street. Lisa Carrozza asked if there is a guard rail on that side and Mr. Moonan replied there was. He stated the bill board can be accessed by the entrance to the camp also by walking along the side of the guard rail. Lisa Carrozza asked if any heavy equipment is used and he replied there was not.

Lisa Carrozza asked Mr. Moonan when the alterations were done and Jennifer Carlino replied they are on going and she has sent two or three violation letters to the owner over the years, who has submitted this application in response to the violations. Chris Baker asked if there will be a maintenance program from now on and Jennifer Carlino replied that this permit will be for on-going maintenance. Chris Baker asked how often the area will be maintained and Mr. Moonan suggested probably every two years. Julian Kadish asked if the bill board and surrounding area was totally within wetlands and Mr. Moonan replied that it was. Julian asked if the bill board was accessed by the bordering vegetated wetlands and Mr. Moonan said it was.

Ron O'Reilly asked what the approximate height of the lowest point of the bill board was and Mr. Amara stated about 15 feet. Ron O'Reilly asked why they were going to cut down to 6 feet. Mr. Moonan stated they wanted the area below the sign to be visible. Jennifer Carlino requested that the 5,000 sq. ft. of area that will be cleared be permanently marked before the next meeting for two reasons; one reason is so she can review the area to conclude that the amount of clearing is necessary to view the bill board, and the other reason is to make sure that they do not clear beyond the permitted area in the future.

Jennifer Carlino asked Mr. Moonan if he had revised the boundary for the Mean Annual High Water Mark and he said he did. She asked him if he changed the numbers for quantity in the Riverfront Area and he said that he forgot to do that but he would. She said that once the number are revised, the numbers will change on his application changing the numbers she will put on the permit. Jennifer Carlino asked what methods will be used for the clearing and extended maintenance and Mr. Moonan stated clippers and pole cutters would be used. He noted that this is another reason for cutting as low as six feet.

She requested that a written description of the clearing and extended maintenance be provided to the commission. Julian Kadish recommended clearing during the dry season. Michele Simoneaux asked if the Riverfront Area was delineated on the plans and Mr. Moonan stated it was not because his Wetland Scientist didn't advise it where no work was proposed near the River. He stated he used GIS for the Edge of River line. Lisa Carrozza suggested to Mr. Moonan to have the Mean Annual High Water Mark area flagged between flags 41A & 7A. Michele Simoneaux noted that it would be beneficial for future projects to add this information now. Jennifer Carlino requested that the plans be signed and stamped and Mr. Moonan agreed to do this. Mr. Moonan requested to continue the public hearing until the meeting of March 12, 2012. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, March 12, 2012. Approved.

The members reviewed a Notice of Intent – **(#250-882) – Kenneth Leavitt – Parcel 720 (Assessor's Map 3) Pheeny's Island, Norton Reservoir** – for proposed construction of ropes based adventure course to include construction of a building, shed, dock, wood chip walkways and picnic areas within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent.
2. Stormwater Management Form.
3. Several color photographs of the proposed camp.
4. Several color photographs of the Island.
5. Plan entitled "Plan of Proposed Recreational Day Camp On "Pheeny's Island" In Norton Reservoir Prepared For Kenneth Leavitt, Prepared by Yarworth Engineering Company, Inc. and signed and stamped by Christopher D. Yarworth, scale of 1"= 40' and dated January 5, 2012.

Kenneth Leavitt, Chris Yarworth of Yarworth Engineering Co., Inc. representative for Kenneth Leavitt, and Scott Goddard, Wetland Scientist, were present at the public hearing. Chris Yarworth began speaking and Selectmen, Robert Kimball excused his interruption and requested that the public hearing be moved to the Norton Public Library because of the number of residents attending the meeting. David Henry announced that the meeting would be moved to the Norton Public Library.

The meeting was reconvened at the Norton Public Library. Chris Yarworth proceeded to explain and show where Pheeny's Island is located on the Norton Reservoir. He explained that this Island was chosen by Mr. Leavitt for this project because it is wooded and the trees are needed for the zip lines and that the proposed project will be seasonal, April through November. He stated that the dock will be pulled up in the winter, the ropes will be pulled up and the building will be locked up. He noted that the Island will be accessed from the Studio 8 building located at 888 South Main Street (Rt. 140) Mansfield, therefore a permit will be required from the Town of Mansfield. Mr. Yarworth stated a Chapter 91 State Permit will be needed as well as a Licensing agreement from the Board of Selectmen. He stated that the dock will be a 16'x35' arched dock with 4-foot wide aluminum ramps and there will be no work at the bank of the Reservoir and Island. Julian Kadish stated that the floating dock will not survive the winds and would need to be anchored with ropes.

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He asked Mr. Yarworth if any discussions had been made on the stabilization of the dock and Chris Yarworth stated that the applicant would like to use posts to hold the floating dock in place. He said if the Commission will not allow the posts, weights and ropes are another option.

Mr. Yarworth stated a well is proposed for water for the building and bottled water will be used as well. He stated that a Clivus Multrum system will be used for sewage disposal and final plans for this system will also be provided to the Board of Health for approval. He stated the building will be a post and beam style cabin with a canopy on one side and a deck all around the building and this would be where training would take place and soft drinks and snacks will be served. He said they will try and get approval to have a camp fire from the Fire Department which may not be allowed.

He stated that the trees that are not suitable to support the zip lines have been flagged by a tree technician, but the flags have been removed so paint had to be used to mark the unsuitable trees. He noted that any trees to be removed will have to be conditioned by the Conservation Commission. Mr. Yarworth said a propane generator will be used for electricity and will be installed inside the building. He stated solar panels might be an alternative if they will work. He noted that some zip lines may run above the wetlands if permitted by the Conservation Commission. He said no lines will touch the ground. He stated the applicant would like to keep a buffer area with trees on one side that faces the houses.

Mr. Yarworth stated no work is proposed in the buffer zone, there will be no filling of wetlands and no bank work. He said the entire island is Floodplain at 10 feet over the top of the Reservoir dam. He stated all work will be done by hand and all buildings will be on piers and there will be minimal change to any contours. He said that another wetland issue is that the State has required Storm Water Management forms to be completed even though there are no impervious surfaces proposed. He said the forms are filled out but show 0 for all questions. He stated the forms must be submitted even with no information listed.

Mr. Yarworth stated roof runoff will run into cultic units wrapped in filter fabric at each of the two gutter outlets. He said the wetlands were flagged by Scott Goddard and any questions on the boundary lines should be directed to him. He said any questions regarding the operation of the camp should be directed to Kennth Leavitt.

Scott Goddard, Professional Wetland Scientist, pointed out the Resource areas stating that the Reservoir itself is Land Under A Water Body, the outer edge consists of a wetland fringe, or bank, and the inner ring of the Island is the Bordering Vegetated Wetland, all of which is jurisdictional by the Conservation Commission under the Mass Wetland Protection Act. He stated that the Conservation Commission's jurisdiction was within 100 feet of those areas. He pointed out that any work out of the 100-foot buffer zone is not under jurisdiction of the Conservation Commission. Mr. Goddard noted that the Island is not mapped with the Natural Heritage and Endangered Species Program and therefore, it is presumed that there are no rare species on the property.

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An abutter, Lee Parham, 47 Island Road, asked Mr. Goddard if there was a buffer proposed to prevent the viewing of the buildings and rope courses and to block out any noise coming from the course. Chris Yarworth replied that if the Commission will allow it, shrubs and other plantings can be planted as a buffer to any noise or activities. David Henry asked that the trees be shown on the plan that will be used for the course. Mr. Leavitt stated that the trees to be used for the course will be surveyed and a plan will be submitted showing the trees. Chris Yarworth stated he would like to get all the wetland issues out of the way as soon as possible because the applicant would like to start this project this spring.

Julian Kadish stated to Mr. Yarworth that the only areas that can be discussed at tonight's meeting is the shed, propane generator, walkway and the dock. Chris Yarworth pointed out that portions of the building are within Conservation jurisdiction and that the entire island is within the Floodplain. He stated that the applicant is looking for approval from the Conservation Commission before going any further with this project. Julian Kadish stated the commission would need a more detailed plan to go forward.

Jennifer Carlino stated to Mr. Yarworth that she has met several times with him and the applicant and she stated there are some unresolved issues. She asked Mr. Yarworth where the property line was on the submitted plans. Chris Yarworth submitted a deed to the property and stated that the Island belonged to Mr. and Mrs. Ribeiro. He said that according to "common law" the low water mark on the bank is usually the property boundary. Jennifer Carlino stated that the deed states the island consists of 6 acres, the Assessor's maps state that the island consists of 9 acres and the submitted plans shows that the island consists of 7+ acres. She asked Mr. Yarworth to show her the actual 6 acres stated on the deed. He pointed out to her that the 7.3 acres stated on his plan is to the top of the bank and he stated that the Assessor's maps often have mistakes. Jennifer Carlino stated in order to get the accurate acreage for the island, he would have to go back through four deeds. She said that the Conservation Commission owns the Reservoir and she would like to make sure nothing is built on Conservation property.

Julian Kadish stated that he owns property on the Reservoir. He said that his deed states that he owns 16 acres, but in reality, he only has 8 acres. He said that the Town of Norton has claimed deed to the 8 acres under water. He stated that, in his opinion, Chris Yarworth is correct in using the top of the bank of the island for the property boundary. Jennifer Carlino asked Chris Yarworth how the people were going to get to the island and he replied by Jon boats. She asked him if he had submitted specs on those and he replied he had not. She noted the commission would like to know how large the boats are, the speed of the boat, size of the motor, the wake, etc.

Jennifer Carlino asked Chris Yarworth if the applicant had applied for a permit in Mansfield for the parking and the dock and he replied he had not because he wants to see what happens with the application in Norton first. She asked if there was a kitchen proposed and Mr. Leavitt stated a very simple kitchen is proposed just to prepare snacks or sandwiches, but no cooking is proposed. She

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asked what was going to be cooked in the outdoor fire pit and he stated probably just marshmallows and S'mores. Jennifer Carlino asked Chris Yarworth to provide more information on how the dock will be secured and he replied that if the Commission does not allow for the metal spikes, he will have to come up with an alternative method. Lisa Carrozza stated a detailed description describing how many spikes will be used and how far apart they will be is required since the installation will be an impact to Land Under a Water Body.

Jennifer Carlino stated that since the course and walkway will be constructed within a buffer zone and a Floodplain, which is a resource area, he would have to quantify the alteration for the permit application. Chris Yarworth stated that he would like a determination as to whether or not the course and walkways are within a Floodplain. Jennifer Carlino replied that the Wetland Protection Act Rules and Regulations use the FEMA Maps which show the area in a Floodplain but if he wanted to do an Engineered-Study on the basin he could. Chris Yarworth replied that the Commission can determine whether or not the Floodplain is relevant. He stated that, according to his specs submitted, if the Commission thinks the area will flood 10 feet over the dam, then they would deem it Floodplain. He said if the commission uses the elevation that they have used for all of their other studies for everything else around the reservoir, which is the scour mark on the dam, then they would not deem it in a Floodplain. Jennifer Carlino stated that Pare Corp. had done the study for the dam and has set the 100-year floodplain at 105.1 whereas she stated Chris Yarworth has set the 100-year floodplain at 101. Chris Yarworth stated this could be so because they used a different datum and he would check further into this issue.

Jennifer Carlino asked Chris Yarworth if he had done any soil testing where the gray water disposal is proposed and he replied he had not. She asked if he had submitted specs on the system and he replied he had not since the system was not designed yet. Jennifer Carlino stated that normally the application should state exactly what is requested and the project should be finalized with final designs before the application is submitted. She said the application has to be revised with more detail to designs.

Jennifer Carlino stated to Chris Yarworth that in the Wetland Report it is stated that the bank and wetland are coincident but the plan shows separate bank and bordering vegetated wetlands and she ask which one is he going with. Scott Goddard stated they are going with the plan. Jennifer Carlino asked if they have checked to see if the dock is proposed over fresh mussel beds or not. Scott Goddard stated he has not checked into that yet. Jennifer Carlino asked Mr. Yarworth if the proposed walkways, dock and building are ADA compliant and asked if they need to be. He replied that Ken Leavitt call the ADA people and he said that they don't like to stop projects like these and exceptions can be made for projects like these. He stated they made suggestions such as installing a ramp along side of the building and keeping a wheel chair with wide tires on the site.

Jennifer Carlino asked how the deliveries for the propane tanks will be made and Mr. Yarworth replied by boat. He said a permit will have to be obtained from the Fire Department. Jennifer Carlino asked if there was any soils information just upland of Flags #23-#27. Scott Goddard replied that he explored the soils at every flag and the soil is primarily sand. He said he did explore the soils between Flags #23

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& #27, but did not do a Field Data Sheet for that area but will provide one if necessary. Jennifer Carlino stated the wetland flags at the boundary were missing and she did find the orange spray paint on the trees, some of which green paint was sprayed over it. She said the area between 78 to 58 is uncertain and they will have to be reconfirmed. Scott Goddard asked the commission to request that no one interfere with the wetland flags and David Henry made a request that, even though someone may not want this project to go through, to please not interfere with the engineering process. Jennifer Carlino asked Mr. Goddard if he meant to list the date of the NHESP map as 2008 instead of 2009 as listed and he replied that he meant 2008.

David Henry asked if the commission had any further questions for Mr. Yarworth or Mr. Goddard and Michele Simoneaux stated she would like more information. Lisa Carrozza asked Mr. Yarworth if he had checked the depth of the water where the Jon boats are going to approach the dock to see if there is enough draft to prevent dredging. Mr. Yarworth replied that Ken Leavitt had taken a canoe and checked the area and it seems to be deep enough to handle the boats without dredging. Lisa Carrozza asked Mr. Yarworth about trash collection and pickup. Mr. Yarworth stated there will be buckets around and the trash will be placed under the building which will be built on piers. There will be stairs leading down under the building where the mulch will be stored. The trash will be taken by boats to shore for pickup.

Lisa Carrozza asked Mr. Yarworth how construction equipment will be brought to the island and he replied that the two docks, the one in Mansfield and the one in Norton, can be used as boats by attaching motors to the docks. She asked Mr. Yarworth where and what is going to be cleared underneath the zip lines. Mr. Yarworth agreed that he has to be more specific and agreed to submit added information. Lisa Carrozza asked Mr. Yarworth if he needs to file Chapter 91 and he replied that he does. She asked him if he has started the process and he replied that he did not because he would need local approval first. Lisa Carrozza stated that it takes 279 days to obtain that permit.

Julian Kadish stated to Mr. Yarworth that, in his opinion, ropes or steel pipes will be able to stabilize a commercial dock the size proposed. Ron O'Reilly asked Mr. Yarworth if there were any remnants of a house, including the fireplace, that had been built on the island still present, and if so, are they going to be removed. Mr. Yarworth replied that there were a few small remnants lying around and the applicant has not intentions of removing them.

David Henry announced that questions from the general public will be addressed at this time and asked that anyone requesting to address the board to announce their name and address and stick to wetland protection questions, not repeating the same questions over and over. He asked that each person be courteous.

Brandt Henderson, 25 So. Lakeview Road addressed the board. He stated that he has enjoyed the beauty of this island for many years, and saw his first bald eagle on this island and would hope that the commission does not allow to turn this piece of beautiful nature into an amusement park. He stated that if this project fails, it is going to cost the town money.

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Julian Kadish stated that the Norton Reservoir was destroyed by untreated sewage from 1938 to 1986, but has been able to recover on its own when left alone.

Robin Grant of 31 Mayflower Road addressed the board. She made reference to the many wildlife species seen on the island, including the bald eagle. She stated that after many years of neglect, the mussels have come back. She stated that she has gone zip lining and giving the size of the proposed zip lines for this island, people will be easily bored because it is not long enough. Mr. Grant says that when the water table is very low, it is going to be too low to support a dock. She appealed to the board to not allow this project because this will not be teaching children to preserve nature.

Frank Hovey of 42A So. Lakeview Road addressed the board. He stated he is the closest resident to the island. He noted that a flyer that he picked up at the Town Hall stated that it is important to protect land and he agrees with that. He pointed out that the number of people expected to use the proposed camp and facilities has not been noted. Mr. Hovey asked Mr. Yarworth if the applicant has already obtained permission to lease the area for the proposed dock in Mansfield and Mr. Yarworth stated he has not. Mr. Hovey asked if the applicant would have to find another location for the second dock and Mr. Yarworth replied he would. Ken Leavitt stated that there are 250 harnesses and only two bathrooms proposed. He said that the Clivus Multrum system proposed is the latest and best technology available and examples are a few state parks in Connecticut and state rest areas off of Route 495 in Chelmsford MA. Mr. Hovey explained to the board that unless you disguise yourself, the bald eagles are easily spooked and will not land. He noted that if this project is allowed, the bald eagles will not return. Mr. Hovey said that he and other Norton Reservoir residents chose to have sewerage installed and paid to connect into sewerage in order to protect the Reservoir.

Matt Nottingham of 4 Grove Lane addressed the board. He stated that there are many nice pine trees on the island which is characteristic of the neighborhood and strongly stated it would be a shame to cut them down. He said he has enjoyed the beauty of the island for many years and would not like to see it change in any way. He suggested that if there were any accidents on the reservoir or on the island, Norton would be held responsible.

Ken Leavitt passed out a couple of flyers for the residents to look at which showed examples of other camps like the one proposed for Pheeny Island. He stated that all structures will be built out of cedar to mix in with the natural look of the island. He said he does not want the course to be visible either from the side of the reservoir where there are houses nor from Route 140. He stated it is his intention to build behind the tree lines to hide the project as much as possible. Mr. Leavitt noted that the lines are clamped to the trees and no harm is done to the tree. He stated that the lines can be removed at anytime without any damage to the property.

Dan Gillentine of 15 Sailors Lane addressed the board. He stated that regarding environmental issues, there is already sewage and sediment because of dredging and boating on the reservoir. He said the wildlife is greatly affected by people and boats on the reservoir now and there will be an even greater problem with a higher percentage of people traveling on the reservoir. He suggested that tests had been done during a dry season and not a high water season. He claims he is listed as a non-flood zone, but has been flooded out many times.

Melissa Gagnio (?) addressed the board. She stated that the docks proposed to be built between the island and Mansfield run through her back yard. She asked Mr. Yarworth what time of year the camp would be operational and how many boats daily will be going back and forth to the island. He replied that the camp would be open from April through November and there will be 3 Jon boats in service as needed.

Tom Baldino of 2 Grove Lane addressed the board. He stated that there are many species of birds nesting on the shorelines at different times of the year. He stated that there are water fowl hunters on the reservoir during certain times of the year. He asked who owned the island and David Henry replied that the island was privately owned.

Lisa Carrozza asked Scott Goddard if he had done an inventory of habitat and/or species for the island in his wetland report and he replied he had not, but because of the interest shown, he will have to. He stated that under the Wetlands Protection Act, there are certain policies and provisions for what are considered impact to important wildlife habitat features. He said that certain projects might meet the threshold for doing a wildlife habitat study. He stated he did not think that this project would meet the threshold. He said if it did, a study of what type of important habitat features on the island would be and if they would be impacted in anyway by this project.

Scott Goddard stated that there is a separate wildlife category that would fall under the Endangered Species Act. He said it would fall under the Natural Heritage and Endangered Species Program (NHESP). He said he included a map with his report to show that this area is not mapped by the NHESP, which means that there has never been a validated finding of a State-listed rare species on this island. He stated that the NHESP does regulate nesting sites and they have a database with all rare species nesting sites. He noted that bald eagle nests have never been sited on Pheeny Island and he did a site inspection specifically to look for bald eagle nests and did not find one. He stated that the sighting of bald eagles landing on the island would not have any bearing on this project.

Rosemary Sweeney of 3 Sailors Lane address the board. She said that the Norton Reservoir has a weed problem, especially at the end of August and the beginning of September because of the buildup of nutrients. She asked what they were going to do about the weed problem as it gets worse because of the gray water that will be coming for the island if this project goes forward. She said that the Jon boats will get tangled up in the weeds. Chris Yarworth stated that Ken Leavitt has mapped out the course that the Jon boats will travel. He said that they will deal with the problem at the time if it happens. Ms. Sweeney asked about the nutrients from the sewage system causing more weeds and

Chris Yarworth stated that the system will be approved by the Board of Health and meet all state requirements.

Lee Parham of 47 Island Road addressed the board. He stated that if the Jon boats cut through the weeds, they will only multiply. He said that, in his opinion, Mr. Leavitt has no experience in these types of projects and if this project should fail, he will be looking out at a half finished project or an abandoned project.

Jane Ellison of 27 So. Lakeview Road addressed the board. She asked if anyone had measured the distance from the Norton side of the island to So. Lakeview Road because she had concerns with the open fire pit causing a fire during high winds and spreading to So. Lakeview Road. Chris Yarworth stated the distance is approximately 220 feet according to the Assessor's maps. He said that the applicant would need to obtain a permit from the Fire Department to have an open pit fire. He noted that, more than likely, if the winds were high, they would not have a fire. Julian Kadish stated that people have been lighting fires on the island for years and there was never a problem of a fire spreading to the shore properties.

Herbert Ellison of 27 So. Lakeview Road addressed the board. He asked the question as to how a commercial project could be allowed on a property zoned residential. Julian Kadish stated that the Conservation Commission enforces the Wetlands Protection Act and does not decide whether or not a project can be allowed or not allowed to go forward. He asked that questions and comments be restricted to wetland issues.

James Smith of Sailors Lane addressed the board. He noted that he has lived on Sailors Lane since 1976. He stated that he has always been able to sit out on his porch and admire the island and the Reservoir very peacefully and does not want to have to hear people yelling with glee from the island. He stated that he cannot see how Norton will benefit at all by allowing this project to go forward. He asked the commission at what point do the town people have a voice in the allowing or disallowing of this project. Julian Kadish suggested talking to the Board of Selectmen to find out what their options are.

Frank Hovey of 42A So. Lakeview Road addressed the board. He had concerns with the possibility of a fire getting out of control on the island and burning down all the buildings and trees. He stated that in 1958 on one of the smaller islands, a fire broke out and was out of control and local residents had to soak down their houses per order of the Fire Department. David Henry stated the commission has no control over the fire issues which are issues for the Fire Department.

Robin Grant of 31 Mayflower Road addressed the board. She made a motion to table the meeting in order to have a third party investigate the wildlife habitat on the island. Jennifer Carlino stated there are steps to be taken before wildlife habitat is evaluated. She stated all information has to be shown on the plans and from there a determination is made as to whether or not a threshold exists and requires that further study be done to see if any wildlife habitat will be altered.

An abutter addressed the commission to confirm that the island is in the floodplain and David Henry replied that it was.

Maria Khallouf of 33 So. Lakeview Road addressed the board. She noted that the answers to her questions and Jennifer Carlino's questions to the applicant and his engineers are very vague. She asked if this is a waste of the resident's time and will they be notified of all new information submitted. David Henry replied that the public hearing will be continued for more information but was beneficial to the residents to show up this evening to express their concerns. Jennifer Carlino said they will set a date tonight for the next public hearing on this project and stated that all submitted documents are public information and can be found at the Conservation Office during regular business hours. Ms. Khallouf stated that she was very disappointed that the applicant, Mr. Yarworth and Mr. Goddard were so unprepared and did not have the proper answers to the resident's questions.

Mr. Yarworth stated that it is his and the applicant's intentions to listen to and get comments from the commission and the residents and abutters and to try and incorporate them into the project. He said that this is the way he usually submits his projects, hoping to get comments from the board or opposition to oblige everyone involved. He noted that it was he feeling that nothing will help to make the residents happy other than to abandon the project. David Henry stated that he, the Agent and the commission members constantly urge applicants and engineers to be fully prepared.

Jennifer Baldino of 2 Grove Lane addressed the board. She stated that she had not been notified of tonight's public hearing on this project. She said had it not been for a flyer that had been left at her door, she would not have known about tonight's public hearing on this project. She said she felt that the feelings of the abutters and neighbors to the project were not taken into consideration.

Chris Yarworth stated that there are specific guidelines for abutter notification for a Conservation application which is obtained from the Assessor's office.

Linda Clark of 4 Bailey Lane addressed the board. She asked why so many residents were not notified of this project as abutters when at the time she had to file for a wetland permit, she had to notify many more residents even across the Reservoir.

An abutter asked Mr. Yarworth what provisions were being made for the runoff from cars on the parking lot. Chris Yarworth stated that the parking lot is an existing parking lot in Mansfield and will be used as usual and nothing will be done pertaining to the parking lot. He stated that the applicant has not filed an application in Mansfield as yet. He noted that the parking lot can park up to 100 cars and that under Conservation guidelines, an existing parking lot may be used without further permitting.

Susan Johnson of 20 Larson Farm Drive addressed the board. She proceeded to express to the commission her opinion on Norton being a very environmental town with many forms of wildlife and how it is very important not only to the people around the reservoir, but every Norton Resident. She

expressed her concerns with disturbing the wildlife with a project such as this. She expressed her concerns with the noise that might be projected from the island if this project is allowed and she also expressed concerns regarding fire hazards on the island.

An abutter asked if the residents and abutters would be notified of any other hearings with other boards for this project and Julian Kadish suggested checking at the Town Hall where the meetings and agendas are posted and David Henry suggested checking on-line as well.

Lee Parham of 47 Island Road stated he had 150 signatures of people who were opposed to this project and asked who he should give the list to. Robert Kimball, Selectman, suggested that he give it to the Town Clerk to have her certify the names and then she could direct him to the correct board or commission. He stated that there are many more steps to be taken after review by the Conservation Commission. He said that some of the hearings will be advertised on the local TV channel and in local newspapers. Mr. Kimball suggested that if this project does not go forward, the best way to protect the island is to purchase it.

Michele Simoneaux advised the residents and abutters to the project that if they intend on sending letters of concerns to the Conservation Commission to please base their concerns on the eight interests of the Wetlands Protection Act.

David Henry stated to Mr. Ken Leavitt that the pictures he submitted for review at tonight's public hearing were now public record and part of the application. He asked Chris Yarworth what date he would be ready to continue the public hearing and Chris Yarworth replied March 12th would be a good time. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, March 12, 2012. Approved. Julian Kadish stated the meeting would start in the second floor, Town Hall and then, if necessary, the public hearing for this project would be held at the Norton Public Library.

The public meeting was reconvened at the Town Hall.

The members reviewed a request for a Certificate of Compliance for File **#250-661 – Kevin & Deidre Mullins – Parcels 561-564 (Map 3) 48 Island Road** – proposed plans to construct a 32'x22' addition within 100 feet of wetlands. Jennifer Carlino stated the project was 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 **#250-648 – Angelo Pasqualino/Teddy Realty Trust – Lot 8 – Parcel 611 (Map 10) 11 Johnson Drive.** – single-family house, porch, deck, garage, driveway and sewage disposal system within 100 feet of wetlands. Jennifer Carlino stated that the owner has received her letter and not responded. She suggested removing the request for a Certificate of Compliance from the agenda until the owner has complied with her letter to

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remove invasive plants from the landscape. Michele Simoneaux made a motion, seconded by Lisa Carozza, to deny the request so a formal letter would be sent within our 21-day jurisdictional timeframe. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-739 – Angelo Pasqualino/Teddy Realty Trust – Parcels 499 & 527 (Maps 10 & 17) Johnson Drive** – to complete outstanding road related tasks within 100 feet of wetlands. Jennifer Carlino stated that Angelo Pasqualino has submitted a letter from Keith Silver, Highway Superintendent, stating that he has maintained the catch basins. She said she inspected the area and the detention basins have not been maintained. She said there are shrubs and trees growing up in front of the headwalls. Lisa Carrozza stated she has never seen the catch basins cleaned out and there is always debris and leaf litter in them. She noted that the side slopes at the end on North Washington Street are unstable. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to deny the request. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-850 – Duane Knapp/Town of Norton Water Department – Parcel 1 (Map 31) 166 John Scott Boulevard** – for proposed plans to construct a building, leaching field and sewer connections within 100 feet of wetlands. Jennifer Carlino stated that they are not in compliance. She said they made a new boulder wall within 25 feet of the wetlands, they did not do the infiltration trenches for the roof runoff, they expanded the recycled asphalt around the building, there was work done within the BVW near the stream crossing. Michele Simoneaux asked what kind of work and Jennifer Carlino said it looked like grading. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to deny the request. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-880) - Timothy & Oanh Russell – Parcel 94 (Assessor's map 19) 4 & 6 Bay Road** - for proposed plans to re-grade, repair sewer lines and plant trees within 100 feet of Lake Winnecunnet. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as drafted. Approved.

Ratify Signature: Jennifer Carlino stated there was an oil spill at 10 Maplewood Avenue. She said she issued an Emergency Certificate but it was not picked up. She stated the erosion control was up and no work has started. Michele Simoneaux asked if they had an RTN yet and Jennifer Carlino stated the LSP called but the project does not have a number yet. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to ratify Jennifer Carlino's signature.

Michele Simoneaux made a motion, seconded by Lisa Carrozza, to adjourn the meeting at 10:20 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____