

Monday, August 27, 2012

Attendance

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

Lisa Carrozza and Chris Baker were absent.

Minutes

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

David Henry noted that there were no minutes sent with the agenda for the April 23, 2012 meeting.

The members reviewed the Bills Payable Sheet (Pleasant Printing, Misc.). Ron O'Reilly made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

Informal Discussion – Proposed Pond Reconstruction and Expansion – end of Fairlee Lane – Fred Bottomley

David Henry noted there was no one present for the discussion and the discussion would be added to the agenda for the next meeting.

The members reviewed a Request for a Determination of Applicability – **Chris Cunniff- (DET #987) - Parcel 198 (Assessors map 17), Willis Drive – (cont. from the August 13, 2012 mtg.)** - for proposed plans to grade and construct a lawn within the 100 ft. buffer zone of a bordering vegetated wetland.

Document List

1. WPA Form 2 – Determination of Applicability
2. Plan entitled Sewage Disposal Plan for Lot 7, Willis Drive in Norton, MA, Scale 1"=30', prepared by RIM Engineering Co., Inc. signed and stamped by Ralph I. Maloon, dated May 7, 2012 with latest revisions on July 24, 2012.

Jennifer Carlino stated she has not received any information since the last meeting. Michele Simoneaux made a motion, seconded by Julian Kadish to continue the public hearing until the next regular meeting of Monday, September 10, 2012. Approved.

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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, January 23, 2012, February 27, 2012, March 26, 2012, April 23, 2012, May 21, 2012, June 11, 2012, June 25, 2012, July 9, 2012 & August 13, 2012 mtgs.)** - for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.

Document List

1. WPA Form 3-Notice of Intent
2. Plan entitled "Phasing Plan, Bay Road Heights in Norton, Massachusetts prepared by Outback Engineering Incorporated with a scale of 1"=50' dated February 23, 2011 and signed and stamped by Rene L. Gagnon, RPE (sheets 1 & 2).
3. Plans entitled "Bay Road Heights, A Residential Development in Norton, Massachusetts, prepared by Outback Engineering Incorporated signed and stamped by Rene L. Gagnon, RPE (sheets 1 to 13) dated January 9, 2007 with latest revisions of October 14, 2010.
4. Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated June 24, 2010.
5. Addendum to Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated October 12, 2010.
6. Letter dated June 6, 2011 from Jennifer Carlino to Seth Dufort of Outback Engineering.
7. Letter dated June 29, 2011 to the Conservation Commission from Chessia Consulting.
8. Letter dated September 16, 2011 from James Pavlik, Project Manager for Outback Engineering to Secretary Richard K. Sullivan, Jr.
9. Letter dated September 26, 2011 from Chessia Consulting to the Conservation Commission.
10. Letter dated September 27, 2011 from Mass Audubon to Secretary Richard K. Sullivan, Jr.
11. Letter dated December 1, 2011 from James Pavlik, Project Manager for Outback Engineering.
12. Letter dated December 15, 2011 from NHESP to Bay Road Heights.
13. Letter dated December 8, 2011 to the Norton Conservation Commission from Jake Kubel, Conservation Scientist.
14. Response letter addressed to Jennifer Carlino dated August 8, 2012.

AND

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, January 23, 2012, February 27, 2012, March 26, 2012, April 23, 2012, May 21, 2012, June 11, 2012, June 25, 2012, July 9, 2012 & August 13, 2012 mtgs.)** - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

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Document List

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4. Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated June 24, 2010.
5. Addendum to Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated October 12, 2010.
6. Response letter addressed to Jennifer Carlino dated August 8, 2012.

Jennifer Carlino noted that John Chessia did not receive the latest revised information packet until last Friday. She said she received it today with his comments and stated that the members might want a chance to review the revised information before closing the public hearing. She said James Pavlik of Outback Engineering, Inc. was hoping to close the public hearing tonight but she emailed him back stating the members will unlikely close the public hearing until after reviewing the latest correspondence. She stated that he called to request a continuance for the two applications and said he might show up for tonight's meeting. She said she has come to the conclusion that one of the conditions will be requiring the use of a skimmer. David Henry read James Pavlik's email requesting a continuance of the public hearing.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing for Files #250-871 and #250-872 until the next regular meeting of Monday, September 10, 2012. Approved.

Notice of Intent – (#250-888) – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) – Newland Street – (cont. from the May 21, 2012 & June 11, 2012 mtgs.) - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands. David Henry stated that an email was received requesting a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Michele Simoneaux, to continue the public hearing until the next regular meeting of Monday, September 10, 2012. Approved.

The members reviewed a request for an Extension for **File #250-744 – Michael Allen – Parcel 139 (Assessor's Map 20) 21 Eisenhower Drive.**

Ron O'Reilly made a motion, seconded by Julian Kadish, to sign the Extension Permit. Approved.

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The members reviewed the draft Order of Conditions for a Notice of Intent – **Malek Khadzhem/USA Stepwise Processes LLC – (#250-892) -Parcel 76 (Assessor's Map 18) 117 Plain Street** – for proposed plans to repair/replace a septic system and for wetland mitigation, construction of a deck and approval of a foot bridge within 100 feet of wetlands.

Scott Ollerhead pointed out a typo in condition #23 which should be corrected. Michele Simoneaux suggested that in condition #21 it should be noted that a permit will be needed for any changes to the foot bridge. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to sign and issue the Order of Conditions, as amended. Approved. Ron O'Reilly abstained from voting.

Old Business

241 Mansfield Avenue – Jennifer Carlino stated that she called the owner and he stated he had just met with his engineer and would be filing an application within one month.

6 Rumford Road – Jennifer Carlino stated she has not heard anything yet.

45 Crane Street – Jennifer Carlino stated she has not heard anything yet.

2 Foster Drive – Jennifer Carlino stated this is the homeowner who obtained a permit to install a pool as well as an addition and has not yet done the replication work nor has he recorded the Order of Conditions. She said she has submitted a duplicate Order of Conditions to be signed and recorded. She submitted a Bills Payable Sheet for \$76 for payment to record the duplicate Order of Conditions with the Registry of Deeds. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign and record the duplicate Order of Conditions and to sign the Bills Payable to record it. Approved.

Waterbodies Committee update:

Jennifer Carlino stated that Lisa Carrozza suggested whoever would be attending the various meetings, should attend two meetings in a row. She suggested a schedule be created of who would be attending the meetings and the dates. She noted the committee would like someone who has knowledge of the Chartley Pond to attend the next meeting which is Monday, September 17th at 7:00 pm. Ron O'Reilly offered to attend the meeting of September 17th. She asked if anyone had any comments or revisions to the Action Plan she gave out at the previous meeting. Jennifer Carlino noted that two people were going to go with her on Thursday from 9:00 am to 12:00 noon to identify the different plants.

Jennifer Carlino noted she had included a copy of the Permit Extension Act with the agenda.

The members reviewed the draft letter to Wheaton College regarding the storm water basin behind the athletic complex advising them that the basin was legally permitted and should be maintained. Michele Simoneaux made a motion, seconded by Julian Kadish to have Jennifer Carlino send the letter. Approved.

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Jennifer Carlino noted that the pre-construction meeting was held with Wheaton College and they wanted to start work before the end of the appeal period. She said she could not advise them to do so. She said they had a violation last week when one of the logging crew went beyond the erosion control and limit of work. She said they immediately ceased that work and are fixing the violation. She said they will come up with a restoration plan for that area.

Jennifer Carlino stated the appeals meeting for Pheeny's Island had taken place. She said the abutters were getting off track with non-wetland related questions and were told to stay on track. She said they told her that their consultant was denied access to the site inspection. She said DEP had no problems with the wetland alterations and would likely approve the project. Jennifer Carlino stated she had pointed out each condition and wanted DEP to affirm each one and, at the least, do not remove any. She had David Henry read aloud a draft letter to DEP written by Jennifer Carlino. Ron O'Reilly made a motion, seconded by Julian Kadish, to have Jennifer Carlino send the letter.

Jennifer Carlino noted that Town Meeting is scheduled for Monday, October 29th so the Conservation Commission meeting will be held on October 15th. She said that Warrant Articles have to be submitted by September 12th. She noted that at this time, the Erikson property and the Bay Road Tax Title property for the Box Turtle Habitat project would be submitted. She said the properties will have to be purchased but the town will be re-imbursed.

Jennifer Carlino stated she had asked Pare Corporation to give her an estimate to finish the rest of the Norton Reservoir Dam improvements but has not heard back from them as yet. Julian Kadish suggested finding a way to prevent heavy obstructions from blocking the gates.

Ron O'Reilly noted that house #59 on Union Road was taken down last Saturday. He asked Jennifer Carlino why the water line was being brought all the way down to ALI and Jennifer Carlino replied because it was in the Consent Agreement and they are required to. Jennifer Carlino stated the area where the house at #59 Union Road was is now being used as a staging site. Ron O'Reilly asked if the soil is contaminated.

Ron O'Reilly made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 7:45 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____