

Monday, September 24, 2012

Attendance

David Henry (Chairman), Ron O'Reilly (Vice-Chairman), Julian Kadish, Lisa Carrozza, Michele Simoneaux, Scott Ollerhead 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 for April 23, 2012. David Henry stated that at the previous meeting, it was agreed that the secretary will revise the last sentence on page one, but this has not been done. The minutes were tabled to the next regular meeting of Monday, October 15, 2012.

The members reviewed the draft minutes of May 21, 2012. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (UMass). Ron O'Reilly made a motion, seconded by , Julian Kadish, 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 a Notice of Intent – **(#250-894) - David Worthley – Parcel 68 (Assessor's Map 6) 19 Fairlee Lane – (cont. from the Sept. 10, 2012 mtg.)** -for proposed plans to extend a lawn within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Subsurface Sewage Disposal System Plan" for Dave Worthley, #19 (lot 6-2) Fairlee Lane, Norton, MA 02766, prepared by Yarworth Engineering Co., Inc. and signed and stamped by Christopher D. Yarworth, Scale 1"=30', latest revisions August 17, 2012.

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David Henry noted that a letter has been received from the Division of Fisheries and Wildlife (NHESP) stating that there would not be any adverse impacts to rare wildlife species by this project. Jennifer Carlino noted that there was a very minor grade change because of the retaining wall. Michele Simoneaux made a motion, seconded by Lisa Carrozza to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-) **Ralph Fairbanks – Parcels 47, 47-01 & 47-02 (Assessor’s Map 14) 167 North Worcester Street** – for proposed plans for an addition within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan Showing Proposed Garage for Ralph Fairbanks et al at 167 No. Worcester Street in Norton, MA, Scale 1” = 40’, latest revisions on August 12, 2012 (Sheets 1 & 2) signed and stamped by John F. Vance, Jr.
3. Drawings entitled “Garage Plans, Fairbanks/Fonger Res., 167 N. Worcester St., Norton, MA 02766 submitted on November 13, 2012 (Drawings 1-6).

Present at the public hearing were the homeowners and Jack Vance, their engineer who described the project to the members. He stated that after filing a Request for a Determination of Applicability, the Commission required a Notice of Intent to be filed for this project. Mr. Vance stated that he had John DeLano, engineer, do an economic alternatives analysis on the Riverfront Area which he has submitted to the Commission. Mr. Vance noted that the garage cannot be re-located as it should be on the kitchen-side of the house. He stated that gutters were added to the back and front of the garage and a grate will be placed in the driveway along with two catch basins to catch storm water. He said a significant amount of black top behind the garage will be removed.

Lisa Carrozza asked what the elevation of the proposed slab was and Mr. Vance stated the elevation at the back of the garage is 106 feet and 107 feet at the front. He said a 4’ foundation was proposed elevating the inside grade approximately 6 inches. Lisa Carrozza suggested that details of the grade be shown on the plans for the contractor’s information. She suggested the words “Buffer Zone” be noted as “Riverfront” on the plans. Michele Simoneaux had concerns with the submitted plans being hand drawn and potentially inadequate for the Notice of Intent project. Lisa Carrozza suggested adding details of the grate, slab and catch basins to the plans.

Ralph Fairbanks noted he was the contractor for the project and would be hiring a helper. Julian Kadish stated, in his opinion, needless information was being demanded of the engineer. Lisa Carrozza stated that if something proposed is shown on a plan, a detail of that item should be included as well to assist the contractor. Jennifer Carlino stated that the same information is requested of all Notice of Intent applicants. David Henry stated that, in his opinion, added information is needed.

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Ralph Fairbanks asked if the catch basin was necessary for this project and David Henry replied that it will help to prevent flooding of his house and garage in the future. Jennifer Carlino noted that this project is within 200 feet of a river therefore, the necessary details have to be addressed per state regulations. Jack Vance agreed to bring in copies of the catch basin details that will be used for this project. Jennifer Carlino agreed this would be satisfactory but the public hearing could not be closed tonight because a DEP file number for this project has not been received yet. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to continue the public hearing until the next regular meeting of Monday, October 15, 2012 to receive the required information and a file number. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-893) – **Walter Landry – Parcels 10-01, 101, 182-185 (Assessor’s Map 35) & Parcels 114-117, 138 (Assessor’s Map 36) – East Hodges Street – (cont. from the Sept. 10, 2012 mtg.)** - for verification of the Wetland Resource Areas.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled “Plan of Wetland Resource Boundaries, East Hodges Street, Norton, Massachusetts Prepared for Walter Landry by Yarworth Engineering Company, Inc., Scale 1”=120’, signed and stamped by Christopher D. Yarworth (Sheets 1-5).

Present at the public hearing were Fred Bottomley, Walter Landry and Dan Wells of Goddard Consultants.

Dan Wells addressed the board and asked if anyone had any comments after walking the site last Saturday. David Henry asked Mr. Wells how the calculations for the IVW were done. He said that Chris Yarworth can answer that question. David Henry suggested that the Commission would have a Peer Review done. He noted that a lot of the flags on the plan were missing in the field especially along the entire length of the access road and asked that they be replaced. Jennifer Carlino stated most of the flags were missing on both sides of the access road. She noted that the pond at area “L” is filled with water at all times. Lisa Carrozza suggested that stabilization be done at the side slopes along the road side.

Mr. Wells stated that this is an ANRAD filing for the verification of the wetland resource areas and Jennifer Carlino reminded him that a violation has occurred and has to be fixed as well. Mr. Landry submitted a few photos for review. Julian Kadish noted there are two upland areas and asked how many acres they consisted of. Mr. Wells stated that the entire site consists of 64 acres. He noted that at least half of the property is wetlands. Jennifer Carlino noted that the area around the garage had been filled with soil and she wasn’t quite sure if the flags were put there before or after the area was filled and requested to reflag that area.

Mr. Landry asked if he could look at previous files on this property to compare the area to. Jennifer Carlino said the area can be seen on Google Earth, aerial photos and previous wetland files. She said

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that Yarworth Engineering had submitted an aerial photo with a request for a Certificate of Compliance for this site which he could also review. Fred Bottomley stated the aerial photos are not accurate. Mr. Landry stated that the area between the two culverts seem to be the location of the biggest problem. Mr. Bottomley stated he will ask the owner to stabilize the side slopes of the road way. He asked if a Peer Review was necessary. Jennifer Carlino stated a Peer Review would confirm the ILSF information submitted and note any missing information. Mr. Bottomley asked Jennifer Carlino if there were areas that needed more flags and she replied that so far the flags are ok, but she has not finished walking the site.

Mr. Bottomley asked Jennifer Carlino when she would be finished walking the site and she replied within two weeks. He asked her if she intended on hiring a consultant and she replied it would be to his benefit to pay for a consultant as soon as possible. She said she could send out three Requests for Bids. Mr. Bottomley asked if this should be done before contacting Chris Yarworth and she replied, in her opinion, yes. Michele Simoneaux suggested getting the bids out and receiving quotes to prevent any delays in the project even if he does not want to hire a Peer Review. Lisa Carrozza stated the consultant is basically to make sure the “assumptions” leading to the calculations are correct.

Fred Bottomly then stated it was his opinion the Commission wanted him to pay for a consultant. He asked if the hiring of the consultant could be separated from the confirmation of the wetland resource delineations. Jennifer Carlino replied that a Peer Review is necessary in order to confirm the assumptions of 3 IVWs as to whether they are jurisdictional or not. Fred Bottomley again asked if the different areas can be separated and Jennifer Carlino stated that the Commission has to look at the ANRAD as a whole project and cannot confirm just a section of it.

Fred Bottomley approximately how long it would be until the Peer Review will submit a report. He noted that he will be appearing in Land Court this Thursday and this is the final unfinished issue. Jennifer Carlino replied by November 26th at the latest. She stated she will request bids to be submitted by November 12th. Mr. Landry requested to clear up any other issues in the meantime and the Commission agreed that would be done. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to request a Peer Review/consultant to confirm the assumptions of 3 IVWs as to whether or not they are jurisdictional and to be paid for by the applicant under MGL Ch. 44, Section 536. Julian Kadish abstained from voting. Approved. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to continue the public hearing until the next regular meeting of Monday, October 15, 2012. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-871) - Bay Road Heights/Shawn Kelly – Parcels 27, 29, 30 & 131 (Assessor’s Map 12) & portions of Bay Road, off Bay Road (Phase 2 of Bay Road Heights 40B)** – for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.

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Suggested changes in the draft are as follows:

Lisa Carrozza suggested adding the words “SWPPP pages regarding the contractor contact information” to d., condition #11.

Jennifer Carlino suggested eliminating 11. f. which read “submit a detail of the temporary turtle barrier fencing.

Lisa Carrozza suggested adding the word “permanent” in condition #12. d.

Lisa Carrozza suggested changing condition #17 b. to request that plans be submitted “prior” to any work being done. Jennifer Carlino suggested dividing the condition into two separate conditions.

Mr. Pavlik questioned condition #12 c. “Submit a copy of the recorded Conservation Restriction. He noted that there will not be a Conservation Restriction and that the land will be given to the Land Preservation Society at some point. He stated he would submit a Conservation Management Program. Jennifer Carlino suggested changing the condition to read: “Submit a copy of the recorded deed transfer to a conservation organization as proposed.

Michele Simoneaux suggested changing condition #17. c. to read: Prior to construction of the last two single family homes, the owner shall submit preliminary As-Built plans that included at a minimum, all proposed work, grading, inverts, roadways, storm water management basins, trenches and gardens, lot lines, and permanent visual barriers.

Michele Simoneaux suggested changing condition #19 to read: “Applicant shall provide sufficient funds for the Conservation Commission’s consultant to inspect and monitor the infiltration basins and trenches, bioretention basins (rain gardens), and detention basins or the applicant shall provide copies of the Zoning Board of Appeal’s consulting engineer’s reports that shall include, at a minimum, the correct material application, elevations and stabilization of the aforementioned storm water BMPs and access drive materials.

Michele Simoneaux asked Mr. Pavlik how often a turtle sweep is done according to the Conservation Management Plan. He replied it is done at the commencement of the project before any clearing is done and periodically as referenced in the Conservation Management Plan.

Michele Simoneaux suggested that in condition #26, adding the words “in addition to the required notification to NHESP”.

Lisa Carrozza brought up a question regarding condition #24. Jennifer Carlino suggested adding the words “This plan may be superseded by the issuance of the Conservation Management Plan from NHESP.

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Condition #35 was revised to read that Phase I and Phase II progress reports will be submitted before work on Phase III commences.

Lisa Carrozza suggested revising condition #45 adding more detail regarding storm water maintenance.

Lisa Carrozza suggested revising condition #48 by adding specific information and Mr. Pavlik suggested adding the area where the information was derived from. (referencing the grading sheet)

Lisa Carrozza suggested revising condition #56 to change the words “with the exception of” to the word “including”.

Lisa Carrozza suggested revising condition #57 adding the words “constructed according to the approved plans” after the words “they are”.

Lisa Carrozza suggested clarifying the information in condition #62 pertaining to “soils”.

Lisa Carrozza suggested changing condition #64 to read “ All basins used as temporary sediment basins during construction shall utilize a skimmer on the outlet control structure to ensure that the water is released from the surface and shall not use a riser pipe as depicted in the detail sheet or SWPPP sheet 15.”

Lisa Carrozza suggested adding another condition to read “The applicant shall dewater, remove and properly dispose of all sediment from the temporary sedimentation basins should the basins accumulate sediment that is 50% or more of the basin capacity. Temporary dewatering basins shall not be located within 100 feet of wetlands.

It was agreed to change condition #67 to read “All boundary markers as required in the CMP shall be located in the field prior to house/condo construction. Boundary markers shall remain in perpetuity.

Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue and sign the Order of Conditions, as amended. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-872) - Bay Road Heights/Shawn Kelly –Parcels 29, 30 & 131 (Assessor’s Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B)** – for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

Suggested changes in the draft are as follows:

Jennifer Carlino noted the changes would be the same as in File #250-871.

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Jim Pavlik pointed out a typo in condition #6. He said that there would be a different contractor for Phase III.

Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue and sign the Order of Conditions as amended. Approved.

Old Business

David Henry noted that there has been some debate initiated by Fred Bottomley on expanding a pond for agricultural purposes at his property at Fairlee Lane and whether the buffer zone would follow the new pond bank or stay with the old bank. He stated that Jennifer Carlino had asked the agents in Wareham and Carver for their opinions and they both responded that the buffer zone is 100 feet from the new bank of the pond. The Commission agreed that Jennifer Carlino would draft a letter to send to Fred Bottomley for the next meeting.

Violations

256 Old Taunton Avenue – Jennifer Carlino stated that the homeowner is going to remove the slash piles in the wetlands within 2 weeks and will file a Request for a Determination of Applicability.

18 Richardson Avenue – Jennifer Carlino stated the homeowner installed a well without a permit. She said she spoke with the contractor and the engineer who were going to have someone look at the wetland boundary and will get back to her this week.

Wheaton College – Jennifer Carlino stated that the restoration plan looks good and she gave the go ahead to begin the project.

241 Mansfield Avenue – Jennifer Carlino stated she spoke with the engineer today who told her he had put the project aside for awhile but he was going to start working on the project again.

6 Rumford Road – Jennifer Carlino stated she has not heard anything new for this violation.

45 Crane Street – Jennifer Carlino stated she has not heard anything new for this violation.

New Business

Shpack/ALI – Jennifer Carlino noted that the 100% design wetland restoration of the PRPs that will be done has been submitted and she has submitted a comment letter to Melissa Taylor of the US EPA, Region 1. She said that she heard from EPA who said they would incorporate her comments in their final decision letter.

Site Visits – Jennifer Carlino noted that the members had a site inspection on Saturday, September 22nd at 2:00 pm on East Hodges Street.

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Waterbodies Committee Update – Ron O'Reilly stated that while on a weed identifying project, the chairman met a couple of people from the Great Lakes Assessment Team who were doing a project for the National Lakes Assessment. He said more information is available online. He said that they were inquiring if Jennifer Carlino had any information regarding a Non Point Pollution Grant. He noted that the Conservation Commission meeting minutes were not found on the website and Jennifer Carlino replied she would look into this issue. Ron O'Reilly noted that the next Waterbodies Committee meeting will be held on October 1st.

Jennifer Carlino stated she submitted a warrant article for the Fall Town Meeting for the Erikson property which also includes lots 2 and 3. She stated money would have to be paid in advance for the property but the Town would be reimbursed at 100% with the Bay Road Heights contribution. She said she submitted a second warrant article for the Fall Town Meeting to have 4 Town-owned parcels of property around the Erikson property to be transferred for Conservation purposes. She noted the third warrant article that she submitted is for the Capital Improvements Budget which includes the second part of the Reservoir Dam Design Construction Bid which amounted between \$72,000 and \$92,000.

Violation: 5 Allen Drive. Jennifer Carlino stated that grass, leaves and yard compost were being dumped into a detention basin on this property. She said she spoke to the home owner and he agreed to remove his portion of the debris but stated others are dumping into the detention basin as well. She stated he will call her when he is finished removing his portion of the debris.

Jennifer Carlino noted that Waste Management is proposing a change to their approved plans and have submitted a revised plan and a letter. She said that the change is outside of the buffer zone. She said the Order of Conditions only require the submission of a shut off valve and Emergency Spill Plan. She noted this change does not require an amended Order of Conditions.

138 John Scott Blvd. COC – Jennifer Carlino stated that the owner has requested a Certificate of Compliance for his project at this site which included the installation of a pool. She said he has not installed the pool and wants to know if the pool will be exempt in the future since it is more than 50 feet from the wetlands. It was agreed that a Certificate of Compliance can be issued for the work that has been done and shown on the submitted As-Built Plan but a review for the pool in the future will be a separate application.

Pheny's Island Appeal - Jennifer Carlino stated she had included 2 more informational letters with tonight's agenda.

Jennifer Carlino noted she was asked to write a comment letter for a proposed 40B project on East Main Street (274 East Main Street). She said she would have it ready for review for the next meeting.

Lisa Carrozza made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 9:17 pm. Approved.

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Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____