

Monday, February 25, 2013

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 of **October 15, 2012**. Lisa Carrozza stated her name was mentioned in the minutes but she was not at that meeting. It was agreed to table the minutes to the next regular meeting.

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

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

Discussion – Waterbodies Committee.

David Lennon, Co-Chairman, Waterbodies Committee, updated the Commission on the various activities being performed by the Committee. He noted that last summer the DCR had gone out with some of the members to help identify various invasive plant species. He said that Jennifer Carlino had helped with the identification also. He said the Committee is following up with a Public Awareness Campaign. He noted that one of the members, Colleen, had written an article which was published in the Sun Chronicle and The Patch to inform the residents on the good and the bad regarding Norton's waterbodies. He said he his intent is to inform the residents that the waterbodies are in trouble. He said that the Chartley Pond has a problem with the water chestnuts and Lake Winnecunnet is crowded with invasive weeds. He stated it is the Committee's intent to make the public aware of the problems with the waterbodies before the Annual Spring Town Meeting in May when funding will be requested.

David Lennon noted that a couple of members had attended the Mass Colap meeting to gather further information. He said the scouts will put up signage and kiosks at access points as part of their

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projects. He noted that he received signs from DCR which can be used as long as “DCR” is removed and replace with “Norton Waterbodies Committee”. Mr. Lennon stated that monitoring boats that go in and out of the water would be very helpful. He said that studies should be done before and after treatment to see if they are effective. He said that they have looked at several case studies for various towns from the DCR which is very helpful in determining whether or not a specific treatment is working or not.

Mr. Lennon noted spring cleanup was going to be held on April 27th this year and the Committee will focus their cleanup on the reservoir. He noted that he passed out a handout to the members with tax information and home values pertaining to the waterfront homes. He said they hope to go before the Finance Committee and update them on what has been going on with the Waterbodies Committee. David Henry asked if he had the median value on the homes on the reservoir and he replied that he did not have them on him but would get the information.

Julian Kadish noted that homeowners right on the waterfront should be educated as to what types of fertilizers can be used. David Lennon stated the Committee has put together a list of 10 items to help protect waterbodies. Julian Kadish stated that, in his opinion, educating people on how to protect waterbodies will be much more helpful than actual treatment which may be very short-termed. David Lennon stated that a lot of nutrients are coming from the cranberry bogs on Bay Road and running into Lake Winnecunnet.

David Henry asked Mr. Lennon if he could send the verbage that will go on the signs to Jennifer Carlino for review.

Jennifer Carlino noted that she had written and given the RFPs to the Board of Selectmen in January. She advised Dave Lennon to check with the Town Manager.

Brian Brady, Co-Chairman of the Waterbodies Committee. He noted he had put together a handout regarding the treating of different weeds and invasive species. He said sometimes a partial treatment would be helpful on some waterbodies. He said a lot of the information collected comes from Andover.

Julian Kadish noted that the Committee may run into some resistance from the residents and David Lennon replied this is why the public has to be educated on the various treatment processes.

David Lennon noted that the Committee would be meeting on the first Monday of every month.

Notice of Intent – (#250-904) – **Fadi Henine – Parcel 32 (Assessor’s Map 19) 41 Charlotte Avenue** – for proposed plans to demolish an existing dwelling and construct a single-family house within 100 feet of Winnecunnet Pond. David Henry noted that the public hearing was not posted therefore the public hearing will be opened at the next meeting regular meeting of Monday, March 11, 2013.

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Notice of Intent – (#250-888) – **Turtle Crossing, LLC – Parcels 4 & 22 (Assessor’s Map 2) – Newland Street – (cont. from the May 21, 2011, June 11, 2012, July 23, 2012, August 27, 2012, September 10, 2012, October 15, 2012, November 19, 2012 & December 17, 2012 mtgs.)** - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands. David Henry read an email received from Dan Campbell of Level Design Group stating he will be submitting a modification to the Notice of Intent with a revised Storm Water Report. He said a total package will be filed under separate cover with answers to all previous comments received. He stated he is requesting a continuance of the public hearing until the regular meeting of Monday, April 8, 2013.

Jonathan Ofilus of FNBI Realty Company, a subsidiary of the First Ipswich Bank, addressed the Commission. He noted that the First Ipswich Bank is the current owner of the property and co-applicant with Dakota Partners (now called Turtle Crossing LLC) for the project. He stated that Turtle Crossing has been working through a modification with the Zoning Board and has been delayed by the appeal decision from DEP for the ORAD. He noted that Turtle Crossing LLC is no longer under contract with the bank. He stated that the bank does intend on moving forward with the Permit application process for this property and would like the Commission to continue the public hearing as requested by Dan Campbell of Level Design. Mr. Ofilus noted that Level Design is working for the bank as well as the owner. Jennifer Carlino requested an updated first page for the Notice of Intent to show the correct applicant and owner.

Michele Simoneaux and Julian Kadish had questions regarding ownership, applicant and the application process. Jennifer Carlino replied that the permit goes with the property and, as long as a corrected page to the Notice of Intent with the current owner and applicant showing is submitted, the hearings may continue. Lisa Carrozza asked if the project was changing and Mr. Ofilus replied he did not know. Lisa Carrozza made a motion, seconded by Ron O’Reilly, to continue the public hearing until the regular meeting of Monday, April 8, 2013. Approved.

Wheaton College –track/field project update.

Pat McGuire, Landscape architect and John Sullivan of Wheaton College were in attendance. Mr. McGuire stated that at the previous meeting two different plans were proposed. One plan included the field and track and one only the field. He stated that bids were received but were much too high for both plans. He said that they decided to build a smaller field. He asked if this change would be minor or would it require an amended filing.

Mr. McGuire noted that the limit of work would remain the same and the bigger field would be moved a little making the berms smaller. He stated that the drainage system will remain the same. Jennifer Carlino suggested that a description of the changes be submitted. She said she would review the Order of Conditions to decide whether or not an amended Order of Conditions would have to be obtained.

Mr. McGuire stated the college would like to have an irrigation system. He stated that a well would be too expensive. He noted that there is some groundwater that flows into a manhole and he stated they would like to capture that water to use for the irrigation.

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Jennifer Carlino replied that if an irrigation system is proposed, a new Notice of Intent would have to be filed. She said she would take a look at the area on March 4th.

The members reviewed the draft Order of Conditions for Notice of Intent – (#250-902) – **Brian Coulter – Parcel 41-02 & 35-01 (Assessor’s Map 14) 186 North Worcester Street** – for proposed plans to construct an addition within 100 feet of wetlands.

Michele Simoneaux suggested Jennifer Carlino inspect the location of the silt fence before it is installed and she agreed to add that condition to the Order.

Lisa Carrozza suggested adding to condition #26 the words “prior to the issuance of a Certificate of Compliance”.

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

Old Business –

East Hodges Street – Fred Bottomley update. David Henry noted that Fred Bottomley had sent Jennifer Carlino an email stating that he would not be able to put together a restoration plan due to the inclement weather. He said that it is his goal to reseed the areas of the access driveway that need to be stabilized. Jennifer Carlino stated she would send an email to Mr. Bottomley on Monday. Lisa Carrozza noted that the aggregate should be of a substantial size so as to not wash away.

ZBA Letters re: Island Brook and 274 East Main Street 40bs. Jennifer Carlino noted that she included with the agenda FYI her comment letters dated February 13, 2013 addressed to Tom Noel, Chairman, Zoning Board of Appeals regarding the two proposed 40b projects, Island Brook and 274 East Main Street. She stated that the Zoning Board of Appeals Peer Review may be reviewing the four wetland areas and she has not had any response to her letters from anyone. She noted that the Conservation Commission, under Chapter 44, Section 53G, can require a Peer Review of any wetland applications, even if Peer Reviews were done for the Zoning Board of Appeals because they differ in focus.

Michele Simoneaux pointed out in the Scope of Work submitted by Graves Engineering on page 5, number 14., she thought it should be more detailed.

#250-882 – Pheeny’s Island update – David Henry noted that the public hearing that was scheduled for tomorrow has been cancelled.

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Violations:

119 Freeman Street – Jennifer Carlino stated that the owner will be withdrawing his request to construct a dock. She said he will be removing the leaf pile and notify her when she can inspect the site.

Norton Mobile Home Estates, 157 Mansfield Avenue – Jennifer Carlino stated there was nothing new for this site.

12 Forest Lane – Jennifer Carlino stated there was nothing new for this site.

18 Richardson Avenue – Jennifer Carlino stated that the well installer had phoned today to ensure that the previous submitted plan will be ok to use for the RDA filing which he would be filing soon. She said that was ok.

241 Mansfield Avenue – Jennifer Carlino stated there was nothing new for this site.

6 Rumford Road – Jennifer Carlino stated there was nothing new for this site.

45 Crane Street – Jennifer Carlino stated there was nothing new for this site.

418 Reservoir Street – Jennifer Carlino stated that the owner had responded to her letter and came into the office to let her know he was still working on his application.

File #250-552 – Arrowhead Village - Certificate of Compliance letter. Jennifer Carlino explained that this is an old project that has been finished for years. She said she has been trying to get the project closed with no luck. She noted that a partial As-Built plan has been submitted. She stated that final As-Built plans need to be submitted showing drainage. She said she contacted the engineer for the project last November notifying him that his client's bond money was in place and could be used for the revised As-Built if he could get one for her. She said she spoke to him in December and he was going to contact someone to do the wetland restoration. She noted she spoke to him in January and has not heard from him since. She asked the Commission if they wanted her to call someone else or stick with him. Michele Simoneaux suggested sending a letter to the engineering giving him a deadline to respond or a new engineer will be contacted.

New Business

Demers Claim – 388 Reservoir Street update. – Jennifer Carlino stated that Mr. Demers has filed a claim with the courts stating he owns Conservation property. She said Town Counsel has prepared a statement for the Commission to respond. She said the letter states that there is not enough information to make a claim to the property and that the new work done to the property was done before the Town purchased the property and no new renovations were done since. She said she is waiting for a response to her letter.

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Watershed Policy – Jennifer Carlino stated that she looked in the two sites on line suggested but could not find any new language. She suggested someone to show her where the site is. She said the policy will be on hold for now.

Jennifer Carlino noted that DEP has amended the Emergency Declaration by extending the date by one month.

Reservoir spillway update – Jennifer Carlino noted she had met with Pare Corp. and had a conference call with Town Counsel and Pare Corp. She said research is still being done for the deed and she found some old maps and documents in the file cabinets.

Jennifer Carlino noted that on page 2. of Pare Corporations’s Scope of Work Addendum under “Spillway Improvements”, Pare Corp. will need correct information for the deed. Lisa Carrozza suggested that a surveyor should do this portion of the work. Lisa Carrozza suggested having BSC Group do any deed review and surveying. Jennifer Carlino suggested asking Pare Corp. if they have a land surveyor that they use for these projects and, if not, she will contact John DeLano and BSC Group. Jennifer Carlino presented the Addendum to be signed by the Commission. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to accept the Addendum as submitted. Approved. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to pay the bill for the remainder of their contract plus the Addendum for Pare Corporation. Approved.

Alder Road – Jennifer Carlino presented a draft letter from the Town Manager to be sent to any person in violation by using Conservation property on Alder Road. The Commission agreed that they should create a Master Restoration Plan for some of the areas to be paid for by the violators. They agreed that Jennifer Carlino should work with the Town Manager on revisions to the letter.

Jennifer Carlino stated that the Water Department will be starting their project on Walker Street tomorrow. She said she is on vacation for the rest of the week and she would like to leave a list of names the secretary could call if there are any problems. She asked the members which days they would be available for contact.

Jennifer Carlino noted that she had called Dick Keller at DEP asking where the Superceding Order of Conditions for Bay Road Heights was and he replied that he had sent the stormwater information to Boston for their review. She stated that DEP in Boston is not budging on the sub watershed information which is delaying the Order. She stated that Jim Pavlik, engineer for Bay Road Heights, LLC does not want to do the Phasing portion of the project. Jennifer Carlino said she suggested doing an Amendment to the Order of Conditions for the Phasing portions of the project. She said if they do an Amended Order of Conditions they can withdraw their appeal with DEP.

Jennifer Carlino suggested meeting with the applicant and make changes to the conditions. She said the applicant would have to submit a letter specifying what conditions they want to negotiate at a meeting and the meeting will be limited to those conditions. Ron O’Reilly stated that an Amended Order of Conditions should not be issued until the appeal is withdrawn with prejudice.

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Jennifer Carlino noted she has not had time to look into purchasing an iPad at this time.

David Henry noted that the deadlines for submitting warrant articles for the Annual Spring Town Meeting are March 5th and April 30th.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:00 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____