

Monday, March 11, 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**. David Henry noted that the minutes were amended omitting Julian Kadish's name from the minutes. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to accept the minutes as amended. Approved.

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

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

The members reviewed a 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 a 100-year floodplain and within 100 feet of Winnecunnet Pond.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Proposed Site Plan in Norton, Massachusetts, 41 Charlotte Ave., Scale- 1"=20', prepared by CS Kelley, Land Surveyors, signed and stamped by Christopher S. Kelley and dated January 5, 2013.
3. FEMA Map showing locus
4. NHESP Map

Present at the public hearing were the applicant, Fadi Henine, his engineer, Greg Denis of Kelley Land Surveyors and Registered Sanitarian, Beth Hallal.

Greg Denis stated that the proposed house is 185 feet from Lake Winnecunnet.

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Beth Hallal pointed out on the plan the house to be demolished and the location of the proposed house. She said the house will be built on a slab with no foundation. She pointed out that a portion of the house to be demolished is within the 100-yr. floodplain as well as the proposed driveway.

Ms. Hallal noted that the engineer has prepared two proposals; 1. the cut and fill with the house at elevation 73 feet and 2. the cut and fill with the house at elevation 72 feet. Mr. Henine stated that Jennifer Carlino suggested moving the proposed house back. He said the yard would be very small if he did that. Lisa Carrozza asked Mr. Henine if he had given consideration to minimizing the size of the house to minimize the grading and to keep it out of the foot print of the flood zone. She asked why the proposed house cannot be built completely out of the flood zone and Greg Denis replied because of the setbacks. She noted that she could not see where the setbacks are on the submitted plans. She stated that if the house cannot be moved completely out of the flood zone, then the encroachment into the flood zone should be minimized as much as possible.

Lisa Carrozza suggested moving the driveway to the other side of the house which would eliminate any need for fill leaving it at the existing grade. Mr. Denis noted that the driveway will be located in the flood zone no matter how it is designed. David Henry suggested making the width of the house smaller. Julian Kadish suggested that any new reduction in grading for the driveway can be considered compensation. Lisa Carrozza stated that the regulations are very strict in stating that the elevation changes must be incremental. Mr. Henine suggested he would move the house back to the 73' elevation.

Ms. Hallal stated that the house would be moved back to the 73' level and the driveway will be cut back to 12 feet wide. David Henry requested a written response regarding the compliance with the Performance Standards and Ms. Hallal agreed that would be submitted. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the meeting until the regular meeting of Monday, March 25, 2013. Approved.

Abbreviated Notice of Resource Area Delineation– (#250-898) – Campanelli Thorndike Norton, LLC - Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (cont. from the November 19, 2012, December 17, 2012 & February 11, 2013 mtgs.) - for verification of the Resource Areas. David Henry stated an email has been received from Mark Manganello of LEC requesting a continuance of the public hearing until the next regular meeting of Monday, March 25, 2013. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, March 25, 2013. Approved. Lisa Carrozza abstained from voting.

David Henry asked if any of the members would like to inspect the highest observed water line to compare with the flagging as suggested by Jennifer Carlino and they agreed they would. He noted that the applicant should do the same.

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David Henry referred the members to #4. of Jennifer Carlino's notes which she included with the agenda for Abbreviated Notice of Resource Area Delineation (#250-898). She noted that, in her opinion, Graves Engineering is not staffed sufficiently to address wetland issues. She suggested sending a letter to the ZBA informing them that the wetland issues will be addressed further, and in great detail, by the Commission's consultant when the Notice of Intent hearing is held. She said she would have the draft letter for the next meeting.

The members reviewed a request for a Certificate of Compliance for File #250-497 – Intoccia Construction Company, Inc. – Lot 7, Parcel 198 (Assessor's Map 17) 15 Willis Drive. Jennifer Carlino stated that this was for a culvert extension at the entrance to the development and all work has been completed according to the submitted plans. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

Old Business –

Reservoir Update. Lisa Carrozza stated to Jennifer Carlino that if she could get her a summary of the objective, she could have someone help her write the scope of work for her.

East Hodges Street – Fred Bottomley. David Henry stated that Jennifer Carlino had emailed Fred Bottomley asking him where the driveway Stabilization Plan is and he replied that he had a rough draft and will be staking the ground within 10-12 days. Jennifer Carlino noted that only the plan was due tonight and the actual ground work due by June 30th. She suggested he is confused and thinks that the ground work is due now.

#250-882 – Pheeny's Island appeal update - Jennifer Carlino noted that no news has been received.

#250-891 – Wheaton College/Track/Field project update – David Henry stated that at the previous meeting the Commission had required a new NOI filing for the irrigation project. Jennifer Carlino stated she has not received any new information.

Violations:

241 Mansfield Avenue – David Henry noted that a Notice of Intent has been submitted.

#250-552 – David Henry noted that Jennifer Carlino had sent a letter to the engineer, Mark Flaherty requesting an As-Built plan and to ask if he was interested in closing out the file. She replied she has not heard back from him yet.

Violations:

Norton Mobile Home Estates, 157 Mansfield Avenue
12 Forest Lane
18 Richardson Avenue

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6 Rumford Road
45 Crane Street
418 Reservoir Street

Jennifer Carlino stated she has not heard anything new from any of these projects.

New Business

Proposed Watershed Policy

David Henry noted there have been no changes.

Daggatt-Crandall Right of First Refusal – Assessor’s Map 2, Parcel 15 & Assessor’s Map 5, Parcel 5

Jennifer Carlino stated that she has still not received the proper P & S for the first right of first refusal. She said a second parcel has been offered for sale but it is land locked and disturbed by ATVs. She said the land would be accepted if it was donated and protected from ATVs. David Henry read aloud a letter **drafted** by Jennifer Carlino addressed to Mr. Withers in response to his letter of March 6, 2013 notifying him that again his notice of the right of first refusal is improperly written and is requesting that the appropriate documents be submitted. Lisa Carrozza made a motion, seconded by Julian Kadish, to have Jennifer Carlino send the letter. Approved.

David Henry read aloud a letter that Jennifer Carlino has drafted in response to a letter from Henry B. Reiley, III, Treasurer of the Daggett-Crandall Newcomb Home dated February 19, 2013 notifying her that another parcel of land is for sale. Jennifer Carlino responded that there are no funds to purchase the property and the Commission would accept the property as a donation and protect the property against further damage from ATVs. Lisa Carrozza made a motion, seconded by Julian Kadish, to have Jennifer Carlino send the letter. Approved.

DEP Regulatory Reform

David Henry noted that Jennifer Carlino had included the important changes to the DEP Regulatory Reform with this agenda for the Commission’s review. Jennifer Carlino noted she has started a draft response and all comments are due in May.

40bs – Graves comments on Turtle Crossing

David Henry stated that Grave’s Engineering’s review for the 274 East Main Street project does not seem to be complete and he is not properly staffed to do a wetland’s review. He said that Jennifer Carlino will send a letter to the ZBA with this information. He noted that Jennifer Carlino is going to do a report on the vernal pool/turtle nesting site issue for the project and would like to know if the Commission would like her to do a full report or just a literature review. He said she is suggesting to do the full report.

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David Henry suggested that she do the full report.

Alder Road vioations letter revision

Tabled until the next meeting.

Site Visits – David Henry noted that the site visit to the 274 East Main Street site has been scheduled for Saturday at 9:00 am to look at Isolated Land Subject to Flooding. Michele Simoneaux, Scott Ollerhead and David Henry agreed to attend.

David Henry noted that the Norton Founders Day Picnic will be held on June 22nd. Jennifer Carlino said it was asked if the Commission would like to have a table at the picnic. The Commission agreed to think about having a table.

David Henry noted that the Bike Trail meeting at the Norton Public Library will be held tomorrow. He said that anyone that cannot attend the meeting can send a comment letter to the Board of Selectmen and the Commission can send a comment letter to the Board of Selectmen.

Ron O'Reilly made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 8:07 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____