

Monday, March 25, 2013

### **Attendance**

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

Julian Kadish, Lisa Carrozza and Chris Baker were absent.

### **Minutes**

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

The members reviewed the draft minutes of **November 19, 2012**. David Henry noted that there isn't a quorum to vote on the minutes and will be tabled until the next meeting.

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

The members reviewed the Bills Payable Sheet (Jennifer Carlino). Ron O'Reilly made a motion, seconded by Scott Ollerhead, 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 – (cont. from the March 11, 2013)** - 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. (Revised on March 20, 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.

Ms. Hallal submitted revised plans with a narrative describing how the Performance Standards have been met as requested at the previous meeting.

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Michele Simoneaux asked Ms. Hallal to describe how the Performance Standards have been met. Ms. Hallal replied that the house has been moved out of the floodplain. She said that the driveway has been reduced from 24 feet to 12 feet. She pointed out that only 16 cubic feet has been altered between the elevation between the 71-ft. elevation and the 72-ft. elevation. She noted that a portion of the driveway and slab that will alter the flood storage area equals 299 sq. ft. between the 72-ft. elevation and the 73-ft. elevation.

Jennifer Carlino asked where the compensation area is for the 71-ft. and 72-ft. area and Ms. Hallal stated it was not on the plan. She said the 25-ft. no disturbance zone was shown on the plan. Jennifer Carlino replied that the two compensation areas have to be shown on the plan. She suggested removing the 50-ft. buffer zone line and adding the 100-ft. buffer zone line. Ron O'Reilly noted that the visual barrier has to be added to the plan as well. Ms. Hallal asked if the visual barrier has to be constructed of post and rail fence and Jennifer Carlino replied it is usually post and rail or split rail fence. Jennifer Carlino pointed out an area at the rear of the property that is in the floodplain and should be behind the visual barrier.

Jennifer Carlino suggested that by removing the existing building, that would be the compensatory area for the altered area between the 71-ft. elevation and 72-ft. elevation and only the compensatory area for the altered area between the 72-ft. elevation and the 73-ft. elevation would have to be added to the plans.

Ron O'Reilly made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, April 8, 2013. Approved.

The members reviewed a Notice of Intent – **(#250-905) – Wells Fargo Home Mortgage – Parcel 99-02 (Assessor's Map 21) 10 Park Lane** – for proposed plans to repair/replace a septic system within 100 feet of a wetland.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "REPAIR" On-Site Sewage Disposal System, 10 Park Lane, Norton, MA prepared for Rich Hayes by DMG Associates, Scale 1"=20', signed and stamped by William E. Gottwald, Jr., and dated February 1, 2013.

Rich Hayes, contractor/installer for the applicant, described the project to the members. He submitted revised plans. He pointed out where the septic system was going which was 20 feet from the house and 51 feet from the wetlands. Michele Simoneaux asked who delineated the wetlands and Mr. Hayes replied DMG Associates had. Jennifer Carlino noted that there is some clearing of the wetlands that has been done without a permit that has to be addressed and can be stated in the Order of Conditions. She noted that the shed is located beyond the visual barrier which should be moved upland. Michele Simoneaux asked what type of erosion control will be used and Mr. Hayes replied that Jennifer Carlino wanted him

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to use a staked silt fence. Michele Simoneaux asked that the silt fence detail be submitted. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, April 8, 2013. Approved.

The members reviewed a Notice of Intent – **(250-903) - Timothy McCarthy- Parcels 721-02 & 721-03 (Assessor's Map 3) 241 Mansfield Avenue** – for proposed plans to install a drainage swale and detention basin within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent
2. Plans entitled Proposed Site Plan prepared for Vitorino America – 241 Mansfield Ave., in Norton, MA, Scale 1"=20' by Charette Land Surveying, signed and stamped by Christopher L. Charette and dated February 28, 2013.
3. Plans entitled Proposed Condition Drainage Plan prepared for Vitorino America – 241 Mansfield Ave., in Norton, MA, Scale 1"=20' by Charette Land Surveying, signed and stamped by Christopher L. Charette and dated January 24, 2013.
4. Plans entitled Existing Condition Drainage Plan prepared for Vitorino America – 241 Mansfield Ave., in Norton, MA, Scale 1"=20' by Charette Land Surveying, signed and stamped by Christopher L. Charette and dated January 24, 2013.

Present at the public hearing was the owner, Vitorino America, applicant, Timothy McCarthy and his engineer, Christopher Charette of Charette Land Surveying.

Mr. Charette described the different colors on the submitted plans and explained what they represented. He pointed out an existing gravel parking lot on the property and noted that it slopes towards the Norton Reservoir and stated that a portion of the parking lot is within the 100-ft buffer zone of a wetland.

Mr. Charette stated that he was contacted by Mr. McCarthy last spring to locate the wetland boundaries for the property and he advised Mr. McCarthy to contact Walter Hewitson to flag the wetlands which he incorporated into his topographical survey. He said that at this time he noticed the gravel parking lot located within the buffer zone and this is the reason for tonight's public hearing. He noted that Jennifer Carlino said there were two choices; 1. to remove the area of the parking lot within the buffer zone and 2. to obtain a valid wetland permit for the portion of the parking lot in the buffer zone. He said that the applicant chose to keep the parking lot which was needed for his business.

Mr. Charette stated a drainage system was created to catch and treat the runoff from the parking area. He said plans were submitted a couple of weeks ago and per Jennifer Carlino's comments, he made a couple of revisions. He said that he added notes that snow stockpiling was not to be done in the drainage or water quality areas and would have to be done on a non-paved surface to melt away naturally into the ground. He said that silt fence would be installed and a split-rail fence to be used as a visual barrier would be installed.

Mr. Charette submitted an Operations and Maintenance Plan.

Jennifer Carlino asked where the “sump” was located which was noted on the plans. Mr. Charette pointed out an area in the detention basin which was recessed below the outlet pipe. Michele Simoneaux asked Mr. Charette if there were any plans to enlarge the parking lot and he replied there was not.

Michele Simoneaux made a motion, seconded by Ron O’Reilly, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability (**DET. #991) Addam Brodsky – Lot 7, (Assessor’s Map 17) 15 Willis Drive** – for proposed plans for expansion of a lawn within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability
2. Plan entitled “Sewage Disposal Plan” for Lot 7 Willis Drive in Norton, MA, Scale 1”=30’ dated May 7, 2012, Revised: March 11, 2013 (Sheets 1 & 2) prepared by RIM Engineering Co., Inc. and signed and stamped by Ralph I. Maloon.

Present at the public hearing was Tamara Brodsky who described the project to the members. She stated that the house was still in the building process. She noted that the applicant would like to expand the lawn by moving it back 25 feet locating it 50 feet from the bordering vegetated wetland.

David Henry read aloud a letter received from Julie Rainville of 9 Carpenter Road asking what was decided at the last hearing to approve construction of the house regarding how close to the wetlands can work be performed. Jennifer Carlino stated that after moving the lawn closer to the wetlands, the lawn would be still be 57 feet from the wetlands. Michele Simoneaux asked what type of vegetation would be removed and Ms. Brodsky replied there were a few pine and elm trees and she would be working with the builder to remove them. Jennifer Carlino noted that there is an existing visual barrier in place. She stated that Mr. Brodsky agreed to leave or plant a vegetated buffer between his property and the property of Ms. Rainville for privacy.

Michele Simoneaux made a motion, seconded by Ron O’Reilly, to close the public hearing. Approved.

Michele Simoneaux made a motion, seconded by Ron O’Reilly, to issue a negative Determination (#3) with the condition that the limit of work will be staked to be inspected by Jennifer Carlino before removing any trees. Approved.

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**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 March 11, 2013 mtg.) - for verification of the Resource Areas.**

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled “Plan to Accompany ANRAD, East Main Street, Norton, Massachusetts, Prepared For: Thorndike Properties of Massachusetts, LLC, Scale 1”=50’, prepared by Yarworth Engineering Co., Inc., signed and stamped by Christopher D. Yarworth and dated October 19, 2012.

Present at the public hearing were Mark Manganello, LEC Environmental, David Eastridge, Thorndike Development, Lloyd Geisinger, Thorndike Development and David Kelly, Kelly Engineering.

Mr. Manganello stated that he had participated in a conference call with Jennifer Carlino and David Kelly and the Commission’s consultant, John Chessia. He said that a further field survey of the water limit in the basin needs to be done, but, because of the weather, this has not been done yet. He said he would forward the results to the Commission.

David Kelly stated that an extensive analysis of the watershed had been done and he said that John Chessia had a number of questions that he wanted addressed. Mr. Kelly said that he responded to the latest letter. Mr. Kelly said one main question was he was asked was about the accuracy of the watershed analysis. He said that during the conference call with John Chessia and Jennifer Carlino he stated that the watershed used was quite conservative. He said another important question from John Chessia was how the area of the depression was looked at relative to curve numbers (runoff). He replied that the area was looked at very conservatively. He noted that all the information will be submitted in writing.

Mark Mananello stated that the wetland boundaries used for this application are from the application that was filed in 2006. He said that there are two different resource areas that are being considered regarding each wetland; one is a vegetated wetland boundary, which is non-jurisdictional isolated wetland that was previously delineated and the other is a limit of water which may or not be the limits of Isolated Land Subject to Flooding. Michele Simoneaux stated that she understood that these areas were going to be marked in the field for the members to inspect during the site walk. Mr. Manganello replied that he and Jennifer had walked the site today. He said he hadn’t had a chance to flag the areas sooner. Jennifer Carlino pointed out that the re-flagging was for the high water mark to finish determining whether or not this area meets the qualifications for an Isolated Land Subject to Flooding.

Jennifer Carlino asked if they were preparing a response letter to her comment letter and if they planned on submitting more funds for the consultant. Mr. Manganello replied he would be submitting a response letter as well as a check to fund further consulting by John Chessia. She noted that the applicant had filed their Notice of Intent for the construction project today. Mr. Manganello stated he

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would like to get all the information requested for this ANRAD in to the office soon to allow the Commission to close the ANRAD at the next meeting of April 8<sup>th</sup>. He asked if he could briefly discuss the engineering review tonight for the Notice of Intent. David Henry said that would be ok. He asked if the board would consider Graves Engineering who was presently reviewing the 40B Comprehensive Permit application for the Zoning Board of Appeals. Jennifer Carlino stated they could be added to the bid list at Lloyd Thorndike's request, but they did not reply to the last request for a quote for another project. Mr. Manganello asked if the board could move quickly and try and get the request for quotes out next week. Jennifer Carlino replied that she could prepare the Scope of Work to be reviewed at the next meeting.

Mr. Kelly noted that he has responded to Jennifer Carlino's letter and comments to the Zoning Board of Appeals and stated he has included that response in his latest packet.

Ron O'Reilly noted that the response to #7 in Jennifer Carlino's letter addressed buildings, pavement and sidewalks but did not address the playground area, pool house or central green areas as referred to by Jennifer Carlino. Mr. Kelly replied that the only item not included in the impervious area calculations is the play area which has not been designed yet. He said the play area may or may not be impervious.

Ron O'Reilly noted that #15 refers to ownership of property and the response referred to property that is "controlled by" instead of owned. Lloyd Geisinger replied that the term "controlled" is used because the property is under P & S agreement at this time.

Rick Slavinsky, 7 Willis Drive, asked if the responses to Jennifer Carlino's January 11, 2013 letter is available on the website. Jennifer Carlino noted the Conservation Commission does not have a website for this project, but the ZBA website does. Lloyd Geisinger replied that a website has been created for this project, [www.274eastmainstreet.com](http://www.274eastmainstreet.com).

Ann Coulter, 283 East Main Street, Unit 17, asked if a drainage study has been done for the property across the street from this site, Kingsbury Hill condos. Jennifer Carlino replied that the wetland area across the street has been flagged. David Eastridge replied that the flags will be on the next revised plan.

Michele Simoneaux made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, April 8, 2013. Approved.

**Old Business –**

Wheaton College track/field irrigation – Jennifer Carlino stated that an email was received from Stephen Garvin of Samiotes Consultants, Inc. requesting the Commission to consider the option that Wheaton College could file a request for an amendment rather than a new Notice of intent for the proposed irrigation work to be done at the track/field at Wheaton College.

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Michele Simoneaux suggested that they could request an amendment to the existing Order of Conditions. The members agreed. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to accept a request for an Amended Order Of Conditions. Approved.

Donations:

David Henry read aloud thank you letters to John Tyler for a donation of land on East Hodges St. and to Perry DiMascio for his donation of land on Walker Street. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to sign and send the thank you letters for both parcels. Approved.

Violations:

18 Richardson Avenue – Jennifer Carlino noted that the owner has filed a permit application.

Norton Mobile Home Estates, 157 Mansfield Avenue – Jennifer Carlino noted that she received and update today stating that they are going to begin installing the monitoring system and replication for the bordering vegetated wetlands within the next couple of months.

Jennifer Carlino noted that no new information has been received for the following violations:

12 Forest Lane  
6 Rumford Road  
45 Crane Street  
418 Reservoir Street  
#250-552 – COC letter

**New Business -**

Watershed Policy – Jennifer Carlino said she hasn't been able to locate any new information yet.

DEP Regulatory Reform – Jennifer Carlino noted that she included a **draft** letter with the agenda with her proposed revisions outlined on each page for the Commission's review. She asked the members to submit comments if possible by the next meeting.

Reservoir Update – Jennifer Carlino noted that she and Lisa Carrozza had put together a "Request for Qualifications" for a survey and she will have it for the next meeting.

Alder Road Violations – Jennifer Carlino noted that she spoke with the Town Manager regarding all the violations around the Norton Reservoir by the residents. She said that they have already read the letter drafted by the Town Manager and she added the Commission's comments which are underlined. She said she added a sentence to get the problem moving which states that the Town will contact the resident within a month with the assessment of damage that has been done on the property.

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David Henry asked if any other boards or departments have seen the letter and Jennifer Carlino replied they have not. She stated that she still has to meet with the Town Manager to discuss how the violations will be fixed.

#250-882 – Pheeny’s Island Update – Jennifer Carlino noted that the appeal has been dismissed.

Norton Founders Day Picnic – Discussion ensued on what, if anything, the Commission will do or present at the picnic. It was agreed to continue the discussion until the next regular meeting of Monday, April 8, 2013.

Bike Trail – Jennifer Carlino stated a letter to the Selectmen has to be drafted for the Commission’s support to expand the Mansfield bike path into Norton. David Henry read aloud a draft letter written by Jennifer Carlino.

Jennifer Carlino stated that Fred Bottomley called to say he does not have a restoration plan and is just putting seed down at his property on East Hodges Street. She said he did mark the 25-foot limit of work area.

Jennifer Carlino asked if anyone wanted to attend the next Waterbodies Committee meeting on Monday, April 1.

Jennifer Carlino stated she drafted letters to the ZBA for each proposed 40B project, 274 East Main Street and Island Brook regarding the Peer Reviews. She stated that for 274 East Main Street, the information is incomplete and should not contain wetland comments or issues. She suggested to the Town Manager that when an application is filed with the ZBA, it should be filed with the Conservation Commission at the same time.

Michele Simoneaux made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 8:44 pm. Approved.

Minutes Approved by Committee on: \_\_\_\_\_  
(Date)

Respectfully submitted,

*Signature:*

\_\_\_\_\_  
( Name)

Chairman, \_\_\_\_\_