

Monday, April 22, 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 **November 19, 2012**. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to accept the minutes as written. Approved. Ron O'Reilly abstained from voting.

The members reviewed the draft minutes of **December 17, 2012**. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Lisa Carrozza abstained from voting. Approved.

The members reviewed the draft minutes for the Executive Session of **December 17, 2012**. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Lisa Carrozza abstained from voting.

The members reviewed the draft minutes of **January 14, 2013**. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to accept the minutes as written. Approved.

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

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

The members reviewed the Bills Payable Sheet (BSC). Michele Simoneaux made a motion, seconded by Julian Kadish, to pay the bill. Approved.

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The members reviewed a Notice of Intent – **(#250-905) – Wells Fargo Home Mortgage – Parcel 99-02 (Assessor's Map 21) 10 Park Lane – (cont. from the April 8, 2013 mtg.)** - 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.

Jennifer Carlino stated that the applicant has paid the invoice for the publishing of the Notice of Hearing. Since this was the only remaining item, Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to sign and issue the Order of Conditions, as amended. Approved.

The members reviewed a request for an Amendment – File **#250-891 –Kevin Roffi – Wheaton College – Parcels 14 & 15 (Assessor's Maps 17 & 23) 26 East Main Street.** – to connect the irrigation for the field via the College's main driveway.

Document List

1. Request letter dated April 8, 2013.
2. Plan entitled “Wheaton College) Norton, MA/Diane C. Nordin '80 Field- Conservation Commission – April 8, 2013- Irrigation Main Plan and Details – Sheet C2.2 – Scale = 1”=30’ – prepared by Activitas.

Pat McGuire of Activitas and Stephen Garvin of Samiotes Consultants, Inc. were present at the public hearing.

Mr. McGuire noted that he had met with the Commission a few meetings ago to discuss the possibility of an amendment to this project. He said that at that time he did not anticipate irrigation on the site. He noted that most spectators watch from bleachers but this area has a lot of grass and landscaping and he thought it best to have this area irrigated in order to keep it growing and stabilized. He stated that he had thought about installing a couple of wells, but after some testing by a well company, he came to the conclusion that there would not be enough water for irrigation. He said that there is a good amount of ground water coming from the new Science building site and thought he could pump the water to the track and field area to be used for irrigation. He noted that he would have to pass through a buffer zone with the water line.

Stephen Garvin pointed out the areas where the ground water was coming from and the area where it would be going.

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Mr. Garvin stated the work would take about 2 days and a ditch witch would be used. He noted that there would be a water storage tank in place. Lisa Carrozza asked about how large the storage tank would be and Mr. Garvin stated he was not sure and Mr. McGuire replied it would be approximately 1500 gallons. Jennifer Carlino stated she did not think any new conditions would have to be added to the Order. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to allow the minor amendment to the Order of Conditions. Approved.

Discussion: Bay Road Heights (#250-871 and 250-872) Appeal

Jim Pavlik of Outback Engineering and Shaun Kelly, applicant was present at the public hearing.

Mr. Pavlik stated that the applicant had appealed the Order of Conditions that were issued on September 26, 2012. He said that the major issue was the time at which the construction of Phase III could commence. He stated that because of that one condition, a number of other conditions were appealed.

Shaun Kelly stated that at one of the Conservation meetings, it was agreed that he could start any Phase first, but when the Order of Conditions was issued, that was changed. David Henry replied that the Commission agreed to what the applicant actually dictated at the public hearing and stated he was going to do regarding the phasing.

Jim Pavlik stated that Phase I is the construction of the duplex replacing the existing house on Bay Road. Phase II is the construction of the water main on Bay Road and the subdivision roadway including ten additional single-family houses. Phase III is the construction of the condominiums. He pointed out that condition #17. e. reads "As-Built plans and a Certificate of Compliance shall be requested for Phases I and II prior to commencement of condominium construction on Phase III." He said that in that case the subdivision roadway would have to be completed which the applicant may not be able to do at that time. He stated that it was his opinion at the time the phasing was discussed that Phase II and Phase III could be going on simultaneously.

Michele Simoneaux stated that the idea behind the Commission's reason for wanting the Certificates of Compliance was so that too many areas would not be open and under construction at one time. David Henry reminded Mr. Pavlik that he wanted to be able to sell the houses in Phase II before going on to Phase III for funding reasons. Michele Simoneaux asked Mr. Pavlik if the problem was the actual Phasing or the requiring of the As-Built Plan as specified in condition #17. Mr. Pavlik replied that the applicant would prefer that there not be any restrictions on beginning Phase III.

Jennifer Carlino stated that the Phasing plan was listed on the plans submitted to the Conservation Commission. Mr. Pavlik replied that the Phasing plan listed is the general plan which is not meant to restrict the commencement of any one Phase. He noted that on the first sheet of the plan there is a note stating that Phases may overlap. David Henry asked Mr. Pavlik if the board were to eliminate condition #17, would the applicant be willing to submit Progress Reports on a timely basis.

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Jennifer Carlino pointed out to Jim Pavlik that everything would be the same except for the road work and grading for the roadway. She said the inverts, basins, trenches, visual barriers, lot lines, etc. could be completed before Phase III is started.

Jennifer Carlino replied that condition #17 e. would be combined with #17 d and read as follows: "Prior to construction of the last two single family homes, the owner shall submit progress prints that include at a minimum, all completed work, grading, inverts, storm water management basins, trenches and rain gardens, lot lines, and permanent visual barriers." Mr. Pavlik and the Commission agreed to this amendment.

Mr. Pavlik noted that he had a problem with condition #58. Jennifer Carlino agreed to amend condition #58 to read: "All storm water basin bottoms shall have a minimum of 2-foot separation to groundwater, except for Basin 1." Mr. Pavlik and the Commission agreed to this amendment.

Mr. Pavlik noted that he would like condition #67 to be split into two separate conditions to clarify the two types of basins. Jennifer Carlino and the Commission agreed to amend the condition by making two conditions.

Mr. Pavlik noted that he would like condition #70 amended. Jennifer Carlino suggested changing the words "house/condo construction" to "commencement of Phase II". Mr. Pavlik and the Commission agreed to this amendment.

Jennifer Carlino asked Mr. Pavlik if he planned on going forward with the appeal even after the amendments are made to the conditions. Mr. Pavlik asked what the procedure would be to resolve the issue of the appeal. Jennifer Carlino replied the Commission would issue an Amended Order of Conditions sending a copy to DEP. David Henry stated that the applicant would send a letter withdrawing the appeal with prejudice before we send the Amended Order of Conditions to DEP. Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing on the Amendments to the Order of Conditions. Approved. Julian Kadish made a motion, seconded by Scott Ollerhead, to issue and send the Amended Order of Conditions as soon as the withdrawal letter is received. Approved.

Mr. Pavlik requested that a draft Amended Order of Conditions be sent to him before a letter

The same information will apply to File **#250-872**.

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 25, 2013 mtg.)** - for verification of the Resource Areas.

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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.
3. Plan entitled “Norton Apartments” Campanelli Thorndike Norton LLC, 274 East Main Street, Norton, MA/Detailed Topography Exhibit Plan – (Sheet 1) Scale = 1”=30’, prepared by Kelly Engineering Group, Inc. dated April 16, 2013.

Lisa Carrozza recused herself from the public hearing.

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

David Eastridge updated the Commission on the ANRAD application. He noted that the applicant has submitted a letter stating that the applicant agrees with the Commission and the wetland flags that delineate the wetland line and has submitted a revised plan showing the Isolated Land Subject to Flooding as delineated by Jennifer Carlino and Mark Manganello. He said that Chessia Consulting has no further comments. Jennifer Carlino noted that there are two lines on the plan, one showing the ILSF and one showing the non bordering wetlands. She suggested making the line for the ILSF much more visible for the contractors.

Oren Sigal, 28 Coddington Road, asked where the Certified Vernal Pool is located. David Henry replied that the vernal pool location is too far away to add to the plans shown on the sheet on the board.

Attorney William Manganiello asked when the areas that were flagged across the street at the Kingsbury Hill Condo site would be shown on any plans. David Eastridge replied that he has been doing some off site surveying related to the roadway improvements and said that half of the flagging has been done and the rest will be done within the next two days. Mr. Manganiello asked if any of the surveying done be related to the storm water management and Mr. Eastridge replied that those issues will be included with the Notice of Intent application.

Michele Simoneaux made a motion, seconded by Scott Ollerhead, to close the public hearing. Approved. The members reviewed the draft Order of Resource Area Delineation.

Jennifer Carlino noted that the Order references:

1. the “BVW – approved as shown on the Final Approved Plans.
2. the previous approved Wetland permit that was extended by the Permit Extension Act, the
3. reason why the BVW is approved.
4. the Certified Vernal Pool which is located within the BVW

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5. two non-jurisdictional Isolated Wetlands shown on the final approved plan still valid under the previous permit were connected with a replication area and a subsequent permit; now the two non-jurisdictional wetlands are combined with the replication to form one large isolated area as shown on the final approved plans for this application.

Michele Simoneaux suggested adding the word “jurisdictional” after the words “to form one large----.

6. highest observed water mark observed by the Conservation Commission during their site visit consequently flagged by Jennifer Carlino and LEC on that date, volumetric calculations prepared by Yarworth Engineering Co., Inc. indicate that the area contains the requisite volume of water to qualify as ILS under that section as stated in LEC’s letter dated the 17th.

Jennifer Carlino stated that the small isolated wetland in the north western corner of the property does not contain the requisite volume and does not qualify as ILSF and is shown on the final approved plans as “Non Bordering Wetland”. She said that these areas could be potential vernal pools.

Michele Simoneaux suggested changing the words “potential vernal pools” to describe the criteria for “a vernal pool”.

Julian Kadish made a motion, seconded by Scott Ollerhead, to sign and issue the Order of Resource Area Delineation, as amended. Approved.

The members reviewed a Notice of Intent – **(#250-906) - Campanelli Thorndike Norton, LLC – Parcels 61 & 76 (Assessor’s Map 11) 274 East Main Street** – for proposed plans to construct a 230 unit apartment complex, roads, storm water management system and grading within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Stormwater Management Report dated January 31, 2013
3. Addendum to Stormwater Management Report dated March 13, 2013
4. Plans entitled “Plans to Accompany Comprehensive Permit Application for Norton Apartments 274 East Main Street” (Sheets 1-16) prepared by Kelly Engineering Group, Inc., signed and stamped by David Noel Kelly dated January 31, 2013.

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

David Eastridge stated the project is to construct a community under Chapter 40B consisting of 232 Units, 8 main buildings, a club house, pool and maintenance building. He said that the design is consistent with the neighborhood design and quite similar to Red Mill Village and that there are two main entrances to the community off of East Main Street.

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Mr. Eastridge noted that the Comprehensive Permit was applied for with the ZBA in October resulting in many public hearings to date. He said that various town departments have commented on the proposed project as well as the abutters and residents which, he stated, have resulted in many changes to the submitted plans and architecture and design of the project.

Mr. Eastridge stated that three major revisions to the project were made since applying with the ZBA as follows:

1. originally there were 4 storm water management basins but now the underground water storage and infiltration has been increased to eliminate above ground basins increasing the buffer area between Red Mill Village and this project.
2. one proposed driveway has been eliminated.
3. saving the existing White Farm family home, re-locating it near the White Cemetery.

Mr. Eastridge stated that the ZBA chose Graves Engineering, Inc. to do the Peer Review for the engineering and hydrology and Jennifer Connolly to do the traffic review, after which they both submitted their report letters (to ZBA). He said all comments by both reviewers were addressed and incorporated into Supplement #2 and on a revised Site plan. He stated that this revised Site plan is the plan submitted with this Notice of Intent application.

Mr. Eastridge stated that he expects to get the second round of comments tomorrow or Wednesday.

Dave Kelly addressed the board and pointed out to the members the various wetland areas. He pointed out the bordering vegetated wetlands and certified vernal pool on the south side of the property, the property lines and the area where Red Mill Village is located.

Mr. Kelly pointed out the area of the Isolated Land Subject to Flooding. He noted that the property consists of 14.7 acres of which only 36,000 sq. ft. is within the buffer zone. He stated that within that 36,000 sq. ft. 1500 sq. ft. is a building and 2400 sq. ft. is pavement. He noted there is no other work in this area other than grading or storm water pertaining to this project. He said that the limit of work at the closest point to the wetlands is 25 feet.

Mr. Kelly stated that the total impervious surface on the property is 7 acres and a total of 49.5% is green open space property excluding the playground which has not been designed yet. He stated that there are three important issues at hand and commented on each one as follows:

1. peak mitigation – consists of various types of storm water management devices.

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2. Recharge – DEP has a high recharge requirement for sites like this. He says it is required that they store .6 inches over the impervious area. He noted that most water will be held on the site.

3. water quality – this is handled by an Operations and Maintenance Plan, all areas are trapped in deep sump basins; then water will go to a pre treatment storage system. The ACEC area will have a higher level of treatment. There are 4 watershed areas on the property which will be treated separately.

He said there will be no run off from the site during any storm events.

Mr. Kelly stated there will be a roadside ditch at the front of the property and they will replicate the ditch in a more modern fashion with a vegetated swale that will run along the edge at both directions.

Mr. Kelly noted that the impervious surface will be reduced approximately by 21,000 sq. ft. by placing 125 parking spaces in garages on off of the paved surface. He noted that the spaces have been made a little smaller as well.

Julian Kadish asked what type of plants were proposed for the site and Mr. Kelly replied that there is a detailed planting plan available.

David Henry asked if there was a particular reason why building 5 was not placed right on the roadway. David Eastridge replied it was for designing reasons and all the sites that he has worked on are this way.

David Henry noted a third party consultant will be hired to review the submitted plans. Jennifer Carlino asked if they would be filing with MEPA and Mr. Eastridge replied they will be filing this April or May. Jennifer Carlino stated the public hearing will not close before receiving the Secretary's Certificate.

Attorney William Manganiello asked if the Commission has received bids for the Peer Review and David Henry replied they have and one will be selected this evening.

Ron O'Reilly asked if the White Farm house was part of this project. Dave Eastridge replied that the house will be kept on the site.

Oren Sigal, 28 Coddling Road mentioned that Thorndike Development is part applicant to this project and Mr. Geisinger replied that Thorndike Development has nothing to do with this project. Mr. Sigal asked Mr. Geisinger asked if any portion of Red Mill Village will be used during the construction of this project and Mr. Geisinger replied that he is not in a position at this time to answer this question. Mr. Geisinger said he would be responding to all comments, whether from a specific department or an abutter to the project, as soon as reports are received from the Peer Reviews.

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Mr. Sigal noted that Red Mill Village residents are prohibited from doing any further work within the wetland areas abutting Red Mill Village and he asked if this project would be prohibited from working within 100 feet of any wetlands. Jennifer Carlino replied that after and ENF is submitted, wetland issues will be discussed.

Discussion ensued regarding the choosing of a Peer Review: The choices were: Chessia Consulting Services LLC, BSC Group and Graves Engineering, Inc. The members eliminated Graves Engineering, Inc. because he was not too clear on what the final cost would be. Lloyd Geisinger asked that Grave Engineering, Inc. be given a chance to do the review as he was the Peer Review for the ZBA. Julian Kadish replied that Graves Engineering, Inc. was not clear on his bid regarding hourly wages. Michele Simoneaux asked Jennifer Carlino to read Section 53 G, GL 44 which pertains to the hiring of an outside Peer Review by a Conservation Commission. Jennifer Carlino noted that Graves Engineering had limited experience with wetlands issues.

Lloyd Geisinger noted he thought it might be helpful to have the same Peer Review for both Conservation and ZBA. David Henry replied that Graves Engineering, Inc. does not seem to have the required experience. Michele Simoneaux replied that ZBA has criteria to be reviewed that is much different from the criteria to be reviewed for the Conservation Commission.

Discussion ensued on why Graves Engineering, Inc. could not be used for the Peer Review for this project. Michele Simoneaux asked Jennifer Carlino how much information for storm water management had been submitted by Graves Engineering, Inc. in their report for the ZBA. Jennifer Carlino replied that it consisted of three sentences. David Eastridge noted that Graves Engineering, Inc. also made a comment that the storm water management review would be included with the Notice of Intent filing with the Conservation Commission.

David Kelly noted that Graves Engineering, Inc. did address storm water management in their report to the ZBA. David Henry noted that Graves Engineering, Inc. neglected to give a not to exceed amount in their bid. David Eastridge replied that this should be an issue for the developer and not the Commission.

Julian Kadish made a motion, seconded by Ron O'Reilly, to contract Chessia Consulting Services, LLC to do the Peer Review for the project. Approved.

David Eastridge asked if a "deliverable" date was included in Chessia's bid. Jennifer Carlino replied it would be 4 weeks from the time information was submitted to him. She said a check would have to be received before authorization is given from the Commission to Chessia to start the review.

David Henry and Jennifer Carlino suggested scheduling a site visit for the members to visit the site. The members agreed on a date of Saturday, May 4th at 9:00 am.

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Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, May 20, 2013. Approved.

Old Business –

Shpack update – Jennifer Carlino stated she included portions of the update with the agenda packet and she would give the full packet to anyone who would like it.

Violations:

Norton Mobile Home Estates, 157 Mansfield Avenue
12 Forest Lane
6 Rumford Road
45 Crane Street
418 Reservoir Street

Jennifer Carlino stated no new information has been received for the above properties and she suggested sending follow-up letters to the homeowners.

Violations: (cont.)

E Hodges St. - Jennifer Carlino stated that all the fill has been removed from the 25-ft. area next to the wetlands. She stated that there is a 3:1 slope which has replaced the 2-ft. drop and the area should be wood-chipped this week. It was agreed that Jennifer Carlino will send a letter requesting a stabilization plan listing the required information and noting that if the plan is not submitted by the next meeting, an Enforcement Order will be issued.

#250-904 – 41 Charlotte Avenue – Jennifer Carlino stated that she is waiting for complete revised plans to be submitted with all the required information.

DEP Regulatory Reform – Jennifer Carlino asked the members if they had any other comments because she needs to finalize it the Water Department exemptions.

She stated she included a page from the MACC conference to point out to them an area where it states that **any** increase in the pipe size would make the project ineligible for an exemption. She said that she and the members have been trying to figure out if the increase of the pipe size is substantial or not which would then make it ineligible for an exemption.

Alder Road Violations – Jennifer Carlino noted that the violation letters were finalized today and the letters will be going out soon. She said that there will be a June 1st deadline to respond.

Norton Founders Day Picnic – Jennifer Carlino noted that Lisa Carrozza suggested that the Conservation Commission have a table at the picnic and each member could do a 2-hr shift. The members agreed.

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Waterbodies Committee update – Jennifer Carlino noted that the next meeting for a member to attend is the first Monday in May.

Ron O'Reilly made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 9:58 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____