

Monday, June 24, 2013

### **Attendance**

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),  
Julian Kadish, Lisa Carrozza, Michele Simoneaux,  
and Jennifer Carlino, Conservation Agent

Scott Ollerhead and Chris Baker were absent.

### **Minutes**

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

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

The members reviewed the Bills Payable Sheet (Forestry Supply). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #995) – Bluewave Capital – Parcels 6, 8, 9, 9-01, 40 & 55 (Assessor's Map 6) 0 Fairlee Lane** – for proposed plans to construct an access road, install a chain link fence and to clear vegetation within 100 feet of wetlands.

### **Document List**

1. WPA Form 1 – Request for a Determination of Applicability. (RDA)
2. Letter from Jennifer Carlino to Chris Yarworth, Yarworth Engineering Co., Inc. dated June 18, 2013.
3. Letter from Christopher D. Yarworth of Yarworth Engineering Company, Inc. dated 6/22/13.
4. Booklet entitled "Proposed Solar PV Project" 21 Fairlee Lane, Norton, June 24, 2013.
5. Letter from David C. Manoogian dated June 18, 2013.

Present at the public hearing were Chris Yarworth, Engineer and Aiden Foley from Bluewave Capital.

Chris Yarworth pointed out the cleared area between the two ponds for the proposed solar panels. He said that a building permit has already been obtained for the solar panels and that this RDA is for the access road, chain-linked fence and the trimming of vegetation between the fence and the silt fence. He said there is a possibility that the 3 existing utility poles may have to be replaced as well.

Chris Yarworth noted he received a comment letter from Jennifer Carlino dated June 18, 2013 which he responded to in a letter dated June 22, 2013. He proceeded to go over his comments as follows:

**1. Is extension of NGrid line 4L1 part of this permit application or will be filed under separate permit?**

Chris Yarworth stated the extension of NGrid line 4L1 is not part of this permit application and if any work is to be done in this area, a separate filing will be done.

Martha Mitchell 22 Fairlee Lane asked if the pole located in the middle of the road was one of the poles that might have to be replaced and Chris Yarworth replied it was.

Aiden Foley of Bluewave Capital commented that he would not be touching any poles that were not on Fairland Farm property.

**2. The proposed plans do not show any grading for the proposed access road.**

Chris Yarworth stated that the access road is being built at the existing grade and will not alter any surface grades.

Lisa Carrozza commented that during an inspection she noticed a lot of erosion crossing the stream. She said that area has to be stabilized. Chris Yarworth agreed he would see that this is done.

**3. Densely graded crushed stone is likely to create storm water runoff. The site should be evaluated for potential run off areas.**

Chris Yarworth stated that he submitted a revised sheet 4 showing the rip rap at the lowest point of the access road.

Joe Sirtoli of 9 Fairlee Lane asked Chris Yarworth if it was the applicant's intention to use Fairlee Lane for construction vehicles. Michele Simoneaux suggested that the applicant or his representative be allowed to go through their representation and then the public may ask questions.

**4. How will the area under the solar panels be maintained? Site note 2 says grass will be cut annually. Will this be mulched in place or removed and stockpiled somewhere on the site?**

Chris Yarworth stated that slow growing grass is proposed and will be maintained annually. He said the clippings will not be thrown on any areas under Conservation jurisdiction.

**5. The property owner has already approached the Conservation Commission about expanding the existing pond between flags E176 and E190. The settlement agreement for DEP File number 250-793 requires all activity to be outside the 50-foot buffer to wetland**

**areas. The proposed plan illustrates clearing the outer 50-feet of the buffer zone but if the pond is expanded, there will no longer be a buffer zone in compliance with the settlement agreement. Please submit the owner's plans for expansion of the pond or move all activity outside the 100-foot buffer zone in this location.**

Chris Yarworth stated that, if this project is approved, there will be no need to expand the pond. David Henry requested that to be submitted in writing by the owner of the property.

**6. Submit the SWPPP for the Commission's review prior to the close of this public hearing.**

Chris Yarworth stated that the final design details have not been prepared and any SWPPP submitted at this time will be preliminary, subject to change. Lisa Carrozza stated that Order of Conditions can be conditioned but Determination of Applicability cannot. Michele Simoneaux replied that this project is subject to DEP storm water management regulations.

**7. Site note 5c is unclear. Is that referring to the initial site preparation or is that the proposed maintenance treatment for the life of the project?**

Lisa Carrozza noted that it is important to list how the runoff will be managed. Chris Yarworth replied that it is the intent to keep a 50-buffer zone from the wetlands and all structures at least 100 feet away from the wetlands. Lisa Carrozza suggested putting in a stone swale in order to catch any runoff. Chris Yarworth replied a stone trench could be installed in front of the chain-linked fence.

Chris Yarworth stated that a second silt fence could be installed on the upland side of the chain-linked fence. Lisa Carrozza stated that temporary storm water management will be required for stripping 12 acres of property. She said that she did not think a double row of silt fence would be sufficient enough to protect the wetlands on this site.

Aiden Foley stated that his company will take storm water management very seriously.

Jennifer Carlino stated that, even though a building permit has been acquired, the Conservation Commission's Right of First Refusal for the property will have to be reviewed before any permits are issued.

Jennifer Carlino asked what size trucks will be traveling over the dike road. Mr. Foley stated that the solar panels will be brought in on 54-ft. long containers. Jennifer Carlino stated that the trucks cannot be wider than the dike road. She asked that if there is any additional clearing proposed, it shall be identified at this time.

Lisa Carrozza asked if there was any concrete proposed and Mr. Foley replied there would be approximately three 10'x20' pads for equipment. She stated a tremendous amount of brush and debris is on the site and asked who would be removing that. Mr. Foley stated that Fairland Farms LLC

**Norton Conservation Commission**

**Monday, June 24, 2013**

**Minutes, page 4.**

would be preparing the property for this project by removing all the debris. She noted that there is a large amount of standing water on the site and Chris Yarworth replied the site will be graded out of the buffer zone to get rid of the standing water.

Michele Simoneaux asked if the project was going to be done in phases and if so, what are the proposed projects. Chris Yarworth replied there were a couple of other areas on this parcel that might be used for solar panels in the future. He said that if they are not used for solar panels, they would remain or be made into cranberry bogs.

Julian Kadish asked what the approximate time line for this project would be and Mr. Foley replied that if all three phases can be combined, approximately 60-90 days.

David Henry asked why so many trees have to be cut and Chris Yarworth replied that the trees have to be cut so that they do not shade the panels.

Heather Hay, Fairlee Lane, stated that Fairlee Lane is too narrow for two large trucks to pass at the same time and she noted that there are children playing in their yards and this could put them in danger. She said that the trucks should use the access road off of Bay Road instead of Fairlee Lane.

Julian Kadish suggested having the trucks signal each other to avoid having to pass each other on the road. Chris Yarworth commented that this issue was not expected to come up at this meeting, but that this issue can be resolved by the owner of the property and the applicant.

Joe Sirtoli, 11 Fairlee Lane, noted that two of the poles proposed to be moved are on his property. He said this area encompasses approximately 600 feet of frontage and he owns both sides of the road. David Henry advised Mr. Sirtoli that this is not a Conservation issue.

Susan Hindersmann, 76 Elm Street, commented that there is a lot of wildlife on the property and asked if a wildlife impact study had been done. Jennifer Carlino replied that the work proposed is out of Conservation jurisdiction and does not require a study to be done at this time.

Martha Mitchell, 22 Fairlee Lane, had concerns with deer jumping over the 8-foot fence and getting hurt by landing on the solar panels. Julian Kadish replied that the normal high limit for deer to jump is 7 feet and they will probably not be jumping over an 8-foot fence.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing for revised plans and information on shading until Monday, July 22, 2013. Approved.

The members reviewed a Notice of Intent – (#250-909) – **A. Brandt & Marie Henderson – Parcels 702 & 703 (Assessor's Map 3) 25 South Lakeview Road** – for proposed plans for an addition, grading, driveway and landscaping within 100 feet of bank on Norton Reservoir.

**Norton Conservation Commission**

**Monday, June 24, 2013**

**Minutes, page 5.**

Document List

1. WPA Form 3 – Notice of Intent Form.
2. Color photos of the property.
3. Plan entitled “Conservation Plan”, 25 So. Lakeview Road, Scale of 1”=20’, prepared by hutchins-Trowbridge associates, inc., signed and stamped by Michael A. Trowbridge and dated December 19, 2011.

Representing the applicant at the public hearing was Attorney Peter T. Clark.

Mr. Clark stated that he was asked to submit a revised Notice of Intent signed by the Town because part of this proposed project is located on town property. He said that the Town Manager did sign the Notice of Intent. He explained that the applicant is proposing to add on to his home because he will be wheelchair bound in the near future and that a handicap-accessible first floor apartment will be needed by the applicant.

Mr. Clark stated that no work is proposed within the 25-foot no-disturbance zone and that the existing site is presently grassed. He said that a shed on the property will have to be re-located and will not be within the 25-foot no-disturbance zone. Mr. Clark stated that footings for the proposed deck will be dug by hand. He noted that the addition is significantly large because it has to be wheelchair accessible throughout.

Discussion ensued between Mr. Clark and Jennifer Carlino as to what Wetland Resources exist on the site. Mr. Clark commented there was no BVW on the site and Jennifer Carlino replied there is BVW on the site as well as bank which is also a Wetland Resource Area. Mr. Clark explained that the BVW is lower than the bank therefore he was not showing it as a Wetland Resource Area. He said the surveyor was using the highest elevation as the Wetland Resource Area. Jennifer Carlino replied that all Wetland Resource Areas need to be listed in the Notice of Intent. She requested a revised plan be submitted showing all Wetland Resource Areas.

Mr. Clark commented that he is trying to get the permits necessary for the project as soon as possible because of mortgage rates and because the project has to be submitted to the Zoning Board of Appeals before the applicant can start construction.

Jennifer Carlino advised Mr. Clark that the easement has to be shown on the plan. Mr. Clark stated that the area which consists of 1600 sq. ft. will be purchased from the Town and will not be labeled as an easement. He said the additional land is needed to add to the frontage for the property.

Jennifer Carlino noted that the following items will have to be added to the plans:

1. edge of canopy
2. limit of clearing
3. Bordering Vegetated Wetlands (BVW)

**Norton Conservation Commission**

**Monday, June 24, 2013**

**Minutes, page 6.**

4. proposed ramp
5. easements
6. foundation elevation

David Henry asked Mr. Clark if there was going to be a full foundation or just a slab and Mr. Clark replied a full foundation. Jennifer Carlino stated the elevation has to be shown on the revised plan. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 8, 2013. Approved.

The members reviewed a Notice of Intent (#250-908) – **Rocco Davanzo/Reed & Barton Corporation – Parcel 36 (Assessor's Map 17) 47 Elm Street – (cont. from the June 10, 2013 mtg.)** - for proposed plans for repairs to the Rumford River Dam on Cross Street.

Document List

1. WPA Form 3-Notice of Intent
2. Plan entitled "Rumford River Dam Repair", Cross Street, Norton, MA, Design-Build Project Permitting and Construction Drawing Set, May 2013.
3. Operation and Maintenance Manual, Rumford River Dam – MA DAM No. 03071
4. Response letter and packet from Nils S. Wiberg of Fuss & O'Neill dated June 6, 2013.

Lisa Carrozza recused herself from the public hearing.

Present at the public hearing were Nils Wiberg of Fuss & O'Neill. He stated that he has responded to the May 14<sup>th</sup> and May 20<sup>th</sup> comment letters received from Jennifer Carlino in a letter dated June 6, 2013. David Henry noted that most of the comments were discussed at the previous meeting except for a couple.

Mr. Wiberg proceeded to point out the few comments not discussed at the previous meeting. He noted that he had added the sediment and erosion controls at Elm and Cross Street revisions to the plans as suggested at the previous meeting. He pointed out the locations for the added sediment and erosion control to the members. He pointed out the proposed staging areas and spillway control areas as well as the pump locations to be used during the dewatering process to be used during construction.

Mr. Wiberg commented that Reed and Barton Company will install a chain link fence from the west end of the culvert's railing to the southeast corner of the adjacent mill building along with "no trespassing" signs to limit the risk of liability accidents.

David Henry asked Mr. Wiberg to go over comments in a letter dated June 18, 2013 from Jennifer Carlino in response to his response letter dated June 6, 2013.

- 1. Item 6 of your letter states that there is no BLSF. The FEMA FIRM clearly shows the 100-year floodplain at elevation 83 feet at Cross St and 88 feet at the embankment. Your survey**

**shows the land below these elevations and clearly within the 100-year floodplain (BLSF). A written description of compliance with the performance standards for 310 CMR 10.57 should be submitted and the DEP NOI form should be revised to accurately depict work done in the resource area.**

Mr. Wiberg replied that he will include in his next response letter the FEMA FIRM map along with the Hydrolic Profile from FEMA. He stated that if there is a discrepancy between the two maps, the Hydrolic Profile takes preference. He proceeded to point out the sections at the dam that he was referencing. Jennifer Carlino asked Mr. Wiberg to clarify the information, as he was describing, more clearly on a revised plan. Mr. Wiberg did state there was clearing proposed in this area, but no filling.

- 2. Item 9 of your letter mentions and A-series flags that are not shown on the plans. The project must identify bordering vegetated wetland (BVW) particularly where the bv w is lower than the bank in locations that are to be cleared or where the sediment control is illustrated on the plans.**

Mr. Wiberg replied that the inset aerial plan on Sheet CS-101 has been revised to reflect the location of the A-series wetland flags on the northern side of the impoundment above the dam. Jennifer Carlino asked why there were no flags on the downstream side and Mr. Wiberg replied no work is proposed in that area. He stated he would flag this area if the commission requested him to do so. Michele Simoneaux suggested there is no need to do this at this stage of the project.

- 3. Item 17 of your letter, your Operation and Maintenance Plan discusses drawdown but you state this is not included in this permit application. A permit is required for drawdown, not just notification to the Commission. Please revise the O & M to clearly state that they must obtain a permit for this activity prior to commencing it.**

Mr. Wiberg replied he would state this in the Operation and Maintenance Plan as requested.

- 4. The NOI application describes the removal of the metal walkway structure, flashboards and debris from the spillway crest but does not discuss how much water will be released when this is done. What is the height of the flashboards currently and what downstream impacts will this have when the water is released?**

Mr. Wiberg presented pictures of the area and pointed out a concrete slab which had been thought to be wooden boards. Jennifer Carlino replied that it is clear that there will be no impacts at this time. Julian Kadish asked if he was going to wait until the water level was lower before removing debris and he replied he was.

- 5. At the public hearing of June 10, some of the commission members described the difficulties with operating the weir board system as designed based upon their own experience operating Chartley Dam. Have you discussed this with the owners of the dam? And provided them with any other options?**

Mr. Wiberg replied he had discussed the design with the owners of the dam and they are ok with the design.

- 6. Cross Street has been closed for a week due to sinkholes developing near the dam and box culvert. Please work closely with the Highway Department on the scheduling and use of equipment on Cross Street to ensure the safety of anyone working at the site.**

Mr. Wiberg replied that he had met with the DPW Director and discussed the issue. He stated they discussed the repairing of the patched area on the street. He said he met with the Director again after the last storm and the Director described a method to repair the road, but he has not heard back from him since then. Mr. Wiberg stated that Reed and Barton Company is willing to assist in the repair process in any way required. He said that no work will be started before the road is repaired.

- 7. Abutters who have previously submitted comments may have additional ones based upon your responses.**

Mr. Richard Leitch, 33 Elm Street, had concerns with his property turning into a wetland and pointed out the various pipes leading from the dam under the street that run into the Rumford river. He said there were three pipes leading from the dam. David Henry noted that he could only see two pipes on the plan. Mr. Leitch replied the third pipe is located up near the septic system. Mr. Wiberg explained that one of the pipes, which was previously a storm water discharge outlet, has since been blocked by a slab of concrete and will be further blocked with another pouring of concrete to eliminate any water to flow through it. Mr. Wiberg further explained that there is a 12" cast iron drain pipe which catches roof runoff and directs it through the buildings interior drain channel and out again.

Jennifer Carlino requested that the roof leaders be shown on the revised plans.

Cornelia Deveau, 71 Elm Street, stated that 12 years ago the Rumford River was only 12 feet wide but now is almost up to her back door. She asked if the river was going to get wider because of any work that will be done at the dam. Mr. Wiberg replied that the only way to prevent the river from rising after a significant storm would be to lower the water level by constructing a dam and have the owners of Reed and Barton regulate the water level by removing boards as needed.

Susan Hindersmann, 76 Elm Street, asked if there were a way to force the owners of Reed and Barton Company to regulate the dam to prevent flooding onto neighboring parcels. Jennifer Carlino replied that they would have to follow the rules and regulations of the Office of Dam Safety.



**Norton Conservation Commission**

**Monday, June 24, 2013**

**Minutes, page 9.**

Lisa Carrozza, 34 Cross Street, had a few comments regarding the plans.

1. On sheet CN001 she suggested changing the legend for the erosion control.
2. On sheet CS101 she asked why there are no grades in the staging area or upper shelf as well.
3. She asked that the Commission require that the limit of clearing is staked on the East side of the project.
4. She stated that the concrete washout location is not in a good location adjacent to a resource area and requests it to be re-located to the other staging area across the street.
5. She requested the same for the overnight equipment area to be re-located across the street as it is adjacent to the Riverfront Area.
6. She asked if on sheet CS102, the silt sac is for bypass pumping and suggested that it be moved out of the coffer dam and resource area.

Mr. Wiberg replied that the silt sac is located on a concrete slab downstream of the well and would discharge through a treatment device and then filter through a crushed stone berm. He said he could re-locate it if necessary. He suggested to move it to the crushed stone access area.

7. She commented that the crushed stone used for the entrance/access area is too small and should be at least 3 inches.
8. She commented that the 2:1 slope leading down to a resource area will erode and suggested seeding it. Mr. Wiberg agreed that the slope could be lowered and seeded if the commission would rather.

Jennifer Carlino asked Mr. Wiberg when he could submit a written response for the information discussed tonight and he replied that he would try and have it ready for the next regular meeting of Monday, July 8, 2013. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing to the next regular meeting of Monday, July 8, 2013. Approved.

**Notice of Intent – (#250-888) – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) – Newland Street – (cont. from the June 10, 2013 mtg.)** - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands.

Jennifer Carlino stated she has not heard from the new owner yet. Discussion ensued as to what efforts were made to contact the new owner and applicant and Jennifer Carlino replied she had sent emails and letters without any responses. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to close the public hearing. Julian Kadish made a motion, seconded by Ron O'Reilly, to **deny** the project without prejudice. Approved.

The members reviewed requests for Certificates of Compliance for Files:

**#250-781**  
(full)

**Angelo Pasqualino**  
**Teddy Realty Trust**

**Lot 9-A, Parcel 225 (Map 17)**  
**14 Johnson Drive**

**Norton Conservation Commission**

**Monday, June 24, 2013**

**Minutes, page 10.**

**#250-782**

(full)

**Angelo Pasqualino**

**Teddy Realty Trust**

**Lot B-1, Parcel 230 (Map 17)**

**16 Johnson Drive**

No one was present at the public meeting to discuss the requests. Jennifer Carlino stated there is a problem with the homeowner not removing invasive plants. David Henry suggested sending a letter to the homeowner to advise that a contractor will be removing the invasive plants. It was agreed to table the requests to the next regular meeting.

The members reviewed a request for a Certificate of Compliance for **File #250-446 – Anthony DeMinico – Parcel 25 (Assessor’s Map 18) 53 South Washington Street**. Jennifer stated the project was completed according to the approved plans. Michele Simoneaux made a motion, seconded by Ron O’Reilly, to issue the Certificate of Compliance. Approved.

**OLD BUSINESS**

L.L. Bean, Inc. License. Jennifer Carlino noted that the Town Manager stated that the Norton Conservation Commission does not have authority to deny the license because the work is performed in another Town, Mansfield. Jennifer Carlino asked if any of the members attended the Mansfield Conservation meeting regarding this issue and no one had attended the meeting. Julian Kadish made a motion, seconded by Michele Simoneaux, to sign the license. Approved.

Violations

East Hodges Street – Fred Bottomley – Jennifer Carlino noted that he has not mulched any of the areas yet and has gotten stone into the wetlands. It was agreed to send him a letter requesting that he finish mulching and stabilizing the top of the road.

60 No. Washington Street. Jennifer Carlino stated that the violation is almost complete and she has written a letter to release the violation. Julian Kadish, made a motion, seconded by Ron O’Reilly, to send the letter as written. Approved.

Sunrise Drive – Jennifer Carlino stated she had spoken to the owner who agreed to remove the piles of leaves from the wetland and post “no dumping” signs.

Alder Road – Jennifer Carlino noted that she has completed her report on the Compliance Inspection for the Selectmen. She said she has received the Restoration Plan from Sabatia. Jennifer gave each member a copy of the Restoration Plan. The members agreed to discuss the Restoration Plan at the next meeting.

**NEW BUSINESS**

2 Land Grants – 1. Erikson property – Jennifer Carlino said she did not get the grant last time but will try a second time; and 2. Reilly property – said the grant application was prepared in 2010 but the Conservation Commission was not eligible at that time but is now and will try again.

She passed out color maps of the properties. She said the Town will not have to pay any money for the two properties unless Bay Road Heights, LLC changes their minds to pitch in their share of \$82,000 for box turtle mitigation funds. She presented the two applications to be signed. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to sign the two applications.

**117 Plain Street** violation – Jennifer Carlino stated the previous owner had repaired the septic system, moved the shed and installed a visual barrier. She said the new owner removed the visual barrier and began mowing the wetland. She noted she had the new owner re-install the visual barrier.

Reservoir Update – Jennifer Carlino stated that Dan Galante of TFord has requested release of the final funds for the Reservoir project. She said they re-planted part of the Restoration portion of the project that failed. She said that she requested he go back and inspect the areas that were re-planted and give her a report.

Jennifer Carlino noted that the joint meeting between the Waterbodies Committee and the Board of Selectmen will be held on July 11, 2013.

Jennifer Carlino noted that she received a letter from a resident who owns land on Samoset Street requesting to purchase the adjoining Conservation property. She explained that this land was transferred to the Conservation Commission because it is entirely in a flood plain. She said she drafted a letter to the resident explaining this. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to send a letter to the resident denying the request to purchase this property and explain why.

Jennifer Carlino noted that she received a Notice of Right of Refusal for property on Fairlee Lane. She said that Mass Fisheries and Wildlife has shown an interest in the property and the Nature Conservancy may help them to acquire this property.

The members signed an Emergency Certificate for 5 Lisa Drive septic repair.

Julian Kadish made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:37 pm. Approved.

**Norton Conservation Commission**  
**Monday, June 24, 2013**  
**Minutes, page 12.**

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

Respectfully submitted,

*Signature:*

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

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