

Monday, August 12, 2013

Attendance

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

Chris Baker was absent.

Minutes

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

It was agreed to postpone re-organization of the Commission until the next meeting.

The members reviewed the draft minutes of **March 25, 2013**. Ron O'Reilly made a motion, seconded by Scott Ollerhead, to accept the minutes as written. Approved. Julian Kadish abstained from voting.

The members reviewed the draft minutes of **April 8, 2013**. It was agreed to table the minutes to the next regular meeting of August 26, 2013. Approved.

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

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

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

The members reviewed the Bills Payable Sheet (Chessia Consulting). This was a corrected Bills Payable Sheet that was already approved. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign the corrected Bills Payable Sheet. Approved.

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The members reviewed the Bills Payable Sheet (Foster Supply-appraisal for Erikson property). Julian Kadish made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed a Modification to Plans for File **#250-753 – 0 Holly Road**.

James Elliott explained that the original plans approved in 2006 did not show the height of the foundation or the grading. He stated that the new plans show a stone retaining wall and the grading around the foundation. Julian Kadish made a motion, seconded by Scott Ollerhead, to accept the revised plans as modified and sign and issue the Amended Order of Conditions. Approved.

Discussion – Angelo Pasqualino – **Files #250-781 & #250-782 – 14 & 16 Johnson Drive** - Request to postpone the pulling of any bonds posted for these properties until he and his attorney meet with the Conservation Commission.

Angelo Pasqualino noted that the owners of these two lots will not allow him on the property. Jennifer Carlino stated that the issues holding up the issuance of the two Certificates of Compliance are the re-establishing of the visual barriers and the removal of the burning bushes that have been planted on the property. She stated that the homeowners will allow the landscaping company hired by the Conservation Commission to enter the property to do the work that has to be done. She told Mr. Pasqualino that the bond money has been pulled to pay for this work and any remaining funds will be returned to him.

Mr. Pasqualino requested to see the estimate for the work before it begins and Jennifer Carlino replied she would send him a copy.

The members reviewed a Notice of Intent – **(#250-906) - Campanelli Thorndike Norton, LLC – Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (cont. from the July 22, 2013 mtg.)** 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.
5. Plans entitled "Norton Apartments by Kelly Engineering Group, Inc./Impact Area (Sheets 1-3) submitted on August 12, 2013.
6. Supplemental Info NOI, LEC Planting Plan Sheet 1, LEC Planting Plan Sheet 2, LEC Planting Plan Sheet 3 from Mark Manganello received on June 27, 2013.
7. Letter to the Norton Conservation Department from Karl H. Johnson dated June 5, 2013.

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8. Letter to the Norton Zoning Board of Appeals from SRPEDD dated August 6, 2013.
9. Letter to Dr. Maureen Sroczynski, President of the Kingsbury Hill Condominium Association from John W. DeLano and Associates, Inc. dated August 12, 2013.
10. Letter to the Norton Conservation Commission from Independent Environmental Consultants, Inc. dated April 28, 2013.
11. Letter to the Norton Conservation Commission from Independent Environmental Consultants, Inc. dated May 8, 2013
12. Letter dated May 14, 2013 from Chessia Consulting Services LLC to Jennifer Carlino.
13. Letter dated April 23, 2013 to Lloyd Geisinger from Jennifer Carlino.
14. Letter dated May 7, 2013 to Lloyd Geisinger from Jennifer Carlino.
15. Vernal Pool Observation Report received on May 21, 2013
16. Letter to Lloyd Geisinger from Jennifer Carlino dated May 13, 2013
17. Letter from Kelly Engineering Group, Inc. to Jennifer Carlino dated June 21, 2013
18. Letter to Lloyd Geisinger from Jennifer Carlino dated July 15, 2013
19. Letter from Chessia Consulting Services LLC to Jennifer Carlino dated July 26, 2013
20. Letter from Keith Silver, Highway Superintendent to Jennifer Carlino dated July 2, 2013

Present at the public hearing were, David Eastridge, Thorndike Development, Lloyd Geisinger, Thorndike Development and David Kelly, Kelly Engineering, Ann Marton of LEC Environmental Consultants, John Chessia of Chessia Consulting, Inc.

David Eastridge noted that this project has been before the Zoning Board of Appeals many times in the past few months. He pointed out the various wetland areas on the latest plans. He noted the vernal pools on the plans. He noted that there were some changes as suggested by Chessia Consulting, Jennifer Carlino and Paul Shae.

Mr. Eastridge stated changes were made to the June plans per comments from the Zoning Board of Appeals (ZBA) and Chessia Consulting;

He noted changes were made to the location of the detention basin making it shorter on one side and longer on the other side and further away from wetland area #1.

He said that parking spaces had been added and an area at the central green could be used for additional parking if needed in the future.

He said that an infiltration basin was added at the southern end of the site.

Mr. Eastridge stated that the June set of plans submitted this evening with the changes was the last set of plans submitted to the ZBA. He said that he asked the ZBA if this set of plans might be the final set, with minor changes, and they seemed to think they would be. He said he would like to get feed back from the Conservation Commission this evening on the revised plans. He again went over the changes with the commission stating that;

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They replaced the northernmost detention basin
They moved recycling and maintenance center for parking spaces
the detention basin will go underground
work will be further away from the vernal pool
The playground has been moved
Two buildings are reduced in size
Units have been reduced
A couple of the buildings were moved further from the no-disturb zone.

Mr. Eastridge stated that abutters to the property wanted a larger buffer between the project and the Red Mill Village Condominium complex. He said this is why a lot of changes have been made to the plans.

Mr. Eastridge stated that this June set of plans has addressed most comments and suggestions submitted by abutters, ZBA members and Chessia Consulting.

Mr. Eastridge stated that regarding hydrology, they have done a good job to balance the peak rates of runoff. He said that the amount of runoff volume on this site has been reduced. He said this is made possible because they have at least 10 underground infiltration systems distributed throughout the site.

Mr. Eastridge noted that at the last meeting between himself, Jennifer Carlino and David Kelly, the location of the detention basins was discussed. He said they had discussed the location of the berms as well as placing rip rap on the slopes around the detention basins.

David Henry read a letter from Tom McGuire of Mass DEP. stating that no stormwater BMPs will be allowed within 100 feet of a vernal pool. Dave Eastridge replied that he had submitted information to Mass DEP and never got a response. Dave Kelly stated he had not received a reply from Mass DEP either.

Mr. Kelly pointed out a small area where the runoff will be guided towards a subsurface infiltration system.

David Eastridge noted that there are several infiltration areas that serve just roof runoff. He asked Jennifer Carlino if she wanted those areas kept as far away from the vernal pool as possible, keeping in mind the email received from Mass DEP.

Jennifer Carlino requested a copy of the email that was sent to DEP and David Eastridge replied he would give her a copy.

Jennifer Carlino had questions regarding the basins and grading for the basins and noted that there must be a berm when there is a basin and that berm is counted as part of the BMP. David Eastridge replied that in certain areas, the basin will have a berm but will be vegetated.

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David Eastridge noted that on the original plan, the basin would tie into a natural ridge but since they were requested to move the basin less of the natural ridge can be utilized.

David Kelly noted that the pond on the north side has been eliminated and replicated to a different location.

Ron O'Reilly asked about snow removal and David Eastridge replied he had added the snow removal areas to the June plan marked as little clouded areas. Jennifer Carlino had concerns with the actual snow removal plan & wanted to make sure there was enough room to remove and store the snow. David Eastridge assured her the plan was correct.

David Henry asked if Chessia Consulting has reviewed this plan and Mr. Kelly replied that Chessia Consulting has reviewed the June 21st plan. Mr. Kelly stated that he has not responded to Chessia's report but will do so soon. He did mention that Chessia had a concern with ground water impacted Vernal pool #2 but he did not think this was an issue.

Jennifer Carlino asked if the post development parking spaces which are not proposed to be paved at this time will be included with the storm water report as impervious surfaces. Mr. Kelly replied he was not sure and would address this later on. Jennifer Carlino asked if he would add on additional reserve storm water area if this area was to be paved and David Eastridge replied they would.

Julian Kadish asked Mr. Eastridge if a septic system is proposed on the property and he replied there is not. He stated that a force main will run along the front of the property and tie into a pump station on Newland Street.

David Henry noted that the commission had received a copy of a letter sent to the ZBA from SRPEDD dated August 6, 2013 and asked Mr. Eastridge if he had received a copy. Mr. Eastridge replied he had.

David Henry asked John Chessia if he had any comments. Mr. Chessia replied that most of his comments were addressed and will be addressed. He noted that according to the submitted plans, there should be little or no runoff from the site. He said he disagreed with the existing conditions.

Jennifer Carlino noted that a letter was sent to the Zoning Board of Appeals from the Norton Highway Superintendent stating that the Highway Department would not be maintaining any of the detention basins. She asked if there was going to be a Maintenance Agreement in place noting Thorndike would be maintaining the basins and Mr. Eastridge replied there would be.

William Manganiello, Attorney for the Kingsbury Hill Condo Association asked where the sewerage storage areas were going to be located. David Eastridge replied there will be no storage.

Maureen Sroczynsk, 283 East Main Street, Unit 15, noted that the latest plan that she has shows a proposed temporary sewerage storage site. Mr. Geisinger replied that there will be no sewerage storage area.

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John DeLano of John DeLano Associates noted he has reviewed comments made by John Chessia. He said that when a parcel of land has good sandy soils and has the ability to keep any runoff water on the property there is always the chance that the structural systems in place can malfunction. He asked Mr. Eastridge why is an emergency spillway is proposed on the basin area #1 if everything will be contained up to and including a 100-year storm. He noted that if the spillway were ever to be used, it could possibly impact the vernal pool. Mr. DeLano submitted a copy of his letter that he gave to the Kingsbury Hill Condo Association.

Oren Sigal, 28 Coddling Road, noted that “subsurface recharge” was listed on the June plan and noted that a portion of the recharge area is owned by the town. Mr. Eastridge noted that comments have been received by the Conservation Commission as well as by the Highway Department.

Mr. Sigal noted that he does not see the boundary for the trees that are to be removed and the trees that will remain behind the buildings. Mr. Eastridge replied that the trees to be removed are shown in dark green and the trees that will remain are shown light green. Jennifer Carlino noted that all trees are shown on the “Existing Conditions” plan.

Mr. Sigal commented that the Conservation Commission should be getting more involved with the ZBA application for this project. Jennifer Carlino replied that she had sent a very detailed comment letter but has never received a reply to her comments. She said she will not send another letter unless the Commission instructs her to do so.

Marc Levitt, 89 Coddling Road, asked how much into the buffer zone a certain portion of the project is encroaching and David Eastridge pointed the areas out to him. Mr. Levitt commented that children will probably explore the vernal pool and asked what is going to be done to keep them out of the vernal pool and to protect any living creatures that live in the vernal pool.

Mr. Kelly responded to the amount of disturbed area around the vernal pool which he replied was 8,500 sq. ft. He noted that the restoration area is 9,900 sq. ft.

Julian Kadish noted that activities cannot be prohibited within wetlands but can be permitted and regulated.

Mr. Levitt requested that the Commission add a condition to the order requesting that storm water management will be maintained on this site. He said this should be done in perpetuity. Jennifer Carlino replied that an Operations and Maintenance Plan is routinely submitted with these types of projects and attached to the Order of Conditions.

David Eastridge submitted copies of the Exhibits as well as the latest Supplement submitted to the Zoning Board of Appeals.

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Ron O'Reilly made a motion, seconded by Scott Ollerhead, to continue the public hearing until the regular meeting of Monday, September 9, 2013. Approved.

Discussion: Dan Galante – T Ford – to release remaining funds for the Norton Reservoir embankment repairs. Jennifer Carlino stated that they have submitted a Wetlands Restoration Report and his consultant has stated that the work has been completed as proposed. She recommended releasing the remaining funds. Julian Kadish made a motion, seconded by Scott Ollerhead, to release the remaining funds for the Norton Reservoir embankment repairs to T-Ford as requested. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-894 – David Worthley – Parcel 68 (Map 6) 19 Fairlee Lane** – for proposed plans to extend a lawn.

Jennifer Carlino stated that the project has been completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance - **#250-165 – Sysco Corporation – Parcel 67 (Map 28) and Parcels 10, 18 & 141 (Map 32) South Worcester Street** – an addition to a building between two buildings.

Jennifer Carlino noted that the project was for an addition to a building between two buildings. She stated that the ditch was going to be widened to hold storm water from the new impervious surface. She said the addition had been built but none of the storm water work was done. She commented that the project is not in compliance at this time. The representative, Gabe Crocker, CHA, replied that he noted in the cover letter that this area is now a parking lot and he cannot be sure this work was ever done. He said something will be done to compensate for what should have been there.

The members reviewed a request for a Certificate of Compliance - **#250-297 – Sysco Corporation – Parcel 67 (Map 28) and Parcels 10, 18 & 141 (Map 32) South Worcester Street** – construction of a berm for sound and sight.

Jennifer Carlino stated that the wetland is not shown on the As-Built plan. She noted that the berm is 8 feet wider than proposed and asked if any wetland had been filled. Mr. Crocker replied that he would add the wetlands to the As-Built plan & determine if wetland was filled.

Mr. Crocker said he would re-submit the request for the Certificates of Compliance for files **#250-165 & #250-297**.

The members reviewed a request for a Certificate of Compliance – **(#250-504) – Parcel 67 (Map 28) and Parcels 10, 18 141 (Map 32) South Worcester Street** – for a septic system.

Jennifer Carlino stated that the septic system was not installed in the area as approved. She said it was to be installed at the side of the building next to the wetlands but has been installed at the front of the

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building. Mr. Crocker pointed out the area where the septic was installed which was the approved location.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance for file **#250-504**. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-513 – Robert Anderson – Parcel 249 (Map 9) 27 Smith Street, #19**. Jennifer Carlino commented that a lot of unpermitted work has been done on the property. Julian Kadish made a motion, seconded by Scott Ollerhead to send a letter to the applicant requiring him to request an amendment to the Order of Conditions before requesting a Certificate of Compliance. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent (**#250-908**) – **Rocco Davanzo/Reed & Barton Corporation – Parcel 36 (Assessor's Map 17) 47 Elm Street** – for proposed plans for repairs to the Rumford River Dam on Cross Street. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as drafted. Approved.

OLD BUSINESS

#250-888 – Turtle Crossing – Jennifer Carlino noted that she included with this agenda a copy of the letter that was sent to the owner containing the decision decided at the last meeting to rescind the Denial Order of Conditions and reopen the public hearing.

#250-881 – 157 Mansfield Avenue – Jennifer Carlino commented she included the update letter from Penney Engineering, Inc. with this agenda.

Violations:

12 Forest Lane

6 Rumford Road

East Hodges Street – Fred Bottomley – Jennifer Carlino noted that Mr. Bottomley had wood chips delivered to the site and would spread them soon.

7 Todd Drive

14 Laura Lane – Conservation Restriction violations – Jennifer Carlino stated she would be doing the followup compliance inspections next week.

Alder Road – Jennifer Carlino stated that Matt Crowe had given an estimate for the plants but no sketch plan. She noted she is ok with having Matt Crowe do the work.

112 Mansfield Avenue – Jennifer Carlino noted she sent a letter to the new owner.

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DET. #995 – **Solar project** – Fairlee Lane – **appeal** – Jennifer Carlino stated that she had received an email from Chris Yarworth, Yarworth Engineering, Inc. notifying her that Bluewave will be appealing the RDA decision issued for the solar farm at Fairlee Lane. She stated that they will be filing a Notice of Intent.

Daggatt-Crandall Right of First Refusal – Assessor's Map 2, Parcel 15 & Assessor's Map 5, Parcel 5 – Jennifer Carlino stated that there is no money available to purchase these properties as she has already applied for two other grants.

Town Meeting 10/7/13 Articles – Jennifer Carlino noted that there are three parcels of land that will be transferred to the Conservation Commission.

Watershed Policy
DEP Regulatory Reform
Reservoir Update

Report from Staff-
Site visits –

Waterbodies Committee update – Jennifer Carlino noted the next meeting is next Monday and stated there is not much on the agenda. She said that they want her to send out the RFQ and she stated that she does not have enough information to put in the RFQ. She asked the members who would be interested in being the member on the selection committee. Ron O'Reilly made a motion, seconded by Scott Ollerhead, to nominate David Henry to be the member for the selection committee. Approved.

Open Session (topics not reasonably anticipated 48 hours in advance)

Scott Ollerhead made a motion, seconded by Julian Kadish, to adjourn the meeting at 9:15 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____