

Monday, September 9, 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.

The members reviewed the draft minutes of **April 22, 2013**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (Brimar (No Littering signs)). Ron O'Reilly made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

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

The members reviewed the Bills Payable Sheet (Charley Landscape Management). Lisa Carrozza made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Chessia Consulting). Scott Ollerhead made a motion, seconded by Ron O'Reilly, to pay the bill. Approved. Lisa Carrozza abstained from voting.

Discussion: Certificate of Compliance for **#250-857 – GPT Norton Glen LLC – Norton Glen Road**.

Present at the public hearing were: Bradford Hart, Engineer for DiPrete Engineering, Chris Reilly, President and Chief Operating Officer for Wingate Management Company, Lou Calcagne, Vice President of Construction Operations for Wingate Management Company, Paul (Baker ?) Regional Facilities Management for Norton Glen apartments and Melissa Kaseski, Regional Manager for Norton Glen apartments.

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Brad Hart addressed the comment letter sent to Christopher Duhamel by Jennifer Carlino dated August 27, 2013 as follows:

1. **All siltation control devices should be removed and properly disposed;**

He submitted pictures showing this had been done.

2. **All landscaping debris that has been dumped into the wetland area shall be removed and properly disposed;**

He noted this has been done.

3. **A final wetland restoration report shall be submitted describing compliance with Performance Standards for Bordering Vegetated Wetland for each of the six areas included in the restoration project.**

He stated that a Wetland Biologist from his company has walked the site and will be submitting a report soon.

4. **Some of the storm water management areas (stone trenches, etc.) do not appear to be functioning as proposed and should be revised;**

He said he agreed with this and some of the stone trenches on the east side have been revised.

5. **A visual barrier shall be constructed along the No Disturbance Zone to bring the project into compliance with conditions 35, 36 and 37. A visual barrier typically consists of a post and rail fence or split rail fence. The commission can provide aluminum markers for placement on the fence that state "Wetland Buffer – Do Not Disturb";**

He asked if monuments could be installed every 25 to 50 feet in conjunction with other things in place of the fence. He noted that ownership changed as of 2010 and most of the dumping and debris probably happened under the previous owner. He stated that a new landscaping company has been contracted as well and has been instructed not to dump within 100 feet of the wetlands. Lisa Carrozza asked Mr. Hart if the residents have been notified of the dumping and debris problems and he replied they have not to date.

Melissa Kaseski replied that a monthly newsletter is sent to the residents and information to educate the residents on the problems with dumping of debris in the wetlands can be included in one of the newsletters. Julian Kadish asked if there was a composting site on the property and Mr. Hart replied there is not.

Lisa Carrozza asked if the crushed stones will be displaced by snow plowing and Mr. Hart replied that the stones will be refreshed in the spring.

It was agreed that after the monuments are in place, Jennifer Carlino will be notified and she and any of the members can do an on-site inspection.

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Notice of Intent – (#250-910) – **Thomas & Christine Carmichael – Parcel 4 (Assessors Map 23) 15 Barrows Street** – for proposed plans to construct a 24' x 26' addition with handicap ramp with associated site work and repair/replace septic system within 100 feet of wetlands.

No one was present for the public hearing. Julian Kadish made a motion, seconded by Scott Ollerhead, to continue the public hearing to the end of the meeting. Approved.

Julian Kadish made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, September 23, 2013. 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 – (cont. from the August 12, 2013 mtg.)** for proposed plans to construct a 230 unit apartment complex, roads, stormwater 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.
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

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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
21. Letter from Kelly Engineering Group, Inc. to Norton Conservation Commission dated August 26, 2013 in response to Chessia Consulting Services LLC report/letter dated July 26, 2013.
22. Letter from Kelly Engineering Group, Inc. to Jennifer Carlino dated August 26, 2013 in response to Conservation Comments on SWPPP, 274 East Main Street dated August .
23. Review letter from Chessia Consulting Services LLC dated September 6, 2013 to Jennifer Carlino.

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 and Mark Manganello of LEC Environmental Consultants.

Lisa Carrozza recused herself from the public hearing.

David Kelly addressed the board and stated that the revised plans submitted this evening reflect the changes suggested by John Chessia and Jennifer Carlino. He said there are a few changes suggested by the Zoning Board of Appeals.

He said that the most significant change to the plans was to keep all the BMPs (storm water re-charge system) at least 100 feet from the vernal pool. He noted that all the subsurface re-charge systems will be located at least 100 feet from the vernal pool.

Mr. Kelly stated he had received a letter from John Chessia today and has reviewed the letter. He said all but one item are minor technical items. He said the item in question has to do with water balance or the description of how the compliance is documented within the Storm Water Management handbook. He said there is a question with Volume 3, Chapter 1 of the handbook. He said that the soils are so good on this property that they have exceeded DEPs requirement for runoff re-charge. He said that the paragraph is suggesting that you should try and match the water that is flowing to the wetland system, or in this case, the vernal pool.

Mr. Kelly noted that when designing this project, instead of using the entire site, each individual wetland section was designed separately. He said it is almost impossible to match watersheds. He said that soil evidence showed that the high ground water level was below the bottom of the vernal pool. He commented that the question was raised, "Can the ground water run underneath the vernal pool?". He said that this is a very unusual question. He said that there is a monitoring well at the southerly end of the project at Red Mill Village and the information has been provided to the Conservation Commission as part of the Red Mill Village project.

David Eastridge presented monitoring forms from the past six years for the wells at Red Mill Village, one which is the closest well to this project, highlighting the elevations that were above 88 feet because 88 feet was the elevation observed by the Conservation Commission members during their site

walk in March. He noted that the elevation of the lowest point at the bottom was 86.4. He said that this clearly shows that the high water level is most always below the bottom elevation of the vernal pool.

Mr. Kelly noted that more than 60% of the surface of the watershed will remain unchanged.

Mr. Kelly stated that no matter how much water is on this site, no water will be leaving this site.

Jennifer Carlino noted that in John Chessia's report he suggested the applicant do multiple soil tests for the different infiltration systems in each location. Mr. Kelly replied that the applicant has agreed to do this at most of the important locations. Jennifer Carlino asked Mr. Kelly what type of documentation would be provided for the testing and Mr. Kelly responded that he could submit a Soil Evaluation Form.

Jennifer Carlino noted that John Chessia suggested changing the storage calculations and Mr. Kelly replied that Mr. Chessia is getting confused with the calculations. He suggested to Jennifer Carlino that a condition can be added to address the concerns by the commission.

Jennifer Carlino noted that John Chessia is suggesting to run an analysis for the 100-year storm and Mr. Kelly disagreed with this. He said that the larger systems have already been calculated for the 100-year storm but he said that the smaller systems would not change with this added calculation.

Mr. Kelly noted he had made a mistake in noting the roof drains being 10 inches. He said that the plans are labeled correctly with roof drains being either 8 inches or 10 inches.

Mr. Kelly stated that one of the comments in John Chessia's report is a multi-portioned comment. He said the **first** comment refers to the open storm water system at the southerly end of the site. He said that John Chessia had commented that soil tests have been done and questioned if added top soil to the basin could change the calculations. Mr. Kelly said that he actually took the DEPs Standards and put them on the plans for the contractor to read when he creates the final layer in the re-charge system.

Mr. Kelly stated that the **second** comment refers to the DEPs requirement to have a 3:1 side slope for infiltration basins. He said this was to ensure vegetative stabilization and safety. He stated that he has put the eastern and northerly slopes at 1:1 and has used rip rap to line the slope which will also be fenced. He noted that this would also provide a larger buffer to the vernal pool. Jennifer asked Mr. Kelly to make these areas clearer on the plans and also put detailed notes on the plan.

Mr. Kelly stated the **third** comment refers to the small open basins. He said that they have proposed an emergency spillway with an outlet structure for when the ground is frozen. He said that if the standard spillway was used, with 10-foot wide openings in the berm with 3:1 or 2:1 side slopes, rain associated with the rip rap with extend all the way down to the vernal pool.

Mr. Kelly referred to the comment that suggested more detail be provided on the plans referring to the open basin and the subsurface system #3 which serves the roof of building #6. It was noted that this

system is connected to the infiltration stone for system #4 and should be separated to prevent flow from system #3 from flowing into system #4. He stated that the two systems have been combined into one system to enable them to be pushed further away from the vernal pool and agreed more detail should be, and will be, provided on the revised plans.

Mr. Kelly commented that street sweeping will be provided.

Mr. Kelly noted that referring to the TSS calculations, John Chessia is suggesting that the CDS unit for Area 7 is undersized and should remove 70% at the converted WQF rate. He said this would be checked into and corrected if it needs to be.

Mr. Kelley noted that John Chessia has made several comments relating to the SWPPP. He stated that a SWPPP is normally submitted 5 days prior to construction, but since the Commission had requested one, it was provided. He said that because it was submitted early, and there is no site contractor, no one can sign for the site contractor. He commented that in his opinion, the draft is a good draft, but will need modifications before construction begins. Jennifer Carlino noted that any items missing from the final SWPPP will be conditioned. He stated that the sediment basins were sized properly but not drawn to scale on the plans.

Jennifer Carlino asked Mr. Kelly if he brought the SWPPP to be submitted and he did. She pointed out a couple of areas where the commission would like to see more vegetation between the sediment basins and vernal pool for runoff to filter through before reaching the vernal pool.

Jennifer Carlino had a question regarding the "Drainage Exhibit". She noted that it was shown on the plan as "Off Site System" and asked if the system was on site or off site and he replied it is primarily off site.

Jennifer Carlino asked why on Sheet 5, Units 1 and 3 are different sizes even though they have the same amount of bedrooms and garages. David Eastridge replied this is because the grading is different for both units.

Jennifer Carlino pointed out a parking area and asked if the parking area was for the playground or the units and Mr. Eastridge replied it was for both. She asked if the playground was required by the ZBA and Mr. Eastridge replied that it was not required by the ZBA and that a playground is required for a community of this size. She suggested that if some of the parking spaces were eliminated, the project could be pulled back a little further from the vernal pool. She noted that the snow storage area seems inadequate. Mr. Kelly replied there are many areas that could be used for snow storage and they are noted in the Operations & Maintenance Plan.

Jennifer Carlino noted that on Sheet 7, 10-12-foot retaining walls are shown. She asked if curbstops or guard rails will be used. David Eastridge replied there would be and he commented fences will be used as well. Jennifer Carlino asked if a Structural Engineer will be used in designing the walls and Mr.

Kelly replied that the walls will consist of segmental blocks and details will be shown on the plans. She asked how tall the fences would be and David Eastridge replied that 8-ft. stockade fences will be used on the Red Mill Village side and 4-foot fences will be used in the other areas.

Jennifer Carlino commented that a planting plan had been received from LEC and asked if that was still current. Mark Manganello stated it has been modified to reflect the new limit of work area. He pointed out that any disturbed areas around the perimeter of the property will be restored. Jennifer Carlino asked if by planting the area at the top of the infiltration basin will he be planting on top of the 10-foot access way. Mr. Manganello replied it would not.

Jennifer Carlino asked what was meant by the words "step in garage". Mr. Kelly noted that there are steps within the garage between the garage and the unit.

Jennifer Carlino noted that at buildings 1 and 2 there is a retaining wall which the grading goes from 0'-10' and asked what the slope is. Mr. Kelly replied it is 3:1. She asked if any of the slopes were steeper than 3:1 and Mr. Kelly replied there are none.

Mr. Kelly submitted the latest Landscape plan.

Attorney William Manganello stated he was representing the Kingsbury Hill Condominiums and with him this evening was Ann Coulter, Kingsbury Hill Condominium Association member and their Engineer, John DeLano. Mr. DeLano passed copies out of his report to the Commission and had a couple of comments for the board as follows:

1. What effects would the drainage have on the Kingsbury Hill Condominium site after leaving the project site and going under Route 123 across the street toward the Condominium site. He said that the site will be self contained except for this one underground basin area. He noted that if the system is not maintained properly the siltation and soils could go over the tops of the curbs, etc. and flow onto the property across the street.
2. A lot of the roof drains and downspouts are being directed to underground drainage systems and, once in a while, the water flow may freeze up and not make it into the drainage system and a backup plan should be in place to handle the system if it gets clogged.

Martha Mitchell, 22 Fairlee Lane, had concerns with drainage problems that might occur on Route 123 as a result of the construction of this project. David Henry replied that according to the submitted plans, there should not be any negative impacts to Route 123.

Scott Ollerhead made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

Discussion: to vote on a Memorandum of Agreement (MOA) regarding a Request for a Superseding Determination for the solar project submitted by BlueWave Capital, 75 Arlington Street, Suite 500, Boston, MA 02116 . (DET. #995).

Present for the discussion were: Chris Yarworth, Yarworth Engineering, Inc., Fred Bottomley, Owner, Aiden Foley, Bluewave Capital and Matthew Watsky, Attorney.

Chris Yarworth updated the commission on why his client, Bluewave was on the agenda this evening. He stated that they had appealed the positive Determination issued by the Commission and had a site walk with DEP about a week ago. He said he and DEP had a lot of questions regarding the project and he asked what type of permits are needed for solar panel projects. He stated that DEP had suggested that he get together with the Conservation Commission and try to come to an agreement.

Chris Yarworth presented a Memorandum of Agreement & Order of Conditions for DET. #995, 21 Fairlee Lane and revised plans. He said all suggestions from the Commission and the applicant are included in the orders. He noted that DEP has until Wednesday to make a decision.

Chris Yarworth suggested going over the changes as follows:

1. He noted that trucks would be going down Fairlee Lane, or through the bogs, once or twice a year to inspect the solar panels
2. He said there were questions on the cutting around the solar panel areas and stated that the grass and shrubs can remain 2 feet higher than originally planned. He noted trees will be cut at 10 feet high and anything below that will remain.
3. He pointed out an area that a couple of panels have been removed making the access road wider.
4. He said he provided more detailed information for the entry into the bogs.

Chris Yarworth commented that he felt that storm water information is not needed because all work is proposed at least 100 feet from the wetlands. He said a SWPPP would be provided later after all the phases of the work are proposed. Jennifer Carlino replied that DEP will not be reviewing storm water management nor requiring a SWPPP. Lisa Carrozza noted that the two parties responsible for the SWPPP are the owner and the contractor.

Chris Yarworth pointed out to the members where the solar panels will be located in relation to the tree line. He said the line moved further uphill between five and 25 feet.

Aiden Foley noted that the final design will be prepared by the contractor, therefore the SWPPP will be prepared in coordination with the farm operation. He offered to describe the Shading plan to the members, which he stated is industry practice. He stated that the rule of thumb is that the solar panel

should not be shaded between 10:00 am and 2:00 pm on the shortest day of the year. He commented that selected tree removal will be done. Mr. Foley stated all machinery will be out of the wetland and will be outside of the siltation fence.

Joan Barrett, 56 Burt Street, had questions regarding notifying abutters to this project and Jennifer Carlino explained that abutter notification is not required for a Request for a Determination of Applicability. She said that abutters are notified sometimes as a courtesy by the Conservation Office. Jennifer Carlino commented that the project is published in the local newspaper.

Martha Mitchell, 22 Fairlee Lane, asked if any other work was proposed behind her property and Chris Yarworth replied that there might be an application filed but it has nothing to do with this project.

Joe Sirtoli, 11 Fairlee Lane, commented that he had spoke with Aiden Foley who advised him that access to the solar panels will be off of Fairlee Lane unless the board approves access off of Bay Road.

Aiden Foley expressed a desire to collaborate to resolve any issues with this project in order to move forward at this time.

Lisa Carrozza stated that, just the fact alone, that a Memorandum of Agreement had to be prepared, should alert everyone involved that an Order of Conditions has to be issued for this project. She made a motion to reiterate the fact that an Order of Conditions be issued for this project. Ron O'Reilly seconded the motion.

David Henry noted that a letter can be sent to the applicant without signing the Memorandum of Agreement. Jennifer Carlino replied that Town Counsel has advised the board not to sign the Memorandum of Agreement but can agree to revised plans and whatever issues were discussed at tonight's public hearing. She said that no further appeals would be necessary if the applicant agrees to follow certain conditions and agreements, with stipulations, as discussed this evening by all parties.

Lisa Carrozza agreed to withdraw her motion. Julian Kadish made a motion, seconded by Scott Ollerhead, to amend the Superseding Determination of Applicability by including conditions agreed upon this evening and send a copy to DEP. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for **File #250-504 – 380 So. Worcester Street – Sysco - replace septic system.**

Jennifer Carlino stated that an original is needed for recording purposes. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-901 – George Jackson – 292 Taunton Avenue – repair/replace a sanitary system**

Jennifer Carlino commented that the area has been stabilized and mowed twice and the signs have been added to the visual barrier. Julian Kadish made a motion, seconded by Scott Ollerhead, to issue the Certificate of Compliance. Approved.

OLD BUSINESS

Violations:

112 Mansfield Avenue – David Henry noted that Jennifer Carlino had sent a letter to the owner requesting she respond to the violation. Jennifer Carlino replied that the owner has notified her that she is removing the dock.

6 Rumford Road – Jennifer Carlino commented that the owner called to say he has had a few issues but would be submitting an application soon.

East Hodges Street – Jennifer Carlino noted that Mr. Bottomley did place the mulch in the restoration area as requested. She said he did not stabilize the top of the access driveway and he went too far with the stone stabilization which expanded into the wetlands. She said she sent him a letter and has not heard back from him yet.

David Henry asked Fred Bottomley for an update of the violation at East Hodges Street. He replied that he had sent an email to Jennifer Carlino 5 or 6 weeks ago stating the woodchips had been spread. Jennifer Carlino asked about the top of the road not being stabilized and reminded Mr. Bottomley that the stones on the side slopes had encroached into the wetlands. She noted that the stakes are still in place and the stone had pushed through into the wetlands and asked that they be removed. She requested he stabilize the top of the road.

NEW BUSINESS

Jennifer Carlino noted that SHPACK has notified her that they will be working on Saturdays.

Waterbodies Committee update

Jennifer Carlino noted that an article was published in the local newspaper announcing that \$500,000.00 would be needed to treat the water at Lake Winnecunnet, Norton Reservoir, Chartley Pond, and Barrowsville Pond.

Julian Kadish made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 9:40 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____