

Monday, May 19, 2014

Attendance

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),
Julian Kadish, Lisa Carrozza, Jan Franceschelli
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 draft minutes of **September 23, 2013**. The minutes were postponed to the next regular meeting.

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

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

The members reviewed a Bills Payable Sheet (Pare Corp.). Lisa Carrozza made a motion, seconded by Julian Kadish, to pay the bill. Approved.

Discussion – James Elliott – regarding removal of trees at 29 Holly Road (#250-753).

Mr. Elliott submitted a new plan and pointed out to the members six trees he would like to cut down. He noted they are the closest trees to the house. Jennifer Carlino noted that all the trees are within wetlands. David Henry asked Mr. Elliott if he could replace the trees with other plantings. Mr. Elliott commented that he is not going to do any stumping.

Jennifer Carlino stated that Mr. Elliott could apply to amend his existing Order of Conditions and notify abutters of his proposal to cut trees. He agreed he would request an amendment to his Order of Conditions.

The members reviewed a Request for a Determination of Applicability – **(DET. #1005) – Joseph Cassetta – Parcel 170 (Assessor's Map 19) 111 King Philip Road** – for proposed plans to remove 2 trees within 100 feet of Lake Winnecunnet.

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Document List

1. WPA Form 1 – Request for a Determination of Applicability
2. Plat Map of 111 King Philip Road showing location of house and trees on property, signed and stamped by Kenneth E. Berkart.

Joseph Cassetta was present at the public hearing. He stated the trees are hanging over his house and branches are falling onto his driveway and roof. He said he has a fairly new roof which is getting destroyed by the trees.

Lisa Carrozza suggested requiring the applicant to replant trees or shrubs to replace the trees removed. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination of Applicability as long as the applicant replaces the trees with additional plantings as suggested by Jennifer Carlino. Approved.

The members reviewed a Notice of Intent – **(#250-924) – Fred Akerblom – Parcel 247 (Assessor's Map 10) 6 Rumford Road** – for proposed plans to expand a lawn within 200 feet of a river. (postfacto).

Document List

1. WPA Form 3 – Notice of Intent
2. Portion of Assessor's Map with driveway and lawn drawn on plan by Land Surveys, Inc.
3. Several color pictures of the area.

Fred Akerblom was present at the public meeting.

Jennifer Carlino pointed out the areas on the submitted plans where the violations have occurred. She said no clearing or cutting was ever permitted by the Conservation Commission. She said that the Commission had denied house construction in this area years ago, but DEP approved it. She noted that she requested that the areas near the riverfront be left to grow back naturally. She suggested to the members that they do a site inspection.

Jennifer Carlino requested that the existing bridge be added to the plans, more floodplain information be added to the plans and information that he is complying with Riverfront Area regulations.

Lisa Carrozza and David Henry agreed to inspect the site at 9:10 am Friday morning, May 23.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing to Monday, June 9, 2014. Approved.

The members reviewed a Notice of Intent – **(#250-926) – Jennifer J. Lund – parcel 149 (Assessor's Map 19) 97 King Philip Road** – for proposed plans to dig a trench within 100 feet of Lake Winnecunnet.

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Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan of Land in Norton, Mass.” Prepared for Jennifer Lund, Scale 1”=20’, prepared by J Webby Consulting LLC, signed and stamped by Joseph E. Webby, III and dated April 14, 2014.

Jennifer Lund described the project to the members. She stated when she decided to install a high efficiency heat pump she was advised to install a back-up heat source and decided on a propane fire place insert. She noted that the building is too small to put the propane tank against the house. She said she decided to put it 10 feet from the house and elevate it onto a cement slab. She said she would have to dig an 18” wide by 2 ½ “ deep trench. She commented no fill would leave the property and would be put back into the trench.

Lisa Carrozza asked how big the line to be installed was and Ms. Lund did not know. Ms. Lund noted the grade would be restored to its original height.

For the record, a note was received from DEP noting that according to the Notice of Intent (NOI) they had received, the proposed line was going through the BVW, but the BVW limits were not shown on the plan and asked for Ms. Lund’s comments. Ms. Lund responded that she had made a mistake on her NOI, as pointed out by Jennifer Carlino, and she mailed a revised NOI to the DEP.

Julian Kadish asked Ms. Lund if she was planning on adding a deck to the building and she replied not at this time.

Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Request for Determination of Applicability – **(DET. #1006) – Jerry & Sandie Betro - Parcel 629 (Assessor’s Map 10) 10 Kayak Trail** – for proposed plans to install an in-ground pool, concrete patio and a 4-ft. fence within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Portion of a drawing showing the existing building and proposed location of the patio and pool, Scale 1”=30’ drawn by Ernest W. Branch, Inc. and dated May 13, 2008.
3. Enlarged portion of an engineered plan of Arrowhead Village showing the property boundaries and elevations.

Mr. Jason Ward, pool installer, described the project to the members. He noted he was intending to install a pool in the lawn area of the corner of the property with minimal grading. He said excess materials will be removed from the site.

Jennifer Carlino noted that debris is being dumped into the wetlands by a neighbor and she said she will send a letter to that person.

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Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability as long as all work is done according to the submitted plans and the portion of the plan for Arrowhead Village showing the location of the pool is added to the Determination.

The members reviewed a Request for Determination of Applicability – **(DET. #1007) – Land Preservation Society of Norton - North Washington Street - Parcel 141 (Assessor's Map 4)** - for proposed plans to clear a 36' x 36' area to construct a parking lot within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Aerial maps of the area

David Henry recused himself from the public hearing.

Kathy Zawasky of the Land Preservation Society of Norton was present at the public hearing to describe the project to the members. She commented that this 5-acre parcel was never visitor friendly, but funds have become available to improve it. She said The Land Preservation Society would like to put in a gravel parking lot to accommodate 2-3 cars at one time and also create a trail that would lead through the 5-acre parcel.

She pointed out that the area is presently an open field. She said the parking area would lead to a small trail leading to an existing rail bed which would be safer to walk on rather than the road then leading to the nature property. She noted that eventually this could turn into the rail trail if the project is approved.

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 issue a negative (#3) Determination as long as the project is completed according to the submitted plans.

The members reviewed a Notice of Intent – **(#250-923) – Richard Gibson – Parcel 7 (Assessor's Map 7) 176 Lincoln Street** – for proposed plans to repair/replace a sewage disposal system within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Subsurface Sewage Disposal System Upgrade, #176 Lincoln Street, Norton, MA, Scale 1"=30', prepared by Outback Engineering, Inc., signed and stamped by James A. Pavlik and dated April 7, 2014.

Present at the public hearing was Nyles Zager of Outback Engineering, Inc. He stated that the house is very old and the present owner is in the process of renovating it. He noted that because of an existing

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well on the left front side of the property, this is the only possible location for the septic system which is replacing an old cesspool. Mr. Zager commented that it is a mounted system because of the high water table on the property.

Mr. Zager noted there will be minimal tree clearing. He said there will be a liner around the system to pull the grade away from the wetlands. David Henry commented that the visual barrier be added to the plans. Jennifer Carlino commented that the barrier can be installed between flags 11 and 17.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #1004) – Alex Kravitz/Rubber Realty LLC- Parcel 38 (Assessor's Map 20) 19 Noyes Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Plan entitled "Subsurface Sewage Disposal System Plan", Scale 1"=20', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated May 1, 2014.

Present at the public hearing were Chris Saunders, Yarworth Engineering Co., Inc. and Alex Kravitz.

Chris Saunders stated that his company is also installing a new septic system on the neighboring property. He noted that the grading for the septic can be kept 100 feet from the wetlands but because the proposed septic system next door will be raised, a low area will be created on this lot.

Julian Kadish asked if any trees will be removed and Mr. Saunders replied there will be no tree removal. Lisa Carrozza asked if any runoff will run onto the neighboring property and Mr. Saunders replied that runoff already runs onto the neighboring property but fill is going to be added between the two properties to prevent any further runoff to the neighboring lot.

Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination as long as the work is done according to the submitted plans with no tree removal. Approved.

The members reviewed a Notice of Intent – **(#250-927) – Alex Kravitz/Rubber Realty LLC – Parcel 39 (Assessor's Map 20) 17 Noyes Street** – for proposed plans to raze a garage and to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Subsurface Sewage Disposal System Plan", Scale 1"=20', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated May 19, 2014.

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Present at the public hearing were Chris Saunders, Yarworth Engineering Co., Inc. and Alex Kravitz.

Chris Saunders stated that a new Title V-compliant septic system is proposed to replace a failed cesspool. He said the system is as far away from the wetlands and potential vernal pool as possible. He said an impervious membrane will be installed on the wetland side of the system to further protect the wetlands. He noted the garage will be razed and all disturbed areas will be seeded.

Jennifer Carlino noted that the sedimentation control that runs around the garage runs onto the neighbor's property and asked if the owner has a problem with that. Mr. Saunders replied that the neighbor could not attend tonight's meeting but does not have a problem with the sedimentation control running onto his property.

Chris Sanders noted the property is vacant at the present time. Jennifer Carlino stated there is quite a bit of debris to be removed from the site. She said it can be conditioned. David Henry requested that the visual barrier be added to the plans.

Ernie Klawitter of 24 Noyes Street commented that he has no problem with the project.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-925) – Fred Bottomley – Parcel 46 (Assessor's Map 19) 16 Maplewood Avenue** – proposed plans to raze a structure and construct a new structure and install a dock within 100 feet of Lake Winnecunnet.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Proposed House Plan, 16 Maplewood Avenue, Norton, Ma 02766 Prepared for Fairland Farm, LLC, Scale 1"=10', prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated April 24, 2014.
3. Comment letter dated May 5, 2014 from Jennifer Carlino to Chris Yarworth.
4. Letter dated May 13, 2014 from Fred C. Bottomley to Jennifer Carlino.
5. Letter dated May 16, 2014 from Craig Mitchell, Golemme Mitchell Architects, LLC to Jennifer Carlino.
6. Response letter dated May 19, 2014 from Scott Goddard, Goddard Consulting to the Norton Conservation Commission.

Present at the public hearing were Chris Saunders, Yarworth Engineering Co., Inc. and Scott Goddard, Goddard Consulting.

Discussion ensued regarding the wording of the Legal Notice which **omitted** the proposed plans to raze an existing house and construct a new structure within the 100-yr. Floodplain, an error made by the secretary.

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It was agreed to open the public hearing and discuss the project and have the project re-advertised with the additional proposed work for the next regular meeting of June 9th.

Mr. Goddard pointed out the existing house and the top of the bank on the plans and commented the entire site is below the floodplain with an elevation of 73 ft. He noted the entire site is at least 2 ½ feet below the floodplain.

Mr. Goddard noted that there is rare habitat species on a portion of the pond and asked Jennifer Carlino what they are and she replied they are mussels.

David Henry asked what the difference in size will be for the new house and Mr. Goddard replied that the existing dwelling is 600 sq. ft. and the proposed dwelling will be 720 sq. ft.

Mr. Goddard stated that he advised the applicant that the construction of a dock makes the project much more complicated and will take longer to process. He said the applicant decided to remove the construction of the dock from the application and has sent a letter to the Conservation Commission noting the revision. Mr. Goddard stated the Notice of Intent has been amended. He said that by removing the proposal to construct a dock, there will be no work within rare species habitat or work within bank or land under water body.

Mr. Goddard noted that there is an existing foundation which will be removed and a new open-concept foundation will be installed which will have no flood storage filling.

David Henry asked how deep the foundation will be and Chris Saunders replied about 4 feet.

Scott Goddard noted that the first floor of the house will be above the floodplain and commented that there will be more flood storage on the property as a result of this project. He said revised plans will be drawn and Jennifer Carlino required that the calculations be included on the plans as well as the 10-yr. floodplain.

Lisa Carrozza asked why the siltation fence is so close to the water. She suggested that the fence be moved closer to the house to allow room for stock piling. She asked if there were any plans to change the driveway and he did not think so. Jennifer Carlino noted there was a lot of erosion at one end of the driveway.

Scott Goddard noted that the existing shed will be moved out of the 100-ft. buffer zone. Jennifer Carlino noted it will still be within a floodplain and would like the location drawn on the revised plans.

Scott Goddard read through his response letter dated May 19, 2014 in response to Jennifer Carlino's letter dated May 5, 2014 as follows:

1. The fee must include category 5 for the dock. Please submit the additional funds.

He noted that the applicant has removed the construction of the dock structure from the N01 and therefore no additional fees are required.

2. Please submit a written description of how the project meets each performance standard for each resource area impacted by the project.

Mr. Goddard stated that Buffer zone to Bank is not a resource under the Massachusetts Wetlands Protection Act. The 100-foot Bank Buffer Zone consists of lawn and an existing single-family house structure and therefore work within this disturbed area will not impact any valuable statutory interests.

BLSF extends the entire site area. The proposed 720 square foot foundation will not impact BLSF because a "free flow" foundation will be utilized. The foundation of the house will be equipped with openings that allow water to flow freely in and out of the basement during flooding events and therefore no flood storage will be lost and the statutory interests of BLSF preserved.

Jennifer Carlino stated there are 4 Standards and she would like a written description of how each one is met.

3. Plans must identify and quantify all alterations to each resource area. The top of Bank must be flagged in the field and flag numbers shown on the plan.

Mr. Goddard noted that no alteration to resource area is proposed. He said that the top of bank is flagged in the field by Yarworth Engineering and has been independently confirmed by himself. He said the locations of these flags are shown on the current plan (revised 5/14/14).

Jennifer Carlino stated that there is a proposed waterline and work in the floodplain. She told Mr. Goddard he needs to show on the plans how big the trench for the sewerline is and how big is the trench for the proposed waterline and he needs to quantify the temporary impacts.

4. Please submit a written description of how the proposed dock meets the Small docks and Piers: A Guide to Permitting Small, Pile-supported Docks and Piers. Also provide any documentation regarding the presence of plants and freshwater mussels in the proposed dock location.

Mr. Goddard noted that the construction of the dock has been removed and therefore the above description of how the dock meets the standards is not applicable.

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5. Please submit a written description of how the proposed project meets the Building Code for Flood Construction.

Mr. Goddard stated that the issue of the Mass Building Code was addressed in part in the Architect's letter of May 16, 2014. He said the crawl space issue could be addressed by the Building Inspector or the Zoning Board of Appeals if necessary.

Jennifer Carlino replied that there is a condition regarding an Elevation Certificate prior to occupancy or a Loma if appropriate.

Mr. Goddard noted that in conclusion the applicant has removed the proposed dock from the NOI scope of work, has supplied the additional information/items the agent has requested and has shown how the resource areas on-site with the proposed work meet the performance standards. He said that as a result, the applicant respectfully requests the issuance of an Orders of Conditions for the proposed single-family house construction.

David Henry stated that a letter dated May 16, 2014 was received from Craig Mitchell, Architect regarding the Building Code for Flood Construction. In his letter Mr. Mitchell described the Smartvent System foundation.

Jennifer Carlino asked Mr. Goddard what the pipe coming out of the existing house at the north side was and he replied he would try and find out what that is.

Scott Goddard said he would submit revised plans and Jennifer Carlino stated the project will be re-advertised correctly.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing to the next regular meeting of Monday, June 9, 2014. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-922) – Charles & Marlene Koczera – Parcel 2 (Assessor's Map 3)** - for proposed plans to install a 30'x4' x 20'x4' portable dock within 100 feet of Norton Reservoir.

The members had a few amendments to the Conditions. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions, as amended. Approved.

OLD BUSINESS

Violations:

East Hodges Street – Fred Bottomley did not attend the meeting

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Alder Road
12 Forest Lane
6 Rumford Road
7 Todd Drive
14 Laura Lane
112 Mansfield Avenue
243 So. Worcester Street
241 Dean Street
5 Sailors Lane –

Jennifer Carlino noted there is nothing new regarding the above violations.

NEW BUSINESS

Complaint – **164 No. Washington Street** – Jennifer Carlino stated she sent a letter to the owner and has a site inspection this Thursday.

Watershed Policy

Reservoir Update – Jennifer Carlino noted an explanation letter has been received for Pare Corp.'s bill.
Report from Staff

Site visits - Jennifer Carlino noted the members have already scheduled their site inspection for 6 Rumford Road.

Waterbodies Committee update – Jennifer Carlino noted the 2nd RFP has been sent.

Town Picnic – Jennifer Carlino stated she registered the commission for the event. David Henry suggested withdrawing the registration.

DOT – Jennifer Carlino noted a response has been received to the Vegetation Management Plan comments made by the commission.

DOT – Jennifer Carlino stated the commission will not sign any documents without receiving more information regarding the proposed alteration of protected land. Jennifer Carlino said she would send Lisa Carrozza the bond bill information for Crane Street.

MEPA Certificate – Jennifer Carlino noted that the MEPA Certificate issued for the Plain Street Water Treatment Plant stated that there is no requirement for a EIR.

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Draft Dock Guidance

- Jennifer Carlino suggested narrowing down the number of check boxes.
- Lisa Carrozza suggested removing the reference to “Great Ponds”
- Jennifer suggested the document to be a “Policy”
- It was agreed Lake Winnecunnet residents would follow specific guidelines

Wetland Protection Fund –

- The members reviewed the attached draft guidelines

Grants – Jennifer Carlino noted she had received a \$5,000 grant for Crane and Erikson land from LPS and \$25,000 from NHESP for the Erikson land.

Jennifer Carlino noted she had received a letter from ERM stating that the wetlands at the SHPACK site are holding too much water and they would like to raise the elevation. She said she would like more information as to why they have come to this conclusion before approving this request. She said she will attend a site walk on Thursday at 2:00 pm.

Jennifer Carlino noted that Fred Bottomley is requesting to file his cranberry bogs on Bay Road as wetland preserve land again after declining the offer made to him last year by the Wetland Preserve Program. She noted that the Conservation agent in Easton offered the dam to the Norton Conservation Commission and she declined the offer.

Jennifer Carlino noted that she received a complaint from Carol Zwicker who reported someone on Grove Lane has been dumping pressure-treated wood into the reservoir. She said she would check this out Wednesday morning.

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

David Henry adjourned the meeting at 9:22 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____