Monday, June 9, 2014

Attendance

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

Jan Franceschelli 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**. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Ron O'Reilly abstained from voting.

The members reviewed the draft minutes of **October 21, 2013**. Lisa Carrozza pointed out a couple of typos. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to accept the minutes as amended. Approved.

The members reviewed the draft minutes of **November 4, 2013**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

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 (Sun Chronicle). Scott Ollerhead made a motion, seconded by Julian Kadish, to pay the bill. Approved.

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

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

The members reviewed a Notice of Intent **– (#250-924) – Fred Akerblom – Parcel 247 (Assessor's Map 10) 6 Rumford Road – (cont. from the May 19, 2014 mtg.) -** 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.

David Henry noted that a letter has been received from DEP asking for more information and he asked Mr. Akerblom to contact DEP.

David Henry noted that he, Lisa Carrozza and Julian Kadish had attended a site inspection of the property and he asked Lisa Carrozza if she had any comments. Lisa Carrozza noted that the only ground cover was lawn. She noted there was no shrub cover or wild grass cover left. She suggested that Mr. Akerblom be required to replant the shrubs. Julian asked about what activities were allowed in this area and Jennifer Carlino replied no activities are permitted within 100 feet of the river. Mr. Akerblom commented that he took the fire pit apart and would not be doing any activities in that area again.

Lisa Carrozza commented that the constructed bridge needs to be added to this application and added to the submitted plan. She noted trails do not have to be shown on the plan and the existing stone wall can be used as a visual barrier.

Lisa Carrozza asked if DEP was requiring full restoration or impacts and Jennifer Carlino replied they are now requiring detailed engineered plans. Julian Kadish suggested to let the impacted areas re-grow naturally.

Julian Kadish suggested sending DEP a corrected plan to show exactly where the cleared area is and the areas where there are many trees. He asked Mr. Akerblom to submit revised plans showing the wetland compensation area, trees, river and bridge.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, June 23, 2014. Approved.

The members reviewed a Notice of Intent **– (#250-925) – Fred Bottomley – Parcel 46 (Assessor's Map 19) 16 Maplewood Avenue – (cont. from the May 19, 2014 mtg.) -** proposed plans to raze an existing house and construct a new structure within the 100-yr. Floodplain and 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.
7. Letter dated June 4, 2014 to Norton Conservation Commission from the Division of Fisheries and Wildlife, NHESP.
8. Letter dated May 20, 2014 to Jennifer Carlino from Fred C. Bottomley
9. 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. **Latest Revisions – 5/30/14**.
10. Letter dated June 9, 2014 to the Norton Conservation Commission from Scott Goddard, Goddard Consulting.

Present at the public hearing were Fred Bottomley, Christopher Yarworth and Nicole Hayes of Goddard Consulting.

Chris Yarworth noted that Fred Bottomley had submitted a letter stating he was demolishing the existing shed. He commented that a letter had been received from NHESP stating there would be no adverse impacts to the rare species habitat since they removed the dock, by this project. He stated a letter had been sent to Jennifer Carlino dated June 9, 2014 from Scott Goddard and Jennifer Carlino replied the letter had arrived today at 4:00 pm and she has not had a chance to review it thoroughly.

Chris Yarworth stated that in response to the Commission's requests at the previous hearing he made the following revisions to the plans:

- noted on the revised plans that the entire property is in the 10-yr floodplain.
- added the size of the trenches which will be 18".
- added a note regarding the end of the driveway which is eroding.
- added the sewer line coming out of the existing house.
- added a note regarding the re-paving of the driveway (he commented that the plan noted that there was a gravel driveway previous, but it had paving underneath)
- added the proposed steps

David Henry asked Ms. Hayes if the report received today addressed "Performance Standards". She

replied it did. She noted that during her inspection of the site, she found a tree cavity in the red maple tree at the front of the house which is proposed to be removed and to replace the tree she said a nesting box can be placed near the lake. Ms. Hayes handed out color photos for the commission's review.

David Henry asked where the existing water line is and Chris Yarworth pointed the area out on the plan.

Lisa Carrozza noted that the elevations for the shed and the house are not defined. Ms. Hayes replied that this information is in the report received today.

David Henry asked how many trees were going to be removed and Chris Yarworth replied all three trees will be removed. Jennifer Carlino noted only one tree was marked on the plan as being removed. David Henry asked what the existing pipe coming out of the house was and Chris Yarworth replied that it is part of the existing sewer line to be removed.

Jennifer Carlino stated that any alterations, including temporary alterations, have to be quantified on the plans. David Henry requested the alterations be added to the plans and he noted the commission would like to review the report received today from Goddard Consulting.

Lisa Carrozza made a motion, seconded by Ron O'Reilly to continue the public hearing until the next regular meeting of Monday, June 23, 2014. Approved.

The members reviewed an Amendment to Order of Conditions **- #250-878 – Robert Welch, Manager, Mansfield Municipal Airport – Parcel 141 (Assessor's Map4) North Washington Street** – to amend the timing of approved work within the Certified Vernal Pool.

<u>Document List</u>
1. Request letter dated April 29, 2014 from GZA/GeoEnvironmental, Inc.

Scott Ollerhead recused himself from the public hearing.

Present to present the Amendment was Steven D. Riberdy, Senior Ecologist. He stated that a Phase I Historical Assessment was done since the Order of Conditions were issued. He noted that significant archeological resources were discovered in and around the vernal pool. He commented that to avoid a more extensive, Phase II, expensive assessment, no ground disturbance can happen in this area. He noted that, according to the Mass Historical Commission, all tree cutting would have to be done during the winter, therefore an amendment to the Order of Conditions has to be done.

Mr. Riberdy noted the two conditions in the Order that need to be amended are:
#25 – "all work in the upland buffer of the vernal pool does not occur between November and March 15 of any given year".
#27 – "all in-pool work occurs prior to spotted turtles returning to the pool (October)".

He requested the Commission add or replace those conditions with the one submitted in his request letter.

Mr. Riberdy stated he would mark all the no-disturb areas ahead of time and go out with the contractors and point out the areas to them before any cutting starts. He noted there will be no stumping of trees. He noted all work will be done by hand in the vernal pool area.

David Henry asked if a pre-construction meeting has been done and Mr. Riberdy replied one will probably take place in November. Jennifer Carlino noted she will add a condition to the Order that flags, with a different color from any other flags in place, will be in place by the end of October.

Jennifer Carlino asked Mr. Riberdy to approve making a couple of changes to the conditions that are now our standard conditions but don't refer to the requested amendment.

1. Condition #15 – change the word erosion to sediment.
2. Conditiion #40 – change November 1 of **each** year to read November 1 of **any** year.

Mr. Riberdy said yes.

Jennifer Carlino requested she be sent a revised proof of mailing list with **actual dates** on them.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Amended Order of Conditions with changes as discussed at tonight's public hearing. Approved.

The members reviewed a Notice of Intent **– (#250-931) – Open Space Committee - Parcel 85 (Assessor's Map 29) Crane Street –** for proposed plans to construct a 3-4 car gravel parking area within 200 feet of the Three-Mile River.

<u>Document List</u>
1. WPA Form 3 – Notice of Intent
2. Portion of the Assessor's map showing the area and proposed parking area

Present at the public hearing was Kathy Zawasky, Land Preservation Society, who described the project to the members.

Kathy Zawasky noted that this has been a collaborative project between the Reilly family, The Nature Conservancy, The Land Preservation Society of Norton and the Town of Norton. She said that when the project is completed, The Land Preservation Society will own 41 acres of land on this parcel. She said in order to provide access to the Three-Mile River, a gravel parking area approximately 50' x50' would have to be created. She noted the parking lot will be approximately 150 feet from the river with no or very little impacts.

Jennifer Carlino stated the parking lot is a condition of the Land Grant in order to receive the $259,000 re-imbursement from the state. Ron O'Reilly asked if there was a closer area for the parking lot and Jennifer Carlino replied there is no other possible area to put the parking lot because of the lot lines. Lisa Carrozza asked how many trees will have to be cut down for the parking lot and Jennifer Carlino replied approximately 12.

Kathy Zawasky said the parking lot will enable cars to go in and out easily rather than park one behind the other.

Lisa Carrozza asked if a new path would be created and Jennifer Carlino replied the existing 2 ½ ft. wide path could be widened. Jennifer Carlino noted that very little shrub cutting and clearing will be needed but a small amount of grading will be needed to be done by the Highway Department.

Julian Kadish made a motion, seconded by Scott Ollerhead, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Scott Ollerhead, to sign the Order of Conditions to be issued as soon as a DEP File # is received. Approved.

The members reviewed a Amendment to Order of Conditions **- #250-753 – James Elliott - Parcels 140-149 (Assessor's Map 3) 29 Holly Road –** to add tree clearing.

Document List

1. Hand written letter dated May 6, 2014 from James J. Elliott requesting to amend the Order of Conditions to allow for the removal of several trees.
2. Color photograph showing the trees to be removed (circled).

James Elliott was present at the public meeting.

David Henry asked Mr. Elliott if he had notified abutters and he replied he had not. David Henry told Mr. Elliott that he could use the same abutter's list that was provided for the previous hearing for this project. Julian Kadish suggested getting a new abutter's list from the Assessor's office because they would provide labels to make the process quicker and easier even though he would have to pay $25 again.

Lisa Carrozza made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, June 23, 2014. Approved.

The members reviewed a Notice of Intent **– (#250-928) – 249 South Worcester Realty Trust – Parcel 213 (Assessor's Map 27) 249 South Worcester Street –** for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Septic Repair Plan" #249 South Worcester Street, Norton, MA, Scale 1"=20',

prepared by Grady Consulting, LLC, signed and stamped by Richard J. Grady dated April 28, 2014.

3. Revised Page 6. of the WPA Form 3 – Notice of Intent

Gary Wolcott, Grady Consulting, LLC, and representative for the applicant, described the project to the members.

Mr. Wolcott stated this was a septic repair project. He commented that a botanist has found 2 Resource areas on this site which he has flagged; 1. an inland bank on the right side of the property and 2. bordering vegetated wetland on the raised area on the property.

He noted the existing septic system is larger than the proposed system. He stated they will be keeping the existing 5,000 gallon tank and are proposing a leaching chamber bed 56' long by 20' wide. He said that the proposed system will be farther away from the wetlands than the existing system and noted that there is no alternative location on the site to put the system.

Mr. Wolcott stated that a 45 millimeter impermeable poly barrier will be placed around the entire system to help prevent any sediment from going into the wetlands.

Julian Kadish asked if materials will be stockpiled or removed from the site and Mr. Wolcott replied they would be removed from the site. Lisa Carrozza requested that a siltation fence be installed at the limit of work. She noted a revised plan can be submitted with the changes.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing for revised plans until the next regular meeting of Monday, June 23, 2014. Approved.

The members reviewed the draft Order of Conditions for the 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.
Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions. Approved. Scott Ollerhead abstained from voting.

The members reviewed the draft Order of Conditions for the 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.
Lisa Carrozza made a small revision to the conditions. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions, as amended. Approved. Scott Ollerhead abstained from voting.

The members reviewed the draft Order of Conditions for the 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.

Lisa Carrozza made a small revision to the conditions. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions, as amended. Approved. Scott Ollerhead abstained from voting.

The members reviewed the request for full Certificates of Compliance for:

#250-781 – Angelo Pasqualino, Teddy Realty Trust – Lot 9A, Parcel 225 (Assessor's Map 17) 14 Johnson Drive
#250-782 – Angelo Pasqualino, Teddy Realty Trust – Lot B1, Parcel 230 (Assessor's Map 17) 16 Johnson Drive

Jennifer Carlino noted all the plantings were done as proposed. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to issue Certificates of Compliances for Files #250-871 #250-872. Approved.

OLD BUSINESS

Violations:

East Hodges Street – Fred Bottomley did not attend the meeting. Jennifer Carlino said she has not new information.

Alder Road – Jennifer Carlino suggested inspecting the site every couple of months to avoid any tree cutting and trespassing. Lisa Carrozza suggesting sending a letter to the Perlows to advise them where the property line is. She suggested putting up a "No Trespassing" sign at this location. Julian Kadish suggested having a post and rail fence installed at the property line. Jennifer Carlino said she would discuss this matter with the Town Manager.

12 Forest Lane
7 Todd Drive
14 Laura Lane
112 Mansfield Avenue

243 So. Worcester Street – Jennifer Carlino noted that this is the old Sysco property and the owner called and left a message acknowledging her letter and said they were going to fix the storm water management at the rear of the property but they never did. She said she will call him.

241 Dean Street – Jennifer Carlino noted that they missed their deadline and she will call them.

5 Sailors Lane – Jennifer Carlino stated she received a letter from the owner who stated they were working fixing the violation.

NEW BUSINESS

Sign Conservation Restriction – Reimbursement Billing Forms and Deed Acceptances - **Crane Farm Preserve**, 31 acres and **Erikson**, 21 acres. Jennifer Carlino noted the main issue is to get all the necessary forms signed before the closings on June 6th and June 26th.

Complaint – **164 No. Washington Street –** Jennifer Carlino stated she sent a letter to the owner and has a site inspection this Thursday. Jennifer Carlino noted she had taken care of this matter.
Watershed Policy

Reservoir Update – Jennifer Carlino stated that Pare Corporation has finally gotten an answer from the Office of Dam Safety. She said that the Office of Dam Safety is willing to call the Spillway Design work Embankment work. She said that the Addendum to the contract with Pare Corporation needs to be changed because $10,000 added funds will be needed for the additional work. Scott Ollerhead made a motion, seconded by Ron O'Reilly, to approve the Contract Addendum #2 for the additional $10,000. Approved.

Report from Staff
Site visits
Waterbodies Committee

DOT – David Henry noted that there will be a public hearing for the Plain Street Bridge reconstruction on Thursday, June 19, 2014 at 7:00 pm at the Norton Public Library.

DOT – Jennifer Carlino noted that the DOT should supply more information regarding the Gertrude Cornish Town Forest and Article 97 & Section 4F before the Conservation Commission signs any letters or documents.

Draft Dock Guidance
Wetland Protection Fund

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

David Henry adjourned the meeting at 8:40 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

_____ Chairman, _____
(Name)