

Monday, July 14, 2014

### **Attendance**

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

### **Minutes**

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

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 (Verizon). 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 Julian Kadish, to pay the bill. Approved.

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

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

The members reviewed a Bills Payable Sheet (14 & 16 Johnson Dr./COCs). Julian Kadish made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

Notice of Intent – **(#250-924) – Fred Akerblom – Parcel 247 (Assessor's Map 10) 6 Rumford Road** – **(cont. from the June 9, 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 hand drawn the original on plan by Land Surveys, Inc.
3. Several color pictures of the area.

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Fred Akerblom was present at the public meeting. He said he had addressed a letter he received from DEP by speaking with Mr. Keller over the phone. He said he mailed the requested information to Mr. Keller and has not had a response from DEP. Jennifer asked Mr. Akerblom if he had a copy of the letter and sketch that he sent to DEP and he gave her a copy for the files. He said he was requesting to expand his lawn 50 feet which would be approximately 50 feet from the river.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing to Monday, July 28, 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 June 23, 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.
11. 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 – 6/25/14.**

Jennifer Carlino commented that a revised plan has been received. She said that a lot of information is still not shown on the plan such as spot grades in front of the house and driveway and an existing mounded septic system in front of the house. She noted the bird box is located near the water and the plan shows 3-1 ½" diameter red maples.

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

Jennifer Carlino noted that she included draft conditions with the agenda for their review. She said condition #13c requires spot grades within the parking area be added to the plan. Lisa Carrozza suggested adding the existing grades between the proposed house and Maplewood Avenue. Amendments were made to conditions #28 and #29.

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

**Amendment to Order of Conditions - #250-753 – James Elliott - Parcels 140-149 (Assessor's Map 3) 29 Holly Road – (cont. from the June 23, 2014 mtg.) - to add tree clearing.**

James Elliott was present at the public hearing. He stated he would like to remove six trees within the wetlands. David Henry asked Mr. Elliott if he was planning on re-planting shrubs or trees and Mr. Elliott replied he was going to replace the trees with small white pines.

Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Scott Ollerhead abstained from voting.

**Notice of Intent – (#250-930) – Vincent Grzesik – Parcel 39 (Assessor's Map 9) 40 Farm Lane – (cont. from the June 23, 2014 mtg.) - for proposed plans to remove an old house and replace it with a new house and deck.**

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled Conservation Commission, Existing Conditions, Plan of Land, 40 Farm Lane in Norton, MA owned by Vincent & Mary Grzesik, Scale 1"=20', prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano and dated June 2, 2014 with latest revisions on **June 23, 2014.**
3. Document entitled Wattle Installation Directions

Present at the public hearing was John DeLano of John DeLano and Associates and Vincent Grzesik.

John DeLano commented that he was unable to obtain specs for a dock and requested the dock be removed from the application at this time. He noted that some discussion had taken place regarding the fence and he was requesting that the fence remain the same as shown on the plan.

Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza and Scott Ollerhead abstained from voting. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as edited. Approved. Lisa Carrozza and Scott Ollerhead abstained from voting. Approved.

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The members reviewed a Notice of **Intent - (#250-932) – Rachel Friberg – Parcel 46-01 – (Assessor’s Map 15) – 33 Walker Street – (cont. from the June 23, 2014 mtg.)** - for proposed plans to regrade a lawn, to extend, replace and regrade an existing driveway and to install an above-ground pool and deck within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan to Accompany Notice of Intent 33 Walker St., Norton, MA Prepared for Rachel Friberg”, Scale 1”=20’, prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated June 4, 2014.
3. Color photos of the existing lawn and driveway
4. Plan entitled “Plan to Accompany Notice of Intent 33 Walker St., Norton, MA Prepared for Rachel Friberg”, Scale 1”=20’, prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated June 4, 2014 with **latest revisions** on June 25, 2014.

Jennifer Carlino noted revised plans have been submitted but she has not received a DEP file number. She asked the applicant if she had received a file number and she replied she has not.

Ron O’Reilly made a motion, seconded by Julian Kadish, to continue the public hearing to the regular meeting of Monday, July 28, 2014 to receive a DEP File #. Approved. Lisa Carrozza and Scott Ollerhead abstained from voting.

The members reviewed a Notice of Intent – **(#250-929) – Jeffrey O’Neill, Condyne Capital Partners – Parcels 86 & 84-01 (Assessor’s Map 25) 40 Commerce Way – (cont. from the June 23, 2014 mtg.)** - for proposed plans to construct a 14,400 s.f. building with associated parking and utility improvements and a private fueling facility within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. nelight – calculations for light levels
3. Landscape Plan
4. Letter (comment) dated June 12, 2014 to Mark Dibb, Condyne Engineering Group from Jennifer Carlino.
5. Letter dated May 16, 2014 to the Planning Board from Mark Dibb, Condyne Engineering Group with a Site Plan application
6. Letter (response to comment letter) dated June 19, 2014 to Jennifer Carlino from Mark Dibb, Condyne Engineering Group.
7. Letter dated June 12, 2014 from Amory Engineers to the Norton Planning Board
8. Letter dated July 7, 2014 from Mark Dibb, Condyne Engineering Group, to Richard Keller, DEP – Southeast Regional Office.
9. Email regarding the hiring of a Consultant for the project.

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Present at the public hearing was Mark Dibb, Condyne Engineering Group.

Jennifer Carlino stated she received quotes from the two consultants but has not received all the member's votes. She said she could not retain a consultant without their votes. It was agreed to retain Chessia Consulting to do the Peer Review.

Jennifer Carlino asked Mr. Dibb to go over his letter to DEP. He replied he received a letter from DEP dated June 6<sup>th</sup> noting there was a Wetland Change (WC) - #WC-218-33 on or near the project site. Mr. Dibb said he replied to DEP that the wetland change was a result of work performed by a previous developer. He said the previous developer modified/filled wetlands without a permit back in the early 2000's. He said local and state authorities were then involved and the wetland was re-created in the form of a pond that currently exists today. He said the work was performed with the appropriate local and state permits.

He noted that the current location of this recreated pond was flagged, identified and included within this current Notice of Intent for 40 Commerce Way.

Jennifer Carlino commented that there are otter sign on the property and she would like to track them starting at the pond to see where the otter is going.

Jennifer Carlino stated she would like to contact the management company that Condyne uses for grounds and lawn maintenance to clean up a pile of pine needles and clippings that were dumped at the edge of the pond.

Lisa Carrozza asked if the refueling area would be covered and Mr. Dibb replied there will be a canopy over the area.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing to the next regular meeting of Monday, July 28, 2014. Approved.

Jennifer Carlino said she would notify Chessia Consulting regarding the peer review as soon as she receives a check from the applicant.

The members reviewed a Notice of Intent – **(#250-933) – Michael Galloway, Galloway Farms LLC – Lot 2A Parcel 153-01 (Assessor's Map 4) – North Washington Street** – for proposed plans to construct a house, well and septic system with associated grading within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “ Sewage Disposal System” North Washington Street, Scale 1”=30’, prepared by hutchins-Trowbridge Associates, Inc, signed and stamped by Michael A. Trowbridge and dated December 6, 2013.

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Present at the public hearing were Michael Trowbridge, Hutchins-Trowbridge Associates and Luther Grant, contractor.

Mr. Trowbridge commented that he tried to stay as far away from the wetlands as possible. He said he added a visual barrier to the plans to be a 3 ft. high post and rail fence. He said he renamed the drywell to roof drain to correspond with the details on the plan. He noted a silt sack was added around the catch basin as requested.

Mr. Trowbridge commented that the septic system is approximately 115 feet from the wetlands and the septic tank is approximately 90 feet away.

Lisa Carrozza asked what the elevation was at the top of the foundation and Mr. Trowbridge replied it was 103.5.

Jennifer Carlino stated the wetland boundary is fine and she noted the plan now reflects that more accurately. She said the botanist report states there is an intermittent stream on the site but no banks. She said that there is a bank in the wetlands and she will mark it as a "Finding".

Jennifer Carlino noted that there are 3 fox dens 8' to 30' from WF#8 and WF#10. She asked what the time of construction might be and Mr. Grant replied this fall. Jennifer Carlino stated she would put a condition in the order regulating the time of construction. She said she would like the earth work started before spring.

Lisa Carrozza commented that there will be 4 ft. to 4 ½ ft. of fill going back on the slope which leads right into the wetlands and it would have to be stabilized. She said they will have to use temporary erosion control over the winter. She said that a condition will be added to the order for the temporary erosion control. Mr. Grant replied geotex fence will be used on the slope.

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

Jennifer Carlino stated she had draft conditions ready for review this evening without the amendments. The members agreed they would rather review the amended conditions at the next meeting.

The members reviewed a Notice of Intent – **(#250-935) – Jane & Edwin E. Clare, III – Parcel 146 (Assessor's map 16) – 119 Freeman Street** – for proposed plans to install a boardwalk and dock on Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Conservation Commission" Plan of Land 119 Freeman Street in Norton, MA., Scale 1"=20' prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano and dated June 25, 2014.

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John DeLano was present at the public hearing representing the applicant. He said that the applicant is proposing to install a boardwalk and dock. He noted that the applicant loves to garden and has extensive gardens in front of and behind the house and unknowingly has encroached within the 25-ft. no disturbance zone and floodplain. He said a visual barrier for the 25-ft. no disturbance zone is proposed.

Mr. DeLano noted that the extended boardwalk area is already cleared. He said the posts for the boardwalk will be 4"x4" and boardwalk will have slots between the boards to allow sunlight to get to any vegetation underneath. He said the dock is a modular-type 4'x8' dock with adjustable posts. He said that DEP has sent a letter implying that there is an existing dock and he will respond to them with a letter explaining that there is no existing dock at this time. Jennifer Carlino asked if DEP had mentioned Chapter 91 and Mr. DeLano replied they had and he will also submit a Chapter 91 License request. Lisa Carrozza commented that Norton Reservoir is not listed as a Great Pond and DEP should not be requesting a Chapter 91 License.

Jennifer Carlino asked Mr. DeLano to point out where the BVW ends and the Land Under Water start. He pointed the areas out on the plan.

Lisa Carrozza asked if permits would be needed for any work to be done to the existing boardwalk. Jennifer Carlino replied a condition can be added stating all work is to be done by hand and per DEP dock and pier guidelines.

Scott Ollerhead made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 28, 2014. Approved.

The members reviewed a Notice of Intent – **(#250-934) – Julian Kadish – Parcel 14 (Assessor's Map 10) 72 Reservoir Street** – for proposed plans to repair a water line within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent
2. Hand drawn "Plan For Driveway Road Bed Water Line Repair".

Julian Kadish recused himself from the public hearing. He described the project to the members and pointed out the area of the water line that is leaking. He noted the project will be a one-day project. He commented that Bob Medeiros will be doing the work and will have dewatering equipment.

Mr. Kadish pointed out the siltation control on the drawing. He commented that the leak may only be 4 feet down.

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

The members reviewed a draft Order of Conditions. Lisa Carrozza suggested adding a condition prohibiting any other work other than the repair to the water line. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to sign and issue the Order of Conditions, as amended.

## **OLD BUSINESS**

David Henry noted that the Chartley reports (by Pare Corp.) are done regarding the upstream wall repairs. Jennifer Carlino asked Ron O'Reilly if he had any comments and he replied he has not reviewed the reports but will and then give comments.

### Violations

East Hodges Street – Fred Bottomley – Jennifer Carlino commented that there is **still** no stabilization at the top of the driveway.

Alder Road  
12 Forest Lane  
7 Todd Drive  
14 Laura Lane

**112 Mansfield Avenue** – Jennifer Carlino commented that a Cease and Desist letter had been sent to the owner requesting a permit be obtained for the dock. She said the owner called and stated she would remove the dock rather than getting a permit. She said the dock has been removed and a release letter for the violation should be sent.

243 So. Worcester Street  
241 Dean Street – Jennifer Carlino noted that the owner is removing debris slowly.  
5 Sailors Lane

## **NEW BUSINESS**

Watershed Policy  
Reservoir Update –  
Report from Staff  
Site visits

**Waterbodies Committee** – Jennifer Carlino noted that the committee is meeting on July 21<sup>st</sup> at 7:00 pm. She said they had received only 1 proposal since the second RFP had been sent.

Draft Dock Guidance

Jennifer Carlino asked the members if anyone was interested in attending any of the MACC Fundamental classes which will be offered for free. She said she will give out the list when she receives it.



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Jennifer Carlino had the members fill out her annual Performance Evaluation sheet and give them back to her.

Wetland Protection Fund – Jennifer Carlino commented she had included with the agenda examples of items the fund can be used for and asked if anyone had any ideas on what to use the fund for. She said she would like to discuss this at the meeting with the Town Manager regarding her Performance Evaluations. She agreed to have a more itemized list for the next agenda.

Lisa Carrozza suggested getting vests and badges to be worn on inspections.

Discussion ensued on hiring a consultant for the 40 Commerce Way project. Jennifer Carlino stated the applicant's engineer had sent a letter to the Town Manager commenting that the Commission has refused to hire Amory Engineering as a consultant for the project. The letter also commented that the Town should have a consultant to review all projects. Jennifer Carlino said she drafted a letter to the Town Manager explaining why the different departments have to hire consultants that meet the criteria for their specific department reviews.

The members agreed that Jennifer Carlino would draft a response letter to the Town Manager regarding the hiring of a consultant for the different departments.

**REORGANIZATION OF THE COMMISSION**

Lisa Carrozza made a motion, seconded by Scott Ollerhead, to keep the board the same as it is now.

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

David Henry adjourned the meeting at 9:00 pm.

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

Respectfully submitted,

*Signature:*

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

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