

Monday, July 28, 2014

Attendance

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

David Henry (Chairman) and Scott Ollerhead were absent.

Minutes

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

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

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

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

The members reviewed a Bills Payable Sheet (W.B. Mason/Verizon). Julian Kadish made a motion, seconded by Lisa Carrozza, 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).

Jennifer Carlino commented that Fred Akerblom called today to say he has not heard from DEP and requested that his public hearing be continued to the next regular meeting.

Julian Kadish made a motion, seconded by Lisa Carrozza, to continue the public hearing to Monday, August 11, 2014. Approved.

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 July 14, 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.

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Jennifer Carlino noted that the report was received from Chessia Consulting which she forwarded a copy to Mark Dibb. She said Mark Dibb has requested a continuance of the public hearing to the next regular meeting in order to review, and comment on, Chessia's report. Julian Kadish made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, August 11, 2014. Approved.

The members reviewed a Notice of Intent – (#250-935) – **Jane & Edwin E. Clare, III – Parcel 146 (Assessor's map 16) – 119 Freeman Street – (cont. from the July 14, 2014 mtg.)** 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 with latest revisions of **July 29, 2014.**
3. Revised page 2 of the Notice of Intent application.

John DeLano represented the applicant at the public hearing. He stated that he had just completed the revised plans which he submitted and proceeded to describe the revisions. He also submitted a revised Notice of Intent page and pictures of the proposed dock.

Mr. DeLano commented that there will be a total of 672 sq.ft. of disturbed wetlands and 3,440 sq.ft. of 25 ft. no-disturbance zone. He noted all work will be done by hand. He said the dock will remain permanent rather than temporary as proposed and will sit on the bottom of the Reservoir. Julian Kadish commented that the dock may move slightly and Mr. DeLano agreed it could. He said that the dock will sit approximately 12" above the water level. He noted that the spacing between the boards will be $\frac{3}{4}$ ".

Mr. DeLano commented 49 high bush blueberry bushes and 2 red maple trees are proposed to be planted by hand.

Lisa Carrozza asked Mr. DeLano what the sq. ft. of BVW was and he replied 208 sq. ft. She requested he put that amount on the final plan.

Discussion ensued regarding flood plain compensation and it was agreed that restoration of the 3,440 sq.ft. of 25 ft. no-disturbance zone will substitute for the flood plain compensation.

Mr. DeLano stated he could get revised plans to the commission within a few days. Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing.

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The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-936) – Leo & Lorraine Leroux – Parcel 20 (Assessor’s Map 15) Oak Street** –for verification of the Wetland Resource Areas.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation (ANRAD)
2. Field Data Forms
3. Plan entitled “Abbreviated Notice of Wetland Delineation Plan, Oak Street, Norton, MA prepared by Reed Land Surveying, Inc., Scale 1”=40’, signed and stamped by Glen D. Reed and dated November 8, 2013.

Present at the public hearing were Kevin Walker, Engineer and Steve Hinton, representative for the applicant.

Mr. Walker described the various areas on the submitted plan to the members. Jennifer Carlino stated the incorrect fee has been submitted for this delineation and owes \$900. Mr. Walker argued that the fee submitted is for a single-family house. Lisa Carrozza noted that this application is only for wetland delineation and not for any specific project and, therefore, the fee will be calculated for the land only under an ANRAD filing. Mr. Walker replied he would revise the plans to show the single-family house and horse stables.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, August 11, 2014. Approved.

The members reviewed a Notice of Intent – **(#250-937) – Brett Chapman, Norton Solar I, LLC – Parcels 50, 52, 53 & 70 (Assessor’s Map 23) Clapp Street** – for proposed plans to construct a solar project, access road, storm water management and grading within 100 feet of bordering vegetated wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Stormwater Report
3. Plan entitled “Proposed Solar Farm” Clapp Street, Norton, MA Prepared by Vanasse Hangen Brustlin, Inc., signed and stamped by Conor P. Nagle and dated July 10, 2014.
4. Letter dated July 22, 2014 from Jennifer Carlino to David Pickart, VHB, Inc.

Present at the public hearing were David Pickart, Environmental Scientist with VHB, Conor Nagle, Engineer with VHB and John Sullivan, Wheaton College.

Mr. Pickart commented that he had received a comment letter from Jennifer Carlino which he is still in the process of responding to it. He said tonight he will give a description of the project.

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Mr. Pickart explained the project consists of 2 solar systems which will produce 660 kw of electricity each. He said the electricity will be used by Wheaton College. He said there is a utility line connection proposed to connect the two systems and then extend off site through the woods onto Taunton Avenue to a suitable location to tie into the grid. He pointed out the lots on which the systems will be located as well as the utility line.

Mr. Pickart explained that the site consists of woods and open fields surrounded by dense brush. He commented there are several wetland resource areas on the site and noted that all the systems except the one located in the Southeast corner, drain into the Rumford River. He said that all the wetlands on the site are wooded swamps, some with intermittent streams which all flow towards the east.

Mr. Pickart noted that the project entails approximately 10.8 acres of land of which approximately 4.8 acres will be cleared of all woody plant growth. He said half of this cleared area will be out of the buffer zone. He pointed out the buffer zone and the 25-ft. no-disturbance zone and the closest point to the Rumford River. He said rather than flag the Mean Annual High Water Mark he used aerial photos. He pointed out the two areas where some of the work will occur within the wetland resource areas.

Mr. Pickart noted that there is very little earth work. He said there will be very little grading which will be the smoothing over of the areas where the panels and the access road will be located. He said the only earth work will be the installation of the storm water management systems. He said there will be a reduction in the impervious surface by the removal of the asphalt driveway around the house and the proposed access roads around the systems will consist of gravel. He noted that there will be some runoff.

Jan Franceschelli asked how long the project will be and Mr. Pickart replied approximately 6-9 months and will begin in the fall if approved by the Planning Board.

Julian Kadish asked if all debris will be removed from the site and Mr. Pickart replied it will be. Jennifer Carlino commented that she had sent a 3-page comment letter. She asked Mr. Pickart why he would be crossing through two wetland resource areas rather than going out to the street where poles already exist. He replied that the road will be several hundred feet longer which is more expensive and running the line along the existing lines will reduce the electricity power in the new lines. He added that the new lines will be underground which will protect the lines from weather.

Jennifer Carlino asked Mr. Pickart how he arrived at the shading evaluation calculations. Conor Nagle replied there is a formula in place to calculate the figures. Lisa Carrozza asked if there was any possibility of shifting the systems and Mr. Nagle replied that it would not be cost effective because of state credits given for specific designs.

Lisa Carrozza asked if the construction of the two systems were going to be phased and Mr. Pickart replied there will be one contractor and two crews to complete both systems at once. She asked what

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was going to be planted between the panels and he replied a seed mix. He commented that there will not be any erosion at the dripline. Jan Franceschelli asked if the panels will have to be upgraded at any time and Mr. Pickart replied that there is a 25-yr. warranty on the panels.

Lisa Carrozza asked what a shade buffer was as shown on the plans. Mr. Pickart replied that refers to the optimal clearing for the project. Lisa Carrozza asked about an area that appeared to be a slope at a hammerhead turn-around and asked about the grading and Mr. Nagle replied that the small mound will be leveled and added to a revised plan.

An abutter, Bruce Cummings, 37 Clapp Street, had concerns with the submitted plans and commented that they do not depict the wetlands correctly. He noted that these area sometimes flood during certain times of the years.

An abutter, Kevin Heayden, 14 Clapp Street, had a couple of questions for Mr. Pickart regarding clearing and access roads.

Joe Alves, 32 Clapp Street, pointed out areas that flood yearly. He commented that he is the one who cleans the culverts in the area from time to time. He stated that there is a hill behind Mrs. Farquhar's house at 36 Clapp Street and he is pumping her cellar out constantly during the rainy seasons. John Sullivan noted that Mrs. Farquhar has a Right for Peaceful Enjoyment on this property and she has no objection to this project but is concerned with the possibility of flooding.

Lisa Carrozza asked Mr. Pickart to explain to the abutters what a wetland is and how it is determined.

Dean Zwicker, 9 Clapp Street, had questions regarding the amount of kilowatts of electricity for each system and Mr. Pickart noted it should not go above 650. Mr. Zwicker noted at the beginning of the public hearing it had been noted that there will be 660 kilowatts and Mr. Pickart replied that he was mistaken and should have noted 650 kilowatts.

Jennifer Carlino asked the members if they wanted to require a Consultant for the drainage. Julian Kadish suggested there is no need to hire a consultant for this project.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing to the next regular meeting of Monday, August 11, 2014. Approved.

Ratify the issuance of the Order of Conditions after receiving a DEP File # for the:

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.

Julian Kadish made a motion, seconded by Lisa Carrozza, to ratify the issuance of the project File #250-932. Approved.

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The members reviewed the draft 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.

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

The members reviewed the draft Order of Conditions for 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. Minor revisions were made to the draft. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions, as amended. Approved.

OLD BUSINESS

Violations

#250-848 – Fairlee Lane – Fred Bottomley – Jennifer Carlino noted that Mr. Bottomley is not going to pave the driveway. She said he wants to wait until he begins his new project. She said she advised Mr. Bottomley the Enforcement Order will remain in place until the violation is fixed.

East Hodges Street – Fred Bottomley – Jennifer Carlino commented that she did an inspection of the site but the grass has not completely grown in yet and she suggested not to release the Enforcement Order until the grass is grown and mowed twice. She said all 4 items in the Enforcement Order have been completed except for the grass.

Alder Road
12 Forest Lane
7 Todd Drive
14 Laura Lane
243 So. Worcester Street
241 Dean Street
5 Sailors Lane

NEW BUSINESS

Violation – 90A Freeman Street – Jennifer Carlino stated the owner has removed a large amount of BVW to make a pond and a violation notice was sent.

Watershed Policy
Reservoir Update –

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Report from Staff -

Jennifer Carlino noted that she had met with the Great Brook condo association last year when they were requesting to build a retaining wall. She said she advised them at that time that they would need a permit. She said they were upset and sent a letter to the Town Manager. She said she included a copy of her response to the Town Manager with the agenda.

Tom Hunt letter – Jennifer Carlino asked the members if they want her to send a letter responding to a copy of a letter that was sent from the Canoe River Aquifer Advisory Committee to the Foxboro Planning Board regarding an old proposed project by Iris Glen. No action was taken by the members.

Jennifer Carlino noted that Phyllis Bernard's (secretary) hours are being reduced to 34.5 hours from 37.5 hours pending approval of the Town Manager. She noted this does not affect her Conservation Department hours.

Jennifer Carlino noted that she had attached with this agenda a copy of an email from Lisa S. Caledonia offering her services as a Peer Review Consultant.

Jennifer Carlino noted that she attached a copy of the abutter notification for a project mailed by Scott Goddard, Goddard Consulting, LLC. She commented that Mr. Goddard had added a paragraph soliciting work to the notice. It was agreed to send Mr. Goddard the information from the Mass Wetland Protection Act which states what information should be listed on the Abutter Notification Form.

Jennifer Carlino noted she received an advertisement from Todd Wakum offering his services to give presentations regarding storm water management to various Towns.

Site visits

Waterbodies Committee

Draft Dock Guidance

Wetland Protection Fund

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

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David Henry adjourned the meeting at 8:56 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____