

Monday, August 25, 2014

### **Attendance**

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

### **Minutes**

Ron O'Reilly called the meeting to order at 7:00 pm.

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

The members reviewed a Bills Payable Sheet (W.B. Mason). Lisa Carrozza made a motion, seconded by Julian Kadish, 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 August 11, 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 map with driveway and lawn hand drawn by Fred Akerblom on a plan by Land Surveys, Inc.
3. Several color pictures of the area.

Jennifer Carlino stated she has not heard from Mr. Akerblom but the project is ready to close. Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

Jennifer Carlino noted she had included a copy of the draft Order of Conditions with the agenda for the commission's review. She commented that she had incorporated comments made by the members at the previous public hearing for this project. Lisa Carrozza made minor changes to conditions #7, #8 & #16C. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the Order of Conditions, as amended. Approved.

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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 – (cont. from the August 11, 2014 mtg.)** - 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.
4. Email dated August 4, 2014 from Kevin Walker
5. Letter dated 8/14/14 from Kevin Walker to Jennifer Carlino including drainage calculations dated 8/14/14
6. Email dated August 18, 2014 from Jennifer Carlino to Kevin Walker
7. 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 with latest revisions on July 29, 2014.
8. 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 with latest revisions on August 20, 2014.

Kevin Walker represented the applicant at the public hearing and submitted revised plans. He said two requests were made at the previous meeting. He noted the first one was to show the potential use of the property on the plans which he submitted. He noted the second one was to submit ILSF calculations which he did. He commented the calculations were calculated on a 1-yr storm event which shows that there is no ILSF on the property.

Mr. Walker commented that Jennifer Carlino had requested that notes be shown on the plan stating that any work on the property will require a Notice of Intent filing and he said he wrote that on the revised plans. He said he added notes that if work will not be within the buffer zone it should show this on the plans.

Jennifer Carlino asked Mr. Walker to put all wetland areas on the plan including the ponding area on the latest revised plan dated August 20, 2014.

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

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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 August 11, 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.

Dave Henry noted that a request from Mark Dibb to continue the public hearing to the meeting of September 8, 2014 in order to conclude correspondence with Chessia Consultants.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, September 8, 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** – (cont. from the August 11, 2014 mtg.) 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.
5. Appendix D Illicit Discharge Compliance Statement
6. Checklist for Storm Water Report
7. Stormwater Management System Operations and Maintenance Manual
8. Letter dated July 22, 2014 from Jennifer Carlino to David Pickart, VHB, Inc.
9. Letter dated July 30, 2014 from Conor Nagle, PE, VHB

Chris Lovett, VHB, addressed the commission in behalf of the applicant. He commented that since the last meeting with the commission, a response letter to Jennifer Carlino’s comment letter had been sent. He said he went on a field walk on the site and updated the plans to show a potential vernal pool located on the site. He noted minor modifications have been done to the grading.

Jennifer Carlino asked Mr. Lovett to go through Conor Nagle’s response letter dated July 30, 2014.

Mr. Lovett proceeded to go through the comments as follows:

Regarding the NOI application:

- 1. The project narrative does not address how impacts to bank were avoided. Please include a description of the sequencing for avoiding, minimizing then mitigating.**

Mr. Lovett commented that without relocating the utility line connection into Clapp Street and along Taunton Avenue (Route 140), impacts to Bank can't be avoided because the intermittent streams bisect the entire property. A discussion regarding the impracticality of routing the utility connection is provided in the response to Comment 22. As further explained in that response, utilizing the utility-owned infrastructure for the project interconnection would entail the need for system upgrades that would make the project economically unviable.

- 2. Please provide an operation and maintenance plan for future maintenance of the proposed easements suitable for Wheaton to distribute to potential contractors.**

Mr. Lovett stated that the operation & maintenance of the solar facilities will be undertaken by the Applicant, Norton Solar I, LLC, not by a contractor to Wheaton College. He noted that maintenance, in addition to the stormwater O&M plan, will consist of trimming of grass to keep it below the height of the solar panels.

Jennifer Carlino noted she had attended a recent MSMCP workshop and it was suggested that a warm-season mix could be used for the erosion control rather than the usual solar erosion control mix. She said it would be a type of grass that would attract native species.

- 3. Riverfront area is not discussed in the NOI application but shown on the plans. Please describe how riverfront area was delineated.**

Mr. Lovett explained that no work will be performed within 200 feet of the river.

- 4. Confirm a MEPA application is not required.**

Mr. Lovett stated that according to the calculations that were done, a MEPA application is not required.

**5. Please provide a written description of the shading plan used to create the solar fields.**

Mr. Lovett commented that 100% efficiency of a solar systems is dependent on maximizing its exposure to direct sunlight. He said the optimal buffer from shading is typically three times the tree height, up to 70 feet on the south and 75 feet on the east and west and 50 feet on the north and while this proposal does not meet the preferred minimums at all points, on all sides, the losses incurred are relatively minor in terms of the overall exposure.

Lisa Carrozza asked Mr. Lovett how the people that are doing the trimming or clearing will know where the limit is and suggested this should be staked in the field.

Regarding the storm water report:

**6. The Commission typically will require a consulting engineer review the storm water management portion of the project under Chapter 44, Section 53G.**

Mr. Lovett noted that as discussed previously, a peer review is not needed, in his opinion.

**7. Page 3 of the checklist, uncheck the box stating no wetland resource areas are disturbed. The project alters bank.**

Mr. Lovett commented that the stormwater checklist has been revised accordingly.

**8. Complete page 6, standard 4.**

Mr. Lovett noted that the project does not propose to add any additional impervious surfaces and therefore, in accordance with the Stormwater Handbook, the Required Water Quality Treatment Volume for the project is 0 cubic feet. This option is not provided on the form. The provided check options do not apply. On the updated checklist the section has been marked as Not Applicable.

**9. The Commission will require a draft SWPPP for review under the NOI application. Please submit a draft SWPPP.**

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Mr. Lovett commented as this project disturbs greater than one acre a SWPPP will be required under the NPDES Construction General Permit. He said a copy of the SWPPP will be provided to the Conservation Department prior to construction. Jennifer Carlino replied that the commission would like a draft SWPPP be submitted now with revisions being conditioned later. Mr. Lovett agreed he would submit a draft SWPPP.

- 10. The storm water checklist for standard 9 (0 & M) has items checked that have not been included in the actual 0 & M. Please revise.**

Mr. Lovett noted the 0 & M plan has been updated accordingly but was not sure it had been submitted as yet.

- 11. The storm water checklist for standard 10 states and illicit discharge statement is attached. It is not. It must be signed.**

Mr. Lovett noted it has been submitted and signed.

- 12. The description of snow management in the 0 & M is inadequate. Please revise and show snow management areas on the plans.**

Mr. Lovett commented that a snow management has been provided in the updated 0 & M Plan, and the proposed snow stockpile areas have been added to the plan set. Jennifer Carlino suggested placing signs where to put the snow.

- 13. "Erosion control" should be "sediment control". Please revise heading and notes 1 and 2.**

Mr. Lovett commented that the Legend and General Notes sheet has been updated.

- 14. Please add a note about the requirement of sediment control inspections by the Conservation Commission prior to commencement of work.**

Mr. Lovett noted this has been added.

- 15. Please add a note that the sediment controls cannot be removed until the Conservation Commission has inspected the property and a Certificate of Compliance has been issued.**

Mr. Lovett noted that this not has been added.

Regarding the plans: Sheet C-3.1

- 16. There appears to be activity within the buffer zone near flags WFB series. Please provide a section of plan that clearly illustrates all activity in this buffer zone. Is there an existing path where this can be located?**

Mr. Lovett stated more detail had been added to the plans.

- 17. The wetland crossing doesn't appear to be located at its narrowest point and should be relocated.**

Mr. Lovett stated the wetland crossing has been relocated approximately 20 feet to the northeast of its current location in order to cross the wetland at its narrowest point.

- 18. The plan should clearly illustrate the amount of clearing through the wetland/bank. The plans show a 5 -foot clearing when the text describes 10-foot clearing.**

Mr. Lovett explained that the plans have been revised to accurately portray the 10 foot clearing.

- 19. Detention basins are proposed. Infiltration basins are preferred. Please change to infiltration basins or provide a description of why this cannot be done.**

Mr. Lovett noted that the basins have been designed to infiltrate. To be conservative they were modelled as detention only, discounting the recharge.

- 20. Please provide a physical barrier to prevent snow from being dumped into the storm water basin.**

Mr. Lovett stated a physical barrier of large boulders will be installed along the gravel pathways adjacent to the stormwater basins to prevent snow from being pushed into the basins. He said the plans have been revised to include this.

- 21. There is a cleared area in the southeastern portion of the site (there is a triangle marked 100' BZ) that could be the location for some forested plantings. Is there a restoration plan that can be produced?**

Mr. Lovett commented that a restoration area has been designated on the plan in the suggested area. He said the restoration will comprise of a mix of red oaks and red maples.

- 22. The proposed wetland/bank crossing is adjacent to the existing road. Please avoid the wetland alteration by relocating the utility to the existing paved road or provide a written description of why this cannot be done.**

Mr. Lovett explained that in addition to maximizing the exposure to direct sunlight, the efficiency of the system is dependent upon minimizing the electrical losses inherent in linear electrical systems. He noted that the proposed crossing at the narrowest point of the system is shorter than continuing to the public right of way. He said additionally, connecting to the grid in Clapp Street would require significant upgrades to the existing electrical infrastructure therein, beyond the financial viability of the project.

Regarding the plans: Sheet C-3.2:

- 23. Please provide a physical barrier to prevent snow from being dumped into the storm water basin.**

A physical barrier of large boulders will be installed along the gravel pathways adjacent to the stormwater basins to prevent snow from being pushed into the basins. The plans have been revised to include this.

- 24. Confirm this is an accurate delineation of the Riverfront Area and provide a description of how this resource area was identified.**

Mr. Lovett noted this was responded to in comment #3.

Regarding the plans: Sheet C-5:

- 25. Provide a detail of the storm water management basin and include the elevations of all storm events.**



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Mr. Lovett noted a cross section details of the three stormwater basins will be added to Sheet C-5, indicating the level of the 2, 10, 25 and 100 year storm events.

**26. Siltsock note 4: Add silt-sock specifications to the plans.**

Mr. Lovett noted additional specifications will be provided on Sheet C-5.

Jennifer Carlino commented to Mr. Lovett that she and David Pickart have been emailing back and forth regarding the filing fee and that he still owes \$525 toward the filing fee. He said he would forward another check for \$525 to the office.

Jennifer Carlino noted pictures confirming a vernal pool on the site were submitted by Dean Zwicker.

Jennifer Carlino asked if there were any plans to remove the large amount of metal and other debris on the property and Mr. Lovett replied he would contact the applicant. She handed out pictures of turtle nesting areas.

Mr. Lovett commented he would submit the following information:

- revised Operations & Maintenance plan
- balance of filing fee
- draft SWPPP
- check the infiltration basins

He commented he would:

- stake the limit of work in the field
- put up signs in the field for the snow areas

Jennifer Carlino noted she would add a condition regarding the crossing.

Janice Lavery-Heayden, 14 Clapp Street, commented that the Planning Board was requiring that the shade buffer be increased to block the view of the solar panels after all the leaves have fallen off the trees. She commented that she does not see the notes on the revised plans.

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Bruce Cummings, 37 Clapp Street, noted that he had spoken to Mr. Nagle and discussed the location of the berms and blocking the view of the solar panels. Jennifer Carlino commented that the berms will not be placed in the wetlands nor within the 25-ft. limit of work.

A relative of the perspective buyer for 39 Clapp Street had concerns about the solar panels killing birds. Jennifer Carlino replied that this was not happening in Massachusetts.

Julian Kadish commented that evergreen plantings might be an alternative for a buffer.

Dean Zwicker asked if the project could be moved closer to the river and Mr. Lovett replied it could be moved a little more towards the river but noted he has to stay at least 200 feet from the river.

Joe Alves, 32 Clapp Street, had questions regarding the location of the poles. Another abutter noted that the Planning Board had a problem with the proposed location of trees. Julian Kadish noted that the Conservation Commission has only so much jurisdiction over a project enforcing the Wetlands Protection Act. He commented that some of the other issues are reviewed by other departments.

Mr. Cummings had questions regarding the maintenance of the solar panels and asked who would be maintaining the property. He commented that he would organize a group of the local residents if any of the commission members would like to walk the site. The members informed him that he needs the land owner's permission to access the site.

Lisa Carrozza made a motion, seconded by Scott Ollerhead, to continue the public hearing to the regular meeting of Monday, September 8, 2015.

The members reviewed a request for a Certificate of Compliance for File **#250-919 - Keith Williams - Parcel 6 (Map 10) 82 Elm Street.**

Jennifer Carlino stated the project was completed according to the approved plans. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

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The members reviewed a request for a Certificate of Compliance for File **#250-648 – Angelo Pasqualino – Parcel 611 (Map 10) Lot 8 - 11 Johnson Drive.**

Jennifer Carlino stated all the invasive species have finally been removed. Scott Ollerhead made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

**OLD BUSINESS**

**#250-938 – 336 Old Colony Road** – email from Scott Goddard regarding abutter notification language.

Jennifer Carlino noted she enclosed a copy of the email from received from Scott Goddard dated August 15, 2014 advising her that he received a reply from SWS Ethics Commission advising him that the entire language in his abutter notification form was fine and not unprofessional. (The actual reply from SWS was not included.)

**Mansfield waste water treatment plant on Hill Street.**

Jennifer Carlino commented that she received an email from Magdalena Lofstedt checking to see if installing solar panels on galvanized metal panels resting on concrete blocks in the existing detention basins would require a permit or if there is an Order of Conditions for the construction of the storm water management system already in place. Jennifer Carlino noted a permit would be required.

**Request to purchase land at 395 Reservoir Street** – Jennifer Carlino noted she received a letter from the owner asking if the Conservation Commission is interested in purchasing this property because it is all wetlands. She said she drafted a response letter informing the owner the Commission does not have the funds at this time to purchase the property but would be glad to accept the land as a donation. Ron O'Reilly made a motion, seconded by Julian Kadish, to send the letter.

Violations

**90A Freeman** violation – Jennifer Carlino said she met with Chris Yarworth, Yarworth Engineering Co., Inc. and the homeowners. She said the homeowners are cooperating and have started restoring the wetlands.

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East Hodges Street – Fred Bottomley  
Alder Road  
12 Forest Lane  
7 Todd Drive  
14 Laura Lane  
243 So. Worcester Street  
241 Dean Street  
5 Sailors Lane

Fairlee Lane – Culvert to pond. Jennifer Carlino noted the area has been fully stabilized and a release of the Enforcement Order can be sent.

**NEW BUSINESS**

Watershed Policy  
Reservoir Update  
Report from Staff  
Site visits

Jennifer Carlino noted the MACC Fall Conference on aquatic invasive plants will be held on Saturday, September 27, 2014 at 8:30 am to 4:00 pm at Framingham State University. She handed out forms for anyone that might want to go.

Waterbodies Committee  
Draft Dock Guidance  
Wetland Protection Fund

Grants

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

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Jennifer Carlino noted that she recently received an email and a phone call from the Department of Transportation regarding the Plain Street Bridge asking the Commission to make a decision about the Gertrude Cornish Town Forest and whether it is a substantial recreation activity under Section 4F. She said she has drafted a response letter stating it is. Julian Kadish made a motion, seconded by Scott Ollerhead, to send the letter as drafted. Approved. Lisa Carrozza abstained from voting.

Jennifer Carlino noted she met with people that won the bid for the solar project at the Hill Street landfill. She said they will be filing a Request for Determination. She said she would like to see the plans before making a decision as to whether or not it should be a Notice of Intent filing. The members agreed a Notice of Intent should be filed.

Jennifer Carlino asked the members to choose a member to meet with the Town Manager to discuss her Performance Evaluation Form. Lisa Carrozza and David Henry agreed they would meet with the Town Manager.

Jennifer Carlino noted that MACC is offering several Fundamentals training workshops for free to anyone in Bristol County and suggested they mail in their registration forms if they want to attend any of the workshops.

Lisa Carrozza commented that all the stakes used in the siltation control at the Cross Street dam are damaged and should be removed as well as the silt socks.

David Henry adjourned the meeting at 8:53 pm.

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

Respectfully submitted,

*Signature:*

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

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