

MINUTES

November 10, 2014

The meeting was called to order at 7:00 pm.

Attendance: David Henry, Ron O'Reilly, Julian Kadish, Lisa Carrozza, Scott Ollerhead, Jan Franceschelli, Dan Pearson and Conservation Agent Jennifer Carlino

7:00 pm **Review Draft Minutes**

January 27, 2014 - Motion by Ron O'Reilly, seconded by Julian Kadish, to accept the minutes as drafted. Approved.

January 27, 2014 (Executive minutes) – Motion by Ron O'Reilly, seconded by Julian Kadish, to accept the minutes as drafted. Approved.

February 10, 2014 – Minor revisions were made to the draft minutes. Motion by Lisa Carrozza, seconded by Ron O'Reilly, to accept the minutes, as amended. Julian Kadish, Jan Franceschelli and Dan Pearson abstained from voting. Approved.

February 10, 2014 – (Executive Session) – Minor revisions were made to the draft minutes. Motion by Lisa Carrozza, seconded by Scott Ollerhead, to accept the minutes, as amended. Julian Kadish, Jan Franceschelli and Dan Pearson abstained from voting. Approved.

February 25, 2014 – Motion by Lisa Carrozza, seconded by Julian Kadish, to accept the minutes as drafted. Scott Ollerhead abstained from voting. Approved.

Bills Payable

Chartley Landscaping Management, Inc. – Motion by Ron O'Reilly, seconded by Scott Ollerhead, to pay the bill. Approved.

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7:05 pm AMENDMENT – **File #250-897 – 142 East Main Street – Emerson Martins/Best Hands Construction and Repairs, Inc.** – to modify an existing permit.

Documents:

1. Plan entitled “Plan of Proposed Landscape Yard Revisions, 142 East Main Street, Norton, MA Prepared for Emerson Martins prepared by Yarworth Engineering Company, Inc., Scale 1”=40’, signed and stamped by Christopher D. Yarworth and dated October 6, 2014.L
2. Letter dated October 16, 2014 from Christopher D. Yarworth to Jennifer Carlino, Conservation Agent.

Present at the public hearing were Emerson Martins and Chris Yarworth. Mr. Yarworth commented the applicant would like to re-locate the material storage bins, remove the irrigation well, remove the truck wash area, remove the tight tank and concrete the bottom of the bins.

He noted there would not be any change in the grading. Lisa Carrozza suggested having stone with filter fabric placed in front of the bins for infiltration if needed.

David Henry asked if the Operations and Management Plan would have to be changed and Chris Yarworth replied it would not, therefore and Amended Order was not required.

Motion by Lisa Carrozza, seconded by Julian Kadish, to close the public hearing. Approved.

7:25 pm Notice of Intent – (**#250-944**) – **Weder Pereira – Parcels 220 & 222 (Assessor’s Map 9) Reservoir Street – (cont. from the October 27, 2014 mtg.)** - for proposed plans to construct a single family dwelling, driveway, & septic system with related utilities and grading and upgrade an existing stream crossing with new headwalls and new pipe within 100 feet of Norton Reservoir.

David Henry stated an email was sent by Peter Lavoie, Landmark Site Design requesting a continuance of the public hearing until Monday, November 24, 2014. Motion by Scott Ollerhead to continue the public hearing to the regular meeting of Monday, November 24, 2014, seconded by Lisa Carrozza. Approved. Julian Kadish abstained from voting.

7:20 pm Notice of **Intent** – (**#250-943**) – **Bernard Marshall/Norton Water Department – Parcels 2 & 3 (Assessor’s map 19) off Plain Street** – for the construction of a new water treatment plant with associated water piping.

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Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Town of Norton, Massachusetts Water Department/Water Treatment Plant, Plain Street, Norton, MA/For Permitting Only, Conservation Commission-October 2014 prepared by Weston & Sampson, signed and stamped by Barbara K. Cook.
3. Letter dated November 4, 2014 to Randall Suozzor, Weston & Sampson, Inc. from Jennifer Carlino.
4. Letter dated November 7, 2014 to Norton Conservation Commission from Randy Suozzo, P.E. Weston and Sampson

Present at the public hearing were Bernie Marshall/Water/Sewer Superintendent, Tony Zerrilli, Weston & Sampson and James Pearson, Weston & Sampson.

Mr. Zerrilli stated that iron and magnesium have been showing up in wells 4, 5 & 6 which are located off Plain Street. He said the goal is to connect wells 5 & 6 with a raw water main under Canoe River by directional drilling, outlet it within the access road to well 4 then to a treatment plant and then back into the distribution center after being treated.

Lisa Carrozza asked Mr. Marshall to explain how the system will work and he proceeded to explain the system.

Mr. Pearson pointed out where the work will be done on the plans. Jennifer Carlino commented the plans were almost unreadable. He explained step by step how the work will be completed. Jennifer Carlino asked if the pipe in the road will be in the shoulder of the road or directly in the road and Mr. Pearson replied it would be entirely in the roadway.

Mr. Pearson noted there will be a few underground recycle tanks with shallow covers. He said it would be difficult to plant anything on top of the covers as they will not be very deep into the ground. He said stone will be placed on top of these covers.

David Henry asked how close the closest abutter to the site is and Mr. Pearson replied about 30 feet. David Henry asked if the treatment plants are loud and Mr. Pearson replied inside they are loud but not outside.

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Lisa Carrozza asked Jennifer Carlino if she wanted to go through her comment letter now and she replied she only received the response letter today and did not have time to read it thoroughly. David Henry suggested going through the letters.

Tony Zerrilli noted he had replied to Jennifer Carlino's comment letter as follows:

Regarding the NOI:

- Regarding Page 2, 7b. limited project. He noted the plans have been revised re-locating the water line closer to the existing water main but he stated the water line cannot be moved out of the wetlands or floodplain because of safety reasons.
- Regarding the Riverfront alteration, page 3 and plan C-3.1. He noted he revised page 3 to show the 230 SF of impact within the inner riparian zone and on the plan C-3.1.
- Regarding the narrative and missing descriptions for compliances for some resource areas. He commented he has submitted updated information for these areas.
- Regarding alteration to BLSF which requires a wildlife habitat evaluation. He commented that the majority of the proposed 20,000 SF impacted areas will be related to underground utility work. He noted he was not going to list them originally as impacted areas but had been advised to list them as temporary impacts. He commented he did not believe an evaluation is necessary with the exception to entrance and exit pits to the directional drill.
- Regarding LID being listed on the application but not illustrated on the plans. Mr. Pearson noted that the stormwater report summary submitted with the NOI included a brief description of the LID measures which are part of the project. He said he has revised the summary expanding the LID techniques which will be used.
- Regarding the stormwater checklist claiming bioretention cells being used and not shown on the plans. Mr. Zerrilli noted the checklist has been revised to reflect that bioretention cells are not being used.
- Regarding quantifying resource area alteration on the plans. He commented that the alterations have been quantified and listed in a table on the plan.
- Regarding the submission of a SWPPP for review during the public hearing. He noted that no contractor has been chosen for this project yet and a SWPPP will be submitted by the contractor when given the job. He asked that this be a condition.

Jennifer Carlino commented that submitting a SWPPP now will save a lot of time and confusion. Mr. Zerrilli agreed he would submit a draft SWPPP.

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Sheet C-3.1

- Regarding Sheet C-3.1. He replied Sheet C-3.1 has been revised to show a construction entrance and temporary storm water controls at the treatment plant site, detailed on Sheet D-1.1.
- Regarding the plans referring to stormwater detention ponds and infiltration basins. He commented that all the plans have been revised with “infiltration basins”.
- Regarding the width of the gravel fire road. He noted the plans have been revised to show the width of the gravel fire road which is 18 feet wide.
- Regarding the rectangular building on the plans. He noted this is the generator.
- Regarding the buffer enhancement for the neighbors at the north-northeast of the property. He replied that a landscape plan has been submitted.
- Regarding the installation of a turbidity curtain in the buttonbush swamp. He noted that revised detailed information has been provided to show the installation of the curtain and the process for anchoring it at the bottom of the swamp.
- Regarding the use of a curlex blanket and its details. He commented a curlex blanket is not needed on this project and has been removed from the plans.
- Regarding the infiltration trench. He noted the trench is proposed along the south edge of the fire access road and the plans have been revised to show this.
- Regarding the infiltration basin details not complying with DEP storm water management detail. He replied that the infiltration basin detail on Sheet D-1.1 has been revised to comply with DEP storm water management standards.
- Regarding the diameter of the straw wattles. He commented the straw wattle details have been revised to clarify the size which is 12”.

Sheet C-4.1

- Regarding the floodplain line and Riverfront labels. He commented that the plan has been revised to clearly show the floodplain line and riverfront line.
- Regarding washout areas along the existing road and stormwater treatments. He noted that the Water Department regular maintains the roadways. Bernie Marshall commented that he has not had any washouts to date.
- Regarding areas to be fenced. He noted plans have been revised to eliminate all fencing within the riverfront area.

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- Regarding sediment control and construction notes. He commented plans have been revised to include sediment control and construction notes.
- Regarding revisions to the construction term plans. He stated the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan has been revised and submitted.
- Regarding confirmation that 1" water quality volume was used. Mr. Pearson replied that 1" water quality volume was definitely used. Jennifer Carlino commented she wanted to make sure he has acknowledged the project is in the ACEC and he agreed he does.
- Regarding the illicit discharge statement. He noted this has been submitted by the Water Superintendent.
- Regarding the ENF Certificate. He replied that since the project has been re-designed, he has resubmitted revised information to MEPA and has submitted the new information to the Conservation Commission.

Mr. Zerrilli commented he would be submitting three sets of revised plans this week as well as a draft SWPPP. He asked if the commission is requiring a Habitat Evaluation Report and Jennifer Carlino replied she will review the revised information and then answer this question.

Motion by Scott Ollerhead to continue the public hearing to the regular meeting of Monday, November 24, 2014, seconded by Dan Pearson. Approved.

7:30 pm 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 October 6, 2014 mtg.)** for proposed plans to construct a solar project, access road, storm water management and grading within 100 feet of bordering vegetated wetlands.

David Henry noted a request has been received to continue the public hearing to November 24, 2014. Motion was made by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, November 24, 2014, seconded by Julian Kadish. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-682
(full)

Edward Breault
c/o Aspen Properties Group, LLC

Parcel 73-23 (Map 25)
23 King Philip Road

Jennifer Carlino stated that most of the work has not been completed but a new Notice of Intent has been submitted for this project.

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Motion by Julian Kadish to issue the Certificate of Compliance, seconded by Scott Ollerhead. Approved.

#250-753
(partial)

James Elliott

Parcels 140-149 (Map 3)
29 Holly Road

Jennifer Carlino noted the fence was up but there are no markers in place. Mr. Elliott replied he would put the markers up first thing tomorrow morning. She commented that Mr. Elliott requested to remove 6 or 7 trees and then replant smaller trees but he has not removed any trees to date. He replied that he does not intend on removing any trees.

Jennifer Carlino suggested issuing a partial Certificate of Compliance until the markers are up and the lawn is more stabilized.

Motion by Lisa Carrozza to issue a partial Certificate of Compliance, seconded by Scott Ollerhead. Approved.

SIGN/ACCEPT ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

Notice of Intent – (**#250-941**) – **Aspen Properties Group, LLC – Parcel 73-23 (Assessor's Map 25) 23 King Philip Road** - for proposed plans to connect to sewer within the 100-yr floodplain and 100 feet of Lake Winnecunnet and to raise a building to comply with floodplain regulations.

Motion made by Jan Franceschelli to sign and issue the Order of Conditions as drafted, seconded by Dan Pearson. Approved. Ron O'Reilly, Lisa Carrozza and Scott Ollerhead abstained from voting.

Notice of Intent – (**#250-942**) – **Ashley Ware – Parcel 29 (Assessor's Map 11) 71 Leonard Street** – for proposed plans to upgrade a sanitary disposal system with associated grading within 100 feet of wetlands and within floodplain.

Motion made by Julian Kadish to sign and issue the Order of Conditions as drafted, seconded by Scott Ollerhead. Approved. Lisa Carrozza was opposed to the project. Ron O'Reilly abstained from voting.

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Ratify the vote for the project at 21 King Philip Road – File #**250-940**

Motion by Lisa Carrozza to ratify the signatures for the Order of Conditions for 21 King Philip Road, seconded by Julian Kadish. Approved.

OLD BUSINESS

Demers case – Reservoir Street

Jennifer Carlino updated the commission and stated that the rear portion of this property, portions of the Norton Reservoir, is owned by the Town but several residents have been filling the area in over the past several years which is a violation of the Wetland Protection Act and Article 97. She said the residents are trying to claim the property by “Adverse Possession”. She said the Selectmen are trying to find out when the work was done, but they cannot find information on it.

She stated the Selectmen want to settle this issue and want to know if any of the Conservation Commission members would be interested in doing an Executive Session with the Selectmen and Town Counsel this coming Thursday. Jennifer Carlino noted she had a letter from Town Counsel which was marked “Confidential”. David Henry suggested going into Executive Session in order to read the letter aloud. Jennifer Carlino suggested the members read the letter before making any decisions.

Dan Pearson, Ron O'Reilly and Jan Franceschelli agreed to meet with the Selectmen this Thursday evening at 6:30 pm for an Executive Session regarding the Demers/Norton Reservoir Street issue.

Violations:

162 w main st –90A Freeman violation
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

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NEW BUSINESS

New DEP regulations effective October 24, 2014 - Jennifer Carlino noted she included with the agenda a copy of the new DEP Regulations fact sheet.

MEPA letter- Hill St solar project- Jennifer Carlino noted that she included a copy of her draft response letter. She said that originally comments were due today but she received an extension until Wednesday. She asked the members if they had any comments. No comments were received. She said she would submit the letter as drafted.

Jennifer Carlino noted she received a response letter to her letter from Mrs. Texeira. She said the letter is dated November 13, 2014 from Mrs. Texeira regarding File #250-38 – 162 West Main Street. David Henry read the letter aloud which basically stated she nor her husband could or would have filled any wetlands on the property. In the letter, Mrs. Texeira stated she gave permission to Dylan Ribeiro to handle any work or restoration to the property going forward.

Watershed Policy
Reservoir Update
Report from Staff
Site visits

Waterbodies Committee update
Draft Dock Guidance
Wetland Protection Fund
Grants

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

DEP# 250-230, 11 Boutas Dr. - Request for a COC.

Jennifer Carlino stated the owners submitted an Elevation Certificate that was partially filled out with no numbers on it and an As-Built Plan for this lot only which is a foundation and septic plan. She said the approved plan in the file shows the floodplain compensation and wetland compensation at the top of the plan. She said their plan does not have any grading on it.

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Jennifer Carlino noted that the whole subdivision does not have a COC. She said they (the members) thought it was unfair to require any one homeowner to pay for the as-built so they decided that each homeowner should get an As-Built for their respective lot and a PCOC would be issued. She said they said that once all lots have a PCOC, a full COC will be issued for the whole subdivision. She commented that this project needs as-built of house and the floodplain compensation area that was constructed for the lot. She noted the revised plan should also show the top of foundation elevation but won't need an elevation certificate if the elevation is shown above the floodplain.

The meeting adjourned 9:23 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____