

## **MINUTES**

**November 24, 2014**

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

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

**Absent:** Scott Ollerhead

7:00 pm      **Bills Payable**

**W.B. Mason Co., Inc.** – Motion by Ron O'Reilly, seconded by Lisa Carrozza, to pay the bill. Approved.

**MACC** – Motion by Ron O'Reilly, seconded by Julian Kadish, to pay the bill. Approved.

7:03 pm      Discussion: **#250-38**

Present for the discussion was Robert and Annabella Pesa of 12 Keith Drive, prospective buyers of the property at 162 West Main Street. Mr. Pesa stated there is an Order of Conditions on the property which has not been released and he said the owner is not able to complete the work needed to release the Order so he has chosen to work with the Town in order to release the Order.

Julian Kadish commented that he was on the Conservation Commission at the time the Order of Conditions was issued for this property and that great amount of non-hazardous debris has been dumped onto this site. Mr. Kadish said that, in his opinion, he felt that this site could be restored to the Commission's satisfaction.

Jennifer Carlino commented that she included with tonight's agenda a copy of a letter written by Annabella and Robert Pesa to the owner of the property suggesting to the owner that:

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 2.**

before the Conservation meeting of Monday, November 24th ;

1. come up with a plan for removal of the material with the construction schedule and
2. a plan for temporary winter stabilization measures

Jennifer Carlino noted she had enclosed a copy of the letter written by Mr. & Mrs. Pesa to the Commission stating they intended to;

1. Install a silt barrier along the perimeter of the filled area (hay bales or silt fencing) before the first day of winter.
2. Work with the tenant (Access Fence) on housekeeping activities related to storage of materials in the rear yard area before the first day of winter.
3. Request a 90-day extension for delivery of the construction plan and schedule to allow time to engage with an experienced engineering firm in order to obtain the necessary permits for restoring the property.

David Henry suggested to not require stabilization at this point and to allow the 90 days requested by Mr. & Mrs. Pesa to obtain the construction plan and to confer with an engineer regarding the necessary permits to restore the property.

Lisa Carrozza suggested that they do not need to install a silt fence as long as they are not moving any earth. She commented that the existing shed be moved away from the wetlands as well as move the fuel tanks and bags of cement away from the top of the slope. Julian Kadish commented that there might be a business or contractor who might be able to use some of the concrete pieces and other materials on the property to help defer the restoration costs.

Mr. Luke Grant offered information as to where and how to get rid of the large pieces of concrete and Mr. Pesa replied he would contact him.

The commission members agreed that a 90-day extension would be enough time for Mr. Pesa to submit any and all options to restore the property and to contact an engineer to help with the construction schedule and any permits needed. The commission members agreed they would work with him on restoring the property.

Mr. Pesa agreed he would submit the required information within 90 days.

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 3.**

7:05 pm      Notice of Intent – (#250-944) – **Weder Pereira – Parcels 220 & 222 (Assessor's Map 9) Reservoir Street – (cont. from the November 10, 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.

**Documents:**

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Lot #220 & #222, Reservoir Street Resource Area Plan in Norton, MA prepared by Landmark Site Design, Scale 1”=40’ and dated September 15, 2014.
3. Letter/Report dated October 13, 2014 from Scott Goddard, Goddard Consulting, LLC to Weder Pereira.
4. Letter dated October 16, 2014 to Peter Lavoie/Landmark Site Design from Jennifer Carlino.
5. Report from Goddard Consulting LLC dated November 14, 2014.
6. Letter dated November 18, 2014 to the Norton Conservation Commission from Peter M. Lavoie, Project Engineering, Landmark Site Design.

Julian Kadish recused himself from the public hearing.

Present at the public hearing was Peter Lavoie, Project Manager for Landmark Site Design who updated the Commission on the revised plans as follows:

- the plans have been divided into two sections enlarging the scale.
- the house has been moved out of the buffer zone as well as the grading for the septic system.
- the proposed lawn area within the buffer zone has been reduced from 15,000 sq. ft. to 9,600 sq.ft.
- the driveway has been changed to a paved driveway 10 feet wide by 1200 feet long.
- three turn-around areas have been added.
- utility poles have been moved
- impervious area within the Water Protection District is 4% of the total property not requiring a special permit
- the crossing was re-designed per comments in Goddard Consulting LLC's report

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 4.**

- the 12" metal pipe has been removed and replaced with a 3-ft. high, 4 ½ -ft. wide and 18' long culvert
- a temporary dock has been added

Lisa Carrozza replied a detail of the proposed dock has to be submitted.

Mr. Lavoie commented that a pruning plan for utilities or a vista has not been written and will be submitted later. Jennifer Carlino replied that there are strict guidelines for pruning within the wetlands.

Jennifer Carlino asked how big the trimming area is and Mr. Lavoie replied 7200 sq. ft. She commented that there is enough area to remove the proposed lawn out of the buffer zone or, at least, be reduced. Lisa Carrozza commented that it is not known how much clearing will have to be done to install the utility poles and this might have to be conditioned. Mr. Lavoie asked how much lawn can be located within the buffer zone and Lisa Carrozza replied to remove it from the floodplain at the least. She suggested the lawn ending at the 104 contour area.

Julian Kadish, as an abutter, commented the stream on the property is dry most of the year. He commented that a neighbor asked if street lights were going to be installed down the driveway and Mr. Lavoie replied there were not.

Jennifer Carlino commented that revised information is due by December 8<sup>th</sup> and Mr. Lavoie agreed to submit the required information by that date.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, December 15, 2014, seconded by Dan Pearson. Approved. Julian Kadish abstained from voting.

7:15 pm      Notice of **Intent** – (#250-943) – **Bernard Marshall/Norton Water Department – Parcels 2 & 3 (Assessor's map 19) off Plain Street – (cont. from the November 10, 2014 mtg.)** - for the construction of a new water treatment plant with associated water piping.

**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.

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 5.**

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
5. Draft Stormwater Pollution Prevention Plan (SWPPP)

Present at the public hearing were Tony Zerrilli, Weston & Sampson, James Pierson, Weston & Sampson, Bernard Marshall, Water/Sewer Superintendent and Luther Grant, Contractor.

Jennifer Carlino commented there were a few responses to her comment letter of November 4, 2014 that have not been addressed yet.

Mr. Zerrilli commented that he responded to all the comments in her letter dated November 4, 2014 at the previous meeting. He said he submitted the draft SWPPP last Thursday as requested and asked Jennifer Carlino to specify any significant information that he has not submitted.

Jennifer Carlino replied that his response letter was received on the date of the last meeting and therefore was not included in the members' agenda packets. She stated they may have comments on any of his responses. Mr. Zerrilli stated the members have had two weeks to review his comments. He noted the progress of this project is very important and date sensitive because the project has to be submitted to the state to obtain the funding for the project.

Julian Kadish commented that the Commission will try and review the project and close at the next public hearing.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, December 15, 2014 in order for the members to be able to review Mr. Zerrilli's response letter dated November 7, 2014, seconded by Julian Kadish. 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 November 10, 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.

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 6.**

4. Letter dated July 22, 2014 from Jennifer Carlino to David Pickart, VHB, Inc.
5. Stormwater Pollution Prevention Plan (SWPPP)
6. NHESP VERNAL POOL OBSERVATION REPORT
7. Copy of the Peer Review report requested of the Planning Board written by Patrick G. Brennan of Amory Engineers, P.C. dated August 6, 2014.

Present at the public hearing were Conor Nagle, Engineer with VHB and Bret Chapman, Norton Solar I, LLC.

Mr. Nagle submitted the remainder of the filing fee and a draft SWPPP as requested. He noted he was still working with the Planning Board and the abutters. He pointed out a couple of fields that he noted was were pushed back from the road.

Mr. Nagle commented he is requesting permission to plant trees called Plicata which are native to America but not this area. He noted that they would be for screening and they are deer resistant. Mr. Joseph Alves, 32 Clapp Street stated he is very familiar with the Plicata trees. He said they look a lot like arborvitae and can be purchased from 6-10 feet in height.

Jan Franceschelli asked Mr. Nagle if the solar panels could be made smaller and he replied they are standard size and cannot be reduced in size.

Jennifer Carlino stated that the configuration of the fields and project have changed by not the Limit of Work and Mr. Nagle agreed.

Lisa Carrozza asked what was proposed to be used for ground cover between the rows of panels and Mr. Nagle replied grass would be used. He said the grass would be mowed monthly and the grass clippings would self mulch. The Conservation Commission requested a native, warm season grass.

Motion was made by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, December 15, 2014, seconded by Dan Pearson. Approved.

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 7.**

## REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-926 <b>(full)</b>	Jennifer Lund	Parcel 149 (Map 19) 97 King Philip Road
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Jennifer Carlino noted the project was completed according to the submitted plans. Motion by Lisa Carrozza to sign and issue the Certificate of Compliance, seconded by Julian Kadish. Approved.

Duplicate - #250-580 – 366 Old Colony Road.

Motion by Julian Kadish to issue a duplicate Certificate of Compliance, seconded by Jan Franceschelli. Approved.

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

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

Motion by Lisa Carrozza to issue an Amended Order of Conditions as drafted by Jennifer Carlino, seconded by Julian Kadish. Approved.

David Henry read aloud a letter received from MACC stating that Ron O'Reilly has successfully completed all units of the fundamental courses. Jennifer Carlino noted Ron O'Reilly is the first Conservation Commission member to do so.

David Henry noted a letter has been received from MACC noting that membership dues have increase by 2% and the total amount due for the Norton Conservation Commission is now \$465.

## OLD BUSINESS

**Demers case – Reservoir Street** – Jennifer Carlino commented this will be discussed in Executive Session at the next regular meeting.

## Violations

90A Freeman violation  
East Hodges Street – Fred Bottomley  
Alder Road

**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 8.**

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

**NEW BUSINESS**

Interns - Jennifer Carlino noted that two graduates were looking for internships and asked the members if they had any ideas. She said Wetland Protection Funds can be used. Lisa Carrozza suggested help with the “dock policy” or “grants”. Jennifer Carlino suggested a GIS project regarding trails.

Deliberations – Jennifer Carlino asked the members if they want to write the conditions after closing the project at the public hearing or have her draft the conditions for the next meeting for review. She suggested that the members write the conditions during and after the close of the public hearing, but at the open meeting.

Watershed Policy  
Reservoir Update  
Report from Staff  
Site visits

Waterbodies Committee update – Jennifer Carlino noted that she included with this agenda an article on a non-chemical process for cleaning water bodies which was suggested by a resident.

Draft Dock Guidance  
Wetland Protection Fund  
Grants

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

Jennifer Carlino commented that she received abutter notices for two Attleboro projects which abut properties in Norton. She said she has a copy of the Notice of Intent and plans for one of the projects and has requested the same for the other project but has not received it.



**Norton Conservation Commission**  
**Monday, November 24, 2014**  
**Minutes, Page 9.**

The meeting adjourned 8:30 pm.

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

Respectfully submitted,

*Signature:*

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

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