

MINUTES

December 15, 2014

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

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

7:00 pm **Bills Payable**

Pare Corp. – Motion by Scott Ollerhead, seconded by Lisa Carrozza, to pay the bill. Approved.

Verizon – Motion by Scott Ollerhead, seconded by Lisa Carrozza, to pay the bill. Approved.

Chartley Landscape – Motion by Scott Ollerhead, seconded by Lisa Carrozza, to pay the bill. Approved.

7:04 pm **Sean Ross/DOT – Section 4f, Canoe River and Plain Street**

Present for the discussion was Michael Trapania, DOT, Sean Ross, DOT and Jodie Trunfio, TEC.

Mr. Trapania stated the DOT is proposing to replace the bridge at the Canoe River on Plain Street and he submitted drawings of the proposed bridge. He handed out plans and pictures and described to the members the color-coded areas and what they meant.

He noted there are three major property rights involved with the project.

1. Temporary easement area to access the area.
2. Two permanent easements (sidewalks)
3. Drainage easments

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Mr. Trapania commented that the reason why the DOT is presenting the project this evening is mainly because the Conservation Commission is the property manager for the Town Forest and he would like to point out the possible impacts to the area under Section 4F, Protected Property. He said that this portion of the Federal regulation, Section 4F would be “public property used for recreation”.

Mr. Trapania handed out information referencing 4F property and the role the Conservation Commission plays regarding this project.

Mr. Trapania stated that he has sent a letter to the Conservation Commission noting that any impacts to the protected property will be very minor and also that all temporary easements for the surrounding property will be restored to its original state or will be improved.

David Henry asked Mr. Trapania if he planned on filing an application for a permit with the Conservation Commission and he replied he would not, but would be filing with DEP for a 401 Water Quality Certificate and with the Army Corp. of Engineers under the Clean Water Act. He commented that the DOT is exempt from filing with the Conservation Commission under the Bridge Exemption which has three criteria:

1. The area will not be any less functional than at the existing time.
2. Adding a sidewalk
3. They do not exceed the mandatory environmental impact report threshold under MEPA.

Jennifer Carlino requested a copy of the 4f information and the exemption. Mr. Trapania pointed out Section 252 of the WPA, 2012 Section 22.

Mr. Trapania commented that there will be temporary impacts to Land Under Water and the only permanent impact would be a 92.33 sq. ft. area at the south east portion of the bridge which they would be replicating. He stated a letter was sent to Patricia A. Leavenworth, P.E. and Chief Engineer for MassDOT and a response letter will be sent back.

David Henry commented that the Commission would like to see the access to the river improved. Mr. Jodie Trunfio replied it is the intent of the DOT to keep at least 75% of the area accessible to the public even during construction.

Mr. Trunfio noted a porta dam would be used so that construction can be done in a dry area while keeping another portion of the river flowing.

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David Henry asked about the design of the project pertaining to a 2-yr. storm and Mr. Trunfio replied this is what was required per DOT. He said the bridge itself is designed for a larger storm event. Mr. Trunfio commented that the Town will be notified before construction begins. He said a notice will be publically published so that anyone who wanted to comment on the project would be able to.

Jennifer Carlino commented that people presently sit on the existing water pipe on the bridge to fish. Mr. Trunfio noted a 3 ½ -ft. high bridge railing is proposed.

Jennifer Carlino asked if they contacted DER and Mr. Trunfio replied this information will be incorporated in their response letter. He commented that a detour will be needed for part of the construction period.

7:05 pm Notice of Intent – (#250-945) – Kevin T. Mulligan – Parcel 128 (Assessor's Map 36) 7 Richmond Drive – for proposed plans for construction of an attached garage within 100 feet wetlands and a vernal pool.

Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Conservation Commission Proposed Garage Plan of Land, 7 Richmond Drive in Norton, MA” prepared by John W. DeLano and Associates, Inc., Scale 1”=20’, signed and stamped by John W. DeLano dated November 6, 2014.

Susan Franconi, owner, stated she proposes to construct an attached 2-car garage. Jennifer Carlino noted that the plan should be revised showing the sediment control, post and rail fence and then the limit of work toward the wetlands.

Jennifer Carlino noted there was a second vernal pool on the property which will be labeled on the revised plans. Ms. Franconi stated the work will begin in the spring. She said she intends to remove 4 trees shown on the plan as black dots.

Jennifer Carlino commented that since the construction is going to begin in the spring, the straw waddles should be eliminated so vernal pool species can be prevented from entering the work zone and this will be one of the conditions. She commented that she will have draft conditions for the next meeting for the Commission’s review and approval.

Motion by Lisa Carrozza to continue the public hearing for revised plans to the next regular meeting of Monday January 12, 2015, seconded by Julian Kadish. Approved.

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7:10 pm Notice of Intent – (#250-944) – Weder Pereira – Parcels 220 & 222 (Assessor's Map 9) Reservoir Street – (cont. from the November 24, 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.
7. Letter dated December 8, 2014 to the Norton Conservation Commission from Peter M. Lavoie, Landmark Site Design.
8. 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 with **latest revisions on December 11, 2014.**

Julian Kadish recused himself from the public hearing.

Present at the public hearing was Weder Pereira and his engineer, Peter Lavoie.

Jennifer Carlino noted she received revised plans and sent a comment letter to Mr. Lavoie on the revised plans. Mr. Lavoie replied that he made further revisions after receiving Jennifer Carlino's comment letter and handed out copies of the newly revised plans to the members for review. He noted the following revisions:

- Removed trimming along the reservoir
- Added a plan section detail of the dock
- Added the existing cart path which will remain the same
- Added a blown up section of the culvert.
- Added a construction sequence for the culvert

Mr. Lavoie commented that no changes or grading will be made to the 452 sq. ft. of floodplain inside of the wetland line as well as the 559 sq. ft. of floodplain from the wetlands to the

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floodplain line. Jennifer Carlino noted the the total of the two would be the total floodplain area on the site and should be revised on the application.

Mr. Lavoie noted the dock will be a temporary dock which will be removed periodically. Jennifer Carlino commented the dock will have to meet DEP Dock specifications and a name plate is required to be attached to the dock.

Mr. Lavoie noted signs will be added to the post and rail fence. He commented if culvert construction takes place during wet weather, water will be pumped from a pit in front of the silt fence and straw waddles to another pit to allow water to flow in the stream.

Jennifer Carlino reminded Mr. Lavoie that the soil materials used to restore the stream have to be the same of the original materials.

Lisa Carrozza had concerns with work being done in the culvert during wet weather. She commented that a condition may be added restricting the use of waddles in that area. She asked if the footings were going to be poured concrete and Mr. Lavoie replied it was.

Lisa Carrozza made a motion, seconded by Dan Pearson, to continue the public hearing until the regular meeting of Monday, January 12, 2015 at which time the public hearing can be closed and a draft Order of Conditions will be reviewed by the reviewed by the Commission to be signed and issued. Approved. Julian Kadish abstained from voting.

**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 24, 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 commented that the applicant has requested a continuance to the next regular meeting.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, January 12, 2015 at which time the public hearing can be closed and a draft Order of Conditions will be reviewed by the reviewed by the Commission to be signed and issued, seconded by Julian Kadish. Approved.

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**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.**

David Henry commented that the applicant has requested a continuance to the next regular meeting.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, January 12, 2015, seconded by Julian Kadish. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

**#250-753 Jim Elliott Parcels 140-149 (Map 3)
(full) 29 Holly Road**

---for proposed plans to construct a single-family house with associated driveway and utilities and tree cutting within 100 feet of wetlands.

Jennifer Carlino commented that she inspected the area which hasn't changed because of the weather. The soils have not been stabilized.

Motion by Lisa Carrozza to issue a partial Certificate of Compliance as long as a \$500 bond is posted with the Town Treasurer to ensure stabilization of exposed soils, seconded by Julian Kadish. Approved.

**#250-904 Fadi Heninne Parcel 32 (Map 19)
(full) 41 Charlotte Avenue**

---for proposed plans to demolish and re-build a single family house within 100 feet of Lake Winnecunnet.

Jennifer Carlino commented that the Commission had requested that portions of the floodplain construction area to be permanently stabilized and the fire pit in front of the no-disturbance area to be removed.

Motion by Lisa Carrozza to issue the Certificate of Compliance, seconded by Scott Ollerhead. Approved. Jennifer Carlino commented the Certificate of Compliance would be ready on Thursday for pick up and recording.

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#250-230
(full)

Michael & Kimberly Jones

**Lot 1, Parcel 30 (Map 11)
11 Boutas Drive**

---Jennifer Carlino noted that this file is for the construction of the entire subdivision. She said she has received an As-Built plan for the lot and did an inspection. She noted that compost has been dumped into the wetlands in three areas.

Motion made by Lisa Carrozza to **deny** the request until the compost is removed from the areas where it has been dumped and a sign is posted at the area where the trail has been cut to access the dumping areas, seconded by Scott Ollerhead. Approved.

REQUEST FOR EXTENSION PERMIT

#250-866
(1-year)

Paul Barron

**Parcel 174 (Map 12)
55 Lincoln Street**

---Jennifer Carlino commented that the permit will expire in January of 2015. She said she inspected the site and found the silt fence was not properly installed but was assured it has been fixed. She noted the driveway was partially installed and there was a lot of ponding at the end of the driveway. She said a culvert was proposed to be installed at the end of the driveway on Lincoln Street. Mr. Barron replied he is waiting for his construction loan and the work will begin in the spring. He offered to remove the driveway which will lower the grade within the next few days.

Motion by Lisa Carrozza to issue a 1-year Extension Permit to expire in January of 2016, seconded by Scott Ollerhead. Approved.

OLD BUSINESS

Attleboro Landfill, Inc. proposal

Jennifer Carlino commented that she and Heather Graf requested the meeting scheduled for tonight be postponed to January which it was. She said that the deadline for comments has not been extended and she has included her draft comments with this agenda. Lisa Carrozza asked if she was looking for comments and Jennifer Carlino said she would gladly accept comments.

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Ratify Enforcement Order for #250-871 & #250-872 – Bay Road Heights.

Jennifer Carlino commented that the applicant had requested to clear trees and start work on the entrance and she said they could not because they hadn't complied with pre-construction conditions yet and they did not have NHESP approval yet. She said they went ahead with the work on last Monday without permission and she sent them an Enforcement Order. She said the entrance needs to be stabilized.

Motion made by Lisa Carrozza to ratify the Enforcement Order, seconded by Scott Ollerhead. Approved.

Demers case – Reservoir St. – no action

Violations

195 East Main Street – Jennifer Carlino commented they were cutting and clearing within 100 feet of wetlands. She said they have been very cooperative.

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

NEW BUSINESS

MS4 General Permit – Jennifer Carlino noted comments are due by the end of December. She said this is the Town's permit. She commented that the Town's By-law on storm water will have to be re-written.

Watershed Policy
Reservoir Update
Report from Staff

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Site visits – Jennifer Carlino suggested the members schedule a site inspection as new plans for the solar project and the water treatment plant will be submitted.

Waterbodies Committee update

Draft Dock Guidance Wetland Protection Fund Grants

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

#250-906 – 274 East Main Street – Jennifer Carlino commented that the applicant had received an Amendment which was printed on an old form and has requested the Amendment on a new form. The Conservation Commission re-signed on the newer form.

COC request for:

#250-940 (full)	Aspen Properties Group, LLC	Parcel 73-21 (Map 25) 21 King Philip Road
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--for proposed plans to connect to sewer within the 100-yr. floodplain and 100 feet of Lake Winnecunnet.

--Jennifer Carlino noted the temporary stabilization, which is straw, is very sparse and they did not put any spot grades on the As-Built plans after re-doing the driveway.

Motion made by Lisa Carrozza, to **deny** the request, seconded by Ron O'Reilly. Approved.

#250-38 – 162 West Main Street --- David Henry read an update letter received from Robert and Annabella Pesa dated December 9, 2014.

Housekeeping and Stabilization Measures

- Cement bags have been relocated
- Barrels are stored adjacent to the west-side shelter
- A 106-page Environmental Transaction Screen has been performed
- An onsite building inspection has been performed

Permanent measures related to the original Order of Conditions

- a. Current As-Built survey document has been obtained relating to the 1979 Notice of Intent.

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- b. Discussions have begun with contractors for developing options
- c. They request to better understand the process used to see the areas of concerns to correct the concerns.

Motion by Ron O'Reilly to close the public hearing and to enter into Executive Session at 8:50 pm, seconded by Scott Ollerhead. Approved.

Motion was made by Ron O'Reilly to adjourn the Executive Session at 9:15 pm, seconded by Scott Ollerhead. Approved.

Motion to adjourn the meeting at 9:15 pm by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____