

## **MINUTES**

**February 23, 2015**

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

**Attendance:** David Henry (Chairman), Scott Ollerhead, (Vice-Chairman), Lisa Carrozza, Jan Franceschelli, Dan Pearson and Conservation Agent Jennifer Carlino

**Absent:** Julian Kadish, Ron O'Reilly

7:00 pm      **Bills Payable**

**Pare Corp.** – Motion by Lisa Carrozza, seconded by Jan Franceschelli, to pay the bill. Approved.

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

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

**Main Auto Parts** – Motion by Scott Ollerhead, seconded by Lisa Carrozza, to pay the bill. Approved.

**Signs by Tomorrow** - Motion by Scott Ollerhead, seconded by Lisa Carrozza, to pay the bill. Approved.

**Allegra Printing** - Motion by Lisa Carrozza, seconded by Scott Ollerhead, to pay the bill. Approved.

Review draft **minutes of:**

**May 19, 2014, June 9, 2014 & June 23, 2014.**

No quorum – tabled to next meeting.

7:05 pm      **Enforcement Order - #250-871 – Bay Road Heights**

Gary Mello, listing agent for owner, Shawn Kelly, and Mr. Kelly attended the meeting. They explained that they had contacted Jennifer Carlino regarding work at Bay Rd Heights and were told not to do any work. They had a landscaper rake leaves etc from an area to allow off road

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parking. The area was then exposed and unstabilized. An enforcement order was issued. They apologized for doing work in violation of the permit. Lisa explained the concerns over the unstabilized surface. Members viewed photograph of the area at the time of the clearing and one of the flooded catch basin across the street that leads to a wetland. Lisa explained that as soon as the snow melts, they should stabilize all disturbed areas with a minimum of 3" of clean straw and use a jute net to tack it down, then hydroseed and leave it alone. Or they can just hydroseed but use a tackifier. Both agreed to these measures and were reminded that they need to obtain a permit from Natural Heritage and Endangered Species Program prior to conducting any other activity on the site.

7:10 pm      Request for a Determination of Applicability – **(DET. #1015) – Massachusetts Electric Company – road/right-of-way, 7 Fairlee Lane** – for proposed plans to install a pole and anchor within 100 feet of wetlands.

**Documents:**

1. WPA Form 1 – Request for Determination of Applicability

Present at the public hearing was Theresa Portante of the BSC Group who described the project to the members. She stated this is a telephone installation project.

--all work will be done near the roadway and away from resource areas on the south side of the road

--only one pole will be installed with an overhead distribution line on the same side of the road as the existing line.

--there is an existing intermediate pole with a long span and the new pole will shorten the span

--a standard guidance document will be given to the contractor regarding BMPs.

--siltation fence and straw waddles will be used, no hay bales

--no dewatering but an auger will be on hand if dewatering is necessary and this will be done near the road in a cleared area. Lisa Carrozza requested any dewatering area is to be approved by the BSC Group.

---the 3 trees to be removed are marked and no stumping will take place.

Motion by Lisa Carrozza to close the public hearing, seconded by Scott Ollerhead. Approved.

Motion by Lisa Carrozza to issue a negative (#3) Determination of Applicability with the specific conditions discussed this evening, seconded by Scott Ollerhead. 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 January 12, 2015 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.
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) submitted on January 16, 2015.
6. Letter dated January 15, 2015 with responses to Jennifer Carlino’s comments dated November 4, 2014 & November 26, 2014.
7. 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 with **latest revisions on January 15, 2015.**

James Pearson of Weston & Sampson updated the commission by reading his responses to Jennifer Carlino’s comments of November 4, 2014 and November 26, 2014.

**Regarding the NOI.**

-- 1. *Regarding moving the proposed water line out of the wetlands/revise plan?*

would like to place the proposed water line as close to the existing gas line as possible. Not revising plan.

-- 8. *Amount of land clearing – requires a SWPPP.*

SWPPP is generally developed by the contractor due to the fact he will be responsible for controlling stormwater during construction. After further comments from Jennifer Carlino, a revised draft SWPPP was submitted with the excluding **two** items noted by Jennifer Carlino;

- a. requiring the contractor to provide a tire wash facility; and b. sediment basins and chemical treatment are not necessary.

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**Sheet C-3.1**

--9. *Construction entrance and detail and temporary storm water controls during construction.*  
plans have been revised to show the construction entrance and controls at the treatment plant site will include straw waddles and catch basin inserts as needed and have been detailed on the revised plans (C-5.1).

truck wheel washing notes have been added to the plans  
“Flint Road” has been removed from the plans.

--10. *Confusion as to “stormwater detention pond or infiltration basins? Be consistent.*  
plans now refer to infiltration basins.

--- *(added comment by Jennifer Carlino) Fix labels, need emergency spillway.*

minor changes have been made to the plans regarding the labeling. Spillway is not needed for this infiltration basin design.

--13. *What is the proposed buffer enhancement for the neighbors at the north-northeast of the property?*

----a landscape plan will be submitted to show the buffer enhancement that is being provided to the neighbors.

----*regarding the use of Rhododendron instead of native plants.*

----the area for using Rhododendrons is outside of any resource areas.

---16. *Location of infiltration trench?*

----revised plans show the infiltration trench to be located along the south edge of the fire access road.

--- *(added comment by Jennifer Carlino) no room for infiltration trench*  
12” wide trench

---17. *The infiltration basin detail does not comply with DEP Storm water management detail.*

the infiltration basin detail has been revised to comply with DEP storm water management standards.

--- *(added comment by Jennifer Carlino) emergency spillway required.*  
designed with less overall impact.

**Sheet C-4.1**

---20. *regarding washout areas/stormwater treatments?*

the water department maintains access roads. Washout areas are not part of this project or NOI, but the Water Department will review area with Jennifer Carlino.

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*---(added comment by Jennifer Carlino) large truck traffic and truck wheel washing will exacerbate any problems.*

the contractor will be responsible for any damages. Water Department will maintain area. Jennifer Carlino commented this could be conditioned. Lisa Carrozza suggested the applicant submit pre-construction and post-construction photo documentation for the west side.

*---22.include all sediment control and construction notes on the plans.*

plans have been revised to include sediment control and construction notes. Notes are shown on Sheet C3.1.

*---23.The construction term plans need revisions re: engineer allowing alteration of resource areas, truck washing, vehicle fueling on-site, and removal of sediment from BMPs. Provide a separate 8 ½ " x 11" BMP plan for the O & Ms. Section 7 of the O & M should clearly stated removal of sediment when it is ½ the height of sediment control. The inspection form should include stabilization and clearly list tasks to be done.*

The Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan has been revised accordingly. The revised plan has been attached with this response letter.

Lisa Carrozza asked what the status was regarding Mass Historic and Mr. Pearson replied that they required further archaeological investigating and have requested no work begin until they do further review of the project.

Lisa Carrozza asked when they plan to begin work and Mr. Pearson replied probably in the spring after all issues are resolved.

Jan Franceschelli asked about how long the project will take and Mr. Pearson replied at least a year.

Motion by Lisa Carrozza to close the public hearing, seconded by Scott Ollerhead. Approved.

Members reviewed a draft Order of Conditions. Minor changes were made to the Order. Jennifer Carlino noted the final draft Order of Conditions will be included with the agenda for the next meeting of Monday, March 9, 2015.

7:20 pm      **Notice of Intent – (#250-947) – Norton Landfill Solar, LLC – Parcels 31-03-0-E, 36-0-E, 49-0-E & 50-0-E (Assessor's Map 24) 0 (rear of So. Washington St., 0 (rear) Hill Street & 0 Hill Street – (cont. from the January 12, 2015 mtg.) - for proposed plans to install solar PV modules, construct a portion of a gravel access road & removal and clearing of vegetation within 100 feet of wetlands.**

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David Henry noted the applicant has requested a continuance of the public hearing to the next regular meeting. Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, March 9, 2015, seconded by Lisa Carrozza. Approved.

7:30 pm      Notice of Intent – (#250-948) – **Michael Yunits, Town Manager, Town of Norton – Parcels 28, 29 & 525 (Assessor's Map 10) Reservoir Street/Falls Road** – for proposed plans for repairs and modifications to the spillway and gate structure of the Norton Reservoir Dam.

**Documents:**

1. WPA Form 3 – Notice of Intent
2. Plans entitled “Prepared for The Town of Norton Conservation Commission, Norton Reservoir Dam Improvements-Phase II” prepared by Pare Corporation-Sheets 1.0-11.0 and dated February, 2015.
3. Letter sent to The State of Massachusetts and The Norton Conservation Commission from Ken and Ruth Perlow dated February 23, 2015.
4. Letter dated February 17, 2015 to David Matheson, Pare Corp. from Jennifer Carlino.

Present at the public hearing were Matt Bellisle, David Matheson, Project Engineer and Lauren Hastings, Wetland Scientist all from Pare Corp.

Mr. Bellisle commented the project is Phase II of the repair project for the Norton Reservoir. He noted Phase I was for erosion, stabilization and vegetation issues. He said Phase II is to protect the bank from overtopping which is a requirement per the Dam Safety regulations. He commented that there will not be any changes to the water surface elevation or the operating scheme and they will not be creating any new spillways at the structure.

Mr. Bellisle stated he received comments from Jennifer Carlino which will be incorporated onto revised plans to be submitted before the next meeting.

David Matheson commented that the first part of this project is to protect the dam from overtopping by installing concrete block mats. Lisa Carrozza asked Mr. Matheson to point out the project on the plans.

Lisa Carrozza asked if it is necessary to replace the grass at the dam and Mr. Matheson replied it is not but for appearances only. He noted it is a sacrificial soil layer that would be washed away.

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Lisa Carrozza noted there is a geese problem on the banks of the Reservoir and it might deter the geese if there is no grass for them to eat.

David Matheson commented that this Phase II project is repairs to the gatehouse and concrete repairs on the walls and on the auxiliary spillway. He noted a bonding agent would be used to adhere the new concrete to the old.

Mr. Matheson commented that dewatering will be necessary before the repairs can be made. He said tubular barriers will be in place for dewatering as well as super sacks in some areas. The water will then be pumped into the dewatering basin, treated and then released. He pointed out the areas where the concrete will be removed, ground down or repaired.

Mr. Matheson pointed out areas that a six-ft. chain-linked fence will be installed and around the outlet structure for security and safety. He commented the access road on the right side was restored during the last Phase and a temporary access road will be created on the left side of the reservoir for the project.

Mr. Matheson stated erosion control will be installed along the downstream area consisting of silt fence. He said along the existing rip rap, silt socks will be used.

Mr. Matheson stated that due to back log and ordering materials, the project is going to be split into 2 construction seasons. The first season will consist of the installation of articulated concrete blocks and the second season will be the repairs to the concrete and outlet structure.

Mr. Bellisle commented that both gates and stop logs will be used to prevent the accidental draining of the reservoir.

Lauren Hastings gave a brief description of the wetland resource areas near and around the project. She commented no work will be done within the bordering vegetated wetlands and no permanent impacts will occur to Land Under Water Bodies or waterways.

Lisa Carrozza asked Ms. Hastings to describe any impacts within the Riverfront area which she did. She asked Ms. Hastings if the details for temporary and permanent impacts to the Riverfront area, as well as the quantity, were written down anywhere and Ms. Hastings replied they are included with the application form.

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Jennifer Carlino suggested Ms. Hastings adjust the riverbank numbers to only include alteration of naturally vegetated bank.

Mr. Bellisle noted the concrete walls are very old and the new concrete will last even longer than the original concrete. Jan Franceschelli asked how long the concrete will last and Mr. Bellisle replied it is hard to say. He commented that the contractor's work will be guaranteed for one year.

Jennifer Carlino commented that the funding for this project will be voted on at the upcoming annual spring Town Meeting.

Mr. Bellisle noted there will be no change in the grade at the area where the blocks will go. Lisa Carrozza asked if there would be a stockpile area and Mr. Bellisle replied a small area to hold the blocks is designated near the abutment area. Jan Franceschelli asked if there was any vandalism during the first stage of the project and Mr. Bellisle replied there was. Kenneth Perlow, abutter, commented that the people most likely responsible for the vandalism have moved out of the area.

Jan Franceschelli asked what kind of regular maintenance is planned for the dam and Mr. Bellisle replied he would be inspecting the dam every two years per Office of Dam Safety requirements. He noted that the gear box has to be greased and exercised at least twice a year. He said the new grass should be mowed a couple of times to ensure stabilization.

Mr. Bellisle noted that Mr. Matheson had questions for the board and he will submit a summary of these questions rather than to go into them this evening. He said he will also have responses to Jennifer Carlino's letter dated February 17, 2015.

Kenneth Perlow, 14 Falls Road, submitted and read aloud a letter he and his wife had written to the State and the Commission. He said he had concerns with the water by his house will increase as a result of this project. Mr. Matheson replied that the flow will not be any different as a result of these repairs to the dam. Lisa Carrozza noted that maybe the Conservation Commission can go out and take a look at the bank in front of Mr. Perlow's house and if the bank is eroding, come up with a possible solution. He was reminded this area is 100-yr. floodplain.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, March 9, 2015, seconded by Scott Ollerhead. Approved.



**Duplicate** Certificate of Compliance\_ - Release of Enforcement Order - 14 North Worcester Street. Motion by Lisa Carrozza to issue a duplicate Certificate for 14 North Worcester Street, seconded by Scott Ollerhead. Approved.

**REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

**#250-923**

**Richard Gibson**

**Parcel 7 (Map 7)**

(partial)

**176 Lincoln Street**

-- Septic System

Jennifer Carlino commented that after the first request for a Certificate of Compliance, the Commission required the visual barrier be extended. She noted Mr. Gibson stated he could not extend the fence because of snow. She said the applicant is required to notify new owners of the partial Certificate of Compliance and the visual barrier. She suggested issuing the partial Certificate of Compliance as long as a bond is in place to ensure the notification to the new owners that the fence has to be extended.

Jennifer Carlino suggested getting a letter from the new owner acknowledging the extension of the fence. Motion by Lisa Carrozza to issue a partial Certificate of Compliance with the condition that a \$1,200.00 bond is posted with the Town Treasurer to ensure a letter is received signed by the perspective buyer acknowledging the fact that the visual barrier (fence) has to be extended, seconded by Scott Ollerhead. Approved.

**REQUEST FOR AN EXTENSION**

**#250-883**

**Karen Keegan**

**Parcel 193 (Map 27)**

**167 So. Worcester Street**

Jennifer Carlino noted that the project has been automatically extended for 2 years under the Extension Act. Motion by Lisa Carrozza to **not** issue an Extension Permit because it is not needed as it is automatically extended by the Permit Extension Act, seconded by Scott Ollerhead. Approved.

Ratify issuance of:

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 ordering vegetated wetlands.

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Motion by Scott Ollerhead, seconded by Lisa Carrozza, to ratify the issuance of the Order of Conditions for Notice of Intent – (#250-937). Approved.

Jennifer Carlino stated that DEP has appealed the Order of Conditions on the grounds that the storm water isn't adequate and revised plans were never received.

Jennifer Carlino noted that she had drafted a response letter to DEP for David Henry, Chairman, to sign and David Henry read it aloud. The letter commented that DEP had not submitted comments during the project or even after issuing a DEP File number regarding the proposed storm water management system. The letter further commented that storm water management was not required by DEP for another recent solar project. Jennifer Carlino had requested an informal meeting to discuss this issue. Lisa Carrozza suggested DEP create a policy for future solar projects. Jennifer Carlino commented she will revise the letter, after which David Henry said he would sign.

**OLD BUSINESS**

**Violations**

**#250-38 – West Main Street** – New information submitted

Jennifer Carlino commented she will schedule this for the next meeting of Monday, March 9, 2015 at 7:05 pm. She said she put this on this agenda in error and will include the new information in the next agenda.

195 East Main Street  
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

Jennifer Carlino noted she has no new information on the above violations.

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**NEW BUSINESS**

**MEPA** on-site mtg. – 3/4/15 – 10 am. Board of Selectmen room – Sewer expansion project.  
Jennifer Carlino noted comments are due by March 13, 2015.

Public hearing for **comprehensive water management plan** (CWMP) – 2/26/15 – 6:30 pm –  
Norton Public Library.

Waterbodies Committee Update - Jennifer Carlino commented she had stated that she would like  
a separate application for each water body.

**ALI** meeting cancelled for snow. Jennifer Carlino noted a new date of March 10, 2015 has been  
scheduled.

Jennifer Carlino commented that the **Budget hearing** with Finance Committee is March 4<sup>th</sup> at  
7:00 pm.

MACC Annual Conference- Jennifer Carlino commented she has been notified which members  
would like to attend.

Watershed Policy

Reservoir Update

Report from Staff – Lisa Carrozza noted she had suggestions for re-wording of some of the  
standard conditions.

Site visits

Draft Dock Guidance

Wetland Protection Fund

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

**Red Mill Village** – Jennifer Carlino had notified Thorndike Development that their permit had  
expired but DEP notified them that the project has been extended for two more years per the  
Permit Extension Act.

Jennifer Carlino noted that the temporary docks that were approved have not been removed.

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Motion by Ron O'Reilly to adjourn the meeting at 9:25 pm, seconded by Julian Kadish.  
Approved.

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

Respectfully submitted,

*Signature:*

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

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