

Monday, April 13, 2015

Minutes

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

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

Absent: David Henry

7:00 pm Review **minutes** of:

July 28, 2014 - Motion by Ron O'Reilly, seconded by Julian Kadish. Approved.

August 11, 2014 - Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

August 25, 2014 – It was agreed to resend the minutes to the Commission members.

September 8, 2014 – Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

September 22, 2014 - Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

October 6, 2014 – Motion by Lisa Carrozza, seconded by Dan Pearson. Approved.

October 27, 2015 – Lisa Carrozza made a small revision to the minutes. Motion by Ron O'Reilly, seconded by Julian Kadish, as amended. Approved.

Bills Payable

Verizon - motion by Ron O'Reilly to pay the bill, seconded by Julian Kadish. Approved.

W.B. Mason - motion by Ron O'Reilly to pay the bill, seconded by Julian Kadish. Approved.

Chessia Consulting - motion by Ron O'Reilly to pay the bill, seconded by Julian Kadish. Approved.

NHESP- motion by Ron O'Reilly to pay the bill, seconded by Julian Kadish. Approved.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 2.

7:15 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 March 23, 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.

Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Norton Landfill Solar Project, Norton Massachusetts, Permit Set, Not for Construction”, prepared by Tighe & Bond, signed and stamped by Brian S. Huntley and Francis J. Hoey, III and dated October, 2014, **Revised April 9, 2015.**
3. Letter dated January 7, 2015 from Jennifer Carlino to Briony Angus, Tighe & Bond, Inc.
4. Letter dated January 16, 2015 from Briony Angus, Tighe & Bond, Inc. to Jennifer Carlino.
5. Letter dated February 20, 2015 from Briony Angus, Tighe & Bond, Inc. to Jennifer Carlino with attached Sheet 3 of plan Norton Landfill Solar Project with Commission comments of 1-16-15.
6. Letter dated March 17, 2015 to Briony Angus, Tighe & Bond, Inc. from Jennifer Carlino.
7. Letter dated March 20, 2015 to Jennifer Carlino from Briony Angus, Tighe & Bond, Inc.
8. Letter dated March 23, 2015 from Michael Yunits, Town Manager, to David Henry, Chairman, Conservation Commission.
9. Plan entitled “Site Plan for Norton Community Solar Farm” at 12 Hill Street in Norton, MA 02766 dated April 6, 2015 prepared by Allen Engineering LLC, signed and stamped by Mark E. Allen.
10. Chessia's report on the ILSF.

Emma Kosciak from Citizen's Engery and Manager of Solar Development commented she did not have any additional information tonight.

Jennifer Carlino noted she had received revised plans.

Scott Ollerhead asked the board if they had any additional questions and no one replied. He asked the audience if they had any questions, and no one replied.

Motion by Ron O'Reilly to close the public hearing, seconded by Julian Kadish. Approved. Lisa Carrozza abstained.

Motion by Ron O'Reilly to issue the Order of Conditions with the requirement for stormwater management on the uncapped portion of the property, seconded by Dan Pearson. Approved

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 3.

Lisa Carrozza abstained from voting. The members reviewed the draft Order of Conditions. Jennifer Carlino made minor revisions to the Order. Motion by Ron O'Reilly to accept the draft Order of Conditions, as amended, seconded by Julian Kadish. Approved. Lisa Carrozza abstained.

7:35 pm **Notice of Intent – (#250-949) Mark & Kristy Perry - Parcel 30 (Assessor's Map 18) - 21 South Washington Street – (cont. from the March 23, 2015)** for proposed plans to raze a house and shed and to construct a single-family house to include a septic system, utilities, driveway and grading within 100 feet of wetlands.

Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Sewage Disposal Plan" 21 South Washington Street, Norton, MA prepared for Mark & Kristy Perry by Earth Services Corporation, signed by Karen D. Patneade and Michael P. Patneade and dated January 30, 2015 with **Latest Revisions on April 1, 2015**.
3. Letter dated March 31, 2015 to Paul Patneade, Earth Services Corporation from Jennifer Carlino.

Present at the public hearing were Karen and Paul Patneade, Engineer for the applicant. Mr. Patneade commented that he had made the requested revisions to the plans as noted in Jennifer Carlino's letter dated March 31, 2015. He proceeded to describe the revisions to the plans as follows:

- notes have been added referencing the areas where debris will be removed.
- grading for a proposed garage has been added
- Notes have been added regarding the removal of concrete
- the discharge pipe referenced is actually a downspout
- a post and rail fence has been added as the visual barrier
- notes regarding the removal of the burning bushes and Japanese barberry have been added
- notes have been added regarding the restoration of the No Disturbance Zone along with a list of species to be used
- a note regarding the removal of sediment that might flow over the straw wattle/sock has been added.

Motion by Ron O'Reilly, to close the public hearing, seconded by Julian Kadish. Approved. Lisa Carrozza abstained from voting.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 4.

Motion by Ron O'Reilly, to sign and issue the Order of Conditions as written, seconded by Julian Kadish. Approved. Lisa Carrozza abstained from voting.

7:40 pm Notice of Intent - (**#250-950) Bernard Marshall, Norton Water/Sewer Department - Parcel 93 (Assessor's Map 17) Fillmore Drive – (cont. from the March 9, 2015 mtg.)** for proposed plans for a Town Center Sewer Project consisting of 1,700 linear feet of 15-inch PVC gravity sewers and appurtenances, 5,300 linear feet of 6-inch and 8-inch PVC force mains and one suction-lift pumping station within 100 feet of wetlands.

Documents:

1. WPA Form 3 – Notice of Intent
2. Draft Stormwater Pollution Prevention Plan (SWPPP)
3. Expanded Environmental Notification Form
4. Letter dated February 2, 2015 from Brona Simon addressed to John Felix, Deputy Associate Commissioner, Mass DEP
6. Letter dated March 5, 2015 from Jennifer Carlino to Steven Pedersen, Weston & Sampson Engineering, Inc.
7. Plan entitled "Town Center Pumping Station Site Plan and Details" prepared by Weston & Sampson, signed and stamped by Steven Pedersen and dated February 23, 2015.
8. Plan entitled "Fillmore Drive STA 0+00W to 5+40W, Fillmore Drive STA 0+00E to 6+50E" prepared by Weston & Sampson, signed and stamped by Steven Pedersen and dated February 23, 2015.
9. Plan entitled Town of Norton, MA Needs Area 6 Conceptual Wastewater System Layout-Resource Area Impacts dated January, 2015.
10. Letter dated March 11, 2015 from the Division of Fisheries & Wildlife.
11. Letter dated March 11, 2015 to EOEEA from Jennifer Carlino
12. Letter dated February 25, 2015 from the Mass Historical Society
13. Plan entitled "Needs Areas 2 & 3 Conceptual Wastewater System Layout-Resource Area Impacts, Weston & Sampson, Figure 5-1, January, 2015.
14. Plan entitled "Needs Area 6 Conceptual Wastewater System Layout-Resource Area Impacts, Weston & Sampson, Figure 5-2, January, 2015.
15. Plan entitled "Needs Areas 7 Conceptual Wastewater System Layout-Resource Area Impacts, Weston & Sampson, Figure 5-3, January, 2015.
16. Plan entitled "Needs Areas 4 Conceptual Wastewater System Layout-Resource Area Impacts, Weston & Sampson, Figure 5-4, January, 2015.
17. Letter dated March 10, 2015 to Page Czepiga, MEPA from Fran Yanuskiewicz, Weston & Sampson .

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 5.

18. Certificate of the Secretary of Energy and Environmental Affairs on the Expanded Environmental Notification Form dated April 3, 2015.
19. Draft Record of Decision

Jennifer Carlino commented that there is only one minor change to the plan which will include the LG Nourse School to be added to the sewer line. She said she has requested a portion of the plan be submitted showing this addition which they agreed would be submitted for the files.

Motion by Ron O'Reilly to close the public hearing, seconded by Julian Kadish. Approved.
Motion by Ron O'Reilly to sign and issue the Order of Conditions as drafted, seconded by Julian Kadish. Approved.

7:20 pm Notice of Intent – (#250-952) **Chad Dubuc/Rustic Fire Protection, Inc. – Parcel 125 (Assessor's Map 26) 320 West Main Street** – for proposed plans to replace a distribution box and sewer pipe within 100 feet of wetlands and Chartley Brook.

Documents:

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Flood Plain at 320 West Main Street in Norton, MA, Scale 1"=20', prepared by RIM Engineering Company, Inc., signed and stamped by Ralph I. Maloon and dated March 12, 2015.

Present representing the applicant was Ralph Maloon of RIM Engineering. He pointed out the floodplain area on the plans. He said the applicant had tried to improve an existing leach field that had failed. He said a portion of the leach field was dry and decided the field had a blockage somewhere between the septic field and the D. He found a problem with the D-box. He commented that the filter was too small for the septic tank. He said while the tank was open, repairs were made to the septic tank and leach field.

Jennifer Carlino asked if everything was put back to the existing grade and if the paving was repaired. Mr. Maloon replied he did not know if the paving was repaired.

Motion by Julian Kadish to close the public hearing, seconded by Ron O'Reilly. Approved.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 6.

7:30 pm Abbreviated Notice of Resource Area Delineation – (#250-951) – **Kevin Lobisser Norton Deveelopment, Inc. – Parcel 62 (Assessor’s Map 24) 0 Hill Street** – for verification of the Wetland Resource Areas.

Documents:

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled “Resource Area Plan for 12 Hill Street in Norton, Massachusetts 02766” prepared by Allen Engineering, LLC, Signed and stamped by Mark E. Allen, Scale 1”=150’ and dated January 29, 2015. (Sheets 1-7)

Mark Allen, Allen Engineering and Dan Wells, Goddard Consulting were present.

Mr. Allen described what the colors depicted on the plans and noted that all resource areas are included on the plans.

Mr. Allen asked Jennifer Carlino if anyone had been out to the site and she said a site inspection had been started but because of all the snow, not much has been accomplished.

Jennifer Carlino commented that tables for the resource areas were submitted but she would like the calculations as well. She said a Peer Reviewer will be retained as required under MGL Chapter 44, Section 53G at the expense of the applicant to review the calculations.

Jennifer Carlino stated only 5 of the 7 potential vernal pools shown on the plans are listed in the report. Lisa Carrozza asked if the applicant intended on certifying the vernal pools as it was now the time to do it and Mr. Allen suggested that work may not take place near them. Lisa Carrozza replied that the vernal pools should be certified now in the event work will take place near one of them. Mr. Allen asked Jennifer Carlino if there were any restrictions as to how close work can be performed near a vernal pool. She replied if the Conservation has jurisdiction over a vernal pool, there is a limit of work.

Lisa Carrozza noted a perennial stream is noted in the report but not shown on the plan. Mr. Allen commented that because the stream dries up part of the year, it may not be a perennial stream. Lisa Carrozza commented that it may extend riverfront to a vernal pool and should be shown on the plan as a perennial stream. Jennifer Carlino asked to submit any information on the stream they wished the Commission to review.

Jennifer Carlino commented that the project is within an ACEC area and is not commented as so in their report. She said when the inspection is completed, she will send a comment letter.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 7.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, April 27, 2015, seconded by Julian Kadish. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-831 (full)	Town of Norton	Parcels 28 & 525 (Map 10) Reservoir St. & Falls Rd. Reservoir Dam embankment work
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Jennifer Carlino commented all information was received at the time the contract was closed. Motion by Lisa Carrozza to issue the Certificate of Compliance, seconded by Ron O'Reilly. Approved.

DET. #556 (full)	Creative Homes, Inc.	Lot 4, Parcel 99 (Map 24) 5 Washburn Street Single family home construction
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Jennifer Carlino commented no information has been received as requested. No action was taken.

REQUEST FOR AN EXTENSION

#250-612 – Lloyd Geisinger/Thorndike Development Corp. – Red Mill Village

David Eastridge was present. He updated the commission on the progress of the project as described in his report dated March 17, 2015.

- 1/3 of the site requires topcoat paving
- They have met with the Association to discuss future maintenance and obligation issues
- An As-Built Plan will be done at the completion of the entire project
- They will be cleaning out the drainage system and catch basins
- They will be requesting a Certificate of Compliance at the completion of the project

Mr. Eastridge commented an extension is requested to April 1, 2016.

Jennifer Carlino commented that salt has been used for snow removal even though it was not an approved snow removal method as stated on signs installed on the property. Mr. Eastridge replied that the contractor has been instructed to discontinue the use of salt on the property.

Motion by Lisa Carrozza to issue an Extension Permit to August 9, 2016, seconded by Ron O'Reilly. Approved.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 8.

An abutter, Oren Sigal, 28 Coddling Road had questions regarding the issuance of a Certificate of Compliance at the completion of the project and asked if an As-built plan would be required. He had concerns with the applicant not completing the project. David Eastridge replied that the Planning Board is holding a substantial bond to ensure the project is completed in full.

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

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.

Discussion ensued on the types of grass to be planted and the locations. Lisa Carrozza suggested a low maintenance type and possibly a high type to deter the geese.

Minor changes were made to the draft Order of Conditions. Motion by Lisa Carrozza to accept the Order of Conditions, as amended, seconded by Julian Kadish. Approved.

Duplicate Order of Conditions for File #250-38 – 162 West Main Street

Jennifer Carlino commented that the Order of Conditions was thought not to be recorded but was recorded. She said the property was sold and the new owners had plenty of time to review the files and the violation. She said they were supposed to come in to the commission with options to remove fill and restore the wetlands.

Jennifer Carlino commented that an Enforcement Order will be sent and if there is no response, an Injunction can be sent. She said she will wait until the next meeting and see if they come in with options and if they do not have any proposals, an Enforcement Order will be issued.

OLD BUSINESS

#250-937 – Wheaton solar project

Jennifer Carlino stated that DEP appealed this project and noted that solar panels and graveled driveways are considered paving and storm water management shall be required.

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 9.

DOT – de minimis decision request

Jennifer Carlino commented she received a letter today and handed out a copy to the members. She said DOT needs the letter signed to apply for a Federal permit and for funding.

Jennifer Carlino noted the biggest concerns are putting too much rip rap on both sides of the bridge and storm water management.

Julian Kadish asked Jennifer Carlino if she discussed the issue with the Town Manager and she replied he did not have anything more to add. He asked what the consequences would be if the Conservation Commission does not sign the letter and Ron O'Reilly replied they could refuse to continue with the project.

Jan Franceschelli commented that they claim that the duration of the occupancy of the recreation area is temporary. Jennifer Carlino replied that if they are claiming that the project will not extend beyond what is existing, this may not necessarily be true because they are adding 3 new point discharges into the river. She said it should take about two years to do the construction.

Jan Franceschelli commented that DOT claims that the area will be restored to its present condition. Jennifer Carlino noted that there is no existing storm water management.

Lisa Carrozza commented that the letter received is incorrect. It was agreed to send a letter asking DOT to be more concise and to reword the certification of the tasks to be performed to require DOT to certify they will perform the tasks listed.

Jennifer Carlino stated she will email each member the draft letter requesting an individual reply from each member.

Violations: no action with the snow

#250-38-162 West Main Street
195 East Main Street
90A Freeman violation
East Hodges Street – Fred Bottomley
Alder Road
12 Forest Lane
7 Todd Drive
14 Laura Lane

Norton Conservation Commission
Monday, April 13, 2015
Minutes, Page 10.

243 So. Worcester Street
241 Dean Street
5 Sailors Lane

NEW BUSINESS

Watershed Policy

Reservoir Update - Jennifer Carlino commented that she sent out an email after the previous meeting with pictures of a fence at a dam and the concrete without the sacrificial dirt layer from Pare Corp. She noted an addendum for the survey work near the Perlows has been received but suggested adding a note requesting a pdf and 2 hard copies of the survey plan.

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)

Jennifer Carlino commented she included a copy of the Executive Order 562 with the agenda

Jennifer Carlino asked the members if they would like to start working on the bylaw again. Discussion ensued. It was the consensus of the board members that it was a struggle the first time and most citizens are against one because they do not understand what the bylaw will regulate.

The meeting adjourned at 9:30pm

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____