

Monday, May 18, 2015

Minutes

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

Attendance: David Henry, Chairman, Ron O'Reilly, Lisa Carrozza, Dan Pearson and Conservation Agent Jennifer Carlino

Absent: Julian Kadish, Scott Ollerhead, Vice Chairman and Jan Franceschelli

7:00 pm Draft minutes:

November 24, 2014 – The members agreed more information is needed. Motion made by Lisa Carrozza, seconded by Ron O'Reilly, to table the minutes to the next meeting for clarification and more information. Approved.

December 15, 2014 – Minor edits were made to the draft minutes. Motion made by Lisa Carrozza, seconded by Ron O'Reilly, to accept the minutes, as amended. Approved.

December 15, 2014 (Executive Session) – The members agreed more information is needed. Motion by Lisa Carrozza, seconded by Ron O'Reilly, to table the minutes to the next meeting for more information. Approved.

January 12, 2015 – No quorum.

Bills Payable

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

Registry of Deeds – motion by Lisa Carrozza, seconded by Dan Pearson, to pay the bill. Approved.

Sun Chronicle – motion by Lisa Carrozza, seconded by Ron O'Reilly, to pay the bill. Approved.

Verizon Wireless – motion by Ron O'Reilly, seconded by Lisa Carrozza, to pay the bill. Approved.

Chartley Landscape – motion by Ron O'Reilly, seconded by Lisa Carrozza, to pay the bill. Approved.

Adrian Name Plates – motion by Ron O'Reilly, seconded by Lisa Carrozza, to place the order. Approved.

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7:05 pm Request for a Determination of Applicability – **(DET. #1018) – Andrew Barrick – 6 Parker Street, Everett Leonard Conservation Area** – for proposed plans to construct two boardwalks and restore the trails within 100 feet of wetlands.

Documents

1. WPA Form 1 – Request for a Determination of Applicability

Present for the hearing was Andrew Barrick who noted he is working on earning an Eagle Scout badge. He commented that he is proposing to complete several improvement projects at the Everett Leonard Conservation Area:

- Repair an existing boardwalk
- Re-build one boardwalk
- Restore trails by cutting brush
- Building two kiosks
- Remove stumps

Andrew Barrick commented that the trail work will be performed on June 13th. David Henry replied maybe a few volunteers can be found to help.

Motion by Ron O'Reilly, seconded by Dan Pearson, to close the public hearing. Approved. Motion by Lisa Carrozza, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability. Approved.

7:10 pm Request for a Determination of Applicability – **(DET. #1016) – Timothy & Emalee Johnson – Parcel 97 (Assessor's Map 18) 0 South Washington Street – (cont. from the April 27, 2015 mtg.)** - to determine if proposed work for a house, septic system, driveway and lawn are jurisdictional.

David Henry noted that the owner has requested a continuance of the public hearing until the next meeting of June 8, 2015. Motion by Ron O'Reilly, seconded by Lisa Carrozza, to continue the public hearing to the next regular meeting of Monday, June 8, 2015. Approved.

7:15 pm Request for a Determination of Applicability – **(DET. #1017) – Bridget McBarron – Parcel 140 (Assessor's Map 16) 90 Mansfield Avenue** – for proposed plans to clear shrubs and brush within 100 feet of Norton Reservoir.

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Documents

1. WPA Form 1 – Request for a Determination of Applicability

Present was Bridget McBarron who explained she would like to clear shrubs and brush at the rear of her house and needs to replace a beam at the side of her garage. David Henry asked how she was going to remove the shrubs and brush. Ms. McBarron replied she would hire a company to do the work.

Lisa Carrozza asked what type of shrubs will be removed and Jennifer Carlino replied there is Red Osier Dogwood and Speckled Alder to be removed. Lisa Carrozza suggested that Ms. McBarron walk the site with Jennifer Carlino and mark the shrubs she would like to remove. Jennifer Carlino agreed she would mark the shrubs to be removed with survey flags. She said she would mark the shrubs tomorrow and Ms. McBarron agreed that 2:00 pm would be a good time. Motion by Lisa Carrozza, seconded by Dan Pearson, to continue the public hearing to the next regular meeting of Monday, June 8, 2015. Approved.

7:20 pm Notice of Intent – (**#250-954**) – **Derwin & Ana Brown – Parcel 40 (Assessor's Map 27) 40 Power Street** – Postfacto for tree cutting, installation of a shed, demolition of a foundation and grading within 100 feet of Barrowsville Pond.

Documents

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan of Land, #40 Power St., Norton, MA, Scale 1”=20’, prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated March 31, 2015.

Attending the public hearing was Derwin Brown and Chris Saunders of Yarworth Engineering Co., Inc. who explained that Mr. Brown had removed trees without a permit and is proposing to install a shed on an existing concrete pad. He noted Mr. Brown would like to fill in a small area that puddles when it rains in front of the deck and remove two dead trees from the wetlands that have fallen.

Mr. Saunders said the existing location of the siltation fence will be the area to place the permanent visual barrier of which 3 areas will be moved out of the floodplain. He commented the applicant would like to use Conservation markers for the visual barrier instead of a post and rail fence. Lisa Carrozza asked if there are enough trees to mark the 25-ft. limit of work and Mr. Saunders replied there are. She suggested the applicant install a post and rail fence for the visual barrier since there is a violation already existing. She also suggested that the two fallen dead trees in the wetland be left as is.

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David Henry asked what projects the applicant is applying for that have not yet been completed. Mr. Saunders replied he would like to put a shed on the existing pad and fill in a small area in front of the deck. Lisa Carrozza suggested that a revised plan showing spot grades be submitted. Mr. Saunders replied that he would do so.

It was agreed boulders could be used as a visual barrier if desired or a combination of boulders and post and rail fence.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, June 8, 2015, seconded by Ron O'Reilly. Approved.

7:30 pm Notice of Intent – (**#250-953**) – **Steve Kelleher/Varsity Wireless, LLC – Parcels 9 & 9-01 (Assessor's Map 26) 380 Old Colony Road – (cont. from the April 27, 2015 mtg.)** - for proposed plans for construction of a telecommunications facility and access road and stormwater management within 100 feet of wetlands.

Documents

1. WPA Form 3 – Notice of Intent Form
2. Plan entitled "Varsity Wireless" Site Name: Norton Rt. 123, Site Number: VWMA 0058, Address: 380 Old Colony Road, Norton, MA 02766 prepared by ProTerra Design Group, LLC, signed and stamped by Jesse M. Moreno and dated November 10, 2014.
3. NHESP Vernal Pool Observation Report dated May 4, 2015.
4. Letter dated May 6, 2015 from Jennifer Carlino to Eric Ford, Lucas Environmental LLC.
5. Letter dated May 15, 2015 to Jennifer Carlino from Jesse Moreno, PE, Lucas Environmental LLC.

Attending the meeting was Francis Parisi, Varsity Wireless, Eric Ford and Tom Johnson of Lucas Environmental LLC.

Mr. Parisi noted that Jennifer Carlino had sent a comment letter to Lucas Environmental and he said he was given revised plans on Friday which he submitted today to Jennifer Carlino. He noted that he understood that she would not have had time to review them for tonight's meeting but wanted to point out the revisions.

Tom Johnson proceeded to go through Jesse Moreno's replies to Jennifer Carlino's comments as follows;

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- even though multiple projects are prohibited on the same property, the previous proposed project was totally different from this project

Regarding the site inspection:

- Wetlands D & E have since been flagged in the field.
- All ILSF have been labeled on the plans
- The two PVPs have been added to the plans.
- All debris will be removed from wetlands and confirmed by owner
- The existing cut oil tank has been removed
- “no-trespassing” signs have been posted on the property to prevent further ATV activity near the wetlands.

Regarding the plans:

- The driveway is 12” wide within a 20’ wide access & utility easement.
- The driveway has been moved 2’ towards the west away from the wetland areas and a small retaining wall has been placed along the wetland side of the driveway to reduce grading impacts near the wetlands.
- All references to “hay” bales have been changed to “straw” bales. Notes have been added noting all sediment controls will be inspected by the Conservation Commission prior to construction.
- Snow storage areas have been labeled.

Regarding the Limited Stormwater Hydrology Report:

- The Operation & Maintenance Plan has been revised

Mr. Johnson commented that the old Order of Conditions has not been released for this property and he will submit the plans and paperwork to close out the Order. He requested that the issuing of the Certificate of Compliance not hold up this project. Jennifer Carlino replied the issuing of the Certificate can be conditioned but no work can begin on this property until the Certificate has been issued to close out the original Order of Conditions.

Motion by Ron O’Reilly to continue the public hearing to the next regular meeting of Monday, June 8, 2015. Approved.

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7:35 pm **Abbreviated Notice of Resource Area Delineation – (#250-951) – Kevin Lobisser
Norton Development, Inc. – Parcel 62 (Assessor’s Map 24) 0 Hill Street –
(cont. from the April 27, 2015 mtg.) - for verification of the Wetland Resource
Areas.**

David Henry commented that the applicant has requested a continuance of the public hearing to the next meeting. Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, June 8, 2015, seconded by Lisa Carrozza. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-765

(full)

Campanelli Thorndike Norton, LLC

**Parcels 61 & 76 (Map 11)
274 East Main Street**

Plans for drainage work to include alteration of the bank of an intermittent stream, replacement of a pipe, construction of a drainage basin and construction of a lawn within 100 feet of wetlands and a vernal pool.

Lisa Carrozza recused herself from the discussion leaving a lack of quorum.

David Kelly of Kelly Engineering stated the project was never started by the applicant and was sold to the present owners.

Mr. Kelly commented that condition #22 of the Amended Order of Conditions referred to an “easement” allowing maintenance, repair, in-kind replacement of storm water BMPs be recorded before commencement of work on the site. He suggested changing the word “easement” to “license” which would not require a Town Meeting vote.

David Henry commented that he would like to see the License Agreement before he approves the change in the Order of Conditions. David Kelly agreed to submit the License Agreement as soon as possible.

Jennifer Carlino commented that the condition can be changed without issuing a new Order of Conditions.

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Motion by Ron O'Reilly to allow the minor amendment to the Order of Conditions for File **#250-906** per Campanelli/Thorndike's letter dated April 17, 2015, item #1, changing the word "easement" to "license", seconded by Lisa Carrozza. Approved.

Motion by Lisa Carrozza to entertain for review a "License Agreement" in lieu of an "Easement" per condition #22 of the Order of Conditions for **#250-906**. Approved.

Mr. Kelly noted that the plans have been revised showing the final roadwork plans per requirements of the Zoning Board of Appeals with no changes within the wetlands. He commented that as an agreement with the Water/Sewer Department, the sewer lines have been located to the opposite side of the road to allow future tie ins.

David Henry noted that discussion for the request for a Certificate of Compliance for **#250-765** has been tabled for further information.

Lisa Carrozza returned to the meeting and commented she will not have to recuse herself from the discussion of this project after all. Motion made by Ron O'Reilly to issue the Certificate of Compliance, seconded by Dan Pearson. Approved.

#250-875 **James Cochrane**
(full)
Installation of a dock on Norton Reservoir

Parcel 145 (Map 16)
121 Freeman Street

Jennifer Carlino commented the project was completed according to the submitted plans. Motion by Lisa Carrozza to issue the Certificate of Compliance, seconded by Dan Pearson. Approved.

OLD BUSINESS

DOT bridge replacement – Canoe River at Plain Street

Lisa Carrozza recused herself from the discussion leaving a lack of quorum.

Jennifer Carlino noted a letter had been received from DOT requesting Conservation sign-off on the permanent drainage easement. She said the Commission has already signed off on the temporary drainage. She submitted a draft letter for the commission to sign. Discussion ensued on the correct language to be used in the letter. Jennifer Carlino noted she would revise the letter for David Henry to sign.

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Violations:

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

NEW BUSINESS

11 Sailors Lane violation – Jennifer Carlino commented she inspected a complaint of a possible violation which turned out to be the use of a sump pump. She said there is other work proposed and advised the owner to apply for a permit.

Reservoir Update - Jennifer Carlino commented that the Office of Dam Safety sent a violation order for not completing the Phase I Inspection. She said she had sent an email previously stating that the new spillway work will begin soon and asked if we really need to do another report.

Jennifer Carlino noted a plan has been received showing an amendment to the spillway design contract to get a survey plan for the front portion to install a post and rail fence. She said the plan is not what she was expecting and did not show the entire area in question. She said she sent an email with her comments requesting they revise the plan.

Jennifer gave a draft letter for an Eagle Scout project that has been completed by Sean Eykel to David Henry for signing.

Jennifer presented a 319 Grant support letter for \$28,000 to design a stormwater system on Crane St. at the Three Mile river.

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Report from Staff

Site visits - Discussion ensued for the members to plan a trip to Alder Road to check on the restoration progress. Lisa Carrozza suggested posting signs directing people to the Conservation areas.

The members planned a visit to the Reservoir dam for Friday, May 22nd at 9:15 am.

Waterbodies Committee update
Draft Dock Guidance
Wetland Protection Fund
Grants

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

The meeting adjourned at 9:27 pm

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____
David Henry