

Monday, June 8, 2015

Minutes

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

Attendance: David Henry, Chairman, Julian Kadish, Ron O'Reilly, Jan Franchescelli, Dan Pearson and Conservation Agent Jennifer Carlino

Absent: Lisa Carrozza and Scott Ollerhead, Vice Chairman

7:00 pm

Review draft minutes:

**November 24, 2014** - Motion made by Ron O'Reilly, seconded by Jan Franchescelli. Approved.

**December 15, 2014 (Executive Session)** - Motion made by Ron O'Reilly, seconded by Dan Pearson. Approved.

**January 12, 2015** - Motion made by Ron O'Reilly, seconded by Jan Franchescelli. Approved.

**February 23, 2015** - no quorum for this meeting

**March 9, 2015** - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

Bills Payable

Pare Corp - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

WB Mason - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

Verizon - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

Sun Chronicle - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

Jim's Auto - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

Chartley Landscaping - Motion made by Ron O'Reilly, seconded by Julian Kadish. Approved.

7:05 pm

Amendment – Proposal to amend the Order of Conditions for File #**250-950- Bernard Marshall/Norton Water Department** - to install sewer line at Rumford River and within 100-yr. floodplain.

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Documents:

1. Request letter dated May 22, 2015
2. Plan entitled "Pine Street STA 18+50E TO STA 28+75E/Plain Street STA 28+75E TO STA 30+55E, prepared by Weston & Sampson, signed and stamped by Steven K. Pedersen and dated May 22, 2015.
3. Plan entitled Nourse School Sewer Connection, Town of Norton, Massachusetts, Water and Sewer Department, Town Center Sewer Department, prepared by Weston & Sampson, signed and stamped by Steven K. Pedersen and dated April 10, 2015.

Attending the meeting was John Potts of Weston & Sampson who described the project to the members. He commented that the applicant's intent to directional drill 2 force mains under the Rumford River, but ran into adverse conditions preventing the directional drilling. He stated an alternate method has been proposed. He commented that the 8-inch existing water mains within the existing concrete ducts can be replaced by the proposed 6-inch or 8-inch sewer force mains in the same location. He said the concrete duct measures approximately 65 feet of which 14 feet go over the Rumford river. He noted there would be approximately 200 sq.ft. of disturbance within the 100-yr. floodplain.

Dan Pearson asked if the original concrete ducts would be used and Mr. Potts replied that the structural engineer had determined they would be ok but may require a little cosmetic work.

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 Amended Order of Conditions. 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 May 18, 2015 mtg.)** - to determine if proposed work for a house, septic system, driveway and lawn are jurisdictional.

No one was present at the public hearing. Jennifer Carlino commented she has not received any revised plans to date. Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, June 22, 2015, seconded by Ron O'Reilly. Approved.

7:15 pm      Request for a Determination of Applicability – **(DET. #1017) – Bridget McBarron – Parcel 140 (Assessor's Map 16) 90 Mansfield Avenue – (cont. from the May 18, 2015 mtg.)** - 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 Determination of Applicability
2. Color photos of the site

Present at the public hearing was Bridget McBarron.

Jennifer Carlino commented she visited the site and determined that rather than cut the wetland plants, the shrubs (primarily Red Osier Dogwood and Speckled Alder) along the water could be pruned. She noted the house was at a high elevation so pruning the shrubs at about 7 feet would increase the view of the Reservoir. The Commission asked Ms. McBarron if she might comply and she replied that she would.

Motion by Ron O'Reilly to close the public hearing, seconded by Dan Pearson. Approved. Motion by Ron O'Reilly to issue a negative (#3) Determination of Applicability, seconded by Dan Pearson. Approved. Julian Kadish abstained from voting.

7:20 pm      Notice of Intent – **(#250-954) – Derwin & Ana Brown – Parcel 40 (Assessor's Map 27) 40 Power Street – (cont. from the May 18, 2015 mtg.)** - 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 Street, Norton, Mass. Prepared for Derwin & Ana Brown by Yarworth Engineering Company, Inc., Scale of 1"=20', signed and stamped by Christopher D. Yarworth and dated May 29, 2015.
3. Photo of proposed visual barrier.

Attending the public hearing was Chris Yarworth, Yarworth Engineering Co., Inc. and Derwin Brown.

Jennifer Carlino commented a revised plan would be submitted reducing the area of the silt fence located in the immediate work area. Chris Yarworth agreed he would submit a revised plan Wednesday. He commented the applicant would like to install a single-rail fence instead of a double-rail fence for the visual barrier. The Commission agreed that this would be acceptable.

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

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7:25 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 May 18, 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. **Latest Revisions:** May 14, 2015.
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.
6. SWPPP and Operation & Maintenance (O&M) Plan with final revisions on May 28, 2015.

Attending the meeting was Steve Kelleher, Varsity Wireless and Tom Liddy, Lucas Environmental LLC.

Mr. Kelleher noted that he had addressed all comments from Jennifer Carlino and the Commission. Jennifer Carlino commented that a revised O & M has been submitted.

Motion by Ron O’Reilly made a motion to close the public hearing, seconded by Julian Kadish. Approved.

It was agreed that markers would be used instead of a visual barrier which would revise condition #13.

Motion by Ron O’Reilly to sign and issue the Order of Conditions as amended, seconded by Julian Kadish. Approved.

7:30 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 May 18, 2015 mtg.)** - for verification of the Wetland Resource Areas.

David Henry noted that a continuance of the public hearing to the regular meeting of Monday, July 13, 2015 has been requested by the applicant. Motion by Julian Kadish to continue the public hearing to Monday, July 13, 2015, seconded by Ron O’Reilly. Approved.

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7:35 pm      Notice of Intent – (#250-956) – **Michael Yunits/Town of Norton –Parcels 49, 50, 36, 31-03 (Assessor's Map 24) 0 Hill Street** – for proposed plans repair the landfill cover and stabilize the slope within 100 feet of wetland.

Documents:

1. WPA Form 3 – Notice of Intent
2. Landfill Cover Restoration Corrective Action Design Report for Approval/Former Norton Landfill Site, Hill Street, Norton, MA dated March 27, 2015 prepared by CHA.
3. Landfill Cover Restoration Health & Safety Plan, Former Norton Landfill Site, Hill Street, Norton, MA dated March 19, 2015 prepared by CHA.
4. Letter dated May 28, 2015 from Jennifer Carlino to Gabriel Crocker, CHA.
5. Plan entitled "Former Norton Landfill, Landfill Cover Restoration for Norton Board of Health, 70 East Main Street, Norton, MA, prepared by CHA, signed and stamped by Gabriel R. Crocker and dated May 21, 2015 with latest revisions June 8, 2015.
6. Letter dated June 8, 2015 from Gabriel Crocker, CHA in response to Jennifer Carlino's letter dated May 28, 2015.
7. Copy of DEP Final Approval with Conditions sent to Christian Zahner, Town of Norton Board of Health dated May 13, 2015.

Attending the public hearing was Gabriel Crocker, CHA, Ryan Larmouth, CHA and Michael Yunits, Town Manager.

Mr. Crocker stated that the application is to repair a slumped section of the cover of the Norton landfill on Hill Street. He said that the liner is still in tact but it is the subsoil that has eroded. He said it is proposed to correct the drainage soil underneath and replace and stabilize the topsoil including vegetation.

David Henry asked Mr. Crocker what caused the erosion of the undersoil. Mr. Crocker replied that one factor could be that this is the steepest area of the landfill. He noted it could have been caused by storm events not anticipated or that the membrane of the cover was delivered with a smooth surface instead of a textured surface as ordered.

David Henry asked how long the project will take and Mr. Crocker replied a few weeks. Mr. Larmouth commented that they are seeking to use contractors that have landfill experience.

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Mike Yunits commented that the work design has been approved by DEP and they have been working with the Solar Developer who will be installing an access road for the contractor to utilize. He said once a contractor has been chosen, the developer will meet with them.

David Henry asked Mr. Crocker to quickly go over his response letter dated June 8<sup>th</sup>. His responses were as follows:

**Comment #1:** Page 5 has been revised to add the plan date as requested, which is September 24, 2008. He submitted 2 copies.

**Comment #2:** the respective original specifications have been incorporated as requested. Sheet C-5 has been added to the revised plan set. Since the proposed work will disturb more than an acre of land, a Notice of Intent (NOI) form will be submitted to the EPA by the contractor. The Town and Contractor shall work together to create a Stormwater Pollution Protection Plan (SWPPP) before filing the NOI with the EPA. A copy of the finalized SWPPP shall be submitted to the Conservation Commission prior to commencement of work.

**Comment #3:** Sheet C-3 has been revised and sheet C-5 has been created to incorporate the applicable landfill cap specifications for the contractor to use.

**Comment #4:** the annotations have been revised to show “sediment” rather than “erosion”.

**Comment #5:** the detail has been revised replacing 8” sock diameter to 12” sock diameter.

Julian Kadish asked if the access road went into the actual work area and Mr. Crocker replied the road leads right up to the location of the slump but not into the area.

Motion made by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, June 22, 2015 to obtain a DEP File # and to submit the draft SWPPP for comments, seconded by Julian Kadish. Approved.

7:40 pm      Request for a Determination of Applicability – **(DET. #1019) – Art in Motion Academy of Dance – Parcel 47 (Assessor's Map 26) 377 Old Colony Road** – for proposed plans to remove and replace with a wider driveway and associated grading within 100 feet of wetlands.

Documents:

1. WPA Form 1 – Request for Determination of Applicability
2. Plan entitled “Plan of Proposed Dance Studio, 377 Old Colony Road, Norton, MA, “Existing Conditions”, Scale 1”=20”, prepared by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth and dated May 8, 2015. (sheets 1-3)

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Attending the public hearing were the owners and Christopher Yarworth, engineer, who described the project. He stated the existing building which was a nursing home will be razed and replaced with a 6,000 sq.ft. metal building. He noted the driveway will not be moved and stated there will be less impervious surface. He said all runoff will go into a swale.

Motion made by Ron O'Reilly to close the public hearing, seconded by Julian Kadish. Approved.  
Motion by Ron O'Reilly to issue a negative (#3) Determination of Applicability. Approved.

7:50 pm      Notice of Intent – **(#250-955) – Carroll Construction Corp. – Parcel 14 (Assessor's Map 4) 1 Brook Parkway** – for proposed plans to demolish a house and accessory buildings and to construct a house, pave a portion of a driveway and to install utilities within 100 feet of wetlands.

Documents:

1. WPA Form 3 form – Notice of Intent
2. Plan entitled "Building Permit Plan", prepared for Carroll Construction for 1 Brook Parkway, Norton, MA 02766, prepared by Bay Colony Group, Inc., signed and stamped by William R. Buckley, Jr. and Richard J. Leslie, scale 1"=20' and dated May 21, 2015
3. Letter dated June 1, 2015 to Bill Buckley from Jennifer Carlino.
4. Letter dated June 8, 2015 to Jennifer Carlino from William R. Buckle, Jr.

Attending the public hearing was William Buckley, Jr.

Mr. Buckley noted:

- the existing house was going to be razed and replaced
- all the other out buildings were going to be removed
- the wetland areas on the plan and noted the home will be connected to the sewer lines
- a bituminous driveway will be installed
- the front yard would be held up with retaining walls
- there will be a walk-out at the back of the property
- 18" silt socks filled with a mulch compost will be used
- the gravel driveway will be removed and replaced with a wildlife mix of vegetation
- invasive species will be removed within a portion of the 25-ft. no disturbance zone
- a split rail fence is proposed to be used as a visual barrier in some areas as needed
- a stone trench will be used on the east side of the driveway to be used as a filter for any runoff from the driveway
- a new well is proposed 37 feet from the wetlands at the closest point
- the existing cesspool will be removed

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Mr. Buckley went through his response letter dated June 8, 2015 as follows:

- the isolated wetland is located off the site about 450' from any proposed work, a copy of the biologist's sketch has been submitted.
- Priority Habitat near "East Belcher Road" has been changed to "North Washington Street"
- the work on the neighbor's land has been removed.
- a detail of the boulder wall has been added to the plan
- all silt socks are now labeled as 18"
- the split rail fence has been extended as requested
- the No-Disturbance area to the north and east have been delineated and noted to be restored and added to the plans
- 1' contour intervals have been added to the plans as well as a stone trench along the edge of the proposed driveway.
- no boundary markers were found along the northern property line to the Town of Norton land. 3 iron rods will be added along the lines where the split rail fence is proposed.
- a note has been added to the plan that all trash, metals and glass should be removed from the wetland when the house is demolished

Motion made by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, June 22, 2015 to receive a DEP File number and details for the stone trench, seconded by Julian Kadish. Approved.

Discussion: **Conservation Restriction (CR): - 274 East Main Street - #250-906**

-Jennifer was asked to give the Commission the CR to sign, but she reviewed and sent it back with comments first. This restriction is required by ZBA for the 40b apartments. It was not be revised and ready for the meeting so it will be postponed to a future date.

Discussion: **Reservoir Dam** – fence & walkway design

-Members reviewed the revised property plan and the fence plan for the reservoir project. The project is going out to bid, due on 7/14/15. Members were confused by the two illustrations on the fence plan. They requested that the fence be as close to the property line as possible. Jennifer Carlino will confirm.

Discussion: **Right of 1<sup>st</sup> Refusal – Leonard Street (Map 11, Parcel 26)**

-A portion of the Mims land is being sold. This is nearly all floodplain and across the street from the Canoe River. Members would be more interested in the portion that is along the river. Motion made by Ron O'Reilly, seconded by Julian Kadish to send the letter stating the Commission isn't interested in exercising its right of first refusal on this particular parcel. Approved.



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

**#250-671**                      **William Brandon**                      **Parcel 10 (Map 28)**  
**(full)**                      **(Joan Scott)**                      **131 Taunton Avenue**

-- For a limited project including the construction of a driveway, crossing of a bvw and construction of a wetland replication area for construction of a single family house. No work was done on this project. Bill Brandon was present at the meeting. The Commission reminded him that any work/activity will require a **new permit**. Motion by Julian Kadish, seconded by Ron O'Reilly, to issue a full Certificate of Compliance. Approved.

**#250-923**                      **Richard Gibson**                      **Parcel 7 (Map 7)**  
**(full)**                                           **176 Lincoln Street**

-- For repair/replace sewage disposal system, Release of \$1,200 bond  
Motion made by Ron O'Reilly, seconded by Julian Kadish, to release the \$1,200 bond and to issue a full Certificate of Compliance. Approved.

**#250-790**                      **Edward Fontneau**                      **Parcel 9 (Map 26)**  
**(full)**                                           **380 Old Colony Road**

--For construction of a 60'x40' building, driveway extension, utilities and related grading  
Jennifer Carlino noted the project was not completed according to the approved plans. The detention basin did not appear to be built correctly.  
Motion by Ron O'Reilly, seconded by Julian Kadish to DENY the request because the project was not built according to the plan and requested a letter from the engineering explaining the differences in the basin that was constructed compared to approved plan. Approved.

**OLD BUSINESS**

**DOT- Plain st bridge at Canoe River**

A site was held on June 14, 2015 with MassDOT, town officials and Representative Jay Barrows. The new letter was drafted and ready for approval.

**Violations:**

**195 East Main Street** – Jennifer Carlino noted she spoke with the person cutting the trees. His arborist claimed he was exempt because he filed a cutting plan. Jennifer Carlino corrected him and advised him that he would need a Forest Stewardship Plan first and then a Forestry Cutting plan. Both would be submitted to the Conservation office and she has 10 days to provide comments. As they didn't do this, a Notice of Intent must to be filed.

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Violations: (cont.)

90A Freeman violation  
East Hodges Street – Fred Bottomley  
14 Laura Lane  
241 Dean Street  
11 Sailor's lane

**NEW BUSINESS**

**Reservoir Update** - Jennifer Carlino noted bids are due by July 14, 2015 and the pre-bid conference will be held on June 23, 2015 at 10:00 am.

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)

Eagle scout project on Saturday at 8am at Everett Leonard Conservation Area on Parker St.

Members asked for a reminder email on Wed.

Members should do another Alder Rd inspection.

The meeting adjourned at 8:45 pm.

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

Respectfully submitted,

*Signature:*

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

Chairman, \_\_\_\_\_  
David Henry