

Monday, July 27, 2015

Minutes

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

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

Absent: Lisa Carrozza

7:00 pm Re-organization of the Commission - It was agreed to table for a full board

Bills Payable

MSMCP – Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

Auto Plus – Motion by Ron O'Reilly, seconded by Julian Kadish. Approved.

Verizon – Motion by Ron O'Reilly, seconded by Scott Ollerhead. Approved.

7:05 pm Amendment to the Order of Conditions for **File #250-930 – Vincent Grzesik – Parcel 39 (Assessor's Map 9) 40 Farm Lane.**
--the amendment is for modifying the foundation height, grading and decks.

Documents

1. Request letter from John W. DeLano and Associates, Inc. dated July 13, 2015
2. Plan entitled "Building Permit Plan of Land 40 Farm Lane in Norton, MA owned by Vincent & Mary Grzesik, Scale 1"=20' prepared by John W. DeLano and Associates, Inc., signed and stamped by John W. DeLano and dated June 2, 2015.

Attending the public hearing was John DeLano, engineer, and Mark Grzesik, applicant's son.

John DeLano described the differences between the original plan and the proposed amendment plans. He noted that on the original plan, grades were not changing. He said after the house was torn down, a test pit was done in the foundation site and the water table height was established. He commented that the new foundation would have to be raised higher than the approved height and a retaining wall will be built to avoid going into the floodplain area.

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Mr. DeLano noted the deck will be the same except for the proposed hot tub and that the water from the hot tub will go into a drain then into town sewer. Mark Grzesik noted that the chemical used for the hot tub consisted of natural and environmentally safe ingredients.

John DeLano stated that no work is proposed any closer to the resource area. Mark Grzesik commented that he would be installing a post and rail fence as the visual barrier. David Henry noted that a single-rail post and rail fence would also be acceptable.

An abutter, Harry Minassian, 39 Lantern Lane, had concerns with the proposed height of the house and grading towards his property. John DeLano explained that the elevation at present is 105' and the proposed elevation is 109' increasing the elevation 4 feet. John DeLano asked how far from the property line Mr. Minassian's house is and he replied over 300 feet.

Mr. DeLano commented that the originally-proposed crawl space will now be a full basement to be used for storage, being 2 1/2 ft. above the water table.

David Henry noted the public hearing cannot be closed until confirmation that the legal ad fee has been paid.

Motion by Julian Kadish, seconded by Scott Ollerhead, to continue the public hearing to the next regular meeting of Monday, August 10, 2015. Approved.

7: 10 pm Request for a Determination of Applicability – **(DET. #1021) – Michael Drahos – Parcel 23 (Assessor's Map 31) 11 Dean Street** – for proposed plans to cut down 2 trees within 100 feet of wetlands.

Documents

1. WPA Form 1 – Request for Determination of Applicability
2. Color photos

Michael Drahos stated he would like to cut down 2 trees which are within 100 feet of wetlands. He commented they have been deemed hazardous. He said that the tree in the front of the house will be removed first to allow room for a crane to access the second tree which is a willow tree located near a the retaining wall at the stream bank. He said the crane will not have to pass along the retaining wall.

David Henry requested the small pile of compost next to the willow tree be removed and another tree be planted in its place. Mr. Drahos agreed he would remove the pile.

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Motion by Julian Kadish, seconded by Scott Ollerhead, to close the public hearing. Approved. Motion by Julian Kadish, seconded by Scott Ollerhead, to issue a negative (#3) Determination of Applicability as long as the work is completed according to the approved plans. Approved.

7:15 pm Amendment to the Order of Conditions for File #**250-888 – Turtle Crossing** - to change conditions 13g, 13h, 37 and 38. (cont. from the July 13, 20015)

Documents

1. Request letter from Daniel Campbell, Level Design Group, to the Norton Conservation Commission dated June 22, 2015.
2. Letter dated June 25, 2015 from Goddard Consulting stating that they will be evaluating vernal pools at the Turtle Crossing Development located on Newland Street, Norton MA (DEP File #250-888) sometime during July of 2015.

Attending the meeting was Daniel Campbell who explained the proposed amendments to the commission. He commented that the applicant is requesting a modification to Condition 38, but this condition is connected to 13g, 13h and 37 as well.

Mr. Campbell stated condition #38 notes that the inspection of the vernal pool at the front of the site take place between March 8th and May 1st in any given year prior to construction to document the species within the vernal pool. He said that an inspection was done on May 15th which was the earliest time this could be done because of financial reasons. He noted an inspection at this time of the year will show species that are leaving the vernal pool as well as any remnants of earlier species. Mr. Campbell stated that the possible vernal pool next to the certified vernal pool at the front of the site shall be considered a vernal pool at this time.

Dan Pearson commented that since the wood frogs have left the site, it would not be possible to evaluate the pool at this time. Dan Campbell commented that Goddard Consulting has already evaluated the vernal pool last May 15th and documented the species at that time.

Ron O'Reilly commented that 2 vernal pool seasons have gone by where nothing has been done and Dan Campbell replied that was because the applicant was seeking financing for the project and as soon as he did, Goddard Consulting was retained to evaluate the vernal pools on the site, which was May 15th.

Dan Campbell commented that Condition #38 is not to certify the vernal pool, which is already certified, but to count the species at the start of construction.

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Julian Kadish commented that he recommends approving the requested revision to the Order of Conditions to prevent any delays in beginning the project as long as the applicant is willing to submit 2 subsequent vernal pool evaluations for the next ideal vernal pool time periods.

An abutter, Earl Willcott, 145 Newland Street, commented he thought the commission was being unfair to the applicant at this time.

David Henry noted that no new information has been submitted and Mr. Campbell replied that he was advised by Jennifer Carlino that he did not have to submit any new information.

Motion by Julian Kadish to amend the Order of Conditions as requested using the vernal pool data already on file. No one seconded the motion. Not approved.

Motion by Scott Ollerhead to continue the public meeting to the next regular meeting of Monday, August 10, 2015, seconded by Jan Francheschelli. Approved.

Julian Kadish commented that he could not see the relevance of the vernal pool studies to the projects.

David Henry requested that the information obtained on the vernal pools on May 15, 2015 be provided to the commission before the next hearing.

7:20 pm Notice of Intent – (**#250-960**) – **Jeffrey O'Neill, Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way – (cont. from the July 13, 2015 mtg.)** - for proposed plans to construct a commercial building and a portion of a driveway and storm water management within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Norton Commerce Center, 60 Commerce Way, Plan to Accompany the Filing of a Notice of Intent (Sheets 1 & 2) prepared by Condyne Engineering Group, LLC, signed and stamped by Mark D. Dibb and dated May 13, 2015.
3. NHESP Vernal Pool Observation Report
4. Letter dated June 17, 2015 from Chessia Consulting Services LLC to the Conservation Commission.
5. Stormwater Management Report dated May 13, 2015.
6. SWPPP dated May 13, 2015.
7. Letter dated June 18, 2015 from Jennifer Carlino to Mark Dibb, Condyne Engineering Group LLC.

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8. Letter dated June 30, 2015 from Jennifer Carlino to Mark Dibb, Condyne Engineering Group LLC.
9. Letter dated July 2, 2015 from Chessia Consulting Services LLC to Jennifer Carlino.
10. Letter dated July 2, 2015 regarding a Notice of Transfer for 60 Commerce Way.
11. Letter dated July 20, 2015 from Mark Dibb, Condyne Engineering Group to Jennifer Carlino in response to Chessia Consulting Services, LLC's letter dated July 2, 2015.

Attending the meeting was Mark Dibb, Condyne Engineering Group.

Mark Dibb noted that at the previous meeting he went through the comments in his letter dated July 20, 2015 in response to Chessia Consulting Services, LLC's letter dated July 2, 2015. He said that since the last meeting he reviewed the vernal pool information received from Jennifer Carlino. He noted that the vernal pool was flagged and the information was added to the plans and the additional information was forwarded to Chessia Consulting. He said he is waiting for a response letter from Chessia Consulting.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, August 10, 2105, seconded by Ron O'Reilly. Approved.

7:25 pm Notice of Intent – (**#250-957**) – **WLFB, LLC – Parcel 114-01 (Assessor's Map 36) 1 Mary Joe Road – (cont. from the July 13, 2015 mtg.)** - for proposed plans to construct a single-family house and driveway within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1"=40', signed and stamped by Christopher D. Yarworth and dated April 27, 2014.
3. Plan entitled "Subsurface Sewage Disposal Plan (Lot 1) dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014
5. Letter dated July 16, 2015 to Chris Yarworth, Yarworth Engineering Co., Inc. from Jennifer Carlino.
6. Letter dated July 22, 2015 to Jennifer Carlino from Chris Yarworth, Yarworth Engineering Co., Inc.

Attending the public hearing was Christopher Yarworth, Yarworth Engineering Co., Inc.

Mr. Yarworth commented that he had received a letter from Jennifer Carlino and responded back to her in a letter dated July 22, 2015. He said that he disagrees with her comments. He commented that the applicant is not willing to install drainage under the access road nor pave the access road. He said the applicant is willing to move the driveway 50 feet and to install a post and rail fence.

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He commented that the applicant has stated that if the Commission is going to insist upon the drainage and paving he is prepared to appeal the Conservation Commission's decision to the state.

David Henry stated a letter has not been received from Natural Heritage and Endangered Species and the public hearing cannot be closed at this time.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of August 10, 2015, seconded by Scott Ollerhead. Approved.

7:30 pm **Notice of Intent – (#250-958) – WLFB, LLC – Parcel 114-04 (Assessor's Map 36) 3 Mary Joe Road – (cont. from the July 13, 2015 mtg.)** - for proposed plans construct a single-family house, a septic system and a gravel driveway with underground utilities and associated grading within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1"=40', signed and stamped by Christopher D. Yarworth and dated April 27, 2014.
3. Plan entitled "Subsurface Sewage Disposal Plan #3 Mary Joe Road dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014

Attending the public hearing was Christopher Yarworth, Yarworth Engineering Co., Inc.

There was no discussion on this project.

Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, August 10, 2015, seconded by Scott Ollerhead. Approve.

7:35 pm **Notice of Intent – (#250-959) – WLFB, LLC – Parcel 114-03 (Assessor's Map 36) 4 Mary Joe Road – (cont. from the August 10, 2015 mtg.)** - for proposed plans to construct a single-family house and associated grading within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed House Lot Construction Mary Joe Road, Norton, Massachusetts Prepared for WLFB, LLC, prepared by Yarworth Engineering Co., Inc., Scale 1"=40', signed and stamped by Christopher D. Yarworth and dated April 27, 2014.

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3. Plan entitled "Subsurface Sewage Disposal Plan, #4 Lot 3, Mary Joe Road dated May 27, 2015
4. Plan entitled "Definitive Subdivision Plan of Mary Joe Rd. in Norton, MA dated July 7, 2014

Attending the public hearing was Christopher Yarworth, Yarworth Engineering Co., Inc. and Walter Landry.

There was no discussion on this project.

Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, August 10, 2015, seconded by Scott Ollerhead. Approve.

REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE\

#250-933	Michael Galloway	Parcel 153-01 (Map 4)
(partial)		187 No. Washington Street
---project to construct a house, well & septic system with associated grading within 100 feet of wetlands.		

David Henry noted that Mr. Galloway had withdrawn his request for a Certificate of Compliance.

#250-910	Thomas H. Carmichael	Parcel 4 (Map 23)
(full)		15 Barrows Street
---project to construct a 24'x26' addition and to repair/replace a septic system within 100 feet of wetlands.		

David Henry noted that Jennifer Carlino had spoken to the applicant and advised him to withdraw the request and re-apply when the project is complete. He stated that the applicant had commented that he wanted to proceed with his request for a Certificate of Compliance.

Motion by Jan Franceschelli to **deny** the request for a Certificate of Compliance, seconded by Scott Ollerhead. Approved.

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OLD BUSINESS

Violations:

195 East Main Street – David Henry noted that the owner had contacted Jennifer Carlino and stated he has retained Chris Yarworth, Yarworth Engineering Co., Inc. and is moving forward.

90A Freeman violation – David Henry noted that a letter requiring a planting plan has been sent.

241 Dean Street – David Henry noted that Jennifer Carlino has contacted the owner and advised him to clean the site or an Enforcement Order will be issued. David Henry said that Jennifer Carlino will be inspecting the property on August 14th.

#250-38 – David Henry noted that Jennifer Carlino has stated that she has sent copies of all files and correspondence to Town Counsel for review.

NEW BUSINESS

28 Alder Road – new violation - David Henry noted that the owners have installed a chicken coop on town property and Jennifer Carlino has sent a letter requesting they remove the chicken coop but has not heard back from the owners.

Reservoir Update
Report from Staff

Site visits - 11 Dean St., 15 Barrows Court
Waterbodies Committee update
Draft Dock Guidance
Wetland Protection Fund
Grants

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

David Henry commented that bids have been received for the dam repairs. He said that Pare Corporation has reviewed the bid that was the lowest and replied that the bidder was qualified for the job.

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Motion by Scott Ollerhead to accept Pare Corporation's letter of recommendation that Mass Building and Bridge are qualified for the Norton reservoir dam repairs, seconded by Julian Kadish. Approved.

The meeting adjourned at 8:50 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____