

Monday, October 5, 2015

## Minutes

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

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

Absent: Julian Kadish

7:05 pm Request for a Determination of Applicability – **(DET. #1027) – Ryan McFarland – Parcel 248 (Assessor's Map 9) Smith Street (rear)** – for proposed plans to construct a 12-ft. bridge within 100 feet of a seasonal stream.

### Document List

1. WPA Form 2 – Determination of Applicability
2. Diagram showing proposed work

Attending the meeting was Ryan McFarland who explained that he is doing an Eagle Scout project. He said that in the middle of the trail where the residents like to walk there is a stream and he would like to construct a 3'x12' bridge with 4 concrete posts on either side across the stream. He passed out a couple of diagrams of the proposed bridge to the members. He said the concrete posts will be poured by hand on site and the bridge will be 1 foot high off the ground.

Motion by Scott Ollerhead to close the public hearing, seconded by Dan Pearson. Approved. Motion by Scott Ollerhead to issue a negative (#3) Determination of Applicability as long as the work is completed according to the approved application and diagram, seconded by Lisa Carrozza. Approved.

7:10 pm Abbreviated Notice of Resource Area **Delineation – (#250-962) – Melanie Sagan, Parcels 6, 144, 145 & 146 (Assessor's map 36) East Hodges Street** – for verification of the Wetland Resource Areas.

### Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled "Abbreviated Notice of Resource Area Delineation, East Hodges Street, Norton, MA 02766, prepared on August 5, 2015, Revised on September 18, 2015, prepared by Coneco Engineers & Scientists, signed and stamped by Timothy S. Bodah.

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 2.**

3. Letter dated September 11, 2015 to Shane Oates, Coneco Engineers from Jennifer Carlino
4. Letter dated September 18, 2015 to Jennifer Carlino from Shane Oates, Coneco Engineers.

Attending the public hearing was Steve Ivas of Ivas Environmental.

Mr. Ivas submitted revised plans. He commented that the entire site is located within the ACEC and half within Priority Habitat. He proceeded to described the various wetland areas on the site. Jennifer Carlino asked Mr. Ivas to point out the flood zone areas which he did. She asked him to go through her comment letter to Shane Oates and his response letter which he did as follows:

- The report cover has been modified noting Norton does not have a wetlands bylaw.
- The abutters have been re-notified due to errors on the first abutter notice page.
- Figure 5 of the report, ACEC map, has been corrected.
- The plans have been revised to accurately reflect the description of resource areas in the Environmental Letter Report dated June 25, 2015 by Ivas Environmental. The northwestern tributary stream to Meadow Brook has been revised.
- Delineation has been added to the plans to extend to the eastern property line.
- The Certified Vernal Pool number has been added to the plans.
- The Riparian Zone labels have been modified as “100-foot Inner Riparian Zone” and “Outer Riparian Zone”.
- The notation regarding the No Disturbance Zone Policy has been removed from the plans since no work is proposed at this time.

Jennifer Carlino noted a Somatachlora dragon fly was laying eggs in the streambed. She said there are a lot of Atlantic White Cedar trees on the property.

Chris Polk, 123 East Hodges Street, had concerns with flooding on the property. He noted he had purchased his property in 2004 and has seen the property flood every year.

Arnold Weisler, 8 Arnold Place, commented that this property floods every year. He suggested a hydrologic study of the culvert be done before any construction takes place.

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

The members reviewed the draft Order of Resource Area Delineation. Minor edits were made to the Order.

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 3.**

Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended, seconded by Scott Ollerhead. Approved.

7:20 pm        Notice of Intent – (**#250-961**) – **Ken LaCourse, ProTech Energy Solutions – Parcel 6 (Assessor's Map 6) 0 Fairlee Lane** – for proposed plans to restore wetlands and stormwater management associated with existing solar array.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Proposed Site Plan” prepared by Bertin Engineering, Scale 1”=40’, signed and stamped by Jason D. Dubois and dated July 22, 2015.
3. Several photos of the site dated September 5, 2015.
4. Letter dated September 15, 2015 to Jason Dubois, Bertin Eng. Assoc., Inc. from Jennifer Carlino.

Present at the public hearing were Arthur Allen, EcoTec, Inc. and Mike Loin, Bertin Engineering.

Mr. Allen commented he flagged the site this past July. He said the solar project on the property was constructed under a Superceding Order of Conditions from a negative Determination of Applicability. He said there were problems with the sedimentation control on the site but it is in the process of being repaired.

Mr. Allen noted the filing fee needs to be discussed and revised.

David Henry commented storm water was originally requested and was not submitted with the first application.

Mr. Allen replied he was contacted after the original permits have been issued and will try and fix the problems that now exist. Jennifer Carlino commented the previous owner had two years to fix this site. She commented much of the stream bank has eroded.

Lisa Carrozza asked if the sediment has been removed from the wetlands and Mr. Allen replied this is part of this Notice of Intent application. She asked if any planting is proposed and Mr. Allen replied only a seed mix for stabilization.

Lisa Carrozza asked when the stabilization would be completed and Mr. Loin replied most washout has happened and it is quite late in the season to begin the project.

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 4.**

Jennifer Carlino asked if the owner is giving permission to do the restoration and storm water management and commented to make sure the owner reviews the Operation and Management Report in detail. Mr. Loin replied the owner is aware of all proposed work.

Lisa Carrozza commented if work is begun before winter, sediment control should be in place.

Mr. Loin asked Jennifer Carlino if a culvert should be installed under the access drive.

Jennifer Carlino noted mussels have been found in the mounds in the stream where much sediment has accumulated.

Mr. Loin stated the two major areas of washout shall have sediment control in place before the winter begins.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, October 26, 2015, seconded by Scott Ollerhead. 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 August 24, 2015 mtg.) - 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)
3. Letter from Jennifer Carlino to Mark Allen, Allen Engineering, LLC dated May 6, 2015
4. Letter from Mark E. Allen, PE to Jennifer Carlino dated September 4, 2015.
5. Letter from Jennifer Carlino to Mark Allen dated September 28, 2015.
6. NHESP Vernal Pool Observation Reports

Attending the public hearing was Nicole Hayes, Goddard Consulting to update the commission on the project. She commented that the response letter from Mark Allen dated September 4, 2015 to Jennifer Carlino’s comment letter of May 6, 2015 dealt with engineering issues and should be discussed with the engineer. She said she is at tonight’s meeting to update the commission on the progress of the project. She said revised plans were submitted and another comment letter was sent to the engineer from Jennifer Carlino. She noted newly revised plans will be submitted per Jennifer Carlino’s comments.

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 5.**

Ms. Hayes stated she had gone to the site and revised three flag areas;

1. WFs A107 through A113 per Jennifer Carlino's comments and has labeled the revised flags R107 through R113. She said these flags will be incorporated on the revised plans.
2. areas "extent of flooding" , WFs E05 through E012.
3. vernal pool area, WFs X1-X10.

Ms. Hayes commented she will try and get the revised plans to Jennifer Carlino before the next meeting of Monday, October 26<sup>th</sup>. Jennifer Carlino requested calculations be submitted for the Isolated Land Subject to Flooding.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, October 26, 2015, seconded by Scott Ollerhead. Approved.

7:40 pm Request for a Determination of **Applicability – (DET. #1028) – Walter Meehan – Parcel 40 (Assessor's Map 11) 195 East Main Street** – post facto - for cutting trees within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Plan entitled "Plan of Land, 195 East Main Street, Norton, MA Prepared for Walter Meehan" prepared by Yarworth Engineering Co., Inc., Scale 1"=20', signed and stamped by Christopher D. Yarworth and dated September 17, 2015.

Attending the public hearing was Chris Saunders of Yarworth Engineering Co., Inc who described the project to the commission. He commented that this project is post facto since three trees were cut within the wetlands without a permit.

Lisa Carrozza asked Jennifer Carlino if she had inspected the site and she replied she had.

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 as long as the work is completed according to the approved plan, seconded by Scott Ollerhead. Approved.

REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE

**#250-929**  
(partial)

**Penske Truck Leasing**

**Parcels 86 & 84-01 (Map 25)**  
**40 Commerce Way**

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 6.**

---for construction of a 14,400 sq.ft. building with associated parking and utility improvements and a private fuel facility.

Jennifer Carlino commented that a full certificate was requested but after inspecting the site, she noticed the site is not stabilized with a lot of sparsely-grassed areas. Motion by Jan Franceschelli to issue a partial Certificate of Compliance with a \$5,000 bond to be posted, seconded by Scott Ollerhead. Approved. Lisa Carrozza abstained from voting.

Executive Order 562 – Jennifer commented she would be sending emails to the members and they could respond back by email.

<b>#250-380</b>	<b>Hassan Khemmich</b>	<b>Parcel 3 (Map 18)</b>
(full)	<b>Morseland Estates</b>	<b>(rear) 53 Plain Street</b>

---for a six-lot residential subdivision/roadway and drainage.

Jennifer Carlino commented the project has been completed. Motion by Lisa Carrozza to issue a Certificate of Compliance, seconded by Scott Ollerhead. Approved.

**OLD BUSINESS**

Violations

90A Freeman violation – Jennifer Carlino commented the restoration area has been planted.  
241 Dean Street – no new information

**NEW BUSINESS**

**#250-957, #250-958, #250-959.** – Appeal to DEP – Mary Joe Road

Jennifer Carlino commented all the applications have been appealed and she has not received comments from DEP yet.

Fall Town Meeting – Land transfer for Plain Street bridge reconstruction. Article 97 Conversion.

Jennifer Carlino commented that this article will allow the conversion of protected land with the agreement to replace it with other land. She said there is a land-locked parcel of land on James Street that can be used. She said 2,000 sq. ft. of property is needed to replicate the protected land that was used for the Plain Street bridge reconstruction project. She said this parcel on James Street consists of 27,000 sq. ft.

**Norton Conservation Commission**  
**Monday, October 5, 2015**  
**Minutes, Page 7.**

Jennifer Carlino commented that another Town Meeting Article will allow \$1,500 of the Wetland Protection Funds will be used towards the Conservation FY16 budget.

Jennifer Carlino commented that the Rail Trail will be voted at Town Meeting.

Reservoir Update – Jennifer Carlino stated that work is starting on the concrete block pavers.

Report from Staff  
Site visits  
Waterbodies Committee update  
Draft Dock Guidance  
Wetland Protection Fund  
Grants

Jennifer Carlino commented the meeting regarding her performance will be held this Wednesday at 2:00 pm.

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

The meeting adjourned at 8:17 pm.

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

Respectfully submitted,

*Signature:*

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

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