

Monday, October 26, 2015

Minutes

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

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

Absent: David Henry, Chairman, Scott Ollerhead, Vice Chairman

7:00 pm Enforcement Order **13 South Worcester Street**

Jennifer Carlino commented she was notified there was some cutting and clearing along Chartley Pond. She said the first Enforcement Order was sent January, 2014 and sent another one for the cutting and clearing along Chartley Pond. She said the owner was supposed to appear at tonight's meeting. Ron O'Reilly noted the original owner had died and Jennifer Carlino commented she will find out the new owner's name.

Motion by Dan Pearson to ratify the signature on the Enforcement Order, seconded by Julian Kadish. Approved.

7:10 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.

Jennifer Carlino noted a check in the amount of \$525.00 for the remaining balance of the filing fee was received and the applicant has requested a continuance of the public hearing to the next regular meeting.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, November 9, 2015, 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 August 24, 2015 mtg.)** - for verification of the Wetland Resource Areas.

Documents:

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation

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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. Mini set of plans entitled "Resource Area Plan" with latest revisions on: October 21, 2015.
6. Letter from Jennifer Carlino to Mark Allen dated September 28, 2015.
7. NHESP Vernal Pool Observation Reports
8. Cease & Desist letter dated October 13, 2015 to Kevin Lobisser from Jennifer Carlino.
9. Letter dated October 21, 2015 to the Conservation Commission from Mark E. Allen, Allen Engineering, LLC.

Attending the public hearing was Nicole Hayes, Goddard Consulting to update the commission on the project. She pointed out and described the various revisions to the plans as follows:

- Sheet 1 now shows the Isolated Wetlands and the Isolated Land Subject to Flooding.
- Sheet 2 reflects the placement of new flags (A107-R through A110-R).
- Sheet 2 has deleted A41 through A46.
- Sheet 3 shows Isolated Wetland series E now labeled as a Potential Vernal Pool.
- Sheet 4 shows AE re-labeled to read as an "S" series.
- Sheet 6 shows:
 - Flags I-96 through I-99 deleted.
 - Flags I-125R through I-128R deleted.
 - New flags labeled "EOF" connecting to the "N" series flags which delineate an Isolated Land Subject to Flooding.
 - Flag L-2G has been located and the stream channel has been depicted.
 - Flag series "M" and "O" have been labeled as Potential Vernal Pools.
 - New flags series "X" have been added and labeled as Isolated Land Subject to Flooding.

Nicole Hayes noted that the ANRAD plans do show the buffer zone and 25-ft. no-touch zone.

Jennifer Carlino commented that item #2 on her last letter dated September 28, 2015 requested that the Isolated wetland and Isolated Land Subject to Flooding be labeled on the top sheet. She said a response was received stating this was done but it has not been done. Ms. Hayes replied she would request that the engineer label the top sheet as requested.

Jennifer Carlino commented that the plans shows flags labeled "S" and in the field the flags are labeled "H". She said the plan has a series "H" already but in the field she cannot find any flags labeled "H" in

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this area. She said she received a response stating the flags were change to “S” but she still cannot find them in the field. Nicole Hayes offered to go back to the site and check the flags in these areas label them properly on the plan.

Jennifer Carlino commented she received plans today and has not had a chance to review them yet.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, November 9, 2015 seconded by Julian Kadish. Approved.

7:20 pm Notice of Intent – (#250-969) - **Lee Azinheira, MFN Regional Wastewater District – (Map 24, Parcels 4, 6, 8 and 63) Rear Crane Street** – for construction of wastewater effluent recharge basins, utilities and grading within 100 feet of bordering vegetated wetland.

Document List

1. WPA Form 3 – Notice of Intent
2. Color photos
3. Plans entitled “MFN Regional Wastewater District” Pine Street Infiltration Basins and Water Pollution Control Facility Phase II Upgrade, Prepared by CDM Smith, signed and stamped by Edward Sanderson and dated October, 2015
4. SWPPP dated October 21, 2015
5. Email dated October 21, 2015 from Jennifer Carlino to Alexandra Kleyman, CDM Smith, Inc.

Attending the public hearing was Lee Azinheira, Mike Yunits, Town Manager, Magdalena Lofstedt and David Young, CDM Smith.

Mr. Young gave a brief history of the site noting the site was once owned by the Town of Mansfield, but is now the Tri-Town MFN servicing the Town of Mansfield, the Town of Norton and the Town of Foxboro. He noted last July, 2014 after many negotiations the MFN Regional Wastewater District was created to include the three towns.

Mr. Young commented it was agreed that the plant would have to be expanded by 1,000,000 gallons per day. He noted that added water cannot be put directly into the river at this point and needs to be put directly into the ground to recharge the groundwater aquifers. He said several properties were purchased for this reason. He noted one property was the Reilly property which stipulated access would not be off of Pine Street. Jennifer Carlino noted agricultural land could not be used for this project under Executive Order 193.

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Mr. Young commented a lot of field work has already been done, including borings and wells for monitoring ground water.

Dan Pearson asked why the area was shaped like it was. Mr. Young commented he wanted to stay away from the wetlands and property lines when possible.

Magdalena Lofstedt noted the applicant is asking for a waiver from the Conservation Commission. She said there is no impact to the wetland resource areas. She said there is some impacts to the 25-ft. no-disturbance zone and the 100-ft. buffer zone along the abandoned railway caused by the installation of the force main. Ms. Lofstedt commented there will be a 10-ft. paved multi-purpose path as well as a 5-ft. pedestrian graveled path as part of the rail trail project. Ms. Lofstedt noted an infiltration system would be installed on the site for storm water management. She said it will be located under the equestrian path.

Jennifer Carlino asked Ms. Lofstedt if she could go over all the wetland areas and she did. Ms. Lofstedt commented she had submitted revised plans incorporating Jennifer Carlino's comments. She noted she had added a flag to the plans as well as in the field.

Ms. Lofstedt pointed out an area she commented is a re-development project which is a paved path. Lisa Carrozza commented the area does not meet criteria for a re-development project because the impervious area is increasing. Ms. Lofstedt replied the paved path is a multi-purpose path. She said according to storm water management, it meets the criteria for re-development.

Lisa Carrozza asked what features are being provided for storm water management. Ms. Lofstedt noted the paved multi-purpose path will be pitched slightly to flow into the 5-ft. wide infiltration trench. Ms. Lofstedt pointed out the areas on the plan to Lisa Carrozza that would be included in the storm water management. Lisa Carrozza asked that she be shown the existing grades and the proposed grades on the plans for the waste water infiltration basins. Dave Young noted the existing grade is 99.101 and the proposed grade will be 100 and 94.5 after excavation. Lisa Carrozza commented that they would be creating large water storage areas. Mr. Young replied there will be areas catching the water around the excavated areas.

Lisa Carrozza asked if the Planning Board had the drainage system reviewed and Mr. Young replied he was not sure. He said he did submit a Site Plan for review to the Planning Board and received a

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decision. Lisa Carrozza noted she would like to know for sure if the drainage was reviewed by the Planning Board or Peer Review. She said if they were not, they would have to be reviewed by a Peer Reviewer for the Conservation Commission.

Lisa Carrozza asked how much clearing would be done and Ms. Lofstedt replied approximately 4 ½ acres. She asked Ms. Lofstedt if she has received comments from Fisheries and Wildlife and she replied she has not had time yet. Lisa Carrozza commented she could not see how far the pipe will be from the edge of the wetlands. She said she would like the distances noted on the plans.

Lisa Carrozza asked what the Phasing Plan will be and Mr. Young replied sediment control will be in place before work begins but he said he is not sure if the force main will be installed before or after the infiltration trench.

Jan Franceschelli asked Mr. Young how long this project will take to complete and he replied approximately one year.

Ms. Lofstedt replied to several of Jennifer Carlino's comments as follows:

- Page 2 of the NOI has been corrected to reflect the project is not a limited project.
- She submitted the SWPPP today by email
- Updated plans were submitted showing grading, sediment and erosion control notes.
- On sheet IB-6 a boulder will be added to block atv path
- On sheet IB-8 and IB-9 limit of work was brought closer to the actual work. Mr. Young replied warm season grass mix will be used in this area.
- Nylon netting will not be used in the wattles
- Sheet IB-2, added the flag 45 feet to the SE of flag WF#C-20 at the end of the swale
- Sheet IB-2, potential vernal pools have been added
- Sheet IB-2, Flags WF#E through WF#4-2 have been rehung
- Sheet IB-3, Flags WF#3-4 through WF#3-1 were added
- Storm water calculation will be submitted and reviewed by a consultant if the Planning Board has not done that and funds shall be submitted to pay for the Peer Review

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, November 9, 2015, seconded by Dan Pearson.

7:30 pm Notice of Intent – (#250-963) - **Lee Azinheira, MFN Regional Wastewater District – (Map 29, Parcel 60) Crane Street** – for improvements to the existing wastewater treatment facility, and storm water management for new impervious cover within 100 feet of bordering vegetated wetland.

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Document List

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Attending the public hearing was Lee Azinheira, Mike Yunits, Town Manager, Magdalena Lofstedt and David Young, CDM Smith.

Mr. Young gave a brief history of the site noting the site was once owned by the Town of Mansfield but is now the Tri-Town MFN servicing the Town of Mansfield, the Town of Norton and the Town of Foxboro. He noted last July, 2014 after many negotiations the MFN Regional Wastewater District was created to include the three towns.

Mr. Young noted the expansion of the flow for the existing facility will increase approximately 1,000,000 gallons per day and it now has a new surface water discharge permit, NPDES. He commented that means more stringent treatment will be needed for the existing facility.

Mr. Young commented three things are proposed:

- 1. Upgrading components that will be impacted by the expansion,
- 2. Increasing the treatment level
- 3. Expanding the flow

He then gave a brief description of the facility and surrounding area.

He stated:

- a third clarifier will be used
- an additional tank for the biological process will be added
- a third secondary clarifier will be used
- Cloth filters will replace sand filters
- Adding concrete tanks to improve the disinfectant process

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Ms. Lofstedt made several comments:

- there will be no alterations of the wetlands because all work will be within the buffer zone. She pointed out a wetland area containing a Certified Vernal Pool and Bordering Vegetated Wetlands
- the project is a re-development project reducing the impervious area 105 acres because they will be reducing the paved parking lot.
- there is a swale at the rear of the property which will bring the surface water overflow into the over-grown basin. She said they will be cleaning the basin and adding a sediment forebay.
- They will be adding an emergency access road for emergency vehicles with an infiltration trench.
- The emergency road will be gravel
- There are two Isolated Wetlands
- Changing the existing catch basins and piping to a deeper sump

Lisa Carrozza asked if the Fire Department can drive into the facility and Mr. Young replied the tanks are all concrete reducing the chance of a fire greatly. Jennifer Carlino replied there is enough room for fire trucks to drive around the perimeter of the site.

Jennifer Carlino asked Ms. Lofstedt how wide the gravel road is and she replied it will be 20 feet wide. Mr. Young commented he was asked by the Fire Department to make the road wide enough to make the turn radius.

Lisa Carrozza asked who would be maintaining the basin in the future and Jennifer Carlino replied an Operations & Maintenance Plan was submitted.

Jennifer Carlino had a few comments as follows:

- vegetation has been cut and left in the basin and she requested that any future clearing and cutting be removed from the basin.
- The Existing Vegetation Sheet is not complete and Ms. Lofstedt replied she has since completed the sheet.
- Can Limit of clearing be reduced – Mr. Young noted it was already reduced as much as possible

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- Do not disturb the main landscape features (large tree) leading up to the limit of work because it could possibly affect the vernal pool. Lisa Carrozza asked that the tree remain and be protected be located on the plans. She noted the details to protect the tree should indicate protection up to the edge of the dripline of the tree.
- Revise page 2 of the Notice of Intent to reflect the project is **not** a limited project.
- The clariflocculator is in the same location as the road. Mr. Young explained that this road will probably never be built but added to the plan just in case another tank was installed.
- Check with the Planning Board to see if the drainage has been reviewed by a Peer Review.

Mr. Young noted that the gravel road will consist of crushed stone.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, November 9, 2015, seconded by Jan Franceschelli. Approved.

Lee Azinheira asked what the procedure for having the storm water calculations reviewed was and Jennifer Carlino replied she would get an estimate of the cost and email it to him at which time he would then submit a check to the Conservation office for that amount. She noted that after the check is received she will notify the consultant to begin the review.

7:45 pm Attorney Henry Sousa discussion regarding **DEP file #250-38, 162 West Main St.**
Enforcement Order

Present at the discussion was Attorney Henry Sousa, Robert and Annabella Pesa, owners, Luther Grant, Contractor and Robert Medeiros.

Mr. Sousa stated that the owners have asked their engineer to prepare a Notice of Intent for this property. He noted that he had been made aware of a letter that was written by the former Conservation Agent, Kathy Romero in regards to the violation on this property. Mr. Sousa said he sent Ms. Romero an email regarding the permitting and violations of this property and he submitted a copy of her response.

Mr. Sousa commented that Mr. Texeira obtained an Order of Conditions for this property in 1979. He noted that Mr. Texeira added his wife's name to the property in 1996 and had passed away in 2006. Mr. Sousa stated that satellite imagery shows extensive filling of wetlands on the property and it is thought that there has been more recent filling of the wetlands. He stated that many people have been questioned regarding the history of the property and no one has any knowledge of recent filling on the property.

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Mr. Sousa commented that the owner's are willing to work with the Conservation Commission by filing a Notice of Intent rather than going through the court system.

Jennifer Carlino asked approximately when the Notice of Intent will be filed and Mr. Sousa replied probably at the end of November. He noted the engineer is Hutchins-Trowbridge of Mansfield.

REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-933 Mike Galloway – 187 North Washington Street – map 4 parcel 153-01
(partial) Single family home construction

Jennifer Carlino commented the site has been seeded twice and she will inspect the site again. She said the owner has been given a temporary Occupancy Permit by the Building Inspector. She said a bond will have to be posted to ensure stabilization of the soils before a partial Certificate of Compliance will be issued.

Motion by Lisa Carrozza to issue the partial Certificate of Compliance as long as a bond in the amount of \$382.50 is posted with the Town Treasurer, seconded by Julian Kadish. Approved.

OLD BUSINESS

Violations

Executive Order 562 – Jennifer Carlino noted she had two more emails to send to the members.

380 South Worcester Street (former Sysco building) - Jennifer Carlino commented that a Certificate of Compliance was requested. She stated that the storm water BMP was never done and swale was not built. She said the area was paved instead. She noted that the owner was going to correct the situation.

Jennifer Carlino noted the new owner has submitted a letter and a plan is going to fix the problem. She said she made several comments regarding the plans and a revised plan will be submitted. She noted that this is an Enforcement issue and part of the original Order of Conditions.

90A Freeman violation
241 Dean Street

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NEW BUSINESS

Approval to sign Payroll Sheet – Jennifer Carlino commented that if the members agree and sign a letter to the Town Accountant, she will have the authority to sign all payroll sheets. Motion by Dan Pearson to authorize Jennifer Carlino to sign all payroll sheets, seconded by Lisa Carrozza. Approved.

Ron O'Reilly commented a "Thank You" card has been received from Mr. & Mrs. Herbert Church for work done at Johnson Acres.

Leonard Street farm - (Houghton's farm) - Dan Pearson commented he had drafted a memo in regards to the Conservation Commission obtaining this property. He proceeded to read his memo. He said that he had spoken to Mrs. Houghton who commented that she and her sister-in-law would hope that the farm remains untouched and preserved.

Dan Pearson commented that an offer of \$800,000.00 has been rejected by the owners who are asking 1.5 million dollars. Lisa Carrozza asked to review a color picture of the property.

The Commission members showed a general interest in the property.

Reed and Barton property on Elm Street. - Jennifer Carlino noted that DEP wants to install monitoring wells on the site and Jennifer Carlino noted she will not require permits for this. She said that Town Counsel is looking into any legalities relating to this.

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

Jennifer Carlino commented that the onsite meeting with DEP was held on October 22nd. Ron O'Reilly commented the meeting had begun before they arrived and it appeared that DEP is not going to support the Conservation Commission. Jennifer Carlino commented she will send a comment letter requesting an Environmental Notification Form (ENF) as required.

Reservoir Update – Jennifer Carlino commented that the concrete blocks will be installed this week.

Jennifer Carlino noted The Nature Conservancy did receive the 319 Grant for the Crane Street storm water work

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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)

The meeting adjourned at 9:35 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, Conservation Commission