

Monday, November 9, 2015

Minutes

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

Absent: Lisa Carrozza and Jan Franceschelli

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

Draft minutes:

July 13, 2015 – Motion by Julian Kadish to accept the minutes as written, seconded by Ron O'Reilly. Approved.

7:00 pm Request for a Determination of Applicablity – **(DET. #1029) – JAD Builders, Inc./James Donato – Parcel 86 (Assessor's Map 21) 19 Oak Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Plan entitled “ Sanitary Site Plan” 19 Oak Street – Norton MA, Scale 1”=20’, prepared by Charette Land Surveying, signed and stamped by Christopher L. Charette and dated September 18, 2015.

Present at the public hearing was James Donato/JAD Builders.

Mr. Donato stated he proposes to replace the septic system at 19 Oak Street and the work is partially within the buffer zone of a wetland.

Andrew Lane, 23 Oak Street, had concerns with extra water flowing onto his property caused by the digging for the septic repair.

Mr. Donato noted the shed will be removed and fill will be brought in which will raise the grading slightly.

Motion by Julian Kadish to close the public hearing, seconded by Ron O'Reilly. Approved.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 2.

Motion by Julian Kadish to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans, seconded by Ron O'Reilly. Approved.

7:10 pm Notice of Intent – (#250-961) – **Ken LaCourse, ProTech Energy Solutions – Parcel 6 (Assessor's Map 6) 0 Fairlee Lane – (cont. from the October 26, 2015 mtg.)** - 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 for 0 Fairlee Lane, prepared by Bertin Engineering, Scale 1"=40', signed and stamped by Jason D. Dubois and dated July 22, 2015. **Latest revisions November 2, 2015.**
3. Cease & Desist letter dated June 12, 2014 from Jennifer Carlino to Aiden Foley, Bluewave Capital.
4. Superseding Determination of Applicability from DEP
5. Letter dated June 18, 2014 from Jennifer Carlino to Colin Chernowetz, Project Manager for Pro-Tech Energy Solutions.
6. Letter dated August 25, 2015 from the Division of Fisheries & Wildlife to ProTech Energy Solutions.
7. Operation and Maintenance Plan received September 3, 2013
8. Letter dated September 15, 2015 from Jennifer Carlino to Jason Dubois, Bertin Engineering Assoc., Inc.
9. Color photos of the site.
10. Stormwater Operation and Maintenance Plan & Long-term Pollution Prevention Plan for ProTech Energy Solutions, 0 Fairlee Lane, prepared by Bertin Engineering Associates, Inc. and dated November 2, 2015.
11. Revised WPA Form 3 – Notice of Intent – page 3 (Buffer Zone & Resource Area Impacts.)
12. Original Settlement Agreement between Fred Bottomley and the Conservation Commission.

Attending the public hearing was Arthur Allen from EcoTec, Inc. and Mike Loin, Bertin Engineering.

Arthur Allen proceeded to give his responses to Jennifer Carlino's letter dated September 15, 2015 and commented Mr. Loin will respond to comments that refer to his expertise as follows:

Regarding Plans, Sheet S-1

- Revised Protocol to note the 48 hr. notification to begin work prior to commencement of work.
- Provided the details for the seed mixes.
- Noted Sediment control will not be removed before the water is clear.
- Submitted the additional filing fees.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 3.

Mr. Loin made the following comments;

- He will be pulling back the washed out areas of the bank placing loam on the top using erosion control blankets then reseeding the slope area.
- Will be a part of the condition regarding the banks/will include the weir details
- Revised the details to show the wattles will overlap at least 24 inches.
- Agreed haybales will not be used and biodegradable erosion control will be used.
- Revised the Operations and Maintenance Plan and the Long Term Pollution Prevention Plan
- Showed details of a temporary basin with a wire backed silt fence with a 12" section 20-ft. long with a an ADS pipe.
- Will install a 12" pipe and stone check dam in the stream channel

Arthur Allen commented that Jennifer Carlino had sent an email regarding stream crossing standards for the proposed culvert. He stated that he could not find a defined channel across the gravel road. Jennifer Carlino replied there was before it was drove across extensively.

Mr. Loin commented that to prevent future erosion he could install a 12" layer of 1 ½ inch stone across the bottom of the road. Jennifer Carlino had concerns with putting a check dam right in the middle of a stream. Mr. Loin replied he was putting the check dam next to the stream and not in it. Jennifer Carlino replied she would have to look at the ORAD that was approved to see exactly where the pipe would be going.

David Henry suggested making a list of items to be completed and submitted before the next meeting. Mr. Loin commented that he wanted to get started on installing the pipes because of the time of year and the weather. He noted that no work will be done on the area in question until the spring. Jennifer Carlino replied that the Enforcement Order is still in effect.

Mr. Loin commented that notes regarding the compacting of the soils and details for the weir will be submitted before next spring. Jennifer Carlino asked what work he would like to start before winter and Mr. Loin replied he would do the work that is listed in the Enforcement Order for now. Mr. Loin replied he would like to start the wire backing on the silt fence at the pipe locations and he noted the details are on the revised plans.

David Henry noted the verification of the sediment control without mesh netting will have to be done.

Motion by Julian Kadish to continue the public hearing until the next meeting of Monday, November 23, 2105, seconded by Dan Pearson. Approved.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 4.

7:10 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 October 26, 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. 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.

Present at the public hearing was Nicole Hayes, Goddard Consulting.

Ms. Hayes submitted revised plans with the revisions requested at the previous meeting as follows:

- The cover page now includes the wetland series with the flag numbers and the acreage for each wetland area.
- The “H” series is now labeled correctly on the plans

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

7:15 pm Notice of Intent – **(#250-969) - Lee Azinheira, MFN Regional Wastewater District – (Map 24, Parcels 4, 6, 8 and 63) Rear Crane Street** – (cont. from the October 26, 2015 mtg.) - for construction of wastewater effluent recharge basins, utilities and grading within 100 feet of bordering vegetated wetland.

Jennifer Carlino stated the applicant has requested a continuance of the public hearing to the next meeting of Monday, November 23, 2015. She noted that John Chessia of Chessia Consulting Services LLC has begun a review of the project but has not submitted a report yet. She also stated that the project has not been issued a DEP file number yet.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, November 23, 2015, seconded by Ron O’Reilly. Approved.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 4.

7:20 pm Notice of Intent – (**#250-963**) - **Lee Azinheira, MFN Regional Wastewater District – (Map 29, Parcel 60) 74 Hill Street** – (cont. from the October 26, 2015 mtg.) - for improvements to the existing wastewater treatment facility, and storm water management for new impervious cover within 100 feet of bordering vegetated wetland.

Jennifer Carlino stated the applicant has requested a continuance of the public hearing to the next meeting of Monday, November 23, 2015. She noted that John Chessia of Chessia Consulting Services LLC has begun a review of the project but has not submitted a report yet.

Motion by Julian Kadish to continue the public hearing to the next regular meeting of Monday, November 23, 2015, seconded by Ron O'Reilly. Approved.

REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-940
(full)

Aspen Properties Group, Inc.

Parcel 73-21 (Map 25)
21 King Philip Road

---connect to sewer within 100 feet of Lake Winnecunnet

Jennifer Carlino noted that on December 15, 2014 the Commission had denied the request for a Certificate of Compliance because the area was not stabilized, there was no visual barrier on the As-Built plan and the driveway reconstruction was not in compliance with the Order of Conditions. She said that the applicant is stating all conditions have been met.

After an inspection, Jennifer Carlino said the cover letter notes for stabilization 5 bushes have been planted for the visual barrier but she did not find any bushes, the driveway is twice as big as proposed, there are no grades on the new portion of the plan, portion of a dock is in the lake, a new concrete pad has been built in the floodplain, new fencing has been installed.

Jennifer Carlino commented she will send a letter stating, when all conditions in the Order are completed and shown on an As-Built plan, a request for a Certificate of Compliance can be re-submitted and a re-inspection fee of \$125 will have to be paid.

Motion by Ron O'Reilly to **DENY** the request for a Certificate of Compliance, seconded by Dan Pearson. Approved.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 5.

#250-941
(full)

Aspen Properties Group, Inc.

Parcel 73-23 (Map 25)
23 King Philip Road

---connect to sewer within 100 feet of Lake Winnecunnet and to raze a building to comply with floodplain regulations.

Jennifer Carlino commented there is no proof Conditions 12 & 31 have been completed and an Elevation Certificate has not been submitted.

Motion by Ron O'Reilly to **DENY** the request for a Certificate of Compliance, seconded by Dan Pearson. Approved.

OLD BUSINESS

Violations

90A Freeman violation - Jennifer Carlino commented there is no new information

241 Dean Street - Jennifer Carlino commented there is no new information

NEW BUSINESS

DEP appeal - #250-957, #250-958 and #250-959, Mary Joe Road – Jennifer Carlino commented a response letter has been sent.

Leonard Street – Houghton farm – Dan Pearson commented that a lot of the property is under water. He said Lisa Carrozza is working on preparing a map of the area. Dan Pearson noted that the owner would not mind the commission doing a site walk on the property.

Jennifer Carlino commented that information pertaining the the Golf Learning Center lease would have to be obtained. Dan Pearson noted that the Golf Learning Center has a lease to expire in 2019 and after that two more five-year lease options.

Reservoir Update – Jennifer Carlino noted a portion of dam work should be completed this week. She commented the final walk through with engineer and the contractor is this Wednesday, November 11th at 7:00 am. She asked if anyone would like to attend the meeting. Dan Pearson commented he might attend the meeting. Jennifer Carlino gave him a list of items to check for.

Norton Conservation Commission
Monday, November 9, 2015
Minutes, Page 6.

Jennifer Carlino noted a Special Town Meeting will be held on December 9, 2015 and warrant articles are due by November 18, 2015.

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 7:59 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, Conservation Commission