

January 11, 2016

MINUTES

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

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

DRAFT MINUTES

July 13, 2015 – David Henry noted the draft minutes were not included with the agenda and were tabled to the next meeting.

July 27, 2015 – Motion by Ron O'Reilly to accept the minutes as written, seconded by Scott Ollerhead. Approved. Lisa Carrozza abstained from voting.

August 10, 2015 – Minor edits were made to the draft minutes. Motion made by Lisa Carrozza to accept the minutes, as amended, seconded by Scott Ollerhead. Approved.

August 24, 2015 – Motion by Ron O'Reilly to accept the minutes as written, seconded by Julian Kadish. Approved. Lisa Carrozza, Jan Franceschelli and Scott Ollerhead abstained from voting.

September 14, 2015 – Motion by Lisa Carrozza to accept the minutes as written, seconded by Julian Kadish. Approved.

7:05 pm Request for a Determination of Applicability – **DET. #1030 – Gilles Morin - Parcel 169 (Assessor's Map 19) 109 King Philip Road** – for proposed plans to remove four trees within 100 feet of Lake Winnecunnet.

Document List

1. WPA Form 1 – Request for Determination of Applicability
2. Portion of a Plan entitled “ Boundary Survey and Plot Plan” for 109 King Philip Drive signed and stamped by Roger A. Hill.
3. Document “Trees Description and Location”.
4. Pictures of trees to be removed.

Attending the meeting was Gilles Morin who commented that he would like to remove another tree bringing the total to 5. He said there is one tree that will be severely damaged by removing the other 4 trees. Jennifer Carlino passed around pictures for the Commission to review.

Jennifer Carlino commented that there is one portion of the shoreline that is not very stable and ask Mr. Morin if he could plant 2 trees and 2 shrubs in that area.

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David Henry asked Mr. Morin when he was proposing to cut down the trees and he replied as soon as he gets the permit.

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

7:10 pm Request for a Determination of Applicability – **DET. #1031 – Dylan Ribeiro – Parcel 16 (Assessor's Map 12) 109 Burt Street** – for proposed 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 “Upgrade of Subsurface Disposal System” at 109 Burt Street, Norton, MA., prepared by BDO Engineering, signed and stamped by David A. Oberlander and dated November 5, 2015 with Revisions on **December 10, 2015**.

Attending the meeting were Dylan Ribeiro and David Oberlander, BDO Engineering.

Mr. Oberlander explained the project to the members. He noted that the applicant is proposing to replace the existing septic system on the side of the house with a new system. He commented that the new system will be installed at the front of the house which will be further from the wetlands than the old system. He said the closest point to the wetlands will be 57 feet. He noted the only other work will be pumping out the old system and filling it in.

Jennifer Carlino noted that the small compost pile near the wetlands has to be removed.

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

7:15 pm Abbreviated Notice of Resource Area Delineation – **(#250-964) – Daggett-Crandall-Newcomb Home, Inc. – Parcel 6 (Assessor's Map 5) & Parcel 1 (Assessor's Map 2) 55 Newland Street – (cont. from the December 14, 2015 mtg.)** - for verification of the wetland resource areas.

Jennifer Carlino commented that the applicant has requested a continuance of the public hearing to the next regular meeting.

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Jennifer Carlino noted that they need time to revise the plans and calculate the Isolated Wetlands. She commented that they were going to withdraw the application but she convinced them to come in and she would help with the added information that is requested by the board.

Lisa Carrozza commented that the plans should depict all wetlands on the entire parcel and the line that the engineer drew dividing the property should be removed.

Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, February 8, 2016, seconded by Ron O'Reilly. Approved.

7:20 pm Notice of Intent – (#250-961) – **Ken LaCourse, ProTech Energy Solutions – Parcel 6 (Assessor's Map 6) 0 Fairlee Lane – (cont. from the December 14, 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 17, 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.

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Jennifer Carlino commented that the Order of Conditions were not issued at the previous meeting because there was an issue with a pipe hanging out over the bank of the stream. She said there is a new engineer for the property. She commented that the pipe was cut but still above ground and stone should be placed under the pipe. She said more work needs to be done to correct the pipe and stabilization issues. She commented an Order of Conditions should not be issued until the pipe issue is fixed. She said she will require someone be present at the next meeting to give the board an update on the pipe issue and stabilization.

Motion by Lisa Carrozza made a motion to continue the public hearing to the next regular meeting of Monday, February 8, 2016, seconded by Scott Ollerhead. Approved.

7:25 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 December 14, 2015 mtg.) - for construction of wastewater effluent recharge basins, utilities and grading within 100 feet of bordering vegetated wetland.

Jennifer Carlino commented the applicant has requested a continuance of the public hearing to the next regular meeting of Monday, February 8, 2016.

Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, February 8, 2016, seconded by Julian Kadish. Approved.

7:20 pm Notice of Intent – **(#250-963) - Lee Azinheira, MFN Regional Wastewater District – (Map 29, Parcel 60) 74 Hill Street** – (cont. from the November 23, 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 commented the applicant has requested a continuance of the public hearing to the next regular meeting of Monday, February 8, 2016.

Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, February 8, 2016, seconded by Scott Ollerhead. Approved.

7:25 pm Notice of Intent – **(#250-968) – William Brandon – Parcel 10 (Assessor's Map 28) – 131 Taunton Avenue** – (cont. from the December 14, 2015 mtg.) - for proposed plans for construction of an access driveway, utility installation and grading within 100 feet of wetlands and to fill and replicate 3,491 sq. ft. of wetlands.

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Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Proposed Driveway & Wetlands Crossing Plan” for William Brandon, 131 Taunton Avenue, Norton, MA prepared by P.M.P. Associates, LLC, Scale 1”=30’, signed and stamped by Michael E. Perrault and dated September 21, 2015 (Sheets 1 & 2).
3. Color photos of the site.
4. Letter (Cease & Desist) dated November 30, 2015 from Jennifer Carlino to William Brandon.
5. Letter dated December 1, 2015 from Jennifer Carlino to Patrick Carrara, PMP Associates LLC.
6. Email dated December 8, 2015 from Patrick Carrara, PMP Associates LLC to Jennifer Carlino.

Attending the public hearing was William Brandon and Patrick Carrara, III, PMP Associates LLC.

Mr. Carrara

- explained that the only way to get to the uplands on the property is by crossing over the wetlands.
- pointed out the wetland resource areas on the submitted plans to the members including a ditch that Jennifer Carlino had found on the site overlooked by the engineers.
- noted that there was an old damaged pipe on the site serving no purpose.
- pointed out the existing driveway.
- pointed out the various cart paths and trails on the property.

Jan Franceschelli asked where the house, lawn and septic system was proposed and Mr. Carrara replied soil tests have not been done yet so the location of the house, lawn and septic system is not determined at this time.

Mr. Carrara commented that this project had been presented to the Conservation Commission in the past. Jennifer Carlino commented that the permit has expired.

Jennifer Carlino commented noted a letter was received today signed by Michael E. Perrault in response to her comment letter dated December 1, 2015. Mr. Carrara went through Mr. Perrault’s comments as follows:

- There has been no significant clearing within the wetlands by the applicant. Jennifer Carlino noted the applicant had done some clearing without a permit.
- While Jennifer Carlino does not think the project qualifies as a limited project, he believes that it does under Section 10.53(3)(e). Discussion on the definition of a “limited” project ensued. Jennifer Carlino commented that if alteration to wetlands is under 5,000 sq. ft. and all Performances are met for BVW and Banks, then this is not a limited project.

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Mr. Carrara noted that a limited project means that only one way exists to access the uplands. Lisa Carrozza commented that if another access area was used, maybe less fill would be needed in the wetlands. Mr. Carrara replied he tried to do that but was not successful as more wetlands would be impacted. Lisa Carrozza requested to see the calculations for the wetland impact areas.

Jennifer Carlino suggested to Mr. Carrara that he obtain and read a copy of section 88-2 – Access Roadways of the MassDEP Wetlands Policy and asked David Henry to read aloud the first paragraph of Section 88-2 – Access Roadways and he did as follows:

“The limited project provisions of 310 CMR 10.53(3) are designed to provide the issuing authority with the discretion to allow certain work to proceed although the work may not meet the performance standards set forth in 310 CMR 10.54 through 10.57. These provisions merely provide the discretion to permit these projects and the authority to impose conditions which, in addition to those set forth in the applicable portion of 310 CMR 10.53(3), the issuing authority determines are necessary to adequately protect the interests of the Wetlands Protection Act, M.G.L. c. 131, s.40. The issuing authority is not required to give approval to all projects filed under this provision, but should examine the facts and determine whether the project qualifies as a limited project.”

Mr. Carrara continued with reading his response comments as follows:

- The most recent NHESP data was used, 13th Edition Heritage Atlas Eff. October 1, 2008.
- A. The proposed driveway was positioned as far as possible from the wetlands. It was placed as close to the property line as grading and alignment would allow.
 - B. The crossing has been proposed at the narrowest part of the wetland in order to minimize the area to be disturbed.
 - C. The grade of the proposed driveway was selected to minimize the elevation of the proposed driveway above the grade of the adjacent wetlands while providing sufficient cover for the proposed culverts.
 - D. He commented that he is not aware of any options for accessing the upland portion of this property without crossing the wetlands.

Jennifer Carlino commented that this issue is not resolved at this time.

- At flag WFB3 the channel, which commences at the pipe located off the property, was not flagged in the field but is shown on the plan as well as the pipe. Observing evidence at this

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- area there is little flow within the channel other than surface water from the up-gradient upland flowing through the pipe. The channel is up-gradient of the resource area with no vegetation associated with the channel from flags WFB-1 through WFB-3.
- The bank of the pond is a result of excavated material removed when the pond was created. The location of the bank of the pond is shown accurately on the plan so no flag is needed in the field.

Jennifer Carlino requested to label the pond “bank” on the plans and flag it in the field.

- The plan has been revised to reflect the removing of flag WFB14 and connecting flags WFB-13 and WFB-15.
- Wetland flags WFB-10 through WFB-17 are adjacent to the existing old cart path and the upland side of the flags is the path. Data Forms at this location are not necessary in that there is minimal vegetative growth within the path to document and the soil logs would be inconclusive in that they most likely consist of the old fill used for the path. Preparation of the Data Forms would not result in any adjustments to, or difference in, the wetland boundary at this location.
- If restoration is to be required for the cleared areas it would make more sense to wait until spring. Since only trimming was done, vegetation should grow back completely.
- The plan has been revised to show the full limit of work for proposed activity within the buffer zone.
- A rainfall, runoff analysis, and culvert design was performed and has been submitted with the revised plans. He noted his analysis shows that the culverts as designed and shown on the plan are sufficient.

Lisa Carrozza asked how large the drainage area is and Mr. Carrara replied it is 2 acres. She requested the 2-acre drainage area be shown on the plans. Mr. Carrarra replied he will revise the plans to show this.

- He asked “what do you mean by “clarify Notes #3?”

Lisa Carrozza asked where a temporary sediment basin would be located on the plan if needed. Mr. Carrara replied that the basin would be small and put within the limit of work. Lisa Carrozza noted that the contractor should provide the commission with a plan before construction begins.

- The plan has been revised to show catch basin inlet protection which is required on Taunton Avenue.
- The plan has been revised to show the size of stone to be used for the construction entrance.
- Note #1 on Sheet 2 of the plan has been revised to correctly identify sediment or erosion control.
- The construction sequence has been revised noting that the replication area will be dug and planted prior to filling for the driveway.
- All references to “hay” have been changed to “straw” and whatever type of temporary stabilization methods requested by the commission will be used.

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- Note 9 has been revised regarding the removal of the sediment controls stating they cannot be removed until approved by the Conservation Commission.
- The plan has been revised to specify a 12-inch diameter “Microbial Filtermitt” wattle will be used for sediment control. Specifications will be provided.
- Snow will be placed on the grassed shoulders and adjacent slopes. No sand or salt will be used on the driveway.
- Regarding water runoff into the wetlands from the new impervious surface for the driveway; Stormwater management standards to not apply.

Lisa Carrozza replied that the original Order of Conditions has to be completed before another one can be issued.

Lisa Carrozza asked Mr. Carrara how electricity will be brought onto the site and he replied that there are several poles on Taunton Avenue and National Grid will decide what to do about the electricity. He commented that it will be ok to have poles up to the crossing if necessary. Lisa Carrozza commented another permit will be needed if further clearing is to be done to install poles. Mr. Carrara replied that National Grid may require underground utilities.

Lisa Carrozza suggested decreasing the width of the driveway from 16 feet and Mr. Carrara replied that the Fire Department may have input on the suggested width. Lisa Carrozza suggested decreasing the width of the driveway at the wetlands crossing.

An abutter, James Murray, 143 Taunton Avenue had concerns with increased water runoff onto his property by adding fill onto the property. Lisa Carrozza noted the proposed filling will be at least 300 feet from his property.

Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, February 8, 2016, seconded by Jan Franceschelli. Approved.

7:30 pm Notice of Intent – (#250-965) – **Justin Tucker – Parcel 76 (Assessor's Map 9) 57 Evergreen Road – (cont. from the December 14, 2015 mtg.)** for proposed plans to elevate a house within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan and Details Proposed Foundation For Existing Residence”, 57 Evergreen Road, Norton, MA, prepared by Collins Civil Engineering Gorup, Inc., signed and stamped by George R. Collins and dated October 31, 2015.

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3. Color photos of the site
4. Letter dated November 30, 2015 to George Collins from Jennifer Carlino.
5. Letter dated December 7, 2015 to Norton Conservation Commission from George Collins, Collins Civil Engineering Group, Inc.
6. Revised page 2 of the Notice of Intent Form.
7. Plan entitled "Plan and Details Proposed Foundation For Existing Residence", 57 Evergreen Road, Norton, MA, prepared by Collins Civil Engineering Group, Inc., signed and stamped by George R. Collins and dated October 31, 2015, **Latest Revision: December 29, 2015.**

Attending the public hearing was George Collins, Collins Civil Engineering Group, Inc. who described the project to the members.

Mr. Collins noted he submitted revised plans with revisions as follows:

- Sediment controls details added to the plan.
- Corrected buffer zone labels.
- Concrete washout location added to plan.

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

Jennifer Carlino noted she included the draft Order of Conditions with the agenda for the commission's review. Minor edits were made by the members. Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended, seconded by Dan Pearson. Approved.

7:35 pm Notice of Intent – (#250-966) – **Richard Graham/Pelican Crossing Corporation – Parcel 238 (Assessor's Map 9) 130 Mansfield Avenue – (cont. from the December 14, 2015 mtg.)** - for proposed plans to repair/replace a septic system and install stormwater management within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan and Details, Subsurface Sewage Disposal System Upgrade", 130 Mansfield Avenue, Norton, MA for Richard Graham, Pelican Crossing Corp. prepared by Collins Civil Engineering Group, Inc., signed and stamped by George R. Collins and dated October 21, 2015.
3. Color photos of the site
4. Letter dated November 30, 2015 from Jennifer Carlino to George Collins.
5. Letter dated December 5, 2015 from George Collins to Norton Conservation Commission.
6. Letter dated December 27, 2015 from George Collins to Norton Conservation Commission.

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7. Plan entitled “Plan and Details, Subsurface Sewage Disposal System Upgrade”, 130 Mansfield Avenue, Norton, MA for Richard Graham, Pelican Crossing Corp. prepared by Collins Civil Engineering Group, Inc., signed and stamped by George R. Collins and dated October 21, 2015, **Latest Revisions: January 7, 2016.**
8. Operations and Maintenance Plan, Standard 9 for Stormwater Management Checklist
9. Revised page 3 of the WPA Form 3 –Notice of Intent

Attending the public hearing was George Collins, Collins Civil Engineering Group, Inc.

Mr. Collins proceeded to read his responses to the Commission’s feedback from the previous meeting as follows:

- Revised plans, Operation and Maintenance Plan, Standard 9 for Stormwater Management Checklist and revised page 3 of the Notice of Intent have been submitted.

Mr. Collins listed the revisions made to the plans per Conservation Commission comments as follows:

- Erosion control details have been revised
- Stone diameter has been increased
- Wetland and Erosion control notes have been revised to detail silt sock and silt fence.
- Wash out areas have been specified to be lined with filter fabric and covered with a 6” rip rap.
- Language added removing silt from the pond by hand in wash out areas.
- No parking signs placed along the stormwater trench.
- Notes added regarding silt sacs to be placed in the catch basins temporarily.
- Wetland and Erosion Control Note 11 added for temporary site stabilization methods during non-grass growing periods.
- Flood storage disturbance area added to plan.
- Spot elevations in vicinity of the proposed and existing septic tanks have been added.
- Wetland and Erosion Control Note 9 revised noting larger 4-6 inch stone diameter.
- Note #38 added referencing the legal responsibilities of the current and future owners.
- DEP file number added to plan.

Motion by Scott Ollerhead to close the public hearing, seconded by Julian Kadish. Approved.

Jennifer Carlino noted she included the draft Order of Conditions with the agenda for the commission’s review. Minor edits were made by the members. Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended, seconded by Scott Ollerhead. Approved.

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Sign Lease Agreement – Norton Kayak Company, Inc.

Motion by Julian Kadish to sign the lease agreement, seconded by Lisa Carrozza. Approved.

Sign Lease Agreement – Fishing Derby License – **Ken Wood, Massachusetts Kayak Bassin’.**

Motion by Julian Kadish to sign the lease agreement, seconded by Lisa Carrozza. Approved.

OLD BUSINESS

#250-38 – 162 West Main Street

Jennifer Carlino stated no new information has been received and all deadlines for new information to be submitted have gone by.

Motion by Lisa Carrozza to have Jennifer Carlino contact Town Counsel on how to proceed with the violation for file #250-38 – 162 West Main Street, seconded by Dan Pearson. Approved.

David Henry noted no new meetings have been scheduled for **ALI**.

Violations:

90A Freeman violation - no new information

241 Dean Street – no new information

NEW BUSINESS

Jennifer Carlino commented that a Special Town Meeting has been scheduled for **January 25, 2016**. She noted Warrant Articles are due by February 3, 2016

Jennifer Carlino noted that if any member would like to attend the MACC Annual Conference, there is a grant available, pay for one and get one for free and they may sign up to attend.

Executive Order 562

Reservoir Update

Report from Staff

Site visits

Waterbodies Committee update

Draft Dock Guidance

Wetland Protection Fund

Grants

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

Discussion ensued on dates for upcoming meetings and Jennifer Carlino commented she will not be available on March 14th. It was agreed to hold one Conservation Commission Meeting in March on the 21st. (March 21, 2016)

The meeting adjourned at 9:15 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____