

Monday, February 22, 2016

Minutes

Attendance: David Henry, Chairman, Ron O'Reilly, Lisa Carrozza, Dan Pearson and Conservation Agent, Jennifer Carlino

Absent: Julian Kadish, Scott Ollerhead, Vice Chairman and Jan Franceschelli

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

Draft minutes:

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

October 5, 2015 – Minor edits were made to the draft minutes. Motion by Lisa Carrozza to accept the minutes, as amended, seconded by Ron O'Reilly. Approved.

October 26, 2015 – Tabled to the meeting of March 21, 2016.

November 9, 2015 – Tabled to the meeting of March 21, 2016.

November 23, 2015 – Motion by Lisa Carrozza to accept the minutes as written, seconded by Ron O'Reilly. Approved.

December 14, 2015 – Minor edits were made to the draft minutes. Motion by Ron O'Reilly to accept the minutes as written, seconded by Dan Pearson. Approved.

January 11, 2016 – Motion by Lisa Carrozza to accept the minutes as written, seconded by Ron O'Reilly. Approved.

7:00 pm Request for a Determination of Applicability – **(DET. #1032) – Nicholas Denham – Parcel 1 (Assessor's Map 31) 166 John Scott Boulevard** – for proposed plans for vegetation removal for fishing spots at ponds and invasive species removal.

Document List

1. WPA Form 1 – Request for a Determination of Applicability
2. Aerial photo with matching list of the areas to be cleared.

Attending the public hearing was Nicholas Denham, who explained his proposed Eagle Scout project to clear out local and invasive species from Norton Reservoir in order to facilitate fishing in the annual derby.

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Lisa Carrozza asked Nicholas when he intended to start the clearing and he replied probably sometime in April. She asked when the fishing derby would be held and he was not sure but thought sometime in June or July.

Lisa Carrozza asked Nicholas if he was planning on doing the clearing by hand and he said he was but a small pickup truck would be used to remove brush from the property. Nicholas noted he would be talking to Bernie Marshall, Water/Sewer Superintendent, as to how to dispose of the materials.

David Denham asked Nicholas if anyone would be helping him and Nicholas replied the other scouts would be helping.

Motion by Ron O'Reilly to close the public hearing, seconded by Lisa Carrozza. Approved. Motion by Ron O'Reilly to issue a negative (#3) Determination of Applicability, seconded by Dan Pearson. Approved.

7:05 pm Notice of Intent – (**#250-970**) – **Kurt Radke – Parcel 21 (Assessor's Map 31) 15 Dean Street** – for proposed plans to raze/construct a dwelling with associated septic system, driveway, grading and utilities within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Subsurface Sewage Disposal System", prepared by Prime Engineering, Inc., (Sheet 1) signed and stamped by Richard J. Rheume and dated February 5, 2016.
3. Color photos of the site
4. Letter dated January 28, 2016 to Jamie Bissonnette, Prime Engineering from Jennifer Carlino.
5. Letter dated Janaury 28, 2016 to Jennifer Carlino from Jamie L. Bissonnette, Prime Engineering.

Attending the public hearing were Tristen Wallace and Jamie Bissonnette of Prime Engineering.

Mr. Wallace explained that the dwelling is outside of the 50-ft. buffer zone and the septic system is outside of either the 100-yr. flood or 100' buffer zone. He said the proposed post-and-rail fence is proposed outside of the 25-ft. buffer zone. He submitted and passed around revised plans to the members.

Jamie Bissonnett addressed Jennifer Carlino's comment letter and his responses as follows.

- He stated that a post-and-rail fence has been added along the 25-ft. no touch line.
- He stated that the applicant will remove all trash from the property.

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- He stated that the shed is going to be razed.
- He stated that the neighbor has marked the trees to be removed.
- He stated that the detail and location of a dewatering area have been added to the plan.

Motion by Ron O'Reilly to close the public hearing, seconded by Lisa Carrozza. Approved. (Jennifer Carlino commented that she will add trash removal to the Order of Conditions). Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended. Approved.

7:10 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 January 11, 2016 mtg.)** - for verification of the wetland resource areas.

Jennifer Carlino commented that after receiving the Isolated Land Subject to Flooding calculations, she sent them out for Peer Review to Chessia Consulting Services LLC but has not received their report yet. She said the applicant is requesting a continuance to March 21, 2016.

Motion by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, March 21, 2016, seconded by Dan Pearson. Approved.

7:15 pm Notice of Intent – (#250-961) – **Ken LaCourse, ProTech Energy Solutions – Parcel 6 (Assessor's Map 6) 0 Fairlee Lane – (cont. from the January 11, 2016 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.

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10. Letter dated October 29, 2015 from Michael Loin, Bertin Engineering to Jennifer Carlino.
11. 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.
12. Letter dated November 9, 2015 from Jennifer Carlino to Jason Dubois, Bertin Engineering Assoc., Inc.
- 13.. Revised WPA Form 3 – Notice of Intent – page 3 (Buffer Zone & Resource Area Impacts).
14. Original Settlement Agreement between Fred Bottomley and the Conservation Commission.

Jennifer Carlino noted the project was ready to close. Motion by Lisa Carrozza to close the public hearing, seconded by Dan Pearson. Approved. The members reviewed the draft Order of Conditions. Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended, seconded by Ron O'Reilly. 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** – (cont. from the January 11, 2016 mtg.) - 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.
6. Report letter dated October 30, 2015 from John Chessia, Chessia Consulting Services, LLC to Jennifer Carlino.
7. Report letter dated November 9, 2015 from John Chessia, Chessia Consulting Services, LLC to Jennifer Carlino.
8. Topography Site Map/CDM Smith submitted December 14, 2015.
9. Report letter dated November 19, 2015 to Jennifer Carlino from John Chessia, Chessia Consulting Services, LLC.
10. Letter dated December 4, 2015 to Jennifer Carlino from Ed Sanderson, CDM Smith.

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11. Letter dated December 10, 2015 from John Chessia, Chessia Consulting Services LLC to The Conservation Commission.
12. Letter dated December 22, 2015 from Brona Simon, Mass Historical Society to John Felix, Mass DEP.
13. Letter dated January 6, 2016 from John Chessia, Chessia Consulting Services LLC to the Conservation Commission.
14. Memorandum dated February 3, 2016 from Ed Sanderson and Diane Velardocchia, CDM Smith to Jennifer Carlino and John Chessia.
15. Letter dated February 5, 2016 from John Chessia, Chessia Consulting Services LLC to Jennifer Carlino.
16. Memorandum dated February 16, 2016 from Ed Sanderson, CDM Smith to Jennifer Carlino
17. Letter dated February 22, 2016 from John Chessia, Chessia Consulting Services LLC to Jennifer Carlino.
18. Memorandum dated February 22, 2016 from Ed Sanderson, CDM Smith to Jennifer Carlino.

Attending the public hearing was Lee Azinheira, Ed Sanderson, CDM Smith, Diane Velardocchia, CDM Smith and John Chessia, Chessia Consulting Services LLC.

Jennifer Carlino commented that there had been a lot of case-related correspondence going on since the last meeting.

Diane Velardocchia addressed the board and updated the Commission members on the latest information.

Ms. Velardocchia made the following comments:

- more of the localized depressions were delineated on the property.
- calculations have been revised for land uses, quality of soil and times of concentration.
- test pits were performed on the multi-use path to determine the soil types and the elevation of ground water which did confirm that portions of this area were not suitable for infiltration.
- infiltration has been provided for 65% of the impervious areas of this site.
- all runoff will remain on this site.
- there will not be any increased runoff to the watershed in this area.
- gravel trenches have been added in the upper corner within the swale to catch more water from the basins to prevent runoff into Old Crane Pond.

John Chessia explained that because any runoff would be kept on this property, an easement would not be needed.

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Ms. Velardocchia went over the comments in the memorandum dated February 22, 2016 from Ed Sanderson to Jennifer Carlino;

- As a result of a conference call between Jennifer Carlino, herself and John Chessia, the grading of the multi-use path, which is currently graded flat, will be pitched toward the center to encourage infiltration. She said ¾-inch crushed stone would be used.
- A revised sheet IB-2 has been submitted showing Wetland G identified as a non-jurisdictional wetland, potential vernal pools labeled and the catch basin on Crane Street shown with inlet protection.
- Sheet IB-3 has been revised removing the secondary area of trees to be cleared under the assumption that the access road to the effluent recharge basins will not be moved.
- A revised Operation and Maintenance Plan including a mowing schedule has been submitted. The wildflower/grassed areas will be mowed once per year in the fall.
- A revised, 8.5" x 11" plan of the BMPs has been submitted, the 8.5 x 11 plans divided into three 8.5" x 11" plans.
- The multi-use path clearing is to the limit of grading. The vegetation is herbaceous and no woody vegetation would be removed.

Jennifer Carlino asked Ms. Velardocchia to explain the storm water management on the portion of Crane Street toward the access road. Ms. Velardocchia replied that there is a gravel infiltration trench, which is 24" wide and 3-ft. deep and impervious clay dams set at 2-ft. high have been added at periodic intervals. Lisa Carrozza asked if the maintenance for the dams is included in the O & M Plan and Ms. Velardocchia replied they will be underground and will not be maintained.

John Chessia suggested adding elevation details to the plan for the steep slopes at the trenches. He noted the calculations do not coincide with the design on the plans for the trenches. Ms. Velardocchia commented she would re-check the calculations and plans by the end of the week and submit the revised plans and calculations.

Jennifer Carlino commented that she has made some minor changes to the draft conditions and will make the final changes by the end of the week provided the revised calculations and signed stamped plans are received. She said she will send Lisa Carrozza a revised copy of the Order of Conditions.

Motion by Lisa Carrozza to close the public hearing seconded by Ron O'Reilly. Approved.

Lee Azinheira asked if the tree clearing could begin before the permit is issued and Lisa Carrozza replied they can be cut but not stumped, which will be added to the Order as a condition.

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Jennifer Carlino asked if the letter from US Fisheries and Wildlife was received and if not, this will also be added to the Order as a condition and no cutting of trees will be allowed before the letter is received.

The members reviewed the draft Order of Conditions. Minor suggestions and edits were made to the draft Order of Conditions.

Motion by Lisa Carrozza to sign and issue the Order of Conditions after the final revisions are received and incorporated into the Order, seconded by Ron O'Reilly. Approved.

7:25 pm Notice of Intent – (#250-963) - **Lee Azinheira, MFN Regional Wastewater District – (Map 29, Parcel 60) 74 Hill Street** – (cont. from the January 11, 2016 mtg.) - for improvements to the existing wastewater treatment facility, and storm water management for new impervious cover 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.
6. 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. **REVISED:** Submitted on October 30, 2015.
7. Quote for Services letter dated October 30, 2015 to the Conservation Commission from John Chessia, Chessia Consulting Services LLC.
8. Report letter dated November 19, 2015 to Jennifer Carlino from John Chessia, Chessia Consulting Services LLC.
9. Revised SWPPP dated November 19, 2015
10. Letter Dated December 4, 2015 to Jennifer Carlino from Ed Sanderson, CDM Smith.
11. Drainage calculations from CDM Smith submitted on December 8, 2015.
12. Revised plans dated December, 2015. (Sheets C1-C4 & C11 & C12)
13. Revised Plan Sheet C-3, December, 2015.
14. Letter dated December 23, 2016 from Andrew R. Poyant, PWS, CDM Smith, Inc. to Supervisor, U.S. Fish and Wildlife Service.
15. Memorandum dated February 3, 2016 from Ed Sanderson & Diane Velardocchia to Jennifer Carlino and John Chessia, Chessia Consulting Services, LLC.
16. Letter/report dated February 9, 2016 from John Chessia, Chessia Consulting Services, LLC to Jennifer Carlino.

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17. Memorandum dated February 16, 2016 from Ed Sanderson, CDM Smith to Jennifer Carlino.
18. Letter/report dated February 22, 2016 from John Chessia, Chessia Consulting Services, LLC to Jennifer Carlino.
19. Memorandum dated February 22, 2016 from Ed Sanderson, CDM Smith to Jennifer Carlino
20. Revised plans Fig. 2/WPCF Phase II Upgrade prepared by CDM Smith dated March, 2016
21. Revised plans Sheet No. 3/WPCF Phase II Upgrade prepared by CDM Smith dated March, 2016.

Attending the public hearing was Lee Azinheira, Ed Sanderson, CDM Smith, Diane Velardocchia, CDM Smith and John Chessia, Chessia Consulting Services LLC.

Ms. Velardocchia commented that John Chessia had made several comments referring to impervious and pervious areas. She said a color map has been created to show existing impervious surfaces, proposed impervious surfaces, impervious surfaces being removed, existing open tank and proposed open tank.

Ms. Velardocchia commented there is no increase of peak rates of runoff coming to the site.

Lisa Carrozza asked Ms. Velardocchia if the vegetation removal would be selective and she replied invasive wetland species will be removed. Lisa Carrozza commented that the note states that all vegetation shall be removed and the note on Sheet C3 should be revised to state only certain vegetation shall be removed.

Motion by Ron O'Reilly to close the public hearing, seconded by Lisa Carrozza. Approved.

The members reviewed the draft Order of Conditions. Minor suggestions and edits were made to the draft Order of Conditions.

Motion by Lisa Carrozza to sign and issue the Order of Conditions, as amended, seconded by Ron O'Reilly. Approved.

7:30 pm Notice of Intent – (**#250-968**) – **William Brandon – Parcel 10 (Assessor's Map 28) – 131 Taunton Avenue – (cont. from the January 11, 2016 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.

Jennifer Carlino commented the applicant has asked for a continuance of the public hearing. Motion by Lisa Carrozza to continue the public hearing to the next regular meeting of Monday, March 21, 2016, seconded by Dan Pearson. Approved.

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7:35 pm Notice of Intent – (**#250-971**) – **John Caponigro – Parcel 180 (Assessor's Map 27) 7 Dean Street** – for proposed plans to construct a single-family house, barn, septic system, driveway and associated grading partially within 100 feet of wetlands and a potential vernal pool.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Subsurface Sewage Disposal System Plan” prepared by Yarworth Engineering Co., Inc., Scale 1”=80’, signed and stamped by Christopher D. Yarworth and dated January 25, 2016 (Sheets 1 & 2). **Latest Revisions: February 17, 2016**
3. Color photos

Attending the public hearing was Chris Saunders of Yarworth Engineering Co., Inc. and John Caponigro, the property owner.

Mr. Saunders submitted revised plans. He stated that a comment letter was received from Jennifer Carlino and he responded to the comments as follows;

- He said the first comment suggested moving the house and barn outside of the buffer zone. Mr. Saunders replied that the applicant does not want to move the house because of the high ground water table and the large amount of fill that would have to be put in.
- The potential vernal pools have been added and labeled on the revised plans.
- All trash and compost will be removed before the work is started.
- The wood palette bridge will be removed before the work is started.
- The post and rail fence as a visual barrier has been added to the plans.

Mr. Saunders commented that no trees will be cut on the site.

Jennifer Carlino commented that what was originally labeled “barn” on the plan now labeled “garage”.

Discussion ensued on whether or not the driveway will be paved. Lisa Carrozza commented that if the driveway is not paved, problems with the side slopes of the driveway are created every time it rains. Mr. Caponigro replied that he probably will have the driveway paved to prevent any problems.

Jennifer Carlino stated stabilization of the grassed area on the south side of the driveway between the driveway and the post and rail fence will be conditioned in the Order.

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Motion by Ron O'Reilly to close the public hearing, seconded by Dan Pearson. Approved.

7:40 pm Notice of Intent (#250-972) – **Lloyd Geisinger – Campanelli Thorndike Norton, LLC**
– **Parcel 20 (Assessor's Map 11) & East Main Street Right-Of-Way – East Main**
Street – for proposed plans for construction of a sidewalk, headwall replacement and
drainage improvements within 100 feet of wetlands, bank and in the Canoe River ACEC.

David Henry commented that a letter has been received from Brian Madden, LEC Environmental
requesting a continuance of the public hearing.

Motion by Lisa Carrozza to continue the public hearing at the next regular meeting of Monday, March
21, 2016. Approved.

REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-955	Carroll Construction Corp.	Parcel 14 (Map 4)
(full)		1 Brook Parkway

---raze house/construct new one

Jennifer Carlino commented that the contractor was supposed to contact her with certain details but he
never did.

Motion by Lisa Carrozza to **deny** the request for a Certificate of Compliance, seconded by Ron O'Reilly.
Approved.

#250-751	NCC Land/CIF II LLC	Parcel 8-12 (Map 25)
(full)		300 So. Washington St.

---commercial building/never built

Jennifer Carlino commented the project was never started.

Motion by Lisa Carrozza to issue a Certificate of Compliance, seconded by Ron O'Reilly. Approved.

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OLD BUSINESS

Violations:

90A Freeman violation – No new information

241 Dean Street – No new information

#250-957, #250-958 & #250-959, Mary Joe Road, DEP Appeal – Jennifer Carlino commented the ENF has not been submitted yet.

DEP – MFN Wastewater project (#250-969) on Wed., Feb. 24, 2016 at 7:00 pm in the Selectmen's meeting room. Jennifer Carlino commented that a public comment hearing was going to be held this Wednesday on this project, but since they have an application before the commission at this time, she would not be going.

NEW BUSINESS

Peer Review Consultant RFQ – Jennifer Carlino commented that the Town Manager suggests the Town have one consultant for all town projects. She said the departments will try it for one year and noted that Beth Weirling, Director of Planning and Economic Development, has drafted the RFQ. She said that the team would consist of herself, one Conservation Commission member, Beth Weirling, Director of Planning and Economic Development, one Planning Board representative and one ZBA representative. Lisa Carrozza offered to be the representative for the Conservation Commission.

Executive Order 562 – Jennifer Carlino stated she would email the six sample letters for review and comments to each interested member of the Commission.

No-disturbance Zone Policy – Jennifer Carlino commented that the No-Disturbance Zone Policy is not quite clear and she has revised it. She said she included the draft with the agenda for review. Minor revisions were made to the draft revised No-Disturbance Zone Policy. Motion by Lisa Carrozza to accept the revised No-disturbance Zone Policy, as amended, seconded by Ron O'Reilly. Approved.

Reservoir Update

Report from Staff

Site visits

Waterbodies Committee update

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Wetland Protection Fund – Jennifer Carlino stated that there is \$13,484 in the Wetland Protection Fund and \$8,000.00 was requested to be transferred to the General Fund which would leave approximately \$5,000.00 in the Fund.

Lisa Carrozza suggested transferring a percentage each year, depending on the balance left in the Fund, because the balance fluctuates each year. Motion by Lisa Carrozza to transfer \$5,000.00, seconded by Ron O'Reilly. Approved.

Grants

EXECUTIVE SESSION

#250-38 – 162 West Main Street (Executive Session)

Motion by Lisa Carrozza to go into Executive Session at 9:22 pm seconded by Ron O'Reilly. Approved.

After Executive Session the members re-entered Open Session.

Motion by Dan Pearson to continue the legal process regarding the Enforcement Order for **#250-38 – 162 West Main Street**, seconded by Lisa Carrozza. Approved.

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

The meeting adjourned at 9:33 pm.

Minutes Approved by Committee on: _____

(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____Conservation Commission