

Monday, March 21, 2016

## **Minutes**

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

Absent: Lisa Carrozza

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

### **DRAFT MINUTES:**

**October 26, 2015** – Motion by Ron O'Reilly to accept the minutes as written, seconded by Julian Kadish. Approved.

**November 9, 2015** – Motion by Ron O'Reilly to accept the minutes, as amended, seconded by Scott Ollerhead. Approved. Jan Franceschelli abstained from voting.

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 February 22, 2016 mtg.)** - for verification of the wetland resource areas.

### **Document List**

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled "Plan of Land Newland Street, Norton, Mass. Prepared for: Daggett-Crandall Newcomb Home, Scale: 1"=100', prepared by Schofield Brothers LLC, signed and stamped by David W. Humphrey and dated October 27, 2015.
3. Wetland Description and Field Delineation Report dated August 12, 2015
4. Letter dated November 30, 2015 from Jennifer Carlino to Fredric King, Schofield Brothers LLC
5. Letter dated December 4, 2015 from David Humphrey, PLS, Schofield Brothers LLC to Jennifer Carlino
6. Plan entitled "Plan of Land Newland Street, Norton, Mass. Prepared for: Daggett-Crandall Newcomb Home, Scale: 1"=100', prepared by Schofield Brother LLC, signed and stamped by David W. Humphrey and dated December 2, 2015.
7. Letter dated December 15, 2015 from David W. Humphrey, PLS, Schofield Brothers to Jennifer Carlino.
8. Letter dated February 11, 2016 from David W. Humphrey, PLS, Schofield Brothers to Jennifer Carlino.

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9. Letter dated February 16, 2016 from John Chessia, Chessia Consulting Services, LLC to Jennifer Carlino.
10. Analysis of On-Site Depressions for MASS. Wetlands Protection Act for 0 Newland Street (Land Court Lot 3) Norton, MA dated February 6, 2016.
11. Letter/Report dated March 14, 2016 from John Chessia, Chessia Consulting Services LLC.

Attending the meeting was David Humphrey, Schofield Brothers LLC and John Chessia, Chessia Consulting Services, LLC.

Mr. Humphrey updated the Commission on the application. He commented that the applicant is trying to create two buildable lots from this site and has to find out how much upland area is available. He said he has submitted additional information to include contours on the site.

- Mr. Humphrey noted that he had submitted detailed information on eight areas believed to be Isolated Land Subject to Flooding.
- Mr. Humphrey commented that areas #1, #3 and #6 were not confirmed to be Isolated Lands Subject to Flooding by John Chessia. John Chessia confirmed that information.
- Mr. Humphrey noted that areas #5 and #7 were confirmed to be Bordering Vegetated Wetlands.
- Mr. Humphrey noted that areas #2, #4 and #8 were found not to contain wetlands. Jennifer Carlino replied that Area 4 definitely contains wetland species and she will re-inspect the site.

Jennifer Carlino asked if these areas were inspected after the issues of Land Subject to Flooding was brought up by the Commission and Mr. Humphrey replied they were not.

Mr. Humphrey commented that he had notified the owner that he would have to go back to the site for additional information and he was not authorized to do so.

- Mr. Humphrey noted that he has submitted topographical information as well as correct Assessor's Parcel numbers.

Jennifer Carlino asked Mr. Humphrey if he did the calculations or if an engineer did them and he replied they were done by his engineer.

Jennifer Carlino asked Mr. Chessia to give his comments since the previous meeting.

Mr. Chessia commented:

- He walked the site with Jennifer Carlino on February 26<sup>th</sup>.

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- He pointed out the two areas that he believes to be wetlands from a preliminary observation and explained the calculation process for Isolated Land Subject to Flooding.

Jennifer Carlino noted that additional information is needed for areas #2 and #4 but the applicant is not willing to provide the additional information. She commented to the members that they would have to make a decision based on what information has already been submitted to date.

Jennifer Carlino requested that revised plans be submitted to show the depth of the depression for area #4 and label this area on the plan as Land Subject to Flooding. Mr. Humphrey agreed to do this. She suggested that he also label area #2 as Land Subject to Flooding as the Commission will probably agree that it is.

Motion by Dan Pearson to continue the public hearing to the next regular meeting of Monday, April 11, 2016 to receive the revised plans, seconded by Scott Ollerhead. 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.

David Henry stated a letter has been received from William Brandon requesting a continuance of the public hearing. Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, April 11, 2016, 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 – (cont. from the February 22, 2016 mtg.)** - for proposed plans for construction of a sidewalk, headwall replacement and drainage improvements within 100 feet of wetlands, bank and in Canoe River ACEC.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Norton Apartments, Campanelli Thorndike Norton LLC/Plan to Accompany Notice of Intent (Sidewalk) prepared by Kelly Engineering Group, Inc., signed and stamped by David Noel Kelly and dated February 4, 2016.
3. Letter dated February 12, 2016 to Mark Manganello, LEC Environmental Consultants, Inc. from Jennifer Carlino.
4. Color photos

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Attending the public hearing was David Eastridge, Thorndike Development, Brian Madden, LEC Environmental Consultants, Inc., Brendon Gilmore, Campanelli/Thorndike Norton LLC and David Mackwell, Kelly Engineering.

David Eastridge addressed the board with the following comments redundant pertaining to this project:

- One of the conditions of the Comprehensive Permit is to construct a sidewalk from the site to Krickets Korner Restaurant, East Main Street.
- Pointed out on the submitted plan to the members the various landmarks and a business along the sidewalk route.
- The project proposes a 5-foot wide bituminous sidewalk 4 feet back from the existing pavement.
- Pointed out a pitch point at a crossing and commented they would be rebuilding the headwall in its place out of poured concrete.

Brian Madden pointed out a few of the Wetland Resource Areas on the submitted plans. He said more information will be given to the Commission within the next few days. He noted that the culvert headwall will be replaced but the existing pipe will remain.

David Mackwell addressed the Commission and commented that the drainage along East Main Street will be improved. He noted there will be 3 water quality devices and 2 recharge systems in place and 1 recharge system for the lawn.

David Eastridge commented that one of the catch basins that was clogged with sand and dirt causing water to collect in one area has been cleaned .

Jennifer Carlino asked Mr. Eastridge to respond to her letter to Mark Manganello, LEC dated February 12, 2016. Brian Madden commented that Jennifer Carlino had requested more information on the Wetland Resource Areas and had walked the site with Mark Manganello. Mr. Madden noted the bank on the west side of East Main Street has since been flagged and the wetland flags were added to the plans. Jennifer Carlino asked that revised plans as well as a written response to her letter be submitted and Mr. Madden agreed to do this.

Motion made by Ron O'Reilly to continue the public hearing to the next regular meeting of Monday, April 11, 2016, seconded by Scott Ollerhead. Approved.

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7:45 pm      Amended Order of Conditions - **(#250-960) – Condyne Capital Partners – Parcel 116 (Assessor's Map 24) 60 Commerce Way** – to amend/modify the building size, stormwater management and drainage changes, installation of fuel island and a new water line.

Document List

1. Letter dated February 17, 2016 to the Conservation Commission from Mark Dibb, Condyne Engineering Group requesting an Amendment to Order of Conditions File #250-960.
2. Plan entitled "Site Plans" RYDER 60 Commerce Way, Norton Commerce Center, Norton, Massachusetts, prepared by Condyne Engineering Group, signed and stamped by Mark Dibb and dated February 17, 2016 (Sheets C1 – C14).

Attending the public hearing was Mark Dibb, Condyne Engineering Group who briefly described the project that was approved for this application. He said that the request for an Amended Order of Conditions is designed for a specific company that will be occupying this property. Mr. Dibb commented that trees have already been cut on the property and sediment control has been in place with no problems.

Mr. Dibb commented that Ryder Truck Company will be occupying the site and the amendments will be tailored for their business as follows:

1. The outer limit of paved areas has been revised to create a reduction in impervious area of approximately 18,200 sq.ft.
2. The building footprint has been reduced from 100,000 sq.ft. to 22,200 sq.ft.
3. A fuel island containing an above ground double walled steel tank consisting of 20,000 gallons of diesel fuel is proposed, which he noted increased from the 15,000 gallons requested in his letter.
4. A new shut-off valve associated with the drainage area around the fuel island and tank.
5. A new water-line connection to the existing stub on the MNF Wastewater Treatment Plant, of which most of the work is outside buffer-zones.

Mr. Dibb noted that the buffer-zone impacts will decrease as a result of these amendments.

Jennifer Carlino asked Mr. Dibb what the increased benefits are since the limit of work is not decreasing.

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Mr. Dibb replied:

- There will be less runoff
- Maintaining only a 5-ft. or 8-ft. strip of grass in a specific area/the rest will be left natural.

Jennifer Carlino asked Mr. Dibb if he had any alternative designs for the project taking into consideration the vernal pool and Mr. Dibb replied he had several alternative designs but did not bring them with him tonight.

Mr. Dibb commented:

- that the drainage system and basins will remain the same.
- the configuration of the outlets will remain the same.
- drainage changes are on the plan.

Jennifer Carlino asked Mr. Dibb if he had an overlay of the old drainage system with the new drainage and he replied he does not. Jennifer Carlino commented that the difference between the two is quite significant. She asked Mr. Dibb to send a revised plan showing the two systems in order for the Commission to review the changes to see if a new application will be needed.

Jennifer Carlino asked Mr. Dibb if he will have to submit a Notice of Project Change with MEPA and he replied he will not. She asked Mr. Dibb if the slope has changed and he replied it had not. She asked Mr. Dibb if a retaining wall was proposed in the slope area and he replied that it had not been at this time because of finances.

Jan Franceschelli asked what type of shut-off valve would be used and Mr. Dibb replied it would be a valve with a plastic cover that can be removed easily. Jennifer Carlino noted signs for the valve shall be installed and all changes shall be shown on revised plans.

Jennifer Carlino suggested the Commission decide whether a new application should be submitted or just an amendment to the Order of Conditions for File #250-960. Jennifer Carlino commented that it is the consensus of the commission members to allow an Amended Order of Conditions but continue the public hearing in order to review revised plans submitted with all the changes.

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Motion by Dan Pearson to continue the public hearing to the next regular meeting of Monday, April 11, 2016, seconded by Julian Kadish. Approved.

8:00 pm      Notice of **Intent (#250-973) Michael Yunits/Town of Norton – Parcel 183 (Assessor's Map 19) King Philip Road and Bay Road** – for proposed plans for an aquatic plant management program to treat and remove aquatic invasive plant species using various methods in Lake Winnecunnet.

Document List

1. WPA Form 3-Notice of Intent.
2. Letter dated March 9, 2016 to Alex Patterson, ESS Group from Jennifer Carlino.
3. Letter dated March 10, 2016 to Jennifer Carlino from ESS Group.

Attending the public hearing was Alex Patterson and Matt Ladewig from ESS Group.

Mr. Patterson stated:

- he was contacted by the Town of Norton to examine the condition of Winnecunnet Pond in regards to the aquatic invasive plant species.
- he conducted plant mapping in 2014 and documented extensive growth of variable-leaf milfoil and fanwort, which are two very invasive plants.
- the plants occupy most of the lake and he said ESS Group made recommendations to the Town on how to manage the growth of these invasive plants.
- the two primary methods are the herbicide treatment Sonar and hand harvesting on the surface of by diver.
- the project has been reviewed by NHESP and a copy of their Preliminary Determination letter has been submitted with this application.
- noted that the WPA regulations had been revised in October, 2014 regarding the creation of a new regulatory pathway for Ecological Restoration Projects, or Ecological Restoration Limited Projects, such as this application.
- noted that in the past, a Notice of Intent was filed with notification to NHESP, but now revised to submit to NHESP before filing a Notice of Intent possibly conditioning the project.

Jennifer Carlino asked Mr. Patterson if he had a plan showing the areas that will be treated with herbicides and the areas that will require hand diving/pulling and Mr. Patterson replied there are figures in the application showing the locus. She asked Mr. Patterson to show the audience where and how the various methods will be used.

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Mr. Patterson noted:

- the locus is the entire Lake.
- the herbicide to be used is Sonar, which is the only herbicide known to be effective on fanwort and will be used on the entire lake by applying it in a zig zag manner from a boat.
- the hand harvesting will be done around the shore line by wading or in the deeper areas by diving.
- the hand harvesting will not be the primary method during the first year because the lake is approximately 150 acres in size and it would require a great deal of effort and time.

Mr. Ladewig noted that the reason why the hand/diver harvesting has not been mapped is because it will depend on the success of the treatment with herbicides. He said that the areas that do not respond well to the herbicides will be the areas targeted for the hand/diver harvesting.

David Henry asked Mr. Patterson to go through his letter dated March 10, 2016 in response to Jennifer Carlino's letter dated March 9, 2016.

Mr. Patterson made the following comments:

- #1. Owner is same as applicant. Jennifer Carlino pointed out that the Conservation Commission owns the Pond.
- #2. Registry of Deed information has been submitted.
- #3. NHESP information is included in Appendix A.
- #4. Regarding page 9 of the NOI, this section refers to stream crossings and since there is not stream crossing with this application, this page was left blank.
- #5. Regarding pages 14 and 15, sections not checked are not relevant to the project.

Jennifer Carlino asked why the box pertaining to BVW is not checked off and Mr. Patterson commented there will be no impacts to BVW but will check that box.

- #6. Regarding Affidavit of Service, a PS Form 3877 has been submitted.
- #7. Attachment A is included in the CD submitted with the application. (only one)
- #8. Regarding fragment control, if needed, standard fragment control procedures and equipment will be used as appropriate to the scale and approach of the harvesting work.  
Regarding disposal, the same as with fragment control.  
Regarding turbidity, no hand diving is proposed at this time and will be dealt with accordingly if needed.
- #9. Methods for Herbicides have been submitted and the hand and diver harvesting can be described in detail if needed.



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- #10. The lake will not be restricted to use while being treated. The lake shoreline should be posted indicating the treatment date and any water use restrictions for a minimum of one week.
- #11. No temporary negative impacts to wildlife habitat, fisheries or freshwater mussels are anticipated from the herbicide application. Temporary impacts to wildlife habitat, fisheries and freshwater mussels from hand or diver harvesting would be expected to be highly localized to the immediate vicinity of the active harvesting.

Mr. Patterson commented that NHESP will be making further comments throughout the process. Mr. Ladewig noted a short article approximately one week before treatment could be posted in a local newspaper as well as postings on the shore of the lake.

Jennifer Carlino asked how he proposes to get the herbicides into the lake and Mr. Ladewig replied by boat at the public access area at Snake River. He commented the herbicide is mixed on the shore shortly before going out in the boat. Jennifer Carlino asked if there was any spill containment on the shore and Mr. Ladewig replied there is no need for that. David Henry asked about the size of the containers used for the herbicides and Mr. Ladewig replied they are about 5 gallon containers.

Julian Kadish had questions pertaining to the chemicals. Mr. Ladewig replied that the chemicals will stick to the plants and not spread rapidly and will not have a long life span. He said they will be monitoring the chemicals at three areas.

Jennifer Carlino asked if there will be some restrictions for people who extract water for irrigation and Mr. Ladewig replied there will be some restrictions but he is not sure of what they are at this time. Jan Franceschelli asked about restrictions for animals and Mr. Ladewig replied there are none.

Jan Franceschelli asked if residents will have advance notice before the treatment and Mr. Ladewig replied a notice may be published in the local newspaper.

Jan Franceschelli asked how soon after a permit is issued would the treatment begin and Mr. Ladewig replied probably May or June of 2016.

Ron O'Reilly asked what happens when the plants die from the treatment and Mr. Patterson replied that they fall to the bottom of the lake and decompose.

Mark Lincoln thanked the commission for allowing this project to go forward.

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Diane Heida of 41 King Philip Rd. noted that there is very little recreation on the lake due to the condition of the lake even during summer months and holidays.

Nancy Beier 127 King Philip Rd. asked that the treatment of the lake begin as soon as possible.

David Henry commented that this type of project may take a couple of meetings to review and be decided upon in order to make sure the project is done correctly.

An abutter asked what information was lacking that the project has to be continued and David Henry replied the project cannot be moved forward any quicker than it is at this time. He commented that a letter from the Natural Heritage and Endangered Species Program is needed.

Motion by Scott Ollerhead to continue the public hearing to the next regular meeting of Monday, April 11, 2016, seconded by Dan Pearson. Approved.

**REQUEST FOR A PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

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

---raze house/construct new one

Jennifer Carlino stated the project has been completed. Motion by Ron O'Reilly to issue a Certificate of Compliance, seconded by Scott Ollerhead. Approved.

**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 that an ENF has been received.

**#250-936 – Oak Street – ORAD**

Jennifer Carlino commented the applicant only paid an application fee of \$200 for a proposed single-family house and barn. She said that the fee is \$2,000 for “any other project”. She commented this is an on-going problem because the ANRAD does not state any project being built. She noted the applicant claimed the project was going to be a single-family house and does not want to pay any more than the \$200 already paid.

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Jennifer Carlino stated that the applicant has filed an application with the Planning Board for a common driveway and two condominium units. She said there is a condition in the ORAD that was issued for a proposed single-family house stating that if any other project was to take place other than the single-family house, the applicant would have to submit the balance of \$1800 for the original ANRAD application.

Jennifer Carlino commented that she will try to enforce the condition requiring the balance of the filing fee to be paid to the Conservation Commission but wanted to inform the members of the problem that will be encountered if the **maximum** ANRAD filing fee is not paid **at the time** of the initial filing.

**#250-906 – Enforcement Order ratification – 274 East Main Street.** – for non-compliance of the Order of Conditions.

Jennifer Carlino noted the project is now in compliance with the Order of Conditions.

Motion by Dan Pearson to ratify Jennifer Carlino's signature on the Enforcement Order, seconded by Ron O'Reilly. Approved.

Jennifer Carlino noted the applicant has agreed to use John Chessia as the Environmental monitor

**#250-612 – Enforcement Order ratification – Red Mill Village** – for non-compliance with the Order of Conditions.

Jennifer Carlino noted the applicant has hired a consultant who is putting together a plan to get the project back into compliance.

Motion by Scott Ollerhead to ratify Jennifer Carlino's signature on the Enforcement Order, seconded by Julian Kadish. Approved.

**#250-38 – 162 West Main Street** – Jennifer Carlino noted that a new attorney has been assigned to this violation and she will contact that person tomorrow.

**#250-888 – Turtle Crossing** – Jennifer Carlino noted that she received an email from the applicant's engineer noting that the vernal pool inspections were going to begin and they were going to be submitting another modification. She said she replied that the applicant had not complied with the previous modification requirement to submit a check for \$10,000 to pay a wetland consultant.

Jennifer Carlino said the applicant's engineer has agreed to submit a check for \$10,000 and she has contacted Steve Ivas to do the vernal pool inspections.

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**File #250-906 – Minor change.**

David Eastridge commented that they would like to install an irrigation well for irrigation purposes. He said that the well will be a bedrock style approximately 300 feet deep and about 180 feet from the bordering vegetated wetlands. Motion by Julian Kadish to accept the minor modification and that an amended Order of Conditions will not be needed, seconded by Scott Ollerhead. Approved.

**NEW BUSINESS**

**MEPA letter – New England Ice Cream -** Jennifer Carlino noted she sent a letter to the applicant for the New England Ice Cream project before the Planning Board regarding work near the vernal pool and received a response today and will put a copy of the response letter in with the next meeting agenda.

**30 Strawstone Lane** – Jennifer Carlino commented that they have a violation of cutting and clearing in the buffer zone. She said she met with the owner who will be filing an application soon.

**Peer Review Consultant RFQ** – Jennifer Carlino noted that she has received comments from Lisa Carrozza and will be sending the RFQ out shortly.

**Right of First Refusal – Newcomb Street/Newland Street (Assessor's Map 5) Parcel 3.**

Jennifer Carlino commented that she received a letter but the commission has already reviewed a previous letter and made a decision and referred the owners to other departments for consideration.

Jennifer Carlino noted that there will be a Mosquito Control open house on March 3, 2016 from noon to 3 pm at 38 Forest Street, Attleboro.

Jennifer Carlino noted that a Special Town Meeting has been scheduled for May 9, 2016 and articles are due by March 15, 2016. She said she had nothing to submit.

Jennifer Carlino noted a new violation for **39 Hawthorne Road** for dumping leaves and debris and she issued a Cease & Desist letter.

Regarding Files **#250-963** & **#250-969**: Jennifer Carlino said the MFN has appealed the Order of Conditions to DEP.

Jennifer Carlino noted she received a notice from National Grid that they will be relocating a pole at the Canoe River bridge re-construction project on Plain Street.

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Reservoir Update  
Report from Staff  
Site visits  
Waterbodies Committee update

Grants

The meeting adjourned at 9:30 pm.

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

Respectfully submitted,

*Signature:*

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

Chairman, Conservation Commission