



Norton Conservation Commission
70 East Main Street
Norton, MA 02766
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conservation@nortonma.us

RECEIVED
NORTON TOWN CLERK

Monday, June 26th, 2017 JUL 20 P 5:43
6:30 pm
2nd Floor Conference Room
Norton Town Hall

Attending: Chairman Scott Ollerhead, Gene Blood, Julian Kadish, Dan Pearson, Ron O'Reilly
Absent: Conservation Agent Jennifer Carlino, Lisa Carrozza
Recently Resigned: Jan Franceschelli

WETLAND HEARINGS

- 6:30 Meeting called to order.
- 6:31 Motion made by Kadish, seconded by Pearson, to table #250-970 (parties absent) until later in the meeting. Approved.
- 6:32 **Abbreviated Notice of Resource Area Delineation (ANRAD) (DEP #250-997) Michael Yunits – Norton/Mansfield Rail Trail Extension Project – (Map 4, Parcels 141, 311, 522, 784; Map 3, Parcel 428; Map 18, Parcel 191; Map 24, Parcel 8; Map 29, Parcels 54, 16; Map 10, Parcels 649 and 650):** seeking to confirm the boundaries of the jurisdictional wetland resources along the Norton/Mansfield Rail Trail Extension Project corridor within the Town of Norton.

Matt Shute of Beta Group, who is consulting for Norton and Mansfield on the project, spoke about the layout and composition of the Rail Trail. In Mansfield, there would be a 4.5 mile extension. Below Fruit Street, there would be a 12' paved path with an approximately 5' graded shoulder for equestrian use. The trail would progress to 495 then down Cobb Street with bike lanes to the rail right of way, through Henrich Woods, then cross North Washington Street in two places and go on to Arrow Drive. At Plain Street, the path ends and meets 2000' already paved. The trail ends at Crane Street where there is another parking area. MADOT has funded the whole(?) project through FY '20. Shute said that he has filed with the Commission (i.e., Carlino) and that the site walk has already been completed. Although not within our purview, Kadish asked *pro bono publico*, whether Rail Trail construction would take into account the potentially hazardous crossing at the "bump" on East Main Street. Yes, answered Shute, they had planned to put in a "pedestrian hybrid beacon." Ollerhead returned the conversation to the ANRAD. Conversation now centered around uncertified vernal pools, which would be the main reason for making modifications to the Trail. Shute measured the area by GIS survey to identify the centers of the potential vernal pools and quantified it by "data layers." Shute would have to talk to Carlino. All work was to be confined within the area delineated above. Ollerhead: Have you gotten in touch with NHESP/met their requirements? Shute: There have been preliminary mappings of species, but Beta hasn't sent a letter to NHESP. Blood asked about right of way. Shute: There would be a 50'-60' right of way, of which 20' would be a work footprint. While the



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desired width for the Trail would be 12', building around vernal pools might bring the width down to 10'.

Pearson, seconded by Kadish, made a motion to continue to the 7/10/17 meeting. Approved.

Request to amend Order of Conditions (DEP # 250-978): Michael Yunits -- Norton Reservoir Aquatic Plant Management Program (Map 9, Parcels 229 and 230; Map 1, Parcel 733; Map 10, Parcel 525; Map 16, Parcel 65) – for request for modification of herbicide residue sampling protocols (FasTEST) for the approved Sonar Treatment Program at Norton Reservoir.

Collin Gosselin of Consulting Lake Management delineated Consulting's request for an AOOC, which would consist of the same modifications made to Winnecunnet Pond. Gosselin said ten days were insufficient to judge the efficacy of the pellet treatment and fourteen would be needed. It was also counter-productive to measure growth .5 meters from the bottom of the Res and then just below the surface because these were essentially the same measurement. Kadish asked about growth areas of the blooms, but then realized that as everything was being treated, this might not be as important. Ollerhead asked about the date. Gosselin: There would be a two-week notification in the local newspaper. O'Reilly asked about treatment of water chestnut at Chartley. Gosselin responded that it involved a full-year application with two extended treatments. Water chestnut can disperse 30 seeds per bloom and each plant can stay viable for 11 years in muck. In summarizing, Kadish hazarded that this would be a "non-controversial" amendment.

Kadish made a movement to close, seconded by O'Reilly.

- 6:55 Kadish made a motion, seconded by Pearson, to defer #250-967 until later in the meeting. Approved.
- 6:58 **Notice of Intent (#250-998) – Mark Bowker – 41 East Hodges St (Map, 35 Parcel 102) – for proposed plans to repair and replace a septic system within 100 feet of a wetland.**

Peter J. Lyons, E.I.T., of Collins Civil Engineering Corporation explained his site plan to the Commission. It showed 50' and 100' bluffs. Lyons proposed reusing the existing tank and noted that the project was contending with the existing well. He also proposed straw bales, a dewatering pit, and the detail of an 8" mulch[?] sock to go up against the fence. The project did not anticipate any tree removal. Kadish asked about the geography of the walk: Was it flat? Kadish further told Lyons that the Commission discourages the use of hay bales because they disperse seed. Ollerhead suggested that Lyons' proposal clarify that the waterbody in question is the Three-Mile River ACEC, not the Canoe River ACEC.

Kadish made a motion, seconded by O'Reilly, to close the public hearing. Approved.



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7:05 **#250-930**

Full

40 Farm Lane

Map 9, Parcel 39

Demolition and reconstruction of 30x36' SFH, with 12x24' rear deck on sono tubes, driveway paving, utilities, removal of selected trees replaced with 6 shrubs and a vegetated filter strip. A partial COC was issued on 2-14-17 due to plantings and stabilization of area within 25' foot NDZ.

The Commission considered a full certificate of compliance. Ollerhead suggested that plants not be raked out of the water.

Request for Determination (DET # 1051) – Jason Pettinato – 22 Samoset Street (Map 25, Parcel 61) – for proposed plans to construct a shed within 100-year floodplain.

- Property owner needs a COC, parcel was sold without COC to new property owner, site needs to be stabilized
- Shed was being constructed without permit, cease and desist was issued on May 24, 2017

Jason and Cathy Pettinato of 22 Samoset Street (off of King Philip Road). Kadish asked if there was just a shed. Yes. Ollerhead asked the location of the wetland boundary. The woods. Pettinato confirmed that it was well more than 100' from the wetlands. In response to Ollerhead's asking whether the Commission might reach a negative determination, Kadish said he believed that there was enough information to close the public hearing.

Motion by Kadish to close the public hearing, seconded by O'Reilly, approved.

Motion by Pearson to make a negative 3 determination, seconded by Kadish, approved.

Pettinato added that he needed to send in a check and it was agreed that he would wait for Carlino.

7:15 **Notice of Intent (DEP # 250-996): Laurie Bonaparte – 19 King Philip Rd (Map 19, Parcel 73-19, continued from 5/15/17)** – for proposed plans to demolish/reconstruct a house, driveway and install utilities within the 100-year floodplain and within 100 feet of Winnecunnet Pond.

Mark Arnold of Goddard Consulting, which had submitted a packet on 4/19/17, spoke for RIM to address floodplain issues. Arnold cited exemptions for:

- 1) Endangered species (mussels, regarding which, planned construction would have no impact)
- 2) Land underwater (regarding which, planned construction would have no impact)
- 3) The Pond's bank (regarding which, planned construction would have no impact)
- 4) BLSF (regarding which, planned construction would have no impact)

Arnold further informed the Commission that a large white oak (*Quercus alba*), which overhangs the Pond, would be preserved. Besides that oak, Arnold continued, the property



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contains only shrubs and “less important” plants. As far as MA elevations for floodplains were concerned, Arnold related that site plans had been revised to show 1' intervals and that Tables 2 and 3 indicated existing and incremental increases respectively.

While the existing house has no[?] floodplain protection, the new construction would add considerable protection.

Ollerhead asked whether or not planned changes would be in keeping with the Massachusetts building code. Arnold answered that the changes would be in keeping with the Florida building code, which is compliant with FEMA.

Arnold mentioned the proposed materials for pavement and bedding of sand, and the spaces between each brick, below deck, and shed stone[?].

If the ground in question were considered impervious, then, Arnold asserted, there would be an additional 145' of flood protection. If it was considered pervious, then there would be a decrease.

Ollerhead asked John Chessia, present for a different case, whether or not he had a chance to go over the comments to the submission. No, he hadn't.

Ollerhead asked Arnold about the nature of the grading. Arnold indicated that there would be “very minor” “tucks” in the grading (less than 6"). Would these changes meet performance standards? asked Ollerhead. Yes, Arnold replied. There would be a net increase in floodplain storage as a result of the proposed changes. Arnold mentioned that the plant species—fruit-bearing, he suggested—could be chosen by the Commission.

O'Reilly brought conversation back to the change in elevation. Arnold implied that the proposed changes would be negligible, a “smoothing out” of the edges that would amount to a 2" trim created by the moving around of machinery.

O'Reilly asked about performance standards for the project.

Arnold: We're not filling in the floodplain but increasing the volume (for example, 72'–73').

Ollerhead: Will the changes result in the flooding of neighboring properties?

Arnold: No. The extra elevation has already been taken into account.

Arnold implied that in aggregate, the elevation was being brought down.

Arnold then spoke about wildlife on the site. A qualified habitat biologist had visited the site to inspect cavities, dens, food sources, and other features upon which wildlife might depend. But the property is basically lawn, Arnold concluded (except for the white oak mentioned earlier).

Ollerhead entertained a motion to close the public hearing. Kadish so moved and was seconded



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by Blood. Approved.

- 7:37 **Notice of Intent (#250-983): Muhammad Itani/Island Brook LLC – 0 East Main Street – (Assessor’s Map 17, Parcels 57, 238, 239, 240, 241, 242, 243, 244 & 245) (cont. from the October 24, 2016, Nov. 14, 2016 mtg, Nov. 28, 2016, Dec. 19, 2016, Jan 9, 2017, Jan 23, 2017, Feb 13, 2017, March 13, 2017, April 10, 2017, April 24, 2017, May 15, 2017)-** for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

John Chessia mentioned that he had highlighted changes from the changes requested.

As only Chessia was present (and not engineer Frank Gallagher, who came over ten minutes after Chessia had finally left), and because, as Kadish noted, the case is complex, Kadish made a motion, seconded by Pearson, to continue the case until the 7/10/17 meeting. Approved.

- 7:43 **Request to amend Order of Conditions (DEP # 250-978): Michael Yunits -- Norton Reservoir Aquatic Plant Management Program (Map 9, Parcels 229 and 230; Map 1, Parcel 733; Map 10, Parcel 525; Map 16, Parcel 65) –** for request for modification of herbicide residue sampling protocols (FasTEST) for the approved Sonar Treatment Program at Norton Reservoir.

Kadish commented that the AOOC was pretty straightforward.

Kadish made a motion, seconded by O'Reilly, to accept the OOC as amended. Approved.

- 7:46 **Request to amend Order of Conditions (DEP # 250-967): James Altoonian – 14 John Scott Boulevard (Map 32, Parcel 98) –** for proposed plans to construct a private well, driveway, garage, and horse corral within 100 feet of wetlands.

As no one was present to represent the case, Kadish made a motion, seconded by O'Reilly, to continue the case until the 7/10/17 meeting. Approved.

- 7:47 **Notice of Intent (#250-998) – Mark Bowker – 41 East Hodges St (Map, 35 Parcel 102) –** for proposed plans to repair and replace a septic system within 100 feet of a wetland.

Kadish called the case “boilerplate” and made a motion to accept the altered OOC, seconded by O'Reilly. Approved.

- 7:49 Frank Gallagher appeared and was informed of the continuance of #250-983.

Kadish suggested that we make a note to Carlino that she would have to track down any checks to be submitted to the Commission.



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#250-75/75A

Full

**2 River Road/Winnecunnet Pond
Map 19, Parcel 17**

#250-75: Expansion of a living room within existing dwelling, to be no lower in elevation than 70 MSL

#250-75A: Demo and reconstruct a retaining wall on the property, wall needs to be on property owner's land and not on town land

The current property owner was in the process of selling the property (closing date was originally 5/19), and found out there are two open Orders on the title.

As there was deemed insufficient information to act on this case, it was tabled.

#250-505

Full

**4 Horton Drive
Map 4, Parcel 365**

Construction of 26x36' house, 24x24' garage, driveway and sewage disposal system

A partial COC was drafted for final vegetative stabilization of exposed soils on site, but never issued because they never posted the \$2500 bond.

Based on the advice of Carlino, Kadish made a motion, seconded by Pearson, to issue a full COC.

7:54 **#250-993**

Full

**24 John F Kennedy Dr
Map 20, Parcel 109**

BVW identified as resources area.

Permit for repair and replacement of septic system within 100' of BVW

Based on the advice of Carlino, Kadish made a motion, seconded by O'Reilly, to issue a full COC.

O'Reilly noted that Jan Franceschelli's recent resignation would deny the quorum needed to accept the last minutes.

Ollerhead circulated a land grant for all to sign.

A goodbye card for Jan Franceschelli was passed around for members to sign.

8:00 Kadish made a motion, seconded by Blood, to adjourn. Approved.



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Minutes approved by the Commission on 7/10/17 (Date)
Respectfully submitted,

Scott M. Ollerhead (Signature) Chairman, Conservation Commission

Scott Ollerhead (Printed name)