



Norton Conservation Commission
70 East Main Street
Norton, MA 02766
508-285-0275
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conservation@nortonmaus.com

RECEIVED
NORTON TOWN CLERK

2017 OCT 16 A 10:53

Monday, September 11, 2017

6:30 pm

**2nd Floor Conference Room
Norton Town Hall**

MINUTES

The meeting was called to order at 6:30 pm.

Attendance: Ron O'Reilly, Lisa Carrozza, Scott Ollerhead, Julian Kadish, Gene Blood, Dan Pearson and Conservation Agent Jennifer Carlino

Absent:

6:30 pm The meeting was opened.

WETLAND HEARINGS

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, 6-12-17, 6-26-17, 7-10-17, 7-24-17, 8-14-17, 8-28-17)- for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

Document list:

1. *Notice of Intent application prepared by Goddard Consulting, dated May 31, 2016.*
2. *Preliminary Plan, Comprehensive Permit, "Island Brook" in Norton MA. Prepared by Gallagher Engineering, signed and stamped by Frank Gallagher. Dated 4-15-14, revised 1-27-16, revised 2-1-17, final revision 4-11-17.*
3. *Stormwater Management Report, "Island Brook", prepared by Gallagher Engineering, dated June 21, 2013, revised October 24, 2016.*
4. *Stormwater Pollution Prevention Plan, prepared by Gallagher Engineering, dated 5/27/16.*
5. *Notes, office meeting with Gallagher, Goddard, Chessia and Conservation Commission, June 29, 2016*
6. *Site photographs, June 14, 2016.*
7. *Letter from Conservation Commission to Muhammad Itani dated July 13, 2016.*
8. *Letter from Chessia Consulting Services to Conservation Commission dated August 2, 2016.*
9. *Letter from Gallagher Engineering to Conservation Commission dated November 21, 2016 with revised engineering calculations and plans.*
10. *Letter from Goddard Consulting to Conservation Commission and NHESP dated December 27, 2016.*



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11. *Riverfront Area Performance Standards and Alternatives Analysis, prepared by Goddard Consulting, dated December 27, 2016.*
12. *Riverfront Area Invasive Species Management and Restoration Plan, prepared by Goddard Consulting, dated December 27, 2016.*
13. *Email from NHESP dated January 6, 2017 to Goddard Consulting.*
14. *Email from Conservation dated January 11, 2017 to Goddard, Gallagher, Chessia and Leddick.*
15. *Letter from Chessia Consulting Services LLC to Conservation Commission dated January 18, 2017.*
16. *Letter from Goddard Consulting, dated February 20, 2017.*
17. *Memo from Chessia Consulting Services LLC to Conservation Commission dated February 28, 2017.*
18. *Site photographs of vegetation from Gallagher Engineering dated March 13, 2017.*
19. *Stormwater Pollution Prevention Plan, Island Brook, dated April 18, 2017.*
20. *Letter from Gallagher Engineering, RE: Proposed Comprehensive Permit – Island Brook, Notice of Intent, dated April 17, 2017.*
21. *Site plans entitled, “Preliminary Plan, Comprehensive Permit, “Island Brook” in Norton, MA, prepared for Island Brook LLC. Prepared by Gallagher Engineering, signed and stamped by Frank J. Gallagher, dated April 15, 2014.*
22. *Letter from Chessia Consulting Services, LLC RE: Proposed Comprehensive Permit – Island Brook, Notice of Intent, Supplemental Engineering Review. Dated May 10, 2017.*
23. *Letter from Chessia Consulting Services, LLC, RE: Summary of Issues. Received May 15, 2017.*
24. *Email RE: Chessia’s review, dated June 21, 2017.*
25. *Letter from Chessia Consulting Services, RE: Supplemental Engineering Review, dated June 22, 2017.*
26. *Letter from Gallagher Engineering regarding revised plans, calculations, revised Operation and Maintenance Plan and revised SWPPP. Dated August 24, 2017.*
27. *Site plans entitled, ‘Preliminary Plan Comprehensive Permit “Island Brook” in Norton, MA,’ prepared for Island Brook LLC. Prepared by Gallagher Engineering. Signed and stamped by Frank Gallagher, revised August 25, 2017.*
28. *Email from J. Carlino to gallengineering@aol.com, J. Leddick, and J. Carlino regarding Island Brooke, Norton MA regarding 40b, local concerns, preservation of open space and other zoning.*
29. *Email response from J. Leddick to J. Carlino, gallengineering@aol.com, mitani@stonebridgehomesinc.com and cc. E. Holt responding to item 28 indicating a lack of complete plans in order to provide feedback.*



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30. Email from J. Leddick to J. Carlino, gallengineering@aol.com, mitani@stonebridgehomesinc.com, jchessia@chessia.com and cc. E. Holt regarding still awaiting one of four items to be addresses- open space protection including a proposed timeline; possible change in flow of culvert water; project still incomplete due to these issues. Dated 9-11-17.
31. Supplemental Engineering Review provided by Chessia Consulting Services to J. Carlino dated 9-20-17.
32. Email from J. Carlino to J. O'Neill with items that should be finalized prior to 9-25-17 CC meeting in order to have OOC issued that evening. Email dated 9-20-17.
33. Summary of DEP standards regarding Island Brook proposed development from Chessia Consulting Services to J. Carlino dated 9-21-17.
34. Email from J. Chessia to J. Carlino regarding town's bylaws on TSS removal and phosphorus and if 250-1002 proposed plans meets these criteria as planned. Email dated 9-20-17.

Frank Gallagher PE and Muhammad Itani, applicant, were present to discuss the project with the commission. Gallagher began by going through his letter of 8/24/17 and the comments made by the commission's consultant, John Chessia PE. After a lengthy discussion about the roughness coefficient of the replacement culvert, Kadish stated that the commission will base their decision on the information provided and requested Gallagher continue with another topic.

Ollerhead read into the record an email dated 9/11/17 from the Natural Heritage and Endangered Species Program (NHESP) regarding the missing information they requested in a previous letter. Gallagher will address them directly.

Goddard Consulting will revise page 3 of NOI for our records.

The remaining two issues include the replacement culvert and the proposed stormwater management system. Ollerhead read a section of the DEP stormwater handbook regarding the requirement of Standard 2 for projects to not increase the rate in the 2-, 10- and 100-year storms. Commission and Gallagher reviewed the stormwater summary sheet where the 100-year storm event rate is exceeding the existing conditions in the post construction scenario. To meet Standard 2 this project must provide stormwater storage so that the 100-year isn't increased. This includes not increasing the rate to the wetland, not just from the property boundaries.

Carrozza asked Gallagher to confirm the proposed pipe inlet elevation is higher than the existing inlet. Gallagher confirmed. Carrozza pointed out that, regardless of the increase in the rate from the infiltration basin's not meeting Standard 2, the increased pipe inlet elevation would back water up into the wetland, flooding more area than is currently.

A motion was made by Kadish, seconded by Carrozza to continue the project to the 9/25/17 meeting. Approved.



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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) (continued from 6-26-17, 7-10-17, 7-24-17, 8-14-17, 8-28-17: seeking to confirm the boundaries of the jurisdictional wetland resources along the Norton/Mansfield Rail Trail Extension Project corridor within the Town of Norton.

Document list:

1. *ANRAD, Beta Group, Inc.; received May 22nd, 2017.*
2. *Notification to Abutters, Former Railroad right-of-way from Mansfield Town line to Crane St.; received May 22nd, 2017.*
3. *Letter of Transmittal, Beta Group, Inc.; received May 22nd, 2017.*
4. *Certificate of Bulk mailing, mailed for the Beta Group, Inc.; received May 22nd, 2017.*
5. *Site plans: Rail Trail Extension in the town of Norton and Mansfield, ANRAD submittal; signed and stamped by Mathew P. Shute on May 2nd, 2017; revised August 17, 2017.*
6. *Email RE: rail trail site inspections, dated Monday, June 19, 2017.*
7. *Email from Jake Kubel, NHESP re: vernal pools dated July 25, 2017.*
8. *MassDOT Comment and Resolution Form dated June 19, 2017.*
9. *Letter/Supplemental report on wetland resources areas from Wetland Strategies, Inc. dated August 15, 2017.*
10. *Plan entitled "Potential ILSF Figure" prepared by BETA print date August 14, 2017.*
11. *Email from M. Shute of BETA-Inc to J. Carlino, cc: L. White of Wetland Strategies, M Yunits, J. Freeman regarding revised ANRAD documents, include attached wetland delineation, and map of potential ILSF areas. Dated September 6, 2017.*
12. *Revised plan entitled "Potential ILSF Figure" prepared by BETA. Revised date 9-6-17.*
13. *Revised site plans: Rail Trail Extension in the town of Norton and Mansfield, ANRAD submittal; signed and stamped by Mathew P. Shute on May 2nd, 2017. Revised 9-6-17.*
14. *Figure 1 dated 9/11/17 Wetland B/Wetland C signed Matt Shute presented at 9-11-17 CC meeting.*
15. *Site plan entitled "Norton-Mansfield Rail Trail Potential ISLF Areas" Issue Date 8/9/17 4:49 PM.*
16. *Site photos dated 9/4/17.*
17. *Revised ANRAD plans: "Norton/Mansfield Extension Existing Conditions Plan", Sheets 4, 5 and 6. Revised 9-6-17.*

Carrozza recused herself from the meeting. Matt Shute PE, and Lenore White, Wetland Scientist, were present to describe the area to the commission. Shute gave an update of the progress on the revised plans and meeting with the Conservation Agent and Mansfield Conservation Agent.



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There were two remaining issues with the wetland delineation. White described the area near wetland flag B40. Carlino questioned whether the isolated area was actually connected to the bordering vegetated wetland via the intermittent stream bank. Lenore stated that she did not observe wetland vegetation or hydric soils in this area. Ollerhead asked if she augered the full 12-18" required for a soil probe. White stated she could only dig down about 6" because of the compacted soils of the altered rail line. Kadish stated he didn't think it was important to make the distinction between isolated and bordering vegetated wetlands. Carlino reminded the commission that this is the purpose of the wetland hearing; to determine jurisdictional areas. Kadish made a motion to accept the IVW flags as proposed and determine the area is not bordering, seconded by Ollerhead. Approved.

The second issue was the extent of flooding flagged by Carlino near station 162. Shute stated his plans show the topography doesn't contain enough water to be isolated land subject to flooding. Carlino distributed a picture of the area that does not illustrate an outlet and contains enough water to be a potential vernal pool.

Shute will submit the 9/9/17 detail sheet of the isolated wetland area.

A motion was made by Kadish to close the public hearing, seconded by Blood. Approved.

Abbreviated Notice of Resource Area Delineation (ANRAD) (DEP #250-1000): Jeffrey O'Neill, Condyne Construction – South Washington St (map 25, parcel 7 and map 25, parcel 8-11) (continued from 7-24-17, 8-14-17, 8-28-17) - to confirm the boundaries of the jurisdictional wetland resources.

Document list

- 1. Abbreviated Notice of Resource Area Delineation (ANRAD) application prepared by Condyne Construction, received 7/10/17.*
- 2. "Plan to Accompany the Filing of an ANRAD", prepared by Condyne Engineering group, signed and stamped by Mark Dibb, dated 7/6/17.*
- 3. Email from conservation commission dated July 18, 2017 to Condyne and Brad Holmes*
- 4. Email from Mark Dibb (Condyne) to J. Carlino (Norton) cc B. Holmes (Halnon Land Surveying?) regarding a review of Area 2 ILSF from old ORAD. Dated 8-23-17.*
- 5. Email from J. O'Neill to J. Carlino, M. Dibb, J. Chessia with comments in regards to ILSF. Dated 8/31/17*

Mark Dibb PE, Brad Holmes Wetland Scientist, and Don and Jeff O'Neill, applicants attended the hearing. Dibb reviewed the email from the Conservation Agent dated 7/25/17 regarding questions on the delineation. Carlino noted most items were revised. One item remained.



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There was an isolated wetland that appeared on the plan we approved in 2006 but wasn't on the most recent plans. The property owner, Mr. Fernandes, had just requested a Certificate of Compliance at a recent meeting and stated no work had been done on the property. While investigating this, it was found that the Isolated Land Subject to Flooding had in fact been filled since 2006 as approved in a subsequent wetland permit but the floodplain compensation area was not constructed. Condyne wants to compensate for the filling now in the next NOI application. The 2006 isolated wetland location has been digitized onto the new ANRAD plan. Dibb will submit a copy to the commission.

Motion was made by Kadish, seconded by O'Reilly to close the public hearing. Approved.

Notice of Intent (#250-1002): Jeffrey O'Neill, Condyne Construction – South Washington St (map 25, parcel 7) (cont. from 8-28-17)- for proposed plans to construct a commercial building, driveway, utilities and stormwater management within 100 feet of wetland and rare species habitat.

Document list

- 1. Notice of Intent for a proposed development, prepared by Mark Dibb, P.E. of Condyne Engineering Services, LLC, Dated May 3, 2017.*
- 2. "Site Plans 112,500 Square foot facility, 0 South Washington Street, Map 25, Parcel 7", prepared for Condyne Construct, Inc., signed and stamped by Mark Dibb, P.E. Dated 8/3/17.*
- 3. Letter, addressed to Norton Conservation Commission, RE: Notice of Intent for a proposed development, dated August 3, 2017.*
- 4. Stormwater Management Report, prepared by Condyne Engineering Group. Dated 8/1/17.*
- 5. Contract for Chessia Consulting Services LLC. Dated 8/15/17.*
- 6. Accounts payable sheet for consulting services.*
- 7. Letter from Chessia Consulting Services regarding review of project for compliance with the Wetlands Protection Act, specific to Stormwater Regulations and design conformance to engineering standards.*
- 8. Email from JC to Mark Dibb with attachment of WPA Form 4B- Order of Resources Area Delineation with photos/maps from 250-694, dated 8/17/17.*
- 9. Letter from Condyne Engineering Group regarding NOI response to comment with revised plans per Chessia comments. Dated August 29, 2017.*
- 10. Stormwater Pollution Prevention Plan for construction activities at 0 South Washington Street prepared by Condyne Engineering Group. Dated 8/29/17.*
- 11. Revised Stormwater Management Report, prepared by Condyne Engineering Group. Revision date 8/29/17.*
- 12. Revised "Site Plans 112,500 Square foot facility, 0 South Washington Street, Map 25, Parcel 7", prepared for Condyne Construct, Inc., signed and stamped by Mark Dibb, P.E. Revision date 8/29/17.*



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13. *Email from B. DeBlander (DEP) to M. Dibb (Condyne) cc J. Carlino requesting the submission of a Stormwater Report and stamped and signed DEP Stormwater Checklist in order for DEP to issue a file number. Dated 9-24-17*
14. *Email from J. Carlino to M. Dibb & J. Chessia regarding the ILSF. Dated 8/31/17*
15. *Plans presented and submitted at September 11, 2017 CC meeting by Mark Dibb as follows:*
 - a. *Site map entitled "Estate of Michael Lach: by John W. Delano and Associates Inc dated November 10, 1998*
 - b. *Site plans entitled " Permit Plan Confidential – 202 South Washington Street Site Plan Norton MA" prepared by Condyne Engineering dated May 30, 2017.*
 - c. *Plan entitled "Plantation Realty Trust Joseph Raffaele, Trustee 202 South Washington Street Existing Conditions Plan" sheet 2 of 13 prepared by Hayward-Boynton & Williams inc. dated July 9, 2007.*
 - d. *Plan entitled "Plantation Realty Trust Joseph Raffaele, Trustee 202 South Washington Street Overall Layout Plan" sheet 3 of 13 prepared by Hayward-Boynton & Williams Inc. dated July 9, 2007.*
16. *Email from M. Dibb to J. Carlino with information requested by J. Carlino on contact from NHESP. Dated 9-12-17.*
17. *Determination letter from Natural Heritage & Endangered Species Program dated 9-15-17.*
18. *Revised "Site Plans 112,500 Square foot facility, 0 South Washington Street, Map 25, Parcel 7", prepared for Condyne Construct, Inc., signed and stamped by Mark Dibb, P.E. Revision date 9/21/17.*
19. *Document dated 9/21/17 prepared by Mark Dibb with both Chessia and H & W comments addressed.*
20. *Supplemental Engineering Review from Chessia Consulting Services dated 9-25-17.*

Mark Dibb PE, Brad Holmes Wetland Scientist, and Don and Jeff O'Neill, applicants attended the hearing.

This permit requires approval from the Natural Heritage and Endangered Species Program (NHESP) prior to closing the public hearing. Dibb gave a short history of permit approval for the property. All plans will be submitted by Dibb for the public record.

Dibb described the proposed alteration of the No Disturbance Zone as temporary for crane work. The area will be restored with native vegetation and the visual barrier will be installed at the No Disturbance Zone.

Planning Board and Conservation have sent the project for consulting engineer review. Horsley Witten has provided comments to the planning board. John Chessia performed the review over a weekend



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prior to his going on vacation. Some discussion about the isolated wetland was held via email since that time. Chessia was waiting for plans to be delivered prior to making a second set of comments.

Commission has decided that the compensation area for the filled Isolated Land Subject to Flooding (10,540 cubic feet) does not have to be constructed because of the sandy soils.

A motion was made by Kadish, seconded by O'Reilly to continue the hearing to 9/25/17. Approved.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

250-866 Paul Barron 55 Lincoln Street
Full map 12, parcel 174
Construction of a house and septic system within 100 feet of bordering vegetated wetlands.
A motion was made by Kadish, seconded by O'Reilly to issue full. Approved.

#250- 932 Rachel Friberg 33 Walker Street Norton MA
Full map 15, parcel 46-01
Regraded an existing driveway and installed an above ground pool and deck within 100 feet of wetlands.
A motion was made by Kadish, seconded by O'Reilly to issue full. Approved.

#250- 848 Fairland Farm, LLC. Fairlee Land - rear
Full map 6, parcel 6, 8 & 9
Construction of agricultural drainage and water systems
A motion was made by Kadish, seconded by O'Reilly to issue full. Approved.

#250-937 Norton Solar I & II Clapp Street
Full map 23, parcel 50, 52, 53 & 70
Solar farm
There were a few issues with the project involving correct construction and maintenance of the stormwater system, gates blocking access to maintain swales, trash left on site etc. A motion was made by Kadish, seconded by O'Reilly to deny the request. Approved.

#250- 986 Wheaton College 42 Howard Street
Full map 617, parcel 14-03
Decommission a sewer treatment plant, abandon sewer manholes and removal of invasive species within 100 feet of wetlands.
Craig Kilburn, Wheaton and Stevie Carvalho, Thomson Farland PE, were present. Carlino explained the restoration plans were all dead and showed photographs. Kilburn will replant and request new



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inspection and send the office the newest Operation and Maintenance Plan. No action was taken by the Commission.

REVIEW DRAFT MINUTES

7-24-17 A motion was made by Kadish, seconded by Blood to approve the minutes as written. Approved. O'Reilly abstained.

8-28-17 –no quorum, will be postponed to the next meeting.

Carlino asked if anyone had done minutes from last October 24, 2016 while she was on vacation. Pearson will look.

OLD BUSINESS

Violations:

- 241 Dean Street
- 388 Reservoir St
- 22 maplewood ave –owner came in to the office today to submit his NOI application.

NEW BUSINESS

Leonard Street MEPA filing Members reviewed the letter. Pearson and Ollerhead may send comments to Carlino.

Norton Water Sewer Commission MEPA filing for Final Comprehensive Wastewater Management Plan –Comments are due 9/22/17.

Reservoir Update
Chartley Pond update
Report from Staff
Waterbodies Committee update
Wetland Protection Fund
Grants

OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

The meeting adjourned at 9:00pm. Motion by Kadish, seconded by O'Reilly. Approved.

Minutes approved by the Commission on 9-25-17 (Date)

Respectfully submitted,

 (Signature) Chairman, Conservation Commission

Scott Ollerhead (Printed name)