



Norton Conservation Commission
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NORTON TOWN CLERK

2019 FEB 12 A 8: 52

Monday, December 17, 2018
6:30 pm
2nd Floor Conference Room
Norton Town Hall

Minutes

recorded by Jennifer Carlino

6:30pm Open meeting

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

Attendance: Scott Ollerhead, Gene Blood, Daniel Doyle Jr., Julian Kadish, Ron O'Reilly, Dan Pearson, Conservation Director Jennifer Carlino

Absent: Lisa Carrozza

ESS and SOLitude 2018 Report on Waterbodies Treatment

Matt Ladewig, ESS, gave an update of the 2018 treatments to Norton Reservoir, Chartley Pond, Barrowsville Pond and Winnecunnet Pond. This is the 2nd year of the management program. He conducts a pre-treatment survey and map, treatment with management progress reports and post-treatment. They conducted hand harvest and herbicide application of target species. No treatment at Chartley pond this year because of dam work and drawdown. Winnecunnet had lower milfoil and no fanwort. Reservoir has more variable milfoil to spot treat next year but no Eurasian milfoil present this year. Barrowsville has most water chestnut but is responding to treatment. As a result, there is more sunlight penetrating water column and milfoil and fanwort have increased. May require sonar application next year. Ladewig will submit request to extend permits that are near expiration dates.

WETLAND HEARINGS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET#1078) John F. Pino. 18 Robinson Lane (Map 9, parcel 231).** For proposed plans to demolish an existing house within 100 feet of bordering vegetated wetland.

Document List:

1. Request for Determination prepared by John F. Pino dated 12/6/18
2. Plan entitled, "Demolish House" dated 12/6/18.

Robert Medeiros appeared before the commission to describe the demolition of an existing house to the Commission. Sediment control will be provided. A dumpster will be located on the road.

Site will be temporarily stabilized by installing 3 inches of clean grain straw mulch over any exposed soil. Permanent stabilization will be done in the spring with loam and seed.

Motion was made to close the public meeting for DET 1078 by Kadish, seconded by Pearson. Motion passes.

A motion was made by Kadish to issue an -3 Determination for DET 1078, seconded by Pearson. Motion passes.

B. Notice of Intent (#250-1033) John Brunelle. 65 Plain Street (Map 18, Parcel 7). (cont. from 11-19-18). For proposed plans to construct a single-family house, driveway and utilities within 100 feet of wetlands and a Certified Vernal Pool.

Document List:

- 1. Notice of Intent (NOI) application prepared by RIM engineering, dated 11/5/18.*
- 2. "Proposed House Location Plan for No. 65 Plain Street", prepared by RIM Engineering Co. Inc., signed and stamped by Craig Cyganowski, dated 10/19/18, final revised plan 10/10/18*

Craig Cyganowski, RIM, appeared before the commission to describe changes made to the revised plan. Holmes addressed sediment control/tree clearing near vernal pool and submitted via email. Cyganowski provided confirmation of the underground utilities along driveway.

Motion was made to close the public meeting for DEP# 250-1033 by Kadish, seconded by Pearson. Motion passes. The Commission reviewed the draft Order of Conditions (OOC).

A motion was made by Kadish to issue the OOC with discussed edits for DEP# 250-1033, seconded by O'Reilly. Motion passes.

C. Notice of Intent (#250-1031) Robert Burk. 49 John Scott Blvd (Map 31, Parcel 37-1). (cont. from 10/22/18, 11/19/18). For proposed plans to construct a single-family home, driveway, utilities and associated grading within 100 feet of bordering vegetated wetland.

Document list

- 1. Notice of Intent (NOI) application prepared by Silva Engineering Associates, P. C., dated 10/4/18.*
- 2. "Septic System Design Plan", prepared by Silva Engineering Associates, P. C., signed and stamped by Lawrence P. Silva, dated 9/7/18, final revision 12/7/18.*
- 3. Email from J. Carlino to info@silvaeng.com regarding comments and questions on the NOI as submitted. Dated 10/3/18.*
- 4. Aerial photographs of 49 John Scott Blvd from 2010, 2012, 2015 and 2018.*
- 5. "Overlay" prepared by Silva Engineering Associates, P.C., dated 9/7/18.*

6. Plans entitled, "Buffer Zone Restoration" 2 sheets, prepared by Ken Thomson dated 11/29/18.

Larry Silva, Silva Engineering, appeared before the commission to describe changes made to the revised plan. Silva provided confirmation of the long term maintenance plan for stone along driveway and that utility installation will be underground.

Abutter, Robert Shaw, addressed the commission saying that the previously installed culverts have backed water up onto his front yard. Kadish requested documentation from Shaw. Shaw discussed concerns about the distance of the existing well to his property line, septic and distance to the proposed driveway. Carlino explained her understanding of Shaw's discussions with the Board of Health regarding Shaw's pool placed on top of the septic causing inability to properly locate the system. Shaw asked about the telephone pole placement in the wetland. Silva corrected Shaw and showed the telephone pole location on the plans. Shaw repeatedly continues questions about well and water within the wetland on his property. Kadish suggests Shaw keeps records to demonstrate a negative impact. Carlino reminded Shaw of the commission's request that he document his concerns in a written letter to the Commission from the first meeting due to Shaw's inability to attend the second meeting. Shaw has not submitted any letter or documentation to the Commission to date. Silva offers to evaluate the existing culvert prior to the issuance of the Certificate of Compliance to show the existing culvert was installed per the approved plan and is functioning as designed. Ollerhead states that the Commission has the documentation it needs to approve the project with conditions. Kadish explains Shaw has the ability to appeal to DEP.

Motion was made to close the public meeting for DEP# 250-1031 by Kadish, seconded by O'Reilly. Motion passes. The Commission reviewed the draft Order of Conditions (OOC).

A motion was made by O'Reilly to issue the OOC for DEP# 250-1031, seconded by Kadish. Motion passes.

D. Abbreviated Notice of Resource Area Delineation (#250-1029) Scot & Joan Stormo. South Worcester Street (Map 26, Parcel 103 & 103-1). (cont. from 10/22/18, 11/19/18). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to January 28, 2019 to provide the requested information.

Motion was made to continue the public meeting for DEP# 250-1029 by Kadish seconded by Doyle. Motion passes.

E. Abbreviated Notice of Resource Area Delineation (#250-1030). John Quattrochi. East Hodges Street (Map 36 Parcel 2-0) (cont. from 10/22/18, 11/19/18). For proposed plans to verify wetland resource areas.

Document list

1. *Request for Determination prepared by Goddard Consulting. dated 10/8/18*
2. *"Land owned by Court Company, Inc. in Norton, Massachusetts" prepared by E. Otis Dyer, R.P.L. S. Signed and stamped by Everett Otis Dyer. Dated 3/21/18, revised 11/1/18.*
3. *Email from Carlino to Goddard re: topo missing from the plans dated 11/7/18.*
4. *Letter to Goddard from Carlino dated 11/26/18.*

Scott Goddard, Goddard Consulting, appeared before the board to discuss the wetland boundary. Goddard stated he came to provide an update on the previously requested information and said the engineer is working on the revised plans. Goddard requests the inspection continues before snow. Carlino states the revised plans, requested in October, need to be received before completing the site inspection.

The Commission had previously sent a letter regarding specific information missing or needing revisions:

- *requires topo on plans*
- *unclear plan near K series, connected or not*
- *wetland report inadequate and inaccurate,*
- *different series of BVW listed but 2 of them (F and G) show as isolated on plan*
- *B D and L are incomplete and just stop on page in middle*
- *D is incomplete, can't confirm isolated*
- *D and H don't have calcs to prove not jurisdictional, require the calcs*
- *K isn't mentioned in report but is on plan as isolated, no calcs*
- *Calcs required and likely require peer review under Ch 44, section 53G*
- *Use wetland terms on plan, ILSF, etc.*
- *Show floodplain*

Commission required above-listed information.

The applicant requested a continuance to January 28, 2019 to provide the requested information.

Motion was made to continue the public meeting for DEP# 250-1030 by Pearson, seconded by Kadish. Motion passes.

F. Notice of Intent (#250-1032). Albert Faxon. Oak Street (Map 15 Parcel 9). (cont. from 10/22/18, 11/19/18). For proposed plans to construct a driveway associated with a new single-family house within 100 feet of wetlands.

Document list

1. *Notice of Intent (NOI) application prepared by Goddard Consulting, dated 10/9/18.*
2. *"Plan of Proposed Driveway Crossing at Rear Land 219 Oak Street in Norton, MA", prepared by RIM Engineering Co. Inc., signed and stamped by Craig Cyganowski, dated 9/6/18, final revised plan Dec 5, 2018*
3. *Letter from J. Carlino to S. Goddard regarding comments on NOI site inspection. Dated 10/26/18.*

Scott Goddard, Goddard Consulting, appeared before the board to discuss the wetland boundary, driveway crossing and his response letter.

Commission and Goddard reviewed the items. The Commission had previously sent a letter regarding specific information missing or needing revisions:

- *Replication plan doesn't address min 3 items requested in Con Com letter or the DEP inland replication guidance. Commission will send out for peer review*
- *Provide qualifications for person performing wildlife habitat evaluation. Commission will send out for peer review.*
- *Pay reinspection fee of \$125 per our bylaw*
- *DEP field forms, delineate isolated area in field and show on plan. if not wetland, determine isolated flooding area and provide calcs. Commission will send out calcs for peer review. Goddard contends it is not necessary. Carlino explains that Army Corps permits are cumulative and if the total amount of alteration is over 5,000sf an Army Corps permit would be necessary. The Commission needs to know if additional permits are needed.*
- *Identify length of proposed driveway through wetland*
- *Retaining wall option should be investigated for crossing to minimize alteration. Revise page 3 of NOI. Goddard will submit.*
- *Likely to need wire backed orange fencing through wetland area*
- *Commission will send calcs for culverts for peer review*
- *Flag potential vernal pool. Identify the functions and values of the wetland they are planning to bisect. Goddard claims the vernal pool is not important since it is not certified. Carlino asked Goddard if in his professional opinion, bisecting a potential vernal pool with a driveway would negatively impair the wetlands functions and values to provide wildlife habitat. Goddard replied that it isn't required? Carlino questioned consultant's possession of appropriate expertise if he is unable to recognize a potential vernal pool and flag it. listen to tape if no one remembers exactly*

- They propose to alter greater than 1 acre of land requiring NPDES permit. They need to submit draft SWPPP now for review.
- NDZ is labeled but unclear where visual barrier will be and appropriate type.

Commission required above-listed information.

Motion was made to continue the public meeting for DEP# 250-1032 by Pearson, seconded by Kadish. Motion passes.

G. Notice of Intent (#250-1022). Mansfield Municipal Airport. North Washington Street (Map 4 Parcel 141) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposal to conduct invasive species herbicide control within 100 feet of wetlands and a certified vernal pool.

Scott Ollerhead recused himself from the hearing.

Document list

1. Notice of Intent (NOI) application prepared by GZA GeoEnvironmental, dated 8/31/18.
2. "Phase I Airport Obstruction Removal (on and off airport property) AIP No. 3-25-0028-2902914 AS-BUILT" prepared by Gale Associates, Inc., signed and stamped by NOT STAMPED, dated 6/19/14, revised FEB. 2017.
3. Letter from Steven D. Riberdy to J. Carlino in response to comments with supplemental information. Dated 5/5/18.
4. "Phase I Airport Obstruction Removal (on and off airport property) AIP No. 3-25-0028-29-2014" prepared by Gale Associates, Inc., signed and stamped by Nikolas A. Ippolito, dated 6/19/14, revised FEB. 2017.
5. Safety Data Sheets for Clearcast and Renovate 3 herbicides.
6. Letter from Steven D. Riberdy re: revised invasive control plan to J. Carlino dated November 30, 2018.
7. Letter from Steven D. Riberdy re: revised invasive control plan to J. Carlino dated December 3, 2018.

Steve Riberdy, GZA, appeared with Nikolas Ippolito, Gale Associates and Airport Commission Chairman, Bill Walker to discuss the final issues with the commission. Commission received final documents on 12-3-18. Commission had final questions:

- The success of any invasive species project is multiple years of funding. This a municipal airport and funded by town meeting. Control of invasives should be added to operating budget.
- Confirmed use of existing ROW, not LPS land, for access and material removal.

- *Confirmed correct properties included in OOC - Mansfield Municipal Airport (map 4, parcel 311 and map 3 parcel 428) /LPS Curtis Dahl Land, North Washington St (map 4 parcel 141). They will supply all recording info needed to issue OOC.*
- *Letter of Dec 3, 2018 is one final revised species removal plan and will be attached to OOC.*

Ippolito stated he applied for and received a \$50,000.00 grant for the airport to manage invasive species. That should provide 2 ½ years of funding. Carlino asked how the Phragmites area will be marked to avoid alteration by mowing. It was decided the area will be marked off with orange construction fencing and the project will be monitored by the wetland scientist.

Motion was made to close the public meeting for #250-1022 by O'Reilly, seconded by Pearson. Motion passes.

A motion was made by Pearson to issue the OOC for #250-1022, seconded by Doyle. Motion passes.

Public hearings were opened simultaneously for wetland hearings on Leonard St (DEP#250-1023 through #250-1028).

Mark Dibb, Condylne, attended the hearing for the applicant and began with a recap of recent events including a commission site walk on December 1 and submittal of new information. Dibb stated he sent an email with a link to a portal containing the documentation sent on 12/7/18. Dibb submitted hard copies to the Planning Board and Conservation on 12/13/18. Carlino explained that new information was supposed to have been submitted 12/4/18 but it was not. Information was also not received prior to our deadline of 12/10/18, as announced at the last hearings during our regular meeting of November 19, 2018. Carlino notified Town Manager and Commission Chairman, Scott Ollerhead, about the failure to provide the information and Condylne was notified on 12-12-18 that the 6 hearings would be continued because we did not receive the information in the office in the required timeframe.

Carlino asked Dibb to itemize the submittal documents. Dibb itemized the submittal as:

- *Letter from Dibb to Planning dated 12-7-18 response to comments.*
- *Letter from Dibb to Planning, Conservation and Town Hall dated 12-7-18*
- *Stormwater Management Report prepared by Condylne Engineering Group dated 8/7/18, revised 12/7/18*
- *"Site Plans - Blue Star Business Park - Leonard Street - South", prepared by Condylne Engineering Group LLC, signed and stamped by Mark Dibb, P. E., dated 8/29/18. Revised 12/6/18*

Dibb touched on the major changes in the revised plans:

- *Building size has been reduced and limit of work further from wetland.*
- *Quantified byw and buffer zone impacts*
- *Clarification of blsf "fill" and "alteration"*
- *Impervious cover reductions*
- *Table and separate plan set for blsf alteration/fill*
- *Question regarding pretreatment, claims it requires more fill in blsf*
- *New fema map elevation based on flood survey used 73.5-foot contour*
- *Using atlas 14 rainfall data*
- *Claims golf course is not classified as "habitat", to be reviewed in his response letter*
- *Riverfront area economic alternatives analysis to be reviewed*
- *Reducing nitrogen and irrigation requirements from existing uses*

Carlino stated she received a Mass Historical Commission letter from Brona Simon, State Archaeologist, addressed to Jeffrey O'Neill, Condyne, dated Dec 13, 2018 re: additional information required. This letter was submitted for the record. A copy was given to the applicant.

Carlino asked Dibb to clarify again the requested review of the widening of Leonard Street. Are they filing a separate permit or is it included in these applications? They will file a separate permit.

Amy Ball of Horsley Witten, the town's consultant, attended the hearing. Ball confirms her receipt of the documents and in process of reviewing now.

Motion was made to continue the public meeting for DEP# 250-1032 by Kadish, seconded by Doyle. Motion passes.

H. Notice of Intent (#250-1023). Condyne Capital Partners Lot 1 Leonard South Subdivision Plan (Map 11 Portions of Parcels 34 & 32) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposed plans to construct one 10,935 s.f. commercial/retail building and associated parking and utilities discharging to wetland resources.

I. Notice of Intent (#250-1024). Condyne Capital Partners Lot 2 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32 & 35) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposed plans to construct one 14,400 s.f. commercial/retail building and associated parking and utilities discharging to wetland resources

J. Notice of Intent (#250-1025). Condyne Capital Partners Lot 3 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32 & 35) (10/22/18, 11/19/18). Proposed

plans to construct one 16,480 s.f. retail building and associated parking, grading, and drainage within 100 feet of a wetland and within 200 feet of the Canoe River.

K. Notice of Intent (#250-1026). Condyne Capital Partners Lot 4 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32, 33, & 35) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposed plans to construct one 125,000 s.f. warehouse building, parking, grading, utilities and stormwater management within 100 feet of wetlands.

L. Notice of Intent (#250-1027). Condyne Capital Partners Lot 5 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32 & 66) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposed plans to construct one 258,000 s.f. warehouse building and associated parking and utilities within 100 feet of wetlands, fill of 6 acres of the 100-year floodplain, and within 200 feet of the Canoe River.

M. Notice of Intent (#250-1028). Condyne Capital Partners Lot 6 Leonard South Subdivision Plan (Map 11 Portion of Parcel 32) (cont. from 9/24/18, 10/22/18, 11/19/18). Proposed plans to construct an asphalt foot path and creation of compensatory storage area within 100 feet of wetlands, within the 100-year floodplain, and 200 feet of a perennial stream.

N. Notice of Intent (#250-10XX). Condyne Capital Partners Bldg 7 Leonard North (Map 11 Parcel 22). *Proposed plans to construct one 130,000 s.f. warehouse building and associated parking and utilities within 100 feet of bordering vegetated wetland, with alteration of 1,702 sf of riverfront area and 10,871sf/17,091cf of 100-year floodplain.*

There is no file number yet.

Document list

- 1. Notice of Intent (NOI) application prepared by Condyne Engineering Group LLC, received December 3, 2018.*
- 2. Plans entitled, "Blue Star Business Park – Bldg 7 map 11 parcel 22, Norton Massachusetts", prepared by Condyne Engineering Group LLC, signed and stamped by Mark Dibb, P. E., dated 11/26/18.*
- 3. Email from J. Carlino to M. Dibb regarding incomplete application dated 12/4/18.*
- 4. Email from J. Carlino to M. Dibb regarding incomplete application dated 12/5/18.*
- 5. Email from Janet Bernardo, Horsley Witten Group with peer review letter of 12/14/18.*

Mark Dibb, Condyne Engineering, attended the meeting to present an overview of the project. Condyne proposed to construct one 130,000 s.f. warehouse building and associated parking. They propose to alter riverfront area and floodplain.

Carlino noted that the application has significant missing information that was requested on 12/4/18 and has not been received yet. The missing information includes:

- FEMA map
- White certified mail slips
- Pay correct fee
- SWPPP draft
- Economic alternatives analysis for work in Riverfront Area

Applicant should also provide written description of meeting all performance standards for each resource area impacted. In reviewing the plans during the meeting, Carlino mentioned that the floodplain notation is not clear, floodplain compensation/rill should be clearer on the plans with elevations and details, and PVPs identified in ORAD should be on the plans. Carlino clarifies that Economic alternatives analysis for work in Riverfront Area should be done with the wetland professional and includes all work in the riverfront area, not just the paving, as suggested by Dibb.

Amy Ball of Horsley Witten, the town's consultant, attended the hearing. Ball explains that the Notice of Intent has not been submitted to HW for her review. When that is done, she can begin review and provide comments. She echoes comments made by Carlino.

Motion was made to continue the public meeting for DEP# 250-1032 by Kadish, seconded by O'Reilly. Motion passes.

SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

DEP #250-542	Michael J. Starr, Esq., Taylor, Ganson & Perrin, LLP
(full)	Anna Way/Shelley Rd
-this is the ORAD. Ok to issue, no work was done with this permit.	

A motion was made by Kadish to issue Full Certificate of Compliance for DEP #250-532, seconded by O'Reilly. Motion passes.

REVIEW DRAFT MINUTES

11/19/18

A motion was made by O'Reilly to accept the minutes of 11/19/18, seconded by Kadish. Motion passes. Ollerhead abstains.

OLD BUSINESS

Right of first refusal Re-notification Amendment to P & S, 19 Leonard St (map 11, parcel 66) and East Main and Leonard Street (map 11, parcels 32, 22, 25, 25-01)

-Carlino explained there is a revision in the closing date. Commission voted to send a letter to selectmen stating that there is no funding for a purchase of the property but that the options for achieving the goals and objectives to preserve portions of the property should be evaluated. Jeff O'Neill, Condyne, was shown a copy of the draft letter.

A motion was made by Kadish to issue a letter to the Selectmen, seconded by O'Reilly. Motion passes.

NEW BUSINESS

- Bills
- Site Inspections
- Violations

-New notices to 211 Oak, 215 Oak, 219 Oak, 68 Dean and 54 W Hodges

Carlino stated she heard from and received cooperation from all except Dean st. because there was a new owner-had to resend letter.

-Update requests for 4 Kensington and 21 Kensington

Carlino stated she did the site inspection at 4 Kensington and 21 will be working on their own to finish before spring.

- Reservoir Update
- Chartley Pond Update
- Barrowsville Dam
- Report from Staff
- Waterbodies Committee update
- Grants

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

- *MEPA EENF National Grid transmission line – Comments were sent on 11/28/18 after MEPA meeting.*
- *Special town meeting was called for January 14, our regular meeting night.*
- *Capital budget was due Dec 12 but conservation was given an extension since there is inadequate staffing to complete this while preparing permits. Carlino is obtaining estimates for work at Edith Read Conservation Land*
- *Spring town meeting was called for May 13, 2019 with articles due Feb 6.*
- *Commission reviewed draft 2019 meeting schedule, with changes to April meeting.*

Motion to adjourn by O'Reilly, seconded by Pearson. Motion passes and meeting closes at 8:40 pm.

Respectfully submitted by: _____Jennifer Carlino_____

Minutes approved by the Commission on ____1-28-19____ (Date)

Conservation Commission Signature:

Scott M. Ollerhead 2/11/19
Scott Ollerhead, Conservation Commission Chairman