Minutes

6:30pm  Open meeting

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

Attendance: Scott Ollerhead, Ron O’Reilly, Julian Kadish, Gene Blood, Dan Pearson, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk

Absent: Lisa Carrozza, Conservation Director Jennifer Carlino

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS
Wetland hearings will be taken in order.

A. Request for Determination of Applicability (DET #1091). Dylan Ribeiro, 32 Straw Stone Lane (Map 8, Parcel 104-16). The proposed project involves plans to replace an existing leaching area with a new leaching system within 100 feet of wetlands.

Document List – 32 Straw Stone Lane

1. WPA Form 1 – Request for Determination of Applicability received 10/24/19
2. Plans entitled, “Upgrade of Subsurface Disposal System at 32 Straw Stone Lane, Norton, MA

Dave Oberlander of BDO Engineering attended the hearing on behalf of the applicant. He explained the homeowners are selling their house. The septic system failed and they need a new leaching area. They propose a new leaching area in the back of the house. They will be no closer to the wetlands than the existing leaching area. They are keeping the existing tank.
Motion was made to close the public hearing for DET#1091 by O’Reilly, seconded by Doyle. Motion passes.

Motion was made to issue a Negative 3 Determination of Applicability for DET #1091 by O’Reilly, seconded by Doyle. Motion passes.

B. Request for Determination of Applicability (DET #1092). NYBS, Lions Park – Dean Street (Map 31, Parcel 30). The proposed project involves plans to remove vegetation from parking area and ballfield within 100 feet of wetlands.

Document List – Dean Street – Lions Park

1. WPA Form 1 – Request for Determination of Applicability received 10/29/19

Mike Masone of NYBS attended the hearing to discuss the project. They would like to cut back some of the vegetation in the outfield and along the 1st base side which is fairly close to some wetlands. Kadish asked if it is within the buffer. Masone replied yes. Kadish asked if it is vegetation that is closed in from prior clearing. Masone stated it looks like it was cleared in the past but he does not know when. It is all 25 foot white pines. Kadish asked how close would their cleared area be to the wetland. Masone replied the closest would be about 50 feet from the wetland. He shows the area to be cleared on the plan. Doyle asked what would be going out there. Masone replied he wants to move the area where the kids warm up. They would also like to have people watch the game from the outfield and be further away from the dugouts.

Ollerhead asked Masone about the costs involved with maintaining the field. Masone stated it costs about $4900 per year for trash removal and landscaping to keep the field open. Kadish clarified this is with regard to the agreement for the use of conservation land. Ollerhead stated this is the first year we have had an agreement. Masone stated they have not signed the agreement yet. It was agreed the discussion be tabled until they speak with Carlinno.

Motion was made to close the public hearing for DET#1092 by Kadish, seconded by O’Reilly. Motion passes.

Motion was made to issue a Negative 3 Determination of Applicability for DET #1092 by Kadish, seconded by Doyle. Motion passes.
C. Notice of Intent (#250-1051), George and Beverly Souaiden, 153 Bay Road (Map 12, Parcel 33). The proposed project is to demolish existing home and clear selective trees to construct new single family home with new septic system within 100 feet of bordering vegetated wetland.

Ray Francisco, Engineer with RLF Engineering attended the hearing on behalf of the applicant. He submitted updated plans with requested changes. Francisco explained it is the construction of a new single-family home with garage and septic system. Francisco stated the wetlands are actually off-site on existing conservation land, but the 100 foot buffer zone does come into the property. None of the soil disturbance is within the 100 foot buffer zone. All of the work for the home, septic system and grading is outside the 100 foot buffer zone. However, there are some dead trees, brush and grasses that they want to maintain up to the edge of the property line which is within the 100 foot buffer zone. Francisco stated it does fall within the Priority Habitat area so he did a MESA filing. They responded and requested a turtle prevention plan. He is in the process of securing a consultant to draft that. He responded to Carlino’s comments that he received. They originally had in their table a no disturbance in the buffer zone. That was based on soil disturbance. He did amend that to include 14,150 sf for clearing of the dead trees. Carlino had several edits to the sediment control plan. He made those adjustments and submitted revised copies. Carlino had requested revision to the compost sock detail and silt fence detail. The original detail had the stakes going through the sock. Carlino requested they be placed adjacent to the sock which he changed. He added construction exit detail. There is an existing driveway there now. They will be using that same entrance and noted the stone. Carlino had noted a SWPPP was required which is being prepared. Carlino had mentioned the 25 foot no touch and the requirement of a fence and signage. As they put in their cover letter, they are asking for relief on that. The 25 foot no touch runs about 2 to 3 feet from the edge of the property line. It does not show on the plan, but there is an existing stone wall there on the property line. He states the stone wall provides a physical barrier. He stated he could put the signs up if the ConCom wants. Kadish asked if they are clearing completely from the 100 foot up to the 25 foot. The intention is just to be grass and trees right up to that area? Francisco stated up to the 25 foot, they are clearing dead trees, brush and vegetation but keeping the live trees. Kadish asked how many existing trees there are. Beverly Souaiden was in the audience and responded about 25 trees. They are keeping every live tree. They have marked all of the trees they are keeping and just getting rid of the dead, rotted or leaning trees. Ollerhead asked about an O&M plan for the culvic unit. Francisco submitted the revised O&M plan.

Resident Jim Collier of 151 Bay Road expressed concerns with the wetlands, the wildlife and the forest. His main concern is his well and safety of the water as an abutter. Francisco responded that the BOH covered that but he could show him. Francisco showed Collier where the work would take place on the plan. Collier asked about the pool and storage shed going in and would there be any detriment to the well. Francisco stated no. The work is outside of the 100 foot buffer zone.
Ollerhead asked what the water table was in that area. Francisco responded the water was at 100 inches. Ollerhead and Kadish noted the ConCom needs a response from NHESP before they can close. Also, Carlino will need to review the revisions.

The applicant requested a continuance to 12/2/19. Motion was made to continue the public hearing for DEP#250-1051 to December 2, 2019 by Kadish, seconded by Pearson. Motion passes

D. Notice of Intent (#250-1037). Next Grid Redwood LLC. 54 Plain St. (Map 18, parcel 9). (continued from 1/28/19, 2/25/19, 3/11/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 6/24/19, 7/22/19, 9/9/19, 9/23/19, 10/7/19, 10/28/19). For proposed plans to install a ground mounted solar array, driveway, stormwater, utilities within 100 feet of wetland in the Canoe River Area of Critical Environmental Concern.

Chris King of Atlantic Design Engineers attended the hearing on behalf of NextGrid. The last time he was here, they had just submitted a set of revised plans. He received a response from Mr. Chessia last week. He has made some plan changes and provided a recap. The changes are limited to providing some additional detail at each of the outlet pipe locations. He also correlated the detail sheet in the table for each outlet pipe and numbered them on the plan to assist the contractor. The only other plan change was with regard to the gravel road. The site is basically set up where they have a gravel road that rings the entire site and catches the stormwater and sends it back in. Two of the detention ponds are framed by this road. At each pond, they have stormwater controls and the pipes themselves. As required, they have provided an emergency spill way to direct flows in the event that the outlet becomes clogged or you experience an anomaly like a back to back 100-year storm. The emergency spill, right now, is the gravel road that drives over them. This is allowed as long they are properly designed.

After speaking with Chessia, he has added additional notes to the detail sheet. Also, on the plan, he has indicated in those areas that they have provided a compacted level area of riprap where the minimum size is 2 feet set level and compacted with ¾ inch stone to provide a more drivable and stable driving service for maintenance vehicles. Once construction is completed, frequency will maybe be quarterly to go across those to do inspections for stormwater maintenance that is required.

There were stormwater calculations that were reviewed with Chessia. He is working on a stormwater addendum with a final set of calculations which provides demonstration that they meet all of standards from the stormwater policy in addition to the local stormwater bylaw. They were tasked with making sure they were not creating an issue downstream since they are increasing volume. That is included in the stormwater addendum. With the changes he discussed with Chessia, it will not result in an instance where it would create a downstream issue. He submits copies of the revised plans for the record.
He submitted a draft of the revised SWPPP. It had been requested it be done in the EPA format with some additional detail. It was requested it be finalized prior to the start of construction. It will be finalized quickly. Obviously, they are anxious to get started. They are in the process of filing for the ENOI through the EPA for the Construction General Permit. Ollerhead noted there is a 14 day waiting period after that. King stated they are starting that now so that hopefully it will run concurrently with an appeal process. That is one of the appendices in the SWPPP he provided tonight. King understands he is submitting plans this evening. From a design standpoint, nothing has changed since the last submittal. He can submit the stormwater addendum in the next few days. The new one will have a summary with revised tables. It will have a new set of calculations for both on-site and off-site with another set of watershed drawings. However, that will not change anything that the ConCom has before them.

The stormwater report includes a stormwater O&M plan as one of the appendices. It was recommended, as a condition of approval, that it be required as a stand-alone document. If the ConCom requires it, they can certainly submit it as a stand-alone document that can be referenced in the order itself.

Chessia responds. After speaking with Carlino, Chessia had recommended that some things be conditioned. He thinks they are very close. He does not believe there will be any off-site impacts. It was mostly details, conditions of some soil testing and the stormwater pollution prevention plan. Ollerhead asked about wildlife access and ability to cross the site. Chessia states the fences have a gap under them. Also, he shows on the plan where there was a corridor that was maintained on the side so it does give the linkage. Little stuff can get underneath. He believes the proposed vegetation is a pollinator friendly mix.

After discussion, it was determined it would be best to keep the hearing open and have the proposed conditions ready at the next hearing.

The applicant requested a continuance to 12/2/19. Motion was made to continue the public hearing for DEP#250-1037 to December 2, 2019 by Kadish, seconded by Pearson. Motion passes

E. Discussion: Amendment to DEP # 250-1018, added retaining wall.

Motion was made to table the discussion for DET#250-1018 by Kadish, seconded by Pearson. Motion passes.
F. **Notice of Intent (#250-1040).** Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252). (continued from 4/29/19, 6/10/19, 7/8/19, 7/22/19, 8/12/19, 10/7/19) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW

The applicant requested a continuance to 12/2/19. Motion was made to continue the public hearing for DEP#250-1040 to December 2, 2019 by O’Reilly, seconded by Kadish. Motion passes

G. **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, 12/17/18, 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/19/19, 9/23/1910/7/19, 10/28/19, 11/4/19). For proposed plans to verify wetland resource areas.

**requested continuance to 12/2/19**

The applicant requested a continuance to 12/2/19. Motion was made to continue the public hearing for DEP#250-1030 to December 2, 2019 by Kadish, seconded by Pearson. Motion passes.

H. **Notice of Intent (#250-1032).** Albert Faxon. Oak Street (Map 15 Parcel 9). (cont. from 10/22/18, 11/19/18, 12/17/18, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/9/19, 9/23/19, 10/7/19, 10/28/19). For proposed plans to construct a driveway associated with a new single-family house within 100 feet of wetlands.

**requested continuance to 12/2/19**

The applicant requested a continuance to 12/2/19. Motion was made to continue the public hearing for DEP#250-1032 to December 2, 2019 by Kadish, seconded by Pearson. Motion passes.

**SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA Delineation**
REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

I. Request for Duplicate of Certificate of Compliance (DET #427). Sylvia Markley, 8 Agoritsa Lane (Map 11, Parcel 57). The proposed project involves the construction of a 32 x 32 addition, a new sanitary disposal system and yard grading within the 100 foot buffer zone of a bordering vegetated wetland.

Motion was made to issue a Duplicate Full Certificate of Compliance for DET#427 by Kadish, seconded by O’Reilly. Motion passes.

REVIEW DRAFT MINUTES
10-28-19 - Motion was made to accept meeting minutes of 10/28/19 by Kadish, seconded by O’Reilly. Motion passes

11-4-19 - Motion was made to accept meeting minutes of 11/4/19 by Kadish, seconded by O’Reilly. Motion passes

11-7-19 - Motion was made to accept meeting minutes of 11/7/19 as amended by Doyle, seconded by Blood. Motion passes

OLD BUSINESS

NEW BUSINESS

- Remote Participation Policy Vote
  The ConCom discussed the policy and its limitations. A vote was taken as to whether or not to allow remote participation at the ConCom meetings. O’Reilly, Kadish, Ollerhead, Blood and Doyle voted no. Pearson abstained.

- Lease of Conservation Land-Lion’s Field, Dean Street
  As discussed earlier, the ConCom decided to hold off on this discussion.

Site Inspections
Violations
  68 Dean
  10 Dean St
  211 Oak and 21 Kensington
  4 Kensington
Reservoir Update
Chartley Pond Update
Barrowsville Dam
Report from Staff
Waterbodies Committee update
Grants

**BILL SUMMARY**

Summary list of bills signed period – November 4, 2019 – November 18, 2019

**FY2020**

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

Ollerhead noted that when the Water Bodies Committee was formed, they were supposed to have a ConCom member attend their meetings and weigh in on what they were doing. He asks if anyone has time to consider doing that. O'Reilly noted they meet on a Monday night which conflicts with the ConCom meeting. Ollerhead stated maybe somebody could attend every month or two. He will discuss with Carlino and discuss the schedule.
Kadish noted that Condyne sent out an invitation to their groundbreaking ceremony December 11th which he may attend. He asked if anyone else is considering attending. O’Reilly stated he is.

Motion to adjourn by O’Reilly, seconded by Pearson. Motion passes and meeting closes at 7:30pm.

Respectfully submitted by: Melissa Quirk

Minutes approved by the Commission on 12/2/19 (Date)

Conservation Commission Signature:

Scott Ollerhead, Conservation Commission Chairman 1/13/20 Date