



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, December 10, 2001
7:30 pm

Attendance

Bob Medeiros (Chairman), Jeff Houde,
Neil Linehan, Kathleen Giblin
Jennifer Carlino, Director

Julian Kadish (Vice-Chairman),
Ed Breault and Dana Rappaneau were absent.

Minutes

The members reviewed the draft minutes of **July 9, 2001**. The minutes were not in the file. Jeff Houde made a motion, seconded by Neil Linehan, to continue the minutes until the next regular meeting. Approved.

The members reviewed the Bills Payable Sheet. Jeff Houde made a motion, seconded by Neil Linehan, to pay the bills. Approved.

The members reviewed a Notice of Intent – **(#250-506) - Massachusetts Highway Department/c/o Michael Clements – Parcel 17 (assessors map 11) East Main Street (Route 123) – (con't. from the 11/26/01 mtg.)** - for proposed plans to construct a waste disposal system including leaching trenches, 1000-gallon dosing chamber, 1500-gallon septic tank, septic manhole, and site grading within 100 feet of wetlands. Bob Medeiros stated that the only information missing at the last meeting was the file number which has been received. Neil Linehan had a question regarding the salt used on the roads. Jennifer Carlino stated that the salt was kept undercover in sheds and that the Mass Highway Department has monitoring wells nearest to the salt sheds to make sure that no salt was running into the wells or groundwater. She told the members that if they do notice salt migrating from the sheds, to let her know. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **Town of Norton/Park & Recreation Department – Parcel 52 (assessors map 31) Parker Street** – for proposed plans to make improvements at the Everett Leonard Complex within 100 feet of wetlands and to dispute perennial status of a stream. Ed Fuller, Senior Landscape Architect for Daylor Consulting was present at the public hearing to present the project to the Commission. Also present were Landis Hershey and Bob Ingram of Daylor Consulting, Inc. Mr. Fuller pointed out the existing conditions of the Park & Recreation Area on Parker Street. He further explained that about a year ago the Recreation Department put out a Request

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for Proposals to Engineers and Landscape Architects submit proposals for extensive Planning for the Park, and after reviewing all proposals by the Recreation Commission, Daylor Consulting, Inc. was chosen for the project. He stated that his company was given a Needs Study from the Recreation Department that was done throughout the Town to see what was desired for recreation in the Town of Norton. He said that funding for the Engineers was presented at the Spring Town Meeting and was approved. He further stated that the extensive renovations were designed around the existing facilities and that most of the improvements are to the south and east of the existing facilities. After Mr. Fuller finished pointing out the different areas of improvements and renovations to the members, Landis Hershey pointed out the wetland areas on the site and the area in which the various renovations were to be done. She continued to point out the areas where basins would be and a stream which was labeled as intermittent by her company. She further explained why her company labeled the stream intermittent instead of perennial. Bob Medeiros asked if any of the members had any questions. He then asked the Director if she had any questions and Jennifer Carlino replied that she had sent a letter containing several comments and questions to Daylor Consulting prior to the hearing. She said she had received a response letter today and has not had much time to review it. Landis Hershey stated that the plans were revised based on the letter from the Director. Discussion ensued regarding the stream in question and Landis Hershey submitted new information regarding the stream. Jennifer Carlino asked why the water from the skating rink could not be routed to an alternate swale nearer to the rink. They will look into this. Jennifer Carlino asked where the water would come from to fill the skating rink. Mr. Fuller stated it would be Town water. Jennifer Carlino asked for an Operations and Maintenance Plan to be submitted. Jennifer Carlino stated that according to the submitted plans, no drainage would go directly into the wetland, but subbasin #11 shows the water going directly into the wetlands. Mr. Fuller said that the plan could be revised so that drainage could be directed away from the wetlands into drainage area 12. He also stated that where the gravel meets with the pavement, it would be designed to have the least erosion as possible. Jennifer told Mr. Fuller to put maintenance of the gravel drive in the Operations and Maintenance Plan. Natural Heritage has not responded yet. Jeff Houde made a motion, seconded by Neil Linehan, to continue the hearing for review of new information and for the applicant to submit #7 of the requested additional information until the next meeting of January 14, 2002 at 7:40 pm.

The members reviewed a Request for a Determination of Applicability – **(DET. #758) Scott Berry – Parcel 37 (assessors map 29) Crane Avenue South (rear) and Hill Street (rear) Taunton/Norton** – for resource area delineation only. Peter Wolski of Field Engineering represented the applicant at the public hearing. He submitted revised plans and a copy of a letter from the Natural Heritage and Endangered Species Program. He explained to the Commission that no work was proposed in Norton because of the Zoning requirements. The Taunton Conservation Commission asked the applicant to review the resource areas in Norton. He also stated that he had met with Jennifer Carlino and Cathal O'Brien earlier today on site. He said that he had revised the stream bank line (mean annual high water line) on the revised plans. Jeff Houde asked Mr. Wolski what kind of building was going to be built on the Taunton site. He replied that it was going to be a dry goods warehouse. Jennifer Carlino asked Mr. Wolski why he was using the Taunton FEMA maps instead of the Norton maps. Mr. Wolski said that this area is a two floodzone area. He said the FEMA floodzone is zone A. He further stated there was another flood study in Taunton that identified an elevation for this floodzone with the Three Mile river watershed. Elevation 60 was used for the start of the floodplain contour line. He stated that this is what Taunton uses in building code. He asked the Norton Commission to accept the 60 foot elevation for the 100 year floodplain. Jeff Houde made a motion, seconded by Neil Linehan, to close

the public hearing. Approved. Jennifer Carlino stated that she had already met with Mr. Wolski on site and came to the same agreement with the lines used on the revised plans. Jeff Houde made a motion, seconded by Kathleen Giblin, to issue a possitive Determination of Applicability checking #2. Approved.

The members reviewed a Notice of Intent – **Norton Public Schools/Superintendent's Office – Lots 90, 90-01 & 98 (assessors map 22) 64 West Main Street** – for proposed plans for renovation of existing playfields at the Henry A. Yelle Elementary School and the Norton High School within the 100 foot buffer zone of wetlands. Jeff Houde made a motion, seconded by Kathleen Giblin, to waive the reading of the legal notice. Approved. Chris Huntress of Huntress Associates represented the applicant at the public hearing. He stated that Jennifer Carlino had sent a letter to him after reviewing the Notice of Intent filing requesting further information. He proceeded to explain to the members methods of draingage and stormwater control that would be used on this project. Jennifer Carlino asked where all the catch basins were going to drain. Mr. Huntress explained they already discharge on Seminary Way. Jeff Houde made a motion, seconded by Neil Linehan, to continue the public hearing until the next meeting of January 14, 2002 at 7:50 pm. Approved.

The members reviewed a Notice of Intent – **Massachusetts Highway Department – (#250-507) - Routes 123, 140 & I-495** – for routine maintenance on state highway drainage systems within several resource areas. Jeff Houde made a motion, seconded by Katheen Giblin, to waive the reading of the legal notice for this project. Approved. Tom McGuire, District Environmental Engineer for Mass Highway District 5 in Taunton, MA, was present at the public hearing. Neil Linehan asked if this project had gone up for bid yet. Mr. McGuire stated that the Highway Department was going to do the maintenance themselves. Bob Medeiros read a letter to Mr. McGuire that was sent to the Highway Department from Jennifer Carlino. He then asked Mr. McGuire if he had complied to all the issues in the letter. Mr. McGuire presented a reply to the Director's letter at the meeting. He made reference to a serious problem the Highway had approximately 2 or 3 years ago in the Town of Westport on Route 6 at a brook that crosses over it. Debris and sediment had built up downstream of Route 6 and caused major problems for the roadways and abutting properties in the area. After two back-to-back storms, severe flooding took place. Abutters to these areas called the Highway Department, State Representative and State Senator, who in turn called the Highway Department asking that something be done about the situation. Mr. McGuire stated that Highway Department employees had to use chainsaws and backhoes to clean out the debris from the brook. He further stated that he was not asked to obtain an Emergency Certification from the Westport Conservation Commission and consequently got into trouble with the Department of Environmental Protection and the Westport Conservation Commission. He said that he also got a non-compliance form from the Department of Environmental Protection. Mr. McGuire said that according to Chris Ross of the Lakeville Department of Environmental Protection, filing of a Notice of Intent to obtain an Order of Conditions would be necessary from each town Conservation Commission for this type of maintenance. He said that in between all his other work he is trying to establish a program with each city and town where he would file a generic type of Notice of Intent, where procedures could be set up beforehand, or ongoing, so that when an emergency arises, Order of Conditions would already be in place. He said that the drainage systems have been ignored for at least 10 years. He further stated that if there were an emergency on or near a homeowner's property, he could get them to fill out a Right of Entry Form and explain to the homeowner the description of the work to be done. The Highway Department would then notify the local Conservation Office where a copy of the existing Order of Conditions would be filed. He then

handed out a list of procedures to the members which stated 1. Filing of A Notice of Intent to obtain Order of Conditions; 2. Making sure he is on Highway property when obtaining a Right of Entry; 3. Contacting the chairman of the Conservation Commission or Conservation Agent to see if erosion control is necessary before work is started; 4. Removing of debris from the wetlands at the same time; 5. Having a DEP file number on hand at all times. He stated that he submitted a USGS map to all the towns and cities showing all the state highways that go through their town or city. Mr. McGuire stated that East Main Street was not a state highway, except where Route 495 interchanges. He stated that a 5 year Order of Conditions could be issued under the regulations instead of the usual 3 year Orders under special circumstances. He claims that this is a special circumstance situation where it is an ongoing public safety approval project. Mr. McGuire mentioned that Jennifer Carlino had required an explanation of what the Highway Department was calling "quantities, minimal or undetermined" in the Notice of Intent. He claimed that those things cannot be determined until the work has started and not beforehand. He further stated that generally the quantities would be relatively small. Another concern of the Director's, he stated, was to submit detailed plans. He said that he has 40 scale plans for all of their roadways, but just in Norton alone there are 13 miles of roadway and in order to have plans made up and then brought to Conservation, he would need over 70 plans. He further stated that there is only one person that does the plans right now and he is retiring soon. Bob Medeiros told Mr. McGuire that as long as the Conservation Office was called prior to any work being done with the location and description of the work, he could see no problems. Mr. McGuire brought with him the FEMA maps for Norton locations and an index sheet showing Routes 495, 140 and 123. Jeff Houde asked Jennifer Carlino how she felt about this and she said that she was waiting for a response from the Natural Heritage and Endangered Species Program (NHESP) and still would like more information like where are their easements, detention basins and catch basins. Mr. McGuire stated that there are literally hundreds of catch basins in town. He also stated that some roads have been upgraded and these improvements are not shown on the old plans. Jeff Houde made a motion, seconded by Neil Linehan, to continue the project until the next regular meeting of January 14, 2002 at 7:55 pm. Approved.

The members reviewed the conditions that were revised by the Director for **File #250-459 – Wheaton College** – for a bridge between the Pine Street parking lot and the school. Jeff Houde made a motion, seconded by Neil Linehan, to accept the conditions as written and sign the Order of Conditions. Approved.

Bob Medeiros asked the Director if Mr. Lincoln had accepted the offer for the Lincoln Woods property. She stated that he had and that it was sent to Mr. Lincoln and a Purchase and Sales Agreement would be done by December 31, 2001. When it is received at the Conservation office, the members will be asked to come in to sign it.

Jennifer Carlino introduced Kimberly Bertolino, the Wheaton College student who will be the intern in January for the work study program. The Conservation Department will pay 25% of her salary for that program out of the Filing Fees Account and Wheaton College will pay the other 75%. Jennifer Carlino asked Kimberly if she would like to stay for the rest of the meeting or leave. She chose to stay. She will start January 2, 2002 and be her 40 hours a week.

Jennifer Carlino stated that the Army Corp. of Engineers had sent out a packet looking for public comment on the replication and restoration areas that the Flatley Company has to do at the Norton Commerce Center. She updated the new members on the Commission as to what was going on with

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this issue and mentioned to them that 13 years ago the Flatley Company had received a permit to fill in 700,000 sq. ft. of wetlands without replication. Since then, about 1 and ½ acres more had been filled. She stated that the Army Corp. of Engineers and the EPA were notified and the Flatley Company was to obtain the 401 and 404 water quality certificate. Jennifer mentioned that the Flatley Company was given a 1-year extension to expire next spring. Bob Medeiros stated that they would not be allowed any more extensions as it was already 13 years since this project had begun.

Jennifer Carlino stated that she had been working with VHB lately for the golf course. She further stated that the erosion control and sedimentation prevention has not been as required in their conditions. She did state that their erosion control was corrected since she had a meeting with the PGA and VHB representatives. She also stated that better means of communication were discussed.

Jennifer Carlino stated that she had not heard from Pare Engineering regarding their addendum to the contract for the repairs to the Chartley Pond dam.

Jennifer Carlino stated that she had met with Tom Jenkins of Baystate Environmental Consultants, Inc. and the Town Manager, and that the Selectmen had finally signed the Norton Reservoir Dredging Permitting Process Contract. She said that Mr. Jenkins was going to come up with the final design for the permitting process and get ready for bid. A time line of 15 months had been scheduled.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb