



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, November 27, 2006
7:00 pm

Attendance

Bob Medeiros (Vice-Chairman), Earl Willcott (Chairman)
Julian Kadish, Kathleen Giblin, Eileen King,
Ron O'Reilly, Lisa Carrozza,
Jennifer Carlino, Conservation Agent

Minutes

The members reviewed a violation at **143 Plain Street**. Jennifer Carlino stated she had spoken with the owner of the property and his attorney. She said he requested an extension to meeting with the Commission in order to review a previous filing for this site and to meet with her next week.

The members reviewed a Notice of Intent – (#250-741) – **Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road – (cont. from the August 28, 2006 , September 11, 2006, September 25, 2006 & October 30, 2006 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. George Comeau, attorney for the applicant, and his assistant, David Casristi, represented the applicant at the public hearing and submitted additional information to the members. He briefly updated the members on the request of the owners to replace the existing retaining wall with a new wall which would be higher than the old one, but the same height as their neighbors on either side of their property. He submitted to the members a Hydrological Report drawn up by Donald Bracken, P.E. for the property and stated the owners had gotten approval from the State already for this project. Jennifer Carlino questioned Mr. Comeau on what he meant by approval by the State, and it was concluded that it was the letter from Wildlife and Fisheries regarding the rare species only that was received and not permission to do the project. Mr. Comeau stated the owners had received a Federally-secured loan in order to replace the retaining wall and desire to do the work in late spring or early summer. Bob Medeiros asked how high the owners intended on constructing the retaining wall and Mr. Comeau replied that the existing wall is 68.5" and they would like to go to a height of 69.5" with a chain-linked fence on the top. Mr. Comeau stated that the owner's have a small child and this is why they would like to construct the wall higher and install a chain-linked fence on the top. He admitted the safety of the child is not an issue with the Conservation Commission, but wanted them to know the reasoning behind their requests. Jennifer Carlino asked Mr. Comeau to comment on the Hydrological Report. Mr. Comeau stated that Mr. Bracken had reported the comparison of the existing site conditions with the pre and post site conditions relative to the retaining wall only and what the impact of any water runoff would be today and after the wall is constructed on the site only.

Norton Conservation Commission

Monday, November 27, 2006

Minutes, page 2.

Jennifer Carlino stated she had advised the owners they would have to meet all of the Performance Standards and provide written documentation. Mr. Comeau stated that, according to the owners, they had already submitted this information. Jennifer Carlino stated that at the last meeting with the owner's present, Ms. Gill stated she would either revise the project or submit the required information which is the information pertaining to Bordering Land Subject to Flooding. Mr. Comeau asked if there was any other information requested by the Commission at this time and Lisa Carrozza stated information on the displacement of waters that would go onto this site from the lake during a flood if the retaining wall is constructed as proposed (raising the wall 1 foot). Mr. Comeau asked if there were any permits issued in the area for new wall construction. Lisa Carrozza stated there were but the walls were the same height and width. Jennifer Carlino informed Mr. Comeau he could visit the Conservation Office at anytime and look through the files. Earl Willcott asked if there was any grading proposed at the area of the retaining wall and Mr. Comeau said there was. Lisa Carrozza asked how much fill would be needed for the grading and how high the grade would be relative to the height of the proposed retaining wall. Mr. Comeau stated he would get this information to the Commission for the next public hearing on this project. Jennifer Carlino stated she had given the homeowners a list of required information at the last public hearing that they attended. Abutters, Sandra and Carol Shiere of 63 King Philip Road requested a copy of what Mr. Comeau submitted to the Commission this evening. They also requested information on any amendments that have been made. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, December 18, 2006 at 7:06 pm. Approved.

The members reviewed a Notice of Intent – **(#250-751) – Richard Ellis/The Flatley Company – Lot 2, Parcel 8-12 (map 25) South Washington Street – (cont. from the October 16, 2006 & November 13, 2006 mtgs.)** - for proposed plans to construct a 24,000 sq.ft. building with associated grading, pavement and utilities within 100 feet of wetlands. Earl Willcott stated the applicant has requested a continuance of the public hearing until after their meeting with the Planning Board. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, December 18, 2006 at 7:15 pm. Approved.

The members reviewed a Notice of Intent – **(#250- 755) – Steven Giblin – Parcel 4 (assessors map 24) 170 Pine Street – (cont. from the November 13, 2006 mtg.)** - for proposed plans to construct a single family house & sanitary disposal system with associated grading within 100 feet of wetlands. Nick Dufresne of Hayward-Boynton and Williams, engineer for the applicant, stated that, at the request of the members, the four corners of the foundation were staked so that the members could go on site and see where the house was proposed relative to the slopes and banks. He asked if this had been done and Jennifer Carlino said the members did go on site to see where the proposed house was to be constructed. Mr. Dufresne stated that at the last meeting it was suggested by the Commission to move the house 10 feet to the left and he said this was done and submitted a revised plan showing this. Chris Baker of Baker Landscaping stated four sonna tube holes for the pilings were dugout by hand and a few trees were cut down level to the ground so as not to disturb the soils. He stated, if necessary, filter fabric or rip rap could be used for stabilization on the slope. Chris Baker noted there were a few more trees to be cut and this was noted on the revised plan. Bob Medeiros asked how many trees were to be removed on the right side of the house and he replied approximately six. Chris Baker stated the only

Norton Conservation Commission

Monday, November 27, 2006

Minutes, page 3.

grassed area will be in the front of the house. Lisa Carrozza asked if the side slope was going to be a 2 or 2½:1 and Mr. Dufresne stated it was going to be a 3:1 slope by slope to the wetland. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #887) - Mansfield Department of Public Works/Lee Azinheira – Parcel 60 (assessors map 29) 74 Hill Street** – for proposed plans to repairs, improvements and modifications to the Mansfield Water Pollution Control Facility within 100 feet of wetlands. Magdalena Lofstedt, Environmental Scientist, of CDM was at the public hearing representing the applicant. She submitted revised plans to the members which she stated included 60% of the design vs. 30% of the design submitted with the application. Ms. Lofstedt explained this was Phase I of the upgrades to the Water Pollution Control facility. She said the project involves repairing or replacing existing equipment. The operator of the plant stated the facility was opened in 1985 and most of the equipment has met its service life. He said this project is only for maintenance purposes and will not be increasing the capacity of the plant and most of the work will be indoors. The operator of the plant stated outside work includes repaving the employee parking area, repairs to the road, installing a security gate at the main entrance, construction of a liquid fill sludge station, some architectural and structural repairs and adding a pipe to the irrigation tank. Julian Kadish asked if any of the outside work was within the buffer zone and Ms. Lofstedt stated that none of the work is within the buffer zone. Again, the operator of the plant stated a small portion of the paving will be within the buffer zone. Jennifer Carlino stated that the reason for this filing is because the paved area that is being repaved actually discharges into the detention basin that goes directly to the wetlands. In response to Jennifer Carlino's letter, Ms. Lofstedt answered the following; there will be nothing discharging into the Three-Mile River and a new generator system has been installed to prevent any future accidents or accidental discharges. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a negative Determination (#3) of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-757) - Nick Mirrione/Red Mill Realty Trust – Parcel 4 (assessors map 2) Newland Street** – for proposed plans for site work including filling of 16,000 c.f. of Isolated Land Subject to Flooding and 100 feet of wetland. Scott Faria of Gallagher Engineering and Frank Clark of Red Mill Realty Trust were present at the public hearing. Earl Willcott recused himself from the public hearing. Mr. Faria stated that during the public hearing previously for this site for an application for an Abbreviated Notice of Resource Area Delineation the Commission determined this 16,000 sq.ft. area, which is located next to an existing pond, is Isolated Land Subject to Flooding. He stated that filling in of this area had not been completed and has left a large amount of water sitting there. To complete the project Mr. Faria said that clean fill consisting of sand and gravel would be brought in from Mr. Mirrione's gravel company. Mr. Faria mentioned that there was a three-foot high berm between the pond and the area proposed to be filled. He said that Jennifer Carlino suggested breaking the berm up in three or four places and installing stilling basins that when filled would flow over the berm and into another stilling basin and eventually flow into the pond, but with less silt. Mr. Faria stated he would like to stake the area to be filled and have Jennifer Carlino and

Norton Conservation Commission

Monday, November 27, 2006

Minutes, page 4.

LEC inspect the site to ensure there are no rare species or turtle nesting areas disturbed. Mr. Faria stated the applicant proposes to loam and seed the area in May or June and then remove the earth berm from around the pond. Lisa Carrozza asked if the fill brought in would be stockpiled or spread immediately and Mr. Faria replied it would be spread immediately. Lisa Carrozza asked Mr. Faria if the Army Corp. of Engineers had taken jurisdiction over this project and he replied they had lost the file for this site due to unplanned circumstances. He said no one had been to the site yet and his applicant had to re-file. Jennifer asked if it would be possible to loam and seed and stabilize the area by May 1st and remove erosion control by May 15th and Mr. Faria said his applicant would try. Mr. Faria stated a DEP File number had not been received yet for this project. Earl Willcott asked how much fill would be placed at this site and Mr. Faria replied a maximum of 20,000 cubic yards. Jennifer Carlino stated the public hearing would be continued in order to receive a DEP File number. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 18, 2006 at 7:20 pm. Approved.

The members reviewed a Notice of Intent – **(#250-756) - David LeMieux/Sinclair Manufacturing Co. – Parcels 124-01, 126, 127 & 127-01 (assessors map 26) 12 South Worcester Street** - for proposed plans to install monitoring wells within 100 feet of wetlands and Chartley Brook. John Ankiewicz, Environmental Consultant for the applicant, submitted photographs of the site to the members and updated the Commission on the project since the last public hearing. He stated a Request for a Determination of Applicability had been submitted for the project but was withdrawn at the suggestion of the Commission and, at the Commission's suggestion, his applicant has filed this Notice of Intent. He stated that this is an Environmental Site Assessment project to determine the extent of the release and contamination of the chemical TCE on and off of this site. He said that the work for Phase II of the Mass Contingency Plan is 75% completed. Mr. Ankiewicz stated the last part of the project is determining if the soils at the bottom of Chartley Brook are contaminated and if this contamination is spreading to the north of Chartley Brook. He said mainly, protecting the banks of Chartley Brook is the priority for this filing. Lisa Carrozza asked how far up the water encasement would be when the tests are finished. Mr. Ankiewicz stated probably as far up as the south side bank. Lisa asked how the applicant intends on removing the casings from the brook when finished testing. Mr. Ankiewicz did not know this. Bob Medeiros asked how deep the wells were going to be and Mr. Ankiewicz stated between 5 feet below the surface of the bottom of the brook, which is about 3 to 4 feet below the surface abutting the brook, to about 10 feet. Ron O'Reilly asked when the applicant proposed to do the monitoring and Mr. Ankiewicz stated he would like to do this before Christmas. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Jennifer Carlino will include a condition for a plan for removal of the casings and the required silt curtain to be installed at the same time. Lisa Carrozza asked if the bottom of the silt curtain was going to be weighted and Mr. Ankiewicz state it was. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the conditions as written and to sign the Order of Conditions and to issue the Order of Conditions after submittal of the plan for the removal of the casings and plan of the required silt curtain is submitted. Approved.

Norton Conservation Commission

Monday, November 27, 2006

Minutes, page 5.

The members reviewed a request for a Certificate of Compliance for File **#250-704 – Mary Ann Guimond – Parcel 31 (assessors map 27) 49 Power Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

Discussion ensued regarding a violation at **31 Arrow Road** and a modification to **File #250-575 – 227 Reservoir Street**. Jim Prosser, contractor for the owner, stated he met with the engineer regarding the violation at 31 Arrow Road which is the restoration of the disturbed vegetation. Mr. Prosser stated the owner sent the money to do the restoration work on this site and he would begin the work this week. He said the restoration work would not take more than a couple of days. Jennifer Carlino stated the owner of 31 Arrow Road has requested a minor modification to the project a 227 Reservoir Street as a result of the requests made by the Norton Highway Superintendent, which includes the parking lot and drainage system. Jennifer Carlino said she informed the owner that before any changes could be permitted, he would have to bring this project into compliance with the Order of Conditions. Jim Prosser stated he brought the necessary materials to this site for the drainage work to be done according to the Order of Conditions. He said he installed the erosion control and removed the stockade fence at the rear of the building as well as plant a row of Arborvitae. Robert Medeiros made a motion, seconded by Julian Kadish, to allow the minor modification to the Order of Conditions for File #250-575 as long as the violation at 31 Arrow Road is completed corrected. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-736) – Mark Lincoln – Parcels 97 & 98 (assessors map 19) 5 King Phillip Road** which was sent to the members with the agenda for review. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed the Abbreviated Notice of Resource Area Delineation – **(#250-740) – Riley Lanson/LLInvestments – Parcel 6 (assessors map 36) East Hodges Street** which was sent to the members with the agenda for review. Ron O'Reilly made a motion, seconded by Eileen King, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-753) – Meere Thakrar – Parcels 140-149 (assessors map 3) Holly Road** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

Jennifer Carlino stated she received a letter from Pare Corporation stating they would be submitting 50% of the Norton Reservoir Project design by December 8, 2006.

Jennifer Carlino noted that the new Notice of Intent forms include rare species information.

Norton Conservation Commission

Monday, November 27, 2006

Minutes, page 6.

Jennifer Carlino noted Superceding Order of Conditions were received for File #250-673 – **Angelo Pasqualino/Teddy Realty Trust – 14 Johnson Drive** and File #250-677- **Angelo Pasqualino/Teddy Realty Trust – 16 Johnson Drive** affirming both Orders of Conditions.

Jennifer Carlino stated that Dick Bland and Angelo Pasqualino were expected to be at tonight's meeting regarding the project for **Johnson Road (#250-739)** which still is unfinished. She stated the Order of Conditions have not yet been recorded and that she sent them a letter regarding this project.

Jennifer Carlino noted that the Capital Budget requests are due. One is the \$550 for the Chartley Pond and Norton Reservoir dams. Jennifer Carlino reminded the Commission members that she received a letter from the Office of Dam Safety extending the time to submit the Phase I Report for the Chartley Pond and Norton Reservoir dams until the end of December as long as the engineer sends a monthly report. She stated that Pare Corporation sent an addendum for these reports which were not part of the original contract for the Phase I Inspection Report for the Chartley Pond and Norton Reservoir dams. She stated the funding for this has to go before Town Meeting and be approved and would require a letter requesting to transfer this money from the Reserve Fund.

Jennifer Carlino stated she received a letter from Norma Nelson offering to donate a parcel of property, approximately 1 acre, on Union Road across from the Shpack site. Julian Kadish made a motion to accept the property. No one seconded the motion. Discussion ensued regarding the surrounding properties and the members agreed that the Land Preservation Society might be interested in this parcel of property. The members discussed potential contamination from Shpack and ALI. Lisa Carrozza made a motion, seconded by Kathleen Giblin, not to accept the property. Approved.

Jennifer Carlino stated the Water Department flagged the wetlands for the proposed site to move the water tower off of West Main Street and submitted new plans. She stated the wetlands were not as close as she originally thought. She said the Water Department stated there was no alternative site to re-locate the tower; therefore, she drafted a letter of acceptance of the proposed location stating that it is very clear that a permit is needed and read the letter to the members. Julian Kadish made a motion, seconded by Ron O'Reilly, to send the letter as drafted to the Water Department.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb