



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2008 SEP -9 AM 11:51
NORTON TOWN CLERK

Monday, July 14, 2008
7:00 pm

Attendance

Earl Willcott (Chairman), Julian Kadish (Vice-Chairman), Kathleen Giblin, Lisa Carrozza, Jennifer Carlino, Conservation Agent.

Ron O'Reilly was absent.

Minutes

Reorganization of the Conservation Commission

The members voted for Earl Willcott for Chairman and Julian Kadish for Vice-Chairman.

The meeting started at 7:00 pm.

The members reviewed the Bills Payable Sheet (Misc.). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Julian Kadish made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Herb Church.). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Conference). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

Discussion ensued regarding the **Elim Housing Enforcement Order**. Jennifer Carlino stated the area had been cleaned up and she sent a letter to release the Enforcement Order.

Sam Farnsworth of Arcadis addressed the commission regarding the **CSX** violation. He stated he was contracted by CSX to represent them for the Enforcement Order which was issued on May 2, 2008. He stated that he met with Jennifer Carlino and inspected the violation areas and has since submitted a railroad tie removal plan for the various areas. He said a high rail vehicle would be used to pick up the ties and would go from one end of the right-of-way to the other and explained that this vehicle could remain on the tracks while a grappling hook picks up the ties along the tracks and puts them in a dry staging area. He said the ties would then be picked up by trucks and taken to one of CSX's storage

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 2.

buildings where they would recycle them. He stated that silt fence would be used in various areas where needed to protect the wetlands. Mr. Farnsworth said they would be notifying the property owners shortly. He requested permission to start on October 1, 2008 and said the project would take approximately two weeks. Julian Kadish suggested being careful about installation of the silt fence and stated it would probably not be necessary to install it. Jennifer Carlino stated that it should be used in the couple of areas where the ties are piled in the wetland. Lisa Carrozza asked who was responsible for the ties being placed where they are and Mr. Farnsworth replied he was not sure and was told by CSX, that, after reviewing their records, it appeared that replacement of the ties was done approximately twenty years ago by Conrail.

Jennifer Carlino stated that she was informed by one of the members that there are couple of ties in Chartley Pond and requested to go out and inspect this site before the removing of the ties. Jennifer Carlino told Mr. Farnsworth daily reports on progress are not necessary and it could be done weekly and when the work is finished, a Certificate of Compliance can be issue for the Enforcement Order. Mr. Farnsworth requested that if any member or the agent desires to inspect the project sites, an associate of the Federal Railroad Administration would have to be with them and they would have to be briefed on the safety rules and regulations. He asked if the commission would like a revised plan and Jennifer Carlino stated one copy would be ok.

The members reviewed a Notice of Intent – **(#250-808) – Angelo Pasqualino – Parcel 225, Lot B1 (map 17) 16 Johnson Drive – (cont. from the June 9, 2008 & June 23, 2008 mtgs.)** - for proposed plans to move the driveway and change the crushed stone runoff area within 100 feet of wetlands. The applicant had paid the legal notice. Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #922) – David Lennon/Norton Kayak Co. – Parcel 721-01 (assessors map 3) 237 Mansfield Avenue – (cont. from the June 23, 2008 mtg.)** - for proposed plans to install a storage container and maintain a grassed footpath within 100 feet of Norton Reservoir. David Lennon updated the commission on the project and submitted revised plans showing two parking spaces that are available for use to him. He stated he would have to shuttle or carpool to get the people to the site. He said that the town had done extensive clearing to make the two available parking spaces. Mr. Lennon was reminded that he needs a signed contract with the Selectmen before starting. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-805) – Norton Water & Sewer Department – Parcel 235 (assessors map 5) 32 Newland Street – (cont. from the June 23, 2008 mtg.)** - for proposed demolition of a well and building, construction of a well and pumping station building, installation of a water main and expansion of gravel parking within 100 feet of wetlands. Jennifer Carlino stated the response letter from Natural Heritage had been received stating as long as erosion control is in place and maintained throughout the project, there should be no adverse effects to the rare species habitat. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 3.

hearing. Approved. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-813) – David LeMieux/Sinclair Manufacturing Company - Parcels 124-01, 126, 127 & 127-01 (assessors map 26) 12 South Worcester Street** – for proposed plans to install an electrical transformer and pad within 100 feet of wetlands & 200 feet of Chartley Brook. The applicant was present along with the facilities manager, John Croger. Mr. LeMieux stated that the existing electrical system, which is 300 KBAs, consists of three canisters which are mounted on a pole and the company wishes to increase the electrical system to 500 KBAs. He stated the electric company has told them that 500 KBAs cannot be mounted on a pole and has to be a pad mounted system. Mr. LeMieux stated that the company had a meeting on site with the electric company, town electrical inspector and the electrical contractor and agreed on a way to proceed with the project. He stated that the three canisters on the pole would be removed but the pole would remain as well as the wires that come from the pole which will be upgraded by the electric company.

Lisa Carrozza asked how large a pad was proposed and Mr. Croger replied approximately 5' x 7'. She asked if there would be any excavating and he replied there would not be, and that the asphalt would be removed, plastic put down and a pre-cast unit would be installed. Julian Kadish asked how deep they would be digging and Mr. LeMieux replied approximately one foot. He stated that only one pole would be installed. Jennifer Carlino stated erosion control would be in place during installation which would consist of hay bales since the area is already paved. She also mentioned the parking lot and that they should seriously look at that. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-812) – Stephanie Joyce – Parcel 580 (assessors map 10) 54 Cross Street** – for proposed plans for construction of an addition, driveway, grading and septic trenches within 100 feet of wetlands. The applicant was present with his engineer, Todd Pilling of Pilling Engineering Group, Inc. who described the project to the member. He stated the applicant proposes to construct an addition with a garage under and will have to enlarge the septic system by two feet.

He responded to Jennifer Carlino's comment letter as follows: 1. the work is 25' from the stream and any rare species; 2. pictures of the stream were taken and proposed as intermittent; 3. all work is not within the 25-foot buffer zone. Mr. Pilling stated he moved the addition five feet closer to the main house even though it is still within the 25-foot buffer zone. He said he could not move it any closer. He stated he adjusted the roof of the addition to allow infiltration of storm water. Earl Willcott asked how much grading was proposed and he replied the end of the driveway would remain the same but the grade would cut by approximately 1 foot for the addition in order to get the garage under. Jennifer Carlino asked why the submitted plans and Notice of Intent did not mention a breezeway or garage. She requested he submit revised plans and a revised description of work. Lisa Carrozza asked Mr. Pilling if the driveway extension would be paved and he replied it would be. She asked Mr. Pilling if he had a method in place to capture the extra runoff water. He stated he did not, but he could propose a 2-foot crushed stone berm to be placed at the end of the driveway.

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 4.

Earl Willcott suggested there might be a problem with the driveway with respect to turning around. He asked Mr. Pilling if he had thought about this to prevent having to appear before the Commission for another permit. The members expressed concern with how close the work is to wetlands and asked for revised plans showing the work further away and storm water controls. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 28, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-814) – George Lattouf – Parcel 111 (assessors map 36) 5 Gilbert's Way** – for proposed plans to construct a storage barn within 100 feet of wetlands. John DeLano of John DeLano Associates described the project to the members. He explained that Mr. Lattouf has been planting a lot of trees on the property and has quite a few pieces of farm equipment that need to be stored from the weather. He stated that Mr. Lattouf has already ordered the barn. He talked about the location of the proposed barn and stated Mr. Lattouf wanted to save as many larger trees as possible and did not want to go beyond the existing stone wall which could be used as a visual barrier to the wetlands. Mr. DeLano stated there would be no roof runoff towards the wetlands and the water would be directed to the easterly side of the proposed barn. Jennifer Carlino asked if a drywell was proposed and Mr. DeLano replied pvc pipe would be used to carry the roof runoff onto the ground. Mr. DeLano stated that, according to the building inspector and zoning regulations, accessory buildings are allowed to be only 10 feet from the property line. He then stated the barn will be a pole barn with a metal roof and sides. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-815) – Marc Emma/Emma's Enterprises, Inc. – Parcel 238 (assessors map 9) 130 Mansfield Avenue** – for proposed plans to construct an addition within 100 feet of Norton Reservoir. Present at the public hearing were Marc Emma, his contractor, Jim Perry and his engineering Larry Silva of Silva Engineering Associates. Mr. Silva described the project to the members. He stated that the applicant is leasing this property and proposes to construct a patio area with a canopy cover which would run adjacent to the existing building. He said there were no changes to the parking lot or site itself. Earl Willcott asked what type of fence would be used and he replied wrought iron. Earl Willcott stated that the existing erosion at the slope of the parking lot should be addressed. Mr. Silva explained that one solution might be to create a shallow stone-lined swale in this area. Earl Willcott asked if anyone had spoken with the Fire Dept. and Mr. Silva stated the proposed plans were before the Board of Selectmen and they approved of the proposal.

Mr. Perry stated the Fire Dept. likes to have 18 feet of clearance for fire vehicles and at the moment there is only 14' 1" of vehicle clearance. He stated he had spoken with the Fire Dept. regarding the inside of the building but said they were going to have only what is existing at this time for clearance. Lisa Carrozza asked if any new parking spaces were proposed and Mr. Silva stated two additional lines were painted on the existing pavement but no new pavement was proposed.

Jennifer Carlino stated that floodplain was added to the submitted plans. She suggested talking about storm water management, but the owner of the property was not present. Marc Emma stated he intends on cleaning the parking lot every day. Lisa Carrozza stated it would be in the best interest for everyone if the grounds were re-loamed and seeded and would also prevent erosion of the slope to the Reservoir.

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 5.

Jennifer Carlino suggested to Mr. Silva to revise the plans to show the storm water management swale as they proposed, and to get the information in writing from the owner that the parking lot would be cleaned and swept daily and the slope would be loamed and seeded. Marc Emma, applicant, stated he would be responsible for the cleaning and sweeping of the parking lot. Mr. Silva suggested that the public hearing be closed and he could bring in revised plans this week. He stated he would not be available to attend the next public meeting of July 28th. Jennifer Carlino stated that if she received the revised plans early enough, she could draft conditions for the next meeting and close the public hearing and sign the Order of Conditions the same evening; therefore he would not have to attend. Mr. Silva stated he would get the revised plans to her as soon as possible. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, July 28, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #925) – Mass Highway Dept. – West Main Street (Rt. 123)** – for proposed plans to cold plane, resurface with related grading within 100 feet of wetlands. Tom McGuire, District Environmental Engineer from Mass Highway was present along with George Ayoub, a senior District Highway Maintenance Operations Engineer. Mr. McGuire stated this filing was a re-filing of an expired permit from three years ago.

He stated that this is a heavily drainage dependent project. He said that most of the existing drainage discharges directly into the resource areas. Mr. McGuire stated to the members that a lot of drainage improvements were proposed and stated the plans were drawn by Mr. Ayoub who is a Registered Professional Engineer. He said Jennifer Carlino requested silt fence be used for erosion control without hay bales. Mr. McGuire had a comment letter from Jennifer Carlino and wanted to reply to the several comments. He stated there would be no stock piling of materials within 200 feet of a perennial stream or within the buffer zone of a resource area. He said this is stated in his contract which is for over \$4,000,000. (\$3,000,000 for Norton).

Jennifer Carlino asked if materials that are dug up on site will be stockpiled or moved off site and Mr. McGuire stated the contractor may have agreements with various property owners to stockpile catch basins, manhole covers, pipe, etc. but will not be within a resource area. Lisa Carrozza asked how the contractor will know if the area is within a wetland resource area since the wetland resource areas are not shown on the plans. Mr. McGuire stated that there will be a resident engineer, Chris Locket, overseeing all of the work and if requested, he will give the Commission Mr. Locket's cell phone number in case of any problems or issues that may occur. He said there probably will not be any dewatering on the project, but Jennifer Carlino stated that just in case there will be, he should have a method.

Mr. McGuire stated there are no slopes involved with this project, and as far as any stabilization of exposed soils is concerned, all grass strips between the sidewalks and the street will be loamed and seeded. He stated only silt fence would be used and no haybales for erosion control. Mr. McGuire stated he will be installing pre-treatment basins with sediment traps at existing water runoff areas. He stated there are 66 additional 4'-deep sump catch basins, 6 stand-alone 6'-deep basins, 8 leaching-type basins with overflows and 8 individual basins connected to systems. He said there will not be any

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 6.

additional untreated discharges to wetlands. Mr. McGuire pointed out on page 10 an outdated inlet to a drainage system which he stated will be replaced with a catch basin. Jennifer Carlino asked where the water, that now flows down Freeman Street, will go. Mr. McGuire stated the water will flow into new catch basins. At this time Mr. McGuire submitted a construction sequence for the project. He stated he proposed to start work at the beginning of August. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-816) – Realty Development Associates, Inc./Donald Shulman – Parcel 32 (assessors map 33) Taunton Ave. (Rt. 140)** – for proposed plans to construct a modular house and garage with driveway, parking area, drainage, grading and utilities within 100 feet of wetlands. Don Shulman was present and his engineer, Brian Grady of G.A.F. Engineering, described the project to the members. He stated the applicant proposes to construct a modular house which will have the appearance of a single-family house but will be a commercial business with the installation of 9 parking spaces.

He proceeded to reply to Jennifer Carlino's letter. He said, that because the area is about to be designated an ACEC area, they have provided the 1" storage volume which will be noted on the plan as requested in Jennifer Carlino's letter.

He stated changes in the notes for erosion control will be made as requested in her #1 comment.

In reply to #2, he stated they will make a note changes to the Operations & Maintenance Plan regarding the maintenance of the bio-retention basins.

In reply to the #3 comment which is the last sentence of the section "post-construction operation and maintenance plan", number 1, he stated the maintenance of the bioretention basin was listed as a table.

In reply to #5 comment, he stated that the applicant intends on re-locating the Mass Highway easement which actually exists on paper only. He said he has not heard back from the state as yet approving this change.

In reply to #6 comment Mr. Grady stated the water line will be under the swale and be covered.

In reply to #7 comment he stated the septic system will be 50 feet from the infiltration area and meet Title V and the Storm Water Management Policy.

In reply to #8 he stated sod will be placed immediately at the end of the pavement to prevent erosion.

In reply to #9 he stated a 4-ft. wide erosion control blanket will be placed at the bottom of the swale.

In reply to #10 he stated a 12" drip trench will be in place on both sides of the garage.

In reply to #11 he stated the area is gravel and not pavement.

Norton Conservation Commission
Monday, July 14, 2008
Minutes, page 7.

In reply to #12 Mr. Grady stated a visual barrier will be in place at the limit of work.

In reply to #13 he stated there will be only a gravel driveway around the building.

In reply to #14 he stated the project does not need Planning Board approval. Jennifer Carlino stated the Commission may request to have a storm water review done at the expense of the client.

In reply to #15 Mr. Grady stated he would submit an 11" x 17" erosion control plan showing the stock pile locations, but he said they should not have to do much stock piling.

In reply to #16 he stated 5 test pits were done at the infiltration area which seemed to be consistent sand.

In reply to #17 he said, as previously stated, sod would be used for stabilization of exposed soils.

In reply to #18 he stated the hay bales would be removed from the plans at the limit of work and post and rail fence will be added for the visual barrier.

In reply to #19 he stated all soil test pits indicated consistent soils and were witnessed by the Health Agent.

In reply to #20 he stated he will revise the storm water system detail on the plans so the rip rap is not on top of the erosion control.

Earl Willcott asked Mr. Grady how much time he would need to make the necessary changes to the plans and he replied until the end of the week. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, July 28, 2008. Approved.

Fred Bottomley addressed the Commission in regards to his Order of Conditions for File #250-760. He stated that condition #10 d. states that he has to submit a restoration plan for the Country Club Way project and begin restoration by grading, placement of hydric soil and planting of vegetation. He said that he had done this project approximately 24 years ago which involved three separate areas. He stated two of the areas were given a Certificate of Compliance but the last area has not been. Jennifer Carlino stated that 7,000 sq.ft. of altered wetlands has never been replicated. He stated he does not own the property anymore. He said that he has two options, one is to re-file another Notice of Intent after this Order expires or make a donation to the Commission to be used for land preservation. He said he had offered \$6500 which was rejected by the Commission. Lisa Carrozza asked if there were any areas in Town that needed attention. Jennifer Carlino stated there was a large area on Berry Street consisting of yard waste and landscape debris in a wetland on Conservation Commission land that could be cleaned. Fred Bottomley agreed that he would agree to any reasonable option. Jennifer Carlino stated that there also was an area on King Phillip Road that could be cleaned. She said this would include putting up a visual barrier and a sign to prevent any further dumping. Fred Bottomley agreed that he would look at these sites with Jennifer Carlino.

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 8.

Christian Munise of **4 Rumford Road** addressed the Commission regarding his violation. He stated that the original minutes of May 12, 2007 stated he would replant a few trees and let the area re-grow into grass. He stated this was his intention until he received the Cease & Desist letter because of his lack of knowledge for the wetlands. He continued to say that Mr. Medeiros agreed to let the area re-grow and Mr. Willcott agreed. He stated that Mr. Willcott said he could replant trees and place woodchips instead of grass where he wanted.

Mr. Munise stated he spoke with Jennifer Carlino at her office and they both agreed he would use woodchips and he therefore purchased 27 yards of woodchips. He said after the woodchips were spread he called the office for an inspection in order to obtain a Certificate of Compliance. He stated he heard nothing from the office and assumed the Commission was too busy at this time to respond to his request. He said his wife went to the Conservation Office to ask about obtaining a Certificate of Compliance. He continued to state that at the regular meeting of May 19th Jennifer Carlino stated she had inspected the site and stated he was in violation.

Mr. Munise stated he received a letter from Bob Medeiros dated June 10th stating he was in violation and requested he file for a wetland permit. He said he does not have the money to spend to file for a wetland permit and would like to leave the property as it is.

Julian Kadish suggested that the area on the outside of the fence at the rivers edge be allowed to grow back to its natural state. Jennifer Carlino stated to Mr. Munise that the violation was the cutting and clearing within the floodplain and Riverfront area. Mr. Munise stated he was moving but would disclose to his realtor the floodplain areas on his property. Earl Willcott stated something should be recorded on the deed for this property. Julian Kadish stated that some type of document should be drafted by an attorney and recorded on the deed for the future homeowner to be made aware of. Lisa Carrozza suggested drafting a one-page document stating the facts from the beginning to the present. Jennifer Carlino asked Mr. Munise if he planned on taking the swing set with him when he moves and he replied that he was. Earl Willcott told Mr. Munise an attorney would be contacted and the Commission would get back to him.

The members reviewed requests for partial/full Certificates of Compliance for the following projects:

#250-698 (full)	Keith Arnold	Parcel 50 (map 22) 137 West Main Street
#250-723 (full)	J & R Enterprises, Inc.	Parcel 15 (map 28) 167 Taunton Avenue
#250-486 (partial)	David J. Klenert	Parcel 216 (map 19) 54 King Philip Road
#250-685 (full) with bond release letter	PAF Realty Trust John Freeman	Parcel 6 (map 31) 55 Harvey Street

Norton Conservation Commission

Monday, July 14, 2008

Minutes, page 9.

Jennifer Carlino stated the projects were completed according to the approved plans. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to issue the Certificates of Compliance and bond release letter. Approved.

The members reviewed the draft Order of Conditions for **File #250-811 – Perry DeMascio – Lot N3, Parcel 379 (assessors map 4) Feck Way** which were sent to members with the agenda for review. Kathleen Giblin made a motion, seconded by Earl Willcott, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a support letter from the Conservation Secretary, Phyllis M. Bernard to support her in upgrading her title to “Administrative Secretary”. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign the letter. Approved.

Kathleen Giblin made a motion, seconded by Lisa Carrozza, to adjourn the meeting at 10:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb