



## Norton Conservation Commission

70 East Main Street  
Norton MA 02766

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2010 NOV 30 P 12:21

Monday, October 18, 2010

### Attendance

David Henry (Chairman), Kathleen Giblin (Vice-Chairman)  
Ron O'Reilly, Julian Kadish, Chris Baker

Earl Willcott, Lisa Carrozza and Jennifer Carlino, Conservation Agent, were absent.

### Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of September 27, 2010. Kathleen Giblin made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Chartley Landscape Management). Kathleen Giblin made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

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

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

The members reviewed the Bills Payable Sheet (Elizabeth Leidhold). David Henry stated the invoice has not been received yet, but the amount will reflect 1 ½ hours of services rendered. Julian Kadish made a motion, seconded by Chris Baker, to sign the Bills Payable Sheet. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #958) – Chartley Realty LLC – Parcel 7 (assessors map 27) 111 South Worcester Street** – for proposed plans to excavate 10 - 4'x10' leaching trenches with related piping.

Document List

1. Request for Determination of Applicability Application Form WPA Form 1.
2. Plan entitled "Septic Repair Plan, CPS Technologies Plant, 111 South Worcester Street, Norton, MA" prepared by Penney Engineering, Inc. dated 10/14/10, scale of 1"=30', signed and stamped by Ralph P. Penney.

Ralph Penney of Penny Engineering, Inc. described the project to the members. He stated he had dropped off revised plans last Friday at the Conservation office that were approved by the Board of Health with some changes. He said the Board of Health required a second septic tank. Julian Kadish asked if the tanks had a pump chamber and Mr. Penney replied the 4,000 gallon tank and the 7,000 gallon tank worked by gravity.

Mr. Penney stated that the number of employees at this work place has increased from 87 employees to 365 employees over the past few years. He said that the original septic tank was designed for 4,500 gallons per day and now 9,000 gallons is required. He stated that, as a compromise with the Board of Health, a second tank for 4,000 gallons was added to the proposed 7,000 gallon tank system to handle 13,500 gallons.

Julian Kadish asked how far away from the wetlands the proposed work was, and Mr. Penney stated that it was approximately 80 feet. Julian asked if erosion control was proposed and Mr. Penney replied that 200 feet of siltation fence would be in place along the top of the slope. Mr. Penney stated that the disturbed areas would not be able to be loamed and seeded before the winter and he has asked the contractor to maintain the siltation fence throughout the winter so that the area could be loamed and seeded in the spring. He said he suggested to the contractor to grade and loam the areas to better stabilize the area. He stated the area would be seeded and re-seeded in the spring.

David Henry stated that Jennifer Carlino was not able to do a site inspection of the property before tonight's meeting. Julian Kadish suggested that, since the submitted plans were stamped by a licensed engineer, it would be ok to make a determination at tonight's meeting. An abutter to the property ask on what side of the building was the septic repair going to take place and Mr. Penney explained to her that the work would be on the left rear side of the building looking from her house. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approve. Julian Kadish made a motion, seconded by Kathleen Goblin, 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 violation for **Tom & Liz Mulvaney – 13 Karol Drive.**

Document List

1. A plan entitled "Existing Conditions Plan".
2. An incomplete restoration plan.

Tom Mulvaney stated that he brought with him an Existing Conditions Plan and an incomplete Restoration Plan. He explained to the members how the violation had occurred. He said that there were a number of trees around his home that were causing damage to the windows, sills and chimney. He said that there were several dead trees on the property. Mr. Mulvaney stated he and his wife wanted to enlarge their gardens and would be able to do this by cutting down the sick trees. He said he had a logger come out to the property who gave a large price to cut the trees but would make a deal with him if he could take some other trees of value in payment which Mr. Mulvaney agreed to. He said he was not aware of the fact that he was within a wetland/floodplain area which would have to be permitted.

Tom Mulvaney said that Jennifer Carlino inspected the site on June 8<sup>th</sup> and, as a result, issued a Cease & Desist letter. He said that he had prepaid the logger to dig out the stumps, but advised the logger not to do any more work until the proper wetland permits were obtained. He said that Jennifer Carlino offered to mark the areas for restoration and stated that DEP would not have to be involved in this process. He said that Jennifer Carlino did show up one day with DEP who advised him not to do any more work at this time. He stated that DEP advised him to contact an engineer to help him restore the altered wetlands. Mr. Mulvaney stated he received an Enforcement Order from the Town. He said he removed a lot of the debris near the wetlands so far but has not contacted a wetland scientist or botanist as yet because of financial difficulties. Mrs. Mulvaney stated she called several companies but the cost was way out of their price range. Mr. Mulvaney stated he wanted the commission to know that he is trying to comply with all the conditions of the Enforcement Order but is having financial difficulties paying for professional services. He explained that it was not his intention to cut all the trees down that were cut in the buffer zone, but he made a deal with the logger to help pay for the work. He said that his neighbor allowed him to cut several trees on his property also. Mr. Mulvaney stated he would like to have the stumps removed from the property. David Henry stated that DEP became involved because the amount of disturbed floodplain area exceeded ½ acre. Julian Kadish suggested stabilizing the disturbed buffer zone areas that are located right up to the wetlands. Chris Baker advised Mr. Mulvaney that in order to seed some areas he will have to remove the top layer of soil which has pine seedlings planted in it.

David Henry suggested continuing the discussion until the next meeting after having Jennifer Carlino or one of the members do a site inspection. He advised Mr. Mulvaney to submit a plan of sequence showing step by step what he planned to do with moving the garden and removing the stumps, etc. Julian Kadish asked Mr. Mulvaney if he wanted to enlarge his lawn area or did he want to let the disturbed wetlands grow back on its own. He advised Mr. Mulvaney that if he did not want to enlarge

his lawn area, just to let the area re-grow back on its on. Kathleen Giblin stated that any work, other than leaving it alone to re-grow, would require a wetland permit. David Henry asked Mr. Mulvaney when he would like to come back before the board and he said he would come back at the November 8, 2010 meeting. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue discussion on the Enforcement Order until the next regular meeting of Monday, November 8, 2010. Approved.

The members reviewed a request for a minor modification for **File #250-855 – Fairland Farm LLC – Parcels 191 & 195 (map 12) Lot E – Bay Road**. No one was present for discussion. Ron O'Reilly made a motion, seconded by Julian Kadish, to table discussion on the modification to the end of the meeting. Approved.

The members reviewed a request to modify conditions #39, #40 & #41 of Order of Conditions #250-858.

#### Document List

1. A letter from C & A Architectural Design & Engineering, LLC dated October 18, 2010 requesting a modification to conditions #39, #40 & #41 of Order of Conditions for File #250-858.

Mark Dibb of C & A Architectural Design addressed the commission regarding the **Hill Street Waste Management Project**. He stated that the Order of Conditions was issued on July 13, 2010. He said that a Special Permit has been received by the Planning Board as well as the Certificate from MEPA. He said that he wanted to clarify with the board three conditions in the Order of Conditions as follows:

1. **#39 – Shut-off valves shall be installed to the bmp closest to the infiltration basins to contain a spill before it reaches the infiltration basin or the riverfront.**

Mr. Dibb stated he has submitted a plan showing the proposed shut-off valve to the diesel fuel tank. He stated that any repairs or work that could contribute to a major spill would be contained and performed inside the building. He said that if there was a spill inside the building, there is an oil/water separator pump system in place. Mr. Dibb assured the commission that if there were any spills outside of the building the grading allows an area with sufficient capacity to contain the entire contents of the 12,000-gallon above-ground diesel fuel tank as well as deep sump basins and stormceptor units.

2. **#40 – An Emergency Spill Plan shall be submitted and approved by the Commission prior to installation of the fuel storage areas.**

Mr. Dibb explained that he has attached the wording for the spill prevention plan that was mentioned in condition #39 which allows for ponding and containment of the entire fuel tank capacity. He said that Waste Management of Massachusetts, Inc. has its own Federal Regulations to follow for any spills on site and upon completion of the site construction work by others, Waste Management of Massachusetts, Inc. will prepare and submit a SWPPP and



SPCC plan, which will supersede the storm water and spill control plans utilized during site construction activities.

3. **#41 – Water used for truck washing shall be re-circulated as part of a water conservation program. Truck washing shall be approved in designated locations only that are tied to the storm water management system and receive pre-treatment prior to entering the infiltration basin.**

Mr. Dibb stated there is only 1 wash bay inside the building on the container side in order to wash containers before painting. He said routine truck washing will be done by an outside vendor that utilizes a wash water recovery and recirculation system, or, if not, all discharge of truck wash water will be piped into floor drains connected to the 2,000-gallon oil/water separator and to the Mansfield WWTP.

Chris Baker asked how often trucks will be washed and Mr. Dibb replied once every two to three weeks. Mr. Dibb stated that construction should begin by November 1<sup>st</sup>.

Julian Kadish made a motion, seconded by Ron O'Reilly, to accept the modifications, as submitted by the applicant, to conditions #39, #40 & #41 and to request that the agent, Jennifer Carlino send a letter to the applicant confirming this.

The members reviewed a request filed by Mark Carroll/Carroll Construction Corp. for Files:

**#250-771-Lot 32-15 Goff Rd**

**#250-826-Lot 42-11 Allen Drive**

**#250-824-Lot 40-7 Allen Drive**

**#250-839-Lot 43-8 Allen Drive**

**#250-825-Lot 41-9 Allen Drive**

**#250-746-Lot 39-5 Allen Drive**

#### Document List

Letter received from Mark Carroll/Carroll Construction Corp. dated September 28, 2010 requesting Certificates of Compliance for Files:

Files: **#250-771-Lot 32-15 Goff Rd**

**#250-826-Lot 42-11 Allen Drive**

**#250-824-Lot 40-7 Allen Drive**

**#250-839-Lot 43-8 Allen Drive**

**#250-825-Lot 41-9 Allen Drive**

**#250-746-Lot 39-5 Allen Drive**

Ron O'Reilly stated he drove by and inspected the sites and Dave Henry said Earl Willcott had checked the site and reported that the sites looked completed. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue Certificates of Compliance for Files #250-771, #250-824, #250-825, #250-826, #250-839 & #250-746 release any bonds associated with the projects. Approved.

**Norton Conservation Commission**

**Monday, October 18, 2010**

**Minutes, page 6.**

The members reviewed a request for an Extension Permit for **File #250-689-Keith Silver-Norton Highway Dept.-various streets in Norton**. Ron O'Reilly made a motion, seconded by Chris Baker, to issue a two-year Extension Permit. Approved.

The members reviewed a request for and Extension Permit for **File #250-765 - Raymond Passenti – Parcels 61 & 76 (map 11) 274 East Main Street**.

Document List

A letter received from Raymond Passenti requesting an Extension Permit for File #250-765.

Julian Kadish, made a motion, seconded by Kathleen Giblin, to issue a two-year Extension Permit for File #250-765. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-730 – Keith Silver – Norton Highway Department – Dean Street culvert replacement**. Julian Kadish stated that, since the Town is required to fix all street and culvert problems, an As-Built Plan will not be required. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

David Henry noted that the Town Manager is forming a Screening Committee.

David Henry read a letter received from Jan Lemaire requesting that his filing fees for his project, File #250-865 – 48 & 49 Bay Road (Map 12) – to dredge a pond, be refunded. David Henry stated that the fees are non-refundable, by law. Discussion ensued on how the Conservation Commission does not have the authority to refund fees and it was agreed that a letter be sent to Mr. Lemaire advising him that the fees are non-refundable and to speak with the Town Manager for further information.

David Henry stated that, regarding **Lopes Drive**, the Building Inspector has issued a Cease & Desist on this property and a meeting is going to be held at the Planning Board tomorrow night, October 19<sup>th</sup>. He noted that Jennifer Carlino is requesting that the Commission send a note to the Planning Board to;

1. require storm water management for any additional paving on this site as required in the Massachusetts Storm Water Handbook of February, 2008.
2. show all storm water management on submitted plans.
3. any activities within 100 feet of wetlands will require a permit from Conservation.
4. site disturbances of more than 1-acre will require a permit from the EPA

Kathleen Giblin made a motion, seconded by Julian Kadish, to have a letter sent to the Planning Board outlining the above requests by the Conservation Commission. Approved.

**Norton Conservation Commission**  
**Monday, October 18, 2010**  
**Minutes, page 7**

David Henry noted that an Open Space Grant has been received which is a South Coast Rail Grant for SRPEDD to help with updating the Open Space and Recreation Plan which has expired.

Discussion ensued regarding Norton Glen Restoration. David Henry stated that Lisa Carrozza had done an inspection with the consultant and Jennifer Carlino received a report about stabilization. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the discussion to the next regular meeting of Monday, November 8, 2010 for more information. Approved.

David Henry noted that the project at 102 Leonard Street, File #250-863, Map 12, Parcel 4 will be appealed by Frank Reynolds.

David Henry made note that there will be a Forestry Walk at the Town Forest on Saturday, November 13<sup>th</sup>.

The members reviewed a request for a minor modification for **File #250-855 – Fairland Farm LLC – Parcels 191 & 195 (map 12) Lot E – Bay Road. (cont. from the beginning of the meeting)**. No one was present for discussion. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, November 8, 2010. Approved.

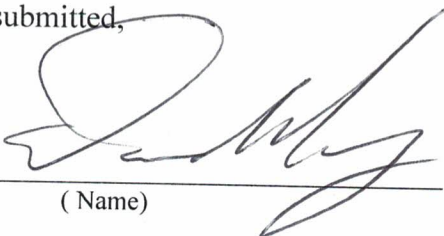
David Henry adjourned the public meeting at 8:33 pm.

Minutes Approved by Committee on:

11/28/10  
(Date)

Respectfully submitted,

Signatures:

  
( Name)

Chairman, Conservation Committee  
(committee)