

Monday, February 14, 2011

### **Attendance**

David Henry (Chairman), Kathleen Giblin (Vice-Chairman), Ron O'Reilly, Julian Kadish, Earl Willcott, Lisa Carrozza, Chris Baker and Jennifer Carlino, Conservation Agent

### **Minutes**

The meeting started at 7:00 pm.

The members reviewed the draft minutes of January 24, 2011. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

The members reviewed a Request for a Determination of Applicability – **(DET. #964) – Elizabeth Padzik & Roger Galant – Parcel 10 (Assessors map 31) 33 Harvey Street** – for proposed plans for two additions, a porch and a stone wall within 100 feet of wetlands.

### **Document List**

1. Request for a Determination of Applicability Form WPA Form 1.
2. Plan entitled Plot Plan, 33 Harvey Street, prepared by hutchins-TROWBRIDGE Assoc., Inc. signed and stamped by Michael A. Trowbridge with a scale of 1"=40'. and dated February 14, 2011, USGS, Firm Flood map.

Bob Halloran of hutchins-Trowbridge Assoc., Inc. and engineer for the applicant described the project to the members. He submitted revised plans to include erosion control, new driveway, silt fence detail and contours. He stated the most of the project is out of the buffer zone with only a 4'x15' portion of the project at the right front corner of the house which is 90 feet from the wetlands across the street. He said that a section of the proposed driveway will be relocated and the stone wall will be installed by hand.

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Julian Kadish asked if erosion control was necessary at the front of the house because the wetlands are across the street and Lisa Carrozza stated there is an 8-foot drop in grade in that area. She also noted that there is an 8-foot drop coming into the driveway which would allow a sheet flow of water to enter the garage. Mr. Halloran stated the owners are proposing the addition lower than the existing garage floor. Lisa Carrozza suggested installing a trench or trap at the end of the driveway with stone to prevent water from entering the garage.

Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plan. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #965) – Brian M. Clark/Norton Police Department – Parcel 98 (Assessors Map 29) 76 Hill Street** – for proposed plans to upgrade an existing berm and create a berm within 100 feet of wetlands.

Document List

1. Request for a Determination of Applicability Form WPA Form 1.
2. Plan entitled Norton Animal Shelter, Plan to Accompany an RDA Police Range Berm dated January, 24, 2011 and prepared by C & A Engineering Services, LLC, Scale of 1"=40' (sheets 1 & 2).
3. Plan entitled Norton Animal Shelter, Plan to Accompany an RDA Police Range Berm- Locus dated January 24, 2011.
4. Plan entitled Plan of Proposed Replication Area, #76 Hill Street in Norton, MA, Owner: Town of Norton, Scale of 1"=10' prepared by Yarworth Engineering Co., Inc. and signed and stamped by Christopher D. Yarworth dated February 14, 2011. (from File #250-669).

Present at the public hearing were Brian Clark and his engineer, Mark Dibb of C & A Engineering Services, LLC. Brian Clark explained that this property is a training facility. He stated that since waste management had claimed a large amount of the adjacent property for a parking area, a new buffer to the training area would have to be created to ensure safety and privacy for the training facility.

Mark Dibb stated that it was the Police Department's intent to create a berm along the back property line between the waste management site and the training facility site. Discussion ensued also as to re-enforce the berm or replace it with clean material. Mr. Dibb stated since speaking with Jennifer Carlino, he has discovered that when the berms were created there was some wetland filling and only partial wetland replication. He said the applicant would like to re-enforce the existing berm by adding clean material on the upland side and not removing or replacing the entire berm. He submitted a revised plan which was an As-Built plan from File #250-669 upon which he had sketched the proposal of bringing the face of the existing berm out 4 feet with clean materials.

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Mr. Dibb stated the applicant is requesting to create a 10-foot high berm 10 feet from the property line which would provide a visual barrier as well as a sound barrier and provide a safer practice range. Julian Kadish noted it will be an area with a 1:1 slope and Mr. Dibb stated filter fabric would be placed over the berm and the berm would be loamed and seeded to help stabilize the area. Lisa Carrozza asked what the existing berm was made of and Brian Clark replied the berm consisted of woodchips, tree stumps, etc. Chris Baker suggested letting wood chips break down to let the area grow back naturally. Lisa Carrozza stated this would not work with such a steep slope of sandy material. Earl Willcott suggested mixing compost and loam together and then seeding the area.

Lisa Carrozza asked what the ground consisted of between the existing berm and the 25-foot limit of work area and Brian Clark stated it was gravel on the north side. Mr. Dibb stated the new berm would be 6 feet high on the waste management side and 10 feet high on the training facility side. Earl Willcott suggested planting more densely for a better sound barrier. Julian Kadish suggested having a smaller berm with trees planted on the top for better noise reduction and less maintenance. Lisa Carrozza asked if waste management was going to pay for the berms and Mark Dibb stated C & A Engineering Services LLC would be donating the soil and placing it where it should go.

Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. 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 and will be filing adjustments as needed during construction. Approved.

**Emergency Certificate – 157 Mansfield Avenue – release of kerosene.**

Discussion ensued with the owner of Lot 1, 157 Mansfield Avenue, Chris Baker, regarding an emergency certificate for clean up work issued and ratification of the agent's signature. Chris Baker recused himself from the meeting. Jennifer Carlino asked Mr. Baker to explain what the situation is at the present time and he replied that the clean up work is on hold until he finds out if his insurance company is going to pay for the clean up work. He said he found a pin hole in the oil tank which was installed by one of the trailer park owner's employees. He stated he chopped through the ice to see how far the oil had spread and removed the soil in those areas and used absorbent pads to soak up the oil which he placed in barrels. He said a couple of trees had to be removed because he found oil at the base of the trees. He stated the more contaminated soils have been removed, but there is more to be removed, but he is going to wait until he hears back from his insurance company or the owner of the trailer park because he has already spent a lot of his own money for the clean up work.

Earl Willcott asked Mr. Baker how far from the Norton Reservoir the oil tank is and he replied that it is approximately 28 feet. He said the oil tank is approximately 15 years old and the pin hole is underneath the tank at the bottom. Jennifer Carlino stated the DEP has been notified and she is waiting for a response to an LSP update. David Henry asked Mr. Baker for updates on the situation and Mr. Baker replied that his engineer would update the commission regularly. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to ratify the signature on the Emergency Certificate. Approved.

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The members reviewed a request for a Certificate of Compliance for File **#250-642-Ted Nippert/Taylor Court Condominium Association-Parcels 46-13 (A-D), Assessors map 15, 21, 23, 25 & 27 Taylor Court**. Jennifer Carlino stated that the ground is still covered with snow and there is no way to see if the area is stabilized or not. Julian Kadish made a motion, seconded by Ron O'Reilly, to table the Certificate request until the next regular meeting of Monday, February 28, 2011. Approved.

Jennifer Carlino stated that the McGinn property had been transferred to the Conservation Commission and the Commission had signed an agreement to allow an easement through the property for work on the Shpack site. She stated that this would be an Article 97 conversion on the property and would require State Legislature approval. She stated she received a copy of the letter sent to State Legislature from the Board of Selectmen for the Board's review.

Jennifer Carlino stated she has found the contract between Pare Corporation and the Town of Norton regarding repairs to the Chartley Pond dam. She stated that funds are available in the current budget to fund two repairs at the Chartley Pond dam. She said that she already has estimates for the Phase I Chartley Pond dam inspection report which is to be submitted to the Office of Dam Safety every two years and for the two follow-up inspections for the Norton Reservoir dam. She said she will be meeting with Matt Bellisle to review the contract and any future projects. She said she has been waiting for a "standard" Town Contract but has not received one yet from the Accountant's office. Discussion ensued on creating the portion for a contract that pertains to a contractor going over the agreed-upon contract amount. Earl Willcott stated that this should be part of the standard contract and suggested that when using the standard contract, the Conservation Commission can add the page which pertains to a contractor going over the agreed-upon contract amount. Lisa Carrozza suggested drafting the language for this page and have Town Counsel review it. Ron O'Reilly suggested adding a small paragraph stating "contract amount is not to exceed \$xxxxx without the authorization of the Conservation Commission". David Henry suggested the minutes for this meeting state what Ron O'Reilly has said about adding a small paragraph to the standard contract.

Jennifer Carlino stated that she has not been requested to transfer any funds from the Wetlands Protection Fund account because there is less than \$5,000 left in the account.

Jennifer Carlino noted that there is a retirement party planned for James Purcell, Town Manager to be held on March 4, 2011 at TPC at a cost of \$50 per person.

Jennifer Carlino stated a Notice of Termination of Remediation for Kilburn Glass has been received from the LSP.

Jennifer Carlino stated that Horizon Beverage has applied to MEPA and a comment letter has been drafted on the ENF. She submitted a draft letter for the board to review and approve. She said that Horizon Beverage Company is stating that this building is existing and they are only doing an addition and this project should not be considered as part of the entire Norton Commerce Center. She said

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MEPA will determine if this is correct or not. Jennifer Carlino stated she will be meeting with MEPA on February 18, 2011 at 10:30 am and will submit her comment letter then. She said that Horizon Beverage Company is submitting a Notice of Intent and the new road around the addition is right up against the wetlands within the 25-foot limit of work area. Kathleen Giblin made a motion, seconded by Julian Kadish to sign the letter. Approved. Lisa Carrozza abstained from voting.

Jennifer Carlino stated that Bay Road Heights, LLC has contacted her regarding their application for a Notice of Intent. She said that this is a 40B Comprehensive Permit project, but they are proposing to do two separate filings. She said Phase I, which is for the construction of a duplex on Bay Road, will not require a wetland permit, but Phase II, which is for a road, 2-11 single-family houses, 3 detention basins and a small drainage area across the street on Bay Road, will require a wetland permit. Earl Willcott stated Phase III will be the affordable houses. Julian Kadish asked if there is a central septic system proposed and Jennifer Carlino replied it is.

Jennifer Carlino stated that two permits will be applied for; one for Phase II and one for Phase III. Lisa Carrozza asked if the houses in Phase III will have their own septic systems and Jennifer Carlino replied that it appears they would. She stated that there, more than likely, are wetlands between lots 4 & 5 where the utility easement is proposed behind Buttermilk Way. She said the Commission has to decide if they can file separately for the two Phases. She said she, and anyone else who might like to attend, will be joining the Zoning Board of Appeals meeting of Monday, February 28, 2011 comment on the phasing system. Julian Kadish made a motion, seconded by Ron O'Reilly, to table discussion on this project. Approved.

Jennifer Carlino stated that someone has requested to hold an ice fishing tournament on the Norton Reservoir this Saturday, February 19, 2011. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign the lease. Approved.

Kathleen Giblin made a motion, seconded by Julian Kadish, to adjourn the public meeting at 8:30 pm. Approved.

Minutes Approved by Committee on: \_\_\_\_\_  
(Date)

Respectfully submitted,

*Signature:*

\_\_\_\_\_  
( Name)

Chairman, \_\_\_\_\_  
(committee)