



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766

Monday, June 27, 2011

RECEIVED  
NORTON TOWN CLERK

2011 AUG 23 A 9:08

**Attendance**

Ron O'Reilly, Lisa Carrozza, Chris Baker,  
Michele Simoneaux and Jennifer Carlino, Conservation Agent

David Henry (Chairman), Kathleen Giblin (Vice-Chairman) and Julian Kadish were absent.

**Minutes**

Ron O'Reilly called the meeting to order at 7:00 pm.

The draft minutes for May 16, 2011 were tabled until the next regular meeting of Monday, June 13, 2011 for lack of a quorum.

The members reviewed the Bills Payable Sheet (Nextel). Michele Simoneaux made a motion, seconded by Chris Baker, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Lisa Carrozza made a motion, seconded by Chris Baker, to pay the bill. Approved.

The Commission members reviewed a letter addressed to the Town Accountant permitting one or all of the Conservation Commission members to sign any and all Payroll Sheets and Time Sheets. Lisa Carrozza made a motion, seconded by Chris Baker, to sign the letter. Approved.

The members reviewed a Notice of Intent – **Bay Road Heights – (#250-871) Parcels 27, 29, 30 & 131 (Assessor's Map 12) & portions of Bay Road, off Bay Road (Phase 2 of Bay Road Heights 40B) (cont. from the July 11, 2011 mtg.)** - for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.

**Document List**

1. WPA Form 3-Notice of Intent
2. Plan entitled "Phasing Plan, Bay Road Heights in Norton, Massachusetts prepared by Outback Engineering Incorporated with a scale of 1"=50' dated February 23, 2011 and signed and stamped by Rene L. Gagnon, RPE (sheets 1 & 2).
3. Plans entitled "Bay Road Heights, A Residential Development in Norton, Massachusetts, prepared by Outback Engineering Incorporated signed and stamped by Rene L. Gagnon, RPE (sheets 1 to 13) dated January 9, 2007 with latest revisions of October 14, 2010.

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4. Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated June 24, 2010.
5. Addendum to Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated October 12, 2010.

Ron O'Reilly stated the applicant has requested a continuance. Chris Baker made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, July 11, 2011. Approved.

The members reviewed a Notice of Intent – **Bay Road Heights – (#250-872) Parcels 29, 30 & 131 (Assessor's Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B) – (cont. from the July 11, 2011 mtg.)** for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

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Ron O'Reilly stated the applicant has requested a continuance. Lisa Carrozza made a motion, seconded by Chris Baker, to continue the public hearing until the next regular meeting of Monday, July 11, 2011. Approved.

The discussion with Nancy Putman regarding erosion and sedimentation control was cancelled.

The members reviewed a request for a Certificate of Compliance for File **#250-810 - Scott Pietrusewicz c/o James Dorsey - Lot 17, Parcel 271 (Assessor's map 21) 15 Ellis Road**. Jennifer Carlino stated the project was completed according to the approved plans. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue the Certificate of Compliance. Approved.



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The members reviewed a request for a Certificate of Compliance for File #250-480 - **Teddy Realty Angelo Pasqualino Trust - Parcel 527 (Assessor's map 10) & Parcel 57 (Assessor's map 17) Talbot Drive**. Jennifer Carlino stated that the project was completed according to the approved plans. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to issue the Certificate of Compliance. Approved.

Jennifer Carlino stated that she had written up an Enforcement Order for the violation at 157 Mansfield Avenue due to the fact that the owner has not provided bi-monthly updates for the project and a Notice of Intent has not been filed for the work being performed on the property. She said the Enforcement Order required that a Notice of Intent be filed before July 11, 2011. Chris Baker recused himself from the discussion. The members agreed that the Enforcement Order should be sent to John Sullivan, owner of the mobile home park.

Jennifer Carlino stated that she sent the Norton Water Department a letter requesting that a Notice of Intent be filed for work that is being done on Mansfield Avenue/Route 140. She said that she received a response letter stating that they did not think that they should have to file for a permit since the work is replacement work under an exemption. She said she asked the Water Department for the exact location of the existing and proposed water lines. She said that the Water Department is claiming to be exempt from a permit if work is done not substantially changing the area. She asked the board if changing the side of the street that the water lines are installed would be a substantial change. She stated the new water line is going to be 12" pipe whereas the existing pipe is 6".

Lisa Carrozza stated that digging a new trench would be a substantial change. Jennifer Carlino stated that the trench would be going under open water. Lisa Carrozza asked if the beginning of the trench to be dug was in the buffer zone of the perennial stream and Jennifer Carlino stated that it was. Lisa Carrozza stated that, in her opinion, directionally drilling a perennial stream with borer holes within the buffer, a Notice of Intent should be filed. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to send the Water Department a letter requiring they file a Notice of Intent for the installation of a water main on Mansfield Avenue/Route 140. Approved.

Jennifer Carlino noted that this past February she signed the release for Pare Corporation to go ahead and do the two Chartley Pond dam projects. She said that as of April, nothing had been done. She stated she contacted them and they stated they did not realize they could start the work. She said she notified them last week to make sure the work is done and an invoice sent before July 1<sup>st</sup>. She said she received an invoice for a portion of the work with no deliverable. She stated she received a "draft" repair stating they are working on the final review and revisions this week and will be submitting the invoice for this by the end of this week. She said that Pare Corporation will be coming in for a hearing in order to get approval do the repairs to the Chartley Pond dam under the Conservation Commission's existing permit. She stated that invoices to be paid from this year's budget will have to be dated before June 30, 2011 in order to encumber the funds and if this is not done, the funds in the budget allowed for this work will be lost.

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Jennifer Carlino stated that the Army Corp. of Engineers (ACOE) is getting ready to finish up at the SHPACK Superfund site and demobilize. She said she will be doing an inspection in July. She noted that Heather Graf has a meeting with the Town Manager tomorrow which she will try to attend.

She said that the ACOE has finished 30% design which includes installation of the water line, excavation of the tongue and the inner rung area, institutional controls and wetland restoration and replication. She said according to their representative they hope to have 100% design by September but highly unlikely. She noted they have been talking to National Grid hoping to relocate one set of power lines and they have been talking to Al Dumont hoping he will donate 59 Union Road and then the water line will not have to be continued down the road to that area, then removing the house and donating the land to Conservation. Ron O'Reilly asked where the water line was coming from and Jennifer Carlino replied it would be coming from Attleboro to within 500 feet of this site.

Jennifer Carlino stated that the PRP Group is asking to change the exposure risk at 59 Union Road from a residence next to a superfund site to a passive recreation site so that they will not have to clean up the contaminated areas under two feet deep. She said these issues will be discussed at a meeting between the Town, EPA and Heather Graf. Lisa Carrozza asked if these issues would come before the Conservation Commission and Jennifer Carlino replied that she did not think so since the water line will be in Attleboro and the SHPACK cleanup project is under a Consent Order.

Jennifer Carlino stated that she had received a response letter to her letter about the Island Brook 40B which was very defensive. She said that there will be a site walk tomorrow with the Town Manager and Mass Housing.

Jennifer Carlino stated she had written up an Enforcement Order for Camp Finberg. She noted that Camp Finberg is not the violator but the company to whom they lease a portion of their property for a bill board (Clear Channel). She said they dump their debris from the sign into the wetlands and cut and clear brush within the wetlands. She said they have been notified of these violations in the past.

She noted the extent of the violations on the Enforcement Order as follows;

- a. alteration of bordering vegetated wetlands, bordering land subject to flooding and Riverfront areas.
- b. dumping of cut landscaping debris within bordering vegetated wetlands, bordering land subject to flooding and Riverfront areas.
- c. dumping bill board materials, papers, posters or flyers within the wetlands.

She stated the Order has requested all work to Cease & Desist immediately and to restore the area. She said the Order states that the owner will do the following:

- a. remove all papers and debris from the wetland resource areas
- b. ensure that the bill board company stops the practice of altering the wetlands.
- c. cut branches and cut vegetation dumped into the wetlands shall be properly disposed.



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- d. submit contact information along with the lease agreement for the use of the bill board from the bill board company.
- e. the bill board company shall appear before the Commission at the July 11 meeting.

Lisa Carrozza and Michele Simoneaux requested that the owner of Camp Finberg be present at the July 11<sup>th</sup> meeting.

Lisa Carrozza made a motion, seconded by Chris Baker, to send the Enforcement Order to the Attleboro YMCA and owner of Camp Finberg. Approved.

Jennifer Carlino stated that fill has been placed within the buffer zone at the former Bird Garden site on Mansfield Avenue. She asked Chris Baker if he plans to remove the fill or file for a wetland permit and he replied he would be filing an application for a permit. She suggested filing for the permit within the next two weeks to avoid any enforcement action.

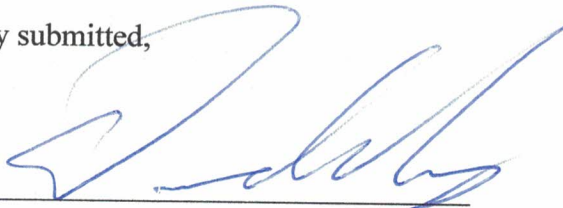
Jennifer Carlino stated that at the next regular meeting the members could discuss the existing Town By-law regarding fees for plan review and inspections adopted in 1986 at Town Meeting.

Chris Baker made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 7:50 pm. Approved.

Minutes Approved by Committee on: August 8, 2011  
(Date)

Respectfully submitted,

Signature:

  
(Name)

Chairman, Conservation Commission