



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766

Monday, July 11, 2011

**Attendance**

David Henry (Chairman), Ron O'Reilly, Julian Kadish, Chris Baker,  
Michele Simoneaux and Jennifer Carlino, Conservation Agent

Lisa Carrozza was absent.

**Minutes**

David Henry called the meeting to order at 7:00 pm.

The members reviewed the draft minutes of May 16, 2011. Ron O'Reilly made a motion, seconded by Chris Baker, to accept the minutes as written. Michele Simoneaux abstained from voting. Approved.

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

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

The members reviewed the Bills Payable Sheet (UMass Lowell). Ron O'Reilly made a motion, seconded by Michele Simoneaux, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Corp.). Jennifer Carlino noted that the commission had authorized two of the six tasks from the Phase I report to be done so Pare Corp. came up with the final design plans and bid documents to repair the stone masonry wall at the outlet and downstream wall crack repair. She said they were under budget by \$200 for one task and then were over budget on the other by \$175 and are now at \$33 under for both. She said that she has one original and and will ask for two discs. She suggested paying the bill. Julian Kadish made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

Jennifer Carlino stated that there was an amount of \$8,000 in this fiscal year's budget allocated for dam inspections. She said that the Norton Reservoir dam is required to have two follow-up inspections for \$1,500. She stated that Pare Corp. has already submitted the proposals for these inspections and is awaiting authorization to proceed with the inspections. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to give the authorization to proceed with the inspections. Jennifer Carlino stated she had drafted a letter giving them the authorization to proceed with the inspections and to request that Pare Corp. submit an estimate for the Phase I inspection for the Norton Reservoir dam.

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Jennifer Carlino stated that a Phase I inspection is required for the Chartley Pond dam beginning this year and for every two years thereafter. She said that Pare Corp. has submitted a proposal of \$3,200 to do the inspection and is waiting for the authorization to proceed with the inspection. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to give the authorization to begin the inspection.

Jennifer Carlino stated a letter has to be sent to the Office of Dam Safety updating them on the progress of the dam inspections. She said she drafted a letter which stated that the regular budget was approved this past spring, a proposal has been received for the Phase I inspection at the Chartley Pond dam and that authorization to proceed with the inspection, the six-month follow-up inspections have been approved and Pare Corp. has been given the authorization to proceed. An estimate has been requested from Pare Corp. for the Norton Reservoir Phase I inspection.

The members reviewed a Request for a Determination of Applicability – **DET. #969 – Jodi & Jeff Cross – Parcel 609 (Assessor's Map 10) 20 Johnson Drive** – for proposed plans to install a well within 100 feet of wetlands.

Document List

1. WPA Form 1-Request for a Determination of Applicability
2. Plan entitled "Plan of Proposed Well at Lot 6, #20 Johnson Road in Norton, MA, dated September 27, 2010, with a scale of 1"=30', prepared by RIM Engineering Co., Inc. and signed and stamped by Ralph I. Maloon.

Jodi Cross described the project to the members. She explained that the well will be used for irrigation purposes. She stated it would be a drilled well and would be approximately 20 feet within the buffer zone but away from the septic system. Jennifer Carlino noted the well will not be located within the Conservation Restriction. Ms. Cross stated this area is a lawn area and no clearing would have to be done. She said the well will be approximately 20 feet deep. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed an Amendment to Order of **Conditions – (#250-836) – Bob Campbell/Wheaton College (Science Center Building) –Parcel 53 (Assessor's Map 23) 20 Clapp Street**. The amendment includes the use of the parcel for temporary soil stockpiles of excess material from the construction of the Science Center building within 100 feet of wetlands.

Document List

1. Letter from Nitsch Engineering requesting an amendment to the Order of Conditions permitting the use of parcel 53 (Assessor's Map 23) 20 Clapp Street for temporary soil stockpiles of excess material from the construction of the Science Center building at Wheaton College.



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2. Stormwater Pollution Prevention Plan, Wheaton College, 20 Clapp Street, Norton, MA prepared for Einhorn Yaffee Prescott with a scale of 1"=60' dated 6/16/11, Sheet SKC-001.
3. Final Stabilization Plan, Wheaton College, 20 Clapp Street, Norton, MA prepared for Einhorn Yaffee Prescott with a scale of 1"=60' dated 6/16/11, Sheet SKC-002.

Present at the public hearing were Jared Gentilucci, Civil Engineer for Nitsch Engineering, Jim Conrad of The Rise Group, LLC, authorized representative for the project and John Sullivan Assistant Vice President of Business Services and Physical Planning for Wheaton College. Mr. Gentilucci stated that the construction of the Science Center generated more excess soil than anticipated to be stored on site and it was decided to temporarily store the excess soil at 20 Clapp Street.

Mr. Gentilucci stated that the use of the stockpiled soils should be finished within 90 days and any remaining soils will be packed down and the area will be regraded and stabilized. He said that silt fence and hay bales have been placed around the stockpiles. He noted that the piles are 75 feet at the closest point to the wetlands. Julian Kadish asked what the difference between the two sets of plans were and Mr. Gentilucci stated that the first plan detailed the erosion and sediment controls during the use of the soils and the second plan showed the final requirements for stabilization. Michele Simoneaux asked how much area the stockpiles covered and Mr. Gentilucci replied approximately one half of an acre. She asked how high the stockpiles were at the peak and he replied approximately 20 feet. Mr. Gentilucci noted that when all the soil needed for the Science Center has been taken out, the stockpiled areas will be 12 to 18 inches higher in those areas.

Jennifer Carlino stated that Lisa Carrozza was not able to attend tonight's public hearing but had a few questions and concerns for Jennifer Carlino to ask as follows: 1. She asked if this site has been added to the SWPPP for the Science Center project and asked that an updated copy be submitted. Mr. Gentilucci stated it had been added. 2. She asked approximately how much soil was stockpiled on this site and Mr. Conrad said he would let the Commission know as soon as possible. Mr. Gentilucci asked if he should give a figure for the maximum amount of soil or what will be left and Jennifer Carlino stated both. 3. She requested that a note be added to the plans regarding the 14-day criteria for stabilization after final grading. 4. She asked that something be noted on the plans for stabilization over the winter.

Dean Zwicker of 15 Clapp Street spoke in support of the amendment. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Michele Simoneaux to approve the amendment, with the added conditions, without requiring a new filing. Approved.

**Notice of Intent – Bay Road Heights/Shawn Kelly – (#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 June 13, 2011 & June 27, 2011 mtgs.) - for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.**

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Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the regular meeting of Monday, August 8, 2011. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing to August 8, 2011. Approved.

**Notice of Intent – Bay Road Heights/Shawn Kelly – (#250-872) - Parcels 29, 30 & 131 (Assessor's Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B) – (cont. from the June 13, 2011 & June 27, 2011 mtgs.)** -for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the regular meeting of Monday, August 8, 2011. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing to August 8, 2011. Approved.

Discussion: Enforcement Order – John Sullivan, Administrator, Norton Mobile Home Realty Trust. Chris Baker recused himself from the discussion.

Present at the public meeting were John Sullivan and Tim Marr of Exeter Environmental who is the co- LSP and representative for the insurance company representing W.H. Riley. John Sullivan stated that normally Ralph Penny would be here, but he is on vacation so Mr. Marr agreed to attend the public meeting.

Mr. Sullivan stated that Ralph Penny and Tim Marr had reviewed the plan submitted at the last meeting regarding the catch basin-type trench remediation. He thanked Jennifer Carlino for issuing an Enforcement Order because he said it got the insurance company moving on the case. He noted that the area has been dug out and stabilized with gravel on one side. He said there is a double boom in place and that vegetation has started to re-grow. He noted there was no odor coming from the affected area. He said that a verbal agreement with the insurance company was finally reached today and funds would be available soon.

Mr. Sullivan agreed to submit a Notice of Intent as soon as Mr. Penny is back from vacation. David Henry had questions about the insurance companies and Mr. Sullivan stated there were two other insurance companies involved. He said that they should have enough funds to install the remediation trench and have it back filled and re-graded. He stated he would get back to the commission regarding the plantings once Mr. Penny gets back from vacation. Jennifer Carlino asked if he meant plantings for the restoration or grass for the slope and he replied for both.

Jennifer Carlino asked Mr. Sullivan if he had a time line at this point and he said he would like to have the work done and the area re-graded within 3 weeks if possible, but could not be sure until he speaks with Mr. Penny and at the same time submit a Notice of Intent for the work. Mr. Sullivan stated Ralph Penny was due back from vacation this Thursday and David Henry asked that Jennifer Carlino be notified by email as to what was being done and approximate time lines. Michele Simoneaux asked



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Mr. Sullivan if he had to chase the oil out in the water and he pointed out to her the area that was affected by the oil and pointed out a berm that has been in place since the spill and has prevented any contamination into the Reservoir. He stated they did not have to enter the Reservoir.

Mr. Sullivan stated he received a letter from DEP stating he had exceeded the clean up time. Luke Grant, the clean up contractor for LSP stated he planned to install a reverse septic system with a concrete chamber with a couple of lengths of pipe with stone on it. He said that this will catch any kerosene that is left or that might start to migrate toward the water. He said the kerosene can be skimmed or pumped from the site. He stated that, in his estimation, 99.9 % of the kerosene has been cleaned up. Michele Simoneaux asked how he will know if there is any kerosene left after the area has been back filled and he replied that there are three monitoring wells in place in the spill area. Jennifer Carlino requested a copy of the letter received from DEP and Mr. Sullivan said he would send her a copy.

Joint meeting with the Water/Sewer Commissioners

Jennifer Carlino had informed the commission members previously that the Mansfield Avenue main water line replacement project has begun without a wetland permit.

Present at the public meeting were Luther Grant, Water/Sewer Commission, Steve Wiseman, Water/Sewer Commission and Duane Knapp, Water/Sewer Superintendent. Luther Grant stated that there is a difference of opinion here in which the Water Department does not think a permit is necessary as this is a maintenance project only replacing the old water line with a new waterline. Mr. Grant explained that the pipe replacement had to be re-located across the street because the old pipe was very fragile and they did not want to disturb it which could result in the temporary loss of water service to many people. Julian Kadish stated that usually when heavy equipment is used for a project within wetlands, advice should be sought from the Conservation Agent as to whether or not a wetland permit would be required.

Duane Knapp stated he assumed he did not need to obtain a wetland permit and gave the ok to start the work on the water main replacement. He said the Town Manager advised him that he needed to give Jennifer Carlino a set of plans to review before continuing with the project. Julian Kadish stated that the general public expects that town departments fall under the same rules and regulations regarding wetlands as they do. Duane Knapp apologized for not getting a permit and stated he would get the necessary application to the office as soon as possible. Luther Grant stated that the Water Department will try and give the Conservation Commission advance notice of any projects to be done. David Henry suggested emailing Jennifer Carlino with any future projects. Jennifer Carlino suggested that the Water Department meet with her and bring a set of plans for any future repairs or projects and she will advise whether the project would need a wetland permit or not. Michele Simoneaux stated that Jennifer Carlino could save the town money by reviewing Water Dept. projects by advising the most feasible way to proceed.

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David Henry asked Duane Knapp for an update on the new Water Dept. building on the old Slattery bog property. Duane Knapp stated that his temporary permit will expire in January, 2012. He said he has the parking lot left to do. He stated he removed the stockpiles away from the ponds. He noted that no one parks near the pond anymore and a lot of debris has been cleaned up. Jennifer Carlino stated to Mr. Knapp that he would have to add the new impervious surface of the paved parking lot to his plan. Jennifer Carlino stated that he would have to include storm water management for the paved parking lot, but Duane Knapp stated this area was at least 100 feet from the wetlands. He said he had put boulders around other portions of the site to keep from encroaching into the wetlands any farther. Jennifer Carlino asked if the 15 acres have been defined on a plan that the Water Department will use out of the total (90-acre site) and Duane Knapp said these things were shown on the latest plan submitted by Weston & Sampson. He said if they are not, he will get a copy that does show these markings.

Michele Simoneau asked where the 15-acres came from and Jennifer Carlino stated that when the Town purchased the property for recreation purposes, the Water Department gave a large sum of money so that they could have a 15 acre parcel designated for their new Water Department building. Luther Grant agreed that at the next Water Department, meeting new projects will be listed and he would make sure that Jennifer Carlino is advised of the upcoming projects far enough in advance in order to review the project.

**Discussion:** Maintenance/mowing within a Conservation Restriction at River Oaks (The Reserve).

Jennifer Carlino noted that one of the residents at the River Oaks Subdivision has requested to maintain the grassed areas and the storm water management areas instead of the town within the Conservation Restriction. She said the property is owned by the Land Preservation Society but the Conservation Restriction is held by the Conservation Commission. She said that she requested that he send her a letter of what he proposed to do and a map showing where he was going to do it. She said she had him call Frances Shirley of the Land Preservation Society and she said she had no problem with what he wanted to do. She noted that she made up a color-coded map with instructions on what can be done or cannot be done on certain areas.

David Henry read a letter that Mr. Patrick Larkin had sent to do the maintenance work on the property which basically stated that the developer will no longer be maintaining the property and the homeowners would like to continue having it mowed and maintained. Jennifer Carlino stated that Mr. Larkin had proposed to do more work than originally requested and she said she will send him a letter, a copy of her color-coded plan, a copy of the Conservation Restriction and a copy of the Storm Water and Maintenance Plan advising him that he will need to follow an Operations & Maintenance Plan.



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The members agreed that he and a couple other homeowners should attend a Conservation Commission meeting to explain exactly what will be maintained and how. They agreed also that a lease agreement or legal mechanism for liability should be in place and proof of insurance for any landscaping company should be presented before hire.

Jennifer Carlino stated, for the record, that **Uses** within a Conservation Restriction reads that it shall be maintained in perpetuity in its natural and scenic open condition. She stated that **Prohibited uses** includes that no trees, grass or other vegetation shall be cut or removed except in the course of maintaining the drainage ponds and easements, including the side slope.

Norton Bylaw-Conservation Plan and Administrative Review Fee Schedule, approved in 1986.

Jennifer Carlino asked the Commission members if they would like to implement a fee schedule in accordance with the town bylaw including plan reviews, RDA filing fees, on site inspection fees, re-inspections for Certificate of Compliances, etc. She said that there are state and federal guidelines for determining the amount of the fee. She said the amount of the fee should be the amount of the cost to perform the service including labor and materials. The members agreed that they wanted Jennifer Carlino to draft a fee schedule for review at the next regular meeting.

Jennifer Carlino noted that the developer for the proposed Island Brook 40B project has sent a letter to the Town Manger stating that the number of units has been reduced. She said she will keep the Commission members updated on the status of the project. She said she will send a comment letter using the same letter previously sent with a reduced number of units.

Jennifer noted that Kathleen Giblin had resigned from the Conservation Commission. She suggested sending cards and some photographs to thank her, Earl Willcott and Bob Medeiros for their years of service with the Commission. The members agreed to have Jennifer Carlino put together a few pictures with frames to be paid for out of the Conservation Budget.

Jennifer Carlino mentioned that there will be a Shpack meeting at the Norton Public Library on Tuesday, July 19<sup>th</sup> at 10:30 am.

Jennifer Carlino noted that this Sunday at the Town Forest on Plain Street from 10:00 am to 2:00 pm she and any volunteers will be cleaning up branches and piles of brush.

Jennifer Carlino noted that the Commission will be re-organizing at the next regular meeting of Monday, July 25, 2011. She asked if the they would like to review the present Conservation Commission policies and make any revisions. She suggested that a site walk of the Bay Road project should be scheduled.

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Jennifer Carlino noted that a letter and application form for a grant was received from the South Coast Rail (Mass DOT). She stated that she has received money in the past. Michele Simoneaux suggested that maybe the money could be used for one of the Open Space and Recreation Plan activities

Jennifer Carlino noted that a representative from the Clear Channel bill board company will be attending the next meeting and asked if anyone had a comment or specific language they would like to see included in their lease agreement with Camp Finberg.

Discussion ensued regarding the Peer Review for the Bay Road Heights Phase II and III projects. Ron O'Reilly made a motion, seconded by Chris Baker, that if the Bay Road Heights Phase II and III projects go forward, a peer review will be done as allowed under MGL, Ch. 44, Section 53 G. Approved. Jennifer Carlino stated she had three estimates for the project. Jennifer Carlino noted that the scope may change if the project changes. Michele Simoneaux stated she was familiar with all three companies, more so with John Chessia, Engineer and Chris Lucas, Wetland Scientist. She stated they have done a lot of work for Conservation Commissions. Jennifer Carlino said that the peer review for the project should be Professional Engineers as well as Professional Wetland Scientists in the event the project is appealed. David Henry suggested making sure that all three are Professional Engineers and Professional Wetland Scientists.

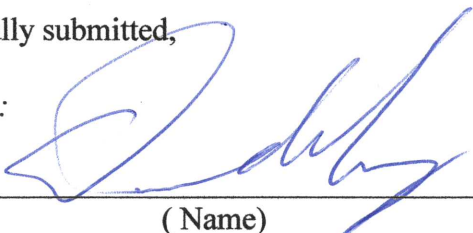
Michele Simoneaux stated that all three understood the scope of work. Jennifer Carlino said that only one company, BSC, asked for a copy of the Notice of Intent and a copy of the plans. Ron O'Reilly preferred that the peer review be "all in house" staff and not have subcontractors.

Ron O'Reilly made a motion, seconded by Michele Simoneaux, to adjourn the public meeting at 8:45 pm. Approved.

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

Respectfully submitted,

Signature:

  
(Name)

Chairman, Conservation Commission