

**Norton Conservation Commission**  
**70 East Main Street**  
**Norton MA 02766**

RECEIVED  
NORTON TOWN CLERK  
2011 SEP 23 P 3:29

Monday, July 25, 2011

**Attendance**

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

Chris Baker and Lisa Carrozza were absent.

**Minutes**

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

The members reviewed the draft minutes of June 13, 2011. Michele Simoneaux suggested a few minor changes to the minutes. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes as amended. 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.

**Discussion:** Enforcement Order – YMCA of Attleboro and Clear Channel.

Present at the public meeting were Robin MacDonald of the Attleboro YMCA and Yano Marro of Clear Channel. Ms. MacDonald stated she had received a message that cutting and clearing had been done at the site of the billboard that the YMCA leases to Clear Channel. She said she had met with Jennifer Carlino who had given her a set of conditions to be followed and to be given to whoever is doing the cutting and clearing and changing of the billboard. Jennifer Carlino stated that it was an Enforcement Order that had been issued to Clear Channel and that a wetland permit would have to be obtained for the work that has been done at the billboard site.

Ron O'Reilly stated that the paper scraped off the billboard has landed in the river. Mr. Marro asked if there were any pictures showing the violation and Jennifer Carlino stated she had pictures in her files of past years but not readily available at tonight's meeting. Ron O'Reilly suggested that an application be filed

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within a month. Mr. Marro stated he would relay this information to his Operations Department and a Notice of Intent would probably be filed within the next two weeks. Mr. Marro asked how long permits are valid and Jennifer Carlino stated that wetland permits expire after three years, but sometimes five-year permits may be issued for maintenance projects. Michele Simoneaux noted that permits can be extended. Jennifer Carlino advised Marro that no cutting or clearing shall be done until a wetland permit has been obtained.

The members reviewed a Notice of Intent – **Daniel Mahoney – (#250-873) – Parcel 187 (Assessor's Map 27) 215 So. Worcester Street – Post Facto** – for placing fill within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Plan of Land at 215 South Worcester Street, Norton, MA prepared for Daniel J. Mahoney & Mary T. Montione by Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth, with a scale of 1”=20’, and dated June 27, 2011.

Daniel Mahoney described the project to the members. He stated that he had removed Japanese Knotweed plants from a depression on the property and filled it in with material called cleaned tailings. He said the septic system was close to the depression area. Jennifer Carlino stated the fill was placed within six feet of the wetlands and would require a wetland permit. Mr. Mahoney asked Jennifer Carlino what she suggested. Jennifer Carlino stated that the area should be loamed and seeded to stabilize the area. Mr. Mahoney agreed to do this in the fall.

Julian Kadish asked Mr. Mahoney if he covered the Japanese Knotweed over with the fill with the thought the Japanese Knotweed would not grow back and he replied this was his impression. Michele Simoneaux asked if the area between the wetlands and the filled area contained Japanese Knotweed or if it was vegetated or if it was disturbed and Jennifer Carlino stated it was disturbed. Julian Kadish stated, that in his opinion, he did not think loaming and seeding the slope of the filled area was going to be beneficial. Michele Simoneaux asked how big the tailings that were used for fill were and Mr. Mahoney replied about 3” minus. Michele Simoneaux suggested to plant a fast-growing, low maintenance, Conservation mix.

David Henry stated to Mr. Mahoney that he could obtain a list of plants, and where to buy them, from the Conservation office. He suggested that a visual barrier be installed to prevent any future encroachment into the buffer zone. Mr. Mahoney stated he will not be doing any further work within the buffer zone and said a visual barrier would not be effective because of trespassers and ATVs. He said he is trying to mend his parking lot. Michele Simoneaux asked how extensive the Japanese Knotweed was in this area, and Jennifer Carlino stated that, if left untreated, it will not go away. Mr. Mahoney said he did not like the idea of using chemicals. Jennifer Carlino stated that other people have had success with a controlled burn. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.



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The members reviewed Abbreviated Notice of Intent – **Norton Water/Sewer Department/ Duane Knapp – (#250-874) – Route 140 – Norton** – for proposed plans to install approximately 900 linear feet of water main within 100 feet of wetlands and Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled “Town of Norton, Contract No. 11, Mansfield Avenue, Water Distribution Improvements, Norton, MA (Sheets C1-C5) prepared by Otter Creek Engineering, Inc., Scale of 1”=20’, signed and stamped by Mark R. Youngstrom, RPE.
3. Town of Norton, Mansfield Ave. Project Location Map - A
4. Town of Norton, Mansfield Ave. Wetland Delineation – 1
5. Town of Norton, Mansfield Ave. Wetland Delineation – 2
6. Town of Norton, Mansfield Ave. Wetland Delineation – 3

Duane Knapp stated that he had all the paper work necessary for this project. Jennifer Carlino stated this hearing is a violation hearing and the result of a project that was started without a permit. She asked Mr. Knapp to describe the project to the members.

Duane Knapp explained that there is a brook which runs through the culvert into the Norton Reservoir. He said that directional drilling has been performed in this area and silt fence has been installed. He stated the replacement pipe has already been installed and the area has been regraded and it is ready to be loamed and seeded.

Julian Kadish asked Mr. Knapp if this project was the same as most other projects or if there was something specifically different and Mr. Knapp replied that it was the same as most other projects. Jennifer Carlino stated that a permit is needed for this project as with any project within 100 feet of a wetland and Mr. Knapp stated this is why he is at tonight’s meeting. Julian Kadish asked if the drilling was completed and Mr. Knapp stated all the directional drilling has been done underneath the roadway to all the houses on the left hand side toward Mansfield. He said that the main pipe will be flushed tomorrow and pressure testing will be done. Ron O’Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

Ratify Emergency Certificate – Water Department – Bay Road (water main)

Duane Knapp stated there was a water main break in the middle of the night in the center of the river at the outflow of Lake Winnecunnet on the downstream side of the bridge. He said that engineers are designing a new water main for Bay Road to get rid of the AC pipe. Mr. Knapp stated that originally the directional drilling was going to take place over the roadway instead of in the riverbank, but because of the existing pilings, the drilling will have to be done on the riverbank side. He said the new pipe will be 12” wide under the river.

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Jennifer Carlino stated the Emergency Certificate allows the work to be done immediately, but a wetland permit will be needed. Duane Kanpp stated the water main will be enlarged from 8" to 12" and will go 10 feet under the river bed rather than on top of the river bed. Jennifer Carlino asked the board if they thought these changes were substantial and the members agreed that they did not think these changes were substantial. Jennifer Carlino stated that the project meets exemption criteria and a new Notice of Intent would not be necessary. Ron O'Reilly made a motion, seconded by Julian Kadish to ratify the signature for the Emergency Certificate for the water main break on Bay Road. Approved.

Discussion: Patrick Larkin – regarding the maintenance at River Oaks.

Jim Dorsey of 15 Ellis Road addressed the commission. He advised the members that there is no homeowner's association for this subdivision. He stated that at the previous town meeting, the town accepted the road and the maintenance as well. He referred to Attachment A and stated he did understand that the town will maintain the road and he said he and his neighbors would like a more detailed schedule of the maintenance that would be done. He said he and his neighbors would like to help maintain the property.

Jennifer Carlino stated the town would maintain the storm water areas. Mr. Bill Janczunski, 11 Pratt Dr., acknowledged the Conservation Restriction area on the plans and asked if the islands could be discussed as well. Mr. Chris Jenson, 10 Pratt Dr., asked who would be maintaining the island at the end of the cul-de-sac. Jennifer Carlino stated the Highway Department would maintain the road and the storm water area. Mr. Jenson asked if Keith Silver was present at the public hearing and Jennifer Carlino stated he was not. He noted that he and his neighbors thought the Highway Department would be maintaining the islands and grassed areas along the road. Jennifer Carlino suggested that they speak directly with Keith Silver.

Patrick Larkin stated the existing street layout and street layout as drawn on the map sent to him are not the same thing. David Henry stated there would be no problem allowing the residents to mow what is already grassed. Jennifer Carlino stated that permission has already been granted to mow the existing lawn, but not beyond that point. Mr. Dorsey asked what the best way would be to go about approaching the Highway Department and Jennifer Carlino suggested to go to the Highway Department and meet with Keith Silver. He asked why she wanted to meet with the contractor hired to cut the grass and David Henry advised him it was to make sure that the contractor knows exactly where and what to cut and clear. Jennifer Carlino stated she would need copies of the contractor's liability insurance. Michele Simoneaux stated to Mr. Larkin that the grass cuttings and clippings cannot be dumped into the wetlands. Mr. Jenson asked if he or the other neighbors could mow the grass until a landscaper had been hired and David Henry stated they could. Jennifer Carlino stated that snow cannot be dumped into the detention basin area.

Ron O'Reilly made a motion, seconded by Julian Kadish, to go into Executive Session at 8:05 pm. Approved.



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The members reviewed the draft 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 parcel for temporary soil stockpiles of excess material from the construction of the Science Center building within 100 feet of wetlands. Jennifer Carlino commented that she would like to add a condition before the last condition to read as follows:

“Material may be stored at 20 Clapp Street (Map 23, Parcel 53) during the construction at Wheaton College campus.”

Julian Kadish made a motion, seconded by Ron O'Reilly, to sign and issue the Amended Order of Conditions, as amended. Approved.

New Business – Norton Bylaw – Conservation Plan & Administrative Fee Schedule, Policies, Checklists, Inspections, Agendas.

Jennifer Carlino suggested postponing discussion until all members are present. The board agreed.

Old Business – Shpack meeting

Jennifer Carlino stated she had attended a Shpack meeting and has the 30% design plan. She said she will draft a comment letter to EPA to be reviewed at the next regular meeting.

Jennifer Carlino noted that the Charter Review Committee will be making changes to the Norton Town Charter. She said one proposed change is that the Town Manager will become the appointing authority for Department Heads instead of the respective commission members. She said there is a meeting tonight at the Library to review this change. She stated she would like to join the meeting if possible to present the Conservation Commission Act which allows the Conservation Commission members to be the appointing authority for the Conservation Agent.

Jennifer Carlino stated it is time for her performance review with the commission and will schedule a date to meet with the Town Manager and the Commission Chairman, David Henry.

Jennifer Carlino noted that the Land Auction for Hill Street will be held tomorrow.

Jennifer Carlino noted Collective Bargaining for her contract has begun which does not include any pay raise for this fiscal year, but does add one more Personal Day to the year.

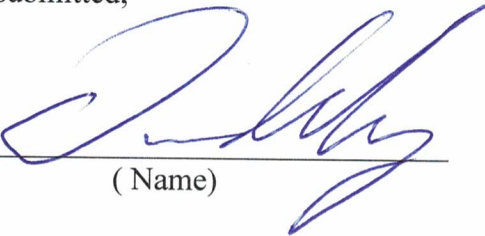
Michele Simoneaux made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 8:53 pm. Approved.

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Minutes Approved by Committee on: 9/12/11  
(Date)

Respectfully submitted,

Signature:

  
(Name)

Chairman, Conservation Commission