

Monday, August 8, 2011

### **Attendance**

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

David Henry (Chairman) was absent.

### **Minutes**

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

The members reviewed the draft minutes of June 27, 2011. Michele Simoneaux suggested adding clarification to the "Nancy Putnam discussion cancellation" on page two. She suggested adding the subject of the discussion. Jennifer Carlino stated the discussion will be regarding erosion and sedimentation control. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to accept the minutes as revised. Approved. Julian Kadish abstained from voting.

The members reviewed the draft minutes of July 11, 2011. Michele Simoneaux suggested changing the words "went" in the second sentence, sixth paragraph, to the words "were". She noted that her name was spelled incorrectly in two places. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes as revised. Approved.

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

The members reviewed the Bills Payable Sheet (Misc.). Michele Simoneaux made a motion, seconded by Julian Kadish, to pay the bill. Approved.

**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 June 13, 2011, June 27, 2011 & 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.

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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.
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.

Jennifer Carlino stated that she had received an email today from the applicant requesting a continuance of the public hearing until the second meeting in September. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, September 26, 2011. Approved.

**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 June 13, 2011, June 27, 2011 & 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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Jennifer Carlino stated that she had received an email today from the applicant requesting a continuance of the public hearing until the second meeting in September. Michele Simoneaux made a

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motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, September 26, 2011. Approved.

Jennifer Carlino noted that the applicant has filed an ENF with MEPA and an on-site meeting has been scheduled for Wednesday, August 24, 2011 at 12:00 noon at 135 Bay Road. She said she has drafted a comment letter which she will submit with the next agenda for review by the board. Lisa Carrozza had a question regarding the project description for the hiring of a consultant for the Bay Road Heights project. She asked Jennifer Carlino why a “wetland” component was included as well as a “storm water” component. Jennifer Carlino replied the wetland component is not needed for the boundaries but would be for the functions and values pertaining to the buffer zones.

Michele Simoneaux asked Jennifer Carlino if she had received any quotes yet and she replied she had as follows: BSC - \$8,500, Chessia - \$5,200 and Stantec - \$9,000. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to choose Chessia for the consultant for the Bay Road Heights project. Approved.

**DISCUSSION- DEP #250-857** – Norton Glen Sewer – modification for storm water improvements to comply with the Order of Conditions.

Jennifer Carlino stated that when the applicant had filed for a permit for the sewer connections, a wetland violation was found. She stated the wetlands were disturbed, but have since been restored and as part of the restoration requirement of the Order of Conditions, it was required that the applicant do storm water improvements to stop the erosion caused by the parking lot. She stated that the applicant has submitted revised plans which shows the use of level spreaders. Lisa Carrozza stated she had inspected the site and the use of the level spreaders would be permitted.

Jennifer Carlino said there would be level spreaders in at least four locations. She said a level spreader is basically a trench lined with stone and very similar to the stone-lined trenches used in some other projects. Lisa Carrozza asked if the level spreaders were shown in detail on the revised plans and she did find them on the submitted plans. She suggested placing fabric under them to prevent sand from seeping up into the stone and collecting into piles. Michele Simoneaux stated that these type of structures always require maintenance. Lisa Carrozza made a motion, seconded by Chris Baker, to allow the use of the level spreaders.

The members reviewed the draft Order of Conditions for the 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. Michele Simoneaux had a question regarding condition #2 under Findings: She asked if there was one previous violation or more than one previous violation. Ron O’Reilly stated there was only one previous violation. She suggested added the word “a” before the word “previous”. Chris Baker made a motion, seconded by Michele Simoneaux, to accept and sign the Order of Conditions as amended. Approved. Lisa Carrozza abstained from voting.

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The members reviewed the draft Order of Conditions for an 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. Ron O'Reilly noted that the file number and property address on the draft Order of Conditions was incorrect. Julian Kadish made a motion, seconded by Chris Baker, to accept and sign the Order of Conditions as amended. Approved. Lisa Carrozza abstained from voting.

The members reviewed the draft Conservation section of the 2011 Norton Town Report. Ron O'Reilly noted a typo in the sixth line of the second paragraph under "Dams and Dredging Projects". Michele Simoneaux suggested adding the number of inspections that Jennifer Carlino does in a years time. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to accept the Report as amended. Approved.

The members completed a Performance Evaluation for Jennifer Carlino, Conservation Agent for the Norton Conservation Department. Jennifer Carlino noted that the Town Manager would like the commission members to list a couple of goals they would like her to achieve this year. Michele Simoneaux suggested adding the total site inspections done within the year to the next Town Report. Jennifer Carlino suggested the following: 1. Submit the final Open Space/Recreation Plan for approval; 2. Drafting, advertising and implementing the Fee Bylaw. She said totaling her site inspections for the Town Report could be number 3.

Jennifer Carlino noted that the Annual Fall Town Meeting will be held on Wednesday, October 12<sup>th</sup>. She said the deadline to submit warrant articles is Monday, August 15<sup>th</sup>. She said she will re-submit the Norton Reservoir dam repair article.

Jennifer Carlino stated there is a violation at 45 Crane Street. She said the owners had clear-cut a very steep slope leading down to the Three-Mile River. She stated the owner has agreed to contact a consultant and then contact her with an update to re-vegetate the area. Jennifer Carlino stated erosion has already begun near the driveway. Lisa Carrozza suggested requiring the owner submit a restoration plan including BMP, hardscape and non-structural planting.

Jennifer Carlino stated that the owner of 123 Freeman Street has another wetland violation. She stated that the owner had resided at one time at a different house on Freeman Street with the same wetland violation. She said she had cleared-cut to the edge of Norton Reservoir. Jennifer Carlino stated the case went to court an a permanent injunction was set against the owner and the owner was ordered to let the area restore to its natural state without touching it ever again. She noted that she had not entered the property, but it is clearly visible from Mansfield Avenue.

Jennifer Carlino asked the commission members if she would like her to send the owner a violation letter or just go to her house and tell her that she has a right to inspect the property for any violations. She suggested taking a few pictures of the violation from the Reservoir and then taking action. The commission agreed that Jennifer Carlino would take a few pictures of the violation and present them at the next regular meeting of Monday, September 12, 2011.

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Jennifer Carlino stated that there is a violation at 41 East Hodges Street. She said the house sits on a small portion of upland and the property is entirely surrounded by wetlands. She said the owners were told that if they construct a garage there will be no room for a lawn. She stated that the wetland line was about 15 feet from the back of the house and the owners had clear-cut approximately 30 to 40 feet into the wetlands. She continued stating that at that time they were instructed to let the cut area grow back naturally. She said there were boulders in place at that time at the edge of the wetlands which could act as a visual barrier to the wetlands.

Jennifer Carlino stated she had driven by the property in May or June and noticed several structures beyond the visual barrier including a boat. She asked the commission members if they were like her to issue an Enforcement Order and they agreed they would. She said the Enforcement Order will be ready for the next meeting.

Jennifer Carlino noted that the liability insurance has been received naming the Town of Norton for the River Oaks subdivision.

Jennifer Carlino noted that the land on Hill Street was sold at auction for \$192,000. She said that the state had required that the Town pay fair market value.

Jennifer Carlino said she had ordered pictures and had cards to give to Kathleen Giblin, Bob Medeiros and Earl Willcott as a thank you gift. The members signed the cards.

Re-organization of the Conservation Commission

Julian Kadish made a motion, seconded by Lisa Carrozza, to re-elect David Henry to be Chairman and to elect Ron O'Reilly to be the Vice-Chairman. Approved.

Discussion ensued the condition of the tape recorder. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to purchase a new recording system for the taping of the minutes for the meetings. Approved.

Ron O'Reilly read a memo received from the Town Manager regarding a meeting on Public Records and Ethics Briefing which will be held on Wednesday, September 21<sup>st</sup> at 6:30 pm in the Selectmen's meeting area, first floor, Town Hall. He stated that Attorney Lauren Goldberg of Kopelman & Paige, P.C. will be the speaker. The Town Manager has urged all Boards and Committees to attend if possible.

Jennifer Carlino asked the members if they had any suggestions or changes to the draft proposed Conservation Plan Administrative Fee Schedule that she had drafted. Lisa Carrozza suggested changing the fee for the Re-inspection of a wetland boundary charging a flat rate of \$125 for a single family dwelling or Category 1 project and charging an hourly rate of \$125 (up to \$1,000.00). Jennifer Carlino stated she will revise the schedule for the next meeting.

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Jennifer Carlino asked the members if they had any suggestions or changes to the filing checklists. Michele Simoneaux suggested adding check boxes to each item. Lisa Carrozza suggested the amount of plans to be submitted with a filing to be lowered to five.

Jennifer Carlino asked the members if they had any suggestions or changes to the existing policies. The members agreed not to change the policies.

Jennifer Carlino asked the members if they wanted the agenda emailed to them instead of receiving a hard copy and they agreed they would like to have the hard copy.

Chris Baker made a motion, seconded by Michele Simoneaux, to adjourn the public meeting at 8:30 pm. Approved.

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

Respectfully submitted,

*Signature:*

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

Chairman, \_\_\_\_\_