



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

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NORTON TOWN CLERK

2011 NOV 29 P 12:41

Monday, September 26, 2011

**Attendance**

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

**Minutes**

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

The members reviewed the draft minutes of July 12, 2011 (Executive Session). David Henry tabled the minutes until the next regular meeting of Monday, October 17, 2011.

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

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

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

The members reviewed the Bills Payable Sheet (Pare Corp.). Jennifer Carlino stated that the invoice was a partial invoice in the amount of \$2700 and the original total estimate for the Phase I inspection for the Chartley Pond dam was \$3200. She said no deliverables have been received. Ron O'Reilly made a motion, seconded by Julian Kadish, to hold the bill for payment until the deliverables have been received. Approved.

The members reviewed a Request for a Determination of Applicability - (DET. #970) - **Henry White/Wheaton College - Parcel 53 (Assessor's Map 23) 20 Clapp Street - (cont. from the September 12, 2011 mtg.)** - for proposed plans to demolish, remove and dispose of three sheds/buildings within 100 feet of wetlands.

**Document List**

1. WPA Form 1 -- Request for Determination of Applicability.
2. Plans entitled "Storm water Pollution Prevention Plan/Wheaton College-Shed/Building Demolition/Scale of 1"=60'/Nitsch Engineering dated August 18, 2011.
3. Final Stabilization Plan/Wheaton College-Shed/Building Demolition/Scale of 1"=60'/Nitsch Engineering dated August 18, 2011.

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David Henry read an email received by Jennifer Carlino from Jared Gentilucci of Nitsch Engineering. In the email Mr. Gentilucci apologized for not updating her on their schedule last week. He said they had contracted Mason & Associates to do the wetland flagging on Thursday morning at the 20 Clapp Street property. He said he planned to be onsite during the flagging and Mason & Associates would be preparing the DEP field data forms. Mr. Gentilucci stated he would be sending Jennifer Carlino an updated package by October 6, 2011 for the October 17<sup>th</sup> meeting and therefore he would not be attending tonight's meeting.

Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, October 17, 2011. Approved.

The members reviewed a Request for a Determination – **(DET. #972) - Brian Murphy – Parcel 142 (Assessor's Map 5) 3 Renwick Drive** – for proposed of Applicability plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability.
2. Plan entitled “ Plan and Details Subsurface Sewage Disposal System Upgrade, 3 Renwick Drive, Norton, MA, Brian Murphy dated September 5, 2011, prepared by Collins Civil Engineering Group, Inc., signed and stamped by George R. Collins with a scale of 1”=20’.

Dave Klenert of Collins Engineering described the project to the members. He said that this application is for a septic system repair which has been approved by the Board of Health. He stated that the applicant is proposing to install a new septic system to the north west of the property because there are no utilities running through this area. Mr. Klenert stated that a portion of the work will be within the 100-foot buffer zone and the closest point that the tank will be located is 56 feet. He noted that, since the property is near the Canoe River, the applicant had submitted a letter to Natural Heritage who replied in a letter dated September 26, 2011 stating the project is not within a Priority Habitat area.

Mr. Klenert explained that the new system will consist of a 1500 gallon tank, a 1000 gallon pump chamber and a few equalizers. He said approximately one foot of fill would be brought in at the rear of the house in order to cover the system and silt fence will be in place to protect the wetlands. He stated that the old system will be abandoned, the tank will be filled with sand and crushed. He said this is the only work within the 50-foot buffer zone. Lisa Carrozza suggested putting silt fence around the tank. Dylan Ribeiro, excavator for the project, stated he would be doing the work. She suggested moving the silt fence line in order to allow room for Mr. Ribeiro's machine to access the old system.

Michele Simoneaux asked Mr. Klenert if any trees would have to be removed to access the old system and he replied they would not. She asked if the grade would change and he stated it would not and the only fill brought in will be to cover the new system. Lisa Carrozza asked if the stream shown on the plan was an intermittent stream and a tributary of the Canoe River. Mr. Klenert replied that most of the subdivision on Renwick drive drains at this area. Lisa Carrozza stated the river is not shown on the



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locus nor on the USGS map. She asked about floodplain and Mr. Klenert stated the property is in Zone "X". Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Michele Simoneaux made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. 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, July 11, 2011 & August 8, 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. David Henry stated that an email was received by Jennifer Carlino from James Pavlik of Outback Engineering, Inc. The email stated that because of changes required by MEPA after the on-site meeting, a continuance was requested until the end of October. Mr. Pavlik said he would need time to make the revisions to the application and plans submitted. Jennifer Carlino noted that there was only one meeting in October, Monday, October 17<sup>th</sup>. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, October 17, 2011. Approved. Shawn Kelly was present at the public hearing and Jennifer told him she received an email from Mr. Pavlik requesting a continuance of the public hearing.

**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, July 11, 2011 & August 8, 2011 mtgs.)** - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, October 17, 2011 as requested for the previous filing for Phase 2. Approved.

Update: 157 Mansfield Avenue violation

Chris Baker recused himself from the discussion.

John Sullivan, owner of the Norton Mobile Home park, addressed the commission. He apologized for not planning to come in to tonight's meeting, and said he had nothing new to report at this time. He said after speaking with Jennifer Carlino by phone, he decided to come to the meeting as scheduled. He stated he had met with a couple of the insurance companies who have been promising to mail a check for one-third of the expenses, which total approximately \$31,000.00. He said he has not received a check yet and does not have the funds to continue with the excavation and restoration. Mr. Sullivan stated he has contacted an adjuster and interviewed two attorneys (recently) to try and move things along more swiftly with the insurance companies.

Mr. Sullivan stated the situation has not gotten any worse and the original digging that was done seems to be working. He said that he would like to stabilize the area but needs to receive the funds in order to do that. He said he would keep Jennifer Carlino informed of any changes by email. He stated that there is still some oil left in the ground but stated this could be treated with chemicals. He said there is

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a large hole in the ground which needs to be stabilized as well as 150 tons of contaminated soil at the front of the property that has to be removed. Mr. Sullivan stated to fill in the hole and stabilize the area, it would cost approximately \$12,000 to \$14,000. He said a Notice of Intent will have to be filed for the filling in of the holes but since the entire project is too costly, he will have to wait until funds are received from the insurance company before a Notice of Intent can be filed.

Julian Kadish stated to Mr. Sullivan that he would like to see the shore line restored and the excavation and filling done as soon as possible and he did not think the costs would be as high as Mr. Sullivan had stated. He suggested Mr. Sullivan was making excuses why he could not file the Notice of Intent at this time. Lisa Carrozza stated that a Notice of Intent is not needed to stabilize the shoreline and Jennifer Carlino stated the Notice of Intent will be for the restoration of the trees and plants that were removed. Lisa Carrozza asked Mr. Sullivan if he was willing to stabilize the shore line temporarily and then file the Notice of Intent in the spring along with a planting plan. He replied that he would do that with a little guidance to what paper work he would need to file.

Jennifer Carlino stated Mr. Sullivan agreed to stabilize an eroding portion of the shoreline a week ago but has not. Mr. Sullivan stated he would do that tomorrow. Michele Simoneaux stated that this project should not require much engineering services. She said an engineer would be helpful in the installation of the infiltration trench. Julian Kadish asked how the infiltration trench would benefit this project and Mr. Sullivan replied that when the water rises, the infiltration trench would filter the water of any more kerosene before it went back into the Reservoir. Julian Kadish stated that, in his opinion, installing erosion control, re-grading and implementing a re-planting scheme should resolve this situation.

Michele Simoneaux suggested looking at some of the DEP paperwork. She stated that an LSP was involved and asked if this project is under a RAM plan or a Phase 1 plan. Mr. Sullivan stated there was a RAM plan drawn and mitigation was proposed. He said he was not sure at this point and would get the DEP paperwork together along with quotes for the work to be done and for the engineer costs. Mr. Sullivan stated that he had hoped that DEP might push the insurance company into giving a check to Mr. Sullivan to pay for the work to be done.

David Henry asked Mr. Sullivan to give the Commission a time frame in which he will be stabilizing the shore line and getting the paper work to Jennifer Carlino. Lisa Carrozza stated to Mr. Sullivan that she wanted him to complete these tasks before the regular meeting of Monday, October 17<sup>th</sup> and submit an update to the Commission. Jennifer Carlino stated that the contractor knows exactly what has to be done and he has known this since last April. It was agreed that Mr. Sullivan would contact the excavator and Jennifer Carlino could supervise the restoration. Lisa Carrozza asked how the stockpile of contaminated soil was being managed at this time. Mr. Sullivan stated the soil was tightly wrapped in polyethylene. Mr. Sullivan stated he would have the site stabilized before October 17<sup>th</sup>.



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The members reviewed a request for a Certificate of Compliance for File **#250-833 – Philip & Jacqueline Horton –Parcels 63 & 63-01 (Assessor's Map 28) 185 & 189 Taunton Avenue**. Jennifer Carlino stated that the plan design has been modified to show that no trees will be cut. She said that originally, a 20' to 25' swale with check dams was approved, but instead a 5-foot deep trench had been dug between two trees. She said the sides are made of stone because the side slopes could not be stabilized any other way. Michele Simoneaux asked what the purpose of the swale was and Jennifer Carlino stated it would remove illegal discharge from the wetland. Lisa Carrozza asked how steep the side slopes are and Jennifer replied 1:1 and are too steep to be stabilized with vegetation. Julian Kadish suggested that the slopes will grow in and eventually be stabilized.

Jennifer Carlino said a rope fence was being used as the visual barrier which does not serve the purpose. She said she already spoke with the contractor for the homeowner and he will change it. Lisa Carrozza stated she would not vote to issue a Certificate of Compliance until the visual barrier was changed. Jennifer Carlino suggested a post and rail fence. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to deny the request for a Certificate of Compliance and to have Jennifer Carlino send the homeowner a letter. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-312 – Madison Finance Corp. – Parcel 133 (Assessor's Map 36) East Hodges Street. (now Birch Brook Lane). Jennifer Carlino stated the project was completed according to the Order of Conditions. Julian Kadish made a motion, seconded by Chris Baker, to issue the Certificate of Compliance. Approved.

The members reviewed an Enforcement Order for **45 Crane Street**. Jennifer Carlino stated two letters had been sent regarding a violation with no response. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to sign and issue the Enforcement Order. Approved.

The members reviewed an Enforcement Order for **4/6 Bay Road** for the grading and filling without a permit in a floodplain and within 100 feet of wetlands. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Enforcement Order. Approved.

Jennifer Carlino stated that the Highway Department had received a complaint from a neighbor to Buttermilk Way. She said that the swale was filled with debris and fire wood which was supposed to have been removed with a previous violation. She said a notice of violation had been sent in the past for the same violation. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue an Enforcement Order to the homeowner of the house at the corner of Bay Road and Buttermilk Way. Approved.

Jennifer Carlino stated a sheet was sent around by the Board of Selectmen requesting the status of Johnson Drive. She said she had noted on the sheet that they haven't complied with their wetland permits and recommended that they do not accept the road. She stated that an Article has been placed on the warrant for the upcoming annual fall Town Meeting for Wednesday, October 12<sup>th</sup> to accept Johnson Drive. She said it was agreed by her and the Planning Board that the last \$10,000 of the bond

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Review funds for this project and Jennifer Carlino replied that there are funds left because they haven't attended two public meetings yet as noted in their scope of work. Lisa asked Jennifer Carlino if the applicant is leaving the wetland delineation confirmation up to her and she replied they were. Lisa Carrozza suggested having the applicant do the wetland delineation confirmation through the MEPA process. Michele Simoneaux asked if the applicant has a wetland scientist that they use and Jennifer Carlino stated that there are notes in their files by Seth Dufort. She stated that Pare Corp. flagged the wetland originally and noted two upland within the wetlands that were not flagged.

Jennifer Carlino suggested recommending the applicant do an Environmental Impact Report in the MEPA letter and Lisa Carrozza stated this was a good idea. Jennifer Carlino stated that the applicant said the only way possible to do an affordable housing project would be to do a 40B project. She disagreed with this because Norton has a Town Bylaw which requires one out of six units to be affordable and therefore they could do a cluster development or multi-unit project without doing a 40B project. Michele Simoneaux said, in her opinion, condominiums were attached and not separate units. Jennifer Carlino stated, in her opinion, the project should be consistent with either single-family units or condominiums, not both mixed here and there.

The members voted to go into Executive Session at 8:40 pm. Ron O'Reilly voted yes. Julian Kadish voted yes. David Henry voted yes. Lisa Carrozza voted yes. Chris Baker voted yes. Michele Simoneaux voted yes.

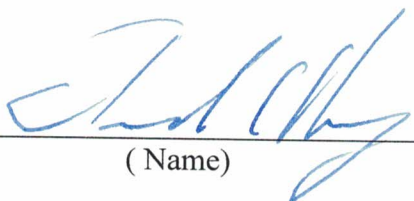
The meeting was adjourned at the end of the Executive Session at 9:05 pm.

Minutes Approved by Committee on:

11/14/11  
(Date)

Respectfully submitted,

Signature:

  
( Name)

Chairman,

Conservation Commission