

Monday, February 27, 2012

Attendance

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

Chris Baker was absent.

Minutes

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

The members reviewed the draft minutes of **January 9, 2012**. Lisa Carrozza noted one correction to the draft minutes on page 2., third paragraph. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to accept the minutes as revised. Approved.

The members reviewed the Bills Payable Sheet (Pare Corporation). Jennifer Carlino stated they are in winter shut down right now and they are within their budget to date. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (T-Ford). Jennifer Carlino stated they are in wither shut down right now and they are within their budget to date and will resume work when weather permits. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

Jurisdictional Determination – Water Department – for Bay Road, Plain Street water main replacement and review of upcoming projects.

Document List

1. Plan entitled "Town of Norton, Bay Road and Plain Street/Water System Improvements/Contract No. 12, Norton, MA, January, 2012, Bid Set – Sheets I-1 and C1-C12

Duane Knapp, Water/Sewer Superintendent, Carl Crawford of Otter Creek Engineering and Luther Grant, Water/Sewer Department board member, were present at the public hearing. Duane Knapp stated that \$13,000,000 had been bonded with the Town at one time when new tanks were being installed. He said that \$3,000.00 of that money was set aside for the desalinization project which no longer exists and the money has to be used. Mr. Knapp stated this project will involve replacing old 8" asbestos pipes on Bay Road and Plain Street with new pipes and hydrants.

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Carl Crawford said that he thought this project was exempt from filing a Notice of Intent and the wetlands had been flagged by LEC Environmental Consultants, Inc. He noted this in his letter to Jennifer Carlino dated January 3, 2012. He said that the water mains are located in the road except for the service tie-ins on the lawns. He noted that a lot of the work will be within the buffer zone and the only work in the wetlands will be the directional drilling under Mulberry Meadow Brook on Plain Street.

Mr. Crawford had a color-coded set of plans with him to explain the project to the members. The members already had the town's color-coded set out. He noted that the green is the wetlands, the yellow is what is existing and the pink is what is proposed. He stated that the water main is under the pavement in the road mostly within the 100 foot and 25 foot buffer zone. He said that the proposed water main will be installed approximately 8 feet from the existing water main. Jennifer Carlino asked if the existing water main was under the pavement or under the shoulder in the road and Mr. Crawford explained it was actually both. Duane Knapp stated that the work cannot be performed too close to the existing pipe for fear of it crumbling and this is why all the new pipe will be installed under the pavement in a separate trench.

Michele Simoneaux asked what happens to the old pipe and Mr. Crawford replied that it is cut and capped and abandoned in place. Mr. Crawford noted work has to stay at least 10 feet from existing sewer lines. He said hydrants are proposed approximately where they are located now and a few have been added for better fire protection. Lisa Carrozza asked Mr. Crawford if the contractors will know where to start and end the directional drilling and Mr. Crawford replied they would be following a written plan. Michele Simoneaux asked what the depth of the pipe would be and Duane Knapp replied it would be a minimum of five feet. Lisa Carrozza asked if any dewatering was going to take place and Mr. Crawford replied there would be. He stated that an NOI would be submitted for the construction of the erosion control and would be part of the SWPPP. Lisa Carrozza asked if the SWPPP has been prepared and Mr. Crawford replied it has not. Michele Simoneaux asked if he was submitting a Phasing Sequencing Plan and he replied it would be included in the SWPPP. Lisa Carrozza asked Mr. Crawford if the commission would be receiving a copy of the SWPPP to review and he said if the commission does not have jurisdiction, he would not submit a copy, but if they do, he would submit a copy. Jennifer Carlino stated that is to be determined. She noted that the project is in multiple resource areas, including Riverfront and Bordering Land Subject to Flooding, and the Commission must determine if it is exempt.

Jennifer Carlino noted that a check dam detail was included with the plans and asked Mr. Crawford where the check dams will be and he stated he has not determined that at this time but they will be included in the SWPPP. He stated that he still has to get an erosion control permit from EPA. Jennifer Carlino noted that she received a letter from NHESP stating the project is exempt under the Mass Endangered Species Act.

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David Henry asked Mr. Crawford when he would be sending the project out for bid and when he proposed to begin the project. Mr. Crawford replied that the project may go out for bid mid-April, hoping to begin construction end of May, beginning of June.

Mr. Crawford stated that, as he wrote in his letter of January 31, 2012, he did not think a Notice of Intent would be required for this project because the piping is not changing substantially and the width of the pipe is changing from 8" to 12", which, in his opinion, is not a substantial change. He said the trench digging will not change because of the change in the pipe size. Jennifer Carlino stated she agreed with these couple of changes, but she does not agree with the work to be done within the Riverfront Area located on the opposite side of the road in the river. She said that this looks like a substantial change to her.

Lisa Carrozza stated that if the same size pipe were to be installed in the same footprint, she would not think that this is a substantial change, but where the pipe is larger and will be re-located, she would think this a substantial change. She said she could determine more by looking at the SWPPP and could see, if any, and how much of the wetlands will be impacted. Jennifer Carlino noted that the fee is exempt and the plans have been submitted, therefore all the applicant needs to do is to submit the paperwork. She said he would have the permit even before the project went out to bid. Lisa Carrozza asked if there were any staging or stockpiling areas proposed and Duane Knapp said he would like to use the location of the old fire station on Bay Road but would need to obtain permission from the Town Manager first.

Julian Kadish suggested that there would not be a large amount of fill to stockpile whereas when the trench is dug the loam is placed right back in to cover the pipe. Duane Knapp stated that sometimes the fill is not suitable to put back so it has to be stockpiled until it is. Michele Simoneaux stated she was ok with most of the project as presented, but had concerns with the directional drilling at Mulberry Meadow Brook. Lisa Carrozza stated that she would like to see a HDD Plan showing the bore entrance and bore exit. Mr. Crawford replied he would have one as required by his specifications, but it will not be ready before the contract is signed and for the Notice of Intent application. She suggested putting the information in a letter format and said that the contractor can bring it with him for the pre-construction meeting.

Sharon Robbins of 103 Bay Road addressed the board. She was concerned the Water Department would skip over her property and not replace the old pipes. Duane Knapp explained that the new pipes would go down Bay Road as far as Plain Street and up Plain Street. He stated that her pipes should have been replaced when Buttermilk Way was built. Ms. Robbins explained that her pipes have never been changed since she was living there. Jennifer Carlino stated her house was not in the commission's jurisdiction. Duane Knapp offered to check into the situation for Ms. Robbins.

Michele Simoneaux stated that in her opinion, most of the project would be exempt from filing for a permit, but the directional drilling at the Mulberry Meadow Brook would require a wetland permit. Lisa Carrozza stated, in her opinion, a wetland permit is needed for the entire project. Julian Kadish,

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stated in his opinion, a permit would not be required, but regular inspections would be required. Michele Simoneaux made a motion, seconded by Lisa Carrozza to require a Notice of Intent application for the Mulberry Meadow Brook portion of the Bay Road/Plain Street water main replacement work. Julian Kadish was opposed to the motion. Approved.

Duane Knapp briefly described upcoming Water Department projects for 2012/2013.

Cottage Street – New pump station – already gone out to bid.

North Worcester Street – Oak Street – Houses on old system will be tied into new system. Jennifer Carlino stated there are 4 wetland areas near the road on No. Worcester Street and 5 on Oak Street. Duane Knapp stated that all work will be done on the paved road.

Norton Glen – Already permitted.

East Main Street from Bernie & Phyls East to Gym – Changing over fire lines and house services to the new service.

Hill Street – Already permitted. Will inspect at the Waste Management project.

Howard Street – Will be replacing some 6” pipes to 10” pipes.

Bay Road Heights – Working with Bay Road Heights LLC with their project.

Pilot Testing – Wells 4, 5, & 6 – Will be dealing with the Town’s iron and manganese issues.

Spring & Fall Flushing Program – Routine annual flushing of hydrants beginning April 1st.

Interior Cleaning of all Water Storage Tanks – Divers will be cleaning out the 2 elevated and 2 ground water storage tanks.

Kingsley Road – Red Mill Village pumps sewer up to Kingsley Road into the gravity pumping system then to Knollwood where the pump station is located. During the process methane gas is being dispersed into the sewer laterals and out the outlet pipes on the roof causing odor. Duane Knapp stated temporary charcoal filters have been installed in all the pipe stacks. He said this has helped but has not cured the problem. He said that the Water Department was going to re-route the force main directly to the pump station in Knollwood, but the owners of the Turtle Crossing project offered to do this when the project begins. He said that the work will be permitted under their permit.

The members reviewed a Notice of Intent – **Karen Keegan – (#250-883) – Parcel 193 (Assessor’s Map 27) 167 So. Worcester Street** - for proposed plans to construct a 28’x40’ dwelling, 26’x24’ garage, driveway and sewage disposal system within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent.
2. Portion of a plan entitled “Sewage Disposal Plan” for 167 So. Worcester St. in Norton, MA., Scale 1”=40’ prepared by RIM Engineering Co., Inc., signed and stamped by Ralph I. Maloon and latest revisions on May 19, 2003.

Mike Choquette and Karen Keegan were present at the public hearing. Mike Choquette explained that a permit had already been issued for this project but has expired. He stated that a foundation was

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already in place. Michele Simoneaux asked Mr. Choquette how much of the project was completed to date and he replied just the foundation. Jennifer Carlino suggested that the driveway was an old cart path that contained an old culvert that had collapsed and was removed. Mr. Choquette replied that there was never a culvert in that area. He said that an old Town trench was located on the road for drainage. Karen Keegan stated that only one previous permit has been issued and has expired. She said she would like to continue the project in the exact same way as presented in the previous permit. Jennifer Carlino noted that the limit of work has already been cleared and is starting to grow back.

Mr. Fernando Pereira of 179 So. Worcester Street addressed the board. He said that Mr. Choquette had agreed to clean out the stream but has never done so. He stated that he gets a lot of water on his property because of the stream. Jennifer Carlino told Mr. Pereira that the Highway Department is going to be cleaning out the stream that runs behind his and two other houses. Mr. Choquette stated that the houses are low and cleaning the stream will not eliminate the water problem. Jennifer Carlino stated that the water table is high in that area and this is why there are water problems. She advised Mr. Pereira to speak to Keith Silver of the Highway Department about storm water going onto his property. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a 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, September 26, 2011, October 17, 2011, November 14, 2011, December 19, 2011 & January 23, 2012 mtgs.)** - 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.
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.
6. Letter dated June 6, 2011 from Jennifer Carlino to Seth Dufort of Outback Engineering.
7. Letter dated June 29, 2011 to the Conservation Commission from Chessia Consulting.

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8. Letter dated September 16, 2011 from James Pavlik, Project Manager for Outback Engineering to Secretary Richard K. Sullivan, Jr.
9. Letter dated September 26, 2011 from Chessia Consulting to the Conservation Commission.
10. Letter dated September 27, 2011 from Mass Audubon to Secretary Richard K. Sullivan, Jr.
11. Letter dated December 1, 2011 from James Pavlik, Project Manager for Outback Engineering.
12. Letter dated December 15, 2011 from NHESP to Bay Road Heights.
13. Letter dated December 8, 2011 to the Norton Conservation Commission from Jake Kubel, Conservation Scientist.

AND

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, September 26, 2011, October 17, 2011, November 14, 2011, December 19, 2011 & January 23, 2012 mtgs.)** - 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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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.

Present at the public hearing were James Pavlik of Outback Engineering and Sean Kelly, applicant. Mr. Pavlik stated that he had submitted comments to the December, 2011 letter from Chessia Consulting. He said that revised plans submitted this evening reflect comments received back from Chessia Consulting in a letter dated January, 2012. He stated that the wetland line behind house #50 Lincoln Street has been revised on the plan and comments from Chessia Consulting regarding flood routing calculations and general drainage comments were incorporated into the plans. Mr. Pavlik noted that the SWPPP had been updated.

Jennifer Carlino asked Mr. Pavlik if he had responded to the Highway Department's comments and he replied he had. She requested he submit a copy of his comments. He said he sat and talked with Keith

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Silver and the Highway Department's main concern was with the Operations & Maintenance Plan once the project is completed. He said that if Spice Lane is eventually approved and accepted by the Town, it would be maintained by the Town, but if it was not accepted by the Town, then the Home Owner's Association would maintain it. Michele Simoneaux asked Mr. Pavlik how things were going pertaining to the Natural Heritage and Endangered Species Program (NHESP). He replied that he had just submitted the draft Conservation and Management Plan to NHESP late last week and is waiting for a reply.

Jennifer Carlino asked Mr. Pavlik about his potentially doing a conservation project further north and he replied he noted this in his cover letter in the draft Conservation and Management Plan to NHESP. Jennifer Carlino asked him what he put in his cover letter regarding this issue and Mr. Pavlik replied he had sent her an email asking her about her thoughts on the subject. He noted that under the Conservation and Management Plan, one of the requirements is to provide a net benefit mitigation for the Eastern Box Turtle. He said that the mitigation he will be providing will be the Open Space parcel and funding for the third party mitigation which is administered by The Nature Conservancy.

Jennifer Carlino explained what the mitigation was about. She stated that there are the two 40B parcels which border the potential Conservation Restriction. North of the 40B are two town-owned properties and north of that is a parcel of land belonging to the Erikson family and then north of that, another town-owned parcel. She stated the proposal is to try and leverage the applicant's requirement for the NHESP permit by transferring town-owned property into Conservation property and adding it to the 40B property protected land to make it a possibility to obtain a grant to put a Conservation Restriction on the Erikson property. She stated this would allow for preservation of a large piece of property and provide for actual Eastern Box Turtle habitat. Jennifer Carlino stated the total amount of land that would be preserved is approximately 50 acres.

Michele Simoneaux asked what the next step is and Jennifer Carlino stated Chessia Consulting had just received funding to submit their latest comment letter and will be submitting that soon. Michele Simoneaux asked if Mr. Chessia was planning on attending the next meeting to go over storm water issues and Jennifer Carlino replied that she thought this was correct. David Henry asked Mr. Pavlik if he wanted to continue the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until Monday, March 12, 2012. Approved.

An abutter, Mary Caizza of 111 Bay Road asked if someone could point out her property on a map since she abuts one of the lots. Linda Mayer asked if anyone could request to see a copy of the Conservation and Management Plan once it is received in the Conservation office and Jennifer Carlino stated they could.

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Other Business:

Jennifer noted that there is \$10,824.83 in the Wetland Protection Fund Account. She stated that the Town Manager would like to transfer \$5,000.00 of the funds to the General Fund. Discussion ensued on reasons why the money should not be transferred. Jennifer Carlino stated that the money may be needed for future projects and consultant, particularly Bay Road and the Pheeny Island project. Lisa Carrozza made a motion, seconded by Michele Simoneaux, not to give the money to be transferred. Approved.

Violation: 102 Dean Street.

Robert and Julia Camp addressed the board. Ms. Camp stated that she would like to cut down a 100-foot tall tree that is approximately 30 feet from her house at the edge of the wetlands. She said she had Tree Tech look at the tree and he said it was dead. Michele Simoneaux asked if she could see the location of the tree on a plan and Ms. Camp showed her the location on a plan from a previous application. Ms. Camp stated there are two other trees that need to be cut down as well. She explained that at the time they added on to their house, the addition had to be moved forward 8 feet to move it out of the buffer zone and away from the wetlands and vernal pool.

David Henry noted they had cut down a couple of trees already and Ms. Camp said they were out front and did not realize they were near any wetlands. Michele Simoneaux asked if the plan submitted this evening was the plan used for the addition. Ms. Camp stated it was, but on her home copy the 100 foot buffer was not shown at the front of the property. She noted that any trees removed had to be removed for safety reasons. Michele Simoneaux asked how many trees had been cut down and Mr. Camp stated 8 or 9, of which 5 were on the edge of the road out front of their property.

Michele Simoneaux suggested filing a Determination of Applicability for the trees that were removed and for the trees that are proposed to be removed. Lisa Carrozza suggested to Mr. and Mrs. Camp that they could update the existing plan from their first application to show the location of all trees that have been, and will be, removed. Mr. Camp expressed his concerns for leaving the dead trees up until after receiving the permit. Jennifer Carlino noted that the application should be submitted by this Wednesday in order to be heard at the next regular meeting and Mr. Camp replied he would submit the Request for a Determination of Applicability tomorrow.

Violation: 10 Freeman Street

Jennifer Carlino stated this has been a problem since Freeman Street was re-constructed by the Town and is on-going. She said that there has always been a culvert under the road in this area connecting two separate wetlands. She noted that 2 catch basins were installed at the end of Freeman Street near West Main Street causing additional water flow into the culvert. Jennifer Carlino said that the violation at 10 Freeman Street was the dumping of leaves and debris at the headwall blocking the 2 pipes. She noted that there is another pipe coming from the other end of Freeman Street and

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discharging at this area. Lisa Carrozza asked if the problem is on private or Town-owned property and Jennifer Carlino stated it is private property.

Jennifer Carlino stated there is an issue with an easement at this area and she suggested to the home owner to discuss this with the Town Manager but in the mean time to stop dumping leaves and debris in front of the headwall. She said they had an agreement that he would cease dumping in this area and speak with the Town Manager on the other issues. She noted that she received a letter from the homeowner which basically stated he believed that clearing this area would make drainage and flooding problems worse and he was not going to do so.

Lisa Carrozza asked if the Highway Department is cleaning the debris and Jennifer Carlino stated they are not allowed on the property. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to have Jennifer Carlino send a letter to the Town Manager asking for his assistance in resolving the drainage issues with the Town and also to advise the homeowner to comply with the Conservation Commission's request to cease dumping into the culvert at the headwall and pipes. Approved.

Violations: 38 John Scott Boulevard, 81 Freeman Street, 241 Mansfield Avenue, 6 Rumford Road

Jennifer Carlino stated she will be sending reminder notices mid-March and inspecting these properties again this spring.

Jennifer Carlino noted that she received notice from the Mass DOT stating they will begin the re-surfacing of Route 495. She said that they have a permit already and will come in for a pre-construction meeting on March 13th at 10:00 am.

Jennifer Carlino noted that National Grid sent notice that they will be starting their work at the Shpack site. She said they need to remove two high tension poles at the site so that the PRPs can conduct the characterization of the town area.

10 Maplewood Avenue-oil spill: Jennifer Carlino stated that she received information from the contractor that the cleaning up of the crawl space and ventilation of the area has already been done and digging outside of the spill will begin soon. Michele Simoneaux asked if an Emergency Certificate has been issued and Jennifer Carlino replied she had already issued one.

157 Mansfield Avenue-oil spill: Jennifer Carlino stated that the LSP for the project is complaining about boxes that were checked on the Order of Conditions.

Other Business:

Jennifer Carlino ask the members if they wanted to schedule a joint on-site meeting to inspect Pheeny Island before the next meeting. She said she will be going with Scott Goddard and Ken Leavitt tomorrow. Dave Henry asked if the trees were marked. Jennifer Carlino stated that Scott Goddard will be re-flagging, with 20 flags, the wetland section tomorrow morning before the joint inspection.

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Michele Simoneaux suggested having a marked-plan before doing an inspection. She noted that Chris Yarworth came into the office today and suggested to the secretary he may not be ready for the March 12th meeting. She said it is very important to find out early in order to cancel the room at the library and to re-book the room for a later date.

Julian Kadish stated that in an article he read, 50 flags were removed and tree markings were spray painted over by someone who is obviously against the project. Jennifer Carlino noted that every time the trees are numbered, someone spray paints over the numbers with different numbers confusing things even more making it very hard to do a wetland inspection. She asked the members if they would like to receive added information before the meeting or with the agenda. She asked the members to notify her as soon as possible if they cannot attend the March 12th meeting.

Jennifer Carlino stated that the proposed Turtle Crossing project site has been sold and the new owners are proposing many changes. She said it was originally submitted as an ANRAD twice. She said that they were given a permit to fill in 34,000 sq. ft. of isolated wetland. She said the filling was done and a swale was dug across the entire site, which, in her opinion, does not make any sense. She said the water is flowing toward the pond. Michele Simoneaux asked how the applicant had proposed to mitigate the filling in of wetlands and Jennifer Carlino stated that the creation of the pond was the mitigation.

Jennifer Carlino stated that the many changes seem to be an improvement except for the fact that proposed construction will take place within wetlands of an ACEC, and unless it is a limited project, wetlands cannot be altered. She said she advised the potential buyers that the property would have to be flagged as it is today and not as it was before. She noted that they intend on submitting an ANRAD.

Julian Kadish made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:40 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____