

Monday, May 21, 2012

### **Attendance**

David Henry (Chairman), Ron O'Reilly (Vice-Chairman), Julian Kadish, Lisa Carrozza, Michele Simoneaux, Scott Ollerhead 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 **March 26, 2012**. Lisa Carrozza stated that on Page 13, third paragraph, first sentence, the words "Wildlife Eligibility Certificate" should read "Self Certification Consultation Process". Jennifer Carlino stated on page 2, fourth paragraph, first sentence, the word "that" after the word "more" should be changed to "than". Michele Simoneaux corrected information she stated on page 2. She stated the words "the entire portion of that wetland" should be replaced with "a good portion of the canopy of the wetlands in that area". She stated the words "and document what was allowed and why" should be added after the words "Determination of Applicability". Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the draft minutes, as amended. Approved.

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

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

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

**Discussion** – Eagle Scout project with Daniel Ruff at Norton Reservoir dam.

Daniel Ruff addressed the Commission and stated he and his troop would like to create a small park at the Norton Reservoir dam entrance. He said they are proposing wooden benches, etc. Julian Kadish suggested using stone or cement. David Henry asked if they would be raising the funds and Mr. Ruff replied they would be, but did not know how much would be needed at this point. Michele Simoneaux asked Mr. Ruff if he would be submitting a design plan and he replied he would be. Jennifer Carlino agreed to meet with Daniel Ruff to confirm the location of the project. She questioned the location to ensure Mr. Ruff did not intend to place the park in the wetland replication area as his photos suggested.

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### Enforcement Order – 96 Maple Street

Jennifer Carlino noted that the owner had received the Enforcement Order which requested that she appear at tonight's meeting. She stated she did not show up this evening. Julian Kadish asked Jennifer Carlino to inquire as to why she did not want to come to tonight's meeting and she replied she would inquire. Julian Kadish made a motion, seconded by Ron O'Reilly, to ratify the vote taken earlier to have Jennifer Carlino inquire as to why the owner had not shown up for tonight's meeting. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #981) – Christopher Cantwell – Parcel 229-06 (Assessor's Map 16) 5 Maggi Lane** – for replacement of a leaching field with an infiltrator system within 100 feet of wetlands.

### Document List

1. WPA Form 1 – Request for Determination of Applicability.
2. Plan entitled "As Built Plan Subsurface Disposal System at 5 Maggi Lane, Norton, MA prepared by David Oberlander, P.E. of BDO Engineering, signed and stamped by David A. Oberlander and dated April 24, 2012.

David Oberlander of BDO Engineering addressed the Commission. He stated that the septic system at this property had failed and Jennifer Carlino had issued an Emergency Certificate for the repairs. He noted that the work was complete and he submitted the paper work. He submitted a plan which was color-coded so the members could see where the bordering vegetated wetlands are. Lisa Carrozza asked if the area had been seeded and Jennifer Carlino replied it had and was growing well. She stated she had an appointment with the owner to resolve a violation with the construction of a shed and composting within the wetlands. Michele Simoneaux made a motion, seconded by Ron O'Reilly, 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. Julian Kadish suggested that a note be added to the Determination that the violation is separate from this project.

The members reviewed a Request for a Determination of Applicability – **(DET. #982) – Robert Keane – Parcel 38 (Assessor's Map 26) 19 Union Road** – for proposed plans to install an 8' x 16' dock with 100 feet of Chartley Pond.

### Documentation List

1. WPA Form 1 – Request for a Determination of Applicability.
2. Portion of Assessor's Map with hand drawn house and proposed dock.
3. Photograph of the dock.

Ron O'Reilly recused himself from the public hearing.

Robert Keane addressed the Commission. He said he had constructed an 8' x 16' dock in the center of his property on Chartley Pond. Jennifer Carlino stated he had been before the board previously and was advised to get a plan showing where the dock would be going. She said the dock is a floating dock which will be seasonal.

Julian Kadish asked how strong the wind is and from direction it will be blowing noting that this could present a problem. Lisa Carrozza asked where the dock would be stored and Mr. Keane replied it would be stored in an area behind the house where vegetation does not grow. Michele Simoneaux asked when the dock would be pulled from the water for the season and Mr. Keane replied in late October. Julian Kadish asked if the project was completed and stabilized and Jennifer Carlino replied it was. Jennifer Carlino suggested that the decking have spacing in order to allow light to go through the dock for vegetation and wildlife habitat purposes. She stated the owner would be attaching a plate with the owner's name and address in case the dock breaks loose. Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Michele Simoneaux, to issue a negative (#3) Determination of Applicability as long as the work had been done according to the approved plans and the decking will be re-spaced. Approved. Jennifer Carlino asked Mr. Keane to call her after he re-spaces the decking and she will inspect it.

**Notice of Intent – Robert Welch, Airport Manager, Mansfield Municipal Airport – (#250-885) – Parcel 141 (Assessor's Map 4) North Washington Street – (cont. from the March 26,2012 mtg.) - for proposed plans for cutting trees within 100 feet of wetlands.**

David Henry stated a letter was received from Armand DuFresne of Gale Associates requesting a continuance of the public hearing until the next regular meeting of Monday, June 11, 2012. Michele Simoneaux stated, for the record, she will recuse herself from any public hearings for this project as her company represents the applicant. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next meeting. Approved.

**The members reviewed a Notice of Intent – (#250-884) – Robin McDonald/Attleboro YMCA Camp Finberg – Parcel 292 (Assessor's Map 26) 295 West Main Street – (cont. from the February 13, 2012, March 26, 2012, April 9, 2012 & April 23, 2012 mtgs.) - for the removal of debris from the wetland resource areas, removal and proper disposal of cut branches and vegetation within the wetland resource areas and vegetation maintenance of the view shed area.**

#### Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Attleboro YMCA, Camp Finberg Property, Norton, Massachusetts, Permitting Plans for the Maintenance of: Attleboro YMCA Billboard Area." (pages C1 and 1-3)
3. Revised "Narrative" of the project.

Michael Moonan from Weston and Sampson addressed the commission. He stated that, per the Commission's request at the previous hearing, the limit of the work/clearing was flagged in the field.

David Henry asked Jennifer Carlino if she had inspected the flags and she stated that, because of the late notification, she had not. Mr. Moonan submitted pictures of the site. Michele Simoneaux asked how the site was marked and Mr. Moonan replied with orange ribbon. Lisa Carrozza asked what color the original wetland flags were and Jennifer Carlino replied they are pink. The members agreed they would like to go and check out the site. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to continue the public hearing until the next regular meeting of Monday, June 11, 2012. 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, February 27, 2012, March 26, 2012 & April 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.
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.

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**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, February 27, 2012, March 26, 2012 & April 23, 2012 mtgs.) - for proposed plans to install a 23-unit condo complex, road, storm water management and utilities 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.

Rene L. Gagnon of Outback Engineering addressed the board and proceeded to go over his responses to Chessia Consulting Services, LLC's comment letter dated May 17, 2012 as shown in bold below as follows:

**1. P. 6, RE: drainage towards Manning property across Bay Road, and use of roof drain at duplex unit on lot 1: "The issues associated with this control point have been addressed, subject to satisfactory soil testing and design of the roof drainage and. infiltration system for Unit 2. I also recommend that the plans clarify the final drive extents for Units 1 and 2, there is proposed to be a reduction in the limits of impervious area based on the roof deduction and reduction in the size of the driveways. Changes to these factors would affect the calculations. The Commission should consider conditioning these aspects of the project if it is approved.**

Mr. Gagnon stated that he has removed the central portion of the "horseshoe" driveway. He said that each unit of the duplex will have its own driveway and that the final driveway layout will remove approximately 1,200 s.f. of impervious area. Jennifer Carlino requested the new driveway be noted on the plan.

Jennifer Carlino requested that he have a back up plan in case the soil testing proves that the soils are not suitable. Julian Kadish suggested to allow the testing of the soils be delayed until the design phase.

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Jennifer Carlino stated it would be better to have a back up plan in case the soils failed and the Commission might have to deny the house lot. She noted that the applicant understands the risk since the capture of roof runoff is required for the drainage calculations submitted. Lisa Carrozza asked if the

detention basins throughout the project were designed for runoff from the roof drains and Mr. Gagnon stated they were except for these few lots. Jennifer Carlino stated a condition to be added to the Order will state there shall be no clearing of the lot until soil testing is done on units 2-6. Lisa Carrozza suggested a note be on all plans.

**2. P. 8, RE: Runoff towards Lincoln Street culvert, and the use of roof drains on lots 2-6 (same comment repeated on p. 9): "The Applicant has requested that final design of the roof infiltration systems be deferred until the building permit phase. If the Commission agrees and soils are determined to not be suitable based on groundwater separate permeability the Commission Condition should require that those lots not be developed as part of this plan and potentially a new filing be required."**

Mr. Gagnon noted that in his experience with other projects, it has not been uncommon to defer the final roof drain design to the building permit phase and the soil testing for each roof drain system could be performed at the time of percolation testing for the individual septic systems. He said that a design plan could be provided to the Commission for their approval prior to a building permit being issued. Mr. Gagnon requested that individual roof drain design be included as a condition of approval.

**3. Top & Bottom of P. 11, RE: emergency spillway for Basin #1 at Bay Road: Top: "An emergency spillway discharging to Bay Road has been added to the design. As noted initially, there is no safe outlet for an emergency spillway; the roadway is not a safe outlet. I recommend that the Highway Superintendent comment on the design." Bottom: "The plans would meet this standard if the Commission accepts that the roof infiltration systems do not have to be designed at this stage and is willing to condition the plans accordingly. I also note that Basin 1 in under a blocked outlet or extreme storm event would discharge through the emergency spillway into Bay Road."**

Mr. Gagnon stated that Bay Road is the current discharge point for runoff from the site where the site is a steep hill, its low point is Bay Road. He said that this design was previously reviewed and approved by the Norton Zoning Board of Appeals. Lisa Carrozza stated that the runoff will be flowing on a different surface than that of the present. He noted the addition of the riprap spillway was simply the addition of a detail to make the design comply with the Stormwater Management Handbook but does not change where the water flows. Mr. Gagnon suggested a second structure with its own pipe could be installed as a back up for the water to flow across the road without flowing onto private property.

Lisa Carrozza asked Jennifer Carlino if Chessia Consulting LLC had any suggestions and she replied that moving the spillway might be an alternative. Julian Kadish suggested a second pipe parallel to the proposed pipe to pick up the added storm water. Lisa Carrozza suggested Chessia Consulting resolve this issue. Jennifer Carlino suggested this was a good idea to avoid any problems that might delay the project.

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**4. P. 12 and 13, RE: Recharge for site vs. by watershed: P. 12: "I disagree with the engineer on this issue. The Commission will need to make a determination if they accept the design. No additional data has been provided to assist with the Commissions deliberations as requested." P. 13:**

**"I disagree with the engineer on this issue. The Commission will need to make a determination if they accept the design. No additional data has been provided to assist with the Commissions deliberations as requested."**

Mr. Gagnon stated that during his conversation with Fred Civian of Mass DEP regarding this issue, they were directed to comply with the Standards set forth in the MassDEP Stormwater Handbook. Accordingly, he stated that their design complies with Standard 3 where they have provided the required recharge for the site as specifically stated in the Handbook (See attached page 5 from the Handbook, Volume 1, Chapter 1). He stated that nowhere in the Handbook does it specify that the recharge must be provided on a watershed by watershed basis as indicated by Mr. Chessia per his conversation with Tom Maguire. He noted it did state they had to meet the recharge for the site. Furthermore, he said that Mr. Chessia has not referenced any portion of the Handbook regarding Standard 3 with which our design does not comply.

Discussion regarding where the recharge water would go. Jennifer Carlino stated that in the past the Commission has required both depending on the site and, in this case, the storm water goes to 2 completely different water sheds. Mr. Gagnon noted it was not defined in the Stormwater regs as to what water shed the recharge would go. He pointed out the two different water sheds that the ground water recharge would go to, one being the Hockomock Swamp and the other being the Mulberry Meadow Brook on Plain Street. Jennifer Carlino suggested to Mr. Gagnon that he might already be meeting the recharge standard, he just has to document it. He replied that he is not because according to the book, if only a portion of the impervious surface is being directed toward a recharge area, the volume has to be massive. He stated there is only 3% impervious groundwater being directed at this time. He said that, according to the book, if the site conditions are very poor and cannot allow for the proper recharge, an exception can be made. He said he is installing the catch basin as low as possible before hitting bedrock to capture as much ground water as possible.

Lisa Carrozza asked if there was any way to reduce the amount of impervious service of the road way on the site. She suggested using permeable pavement to the duplex. Mr. Gagnon replied he would investigate this. He stated that the entire area consists of shallow bedrock. Lisa Carrozza suggested installing a retaining wall on the slope and Mr. Gagnon stated this would not help.

**5. P. 16, RE: use of detention Basin 1 for construction period sediment control: "The above concerns with stabilization of the permanent basin remain. This area should be carefully monitored. I recommend that the plans incorporate a means to shut off the outlet and pump if necessary should sediment be observed downstream of the basin or in the wetland area."**

Mr. Gagnon stated that he doesn't feel this detail is necessary based on their experience. He noted that on numerous projects permanent basins have been used for construction-period sedimentation control without issue. He said that if the Commission disagrees, he would request that these measures be included as a condition of approval. Lisa Carrozza asked what the temporary outlet would be and

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replied it would be a riser pipe. Lisa Carrozza stated these are not allowed anymore for the EPA permit and he would have to use a skimmer outlet.

**6 P. 17, RE: sizing of sed. control basins at end of Spice Lane and Clove Court: "Based on the new SWPPP requirements the temporary basins should be sized to hold either the 2-yr. 24 hr. storm volume or 3,600cf per acre drained. The submittal does not demonstrate compliance with this aspect of the permit. I also recommend that outlets from temporary basins be located outside the 50 foot buffer where feasible."**

Mr. Gagnon stated that he had revised the temporary basin design calculations and the Construction-Period Erosion and Sedimentation Control plan to address this comment.

David Henry asked Mr. Gagnon if he could submit revised plans before the next meeting of June 11, 2012 and he said he could. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, June 11, 2012. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-887) Dakota Partners, LLC – Parcels 4 & 22 (Assessor's Map 2) Newland Street – (cont. from the April 23, 2012 mtg. )** - for verification of the Wetland Resource Areas.

#### Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plans entitled "Turtle Crossing, Comprehensive Permit-Local Initiative Program-Notice of Resource Area Delineation, Assessor's Map 2/Parcels 4 &22, Newland Street, Norton, MA. (Sheets C-1.0, C-1.1, C-1.2, C.1.1a) – Signed and stamped by Daniel R. Campbell. **(Revised)**.

Dan Campbell of the Level Design Group was present as well as Brian Madden, Wetland Scientist, of LEC. Mr. Campbell noted that Brian Madden has been in contact with Jennifer Carlino and has made a lot of revisions to the plans. Mr. Madden pointed out the different revisions to the plans as follows and marked them on a plan for the members:

- He had located a small isolated area to the north that could be a possible vernal pool.
- He located a larger pond which had been man made that could be a vernal pool.
- South of the property an area of bordering vegetated wetland that eventually connect with Canoe River, most of which is off site.
- 2 isolated non-jurisdictional wetland areas that have been filled.

Lisa Carrozza asked Mr. Madden what isolated areas were under the jurisdiction of the Army Corp. of Engineers and he replied only one area, the central site pond. He stated all the other man-made areas were not. He said that north of the central pond site is an Isolated Vegetated Wetland system which could be classified as a potential vernal pool. Mr. Madden noted that the west and east half of the site are separated by a bordering vegetated wetland system which eventually connects to the Canoe River and contains a couple of possible vernal pools. He pointed out several other areas that might

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be considered as possible vernal pools. Lisa Carrozza asked why the Riverfront Area was not shown on the plans and Mr. Madden replied that these plans of the eastern section are for information only and a Notice of Intent has been filed for the western portion of the property only. She requested that the Riverfront Area be added to the plans.



Mr. Madden pointed out a drainage “ditch” that was created by the previous owner which runs the entire length of the property going west to east. He stated that there was probably a miscommunication back in 2007 when the owner had been instructed to direct any water away from the central pond and this is the reason for the “ditch” being dug. He noted that the fill to the north in the approved Isolated Land Subject to Flooding fill location had settled quite a bit. Michele Simoneaux asked if anyone had any current pictures of the “ditch” and Jennifer Carlino stated she did. She asked Mr. Madden if he was investigating the vernal pools currently and he replied he had not formally documented them but had been informally checking them out for a few years and will submit information to Jennifer Carlino. Lisa Carrozza asked why Jennifer Carlino is certifying the vernal pools instead of the applicant. Michele Simoneaux asked that the vernal pool documentation be submitted with the Notice of Intent application. Lisa Carrozza requested the Army Corp. of Engineer’s jurisdictional data be noted on the plans.

Jennifer Carlino noted that she had gone out with Mr. Madden and changed two or three flags. She stated all the other bordering vegetated wetland flags were correct except for the “ditch” in question. Michele Simoneaux requested that any vernal pool data be submitted. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, June 11, 2012. Approved. Dan Campbell asked what information Jennifer Carlino wanted before the next meeting and she replied the correct file # on the back of the property and the Riverfront Area information.

Discussion: - Turtle Crossing Sewer line extension – Kingsley Road

#### Documentation List

1. Turtle Crossing Comprehensive Permit-Local Initiative Program, AM2/Parcels 4 & 22, Newland Street, Norton, Massachusetts, Off-Site LP Sewer Line dated March 5, 2012. (Scale 1”=40’)

Dan Campbell of the Level Design Group stated that the Water/Sewer Department has indicated that they are having problems with the existing sewer system in the area of Newland Street and Kingsley Road. He stated that there is a gravity manhole on this corner which takes sewer flow from a force main and from several directions and goes to a pumping station at the corners of Kingsley Rd., Kensington Road and Keith Drive. He said that, according to the Water/Sewer Department, there has been an odor problem since the Red Mill Village was constructed. He noted that, because of the slow pumping of the sewage, odors have been coming out of neighboring chimneys. He said that the Water/Sewer Department has installed charcoal filters on the chimneys which has helped slightly. Mr. Campbell stated that they will be installing a second force main down Kingsley Road to tie into the pumping station which will help to eliminate the odors that have been coming from the houses.

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Mr. Campbell stated that this will be an off-site improvement and the issue at hand is that there is a culvert under Kingsley Road which contains wetland species and standing water in the area that will be used for erosion control and stock piles. Lisa Carrozza asked Mr. Campbell if the project could go forward without this off-site improvement and he replied it could. He said that the force main would be 4 feet into the ground and installed by a chain trenching method. Lisa Carrozza suggested that the silt socks used for erosion control be installed and removed for each section of the force main as it is installed to prevent clogging.

David Henry asked Mr. Campbell to repeat the requests made by the board. Mr. Campbell replied 1. no hay bales, 2. install silt socks and remove them for each section to prevent clogging and not stock piles within 100 feet of any wetland resource areas. Lisa Carrozza asked when this off site work would be done and Mr. Campbell replied that he was not sure. He said that it will be done along with the site work for the project. He noted that there will not be any water tie in permits given by the Water/Sewer Department until this off site improvement work is completed. Lisa Carrozza asked Mr. Campbell if this off site improvement work will be part of the SWPPP for the Notice of Intent application and he replied that it will be.

The members reviewed a Notice of Intent – (**#250-888**) – **Turtle Crossing, LLC – Parcels 4 & 22 (Assessor's Map 2) – Newland Street** – for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands.

#### Document List

1. WPA Form 3 – Notice of Intent
2. Stormwater Report
3. Plans entitled “Turtle Crossing Comprehensive Permit Application Local Initiative Program, Newland Street, Norton, MA, prepared by Level Design Group and signed and stamped by Nicola Facendola dated April 12, 2012.
4. Turtle Crossing Comprehensive Permit-Local Initiative Program, AM2/Parcels 4 & 22, Newland Street, Norton, Massachusetts, Off-Site LP Sewer Line dated March 5, 2012. (Scale 1”=40’)

Dan Campbell of the Level Design Group addressed the board and requested that he use the same engineering company, Graves Engineering, that is reviewing the project for the ZBA as the Commissions’s Consultant. Jennifer Carlino suggested getting all the reports done by Graves Engineering to see if the wetland issues were studied as well as the drainage issues under the Wetland Protection Act to determine if that is appropriate.

Dan Campbell stated he could walk the members through the project, but it would be more feasible to request a continuance of the project until he has revised plans and the drainage reports from Graves Engineering. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, June 11, 2012. Approved.

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#### Scott Goddard - #250-787 – Parcel 37-1 (Assessor's Map 31) John Scott Boulevard

Scott Goddard addressed the board with an update on this project. He stated that there is a Superceding Order of Conditions for this project. He said that property is still under construction but all the wetland portions of the project are completed and he submitted a partial As-Built plan for the wetland/stream crossing. He noted that the project went well. He then pointed out the entrance off of John Scott Boulevard at the location of the twin box culvert. He said there were a few minor modifications in the

field that were worked out with Jennifer Carlino. He pointed out where the crossing of the upland island was and the area for the wetland replication that was excavated.

He showed the area of the second crossing to get to the rear upland. He noted that only 477 sq. ft. of Bordering Vegetated Wetland was altered which is less than the originally permitted 700 sq. ft. Mr. Goddard pointed out the 2 pipes installed as equalizer pipes to maintain hydrologic connectivity between the Bordering Vegetated Wetland that was installed. He said the elevation for this was set at 86.35 to 86.81 and is working well and they are at grade the way they were designed. Mr. Goddard stated that all the wetland vegetation, which is a wetland seed mix and shrubs, was planted by himself and is growing well.

Mr. Goddard submitted a picture of the twin box culvert which he stated has a 4' high opening and is buried 6" to 8". He said the banks were created end to end by hand before the top of the culvert was placed and any water or stream can flow very well through the culvert. Mr. Goddard noted that the project is going very well and he suggested that it is going a lot better than other projects because he personally supervised the entire project.

Michele Simoneaux asked Mr. Goddard if he has to submit annual reports on the replication area to DEP and he replied that he will in the fall.

Robert Shaw, a direct abutter at 47 John Scott Boulevard, stated that he and his neighbor, Mr. Weldon, are still getting water onto their properties and have never had water in the past. He stated that the 2 equalizer pipes that were installed are prohibiting the water from flowing off of his property. He submitted pictures for the members to review. He pointed out areas where, now, there is water and in the past, there was no water. He said the water has no where to flow now. Jennifer Carlino noted that the areas Mr. Shaw were pointing out looked the same as the pictures before the culvert was installed. She noted that the culvert was installed as proposed. Mr. Shaw stated the culvert was not installed properly. Mr. Goddard stated that the culvert is working even better than proposed. Jennifer Carlino stated that most of the flow comes from a stream across the street and a little from the two abutting properties.

Mr. Ed Weldon, an abutter at 45 John Scott Boulevard, stated that he has lived at this address for 36 years and has never had as much water on his property as he has had since this project was started. He said that when the hay bales were installed at the bridge area, the water started filling up his back yard. He said he called Jennifer Carlino and she stated that when the hay bales are removed, the water will

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disappear. She also questioned whether there were obstructions within the wetlands on each of their properties that might obstruct flow. He noted that when Mr. Goddard removed the hay bales, the water flowed off of his property the wetland in his yard dried up. Mr. Weldon stated that after the bridge and pipes were installed the water came back and is not flowing off of his property. Scott Goddard reminded the Commission that both properties contained wetland prior to his project starting.

Mr. Shaw stated that Mr. Goddard has to come back before the Conservation Commission because of the modifications to the plan including the re-location of the well. Jennifer Carlino stated to Mr. Shaw

that his complaints have to be directed to the DEP. Mr. Shaw argued that the DEP was invited to tonight's meeting but did not show up. Jennifer Carlino gave Mr. Shaw the DEP phone numbers to call with his complaints. Jennifer Carlino stated that any changes made to this project have to be submitted to the DEP and copied to the Norton Conservation Commission.

Mr. Shaw argued that the Conservation Commission has done nothing to help him and his neighbor, Mr. Weldon, from getting water onto their properties because of this project. Julian Kadish stated that the Commission has done their part and it is now up to him to prove that the water issues and his and his neighbor's property is caused by the construction for this project. Scott Goddard stated that originally the pond boundaries were shown on the plan. The upper end of the pond boundary was immediately down gradient of the culvert. Julian Kadish asked Mr. Goddard if there was an outlet for the pond and he replied that there was a spill way over a man-made dam and it is not obstructed at this time. Dave Henry stated that the only way to resolve this issue, is to contact the DEP.

**Notice of Intent – (#250-882) – Kenneth Leavitt – Parcel 720 (Assessor's map 3) Pheeny's Island, Norton Reservoir – (cont. from the February 13, 2012, April 9, 2012 & April 23, 2012 mtgs.) – for proposed construction of ropes based adventure course to include construction of a building, shed, dock, wood chip walkways and picnic areas within 100 feet of Norton Reservoir.**

Jennifer Carlino noted that the applicant has requested a continuance of the public hearing until June 11, 2012. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, June 11, 2012. Approved.

**Request for a partial Certificate of Compliance for File #250-868-Horizon Beverage Company-Michael Epstein - Parcels 24-115, 25-1 & 25-92 (Maps 24 & 25) 45 Commerce Way.**

Jennifer Carlino noted that the applicant requested a continuance for the Certificate of Compliance until the next meeting. She said that she has worked with the applicant lowering the amount of a bond a couple of times and now the applicant wants to try to finish the stabilization without having to post a bond. She stated a partial or full Certificate of Compliance is needed to obtain the Occupancy Permit. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the review of the Certificate of Compliance until the next regular meeting. Approved.

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**Request for a Certificate of Compliance for File #250-582 – Mansfield Airport Commission – Parcel 428 (Assessor's Map 3) 265 Fruit Street for filling and replicating 3,080 sq. ft. of wetlands. Jennifer Carlino stated there was a question of whether the Order of Conditions had been recorded or not. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the request for the Certificate of Compliance to the next regular meeting of Monday, June 11, 2012. Approved.**

**Violations:**

**81 Freeman Street** – Jennifer Carlino stated much progress has been made with the clean up. She said that the owner had called for a final inspection.

**241 Mansfield Avenue** – Jennifer Carlino said that no engineer has been contracted yet. She said the owner and restaurant owner are arguing as to who should hire the engineer. Michele Simoneaux made a motion, seconded by Lisa Carrozza to set a deadline of two weeks for an engineer to be hired to fix the violation. Approved.

**6 Rumford Road** – Jennifer Carlino stated that all the restoration work has been completed but the owner would like to leave part of the lawn and is in the process of filing a Notice of Intent.

**45 Crane Street** – Jennifer Carlino stated the owner has purchased the plants and is changing from fiber roll to silt fence and will be installing the silt fence this weekend, weather permitting.

**94 & 96 Maple Street** – Jennifer Carlino stated that the owner of 94 Maple Street was cooperating, but the owner of 96 Maple Street was not.

**119 Burt Street** – Jennifer Carlino stated the owners had planted a visual barrier of blueberry bushes and she has already sent them a release letter.

Norton Reservoir – release retainage (partial)

Jennifer Carlino stated that an amount of \$13,000 is left in the account for the Norton Reservoir dam repair project. She said the TFord is requesting that \$11,000 be released. She said that Pare Corporation agrees to the release of most of the money with the exception of money to be held as follows: \$1,000 for more stabilization of grass, \$1,000 for As-Built plans and \$500 for sediment and erosion control removal. Jennifer Carlino stated that the replication area has only had one growing season.

Lisa Carrozza suggested releasing \$5,000 and holding back \$8,657.52. Michele Simoneaux suggested releasing the \$5,000 now and re-consider releasing more money in the fall after one growing season. The members agreed with this.

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David Henry noted that UMass Amherst would like to use 2 Conservation Commission properties for wetland research. It was agreed this would be ok.

David Henry noted that a Waterbody Committee has been established and meets once a month. He said there is an opening for anyone that might want to attend. Jennifer Carlino said she would try and provide a schedule of the dates for the meetings and suggested the members take turns attending the meetings. She noted that she had submitted an extensive list of things that needed to be done.

David Henry read a letter of support for the South Eastern Regional Vocational Technical High School grant. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and send the letter.

Jennifer Carlino noted that she has received a couple of complaints from the Building Inspector's office of the hazards of the possibility of falling into the Norton Reservoir at the dam area. She said she has a little money left in the budget and has gotten a couple of estimates to have chain-linked fence installed in a couple of sections of the dam area. Julian Kadish suggested to inspect the site with the Building Inspector to find out what is required.

Jennifer Carlino stated that the Office of Dam Safety has informed her that they do not like the Emergency Action Plan that is submitted annually. She requested to have Pare Corporation update the plan and she will use the revised plan template from now on. Lisa Carrozza suggested that Jennifer Carlino request an example plan from the Office of Dam Safety to use as a model instead.

Jennifer Carlino stated she would like to use a little of the remaining funds in the Norton Reservoir dam budget to have portions of Falls Rd. and Alder Rd. surveyed because Conservation property is being taken and used for private beach areas.

Jennifer Carlino stated she would like to add two sentences on Floodplain policy regarding the Norton Reservoir. She stated the elevation to be used along the Norton Reservoir will be 103.65 feet for the 100-year flood plain elevation from now on. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to accept the policy as amended.

Michele Simoneaux made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 10:30 pm. Approved.

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

Respectfully submitted,

*Signature:*

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

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