



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

Monday, November 24, 2008  
7:00 pm

### Attendance

Earl Willcott (Chairman), Julian Kadish (Vice-Chairman), Kathleen Giblin, David Henry  
Jennifer Carlino, Conservation Agent.

Ron O'Reilly, Lisa Carrozza and Chris Baker were absent.

### Minutes

The meeting started at 7:00 pm.

The members reviewed the Bills Payable Sheet (misc.). Kathleen Giblin made a motion, seconded by David Henry, to pay the bills. Approved.

The members reviewed a Notice of Intent - (**#250-834**) – **Thomas & Maureen Jarbeau – Parcel 117 (assessors map 28) 5 Lisa Drive – (cont. from the November 10, 2008 mtg.)** - for proposed plans to construct an addition within 100 feet of wetlands. Thomas Jarbeau stated a DEP file number had been received for this project. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – (**#250-832**) – **Thomas Palanza – Parcel 2 (assessors map 22) 1 Power Street – (cont. from the November 10, 2008 mtg.)** - for proposed plans to construct a church, new parking and storm water management system within 100 feet of wetlands. Bob Rogers of Tibbetts Engineering represented the applicant at the public hearing and updated the Commission on the project. He stated he had received comment from Jennifer Carlino and Walter Amory of Amory Engineers P.C. He stated he had submitted revised plans on Friday and had mailed the revised plans to Walter Amory.

Mr. Rogers proceeded to respond to Jennifer Carlino's letter of November 3, 2008 as follows:

He stated a new pink flag was added to the plans labeled 50A. He said all landscaping debris and trash will be cleaned up before the Order of Conditions is issued for this project.

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Mr. Rogers continued to go through the list of comments as follows:

On the Notice of Intent:

1. the name of the signatory was added to the Notice of Intent on page 1.
2. the description of the proposed work was re-written to include the additional parking and storm water management.
3. the white mail slips were submitted prior to this letter.
4. page 3 was added to the checklist to include the low-impact development measures. Roof infiltration for half of the proposed church and parish center has been added. He stated that the proposed parking spaces are 67 less than allowed by the Zoning Board. He said it is his client's desire to construct the church in the proposed location on the plans therefore keeping the parking spaces closest to the proposed church and not move them into the grassed areas.
5. in regards to the originally-proposed infiltration basin the only outlet was through exfiltration, infiltration into a spillway letting the water out during a 10 to 100-year storm. He stated the two problems with this design are 1. the 2-ft. separation to groundwater requirement and the 50-ft. separation to Waters of the Commonwealth requirement. He stated the plans have been revised to show a revision to the basin which would convert to the detention basin design which is not subject to the two separation requirements.
6. this was explained in the comments for number 5.
7. he stated information was added to show the reduction of the size of the basin as described in comment number 5.
8. he stated the Operations & Maintenance Plan has been revised. He stated the current maintenance is on an "as needed" basis and he does not have any records pertaining to this at the moment. He said there are two catch basins on the site but does not know how or when they are cleaned. He stated the Parish will have to abide by the new Operations & Maintenance Plan.
9. he stated a Storm Water Pollution and Prevention Plan (SWPPP) has been provided for the Commission's review.
10. he stated the new Operations & Maintenance Plan will reflect the changes in the infiltration and storm water systems.
11. he stated he is not aware of any illicit discharges at this time. He stated the Parrish and the Town both have catch basins on this property but he has no records of the installation of the basins.
12. he stated a Summary Sheet has been included in the Storm Drainage Analysis to show the increase in the volume of storm water to the wetland.

Regarding the submitted Plans:

13. he stated that previously, the project was in violation of the minimum 25-foot no disturbance policy in a couple of areas. He said that many areas are at the 25-foot no disturbance area and that some of the pavement has been eliminated to move the project out of this area. He stated the reason for encroaching upon the 25-foot no disturbance area is to improve the storm water.
14. he stated that the 2-foot separation requirement has already been eliminated by re-designing the basins.



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15. he stated the underdrain is now the low-flow outlet for the basin.
16. he stated that the only invasive plant that was included in the landscaping plan was the burning bush which he says has been removed and replaced with a flowering dogwood.
17. he stated the lighting, which has been approved by the Planning Board, will be 20 feet high boxed lights at 90 degrees down and pointed toward the parking lot.
18. he stated hay bales have been removed from the erosion control detail as requested.
19. he stated the infiltration basins are adequately far enough away from the septic system.
20. he stated at the time the test pits were done to confirm soils and ground water in the infiltration basins, mottling was not observed. He stated he believes that the bottom of the basin is 1 foot above seasonal high ground water.
21. he stated that he has identified and added one stockpile area to his plan which is the existing parking lot on Route 123 for existing materials for the church construction and would submit revised plans to reflect these additions.
22. he stated he has designated an area for a snow storage area and would submit revised plans with this addition.

Mr. Rogers stated that in reply to Walter Amory's comments he offers the following comments:

1. he stated that regarding the sizing for the infiltration basin, there is no longer an infiltration basin proposed.
2. he said that, regarding the adequacy of the protective cover over the existing drain pipe going through the forebay, the concrete cover was removed he and measured the invert and stated there would be at least 6 inches of cover over the existing pipe after the basin is loamed and seeded.
3. he stated this comment had to do with seasonal high ground water separation from the basin which has already been addressed.
4. he stated Mr. Amory had concerns with the lack of adequate freeboard during the 100-year storm. He said this had been re-designed with the elevation of the 100-year storm at 97.2 and the overflow spillway at 99.2 at the back side of the basin.
5. he stated that even though the drain piping will be surcharged, which is legal, it is not preferred. He agreed this was not preferred but the water will be coming into the basins at the same elevations as the original design, and now with a low flow outlet just above elevation 96.

Mr. Rogers thanked Jennifer Carlino for meeting with him today in her office. Jennifer Carlino stated that the main issues that were discussed today were the changes from infiltration to detention basins. She continued to state that the biggest issue is to try and move the work out of the buffer zone if possible and this has not been addressed.

Jennifer Carlino noted that the funds to pay Walter Amory have been spent and asked the Commission members to vote whether or not to obtain further funding. She stated the money can be used from the Wetland Protection Fund or have the applicant pay for any further engineering review. Earl Willcott

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asked if the design for the detention basin next to the wetlands is governed by the height of the blacktop and Mr. Rogers stated this is correct. Mr. Willcott asked when the parking lot had last been paved and a representative of the church stated the parking lot was sealcoated and the cracks were filled in approximately four years ago. Mr. Rogers stated the grade of the parking lot will eventually be raised in order to improve it. David Henry asked Mr. Rogers if by moving the location of the parking lot, could he move out of the buffer zone and Mr. Rogers replied most of the construction is already out of the 25-foot no disturb zone. Earl Willcott asked Jennifer Carlino if she had any further comments and she replied that the commission has to make a decision as to whether or not they want to make more funds available for the consulting engineer. She said that after she reviews the revised plans and comments, she will forward the information to the Consulting Engineer. Kathleen Giblin suggested the funds be taken from the Wetland Protection Fund.

Mr. Rogers stated that he understands that the Commission would like the parking area to be relocated but the Parish does not want to move the parking area. David Henry asked Mr. Rogers why the church does not want to relocate the parking area. Mr. Rogers replied that the area that is suggested to put the parking lot is an area where religious classes are held and the door is locked at all times. He stated this is a safety issue to consider. He said part of this area is being considered as a future residence for the priest.

Jennifer Carlino suggested that the location of the church and parking lot is being dictated by landscaping and architecture. She stated that, as previously discussed today, another option would be to relocate some of the parking to the side of the driveway and move the basin and the level spreader over a little. Mr. Rogers stated that only 18 feet would be gained by moving the parking area. Jennifer Carlino stated that it doesn't seem like much, but that would be enough area to maintain the temperature and relative humidity to control the wetlands and to keep the stream from getting too warm to hatch fish.

Paul Schleicher, resident, stated that parking spaces nearer the church are more desirable especially for the elderly. Earl Willcott asked if the location for the proposed church was written in stone and Mr. Rogers explained the location is desirable for many reasons; 1. the heating system can be incorporated with the parish center building's heating system, 2. the existing bathrooms in the parish center will be utilized by the church. Mr. Rogers stated the other alternative of building the church on the west side would encroach into the wetlands even further.

Jennifer Carlino asked if there were any proposed alterations to the parish center and Mr. Rogers replied there are not. She asked if there were any future plans to alter the parish center and Mr. Rogers replied only maintenance. He stated there were no plans to add on or alter the outside of the existing parish center.

Julian Kadish pointed out an area and asked if the parking could be moved to this area. Jennifer Carlino stated she had discussed this with the applicant this afternoon. Mr. Rogers replied this was a possibility. Paul Schleicher stated that they are trying to meet the regulations as well as to keep the budget for this project as minimal as possible.



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Mr. Rogers agreed to move a few parking spaces and which would, he explained, will be in a different sub-watershed which would also change the drainage design and calculations. He stated he would like to speak with Walter Amory and ask that he not review his latest submitted revised plans as they will be slightly changed. Jennifer Carlino stated the water would still be going to the same basin, and the same watershed, and pitch towards the bottom forebay anyhow, but she would ask Walter to wait to review the next revised set of plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, December 8, 2008. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-835) –William Bucklin – Parcel 42 (assessors map 29) – Meadowbrook Lane** – for verification of the wetland resource areas. Stevie Carvalho of Hayward-Boynton & Williams represented the applicant described the project to the members. He submitted revised plans in response to Jennifer Carlino's letter of November 19, 2008 and stated he had submitted a response letter.

Jennifer Carlino stated her letter had requested several minor flag changes which were done. She stated that in regards to the "B" series wetlands which were labeled as isolated vegetated wetland, she had requested calculations for isolated land subject to flooding, but Mr. Carvalho had replied that there was insufficient topographic information within the B series to provide this information and suggested the "B" series wetlands be considered isolated land subject to flooding.

Jennifer Carlino stated there was an oily contaminated pool within the wetlands but Mr. Carvalho stated he had not noticed this. She stated they will revisit the property and try to locate it. Jennifer Carlino stated there are seven potential vernal pools on the property which she will list and draw on the plans. David Henry made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250- ) – Bob Campbell/ Wheaton College – Parcels 14K & 14-10 (assessors maps 17 & 23) – 26 East Main Street** – for proposed plans for site work and storm water management associated with a building within 100 feet of wetlands. Bob Campbell was present and his engineer, Brian McLane of Nitsch Engineering described the project to the members. He thanked the commission for the quick review of the previous project. He stated this project was for the building and supplementary utilities to the trunk lines. He stated parking areas were being removed to make the area for the proposed building. He stated there will be a water recharge center located under the rain garden which will handle the first flush of the roof. He said the rest will bypass through two manholes into the system which in turn will decrease the amount of water flowing into the wetlands. Mr. McLane explained the impervious area will be decreased by this project which will then decrease the flow into the wetlands.

Mr. McLane pointed out the various existing utilities put in place by the last Notice of Intent project and pointed out the location of the proposed utilities. He stated the sediment erosion control will remain the same as the first Notice of Intent. He said the contractor has done an excellent job of maintaining the site so far. Mr. McLane stated he had received Jennifer Carlino's comment letter and would be responding to it in the near future.



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Jennifer Carlino asked the Commission if they would prefer the applicant pay for a consultant to review the project rather than have it be funded by the Wetland Protection Fund and Earl Willcott asked Mr. Campbell if Wheaton College would agree to pay for the consultant. Mr. Campbell replied that Wheaton College would pay for the consultant. Earl Willcott asked Jennifer Carlino if she had already done the review of this project and she replied she had and was waiting for the response to her comment letter as well as any comments by the consultant. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 8, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-830) – Michael Riha – Parcels 686 & 687 (assessors map 3) 40 South Lakeview Road – (cont. from the October 20, 2008 & November 10, 2008 mtgs.)** - for proposed plans to construct a garage and an addition to an existing dock including a ramp and related grading within 100 feet of wetlands. Michael Riha addressed the commission. Jennifer Carlino stated additional information was received today, but she had not had a chance to review the information. Earl Willcott stated that it had been decided at the last meeting that any new information has to be submitted in a timely fashion to allow review of the information before the next meeting. Michael Riha stated that, per building code, he intends to install vents in the garage door to allow flood waters to enter the garage and then leave. He stated that under the garage will be crushed stone, and under that, soil that will hold water will be in place. Kathleen Giblin made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, December 8, 2008. Approved.

The members reviewed an **Amendment to File #250-800 – West Main Street-hot dog stand**. This amendment would allow the sale of Christmas trees on this property by Boy Scout Troop 12. Jim Brown attended the public hearing along with Dennis Levine, Committee Chairman for Boy Scout Troop 12, who addressed the commission. Before Mr. Levine spoke, Jennifer Carlino stated that any work or activity within 100 feet of wetlands would require a wetland permit. She stated that if the Boy Scout Troop 12 applies for a wetland permit, they would not get the permit until December 23<sup>rd</sup> which would be too late to start selling trees. She said that if Jim Brown, who has a permit for his hot dog stand, re-establishes the limit of work (install the visual barrier and wood chips have to be raked back to the correct location) an amendment to the Order of Conditions could be given to allow the sale of trees sooner.

Earl Willcott asked where cars would be parking and Mr. Brown stated they would park where customers park for the hot dog stand. Jennifer Carlino stated snow storage cannot be placed where it would dump directly into the wetland. She said before any other activities can begin, wood chips have to be raked back where they are supposed to be and the visual barrier has to be installed. Julian Kadish asked where the trees will be located and Mr. Levine pointed out the area where he proposed to put an 8' x 28' trailer. He said the trees would be placed in front of the trailer. Earl Willcott asked where the plowed snow would be placed and Mr. Brown showed him where on the plans, which is the same place the snow has been plowed to before.



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David Henry asked Mr. Brown why he has not installed a visual barrier as yet. Mr. Brown asked Jennifer Carlino if she had spoken with the owner of the property about planting trees to be the visual barrier. Jennifer Carlino stated this was regarding an old violation on his property. Jim Brown stated that the landscaper for the owner had pointed out to him small trees that have been planted as the visual barrier. He stated the only vehicles that will be behind the hot dog stand will be a propane truck delivering and picking up propane tanks and emergency safety vehicles.

Jennifer Carlino stated measures will have to be taken to stabilize the area which has turned into mud on the slope along the edge of the wetlands. She stated the area should be re-seeded or mulch will have to be placed there.

Julian Kadish made a motion, seconded by Kathleen Giblin, to allow the sale of Christmas trees on this property as a minor modification to the Order of Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-833) – Philip & Jacqueline Horton – Parcels 63 & 63-01 (assessors map 28) 185 & 189 Taunton Avenue** – for proposed plans to remove a illicit discharge PVC pipe, install a swale and remove debris within 100 feet of wetlands. Jennifer Carlino stated she had added a condition which would make the no disturbance zone the edge of the existing lawn. Julian Kadish made a motion, seconded by David Henry, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250- 565 – Flatley Company – Commerce Way (map 25, parcels 1, 86, 87 & 88)**. Jennifer Carlino stated this project was for the restoration work being performed as a result of a violation. She said this was a five-year permit and ENSR has been monitoring the area for five years. The Army Corp of Engineers has approved the restoration work that has been completed. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-761 – Scott Goddard – John Scott Blvd. (map 31, parcel 37-01)**. Jennifer Carlino stated this project for perc tests only and was completed according to the approved plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

Jennifer Carlino noted a request for a Certificate of Compliance was requested by Camp Finberg but all the required information has not been received yet.

Jennifer Carlino stated that **CSX** has finished all the work required to correct their violation. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a Certificate of Compliance for the Enforcement Order. Approved.

Jennifer Carlino noted she has received an ENF for the South Coast Rail and stated she will be commenting on both. She said her comments are due in January and will give the members a copy of her comments.

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Jennifer Carlino stated that she had received a letter from DEP regarding three appeals (Fred Bottomley, Scott Goddard and Maple Street) in which they apologized for the delay in their response due to budget cuts. She asked the members if they were still in agreement to appeal the decisions for Fred Bottomley and Scott Goddard should DEP vote favor of the applicants and bring the issues before a adjudicatory hearing. The members agreed they would appeal a contrary decision to theirs.

Jennifer Carlino had the members sign a response letter to a 6<sup>th</sup> grader who had written a letter to Jennifer Carlino regarding vernal pools.

Jennifer Carlino noted Ron O'Reilly was not present at tonight's meeting because he was attending an Attleboro Landfill closure meeting at the Solmonese School.

Jennifer Carlino stated she and Chris Baker had inspected **60 Plain Street** and found that the debris still had not been raked and disposed. She suggested they send another letter to Mr. Virga which she will draft for the members' review.

Jennifer Carlino noted that she had received invoices from Pare Corporation for work performed for the Norton Reservoir Dam repairs and, in her opinion, the invoices seemed too high. This is also the last \$3,000 in the budget and only half the contract work was done. She stated she would be meeting with the Town Manager next week to discuss the contract and invoices and would like a member to attend. Earl Willcott stated he would attend the meeting any day except next Wednesday.

Julian Kadish made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:47 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director  
JC/pmb