

Monday, April 11, 2011

### Attendance

David Henry (Chairman), Kathleen Giblin (Vice-Chairman), Ron O'Reilly, Julian Kadish, Earl Willcott, Lisa Carrozza 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 **February 28, 2011**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the draft minutes as written. Approved. Kathleen Giblin and Earl Willcott abstained from voting.

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

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

The members reviewed a Notice of Intent – **(#250-868) - Horizon Beverage Co./Michael Epstein, - Parcels 24-115, 25-1 & 25-92 (maps 24 & 25) 45 Commerce Way- (cont. from the March 28, 2011 meeting)**.

### Document List

1. Notice of Intent – WPA Form 3
2. Project Narrative
3. Locus Map
4. Soils Map
5. Copy of previously issued ORAD
6. Stormwater Checklist
7. ANRAD Plan
8. Site Plans
9. Buffer Zone restoration plans
10. Certificate of the Secretary of Energy and Environmental Affairs on the ENF.
11. Comment letter from Jennifer Carlino to MEPA dated February 14, 2011.
12. Environmental Notification form
13. Plan entitled “Horizon Beverage Existing Conditions Plan for 45 Commerce Way, Norton, Mass dated 1/21/11 with a scale of 1”=100’. (Sheets 1 & 2)
14. Plan entitled SITE PLAN Distribution Center, Horizon Beverage Company, 45 Commerce Way, Norton, MA, March 28, 2011. Sheets 1-15.
15. Project comment letter from Jennifer Carlino to Mark Dibb dated March 24, 2011.

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**Minutes, page 2.**

Present at the public hearing was Mark Dibb of C & A Engineering Services, LLC and the owner, Michael Epstein. Mr. Dibb stated he had met with the Planning Board and has incorporated comments from their consultant and the Conservation Commission. He said he would go through and describe the changes made to the submitted plans as follows;

**Title Sheet** - two new sheets have been added.

### **Sheet 4 – Erosion Control**

- an erosion control plan has been added and detail notes regarding erosion as well as site specific notes such as the storm water management structures. Basins are to be maintained and cleaned once construction activities have ended.
- storage and stockpiles will be away from the wetlands
- the construction sequence is listed on sheet 4.
- temporary construction aprons are shown on the plan.
- the boulders that are shown within the proposed basin will be removed and used on-site or removed from the site.
- portions of the previously disturbed areas will be restored and will be graded to prevent the site from experiencing poor drainage. Mark Dibb said the details for the restoration of the areas at the outlets are shown more clearly on another plan.
- basin notes have been added to the plan as well as the over excavation of one of the basins.

Jennifer Carlino stated:

- that the basins are not marked on the plan to compare with the basin notes on the plan.
- that note #4 should reference 14 days in order to match the SWPPP.
- that note #5 should state that the silt fence cannot be removed until a Certificate of Compliance has been issued.
- that note #6 should state that the owner should be at the pre-construction meeting
- that, in note #7, the construction sequence mentioned in the SWPPP should be the same as the one listed on these plans.
- that notes #8 and #9 contradict each other and suggested clarifying which basins by # are referenced in each note.

She asked about the roof runoff and Mr. Dibb pointed out where the roof runoff would go. He said that all three catch basins would have to be used at some point during construction, but the water would be treated. Jennifer Carlino stated that at the previous meeting he stated that one of the catch basins was not going to be used. Mr. Dibb stated that a sediment forebay will be in place if that catch basin is used.

Jennifer Carlino pointed out that in #9, second sentence, it was noted that “at the majority of construction completion the contractor shall over excavate the basin 2’, etc.----- and she suggested it should note that “at final stabilization” the contractor, etc.--- and Mr. Dibb stated he would change that.

Jennifer Carlino stated that note #10 was a little confusing and requested the basin numbers be added to the note instead of the location and Mr. Dibb agreed this would be done.

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Jennifer Carlino stated that in note #11 it should specifically state who shall clean all stormwater management structures and basins and Mr. Dibb stated he would add the word “contractor”.

Jennifer Carlino noted that in note #12 it states all stockpiling of materials will be away from the wetlands and she suggested adding that all stockpiling will be at least twenty-five feet away from the wetlands.

Jennifer Carlino noted that on **Sheet 4-National Pollutant Discharge Elimination System (NPDES)** it makes reference to a SWPPP and she suggested that it clearly state that one has already been written.

Jennifer Carlino suggested that on **Sheet 4-Construction Sequence;**

- that, in notes #6 & #7, the detention basin be constructed and stabilized before any construction has begun. Lisa Carrozza agreed.
- that, in note #8 the bio-retention area be labeled on the plan.
- that note #22 should be combined with note #11.
- that note #23 should state that the erosion control shall be removed once a Certificate of Compliance has been issued.

Mark Dibb pointed out on **Sheet 5-Layout Plan**, a few restoration areas located where the outlet pipes are and stated there are more details on the Grading Plan Sheet. He said that Planning Board approved a reduction of 30 parking spaces and that 85 parking spaces have been marked as future spaces and won't be paved at this time.

Mark Dibb stated that **Sheet 6-Layout Plan** was primarily the location of trees and buffer areas. He pointed out a note that stated the proposed retaining wall will be staked by a land surveyor.

Jennifer Carlino asked Mark Dibb what the words “minimal downgradient disturbance of natural woodland is desired, this area” in parenthesis at the center of **Sheet 7-Layout Plan** meant. She asked Mr. Dibb if work was proposed beyond the limit of work and he stated it was not.

Mark Dibb stated there were minor changes on **Sheets 8, 9 & 10-Drainage and Grading Plan (sheets 1-3)** but he was not going to go through them tonight. He said that an oil/grit separator has been added in the fuel facility area. He noted that there were no significant changes to **Sheets 11, 12 & 13-Utility Sheets**.

Mark Dibb noted there were no changes on **Sheet 14-Detail Sheet**. Jennifer Carlino asked Mr. Dibb if he had specs on the temporary mulching and seeding and he replied he did not. Lisa Carrozza requested details be added for the restoration areas as well for the seeding if not already on the Landscaping Plan. Mr. Dibb said he would make the requested changes to the plans.

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Jennifer Carlino referred to **Sheet 17** and suggested that hydroseed or an erosion control blanket be placed on the side slope labeled at the retaining wall to prevent it from washing down into the boulders and Mr. Dibb stated he would put down an erosion control blanket. Jennifer Carlino asked Mr. Dibb if he had a detail for the fuel area and he replied that he did not. She asked Mr. Dibb if the area was described clearly enough somewhere for people to know how to construct it and Mr. Dibb said he would provide a detail of the area.

Mr. Dibb stated that the Planning Board had approved the project at their last meeting. Lisa Carrozza had questions regarding the inspection dates listed in the submitted SWPPP. She suggested removing the words "within 21 days" wherever listed. She noted he would also have to change the sequencing in the text to correspond with the changes. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-273 – Susan J. Weilding, Parcel 22-01 (Assessor's Map 14) 31 Richardson Avenue**. Jennifer Carlino informed the board that a formal request for the Certificate has not been received. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to remove the request from the table. Approved.

Discussion: 215 South Worcester Street violation.

Jennifer Carlino said that this location is a bakery. She said that she noticed a pile of fill/material at the rear of the parking lot right up against the wetlands. She stated that she met with the owners who said they were concerned about the septic system. She said she checked with Leon Dumont, Health Agent, and asked him to inspect the site to see if the fill/material is necessary to protect the septic system. She said if it is not necessary, the owners will be asked to remove the fill/material or get a permit for it. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to add the discussion for this violation to the agenda for the next regular meeting of Monday, April 25, 2011. Approved.

The members reviewed the Johnson Drive Street Acceptance letter. Jennifer Carlino reminded the commission members that the commission has an agreement with Angelo Pasqualino and the Planning Board that the last \$10,000 held by the Town Treasurer will not be released until a Certificate of Compliance is issued for Johnson Drive. She said she has not heard anything since that meeting and Johnson Drive is on the draft town meeting warrant for street acceptance. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to take no action on this matter. Approved.

Jennifer Carlino stated she sent a letter to Mansfield Conservation Agent Liz Liedhold requesting her to confirm with Mass Highway when they will be loaming and seeding the detention basin next to the Norton Reservoir. She said she does not want Mass Highway to be driving over any turtles during their nesting season. She said Liz Liedhold had notified Mass Highway and she was waiting for a reply.

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Jennifer Carlino stated she sent a Cease & Desist letter to the owners of 8 Young Avenue. She said she had received a complaint that people were driving ATV vehicles through the wetlands and on the Leo Yelle Conservation area off of Freeman Street. She said a new path had been cleared through the area which leads to 8 Young Avenue. She stated she had requested that the owner get in touch with her by April 4<sup>th</sup> but has not heard from the owner yet. Jennifer Carlino suggested sending an Enforcement Order to the owner. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to send an Enforcement Order to the owner.

Jennifer Carlino noted that she received a notice from the Tax Collector's office stating the property at 283 West Main Street, Dorrence property, is delinquent for paying the real estate taxes for the property. She said the Tax Collector was asking all departments if they knew of any outstanding issues on this property before she starts collection procedures. The notice stated that Town Counsel has been asked to review the situation on the property before foreclosure procedures are started. Jennifer Carlino said she will advise the Tax Collector that there are wetlands at the rear of the property.

Jennifer Carlino noted that there is a Conservation Plan on Crane Street for an old gravel pit that Mr. Francis Reilly owns. She said he owns the property and now he leases a portion of the property, which is currently town owned, to someone who wants to grow vegetables. She stated he would like to draw water from the Three-Mile River to water the garden. She said she is trying to find out if they qualify for an exemption or not and has a copy of the farm plan which does not show this field in the Conservation Plan. She suggested contacting Mr. Reilly on this matter. Lisa Carrozza suggested contacting Town Counsel and have them send Mr. Reilly a letter stating that he cannot lease town-owned property.

Jennifer Carlino said she had met with the Capital Improvements Budget Committee Meeting and the Finance Committee last week regarding the Conservation Commission budget and funds for the dam embankment repairs at the Norton Reservoir. She said the Finance Committee asked her to compare figures for repairing the dam and tearing the dam down. She was asked to come up with reasons why the Norton Reservoir was important to the town. Jennifer Carlino noted three important features of the Norton Reservoir as follows; flooding attenuation, wildlife habitat and recreation.

Jennifer Carlino stated the feasibility would mean a minimum of \$120,000 for permits. Lisa Carrozza stated the flood zone would be changed and there would be potential flooding. Julian Kadish stated that 25% of the general population live within one mile of the Norton Reservoir and would consider it unacceptable to get rid of the reservoir. Lisa Carrozza stated this is one of the largest natural resources in Norton and this decision would have to be put before the town for a vote at a special town meeting. Julian Kadish noted that house values would decrease if the dam was removed. Jennifer Carlino stated that the commission is likely to receive a letter from the Office of Dam Safety to either repair the dam or remove it. She said she had prolonged this outcome for the past five years with inspections. Lisa Carrozza stated a flood study showing lateral displacement would have to be done before the dam could be removed.

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Discussion ensued on Earl Willcott's resignation and the possible appointment of Michelle Simoneaux. Jennifer Carlino stated it was up to the Board of Selectmen to advertise and fill the position.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to send Chris Baker a letter asking him to contact the Conservation Office if he cannot attend a meeting. Approved. Kathleen Giblin abstained from voting.

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 8:00 pm. Approved.

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

Respectfully submitted,

*Signature:*

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

Chairman, \_\_\_\_\_  
(committee)