



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

Monday, May 16, 2011

**Attendance**

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

**Minutes**

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

The members reviewed the draft minutes of **April 11, 2011**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the draft minutes as written. Approved.

The members reviewed the draft minutes of **April 25, 2011**. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to accept the draft minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

**Discussion:** 13 Karol Drive violation update:

Elizabeth and Tom Mulvaney were present at the meeting. Ms. Mulvaney stated she wanted to update the board on the violation as well as ask permission to till a spot for a garden. She then presented before and after pictures of the areas of the violation. She also presented a revised plan for the restoration work to be done. Lisa Carrozza asked if all the debris had been removed and Ms. Mulvaney replied it has been removed.

Mr. Mulvaney said he could not get a hold of the person that was going to grind the stumps so they would have to remain as is. He said if, or when, he decides to grind the stumps, he will contact the Conservation office. He said he would remove the third row of the garden as previously requested by the board. He stated he would like to start tilling the soil for a garden on the left side of the house and David Henry requested that he stake the four corners of the garden for Jennifer Carlino to inspect. Julian Kadish suggested that tilling a garden and filling the garden with soil would not impact the wetlands.

Jennifer Carlino stated a wetland permit would be needed for the conversion of forest to grass within the floodplain, which is a resource area. Lisa Carrozza stated that the major factor of working within a

**Norton Conservation Commission**  
**Monday, May 16, 2011**  
**Minutes, page 2.**

floodplain would be any filling which was not done in this instance. Julian Kadish stated that because there was no fill brought into the floodplain, this would be considered a minimal alteration to a floodplain area. Lisa Carrozza agreed. Julian Kadish stated that the important issue is that all work be out of the 25-foot no-disturbance zone and asked that these dimensions be shown on the final submitted plan. Mr. Mulvaney asked when he should come back before the board and the board agreed at the end of the summer and after the plan is updated.

The members reviewed a Notice of Intent – (#250-869) – **Duane Knapp/Town of Norton Water Department – Parcel 3 (Assessor's Map 19) Plain Street – (cont. from the April 25, 2011 mtg.)** - for proposed plans to install a water line to the well #4 water main within 100 feet of wetlands and flood plain.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Town of Norton, Massachusetts Water Department, Well #4 Water Main Improvements/Weston & Sampson, signed and stamped by Leah E. Stanton, P.E. (Sheets C-1 C-2) with a scale of 1"=20' dated April 11, 2011.
3. Letter from Department of the Army to Duane Knapp dated May 13, 2011.
4. Letter to MEPA from Weston & Sampson dated March 22, 2011.

Jennifer Carlino noted she has not received any new information nor revised plans for this project. Lisa Carrozza stated that at the previous meeting she suggested to add certain conditions to the order instead of requesting revised plans. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. The following amendments were made to the draft conditions:

- a. Lisa Carrozza suggested amending condition #9a. by changing the word "erosion" to "sediment".
- b. Jennifer Carlino stated that condition #9e. would read: "submit a copy of the MEPA decision. She said a letter was received from the Army Corp. of Engineers and this may require an ACOE permit.
- c. Lisa Carrozza suggested amending condition #15 by changing the word "erosion" to "sediment". It was agreed that from now on the word "sediment" will be used instead of the word "erosion". She said the same will apply for condition #17.
- d. Lisa Carrozza noted that condition #18 makes reference to a SWPPP and she stated that a SWPPP had never been submitted and that it was some other type of document. She requested that the document name be noted in the conditions.
- e. Lisa Carrozza suggested amending condition #19 by changing the word "erosion" to "sediment.

**Norton Conservation Commission**

**Monday, May 16, 2011**

**Minutes, page 3.**

- f. Lisa Carrozza suggested amending condition #24 to read “weekly” instead of “monthly” as the project is proposed to be completed in two weeks.
- g. Lisa Carrozza suggested adding a condition describing the dewatering process rather than having the plan revised.

Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the draft Order of Conditions, as amended. Approved.

The members reviewed a Determination of Applicability – (#967) – **Neil Stanley – Parcel 221 (Assessor’s Map 27) 2 Barrows Court** – for proposed plans to repair a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability
2. Plan entitled “Plan and Details, Subsurface Sewage Disposal System Upgrade, 2 Barrows Court, Norton, MA for Neil Stanley, 2 Barrows Court, Norton, MA prepared by Collins Civil Engineering Group, Inc. and signed and stamped by George R. Collins, PE, with a scale of 1”=20’ dated April 25, 2011.

Present at the public hearing were George Collins, of Collins Engineering Group and Dylan Ribeiro, contractor for the applicant. Mr. Collins described the project to the members. He stated that the resident obtained a loan for the septic repair. He said there is an existing failed leaching field located next to the pool. Mr. Collins stated that this area is the most feasible area to locate the septic system because of existing water lines and drains on the property. He said the system will have to be raised approximately 2 feet because of the high water table. He stated erosion control is proposed around the perimeter of the work area.

Lisa Carrozza had questions on accessing the work area and Mr. Collins stated that the existing fence will be removed during construction to allow access to the site. She asked Mr. Collins if there was enough room for stockpiling materials and the contractor, Dylan Ribeiro, stated he would not be doing any stockpiling and that all materials will be removed from the site and brought back. Julian Kadish made a motion, seconded by Kathleen Goblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plan. Approved.

The members reviewed a Notice of Intent – (#250-870) – **Dylan Ribeiro – Parcel 302 (Assessor’s Map 9) 133 Mansfield Avenue** – for proposed plans to clean and restore areas, construction of storage bins and site grading within 100 feet of Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent

**Norton Conservation Commission**

**Monday, May 16, 2011**

**Minutes, page 4.**

2. Plan entitled "Site Plan for a Conservation Application, 133 Mansfield Avenue, Norton, MA, Dylan Ribeiro, 133 Mansfield Avenue, Norton, MA prepared by Collins Civil Engineering Group, Inc. and signed and stamped by George R. Collins, PE with a scale of 1"=20' dated March 9, 2011.
3. Picture of an aerial view of the property
4. Several pictures of the different areas of the property.

Chris Baker recused himself from the meeting.

Dylan Ribeiro described the project to the members. He stated he purchased the property this past January. He said he walked the site with Jennifer Carlino who advised him of what was required to clean up the property and for restoration of the disturbed wetlands. He pointed out an area of buried telephone poles, railroad ties, concrete blocks, etc. at the edge of the water, which he stated is the largest area to be cleaned. He said he will be using erosion control as requested by Jennifer Carlino during the cleanup. Lisa Carrozza had questions regarding bins and Dylan Ribeiro replied he would be adding new bins to the old bins. She asked Dylan Ribeiro what he meant in the text by "grade the shed runoff" when grading was not proposed on the plans. He said this was just for the pot holes that appear from time to time in the shed area and he will be grading those areas to smooth it out.

Jennifer Carlino stated she would like the dock, water pump and hose noted on the plans and asked Dylan Ribeiro if the hose had a screened end and he replied that it did. She asked Mr. Ribeiro if he intended on storing any materials within the 25-foot no-disturb zone and he replied he would not and has not intentions of encroaching into the 25-foot no-disturb zone. She asked if the rabbits on the property would be going and Mr. Ribeiro stated they were not his and he did not know anything about them at this time. Dylan Ribeiro said that if the telephone poles present a problem to move, he will just cut them flush with the ground.

Jennifer Carlino said she noticed that there was about a one and a half feet of fill pushed up against the trees and into the wetlands and stated she would like the fill pulled back

Jennifer Carlino noted there was a letter from DEP asking why the project would not be subject to Storm Water Regulations. George Collins stated this was not applicable because this is just a clean-up project. Jennifer Carlino stated she would put a note in the "Findings" section of the Order of Conditions that states this is "non-applicable". Lisa Carrozza made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-333 – North East Golf Properties, Norton Country Club – parcels 12, 13 & 55 (map 15) 188 Oak Street**. Jennifer Carlino stated the work was completed according to the approved plan. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

**Norton Conservation Commission**  
**Monday, May 16, 2011**  
**Minutes, page 5.**

The members reviewed a request for a Certificate of Compliance for **File #250-742 – Perry DiMascio, Perry & Feck LLC – Parcel 150 (map 4) Essex Street (Autumn Park)** (for construction of a road with associated utilities for a 4-lot sub-division). Jennifer Carlino asked Mr. DiMascio if the top coat for the pavement has been put down yet and he stated that it has. She asked if the catch basins have been cleaned out and Mr. DiMascio replied that True X had cleaned them out 3 weeks ago. Jennifer Carlino asked Mr. DiMascio to describe the detention basin which is located on the undeveloped lot and he replied that the detention basin is partially in Norton but services the drainage portion of the road located in Mansfield and has been accepted and released by the Town of Mansfield.

Lisa Carrozza asked if the plantings were done in the detention basin and Mr. DiMascio stated they were planted, but did not survive. He said he had the receipts for the plants which were purchased from UMASS Amherst. Jennifer Carlino noted that the detention basin was released by the Town of Mansfield even though the plants did not survive.

Lisa Carrozza asked Mr. DiMascio if any sediment from the road can run off into the wetlands and he replied that the site has been there for over a year now and no sediment has washed off into the road or into the wetlands. David Henry asked Mr. DiMascio if he could provide receipts for the cleaning of the catch basins from True X and he replied he would give them to the Conservation office. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance and sign the bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-811 – Perry DiMascio, Perry & Feck LLC – Lot N3 – (map 4) Feck Way.** (for construction of a house, and deck with attached garage, driveway, and utilities with associated grading). Mr. DiMascio stated the house and grading was within the 100-foot buffer zone of the wetlands. He stated the grading has been completed, the lawn areas are established and a post-and-rail fence has been installed to act as a visual barrier to prevent encroachment into the 25-foot no-disturbance zone. He noted there are a few signs posted stating that certain areas are environmentally sensitive.

Lisa Carrozza asked what the differences with the grading were and Mr. DiMascio stated that instead of having a full basement, a partial walk-out basement was built which lowered the grade in the back yard. He said this was added to the As-Built plan as well as the proposed plan. Julian Kadish noted a visual barrier was added to the revised plans. Lisa Carrozza made a motion, seconded by Kathleen Giblin to issue a Certificate of Compliance and sign the bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-378 - Fidelity Financial, Inc. - Parcel 516 (map 10) Cross Street (now Eisnor Drive)** (for construction of a detention basin with related grading). Jennifer Carlino stated the work was completed according to the approved plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

**Notice of Intent – (#250-869) – Duane Knapp/Town of Norton Water Department – Parcel 3 (Assessor's Map 19) Plain Street – for proposed plans to install a water line to the well #4 water main within 100 feet of wetlands and flood plain.**

**NEW BUSINESS:**

**81 Freeman Street violation update**

Jennifer Carlino presented pictures of the property for last year and for this year. She stated the new pictures showed even more fire wood piled on the property. She said the owners agreed to cease putting fire wood in this area and would find a new spot out of the wetlands to stockpile the wood. Jennifer Carlino stated she advised the owners that they could leave the canoes where they are, but to cease cutting vegetation in that area. She said she has an inspection with the owners tomorrow and will advise them to remove everything out of the wetlands.

**Request of River Oaks homeowners re: Conservation Restriction Areas**

Jennifer Carlino stated one of the homeowners in the subdivision has been asking permission to maintain a common area on the property and she explained to him that the property is owned by the Land Preservation Society and he would have to get their permission. She said Frances Shirley of the Land Preservation Society advised her that she spoke with the homeowner and she requested a map to

review. Jennifer Carlino stated that after the homeowner receives permission from the Land Preservation Society, the Conservation Commission will review the proposed maintenance in regards to the Conservation Restriction on the property.

**DCAM land sale – Hill Street (24/59)**

Jennifer Carlino stated that the Division of Capital Asset Management for the state of Massachusetts is selling 60 acres of land on the corner of Hill Street and South Washington Street. She said someone from the state had called and asked if the Conservation Commission might be interested in purchasing this property. She said she responded that the Commission would not be interested in it because it does not abut any land of interest to the Conservation Commission and also that there are no funds at this time to purchase property. She said that SRPEDD, which is the Regional Planning Agency, had sent a letter which she responded to by noting that there are several vernal pools on the property and told him to contact the Town Manager who said the property might be of use for future waste water treatment.

**Land donation request – Walker Street**

Jennifer Carlino stated that this property is a parcel of land that had been part of an application to construct a house on by Perry DiMascio. She said he is planning to send a letter to the Commission offering to donate the property.

**Ze-Gen Company in Attleboro**

Jennifer Carlino noted she has received information regarding a company that is interested in purchasing the property in the former Texas Instrument campus and using it to burn materials such as creosote-soaked telephone poles and railroad ties, etc. and turn it into gas for producing heat and electricity. She said the company has filed with the Attleboro Conservation Commission already and will not have to file with Norton.

**Rose Farm camping for town parade**

Discussion ensued regarding the use of Rose Farm by The Civil War reenactors for camping. Chris Cox, Chairman of the Norton Historical Commission, addressed the board and stated the group would like to use the Rose Farm fields on June 11<sup>th</sup> and 12<sup>th</sup> to participate in the celebration and parade for Norton's 300-year anniversary. He passed out a flyer that was quickly put together by him and Mr. Butch Rich. Jennifer Carlino brought it to the attention of the board that scouts usually camp out on the first field and she stated she was under the impression that someone uses the other two fields for cutting hay. She said she had no idea who it was or when they cut the hay, if at all. Ron O'Reilly made a motion, seconded by Chris Baker, to allow the camping on any of the fields as requested. Approved.

**Wheaton violation**

Jennifer Carlino stated that Wheaton College has been stockpiling soil from the Science Building project on property that they own on Clapp Street. She said they would like to remove a couple of sheds on the property. She said that during her inspection, she noticed that the piles of soil were very high and that a field next to the wetlands has been altered on a piece of property which is at least one half of an acre. She stated that the erosion control was not installed properly. She said she met with Henry White of Wheaton College this morning and he has since had the erosion control fixed and will revise the SWPPP for the Science Building project to include this area.

**OLD BUSINESS:**

**8 Young Avenue, violation release**

Jennifer Carlino stated that the bridge has been removed and the owners have posted "no-trespassing" signs on the property to keep kids and people out. She said she had sent a "release of violation" to the owners.

**28 Eddy Street, violation release**

Jennifer Carlino stated this was a wetland alteration next to a certified vernal pool. She said that the owner has allowed the area to grow back over a period of approximately two years and has installed a fence as a visual barrier to prevent any further alteration of wetlands.

**157 Mansfield Avenue update**

Jennifer Carlino stated that an "update" letter has been received from John Sullivan, owner, regarding the kerosene spill at this site. She said Mr. Sullivan has agreed to send an update letter every two weeks.

**South Coast Rail – MEPA letter**

Jennifer Carlino stated the latest publication is 2500 pages. She said she had attended a public hearing on the summary of the project and she got the impression the rail would probably not be going through Norton. She asked the members if they had reviewed her draft comment letter to Aisling O'Shea of the MEPA Office in Boston.

Lisa Carrozza stated she had issues with comment #4. She stated that Jennifer Carlino should be more specific in suggesting

“that Greenhouse gas mitigation for this project should include a forest preservation component for each community in which the train will pass, provided forested areas are available for preservation.”

Lisa Carrozza had a couple of suggestions for comment #5 as follows:

She suggested using the word LID instead of “green” before the word “technology”, using the words “apply for” before LEED certifications and adding the words “parking lot lighting” after solar power.

Lisa Carrozza suggested deleting comment #6 as it does not pertain to wetlands.

Lisa Carrozza suggested adding any and all comments and issues, past and present, relating to wetlands and the possible impact to the wetlands.

**Open Space & Recreation Plan Support Letter & Comments**

David Henry read aloud a letter he drafted on behalf of the Conservation Commission supporting the Open Space & Recreation Plan which will be sent to the EEOA. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to send the letter as drafted. Approve.

**215 South Worcester St. violation update**

Jennifer Carlino stated that the owner of the property had brought in rocky fill and placed it next to the septic system and next to the wetlands. She said the owner of the property phoned today and said he spoke to Leon Dumont, Health Agent who said the fill wasn't necessary for the septic system. Jennifer Carlino said she spoke with Leon Dumont and he did say there was no emergency with the septic system. She said she advised the owner to file for a wetland permit for placing the fill next to the wetlands and the owner agreed to begin the application process.



**Norton Conservation Commission**

**Monday, May 16, 2011**

**Minutes, page 9.**

**Roche Brothers Plaza violation update**

Jennifer Carlino stated that Mr. John Theras, Property Manager for Gator Investments had come in to pick up the plans that were copied for him for the area of the detention basin at the Roche Brothers Plaza on Mansfield Avenue after 4 phone calls. She said nothing has been done to date to clean out the detention basin. She suggested sending a letter to Mr. Theras and requesting him to clean out the detention basin, dispose of the debris legally and to submit an Operations & Maintenance Plan within three weeks of receiving the letter. The Commission members agreed.

Kathleen Giblin mentioned that Dottie Freeman had asked that the Conservation Commission think about having a "town-clean up project".

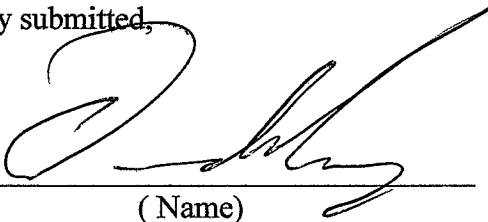
Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 8:33 pm. Approved.

Minutes Approved by Committee on:

7/11/11  
(Date)

Respectfully submitted,

Signature:

  
( Name)

Chairman, Conservation Commission  
(committee)