

Monday, September 12, 2011

### **Attendance**

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

Chris Baker was absent.

### **Minutes**

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

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

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

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

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

The members reviewed the draft minutes of **July 25, 2011**. Michele Simoneaux noted her name was spelled incorrectly. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to accept the minutes as amended. Approved.

The members reviewed the draft minutes of the Executive Session for **July 25, 2011**. Michele Simoneaux suggested changing the word "some" to "a list of" in the last sentence of the last paragraph on page 2. Ron O'Reilly made a motion, seconded by Michele Simoneaux, to accept the minutes as amended. Approved.

The members reviewed the draft minutes of **August 8, 2011**. Michele Simoneaux suggested removing the words "The members reviewed a Notice of Intent" for the two Bay Road Heights projects for Phases 2 and 3. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to accept the minutes as amended. Approved.

**Norton Conservation Commission**

**Monday, September 12, 2011**

**Minutes, page 2.**

The members reviewed the draft minutes of **August 22, 2011**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed an **Enforcement Order for 41 East Hodges St., Mark & Carolyn Pelletier**. Jennifer Carlino noted she had aerial views of the property as well as a few pictures of the violation. She said that the area in question after today's inspection, is the area between the house and the visual barrier and that the encroachment of the wetlands is not as serious as shown in the aerial pictures. She said that originally an approximately 30 to 40 foot wide area was cleared and personal materials were dumped into the wetlands. She said there is approximately 15 feet between the boulder visual barrier and the house and approximately 5 feet from the visual barrier and the wetlands. She said that most of the materials were removed and the area had been left alone to grow back naturally. She noted that the only violation was a small section under a tarp beyond the blueberries.

David Henry asked Ms. Pelletier if she mows the area within the wetlands and she replied she does not because it is too wet. Julian Kadish suggested to monitor the area to make sure it is left to grow back naturally and there is no further work beyond the visual barrier. David Henry agreed. Lisa Carrozza made a motion, seconded by Julian Kadish, to monitor the area and reminded the owners not to do any work beyond the boulder visual barrier. Approved.

The members reviewed a Request for a Determination of Applicability - **(DET. #970) – Henry White/Wheaton College – Parcel 53 (Assessor's Map 23) 20 Clapp Street** – for proposed plans to demolish, remove and dispose of three sheds/buildings within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability.
2. Plans entitled "Stormwater Pollution Prevention Plan/Wheaton College-Shed/Building Demolition/Scale of 1"=60'/Nitsch Engineering dated August 18, 2011.
3. Final Stabilization Plan/Wheaton College-Shed/Building Demolition/Scale of 1"=60'/Nitsch Engineering dated August 18, 2011.

Present at the public hearing was Henry White and his engineer, Jared Gentilucci, of Nitsch Engineering. Mr. Gentilucci described the project to the members. He stated that the applicant is proposing to demolish three buildings at 20 Clapp Street. He reminded the board that the applicant had recently received an amendment to their Order of Conditions allowing materials removed from a Wheaton College site to be stockpiled on this property. He stated this was a totally separate project. He said the entrance to the property will be stabilized and silt fence will be put up to protect the wetlands.

Lisa Carrozza asked if any demolition plans for the contractor had been provided and Mr. Gentilucci replied there were none other than the information within this application. She suggested pulling the silt fence as close as possible to the buildings. She asked if any trees were going to be removed within the buffer zone and he replied there were not. She suggested moving the silt fence because, according to the submitted plan, it went through the existing trees. Lisa Carrozza requested a revised plan be

**Norton Conservation Commission**  
**Monday, September 12, 2011**  
**Minutes, page 3.**

submitted showing where the silt fence would be moved to. She requested that the contractors be given a designated path to avoid destroying any trees. She asked if the grades would change and Mr. Gentilucci stated the grading would be consistent with surrounding grades.

Michele Simoneaux requested adding some details and dimensions on the revised plan showing the construction entrance and distances of the work from the wetlands. Lisa Carrozza requested a wetland scientist flag the wetlands on the property. Jennifer Carlino reminded Mr. Gentilucci that a Certificate of Compliance will be necessary in order to obtain an Occupancy Permit for the Science Building. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 26, 2011 in order to get the information requested.

The members reviewed a Request for a Determination of Applicability – **(DET #971) – Mark & Anne Giglio – Parcel 170 (Assessor's Map 14) 38 Laura Lane** – for proposed plans to construct a porch, garage and breezeway within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability.
2. Plan entitled "Plan of Proposed Additions/38 Laura Ln., Norton, MA Prepared for Mark J. & Anne F. Giglio/Scale of 1"=20'/Yarworth Engineering Company, Inc., Signed and stamped by Christopher D. Yarworth and dated August 10, 2011.

Mr. Giglio addressed the board and explained that he is proposing to construct a garage with a porch and breezeway. Lisa Carrozza asked Mr. Giglio if he was proposing to have a foundation for the addition and he replied it would have a slab and a four-foot frost wall. Michele Simoneaux asked when he would be starting the project and Mr. Giglio replied he will be starting immediately upon receiving a permit in order to avoid frozen grounds. Jennifer Carlino asked if the fill from the foundation hole will be removed off site and Mr. Giglio said it would be. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#3) as long as the work is done according to the approved plans. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-286 – Wheaton College – Parcel 14 (Assessor's Map 17) East Main Street, Peacock Pond** – for proposed plans to dredge the pond, repair the footbridge and install a stone retaining wall around the pond. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-443 – Wheaton College – Parcel 26 (Assessor's Map 17) Mansfield Avenue, Sidell Field** – for proposed plans to construct a playing field. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

**Norton Conservation Commission**  
**Monday, September 12, 2011**  
**Minutes, page 4.**

The members reviewed a request for a Certificate of Compliance for File **#250-459 –Wheaton College – Parcels 93 & 100 (Assessor's Map 17) Pine Street, parking lot and footbridge** – for proposed plans to construct a parking lot and footbridge. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-22 – 184 West Main Street, Norton Crossing**, for a shopping plaza. Jennifer Carlino noted that a Certificate of Compliance has been issued for the amended Order of Conditions, but not for the original Order of Conditions. She stated this project was completed according to the approved plans. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance.

The members reviewed a letter that was received by Senator John F. Kerry and forwarded to the Norton Conservation office. The letter was from Diane Harper Driscoll at 61 Hill Street inquiring about the 57-acre parcel of land across the street from her. Jennifer Carlino responded by stating that the property had been sold at a public auction. Any work that is proposed on this property would require a permit from the Conservation Commission and she would be notified by certified mail as an abutter.

Jennifer Carlino noted she had received information from DEP regarding Emergency Regulations for Clean Up Activities Following Hurricane Irene which she included with tonight's agenda.

The members reviewed the final copies of the application checklists for a Request for a Determination of Applicability, Abbreviated Notice of Resource Area Delineation and Notice of Intent. They agreed that no more revisions were needed. Julian Kadish asked why there are no conditions with Determinations of Applicability and Lisa Carrozza stated that a Determination is stating that there will be no impacts to wetlands and therefore cannot be conditioned. She said notes can be put on approved plans.

Grants and land project on Bay Road

Jennifer Carlino stated this was the cranberry bog site owned by Fred Bottomley. She said she walked the site with the Easton Conservation Agent, Stephanie Daniels. She said the property has great potential but Fred Bottomley has not given a sale price for the property yet. She stated he would like the Commission to arrive at a sale price. She said there are two dams on the property, one in Norton and the other in Easton which both need repairs. She said they may be regulated by the Office of Dam Safety and may have to comply with the same regulations for repairs and inspections. Jennifer Carlino stated she would follow-up on this issue. She stated that Mr. Bottomley has been removing sand and gravel from the site.

Lisa Carrozza stated that, in her opinion, she would not do anything with this property at this time. Jennifer Carlino said that the Assessor's are assessing 188 acres of the land as agricultural at \$358, 270. Ron O'Reilly noted the land would not be worth as much with a Conservation Restriction on it

**Norton Conservation Commission**  
**Monday, September 12, 2011**  
**Minutes, page 5.**

and Jennifer Carlino replied that would not depreciate the value of the land much since it is already assessed at a reduced rate for agriculture. Lisa Carrozza asked where the access roads were and Jennifer Carlino replied there is one on Fairlee Lane and two on Bay Road. Lisa Carrozza stated the main issue is whether or not the property could be developed. Jennifer Carlino stated that the portion that is within the Conservation Restriction could not be developed. David Henry suggested to remind Mr. Bottomley that he at one time wanted to donate this property. Lisa Carrozza stated that, in her opinion, the land would require too much maintenance and would be a liability due to the dams even if it was donated to the Commission. David Henry suggested to find out how much of the property could be developed. Lisa Carrozza suggested to find out how many buildable lots this property contained.

The members reviewed a letter regarding Bay Road Heights LLC MEPA on-site meeting. Jennifer Carlino noted that the MEPA process had been extended to September 27<sup>th</sup> because she will have additional information as of September 16<sup>th</sup>. Lisa Carrozza asked why the comment period was extended and Jennifer Carlino replied they were looking for alternatives and responses to comments to letters sent to the Conservation Agent as well as the Audubon Society.

Shaun Kelly, owner of the property, stated he had chosen a company to do the peer review. Jennifer Carlino explained to Mr. Kelly that when she had faxed to him the three bids she had put a note on the fax stating that the choice of the peer review was the Conservation Commission's and that they had already chosen a peer review for the project, Chessia Consulting, John Chessia, Engineer and Chris Lucas, Wetland Scientist. Jennifer Carlino advised Mr. Kelly, that since he was already past the deadline, he should submit a check in the amount of \$5,200 for payment of the peer review. Mr. Kelly had concerns with the peer review adding on to the contract amount. Julian Kadish stated this cannot be done without the approval of the Conservation Commission.

Dave Henry noted that Wheaton College was holding a ceremony for the opening of their new Science Center.

David Henry noted that a workshop was being held at the Norton Public Library on Wednesday, September 21<sup>st</sup> at 6:30 pm on the Open Meeting Law and Public Records Law. Board and Committee members were invited to attend.

Jennifer Carlino reminded the members that at their last meeting they requested that John Sullivan, owner of the Norton Mobile Home park at 157 Mansfield Avenue, attend this evening's meeting with an update on the kerosene spill. She said she sent an email to Mr. Sullivan the day after the meeting to let him know and to request that he submit an immediate sedimentation control plan and file a Notice Intent as soon as possible. She said the commission had given him until after labor day as he requested to file. Jennifer Carlino stated she sent another email before tonight's meeting reminding him that he needs to attend tonight's meeting with an update.

**Norton Conservation Commission**  
**Monday, September 12, 2011**  
**Minutes, page 6.**

David Henry read a phone message taken by the secretary from Mr. Sullivan for Jennifer Carlino stating that he cannot file a Notice of Intent until he receives money from the insurance company. Mr. Sullivan stated that the insurance company does not know who to make the check out to for reimbursing the contractors of the clean up. He said he would be meeting with Mike Whiteside of DEP in order to request that he give the insurance company instructions. He stated he would not be attending tonight's meeting unless you request that he be there. Lisa Carrozza suggested contacting DEP Enforcement to help push this matter forward.

Jennifer Carlino said she did not advertise for bids for the Chartley Pond Dam repairs because she was going to be attending a FEMA workshop. She said she learned that she might be able to get a grant for a lot of the extra things needed for the Chartley Pond dam, but not for the dam repair itself. She said the grant would be 75% reimbursement. She stated she would like to meet with Scott MacLeod, who will do a technical assistance meeting and will ask what other repairs are needed at the Chartley Pond dam. She said that final design permits, bid documents and traffic can be included in the estimate.

Jennifer Carlino stated there are two other areas that could be included in grants. One would be for the embankment repairs to the reservoir dam within the pre-hazard mitigation grant. The second one would be for the replacement of the culverts on Walker Street with a bridge.

Discussion ensued on getting a new recorder to record the minutes of the meetings. Jennifer Carlino stated that Best Buy had the best one for the money. The members agreed to have her buy a new recorder.

Jennifer Carlino presented 3 pictures she had taken to the members to be sent with a "thank you" letter to Bob Medeiros, Earl C. Willcott, Jr. and Kathleen Giblin. It was decided to send the picture of Canoe River to Earl Willcott, the Norton Reservoir dam to Bob Medeiros and a picture of the Norton Reservoir dam to Kathleen Giblin.

Michele Simoneaux made a motion, seconded by Lisa Carrozza, to adjourn the public meeting at 8:36 pm. Approved.

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

Respectfully submitted,

*Signature:*

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

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