

Monday, October 17, 2011

Attendance

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

Lisa Carrozza was absent.

Minutes

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

The members reviewed the draft minutes of **July 12, 2010 (Executive Session)**. David Henry tabled the minutes for lack of a quorum.

The members reviewed the draft minutes of **September 12, 2011**. David Henry suggested adding the word "of" in the last sentence of the first paragraph on page 5 after the word "much". Ron O'Reilly made a motion, seconded by Chris Baker, to accept the minutes as amended. Approved.

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

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

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

The members reviewed the Bills Payable Sheet (Chessia Consulting). Michele Simoneaux made a motion, seconded by Chris Baker, 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 an Enforcement Order (Violation) for **Crystal & Allen Dart – 45 Crane Street** – cutting and clearing of trees and other vegetation along the steep slope to the Three-Mile River. Crystal and Allen Dart were present at the meeting. Ms. Dart stated she had removed 15 trees from the property for safety reasons. She stated after a snow fall, the trees would bend down onto her house.

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Ms. Dart stated she had ignored two previous letters from Jennifer Carlino and after the receipt of the Enforcement Order, contacted her by phone. She stated she contacted Outback Engineering for a quote to restore and stabilize the slope. She presented a copy of the quote for the Commission's review. Julian Kadish explained to Ms. Dart what happens to the slope as a result of cutting the vegetation. He stated that during a flood situation the house could be destroyed by the rapid water flow. He said that the bank would have to be stabilized in order to stand up to flood conditions. Michele Simoneaux asked Ms. Dart if her Engineer could address the interests of the Wetland Protection Act as well as wildlife habitat. She stated she would like to see multi-layer vegetation within the Restoration Plan.

David Henry asked Ms. Dart if her engineer could have a plan drawn up before the next regular meeting of Monday, November 14, 2011 and she stated she thought that Outback Engineering could put together a plan by November 14th. Ms. Dart asked the members if they could review the quote given by Outback Engineering to ensure that all the items listed are necessary. Jennifer Carlino said she would review the scope of work presented by Outback Engineering and make sure it is in line with the Enforcement Order. Michele Simoneaux suggested getting several other quotes to compare prices. It was agreed Mr. & Mrs. Dart would present a Restoration Plan at the next regular meeting of Monday, November 14, 2011.

The members reviewed an Enforcement Order (Violation) for **Timothy Russell - 4 & 6 Bay Road** – re-grading of floodplain and within 100 feet of wetland. Timothy Russell addressed the Commission and asked for an explanation of what the Enforcement Order was for. Jennifer Carlino explained that at one of the Zoning Board of Appeals meetings, she explained to him that no grading could be done on the property without a wetland permit. She said she also gave him a letter explaining this before the ZBA meeting. She told Mr. Russell he would have to obtain a wetland permit for the grading that has been done on this property.

Mr. Russell said there was a bad odor on the property and found out that the sewage was going directly into the grease trap. He said he notified the Water Dept. and Board of Health and tried fixing the problem by digging a small trench. Jennifer Carlino stated that the trench was not the problem, it was the grading on the property that was done without a wetland permit. Jennifer Carlino stated to Mr. Russell that he needs to show her the plans of the grade before he re-graded the area and show her how much fill had been brought in onto the property.

Mr. Russell stated the town caused these problems and Julian Kadish stated that the owners of the restaurant for past years caused their own problems by violating the rules and regulations. Michele Simoneaux asked if the grading was within a floodplain and Jennifer Carlino stated it was. Mr. Russell agreed to contact an engineer and file an application for a wetland permit.

The members reviewed an Enforcement Order (Violation) for **Linda Reeves – 101 Bay Road** – dumping firewood, compost, personal items into the drainage swale so that it cannot be maintained. Ms. Reeves addressed the commission. She stated she has cleaned the swale many times in the past and wanted to know what the violation was. Jennifer Carlino stated the Highway Department has complained that they cannot maintain the swale because of all the debris in it.

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Ms. Russell stated she has never seen the Highway Department clean the swale in fifteen years. She said she removed all the wood from the swale and will see to it that no more wood has been dumped into the swale.

The members agreed to discuss the Enforcement Order/Violation for **Chris Baker** towards the end of the meeting.

Tom & Elizabeth Mulvaney – 13 Karol Drive updated the commission on their violation. And submitted a revised plan. Mr. Mulvaney stated the only change was the removal of the stumps. Jennifer Carlino stated that the 25-foot no-disturbance zone was not shown on the plans as requested at the last update meeting. Mr. Mulvaney said you could see by the scale where the 25-foot limit of work was. Jennifer Carlino stated that at the previous meeting, it was requested he add the 25-foot limit of work to the plans. Ms. Mulvaney stated nothing has been done except mowing of the grass in the same area that has been mowed for the past nine years. Mr. Mulvaney marked on the revised plan where the 25-foot no-disturbance zone is. Michele Simoneaux made a motion, seconded by Julian Kadish, to release the Enforcement Order. 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 – (cont. from the Sept. 12, 2011 & September 26, 2011 mtgs.)** - 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 were Henry White and John Sullivan of Wheaton College, and Jared Gentilucci of Nitsch Engineering. Mr. Gentilucci updated the commission on the project. He said the application was submitted approximately five weeks ago and since then, the property has been flagged. He stated that an intermittent stream had been located on the property 65 feet from one of the buildings and a bordering vegetated wetland to the east is 50 feet from one of the buildings. Mr. Gentilucci stated that the two wetland areas were flagged and the plans and sketches were updated to reflect the two wetland areas. He said a sketch with the stabilized construction entrance has been submitted as requested at the last hearing. Mr. Gentilucci stated construction will take approximately two weeks and silt fence will be in place to protect the wetlands. Julian Kadish made a motion, seconded by Ron O'Reilly, 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 is done according to the approved plans. Approved.

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The members reviewed a Notice of Intent – (#250-876) -**John Sullivan/Wheaton College – Parcel 14 (Assessor's Map 17) 26 East Main Street** – for proposed plans for paving and construction of drainage facilities with associated grading at the maintenance building within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent Form
2. Plan entitled “Site Improvement Plan – Grounds Facility Area – Wheaton College Campus, Norton, Massachusetts, Site Layout and Landscape, Sheets 1 through 8 Scale of 1”=20”, prepared by Hayward-Boynton & Williams, signed and stamped by Marc J. Tisdelle, P.E. dated September 30, 2011.

Present at the public hearing were Marc Tisdelle of Thompson Farland and John Sullivan of Wheaton College. Mr. Tisdelle explained that the application is for a site improvement plan to the grounds facility just east of the new science building and south of the power plant. The area is currently mostly paved with some gravel areas and consists of under an acre. He said this application is filed under a redevelopment project because the impervious surface is not increasing and it will be improving the existing storm water management system.

Mr. Tisdelle described the functions of the different bio-retention areas. He said he submitted sections of the Long-Term Operation and Maintenance Plan for the BMPs that was approved previously by the board for another application. He noted that on-site soil was done in the bio-retention areas and that the wetlands were flagged by Brandon B. Faneuf of Ecosystem Solutions, Inc. Mr. Tisdelle pointed out that the wetlands were actually located on the other side of Filmore Drive which acts as a natural buffer area to the wetlands. He said silt fence will be used on all the downhill slopes and around all the bio-retention areas during construction.

Jennifer Carlino asked Mr. Tisdelle to briefly go over his meeting with her last week. He noted that Jennifer Carlino had required him submit a signed Illicit Discharge Statement. He said one was included with the application but was not signed and he would submit the signed copy. He stated that there is a flared end that crosses Filmore Drive and discharges into a channel. He said he is proposing to place rip rap around the end, but he has since found out that the area is within an ACEC, and if the Commission would prefer, he will not use the rip rap. Michele Simoneaux asked how large of an area would be involved and Mr. Tisdelle replied 10’ wide by 15’ long. She suggested using maybe using bio-engineering but not the “hardscape”. Jennifer Carlino asked if the rip rap would be place only in the scoured area or go beyond it and Mr. Tisdelle replied it would go a little beyond it. She said it would be ok if it were going only in the scoured area. He said he would revise the plan to show the rip rap only in the scoured area and no further.

Michele Simoneaux asked if a Storm Water Report has been submitted and Jennifer Carlino replied it had been. She stated that the Planning Board does not review the Storm Water Report, but she does and asked if the commission would like to send it out for peer review. She asked if it was ok under the redevelopment filing. Michele Simoneaux asked if all important information has been submitted and Jennifer Carlino replied it had and suggested conditioning the submittal of a signed Illicit Discharge

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Statement and revised Operations and Maintenance Plan with the contractor's contact information. Michele Simoneaux asked Mr. Tisdelle if he had submitted the SWPPP and he replied yes but that he did not like to put a contractor's name on the SWPPP until the permit has been approved. He said after the approval he would file the completed SWPPP. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (**#250-875**) – **James Cochrane – Parcel 145 (Assessor's Map 16) 121 Freeman Street** – for proposed plans to install a dock within 100 feet of wetlands on the Norton Reservoir.

Document List

1. WPA Form 3 – Notice of Intent Form
2. Mortgage Inspection Plan in Norton, MA., dated Oct. 18, 2001.
3. 2 photographs of the site.

James Cochrane was present at the public hearing and described the project to the members. He stated he proposed to install an 8' x 8' galvanized pre-fab steel dock which is free standing. David Henry asked Mr. Cochrane how the dock will stay in his yard and he said the dock will not move. Julian Kadish had concerns with ice expansion and Mr. Cochrane said he thought there would not be a problem because the dock is constructed of galvanized steel.

Jennifer Carlino had informed Mr. Cochrane that he would need to submit an engineered plan for review. Mr. Cochrane had concerns with the cost for an engineered plan. Julian Kadish asked why this was necessary and Jennifer Carlino replied that an engineered plan would show accurate wetland and floodplain boundaries and where the alterations are along the existing path leading to the dock. She stated that even though Lisa Carrozza could not attend tonight's meeting, she had requested that an engineered plan be submitted for this project. Julian Kadish stated that, in his opinion, this is a low-impact project and should not require an engineered plan which would be costly to the applicant but would vote the way the board desired.

Michele Simoneaux asked Mr. Cochrane how far above the high water mark the dock was and he stated approximately two feet. She asked Mr. Cochrane if there are any footings involved and he stated that there are four legs to the dock that sit on pads. She suggested to compromise where the plan is concerned and requested to see a plan that shows the existing conditions, edge of the wetlands and the floodplain location. Julian Kadish made a motion, seconded by Chris Baker, to allow the application to be reviewed without an engineered plan and allowing the pictures taken from Route 140 to be used to make a decision. Michele Simoneaux voted no. David Henry voted no. Ron O'Reilly voted no. Motion was denied. Jennifer Carlino stated a plan should be submitted showing the existing conditions, the edge of the wetlands, the floodplain elevation, location of the existing path and location of the proposed dock. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, November 28, 2011. Approved.

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The members reviewed a Notice of Intent – (#250-877) – **Brian & Jacqueline Donahue – Parcel 162 (Assessor's Map 15) 2 Foster Drive** – for proposed plans for restoration of 4,127 sq.ft. of wetlands, installation of a well and construction of an addition within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent Form.
2. Plan entitled “Plan of Land in Norton, Mass., #2 Foster Drive, Scale 1”=30’, dated September 29, 2011, prepared by Yarworth Engineering Co., Inc. and signed and stamped by Christopher D. Yarworth.
3. Sketch showing wetlands, proposed work and existing conditions.
4. Photographs of the house and yard.

Brian and Jacqueline Donahue and their engineer, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing. Mr. Donahue stated that in 2004 or 2005 he had a contractor expand his yard. He said that in 2007 he had a few fallen trees removed as well as a few additional trees. He stated that at that time he had his yard graded sloping down away from the house and hydro-seeded. He said he was not aware that any permits were required. Mr. Donahue explained that earlier this year he had wanted to install a well for irrigation and at that point his contractor staked the area for the well and spoke to Jennifer Carlino who advised him the well was located within the wetlands. He was advised by his engineer that he had removed trees within 100 feet of wetlands and needed to restore the disturbed areas.

Mr. Donahue stated that during the previous hurricane a large tree fell onto his deck and he has since decided to build a three-season room in its place. He said he finally realized he was in violation and halted all work plans and contacted Chris Yarworth to come up with a restoration plan. Jennifer Carlino asked Mr. Yarworth if the grade had been raised and he stated it had been raised approximately 4 inches.

Chris Yarworth submitted a few pictures of the property and house to show the wetland areas. He stated that the applicant is proposing to install a post and rail fence at the edge of the wetlands to prevent any further encroachment with a sign posted to prevent going beyond this point. He stated that the grass that was planted within the wetlands could be removed, but the applicant would prefer to just leave it alone, plant a few wetland plants and let it grow back to a wetland area. He said the area is an uphill end of the buffer zone and he would have to dig below the existing ground level to find the wetlands.

Jennifer Carlino asked Mr. Yarworth if he did a hydrology and ground water test and he replied that he did not. She said without the reports to go by, the new wetland plants may not grow. Jennifer Carlino suggested that Mr. Yarworth check the soils. She asked Mr. Yarworth if the plants were properly spaced to cover the area that was disturbed and he said if she would like, he would have a landscaper check this out. She said trees have to be planted 10’ on center and shrubs have to be planted 8’ on center. She noted that restoration has to follow the Regulations and Replication Guidelines. Mr. Yarworth stated he would check the trees and shrubs and submit a more detailed planting plan to

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include the size of the trees and shrubs. David Henry suggested to Mr. Yarworth to have the soils tested to ensure a successful planting. Chris Yarworth asked if it was agreed that the grassed area would remain and not touched again and a post and rail fence would be installed at that point and Jennifer Carlino agreed this would be ok if the soil and hydrology would support a wetland.

Michele Simoneaux suggested putting a wetland seed mix down if the grass was to be removed and Chris Baker suggested putting down 3" sod if the area was going to be stripped. Chris Yarworth stated he would prefer not to have to strip this area. Jennifer Carlino stated to Mr. Donahue that he could continue with the 3-season room as it is replacing the deck in the same footprint. She said he would have to wait for his permit before installing the well. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 14, 2011. Approved.

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 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.

David Henry read an email received by James Pavlik, Principal Engineer for Outback Engineering requesting a continuance of the public hearing until the next regular meeting of Monday, November 14, 2011. Julian Kadish made a motion, seconded by Michele Simoneaux, to continue the public hearing until November 14, 2011. Approved.

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8:10 pm 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 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.
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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.

David Henry read an email received by James Pavlik, Principal Engineer for Outback Engineering requesting a continuance of the public hearing until the next regular meeting of Monday, November 14, 2011. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until November 14, 2011. Approved.

The members reviewed a request for a Certificate of Compliance for **DET. #544 – Antonio Borges/co Yarworth Enbngineering Co., Inc. – Parcels 116 & 117 (Assessor's Map 36) – Mary Jo Road (off East Hodges Street)**. The permit was for the removal of contaminated soils and regrading. Chris Yarworth of Yarworth Engineering Co., Inc. stated he is working for the Trustees to obtain the necessary papers to close out the project. He said Fred Bottomley is interested in purchasing the property once it has been released and stated the commission had issued a Determination for this project with conditions which was recorded at the Registry of Deeds.

He noted there were contaminated soils on the property which have been removed and a study was done, a copy of which is in the file, and DEP has signed off on. Mr. Yarworth stated that the debris has been removed and the property has been graded flat leaving a few loam piles. He said there are plans to file an Abbreviated Notice of Resource Area Delineation. He stated there was also a Superceding Order of Conditions issued for the property by DEP (#250-544) and he will be meeting with them in the near future to obtain a Certificate of Compliance. Julian Kadish made a motion, seconded by Michele Simoneaux, to issue a Certificate of Compliance. Approved.

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The members reviewed a request for a Certificate of Compliance for File #250-412 – **Joseph P. DiFiore, Jr., c/o Yarworth Engineering Co., Inc. – Parcels 10, 10-01 & 182-185 (Assessor's Map 35) and parcels 114-117 & 138 (Assessor's Map 36) Mary Jo Road (off East Hodges Street)**. The permit was for construction of a cranberry bog. Chris Yarworth of Yarworth Engineering Co., Inc. stated the wetlands were flagged and the plan was placed over the old plan to see if there were any major changes. He said there were a few minor changes. He said he did not think any portions of the property were filled.

Chris Yarworth stated that if the commission is ok with the submitted As-Built plan, the added wetland areas will be flagged, an Abbreviated Notice of Resource Area Delineation will be submitted and then a Notice of Intent will be submitted. He said the property cannot be sold until a Certificate of Compliance has been issued and recorded. He stated that some of the property was stripped. Jennifer Carlino stated that the gravel had been removed, but no cranberry bogs were planted and an Enforcement Order had been issued to halt the removal of gravel. She noted that the Enforcement Order had been recorded but the Order of Conditions was never recorded. She suggested issuing a duplicate Order of Conditions to be recorded at the same time the Certificate of Compliance is recorded to release the Enforcement Order as well as the Order of Conditions.

Jennifer Carlino suggested to Mr. Yarworth that he make a notation at the location on the As-Built Plan of a partial bog. She asked him to drop off a revised plan. Michele Simoneaux made a motion, seconded by Julian Kadish, to issue a duplicate Order of Conditions and a Certificate of Compliance to release the Enforcement Order as well as the Order of Conditions. Approved.

Update – 157 Mansfield Avenue

Present for the update to the commission was John Sullivan, owner of Norton Mobile Home Park at 157 Mansfield Avenue, Ralph Penney, LSP and Luther Grant, contractor who would be doing the work. Chris Baker recused himself from discussion of this violation. John Sullivan stated that at the last meeting Jennifer Carlino and the board members requested that the hole be filled in as soon as possible. He stated DEP had requested him to do a Remediation Plan as well.

Mr. Penney stated that a pie-shaped area had been cut out and left open, the contaminated soil was stockpiled and that they could not get all the contaminated soils out. He stated that kerosene had extended under the slab at Unit 1 and under the trailer at Unit 1 and under the deck at Unit 2. He said approximately 50 feet along the shore line had been contaminated with kerosene. He suggested to bio-remediate the area by introducing water and bacteria to the area in hopes the kerosene disappear slowly within a years time. David Henry asked who would pay for this process and Mr. Penney stated the insurance company finally agreed to help with the clean-up process.

Ralph Penney said he had spoken with Bob Murphy from DEP on February 23rd. Jennifer Carlino asked Mr. Penney when he would be submitting an IRA to DEP for their approval and he replied he would be submitting it within a few weeks. He said he will be putting together a site plan of restoring the wetland areas and would like to meet with her before submitting the IRA. Mr. Penney stated that

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he would push for written approval, but it normally takes up to 21 days for “presumptive” approval. He said that if no reply is received from DEP within 21 after submitting the IRA, work can begin. He said he will try to speak to Mike Whitehead from DEP to help speed the process as he has already taken an interest in the project.

John Sullivan asked Mr. Penney that if Mike Whitehead gives his approval can work begin and Mr. Penney stated it could not. He said written approval has to be received or work can begin after the 21 days following the submittal of the IRA. Jennifer Carlino asked Mr. Penney if he would have his site plan ready before the next meeting and he said he would but he would like to meet with her before the next meeting. Michele Simoneaux asked Mr. Penney if the IRA was going to be part of the Notice of Intent filing and he replied that he had hoped to meet with Jennifer Carlino to explain to her the proposed contours, types of soils and types of plants that were proposed. He said at the point, he would like to backfill the excavation, after the bio-remediation system was in place and stabilize the area with wood chips.

John Sullivan submitted updated pictures of the violation. He pointed out that healthy vegetation was growing in the affected areas. He noted that there was no kerosene in the white boom material that was in place. Ralph Penney explained that the white pipes are pipes that were installed after backfilling a portion of the steep sideslope. He stated these were a well screen and an area to help the bio-remediation process.

Ralph Penney stated he had dug up large boulders along the shoreline and he and Mike Whiteside from DEP figured they were the original shoreline from a long time ago. He said he would like to dry sweep the boulders and put them back in their original place. He said they would be hard to get rid of. He said the contaminated soil will go to Aggregate Industries to be recycled into pavement, but they will not accept boulders. Michele Simoneaux asked how many boulders were involved and how deep the boulders were buried and Mr. Penney replied there are about 7 or 8 boulders and buried about two feet.

Ralph Penney asked Jennifer Carlino if it would be agreeable to submit an Abbreviated Notice of Intent rather than a Notice of Intent. She stated they were almost identical. He said that, because the shoreline involved was approximately 5 feet by 50 feet, that would mean that the total area to be restored is 250 sq. ft. therefore requiring a filing fee of \$1,050.00. He said that he thinks this is too steep of a filing fee for this project. Jennifer Carlino stated to Mr. Penney that she would prefer to see his narrative, site plan and planting plan before making a decision on the appropriate filing fee. He agreed to present this information as soon as possible.

The members reviewed an Enforcement Order/Violation – **Chris Baker – Mansfield Avenue – Parcels 298, 278-17 & 278-18 (Assessor’s Map 9)**. Chris Baker recused himself as a member of the board. Chris Baker stated he moved all the stone and logs out of the buffer zone. He said he still has to move the woodchips, chip the brush and put down boulders. He stated the violation was 65% corrected. Jennifer Carlino asked Mr. Baker if he had heard from the owner and he replied that he

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decided to move all materials out of the buffer zone and did notify the owner. Jennifer Carlino said she has not heard from the owner or his attorney.

David Henry asked Mr. Baker how much longer it would be before he had everything out of the buffer zone and Chris Baker replied approximately 2-3 weeks.

Other Business

Jennifer Carlino noted that she wanted to make sure that the Conservation Department did own the Chartley Pond retaining walls before spending the money to repair them.

Jennifer Carlino said the remainder of the agenda can wait until the next public meeting of Monday, November 14th.

Ron O'Reilly made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 9:38 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____