

Monday, November 28, 2011

Attendance

David Henry (Chairman), Julian Kadish, Lisa Carrozza
Michele Simoneaux, and Jennifer Carlino, Conservation Agent

Ron O'Reilly (Vice-Chairman) and Chris Baker were absent.

Minutes

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

The members reviewed the Bills Payable Sheet (Pare Corp.). Michele Simoneaux made a motion, seconded by Julian Kadish, to pay the bill. Approved. Michele Simoneaux asked if they owe any deliverables and Jennifer Carlino stated she receives the QA/QC packets on Mondays and meets with Pare Corp. on-site every Tuesday morning at 8:00am. She noted that Pare Corp. emails weekly field reports for the Norton Reservoir Inspections. Michele Simoneaux asked Jennifer Carlino if she could forward them to her for her review and she replied that she would. Jennifer Carlino said that Pare Corp. stated that the turbidity barrier they proposed will not handle the high flows and that they would be suggesting an alternative at tomorrow's on-site meeting.

The members reviewed an Enforcement Order/Violation for **81 Freeman Street**. The owner of the property, James McKnight addressed the commission. He stated that he has stockpiled un-split firewood for heating purposes. He said he had no other place to store it except next to a drainage ditch in the street which was drier than any place in his back yard. David Henry asked why he did not comply with the Enforcement Order he had received and he replied that his yard is too wet to store the fire wood. Mr. McKnight stated that the area he is storing the wood at is high and dry with no mud. David Henry advised Mr. McKnight that it is a violation of the Wetlands Protection Act to store wood in the wetlands. Mr. McKnight stated that, because of medical reasons, he has not been able to move the wood. David Henry stated it has been two years since he was asked to remove the wood.

Julian Kadish noted to Mr. McKnight that he has a large amount of property where he could move the wood pile to and suggested moving the wood pile to another area on the property. Michele Simoneaux pointed out that the "drainage ditch" is actually an intermittent stream with bordering vegetated wetland. Jennifer Carlino said miscellaneous items, which she had asked Mr. McKnight to remove, are being stored in the wetland area as well. David Henry reminded Mr. McKnight that in March of 2010 he had agreed to move all materials from the wetlands, but he has not. Mr. McKnight stated the firewood had been given to him and he had planned on moving it eventually but has not had the chance to. Julian Kadish asked Mr. McKnight how he got the firewood in that area and he replied by a wheelbarrow.

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David Henry asked Mr. McKnight to remove the firewood immediately and Mr. McKnight stated that, if his medical condition allows, he will do that right away. David Henry reminded Mr. McKnight that he has already had plenty of time to comply with the Enforcement Order. The members agreed that Mr. McKnight has to start removing all materials from the wetland area. They agreed that there should be a

great deal of improvement before the next meeting of Monday, December 19, 2011. Mr. McKnight stated he will start with the areas closest to the street. Julian Kadish made a motion, seconded by Lisa Carrozza, to table the Enforcement Order until the next regular meeting of Monday, December 19, 2012, at which time, the board is expecting to see a great deal of improvement. Approved.

The members reviewed an Enforcement Order/Violation for **241 Mansfield Avenue – Alberto's**. No one showed up at the meeting for the violation. Jennifer Carlino stated that the owner has not responded to her letter of one month ago nor the Enforcement Order of two weeks ago. Jennifer Carlino suggested sending a second Enforcement Order and if there is no response to that letter, ask for involvement by DEP. Michele Simoneaux made a motion, seconded by Julian Kadish, to send a 2nd Enforcement Order with a request to appear at the next regular Conservation meeting of Monday, December 19th.

The members reviewed an Enforcement Order/Violation for **Crystal & Allen Dart – 45 Crane Street**. Nyles Zager of Outback Engineering addressed the commission and said that he was hired by the Darts because they received an Enforcement Order from the Conservation Commission for cutting and clearing within 200 feet of the Three-Mile River. He said he was asked to come up with a restoration plan for the cutting of at least 7 trees on the bank of the Three-Mile river. He said the Darts had cut down the 50 – 60 foot trees because they were too close to the house.

Mr. Zager said that a wetland scientist had reviewed the property and it was determined that approximately 1300 sq. ft. of wetlands had been disturbed by the cutting and clearing. He stated that he had listed at least five species in the Restoration Plan which includes, Highbush Blueberries, Sweet Pepperbush, Bayberry, Staghorn Sumac, and Witch Hazel. He said he did not think any of the flood plain was disturbed. Lisa Carrozza asked what the ground cover was on the slope and Mr. Dart stated there was a mixture of weeds that cover the slope. Lisa Carrozza suggested using straw wattle instead of a silt fence for erosion control until the spring time at which time the shrubs will be planted. Lisa Carrozza had concerns with the end of the driveway because of the steepness of the slope and Mrs. Dart stated that the storm water usually goes down the front lawn and towards the side of the house instead of the driveway.

Mrs. Dart had concerns with monitoring the area several times because of the expense. Nyles Zager stated he would provide an As-Built Plan after the plantings had taken hold and were surviving at which time the commission could go out and inspect the area. Julian Kadish stated that after the area is stabilized, the area could be inspected once and after that, the home owner could submit updates to the

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commission. Julian Kadish made a motion, seconded by Michele Simoneaux, to accept the restoration plan with the suggested revisions. Mr. Zager said he would send over the revised plan soon.

The members reviewed a Notice of Intent – **(#250-875) – James Cochrane – Parcel 145 (Assessor's Map 16) 121 Freeman Street – (cont. from the October 17, 2011 mtg.)** - 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.
4. New Field Plan

Mr. Cochrane stated that Jennifer Carlino had gone out to the property and flagged the wetland areas and provided him with a field plan of where to plant the new wetland plants. He said he picked up 4 Highbush Blueberry bushes to be planted in the altered wetlands. Michele Simoneaux noted an open area on the plan and asked if this area had been altered as a result of this project and Mr. Cochrane replied that it was already like that before he had plans to install a dock. Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-877) – Brian & Jacqueline Donahue – Parcel 162 (Assessor's Map 15) 2 Foster Drive – (cont. from the October 17, 2011 & November 14, 2011 mtgs.)** - 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 Application.
2. Plan entitled "Plan of Land in Norton, MA #2 Foster Drive Prepared for Brian & Jacqueline Donahue with a scale of 1" = 30' by Yarworth Engineering Company, Inc. and signed and stamped by Christopher D. Yarworth dated September 29, 2011.
3. FIRM map.
4. Mass. GIS Resource Area Map

Mr. Donahue stated he is planning on removing all the fill that was placed in the wetlands and at the same time would like to have a pool installed. He asked the commission if he should continue with this application, adding the pool, or withdraw this application and re-file. Lisa Carrozza stated that revised plans are required to show the pool, elevations and the re-grading dimensions. She suggested putting up erosion control, preferably compost-filter tubes. David Henry reminded Mr. Donahue to install a visual barrier to prevent any further encroachment into the wetlands. Mr. Donahue requested to continue the public hearing until the next regular meeting of Monday, December 19, 2011. Julian Kadish made a motion, seconded by Lisa Carrozza, to continue the public hearing until December 19, 2011. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #973) – Wheaton College – Parcels 45, 46, 47 & 48 (Assessor's Map 23) 20, 22 & 26-28 Taunton Avenue** – for proposed plans to abandon existing sanitary disposal systems and tie into the sewer system within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for Determination of Applicability.
2. Plans entitled “Sewer Connection Plan, #20, #22, #26-#28 Taunton Avenue, Wheaton Campus, Norton, Massachusetts (sheets 1-4) prepared by Hayward-Boynton & Williams, signed and stamped by Marc J. Tisdelle, **revised** on November 10, 2011.

Present at the public hearing were Marc Tisdelle of Hayward-Boynton & Williams and John Sullivan of Wheaton College. Mr. Tisdelle stated that Wheaton College owns several buildings on Taunton Avenue. He said that they propose to abandon the septic systems which have failed on 4 of the buildings and want to install low-pressure pumps to pump the sewage to one of the sewer manholes that will go to Wheaton's waste water treatment plant.

Mr. Tisdelle stated that the old tanks will be filled with sand and crushed. He said the closest work will be 63 feet from the wetlands and siltation fence will be in place while the work is being done. He noted that the pumps are approximately 4 feet tall and have a 1 ½ inch pipe coming out of them and they are very low impact. He said a 4 foot deep temporary trench will be dug to help to keep the force main from freezing and then the trench will be backfilled. Mr. Tisdelle stated all disturbed areas will be loamed and seeded. He said there is one building that will be removed and the area will be loamed and seeded. Lisa Carrozza noted that on the plans it showed the sedimentation control going through a large tree and she suggested starting the siltation fence past the trees.

Julian Kadish asked how long the trench would be open and Marc Tisdelle replied that a section of trench approximately 100 feet long would be open at one time and closed within 3 days. Lisa Carrozza asked when the work would begin and Mr. Sullivan stated probably in Spring of 2012. Julian Kadish suggested that since the project was so minimal, sedimentation control could be used only in areas where needed, to be decided upon during work and installed by the contractor as needed. Marc Tisdelle suggested the site could be inspected occasionally by Jennifer Carlino during construction. He said that he could mark or stake the limit of work area and he noted that he was very conservative on the plans placing the limit of work much closer to the site than it actually needed to be. Michele Simoneaux made a motion, seconded by Julian Kadish, 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 plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #974) – Joseph Napolitano – Parcel 47 (Assessor's Map 17) 10 Miller Terrace** – for proposed plans to repair/replace sanitary disposal system within 100 feet of wetlands.

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Document List

1. WPA For 1 – Request for Determination of Applicability.
2. Plan entitled “Sanitary Disposal Repair for Joseph Napolitano at 10 Miller Terrace in Norton, MA, Scale is 1”=20’, signed and stamped by John F. Vance, Jr., revised on November 9, 2011.

Jack Vance, Engineer for the applicant, described the project to the members. He stated that the house is a two-bedroom house that is for sale and the closing for the sale is going to be on December 16th. He said the present system has failed inspection and the applicant is proposing to replace the system with a new system with a larger tank and a slightly larger leaching field to be placed in the same location. He noted that a sump pump pumps to a ditch approximately 70 to 80 feet away and approximately 20 feet from the wetlands.

Julian Kadish asked if the old system would be removed by truck and Mr. Vance stated it would be. He said the old system consists of three concrete floater fuses, 4’x8’ each, and will be replaced with 24 infiltrators, 3’x4’ each, which will be placed in three rows of eight. He said one 20” maple tree will have to be removed to fit the new system in that location. David Henry asked Mr. Vance if he already received variances from the Board of Health and he replied that he had.

Michele Simoneaux asked Mr. Vance if the Board of Health issued a variance using the same plan submitted with this application and he replied that it was. Michele Simoneaux asked if the grade was going to change and Mr. Vance stated that the grade would only be raised by a few inches. He said the area will be loamed and seeded at the completion of the septic work. Michele Simoneaux asked what kind of pipe was coming out of the basement and he replied that it is a sump pump. Jennifer Carlino asked if the oil tank was located in the basement and he replied that there is. He stated he plans to have the thickness of the bottom of the oil tank determined and to see if there is any corrosion of the tank at this time and he said the new owner will be advised to have the tank tested for corrosion yearly. Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Michele Simoneaux, to issue a negative Determination (#3) of Applicability as long as the work is done according to the approved plans. Approved.

Jennifer Carlino noted that the Highway Dept. advised her that the Conservation truck will probably not pass inspection and she will have to look for a new truck. Lisa Carrozza asked her what the procedure is in obtaining a new vehicle. She asked if writing a letter to the Board of Selectmen would be the first step and Jennifer Carlino said the Highway Department had already sent a letter to the Board of Selectmen last spring suggesting that she would be the next in line for a new vehicle. David Henry suggested sending another letter.

Jennifer Carlino noted that the owner of 4 & 6 Bay Road has not submitted any new information since the last hearing. She said he needs to submit a plan showing the re-grading and the amount of fill that

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was brought in. The members agreed to have Jennifer Carlino send a letter requesting an update. Julian Kadish asked if the property is in the floodplain and Jennifer Carlino replied that it is entirely.

Jennifer Carlino noted that she received a letter from the attorney representing the owner of the former Bird Garden at Mansfield Avenue. She stated that all materials have been removed and boulders have been placed at the limit of work to prevent further encroachment into the wetlands. She said she inspected the property today and it looked ok and she will draft a release letter.

John Sullivan stated that he is not getting any response from the insurance companies and will try and will start the restoration process to fix the violation himself. He said he met on site with Jennifer Carlino and Ralph Penney, his engineer. He said his engineer, Ralph Penney is working on the Notice of Intent and will be surveying the property for grade elevations. He said there is approximately 240 sq. ft. of restoration to be done and, even though this figure is not that large, DEP is making it more difficult by requiring other information.

Mr. Sullivan stated that Mr. Penney had Walter Hewittson, Wetland Professional, review the site and he will be submitting his formal report soon. He submitted a list of wetland plants proposed to be planted on the site and the tree to replace the one that had to be removed in order to assess the damages. He noted that the Notice of Intent should be filed for the next public meeting in order to get the IRA Plan approved.

Jennifer Carlino said she had revised the DEP Reg reform letter and enclosed a draft copy with the agenda. She stated to Michele Simoneaux that she did not know how to word or where to put a paragraph on the qualifications for a Conservation Agent. David Henry agreed that there should be some criteria to demonstrate qualifications to review the wetland lines. Michele Simoneaux offered to draft a section on qualifications for conservation agents/consultants to review wetland boundaries.

Lisa Carrozza made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 8:26 pm. Approved.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____