

Monday, November 19, 2012

### **Attendance**

David Henry (Chairman), Julian Kadish, Lisa Carrozza,  
Michele Simoneaux, Scott Ollerhead 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 draft minutes for April 23, 2012. Lisa Carrozza made a motion, seconded by Michele Simoneaux, to accept the minutes as written. Approved.

The members reviewed the draft minutes of June 25, 2012. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of July 9, 2013. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Lisa Carrozza abstained from voting.

The members reviewed the Bills Payable Sheet (Chartley Landscape). Lisa Carrozza made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Universal). Lisa Carrozza made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Verizon). Julian Kadish made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Registry of Deeds). Julian Kadish made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

### **Pare Corporation – Reservoir Dam Spillway Design**

Matt Bellisle of Pare Corporation addressed the Commission and stated that his company has submitted a proposal for the design for the improvements to the spillway for the Norton Reservoir dam in order to bring it into compliance with state regulations. He asked if anyone had any questions. He noted that the embankment improvements that were completed this past year were half of the

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 2.**

requirements of the Office of Dam Safety. He said one of the conditions on the permit that was issued to the Commission under Chapter 253 was to address the issue of the spillway.

Michele Simoneaux asked if it was appropriate at this time to ask questions regarding Assumptions on Tasks. She asked Mr. Bellisle under which Task would he be developing all the supporting plans and documents and specs that will support the development of all the permit applications as listed under Task 3 on page 4. He replied they would be listed under Task 2 on page 3, Design and Contract Documents.

Lisa Carrozza asked what would trigger the MEPA process and Mr. Bellisle replied it was the impact to the Resource Areas and the public funding that goes along with it. He said if they don't need it, they won't submit it.

David Henry asked if the same process/mechanisms were going to be kept at the reservoir. Mr. Bellisle replied that a study of alternatives was done in 2007 which he will present to the board at some point for review, but the goal is to keep the project as simple as possible. He noted that the spillway has not been used, but it is state regulations that it has to work if needed. He stated that the gates can be shut but the gates cannot be opened enough to bring the water level below the boards. Julian Kadish noted that it would be a very difficult job to try and remove boards from the spillway.

Matt Bellisle stated that the dam can handle most storm events, but it also has to be able to handle a 100-150 yr. storm event as well. He said it would be desirable to have a spillway that does not require an actual person to go out during a storm event to regulate it. Julian Kadish suggested looking into "hydro-power" and Mr. Bellisle replied he could be looking into that. Matt Bellisle noted that all alternatives can be looked at for future projects as well.

David Henry noted that the recent project completed went over budget. Mr. Bellisle replied that there were a few minor changes with the contractors due to unforeseen conditions. He said that they made many more visits to the reservoir than anticipated. He said he would look into this matter. He said he had submitted an estimate for the additional wetland evaluation and was given confirmation for the go ahead. Jennifer Carlino commented that she did not remember receiving an estimate and asked Mr. Bellisle to send a copy of the estimate and he replied he would.

Jennifer Carlino stated that during one of her inspections she had discussed with David Matheson that at one of Conservation's public meetings an attorney brought up the fact that at present the flood elevation is 103 feet and some of the deeds state that they can only flood up to 101 feet, constituting trespass. She noted she has not heard back from Town Counsel yet and this information is needed for him to continue designing in case the level is two feet over the allowed level.

Mr. Bellisle replied that until he knows what the water rights are, he will design up to the water rights which is the top of the dam.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 3.**

David Henry requested that a more detailed monthly invoice be submitted showing completed work or work in progress.

The members reviewed a Request for a Determination of Applicability – **(DET. #988) – Chris Strynar – Parcels 90 & 90-01 (Assessor's Map 22) 64 West Main Street – (cont. from the October 15, 2012 mtg.)** - for proposed plans to install a scoreboard and chain linked fence within 100 feet of wetlands.

Document List

1. WPA Form 1 – Request for a Determination of Applicability.
2. Aerial photo showing Yelle Elementary Scoreboard project dated 9/19/12
3. Norton Field Fence & Barriers, DMR Construction dated 10/11/12

Jennifer Carlino noted that there was no one present for this project. Michele Simoneaux made a motion, seconded by Julian Kadish, to continue the public hearing later this evening in case someone shows up for the project. Approved.

No one showed up for the public hearing. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

The members reviewed a Notice of Intent – **(#250-899) – Keith Silver, Highway Superintendent/Town of Norton Highway Department – Parcel 1 (Assessor's Map 31) 166 John Scott Boulevard** – for proposed plans to widen a road and construct a 100' x 100' brush compost area within 100 feet of wetlands and 200-ft. Riverfront Area.

Document List

1. WPA Form 3 – Notice of Intent Form
2. Hand drawings of the road and proposed work
3. Portion of Assessor's map showing proposed work
4. Aerial photos of the West Hodges St. (31/1) proposed compost area

Keith Silver, Highway Superintendent stated that the Board of Selectmen requested him to find a place to dump and stock brush. He stated that he was dumping brush at the Water Department but, because of some vandalism, the Selectmen decided to find a new place to dump the brush. Mr. Silver said that this is not for daily cleanup but for emergency situations of large storms. He said he would like to widen the existing road approximately 10 feet and install a gate to keep vandals out. He noted he would make mulch out of the brush. He said he cannot dump brush at the old Hill Street dump site because it is too muddy. Lisa Carrozza asked Jennifer Carlino if she had looked at the site and she replied that she had. Lisa Carrozza had concerns with the wall being so close to the IVW and asked if she thought there would be spillover and Jennifer Carlino replied she did not because the road is up two feet with the boulder retaining wall on top of that.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 4.**

Julian Kadish asked who would be dumping brush and logs on the site and Keith Silver replied that residents would be allowed to dump brush and logs in emergency situations only.

Jennifer Carlino noted that the public hearing cannot be closed until 30 days from the date the application was sent to Natural Heritage. She said she has not had a response back from them yet. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

The members reviewed a Abbreviated Notice of Resource Area – (#250-898) – **Campanelli Thorndike Norton, LLC - Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street** – for verification of the Resource Areas.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled “Plan to Accompany ANRAD, East Main Street, Norton, Massachusetts, Prepared For: Thorndike Properties of Massachusetts, LLC, Scale 1”=50’, prepared by Yarworth Engineering Co., Inc., signed and stamped by Christopher D. Yarworth and dated October 19, 2012.

Present at the public hearing were Mark Manganello of LEC Environmental, David Eastridge of Thorndike Development and Lloyd Geisinger of Thorndike Development.

Mr. Manganello stated that the applicant is seeking confirmation that two non-bordering vegetated wetlands **do not** meet the criteria for Isolated Land Subject to Flooding. He said he included drainage calculations to support that position. He pointed out a bordering vegetated wetland that was included in the Order of Conditions issued by the Conservation Commission in 2007. He said that the Order of Conditions is automatically extended by the Permit Extension Act. He pointed out the two isolated areas.

Mr. Manganello described one of the two areas as having been two smaller wetlands that were joined together as a result of replication required for the Red Mill Village project and now shows as one isolated wetland area. He said he had redone the calculations and the area is below the required threshold and does not meet the criteria for Isolated Land Subject to Flooding. Julian Kadish asked how large of any area it was and David Eastridge stated it was 977 sq.ft.

Michele Simoneaux asked to see the topography of the site and David Eastridge gave her a copy. Jennifer Carlino noted that the Commission has been sending all Isolated Wetland areas out for Peer Review to confirm that the calculations are done correctly. She said that under Chapter 44, Section 53G, Conservation Commissions can require a Peer Review for the Isolated Wetland areas. She said the estimates will be received before the next meeting, at which time the Commission will choose one to do the review. David Eastridge suggested that the Peer Review be the same person who reviews the Notice of Intent as well as applications to any other boards.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 5.**

Michele Simoneaux asked about the other delineations and Jennifer Carlino replied the flags looked good. Michele Simoneaux asked why the flags at A1 to A 44 was still open and David Eastridge replied that this was the replication area that was done for Red Mill Village. Jennifer Carlino asked David Eastridge if the replication was correct and he replied it was actually larger that required.

Jim Conway of 283 East Main Street, Unit 14, noted that the submitted information pertains only to 274 East Main Street. He said that any drainage from the six acres will go west to east and north to south and towards 283 East Main Street (Kingsbury Hill condos). He said that 283 East Main Street has water problems already without adding to it. David Henry noted that this application is only to confirm the wetland resource areas and boundaries. Maureen Sroczynski of 283 East Main Street, Unit 15, President of the condo association at Kingsbury Hill condos, stated that, in her opinion, this application should include any wetlands across the street at 283 East Main Street especially because there is a brook that runs across the street from 274 East Main Street to 283 East Main Street. She said given the density of this project, the wetlands delineation should extend onto their property. Jennifer Carlino replied that these type of flooding questions will be answered when the applicant files a Notice of Intent for actual construction.

Jennifer Carlino asked Mr. Manganello if he showed the brook on the plans and he replied he did as well as the buffer zone to the brook and noted it was done in 2007. She asked him if that area across the street has been re-flagged or if he was using the flags from 2007. He replied he used the flags from 2007.

Julian Kadish stated that according to rules and regulations, a project cannot increase the flow of runoff from a property onto another property. He stated that with the storm water management policy, guidelines have to be followed. He said that the Commission will hire a consultant to be paid for by the applicant, who will verify that the drainage calculations and the functions of the drainage structures will work correctly in the Notice of Intent Phase.

David Henry noted that only the property or wetland areas within 100 feet of the project will be shown on the submitted plans.

Leo Conlon of 79 Coddling Road pointed out two wetland areas on the plans and asked why they are not considered wetlands. Mr. Manganello stated they are considered wetlands, but they are not under the Wetland Protection Act jurisdiction. Mr. Conlon asked why they are not considered jurisdictional and Mr. Manganello replied that they do not border any other water bodies. Mr. Conlon asked why they were considered jurisdictional for a previously proposed project on this site and not now. Mr. Manangello replied that they were not considered jurisdictional in the previous project and the only difference at this time is that they are now one large isolated wetland rather that two smaller ones because they have been connected due to replication on the site.

Michele Simoneaux explained to Mr. Conlon that by the confirmation of the wetland boundaries and 100-foot buffer zone, the applicant will file for a Notice of Intent using the correct information.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 6.**

Leo Conlon asked who was going to do the Peer Review for this project and David Henry replied it would be going out to bid to then be selected by the Conservation Commission.

Barbara Hagg, 283 East Main Street, Unit 19, had concerns with drainage issues and Julian Kadish stated all water flow and runoff from the project and road will be regulated. He noted that this project is different from a single-family house project and will be treated much differently.

Oren Sigal, 28 Coddling Rd., asked if the Peer Review would be reviewing the Red Mill Village site as it relates to this project and David Henry replied they would only be reviewing the information submitted with this project. He asked if the property across the street will be delineated if it is within 100 feet of this project and Mr. Manganello stated it would be. Lloyd Geisinger stated that if he received permission from the Kingsbury Hill condo association, he would have his engineers flag the wetlands within 100 feet of the project. Ms. Sroczynski agreed to give him permission to go onto the property for wetland delineation purposes.

Jack McGrail, 10 Hastings Way, asked if the Peer Review will not only review the submitted information, but will they actually walk the property to confirm all information submitted. David Henry replied they will walk the property to confirm all information submitted. Leo Conlon asked where he could get a copy of the plan submitted and David Henry replied he could review the plan at the Conservation office any time. Lloyd Geisinger stated he would give a copy to Mr. Conlon.

Michele Simoneaux made a motion, seconded by Scott Ollerhead, that under Chapter 44, Section 53G, to hire a consultant to verify the calculations submitted by the applicant's engineer. Approved. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

The members review a Notice of Intent – (#250-897) – **Emerson Martins/Best Hands Construction and Repairs, Inc. – Parcels 62 & 128 (Assessor's Map 17) – 142 East Main Street** - for proposed plans to construct a 40' x 60' garage, greenhouse and landscaping yard within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Stormwater Pollution Prevention Plan (SWPPP)
3. Plan entitled "Plan of Proposed Landscape Yard, 142 East Main Street, Norton, MA, Prepared for Emerson Martins, October 30, 2012, Scale 1"=40', prepared by Yarworth Engineering Company, Inc. and signed and stamped by Christopher D. Yarworth. (Sheets 1-4)

Chris Yarworth described the project to the members. He stated that the applicant would like to use the property for a landscaping business. He said the applicant would like to put up a metal shed with a roof and gutters system that will discharge for Cultex unit at the rear of the property, which he said, is basically surrounded by wetlands. He noted that the greenhouse will be made out of plastic. He said that a lot of junk and debris has been left on the property over the years.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 7.**

Michele Simoneaux had concerns with a large existing tank on the property and asked Chris Yarworth if a 21E test had been done and he replied it had not. He said the tank seemed to be filled with some type of foam which hardened.

Lisa Carrozza asked if any of the site was paved and Chris Yarworth replied it was just gravel. David Henry noted that the site totals 119,000 sq. ft. and the "disturbed" area is listed as 30% or 40,000 sq. ft. He said the disturbed area looks larger. Chris Yarworth replied that most of the area was already disturbed and he is just listing the area where the trees are located. Jennifer Carlino asked if he was doing all new grading and Chris Yarworth replied that the elevation is going to remain the same and the material on the ground is gravel which is suitable for the kind of business proposed.

Jennifer Carlino noted that clear cutting, removal of vegetation and grading will be done within the limit of work on over an acre which could require a NPDES permit. (National Pollutant Discharge Elimination System). Chris Yarworth replied that less than an acre was being disturbed, therefore, not requiring a NPDES. Jennifer Carlino stated that the calculations start at the limit of work for the disturbed area. Chris Yarworth said he would do a NPDES application if needed.

Jennifer Carlino asked Chris Yarworth to respond to her letter dated November 6, 2012.

The first comment in the letter was to show an approved type of visual barrier on the plans. Chris Yarworth replied that he was going to use the existing silt fence as a visual barrier with trees planted along the row. Jennifer Carlino replied that the plan does not show a row of trees and the silt fence is not a suitable visual barrier. Chris Yarworth replied that the applicant would install a fence if requested by the Commission. Jennifer Carlino requested the proposed visual barrier be drawn on the plan and labeled. Lisa Carrozza stated that the fence should be installed on the property line side of the silt fence.

The second comment referred to the limit of work and the requiring of a NPDES permit and SWPPP which was already discussed.

The third comment advised that there may be a need to control storm water on the site within the buffer zone for water quality purposes. Lisa Carrozza suggested to read the book: The Massachusetts Unpaved Roads BMP Manual, Berkshire Regional Planning Commission, Winter 2001 for ideas for appropriate methods to control on-site storm water and regular maintenance of the access driveway and landscaping yard. She requested that the plan be revised to improve existing conditions. Chris Yarworth replied that he did review the book. He suggested that he could install a one-foot vegetated berm along the silt fence. Jennifer Carlino agreed this would be a good idea. Lisa Carrozza noted that the applicant may start stockpiling materials on the site. Chris Yarworth suggested putting erosion control around each pile. Jennifer Carlino stated this would be part of the Operation & Maintenance Plan and included in the SWPPP.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 8.**

The forth comment asked that the plan show the utilities extending to the garage and the greenhouse. It asked that all documents be revised so the description is consistent between a 40' x 60' *shed* or 40' x 60' *garage*. She noted that *shed* may not be the appropriate description for a building of this size. Chris Yarworth replied he would submit revised plans.

Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-893) – **Walter Landry – Parcels 10-01, 101, 182-185 (Assessor's Map 35) & Parcels 114-117, 138 (Assessor's Map 36) – East Hodges Street – (cont. from the October 15, 2012 mtg.)** - for verification of the Wetland Resource Areas.

Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled "Plan of Wetland Resource Boundaries, East Hodges Street, Norton, Massachusetts Prepared for Walter Landry by Yarworth Engineering Company, Inc., Scale 1"=120', signed and stamped by Christopher D. Yarworth (Sheets 1-5). (REVISED on November 12, 2012).

Dan Wells from Goddard Consulting stated that Chris Yarworth had submitted revised plans along with a letter dated November 19, 2012 from Scott Goddard, Goddard Consulting, responding to Jennifer Carlino's letter dated October 9, 2012, outlining the changes. He said that all recommendations from Jennifer Carlino had been incorporated into the revisions with the exception of #9 on Sheet 3. He said that Scott Goddard had personally gone out to check each item and concluded that, per item #9 on Sheet 3, no bank was observed between K90 to K80. He stated that Mr. Goddard noted that there was a small excavated ditch which drains to a bvw, but no Bank resource area was observed. Jennifer Carlino replied this assumption is ok.

Jennifer Carlino stated that on Sheet 5, #5, she asked that the Certified Vernal Pool #1258 be displayed within the bvw near flags G15. Dan Wells noted he had added the Certified Vernal Pool, but did not extend it to the neighbor's property because he did not have permission to go onto their property.

Jennifer Carlino stated that on Sheet 2, #12 she asked that the rest of the wetland to the south and south west of flags E82/E83 be delineated. Mr. Wells noted that flags IVW #200-#211 were added and labeled as "Non-jurisdictional IVW". Jennifer Carlino stated that they looked **connected** but are shown as **isolated**. She asked if they had BVW Data Sheets or show soil between the two areas. She said she will go back to inspect this area. Michele Simoneaux asked what the square footage for this area is and Chris Yarworth replied he had not done any calcs but will do them and submit them.



**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 9.**

Chris Yarworth noted that he had received a copy of the response letter/report for the Peer Review of the project performed by Marc J. Tisdelle, P.E. of Thompson Farland. He asked Jennifer Carlino if he could contact Marc Tisdelle himself. Jennifer Carlino stated that this is not the usually way the issues are handled. Lisa Carrozza asked Mr. Yarworth if he had any concerns or problems with any of the comments made by Marc Tisdelle.

Mr. Yarworth stated that the three issues are as follows:

#1. He replied that he would like to meet Mr. Tisdelle on site to resolve the issue with the watershed. He said that the topo is hard to figure because the area is very flat and he had trouble finding a high spot. He noted that the watershed areas are so small it is hard to notice them when shooting the grades. Jennifer Carlino replied that whatever topo is given, the watershed areas listed should be accurate.

#2. He stated that Marc Tisdelle has an issue regarding the ground water table and stated that in order to evaluate an ISLF is to correctly determine the seasonal high ground water table. He said he could pay to have Leon Dumont, Health Agent meet him on site and dig a hole for inspection.

#3. He said that Marc Tisdelle noted that calculations for the contour elevation, contour surface area and contour perimeter, etc. regarding the “pond” nodes are missing from the HydroCAD calculations of the submittal. Chris Yarworth replied that he did not do any infiltration for the pond and “modeled” it as impervious. He said he could discuss this with Marc Tiselle.

Lisa Carrozza stated the usual way to handle the comments is to respond in writing back and forth with the Peer Review and discuss the information at a public meeting. Jennifer Carlino suggested meeting at the office with him and Marc Tisdelle with a member present. Michele Simoneaux suggested the three of them make a conference call. Lisa made it clear to Mr. Yarworth to make sure Jennifer Carlino is included in the conference call should he decide to make one to Marc Tisdelle.

Chris Yarworth stated he would do the calculations on the two new areas before contacting Marc Tisdelle. Jennifer Carlino wanted Chris Yarworth to be aware that adding two new areas to review may change the “Scope of Work” that was decided upon, and paid for, in the contract for the Peer Review. She said that the contract was a “Not to Exceed” contract.

Lisa Carrozza made a motion, seconded by Scott Ollerhead, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

**Notice of Intent – (#250-888) – Turtle Crossing, LLC – Parcels 4 & 22 (Assessor’s Map 2) – Newland Street – (cont. from the October 15, 2012 mtg.)** - for proposed plans to construct 7 buildings, 8 garages, driveways, parking, utilities and associated grading within 100 feet of wetlands. Jennifer Carlino stated that the applicant has not asked for a continuance and is still waiting for a decision on their appeal on their ORAD to DEP. Michele Simoneaux made a motion, seconded by

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 10.**

Julian Kadish, to continue the public hearing until the next regular meeting of Monday, December 17, 2012. Approved.

The members reviewed a request for a Modification to the Order of Conditions – **File #250-895 – Ralph Fairbanks – Parcels 47, 47-01 & 47-02 (Assessor's Map 14) 167 No. Worcester Street**. Mr. Fairbanks stated that when the plans were drawn for the Notice of Intent, the proposed driveway was omitted. Mr. Fairbanks stated that this was first time he heard of the drywell being a problem. Jennifer Carlino reminded Mr. Fairbanks that she brought up the issue at the pre-construction meeting and advised him to re-locate the drywell out of the floodplain. He said the drywell will be located at the edge of the floodplain. Jennifer Carlino stated a condition would have to be added to the Order of Conditions stating that the drywell should be at least 10 feet away from the floodplain. She stated the drywell should not be more than 10 feet from the foundation and will have to be shallow enough to be out of the ground water. Julian Kadish made a motion, seconded by Lisa Carrozza to issue an amended Order of Conditions without requiring a new application.

The members reviewed a request for a Certificate of Compliance for **File #250-819 & #250-819A – Andrew Davison/c/o Richard Tula – Parcel 6 (Map 32) 38 John Scott Boulevard**.

Jennifer Carlino noted that he decided not to pursue the issue regarding the installation of a pool. She said a permit may be needed to install a pool. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-856 – Paul Muscatiello – Parcel 52 (Map 16)** – construction of an addition, porch and a garage. Jennifer Carlino stated that the project has been completed according to the submitted plans. Julian Kadish made a motion, seconded by Scott Ollerhead, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-892 – Malek Khadzhem/USA Stepwise Processes LLC – Parcel 76 (Map 18) 117 Plain Street** – replace/repair septic system, wetland mitigation, construction of a deck and approval of a foot bridge. Jennifer Carlino stated the project has been completed according to the submitted plans. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-582 – Mansfield Airport Commission – Parcel 428 (Assessor's map 3) Fruit Street, Mansfield (Mansfield Airport)**. Michele Simoneaux and Scott Ollerhead recused themselves from the review. There was no quorum to vote for this request. Jennifer Carlino suggested to continue the review until the next regular meeting of Monday, December 17, 2012. Approved.

The members reviewed a request for a Duplicate Certificate of Compliance for **File #250-181 – Fred Edgar/c/o Mark Hull – Parcel 41 (Assessor's Map 22) 153 West Main Street**. Julian Kadish made a motion, seconded by Michele Simoneaux, to issue the duplicate Certificate of Compliance. Approved.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 11.**

The members reviewed a request for an Extension for **File #250-772 – David Azanow/Bennett Mortgage & Investment Co., Inc. – Parcels 182, 185, 191 & 311 (Assessor's Map 27) South Worcester Street**. Jennifer Carlino stated that the project qualifies for the Permit Extension Act. Julian Kadish made a motion, seconded by Scott Ollerhead, to issue a two-year Extension Permit. Approved.

The members reviewed a request for an Extension for **File #250-753 – Meere Thakrar/c/o Walter R. Picerno – Parcels 140-149 (Assessor's map 3) Holly Road**. Jennifer Carlino stated that the project qualifies for the Permit Extension Act. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue a two-year Extension Permit. Approved.

**Old Business**

Violations:

**12 Forest Lane** – Jennifer Carlino stated that the owner told her she contacted her Wetland Scientist who was delayed in getting to her the wetland report because of weather issues. She said she spoke with the Wetland Scientist who could not confirm this. Jennifer Carlino suggested sending a letter to the home owner requesting this information be submitted at the next regular meeting of Monday, December 17, 2012.

**18 Richardson Avenue** – Jennifer Carlino stated that they submitted a plan showing the new well within the Riverfront Area. She said they will have to file a Notice of Intent. Lisa Carrozza noted that the plan was submitted without having a Ground Field Survey completed. Jennifer Carlino had written a letter to the homeowner for David Henry to sign. The letter is to notify the homeowner that work within a wetland resource area has been performed without a valid wetland permit and that they will have to submit a Notice of Intent prior to December 3<sup>rd</sup>. Lisa Carrozza stated that the letter should require the wetland resource areas be delineated and that the well be field located. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to have David Henry sign the letter.

**241 Mansfield Avenue** – Jennifer Carlino stated that she has not received the Notice of Intent yet. She said she will give the owner a call.

**6 Rumford Road** – Jennifer Carlino stated the owner has agreed to block off the disturbed area and come in with a Notice of Intent filing in the spring if he has the money to do so.

**45 Crane Street** – Jennifer Carlino said the owner will contact Outback Engineering and then get the wetland report to the Conservation office.

**Wheaton College** – Jennifer Carlino noted they had planted the riverfront area and are doing a winter shut-down for the turf field and track.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 12.**

**418 Reservoir Street** – Jennifer Carlino stated that the homeowner is going to be filing a Notice of Intent for the cleared area and the dock. She said she will call them to remind them.

**#250-455 – COC letter** – Jennifer Carlino stated that she sent a letter to the developer requiring that he apply for a Certificate of Compliance. She noted that a bond has been posted for this lot. She said that the developer has Chris Yarworth working on the As-Built Plans and will be filing soon.

**#250-552 – COC Letter** – Jennifer Carlino stated she has sent the developer a letter requesting him to apply for a Certificate of Compliance. She noted that a bond has been posted for this lot and she noted in her letter that the bond will be pulled if she does not hear from him. She said that she has not heard back from him yet.

**New Business –**

Chapter 61-61A – Newland Street – Jennifer Carlino stated that she has not received a revised right of first refusal letter yet, but she called and they are working on it and will submit the completed package.

Alder Road/Falls Road – Jennifer Carlino stated that regarding the land encroachments, John DeLano has completed his survey. She said she walked the areas with him and took photographs. She noted that she has a list of the abutters and their encroachments. She said that she drafted a letter to send to the residents. She asked the members if they want all the violators to come to a meeting together or have her talk to them one by one individually. She suggested having them come to a meeting all together and then she can set up site inspections with each home owner to show them what they have to restore.

She noted the area to be restored is huge. Jennifer Carlino stated she will speak with the Bd. of Selectmen, the Town Manager and Town Counsel. Michele Simoneaux suggested copying the head of Article 97 on all correspondence and updates for this issue. Lisa Carrozza suggested telling the abutters/residents to leave all stakes in the ground put in by John DeLano or else they will have to pay to have the area re-surveyed at their own expense. Jennifer Carlino suggested that the stakes may be already gone.

Planning Board letter re: Stormwater basin – East Main Street – Jennifer Carlino noted that many businesses are not maintaining the stormwater basins on their property allowing trash to be dumped into them. She noted that by not maintaining the basins, access to the property by ATVs is more common. She stated she requested that the Planning Board get in touch with the different business owners encouraging them to clean out the stormwater basins. She said she there has been no action to date.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 13.**

**New Business – (cont.)**

Water line on Walker Street – Jennifer Carlino stated that she sent an email to Duane Knapp asking him to give to her a written description of the work he would like to do on Walker Street and why it is necessary or if it is an emergency. She said she requested a full-sized plan and the calculations/specifications for a turbidity curtain appropriate for that location. She noted that she has not received any thing as yet. Lisa Carrozza made a motion, seconded by Scott Ollerhead to have Jennifer Carlino send a letter to Duane Knapp requesting this information by December 17<sup>th</sup>. Approved.

**Waterbodies Committee update** – Michele Simoneaux stated that the members are looking for ways to gather more information on all the water bodies in town. She said they are trying to figure out what mechanisms can control invasive species. She noted they would like to do a feasibility study and were talking about the bid process for work and studies to be done. Jennifer Carlino suggested they all go to the COLAP meeting in January and get information on many workshops pertaining to these issues.

Discussion ensued on the number of meetings that the Conservation Commission members would have to attend a Waterbodies Committee meeting. Lisa Carrozza stated that originally the meetings would be once a month. Jennifer Carlino suggested telling the committee that one Conservation member can attend a meeting once a month.

Michele Simoneaux stated she told the members that they could attend a Conservation Commission meeting if they had a specific question to ask. Jennifer Carlino stated they would have to be put on the agenda under Open Meeting Law.

**Town Meeting** – Jennifer Carlino stated that both articles pertaining to the Erikson land transfer on Bay Road were approved unanimously. She said money was voted for Pare Corporation to do the spillway design work on the reservoir.

**Appeals – Pheeny's Island, Notice of Appeal, email from Linda Clark.** Jennifer Carlino noted that the residents/abutters appealed the Superceding Order of Conditions issued by DEP. She stated that there is a conference call tomorrow but she will not be at work to be a part of it. She said the conference call will be between the attorneys and DEP. She noted that DEP had removed about 8 of the Commission's conditions.

Julian Kadish asked what the next process will be. Jennifer Carlino stated that there will be a pre-screening conference to discuss the issues before the Adjudicatory Hearing. She said the abutters and applicant will try and settle the issues before going to an Adjudicatory Hearing.

**Bay Road** – Jennifer Carlino stated the appeal on site meeting with DEP for the Bay Road Heights, LLC project has taken place. She noted that Chessia Consulting was in attendance. She said that DEP expects a decision within a month. She stated she had sent a draft response letter to all members and did not receive any comments, so she sent the letter.

**Norton Conservation Commission**  
**Monday, November 19, 2013**  
**Minutes, page 14.**

**Open Session (topics not reasonably anticipated 48 hours in advance)**

Jennifer Carlino stated that the Island Brook project is going before the Zoning Board of Appeals next Monday evening, November 26<sup>th</sup>. She said that she had received a copy of a letter dated May 23, 2012 addressed to the applicant from Mass Housing in response to their application filing for the 40B project on East Main Street. She said she sent a copy of this letter in a pre-meeting packet. She stated that the applicant is supposed to address these comments at the next ZBA public hearing on this project. She noted that she has already sent three comment letters to the applicant and ZBA. She said that the applicant has been very argumentive and confrontational. She said that she has suggested that he file and ANRAD and he will not agree. Jennifer Carlino noted that the next ZBA meeting for this project is next Monday, November 26<sup>th</sup> and asked if any of the members did want to attend, to please address her comments and comments by Mass Housing. Lisa Carrozza and Michele Simoneaux requested a copy of her comments be emailed to them.

Scott Ollerhead made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 9:58 pm. Approved.

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

Respectfully submitted,

*Signature:*

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

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