

Monday, January 14, 2013

Attendance

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),
Julian Kadish, Lisa Carrozza, Michele Simoneaux, Scott Ollerhead
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 draft minutes of **July 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 **August 13, 2012**. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved. Ron O'Reilly abstained from voting.

The members reviewed the Bills Payable Sheet (Chessia Consulting). Lisa Carrozza made a motion, seconded by Michele Simoneaux, to pay the bill. Approved.

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

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

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

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

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

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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 December 17, 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

Present at the public hearing were Chris Strynar, 30 East Hodges St. and David Cohen, 7 Fuller Drive.

Mr. Strynar updated the Commission on the project. He stated they received approval for the score board already and would like the approval to put a 10' chain-linked fence around the field in order to put advertisements on the boards to generate money for the community. He stated that the Commission requested to show the proposed fence and score board on a revised plan which he has submitted. He said in order to keep out of the buffer zone, he has shifted the field 10 feet closer to the school. He said that would give him room to move the bleachers and benches forward. Jennifer Carlino reminded Mr. Strynar that he would have to leave a couple of feet behind the fence in order to maintain it without encroaching into the wetlands.

Mr. Strynar said he will mark the location for the fence with poles and string and have Jennifer Carlino inspect it before he installs it. Michele Simoneaux asked what tools would be used to install the fence and Mr. Strynar replied an auger would be used. Lisa Carrozza asked if sediment control would be used and Mr. Strynar replied he will be on site when the fence is being installed to make sure there is no sediment going into the wetlands. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plan. Approved.

The members reviewed a Notice of Intent – **(#250-899) – Keith Silver, Highway Superintendent/Town of Norton Highway Department – Parcel 1 (Assessor's Map 31) 166 John Scott Boulevard – (cont. from the December 17, 2012 mtg.)** - 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

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Keith Silver stated he received a letter from NHESP saying that the project will not have an adverse impact to the wildlife under the Wetland Protection Act but he would have to file an application with MESA which would cost \$300. He said that he met with the Town Manager this afternoon and advised the Town Manager that he is not willing to use \$300 of the Highway Department's budget to pay for this filing fee. Jennifer Carlino noted that the Town Manager told Mr. Silver that if his budget runs short at the end of the fiscal year, money will be transferred into his budget to cover any expenses at the end of the year.

Keith Silver said that Town Departments should help each other out more. Jennifer Carlino stated that the MESA application is required by the State and not by the Conservation Commission. Keith Silver stated that he received a letter requesting the \$300 application fee or the project would be denied. He said he did not respond and he is assuming that the project has been denied. Jennifer Carlino noted that the letter was dated December 3, 2012 giving him until December 12th to respond. She said that the project is not denied, it is just going to be delayed. David Henry suggested to have Jennifer Carlino call NHESP regarding the fee and status of the application. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to close the public hearing. Approved.

The members reviewed the draft Order of Conditions for this project. Lisa Carrozza suggested that in condition #25 regarding the no disturbance zone, a list of acceptable materials could be listed. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to sign and issue the Order of Conditions, as amended. 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 - (cont. from the December 17, 2012 mtg.)** - 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)
4. Letter from Yarworth Engineering Company, Inc. to Jennifer Carlino, dated December 17, 2012 in response to her email comments.

Present at the public hearing were Chris Yarworth and Emerson Martins, applicant.

Chris Yarworth noted that he had reformatted the Operations & Maintenance Plan as requested. He said he notified the Mass Historical Society as requested. He said he printed out information from the US Fisheries and Wildlife website and gave copies to Jennifer Carlino. He said that regarding the drainage, he has omitted the 2-yr storm from the calculations and will add that later and will reformat the SWPPP to include the phasing for the berm and details of the berm. Lisa Carrozza asked where the

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post and rail fence and berm were going and Chris Yarworth pointed out that area. She asked how high the berm is and he replied it is 18 inches high. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed the draft Order of Conditions for this project. Jennifer Carlino stated she would add a condition requiring that the sediment fencing shall be installed prior to March 1st of the construction term in order to prohibit vernal pool species to migrate to the work site. Lisa Carrozza suggested that condition #30 be re-worded to require the applicant to maintain all infiltration and storm water treatment measures. She suggested that condition #31 should require the applicant to submit detailed information regarding the irrigation system before the irrigation well is installed. Lisa Carrozza suggested re-wording condition #32 to require that all material stockpiles located outside of the bins shall be temporarily stabilized within 14 days of placement. Jennifer Carlino stated she would add the word “perpetuity” to condition #36. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions, as amended. Approved.

The members reviewed a Notice of Intent – **(#250-900) – Duane Knapp/Norton Walter & Sewer Department- Walker Street – Town Right of Way – (cont. from the December 17, 2012 mtg.)** - For proposed plans to replace approximately 330 l.f. of water main piping with directional drilling within 100 ft. of wetlands and under the Wading River culvert crossing.

Document List

1. WPA Form 3 – Notice of Intent
2. Stormwater Pollution Prevention Plan (SWPPP)
3. Plan entitled “Town of Norton, Walker Street, Water System Improvements, Contract No. 12, Norton, Massachusetts Change Order #2, Walker St. Site Plan and Profile prepared by Otter Creek Engineering, Inc., Scale 1”=20’, signed and stamped by Mark R. Youngstrom, and dated November 29, 2012.

Jennifer Carlino stated that an Emergency Certificate had been issued with a deadline of January 19, 2013. She said no work has been done at this time. She stated she received an email today from Carl Crawford, advising her that no work has started because of a delay due to negotiating a Change Order with the contractor. He stated the work will not begin by the deadline of January 19th and he requested an extension to the Emergency Certificate. Jennifer Carlino stated she emailed back to Mr. Crawford telling him there are no extensions for Emergency Certificates and that the Commission will be issuing the Order of Conditions this week. Julian Kadish made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The member reviewed the draft Order of Conditions for this project. Jennifer Carlino stated she will add the requirement to submit a revised construction schedule to condition #9. Lisa Carrozza made a motion, seconded by Scott Ollerhead, to sign and issue the Order of Conditions, as amended. Approved.

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Abbreviated Notice of Resource Area – (#250-898) – **Campanelli Thorndike Norton, LLC - Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (Cont. from the November 19, 2012 mtg.)** - for verification of the Resource Areas.

David Henry stated an email has been received from Mark Manganello, LEC Consultants requesting a continuance in order to address a comment letter received from Chessia Consultants. He said that the applicant is requesting a continuance to the Monday, January 28, 2013 mtg. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to continue the public hearing to the regular meeting of Monday, January 28, 2013. Approved. Lisa Carrozza abstained from voting.

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 December 17, 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).

Present at the public hearing were Walter Landry, Fred Bottomley and Chris Yarworth. Chris Yarworth updated the Commission and stated he had submitted plans with revisions to the wetland lines. He said he and Jennifer Carlino walked the site and he said he revised the submitted information for the isolated wetland areas but the date remained the same.

Chris Yarworth said he submitted a response letter dated December 31, 2012 to Thompson Farland's letter dated November 15, 2012 regarding his ILSF calculations at East Hodges Street. He said the main issues were:

1. Watershed Information - he pointed out the areas that were non-jurisdictional including the old bog. He said there were two new areas that Jennifer Carlino wanted him to check. He said one of them, labeled the 100 series area flows down hill which he provided a topographical map for and the second, labeled 200 series area, he re-labeled “bordering vegetated wetland”. Jennifer Carlino stated there was a definite hydraulic connection to the wetland.

Fred Bottomley stated that he was taking full responsibility for the removal of the debris and was not aware of the 25-ft. no-disturb zone in the previous Order of Conditions. He said he will re-stake the 25 ft. no-disturb zone at the new boundary line and remove anything infringing into the no-disturb zone and mulch it and let it stabilize naturally. Lisa Carrozza asked about the roadway side slopes and Mr. Bottomley said he had spread winter rye on the side slopes but it is not doing very well. He said he will stabilize the area better this spring. He said he did not change the roadway elevation at all.

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Fred Bottomley noted he had closed on the property two weeks ago. He said that the land at the rear of the property which was formerly listed as owned by Key Realty Trust is now listed as owned by East Hodges LLC and the land at the front which was formerly listed as owned by Biltmore Realty Trust is now listed as owned by WLFB LLC. Lisa Carrozza asked Jennifer Carlino if she thought visiting the site before the spring was a good idea and Jennifer Carlino replied it was since there were a few areas that had to be corrected. Fred Bottomley agreed to have any of the members walk the site. He stated that he could meet Jennifer Carlino on site and together they could stake and mark the 25-ft. no-disturbance zone.

Michele Simoneaux asked Mr. Bottomley if the original violation was clearing and Jennifer Carlino replied that part of the violation was spreading fill. Chris Yarworth replied that the fill was already there and Mr. Bottomley just spread it out evenly and removed all debris in the process. Jennifer Carlino asked Mr. Bottomley what he would like to install as a visual barrier at the 25-ft. no-disturbance zone. Fred Bottomley suggested using aluminum signs to be posted every 30 feet stating that the areas are wetland resource areas under Conservation jurisdiction and no dumping or alteration is allowed. Julian Kadish ask what the life of the sign would be and Fred Bottomley replied they will last forever.

Fred Bottomley stated that he hoped the Commission was in agreement with this plan and suggested that a formal Enforcement order would not be necessary. Michele Simoneaux made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Jennifer Carlino asked if the restoration is part of the ORAD or a separate letter. Lisa Carrozza and Michele Simoneaux agreed it should be a separate letter.

The members reviewed a Request for an Extension Permit- **#250-853 – Timothy & Mary Longo – Parcel 90 (Assessor's Map 30) 71 Maple Street**. Jennifer Carlino stated that the Extension Permit is allowable under the Permit Extension Act. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Extension Permit. 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)** – filling and replicating 3,080 sq. ft. of wetlands for improvements to the runway and taxi way. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved. Michele Simoneaux and Scott Ollerhead abstained from voting.

The members reviewed a request for a Certificate of Compliance for File **#250-521 – Teddy Realty Trust – Parcel 527 (Assessor's Map 10) Lot 2, 4 Mill Lane** – construction of a house, garage, driveway and sewage disposal system. Jennifer Carlino stated the work has been completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

OLD BUSINESS

ALI – EndCap proposal – Jennifer Carlino noted that EndCap requested that DEP suspend their review of the landfill capping project. Michele Simoneaux suggested they were hiring another company and Ron O'Reilly replied that it was not economically feasible to truck fill to this site. He noted that DEP is going to require any future proposal to consider all comments made regarding this project.

#250-882 – Pheeny's Island Appeal Update – Jennifer Carlino stated pre-hearing testimony was received and a response to the direct case is due by February 8th. She said if Town Counsel sends anything to her, she will forward it to the members.

Violations:

Norton Mobile Home Estates, 157 Mansfield Avenue – oil spill, clean-up update. Jennifer Carlino stated nothing new.

12 Forest Lane – Jennifer Carlino noted that all work is suspended until they hire a consultant.

18 Richardson Avenue – Jennifer Carlino noted that she has not heard from anyone since before the holidays.

241 Mansfield Avenue – Jennifer Carlino noted a meeting was scheduled for next Tuesday.

6 Rumford Road – Jennifer Carlino noted all work is suspended until spring.

45 Crane Street – Jennifer Carlino stated she asked Outback Engineering to resend the monitoring report.

418 Reservoir Street – Jennifer Carlino noted she was waiting for the application.

#250-455 – COC letter – Jennifer Carlino noted that Chris Yarworth is working on an As-Built plan.

#250-552 COC letter – Jennifer Carlino noted there is no update.

NEW BUSINESS

72 Mansfield Avenue, violation, Produce Barn – Jennifer Carlino stated that she has sent two notices and the last one was refused. She said that the entire area behind the building has been cut and cleared up to the waters edge. Jennifer Carlino suggested sending an Enforcement Order. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to have Jennifer Carlino send an Enforcement Order to the owner of the Produce Barn to be delivered by a Constable. Approved.

Land Donation – Walker Street (Assessor's Map 21, Parcel 33, 11.7 acres) – Jennifer Carlino said this is a property on which projects have been denied in the past due to floodplain issues. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to accept the donation. Approved.

MACC Conference – David Henry noted that the Annual Environmental Conference will be held on Saturday, March 2, 2013 at Holy Cross College in Worcester. He said that if anyone wants to attend the conference, they would be reimbursed and to let Jennifer Carlino know as soon as possible.

Annual Spring Town Meeting Warrant – Jennifer Carlino asked the members if anyone had anything to add to the warrant and no one replied. She noted that the transfer of the Woodlock Drive parcel of land offered by the Town Treasurer would be transferred to the Conservation Commission at the Annual Fall Town Meeting. She stated that she did not get the grant for the Erikson property but the article may be submitted at the Fall Town meeting.

New policy – The members received a copy of the “draft” policy regarding the determining of the aquifer recharge requirement for a site with their agenda. She asked the members if they had any comments or issues with this first draft. Lisa Carrozza suggested looking at the language found in the Interbasin Transfer Regs. Michele Simoneaux suggested reviewing the Watershed Protection Act distributed by DCR.

Waterbodies Committee update – David Henry read aloud the draft letter to David Lennon, Waterbodies Committee dated January 14, 2013 from him advising the committee that a Conservation Commission member can only attend one meeting per month as previously proposed. Lisa Carrozza made a motion, seconded by Julian Kadish, to send the letter.

Jennifer Carlino noted she sent with the agenda a draft copy of the **Request for Qualifications Watershed Plan, Town of Norton MA** which she drafted at the request of the Town Manager. Jennifer Carlino suggested to reference the already available general Environmental Impact Report for managing invasive species for the Waterbodies Committee to eliminate a lot of the text in this draft. Lisa Carrozza suggested making this information available on the website. She asked the members for any other suggestions or additions to the draft. David Henry asked if there is enough time to get bids before the Annual Spring Town Meeting on May 13, 2013. Jennifer Carlino replied that April 12th would be the deadline for bids. Jennifer Carlino noted that the only criteria will be qualifications. The members didn’t think this was adequate time for a company to prepare a bid.

Lisa Carrozza suggested having the bidders put the cost and qualifications in one envelope. Discussion ensued on the best way to do the RFQ for bids. Jennifer Carlino asked if anyone had a sample RFQ to give to her. David Henry asked if there was a reason why this article could not go before Fall Town Meeting and Jennifer Carlino replied it was going to be listed under the Capital Improvements budget this spring rather than a separate article. The members agreed that Jennifer Carlino should speak to the Town Manager and explain to him that this type of project requires more time.

SITE VISITS - Jennifer Carlino suggested that the members drive by 72 Mansfield Avenue, Produce Barn, to examine the violation.

Julian Kadish asked if it could be suggested to the owners of a newly constructed dock and platform on Route 140, off of Mansfield Avenue, to plant a vine to cover the railings of the dock.

Michele Simoneaux made a motion, seconded by Scott Ollerhead, to adjourn the meeting at 9:14 pm. Approved.

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Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____