



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, January 10, 2005
7:00 pm

Attendance

Bob Medeiros (Chairman), Kathleen Giblin (Vice-Chairman)
Earl Willcott, Lisa Carrozza, Ron O'Reilly
Jennifer Carlino, Conservation Agent

Julian Kadish arrived at 7:30 pm.

Eileen King was absent.

Minutes

The members reviewed the draft minutes of **September 20, 2004**. Earl Willcott made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **October 4, 2004**. Earl Willcott made a motion, seconded by Kathleen Giblin, to postpone the minutes until later. Approved. At the end of the meeting Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **October 18, 2004**. The minutes were tabled until the next regular meeting of Monday, January 24, 2005.

The members reviewed the draft minutes of **November 15, 2004**. Kathleen Giblin made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **December 13, 2004**. Earl Willcott made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (CleanHarbors). Lisa Carrozza made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

Norton Conservation Commission

Monday, January 10, 2005

Minutes, page 2.

The members reviewed a Notice of Intent – **(#250-643) - Scott Frietas – Parcel 112 (assessors map 32) 35 John B. Scott Boulevard – (cont. from the November 15, 2004 & December 13, 2004 mtgs.)** - for proposed plans to construct an addition, driveway and garage and for replication of wetlands within 100 feet of wetlands. Scott Frietas was present at the public hearing. Jennifer Carlino stated Mr. Frietas submitted a revised plan, but had to send him a letter listing the missing information. She then asked Mr. Frietas if the plan he was now submitting was the same plan or a revised plan. He stated this was a revised plan which was given to him by his engineer after reviewing the letter sent by Jennifer Carlino. Jennifer Carlino said there were very few changes actually added on the submitted revised plan. Bob Medeiros suggested Mr. Frietas have his engineer call Jennifer Carlino to make clear the revisions required on the plans. Kathleen Giblin made a motion, seconded by Lysz Carrozza, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-645) – Neal Fischer – Parcel 87 (assessors map 12) 103 Burt Street – (cont. from the December 13, 2004 mtg.)** - for proposed plans to repair a septic system within 100 feet of wetlands. Neal Fischer's uncle, Kevin Kelly represented him at the public hearing and stated that Neal Fischer's contractor had submitted an As-built plan to the Commission. Bob Medeiros asked the Health Agent, Gary Covino, and the agent Jennifer Carlino if the As-built plan was satisfactory and they replied that it was. Mr. David Thomas, attorney for the neighbors at 105 Burt Street (McKeowns) spoke to the Commission. He stated that he had not seen the As-built plan and that the pipe is still 4 and ½ feet from the sideline between 103 and 105 Burt Street. Bob Medeiros asked how far away from the wetlands the pipe is. Earl Willcott made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Earl Willcott, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-) – Bill Harris/Robin Norton LLC – Parcels 38, 252 & 253 (assessors map 5) 308 East Main Street** – for proposed plans to expand a parking lot, with associated grading, landscaping and drainage improvements within 100 feet of wetlands. Jeff Ryder, Engineer with Howe Survey Associates, represented the applicant at the public hearing and stated that many trucks associated with Bernie and Phyl's furniture warehouse are parking on a gravel surface. He stated that it is a Zoning By-law which states the surface must be paved. He explained to the members that his applicant proposes to abandon some of the catch basins and drywells and replace them with a French drain in improve the drainage system. Jennifer Carlino asked why the applicant proposes to cut more trees instead of adding to the existing basins. She stated that several wetland areas were already altered and the basins should go there. Mr. Ryder explained why he chose to do the drainage as proposed. Bob Medeiros made a couple of suggestions for the grading possibilities. Jennifer Carlino requested that the proposed work be moved further away from the wetlands and to use the already disturbed wetland areas and asked that the flagging be completed. Bob Medeiros asked the agent to put her suggestions and requests in a letter addressed to Jeff Ryer, Howe Survey Associates. Mr. Ryder agreed to review the alternatives and respond to the letter. Lisa Carrozza asked if all pervious surfaces were going to be treated. Mr. Ryder said that they were. Lisa Carrozza asked if there were designated snow storage areas and Mr. Ryder stated this could be done. She also asked about the roofing material and he said he'd get back to her. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:15 pm. Approved.

Norton Conservation Commission
Monday, January 10, 2005
Minutes, page 3.

The members reviewed a Notice of Intent – (#250-646) – **Dylan Ribeiro – Lot 3, parcels 2-3 (assessors map 23) Taunton Avenue** – for proposed plans to construct a single-family house, septic system and driveway with associated grading within 100 feet of wetlands. The applicant and his engineer, John DeLano, were present at the public hearing. Mr. DeLano presented the project to the Commission members. He stated that originally there was a house on this lot because of the stone foundation that was present and the applicant was proposing to construct a single family house with a driveway and associated grading on this lot. He said that according to the agent and himself and several inspections it was determined that there is a vernal pool on the site. He stated that percolation tests had been done earlier, but due to the fact that the bodies of water were determined to be vernal pools, new percolation tests were done. Mr. DeLano said it was their intention to keep the septic system at least 100 feet from the vernal pool and this was accomplished. He mentioned that there was a problem with people riding dirt bikes on this property in spite of the fact that Mr. Ribeiro has posted no trespassing signs on the property. In finishing his explanation of the project, Mr. DeLano mentioned that the house was moved slightly because of a large tree at the front of the property that he hoped could be left in place. Lisa Carrozza suggested that stones or boulders be placed at the end of the lawn area to prevent going closer to the wetlands. Bob Medeiros requested the stone or boulder boundary be placed on the plans. Mr. DeLano said he would forward a revised plan to the agent in the near future. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written.

The members reviewed a Amendment to Order of Conditions - (#250-520) - **Massachusetts Golf Association – parcel 139 (assessors map 26) 300 West Main Street** – to remove concrete blocks along Wading River and provide stormwater management. Matt Varrell of Vanasse Hangen Brustlin (VHB), engineer for the applicant, explained the project to the members. Also present were David Farentino of MGM Links and Tom Landry, the superintendent of the golf course. He stated that the Order of Conditions for File #250-520 was issued before his applicant purchased the golf course. Since purchasing the golf course, he stated that MGA Links hired VHB to inspect the site. He said VHB had found a couple of issues that could be improved. Mr. Varrell stated this project proposes to take the drainage from the existing parking lot and send it to a new stormwater detention basin. He stated the new containers for storage of loam and sand would be located on the paved surface in order that they may be controlled more easily. Mr. Varrell stated the next part of the project was the proposal to remove approximately 140 linear feet of concrete blocks within the riverfront area. He said the area where the blocks are removed will be re-seeded with an erosion control mix which would mean there would be approximately 700 sq. ft. of riverfront restoration. Bob Medeiros asked if the detention basin was going to be built in the floodplain and Mr. Varrell replied that it was. Lisa Carrozza asked why the detention basin was going to be located in a floodzone area. Mr. Varrell replied that if the detention basin was moved to the area where Lisa Carrozza suggested the storage containers for the loam and sand would have to be moved off of the paved area. Lisa Carrozza asked what would the consequences be in a 100-year flood situation if the detention basin was built within the floodzone. Mr. Varrell stated that the detention basin was basically designed for water quality device rather than a storage area. Jennifer Carlino informed the members that when they approved this project, File #250-520, the

previous engineer showed the basin in the same location but incorrectly drew the floodplain. They approved the basin location but didn't approve a basin in the floodplain. Lisa Carrozza asked if there was any re-grading proposed for this project and Mr. Varrell replied there was not. Lisa Carrozza suggested that a swale be constructed near the guardrail to catch runoff water and eliminate the detention basin. Mr. Varrell addressed the information requested by fax by the agent. The first issued was the detention basin which was already discussed. The second issued was the riverfront restoration area which he stated Jennifer Carlino requested that something more than a seed mix be used. Jennifer Carlino stated that a plan for a swale and related shrubs and plantings could be created. Jennifer Carlino asked if a Certified Abutters List was submitted. Mr. Varrell stated that he used the original abutters list from the Notice of Intent filing and had it updated. Jennifer Carlino stated a new Certified Abutters List should be submitted. Jennifer Carlino asked how much riverfront area was going to be altered. Mr. Varrell stated that approximately 286,000 sq. ft. of riverfront area would be altered. Jennifer Carlino requested the compost and leaves that were being blown into the wetland area be removed and have an alternate maintenance plan in place. Ron O'Reilly made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:25 pm. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #844) – **Massachusetts Golf Association – parcel 139 (assessors map 26) 300 West Main Street** – for proposed plans to install an irrigation system within 100 feet of wetlands and 200 feet of Wading River. Tom Landry, the Superintendent of the golf course and David Farentino of MGA Links were present at the public hearing and Matt Varrel of Vanasse Hangen Brustlin (VHB), engineer for the applicant, explained the project to the members. He stated the new irrigation system would be computer controlled and more efficient than the old system. David Farentino explained to the members the benefits and reasons for using this type of irrigation system. The many benefits are that the sprinkler heads are adjustable and computer controlled and are turned on at night. He said the smallest pipe installation involves 2 ½ inch pipe that is installed by a machine that digs a trench, lays the pipe and backfills all in one application, therefore there is very little disturbance of the area. Mr. Farentino stated the larger pipe requires more trenching, sod removing and re-seeding. Jennifer Carlino asked if during the installation of the irrigation system, they would be going over or under the culverts between the wetlands. Mr. Varrell stated there were no plans to redo the headwalls in these areas. Jennifer Carlino asked him to address the Notice of Non-Compliance from the Department of Environmental Protection regarding Chapter 91 issues, related to the water withdrawal pipes into the Wading River, which they have 30 days to respond to. He stated after this project is completed, a Notice of Intent will be filed in order to resolve these issues. Lisa Carrozza asked Mr. Varrell if the area near the wetlands where the trenches would be dug for the wider pipe has been flagged. Jennifer Carlino stated there was probably only one area where flags are missing. Mr. Varrell stated he would make sure the area is flagged and staked properly. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #845) – Katherine Conway – lot 5, parcel 89 (assessors map 23) Seminary Way** – for delineation of the wetland boundaries. Earl Chartier of RIM Engineering was at the public hearing to represent the applicant and Mr. Paul Jodice, architect for the applicant. He explained to the members the applicant proposes to construct a house to include a trench leach septic system with two reserve areas. He stated Jennifer Carlino had requested the wetlands be reviewed at the front of the house. He claimed soils were checked as well as the vegetation and stated that the wetlands were actually created by a machine that had driven through the area to perform the percolation tests on the property. He submitted revised plans with a calculation sheet that were requested by Jennifer Carlino and she stated she would have to check the flags at the isolated wetland before a Determination could be issued. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:35 pm. Approved.

The members reviewed a Notice of Intent – **(#250-) - Angelo Pasqualino – Lot 8, Parcel 611 (assessors map 10) 11 Johnson Drive** – for proposed plans to construct a house, porch, deck, garage, driveway & sewage disposal system with related grading within 100 feet of wetlands. The applicant was present at the public hearing and his engineer, Earl Chartier of RIM Engineering described the project to the members. He pointed out the area on the submitted plans that showed the dimensions of the proposed Conservation Restriction. Jennifer Carlino noted to Mr. Chartier that the certified vernal pool on Lot 7 should be labeled as a certified vernal pool and depicted on the plans as an isolated wetland. Lisa Carrozza asked Jennifer Carlino what she meant by her notes to move the Conservation Restriction and Jennifer replied that on Lot 7 there is 40 to 45 feet between the Conservation Restriction and the limit of work within the wetland area, and on Lot 8 there is 20 to 25 feet. Mr. Chartier agreed to enlarge the amount of area between the Conservation Restriction and vernal pool. Angelo Pasqualino asked how the Conservation Restriction was going to be outlined for the homeowner and Jennifer Carlino stated that markers are required to be in place and that it is in his Order of Conditions already. Discussion ensued on what type of markers or boundaries should be in place. Lisa Carrozza suggested cement boundary markers be in place. Jennifer Carlino asked Angelo Pasqualino if he had filed with the Planning Board yet and he said he had not. She stated that a file number has not been issued for this project by the Department of Environmental Protection and a response has not been received from the Natural Heritage and Endangered Species Program. She also requested revised plans before the next meeting. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:45 pm. Approved.

The members reviewed a Notice of Intent – **(#250-) - Angelo Pasqualino – Parcel 610 (assessors map 10) 13 Johnson Drive** – for proposed plans to construct a house, garage, driveway and sewage disposal system with related grading within 100 feet of a vernal pool and isolated wetlands. The applicant was present at the public hearing and his engineer, Earl Chartier of RIM Engineering described the project to the members. He stated all the grading would be done within the siltation barriers. Jennifer Carlino stated the plan submitted was the plan that she agreed with, but since there was no DEP File number or response from the Natural Heritage and Endangered Species Program, the project would be continued. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, January 24, 2005 at 7:50 pm. Approved.

The members reviewed a request for a partial Certificate of Compliance for File #250-576 – **Dennis & Michelle Freeman – parcel 37 (assessors map 31) 66 Dean Street**. Jennifer Carlino stated the applicant had posted a \$1,500 bond with the Norton Town Treasurer to ensure final stabilization of exposed soils on this lot. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue the partial Certificate of Compliance. Approved.

The members reviewed a letter written by the agent to be given to the owner of 14 North Worcester Street which is needed for a closing. He will receive the letter after he posts a \$6,500 bond with the Norton Town Treasurer. The letter states that a \$6,500 bond was posted with the Norton Town Treasurer to ensure final restoration of altered wetlands. It further states that after two growing seasons the bond can be released. Earl Willcott made a motion, seconded by Ron O'Reilly, to have Bob Medeiros, Chairman, sign the letter. Approved.

The members reviewed a draft letter written by the agent supporting the nomination of the Three-Mile River as an ACEC. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to have Bob Merdeiros sign the letter. Approved.

The members reviewed a request for a revision to the approved plans for File #250-628 – **Teddy Realty Trust –Lot 4, Parcel 607 (assessors map 10) 24 Johnson Road**. Angelo Pasqualino stated the homeowner would like to plant Arborvitae along the driveway therefore he would like to move the house 7 feet. Jennifer Carlino stated this would still be within the limit of work but requested a revised plan. Angelo Pasqualino stated he would provide this to her.

Jennifer Carlino stated that Scott Fuller of Creative Edge Builders Corp. submitted a revised As-built plan and an estimated invoice for the remaining landscaping on **bldrs. lot 16, parcel 164 (map 15) 2 Fletcher Way** (File #250-539). She said that at the last meeting the Commission voted to have Mr. Fuller post a \$5,000 bond with the Town Treasurer to ensure final stabilization of exposed soils on this lot but because of the submitted information, suggested the Commission allow him to post a \$400 bond. Earl Willcott made a motion, seconded by Kathleen Giblin, to allow Mr. Fuller to post a \$400 bond for this lot. Approved.

Jennifer Carlino presented two options to the Commission members regarding the policy of plans submitted to the Commission: the first option was the original policy which required all plans to be signed and stamped by an engineer and the second policy would allow, the Commission to accept plans that weren't done by a Professional Engineer under special circumstances only. Earl Willcott made a motion, seconded by Ron O'Reilly, to make the second option the new policy for submitted plans. Lisa Carrozza voted against option 2. Approved.

Jennifer Carlino made note that she went to the DEP Appeal hearing for File #250-611 – **Thomas Calhoun – North Washington Street** which was denied by the Conservation Commission. The Department of Environmental Protection affirmed the Commission's denial.

Norton Conservation Commission

Monday, January 10, 2005

Minutes, page 7.

Jennifer Carlino stated that the Board of Selectmen had asked her to attend a Slattery Committee meeting during evening hours. She stated that she has attended many evening meetings and still does, therefore, she requested to have the meeting held during the daytime or on a Thursday evening when she is already at the Town Hall.

Ron O'Reilly made a motion, seconded by Earl Willcott, to adjourn the public meeting at 9:05 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb