



## Norton Conservation Commission

70 East Main Street

Norton, MA 02766

RECEIVED

2005 NOV 21 PM 3:00

NORTON TOWN CLERK

Monday, October 17, 2005

7:00 pm

### Attendance

Julian Kadish (Chairman), Earl Willcott (Vice-Chairman)

Ron O'Reilly, Kathleen Giblin, Lisa Carrozza,

Robert Medeiros, Eileen King

Jennifer Carlino, Conservation Agent

### Minutes

#### **(THE MICROPHONE FOR THE RECORDER WAS OFF FOR THE FIRST HALF HOUR)**

The members reviewed the draft minutes of **September 12, 2005**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Earl Willcott, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Nextel.). Earl Willcott made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Baystate Env. Cons.). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed a Notice of Intent – (#250-660) – **Chuck Cramer/Cramer Levine & Company – Parcel 58B (assessors map 17) – 134 East Main Street – (cont. from the May 16, 2005, June 13, 2005, July 11, 2005, August 22, 2005 & September 26, 2005 mtgs.)** – for proposed plans to construct a parking lot and expand an existing sewage disposal system within 100 feet of wetlands. Jennifer Carlino stated she didn't receive the revised plans or any new information yet. There was no representative for the applicant at the public hearing. After a lengthy discussion about continuing the hearing or just denying the project for lack of information, Bob Medeiros made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, November 14, 2005. Approved.

The members reviewed a Notice of Intent – (#250-670) - **Edward R. Woods, Jr., Trustee, Rapwood Nominee Trust –Parcel 37-1 (assessors map 31) John Scott Boulevard – (cont. from the July 11, 2005, July 25, 2005, August 22, 2005 & September 12, 2005 mtgs.)** - for proposed plans to fill and replicate wetlands and bank for a driveway, construct a house, septic system, utilities and grading in a Riverfront Area. Jennifer Carlino stated they have a long list of information missing from the

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application, she hasn't received any information requested in previous letters and no one called to continue the public hearing. After a lengthy discussion about denying the project, Julian Kadish called for a vote. Bob Medeiros made a motion, seconded by Earl Willcott, to deny the project. Julian Kadish and Lisa Carrozza voted against the denial and all other members voted to deny the project. Jennifer Carlino stated she would draft a Denial Order of Conditions for the members to sign. Julian Kadish made note that the microphone for the recorder was off during the discussion for this project. He stated that a verbal vote was taken by the members to deny the project.

The members reviewed a Notice of Intent – **(#250-688) – Town of Norton – Union Street** – for proposed plans to reconstruct a portion of Union Road near the railroad tracks within 100 feet of wetlands. Jennifer Carlino stated a letter was received from Natural Heritage stating there would be no adverse affects by this project. She stated the Order of Conditions was signed at the last meeting and presented draft conditions for the members to review. She stated Natural Heritage had asked for two conditions to be added to the Order. The first one would require someone to make sure the turtles were excluded from the work area with the construction of the erosion control. The second was for an environmental monitor to supervise work during construction. The members reviewed the draft conditions. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to issue the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **(#250-689) – Town of Norton/Keith Silver – various locations throughout the Town of Norton** – for proposed plans to maintain, repair and replace roads and drainage structures within 100 feet of wetlands. Keith Silver, Norton Highway Superintendent, explained to the members that this project involved repairing and cleaning of existing catch basins and cross culverts throughout the Town of Norton. Jennifer Carlino stated this permit covered existing drainage, culverts and catch basins only, but any new or enlarging of , culverts, basins or drainage, would require a separate permit. Earl Willcott made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written to expire in **five years**. Approved.

The members reviewed a Request for Determination of Applicability – **(DET. #853) – Dennis & Nancy Precourt – Parcel 15 (assessors map 21) 7 Newbury Street** – for proposed plans to install a septic system and pump and fill in the existing cesspool within 100 feet of wetlands. Mr. Precourt and his engineer, John F. Vance, Jr. were present at the public hearing. Mr. Vance described the project to the members. He stated there was an existing cesspool in the front yard which was failing and the applicant would like to install a new Title V septic system. He said the back yard was very low and led into a wetland area approximately 70 feet from the proposed septic system. Jennifer Carlino pointed out a small change to the wetland boundary line on the submitted plans. She said this would be acceptable for this filing, but she requested Mr. Vance to include this on the As-Built Plan and he said he would. Jennifer Carlino stated that any future plan should show the wetlands within 20 feet of the rear of the shed, then connect to flag 2. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a negative Determination (#3) with the condition that the revision to the wetland boundary line be included in the As-Built Plan and the work is done according to the submitted plans. Approved.

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The members reviewed a Request for Determination of Applicability – **(DET. #854) – Paul Sparrow – Parcel 37 (assessors map 14) 185 North Worcester Street** – for proposed plans to install a septic system and remove an existing cesspool within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Paul Sparrow was present at the public hearing along with his engineering, John F. Vance, Jr. Mr. Vance stated the project was totally within 100 feet of wetlands. He said this was an emergency and the project was already completed except for the final seeding. Jennifer Carlino stated there was floodplain at the back of the property and the erosion control was not installed properly and needs to be fixed. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to issue a negative Determination of Applicability (#3) to include fixing the erosion control. Approved.

The members reviewed a Notice of Intent – **(#250-687) – Let's Party, Inc. – Parcels 112 & 113 (assessors map 22) 142-144 West Main Street** – for proposed plans to construct a commercial building with associated parking, grading & drainage within 100 feet of wetlands. There were no representatives at the public hearing for this project. Julian Kadish read a letter from the applicant's representative, Leann Bradley, requesting a continuance of the public hearing until April of 2006. Jennifer Carlino stated the application was incomplete and two letters had been sent regarding missing information. Julian Kadish suggested denying the project and have the applicant re-file. Jennifer Carlino suggested the applicant withdraw the application without prejudice and re-file at a later date with a complete application. Julian Kadish read the legal notice to the members. He stated it would not be a good idea to continue the hearing for such a long period of time as far as the advertising to the abutters was concerned. Jennifer Carlino stated the applicant was withdrawing his application from the Planning Board. Julian Kadish suggested to continue the public hearing until the next regular meeting and send the applicant a letter explaining it would be advisable to withdraw the application without prejudice in order to advertise correctly to allow for public participation. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, November 14, 2005 at 7:15 pm. Approved. It was agreed the agent would send a letter to the applicant requesting the application be withdrawn and filed at a later date fully completed.

The members reviewed a Notice of Intent – **(#250- ) – Patrick DiGregorio/CFRI Nordic Norton, LLC – Parcel 30-04 (assessors map 24) 176 South Washington Street** – for proposed modifications to an existing building, stormwater system, access road and landscape within 100 feet of wetlands. John Vandell, Civil Engineer with the BSC Group, represented the applicant at the public hearing and described the proposed project to the members. He explained that the existing building was the former Mazda site and it was the intention of the applicant to remodel the building to allow for two tenants. He explained for this reason, nine additional truck bays would have to be installed along with paving to allow two-way traffic for trucks. Mr. Vandell stated most of the work was out of the 25-foot limit of work area. He pointed out to the members the existing detention basin area that would be disturbed and which ones would be re-seeded and the areas that would consist of plantings. Mr. Vandell stated that as far as the drainage system goes, various treatment devices would be used such as deep sump basins with hoods, street sweepers, vortech units, sediment traps and detention basins. Discussion ensued regarding the flow pattern of runoff stormwater and the use of an existing detention basin. It was agreed that the existing detention basin has never overflowed. Jennifer Carlino had questions about the various **retention** ponds shown on the submitted plans and their functions. It was agreed that

the **retention** ponds were actually **detention** ponds. Jennifer Carlino requested that the several **retention** ponds shown on the submitted plans be relabeled **detention** ponds and that the application and storm water forms also be reworded for **detention**, not **infiltration**. Earl Willcott stated that when there is snow on the ground the existing parking lot floods. Mr. Vandell stated that the reason for this is probably because the area was un-maintained for a long period of time and pipes were clogged. He said the grades would have to be checked. Lisa Carrozza asked if there would be a pre-treatment system for the basins near the front of the driveway and Mr. Vandell stated deep sump hooded basins would be used. Lisa Carrozza asked if there were any upland areas close enough to stockpile material and debris during construction. Mr. Vandell pointed out a couple of areas, but they appeared to be too far away from the building to be used. Mr. Vandell said this would be decided between the contractor and the owner. Lisa Carrozza asked if an Operations & Maintenance Plan would be prepared and Mr. Vandell stated there was one. Lisa Carrozza suggested conditions be added to the Order for stockpiling and for stabilizing the construction entrance. Jennifer Carlino asked if there was any particular reason vertical concrete was being used for the curbing instead of using Cape Cod berms or slopes. Mr. Vandell stated the peer by Amory Engineering had asked for it as well as the fact it exists and only needs to be repaired or added to. Jennifer Carlino stated it would be better for the wildlife to use sloped granite or Cape Cod berms. Jennifer Carlino stated a DEP file number had not been received for this project. An abutter, Patrick Wardell of 84 South Washington Street had concerns with increased standing water on this site and the continuing problem with mosquitoes and the great health risk they presented. He asked if sprays could be used occasionally to help with this problem. Mr. Vandell claimed that the standing water problem would actually decrease, not increase. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, November 14, 200r at 7:20 pm in order to obtain a DEP file number and allow time for the changes to be made on the stormwater forms and plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #855) – Robert B. Medeiros – Parcel 3 (assessors map 14) 84 Richardson Avenue** – for proposed plans to install a septic system and remove an existing cesspool within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. John F. Vance, Jr., engineer for the applicant, described the project to the members. He stated it was proposed to remove the old cesspool and install a septic system and raise the existing plumbing. Mr. Vance stated the septic tank would be 80 feet from the bordering vegetated wetlands. He said the leaching field was over 100 feet from the well. Jennifer Carlino had no problems with the project. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a request for a Certificate of Compliance for file **#250-633 – Wheaton College/Randi Carine – Parcel 93 (assessors map 17) Mirrione Stadium, Pine Street – Wheaton College**. Jennifer Carlino stated the project was completed as proposed. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for file #250-664 – **Chuck Cramer/Cramer Levine & Company – Parcel 58B (assessors map 17) 134 East Main Street.** Jennifer Carlino stated the project was completed as proposed. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for file #250-618 – **John DosReis – Parcel 4 (assessors map 10) 75 Elm Street.** Jennifer Carlino stated the only work to be completed was the seeding near the front of the house. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Town Treasurer to ensure final vegetated stabilization of exposed soils. Approved.

The members reviewed request for a Certificate of Compliance for file #250-570 – **Dennis Yaitanes – 117 King Phillip Road** – Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

Discussion ensued regarding the bids for the Norton Reservoir Dredging project. Jennifer Carlino stated Baystate Environmental Consultants, Inc. had copies of everything received by the Conservation Commission. She stated the bids received were not in accordance to the advertised Request for Proposal. There was much discussion on the lack of information on the proposed work to be performed. There were no bid amounts submitted and only quotes for supplying tools and materials. The members were confused as to why completed bids were not received. Jennifer Carlino stated the RFP was advertised in the Boston Sunday Globe as well as the trade journals and Dodge Report. Jennifer Carlino suggested re-bidding the project, but suggested to wait until information was received from Baystate Environmental Consultants, Inc.

Jennifer Carlino stated that as a result of the Freeman Street re-construction project, an abutter, Gary Boudreau of 10 Freeman Street claimed additional water was flowing onto his property. She stated the Town Manager, she and Mr. Walter Amory, of Amory Engineering had been working on solving this problem. Jennifer Carlino said that it was her opinion that permits would be needed if work was to be done in the manner proposed by Mr. Amory, which was installation of pipes along the stream. She said she received a reply from Mr. Amory stating that the stream in his opinion is only a "ditch" and was not under Conservation jurisdiction. He stated there were no banks along the stream. Jennifer Carlino stated there was 1 ½ to 2 foot bank along the stream. He stated in his letter that if she wanted the wetlands flagged, it would be up to her to have this done. Jennifer Carlino gave the members copies of all correspondence, a plan drawn by Amory Engineering and the definition of the word "bank" under the Wetlands Protection Act. Jennifer Carlino described the layout of the wetland areas and stream to Lisa Carrozza. Jennifer Carlino stated that even if the first part of the installation of pipes id done without a permit, clearly the back portion of the property involved is within wetland resource areas. Lisa Carrozza asked if the ditch could be dug deeper instead of installing pipes and Jennifer Carlino replied that according to the original permit that was issued for the Freeman Street re-construction project, a swale ws supposed to be dug. Julian Kadish asked what would be a solution to this problem. Jennifer Carlino asked if any of the members were interested in looking at this area. Lisa Carrozza stated she would go out with the agent to see the site this Friday morning. Kathleen Giblin stated she would meet Jennifer Carlino and Lisa Carrozza at the site this Friday morning.

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The members reviewed a Minor Modification - **#250-650 – 9 Richardson Avenue – portion of Lot 1 (assessors map 8)**. Jennifer Carlino stated the modifications were that the house and garage would be switched and therefore, less yard work would be needed. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the minor modifications to the approved plans without a new filing. Approved.

The members reviewed a Minor Modification - **#250-651 – 308 East Main Street (Bernie & Phyl's Warehouse)**. Julian Kadish read a letter received from the Project Manger, Jeff Ryder, stating that the extent of the proposed paving at the northerly side of the building was not depicted properly on the submitted plans. He stated the width of the proposed paving should have been 73 feet wide to include paving the existing gravel area. Jennifer Carlino stated a guardrail should be placed at the Cape Cod berms to prevent them from being driven over by the larger trucks. Earl Willcott made a motion, seconded by Bob Medeiros, to approve the minor modification to the plans without changing the Order of Conditions. Approved.

Ron O'Reilly stated he had removed one board from the Chartley Pond dam and the water went down approximately five inches.

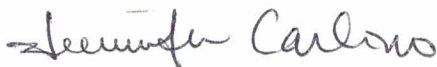
Jennifer Carlino stated she was waiting for a quote from Pare Engineering for repairs to the Norton Reservoir dam.

Jennifer Carlino stated that no response had been received from the ESS Group to the letter she sent to Carl Nielsen regarding the study for Lake Winnecunnet.

Jennifer Carlino stated the injunction was issued for Nancy Hamilton of 123 Freeman Street (for her violation) even though she did not appear at the court hearing.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 9:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb