



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, November 14, 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 members reviewed the draft minutes of **September 26, 2005**. 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 17, 2005**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

Discussion ensued regarding the latest two invoices received from the ESS Group, Inc. for the study at Lake Winnecunnet. Jennifer Carlino stated the ESS Group, Inc. had not responded to the letter sent to them approximately one to two months ago. She said they had not given the report that was due by November 1<sup>st</sup> and was promised to be submitted by the end of this month. Bob Medeiros made a motion, seconded by Earl Willcott, not to pay the two invoices until the report has been submitted. 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 & October 17, 2005 mtgs.)** – for proposed plans to construct a parking lot and expand an existing sewage disposal system within 100 feet of wetlands. The applicants, Howard Levine & Chuck Cramer and their representative, David Mackwell of Kelly Engineering, were present at the public hearing. David Mackwell explained that this was a violation of work without a permit so they originally filed only one application and proposed to renovate the house and barn and additional parking (See File #250-664). According to the

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Conservation Commission and Planning Board that it would be less complicated if separate filings were done for the house and the barn. He stated that the house project would be phase I and the parking lot and sewage disposal system for the barn would be phase II. Mr. Mackwell stated that some revisions were made to the proposed plans. He said that he was informed of the Conservation's 25-foot no disturbed policy therefore; the amount of paving was decreased, Best Management Practices were in place, and the Stormwater Management Report was updated. He said a small water quality swale would be in place out front to catch water from the road and from the driveway, the majority of the parking lot area and roof area would be recharged under the parking lot, a stormceptor would be installed and a drywell would be installed. Mr. Mackwell stated an Operations & Maintenance Manual was also put together. Lisa Carrozza asked if the haybales were installed and Mr. Mackwell stated they were up. Jennifer Carlino asked if there were 2-foot separation of groundwater to the swales. Mr. Mackwell stated one of the swales had the separation and one did not because the groundwater was already too low. He stated he had used a mixture of low permeability soil on this swale. Jennifer Carlino asked Mr. Mackwell if he had brought his plans before the Planning Board in regards to the stormwater review and he said he had sent the plans directly to Mainstream Engineering and had not heard back from them yet. Mr. Levine stated he had met with the Town Planner before filing an application with the Planning Board. Mr. Mackwell stated he had spoken with Mainstream and they said they would probably be finished reviewing the plans approximately November 17<sup>th</sup> through the 19<sup>th</sup>. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 28, 2005 at 7:05 pm in order to receive the stormwater report from the Planning Boards consultant/engineer, Mainstream. 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 – (cont. from the October 17, 2005 mtg.)** - for proposed plans to construct a commercial building with associated parking, grading & drainage within 100 feet of wetlands. Julian Kadish read a letter from the applicant's representative requesting to withdraw the application without prejudice and to be refunded the fee paid to the Town for the filing. Jennifer Carlino stated the fee submitted was for the review of the project and the site work and could not be refunded.

The members reviewed a Notice of Intent – (#250-690) – **Patrick DiGregorio/CFRI Nordic Norton, LLC – Parcel 30-04 (assessors map 24) 176 South Washington Street – (cont. from the October 17, 2005 mtg.)** - for proposed modifications to an existing building, stormwater system, access road and landscape within 100 feet of wetlands. Patrick DiGregorio and his representative, John Vandell, Civil Engineer with the BSC Group, were at the public hearing. Mr. Vandell updated the members on the issues brought up at the last meeting for this proposed project. Mr. Vandell stated that the pipe had been changed to a spillway on the plan and the curbing had been changed to a Cape Cod berm to allow easier migration for the wildlife. He stated minor revisions were made in reference to the drainage. Jennifer Carlino asked if the changes were approved by the Planning Board and Mr. Vandell replied that the project will go before the Planning Board tomorrow evening. He stated he was not anticipating any problems. He submitted the revised plans and a letter from the Planning Boards consultant after reviewing the revised plans. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Jennifer Carlino stated the conditions would be ready for the next meeting.



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Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions and send a draft copy of the conditions to the members to review. Approved. Jennifer Carlino asked the members to call the Conservation office by Monday morning with any comments. She stated that as long as there were no major changes, the Order of Conditions could be issued and mailed to the applicant.

The members reviewed a Notice of Intent - **(#250-691) – Angelo Pasqualino/Teddy Realty Trust – Parcel 606 (assessors map 10) 26 Johnson Drive** – for proposed plans to construct a house with attached garage, sewage disposal system, driveway, utilities and related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Earl Chartier, of RIM Engineering, who was representing the applicant, described the proposed project to the members. He said the proposed project involved the construction of a 28' x 38' house and a 24' x 24' garage as well as a driveway. He pointed out the siltation control on the plans and noted the closest point of work was 26 feet from the wetland flags. Jennifer Carlino stated that a DEP File number and a response from Natural Heritage had not been received for this project. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, November 28, 2005 at 7:10 pm. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-621 - Andrea Ashburn parcel 124 (map 28)9 Eileen Road**. Jennifer Carlino stated the project was completed as proposed. Ron O'Reilly made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-629 – Bruce Nieuwkoop – parcels 716 & 717 (map 3) 16 So. Highland Road**. 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 #250-666 – William LaValley – parcel 5 (map 18) 59 Plain Street**. Jennifer Carlino stated the project was completed as proposed. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Paulette Reilly – 13A Samoset Street** (sewer connection). Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a letter to the Town Accountant authorization any one of Conservation Commission members to sign all payroll sheets and time sheets. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign the letter as written. Approved.

Jennifer Carlino noted that a resident of Norton proposed to cleanup and repair the trails at the Leo Yelle Conservation Area off of Freeman Street as a community service project. The Commission members agreed this would be a good project.

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Jennifer Carlino informed the members that she received the Contract Addendum from Pare Engineering for the Reservoir Dam repair final design and permitting. She said the amount is \$59,800, but a grant had been received from the Office of Dam Safety for \$60,000. Jennifer Carlino stated she would like to review the Addendum before the Commission votes to accept the Addendum and the members agreed to vote at the next regular meeting of November 28, 2005.

Jennifer Carlino stated she received an email from the Southeast Regional Group. She stated they would like to hold a regional training session for the MACC fundamental classes and sent a survey to be completed by anyone interested regarding dates and times.

Jennifer Carlino stated Mass Highway had cleared out the detention basin on Route 140 near the Great Woods Market Place and they wanted to know if it was ok to remove one last tree. The Commission had not problem with this.

Jennifer Carlino stated that no response had been received by Ms. Hamilton at 123 Freeman Street regarding the injunction for her violation and Town Counsel issued and served a Default Order.

Jennifer Carlino informed the Commission that concerning Arrowhead Village off of North Washington Street, Champion Builders was having difficulty installing dry wells at each house because of the ground water and was planning to use an infiltration trench underground.

Jennifer Carlino stated she applied for a Riverways Grant for the bridge at Wading River on Walker Street and the area at Goose Brook and Dean Street.

Jennifer Carlino stated that the Payroll Sheet would become available at each meeting which would help getting it signed in time to submit it to the Town Accountant on time.

Jennifer Carlino stated that at each meeting comments are welcome by the public or by any one of the members, and she would like each of the other members or other persons from the public to refrain from any motions of frustration or impatience. Julian said all members should feel free to ask questions during the meeting. Discussion ensued regarding site inspections by the members. Julian Kadish made reference to the Open Meeting Law and stated that the Commission had to act in a way that doesn't appear that decisions are made outside the meeting. The public is entitled to be invited to all or any discussions on each project at a public meeting. Jennifer Carlino stated it was ok to meet on site with anyone of the members and walk the property and take notes for informational purposes or for obtaining facts, but not to decide or vote on any issues. Julian Kadish stated that any discussions should be limited. Jennifer Carlino stated she would give each member a copy of the Open Meeting Law.

Duane Knapp, Norton Water Superintendent, addressed the Commission members regarding his proposal to create a public skating rink at the former Slattery cranberry bogs. He stated this was a community project with volunteers doing all the work. He said there would be no charge to use the rink. Mr. Knapp stated he met with Jennifer Carlino who said a permit would be needed to pump



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water from a pond in order to flood an existing cranberry bog. He stated Jennifer Carlino helped him fill out the application. He said the abutter list contained over sixty names, and since this project is voluntary, there is no money to pay to notify the abutters by certified mail and would like the Commission to waive notifying the abutters. Jennifer Carlino stated she allowed the skating rink to be created last year without a wetland permit with the condition that a permit would be applied for this year. She said this is not an agricultural project and would need a wetland permit. In answer to Mr. Knapp's request to waive the notifying of abutters, Jennifer Carlino stated this was a state law according to the Mass Wetlands Protection Act and could not be waived by local officials. It was suggested that the abutters notification forms could be hand delivered. Jennifer Carlino suggested using the Town Hall postage meter for postage. Mr. Knapp stated he could not use the Water Department's budget to pay for the postage which would require a town meeting vote. Robert Medeiros asked why a permit would be needed for this project and Jennifer Carlino stated a permit is needed when a wetland area is being altered. Discussion ensued on who was going to fill out the certified green cards and white slips for the abutter notification. Several members offered to help with filling out the cards and slips.

Earl Willcott made a motion, seconded by Bob Medeiros, to adjourn the meeting at 9:05 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb