



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, September 24, 2007
7:00 pm

Attendance

Bob Medeiros (Chairman), Julian Kadish, Ron O'Reilly
Eileen King, Jennifer Carlino, Conservation Agent

Earl Willcott (Vice-Chairman), Lisa Carrozza & Kathleen Giblin were absent.

Minutes

The members reviewed the draft minutes of **July 9, 2007**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **July 23, 2007**. The minutes were tabled until the next regular meeting.

The members reviewed the draft minutes of **August 13, 2007**. The minutes were tabled until the next regular meeting.

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

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

The members reviewed a Notice of Intent – **(#250-786) – William Delsignore – Parcel 73 (assessors map 28) 10 Woodward Street – (cont. from the September 10, 2007 mtg.)** - for proposed plans to install a retaining wall and for grading within 100 feet of wetlands and for restoration of wetlands. William Delsignore described the project to the members. He stated that after an onsite meeting with the building inspector, he would be permitted to remove up to 500 yards of fill. He said he proposes to remove 200 yards of fill in order to lower the grade. He explained that by lowering the grade, he would be able to use concrete blocks instead of pouring a concrete retaining wall which would reduce the size of the wall. He said the proposed wall would be 50' long by 2 blocks high, which is 4'. Jennifer Carlino stated a DEP file number has been received for this project. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

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The members reviewed a Notice of Intent – **(#250-779) – Joseph Raffaele/Plantation Products, Inc. – Parcel 7 (assessors map 25) South Washington Street – (cont. from the Aug. 13, 2007, August 27, 2007 & September 10, 2007 mtgs.)** - for proposed plans to construct an office/warehouse, parking spaces and drive aisles, to landscape and to install a stormwater management system with associated utilities and grading within 100 feet of wetlands. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, October 22, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-772) – David Azanow/Bennett Mortgage & Investment Co., Inc. – Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street (Harvest Meadow Estates) – (cont. from the April 9, 2007, May 21, 2007, June 11, 2007, July 23, 2007 & September 10, 2007 mtgs.)** - for proposed plans to construct a 26-unit development, access roadway with BVW crossing and storm water structures within 100 feet of wetlands. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, October 22, 2007. Approved.

The members reviewed a Notice of Intent – **(#250- 775) – Riley Lamson, LL Investments – Parcel 6 (assessors map 36) East Hodges Street – (cont. from the May 21, 2007, June 25, 2007, Aug. 13, 2007 & September 10, 2007 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. No one appeared at the meeting to represent the applicant. Jennifer Carlino stated she has not received any information regarding this project. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, October 22, 2007. Approved. An abutter to the project, Chris Polk, asked the members if the applicant proposes to install a culvert, and if so, is he responsible to notify everyone downstream on the amount of water that will be flowing through the culvert. Jennifer Carlino stated the Commission would have to review the plans for the culvert first. Mr. Polk asked that if the applicant constructs a larger driveway than proposed and alters over 5,000 sq. ft. of wetlands, would the regulations then change for the project. Jennifer Carlino stated that if this is a limited project, some of the rules and regulations for the performance standards could not be required by the commission, but she continued by saying the Conservation Commission generally require all performance standards be met.

Matt Bellisle of Pare Corporation addressed the Commission to review the Reservoir Dam letter & the Office of Dam Safety's response. He stated his last visit here was last March at which time on behalf of the Town, he sent a request to DCR to reduce the spillway design flood from ½ maximum flood which would be the 1000-yr flood to the 100-yr storm event thus reducing the size of the spillway needed and reducing the cost. He stated a response was received by email from the Office of Dam Safety requesting a 250-yr storm event. He said he had since asked if he would be getting a more formal response such as a letter on letterhead and they replied that he would not. He continued to explain that he thought the request was reasonable in that in the event of a storm the rise in the water level would not go above 2 feet, which according to FEMA, is a level that can be handled. Mr. Bellisle

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stated the problem with the 250-yr storm event is that, given the size of the Reservoir and the amount of water during a flood event, the channel is too small. He proceeded to explain to the members several alternatives and what the costs and benefits would be.

Bob Medeiros suggested having a meeting with the Office of Dam Safety and Matt Bellisle offered to call them and have an on site meeting at the Norton Reservoir Dam. He said he would try to set something up within the next two weeks. The members agreed.

Matt Bellisle stated that Jennifer Carlino received a phone call from the Office of Dam Safety notifying her that the Emergency Action Plan (EAP) that she submitted in 2001 that was prepared by Pare Corporation, in accordance to state regulations at that time, was not adequate. He stated that last year, after inspecting the dam, they had requested that Jennifer Carlino submit another EAP which she updated and submitted. He stated the Office of Dam Safety did not like the format. Mr. Bellisle stated he checked the website for the DCR regulations and there was nothing stating a specific format to follow. He stated he has given Jennifer Carlino a list of possible revisions to be made to the EAP. He said the Office of Dam Safety allows for an extension for the submittal and he said he has requested the extension. Jennifer Carlino stated the revised EAP could be submitted by the extension deadline as long as there were no "additions". Mr. Bellisle stated the only addition would be a sign off sheets at the back of the EAP for distribution. He said he would send the electronic copy to Jennifer Carlino.

The members reviewed a request for a Certificate of Compliance for File **#250-714 - Nicholas Moelders - Parcel 117 (map 32) 21 Woodward Street**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly 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 **#250-735 - Howard Levine parcel 59B (map 17) 134 East Main Street LLC - 134 East Main Street**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for File **#250-634 – Wayne Morse – Parcel 28 (assessors map 20) 18 Noyes Street**. Jennifer Carlino stated the permit was for a septic system and an addition, but only the septic system has been installed. She says the applicant is requesting a two-year extension, but she recommends a one-year extension. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue a **one-year** extension permit. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for File **#250-425**. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the duplicate Certificate of Compliance. Approved.

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The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-783) – **Kevin Johnson Amego, Inc. – Parcels 19 & 49 (assessors map 33) Meadowbrook Lane** which was sent to the members with the agenda for review. There were only three members present who could sign the Order of Conditions. Bob Medeiros suggested to have a fourth member sign the Order of Conditions during the following week and ratify the signature at the next meeting. Jennifer Carlino stated wetland boundaries were as submitted. Ron O'Reilly stated he was not present for the last meeting and cannot sign the Order of Conditions. Three members signed the Order of Conditions and a fourth member can sign the Order of Conditions this week and the signature can be ratified at the next regular meeting of Monday, October 22, 2007.

The members reviewed a Notice of Intent – (#250-785) – **Joao DosReis – Parcels 23, 24 & 169 (map 22) 199 West Main Street** which was sent to the members with the agenda for review. Ron O'Reilly stated he was not present for the last meeting and cannot sign the Order of Conditions. Three members signed the Order of Conditions and a fourth member can sign the Order of Conditions this week and the signature can be ratified at the next regular meeting of Monday, October 22, 2007.

Jennifer Carlino asked the members if they had any questions regarding a press release containing a brief summary of the Norton Reservoir dredging project to date including the idea of using some of the funds available for the Norton Reservoir dredging project to fund the Lake Winnecunnet project that was mailed to them with the agenda.

Jennifer Carlino asked the members if they had any comments on the report she wrote for the next Town Report for FY07 for the Conservation Commission.

Jennifer Carlino stated she received complaints regarding sediment coming out of the Mulberry Meadow Brook which flows through the cranberry bogs off Bay Road. She said she met with Mr. Fred Bottomley and Chris Yarworth. She stated that she suggested to Mr. Bottomley that, since he intends to sand the southern portion of the cranberry bogs, to put a berm between the dike and the bogs to keep the sediment out of the river. She said that Mr. Bottomley stated DEP advised him that he could not do this because of flood storage. Fred Bottomley asked her to present this procedure to the Commission. Jennifer Carlino stated Mr. Bottomley has been removing the existing cranberry plants and replacing them with new ones, not just "sanding bogs". She stated he would be filing an application with detailed plans.

Enforcement:

Jennifer Carlino stated she met with Mr. George Hill of 139 North Worcester Street and he said he would take care of all the cutting and clearing that was done within the floodplain and wetlands and near Rumford River. She said she explained to Mr. Hill that if he intends on putting in a lawn, he would have to obtain a wetland permit, but if he was not going to put in a lawn, he would have to restore the area. Jennifer Carlino stated she received a letter from Mr. Hill stating he only intends on improving the flow of the river. She said she would like to request that he remove all brush and cuttings and put up a visual barrier and not do any work beyond that barrier.

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Jennifer Carlino stated the violation at 135 North Worcester Street has been taken care of.

Ron O'Reilly made a motion, seconded by Julian Kadish, to adjourn the meeting at 8:00 pm.
Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director

JC/pmb