



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, February 11, 2008
7:00 pm

Attendance

Earl Willcott (Vice-Chairman), Julian Kadish, Ron O'Reilly, Kathleen Giblin, Eileen King, and Jennifer Carlino, Conservation Agent. Bob Medeiros and Lisa Carrozza were absent.

Minutes

The meeting started at 7:00 pm.

The members bowed their heads in silence for a few moments in remembrance of Leo Yelle, a former Conservation member, who passed away this week.

The members reviewed the draft minutes of **January 28, 2008**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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 (PB/co-payment reimbursement). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (UMASS/Lowell). 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 bills. Approved.

The members reviewed a violation: **George Hill – 139 No. Worcester Street**. Earl Chartier, engineer for RIM Engineering Co., Inc. represented Mr. & Mrs. Hill at the public hearing and submitted revised restoration plans. He stated the Hills were going to install a metal fence with concrete anchors as a visual barrier at the rear of the property. He pointed out the area to be replanted with the wetland plants. Jennifer Carlino asked if the Hills had proposed a date when the work would begin and Mr. Chartier stated they had not at this time. Jennifer Carlino requested a letter be sent to her from the Hills with the date they intend on starting the restoration work. Earl Willcott suggested the Hills use a soil with organic materials for the restoration work. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the revised plan as submitted.

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The members reviewed a Notice of Intent – (#250-787) – **Scott Goddard – Parcel 37-01 (assessors map 31) John Scott Boulevard – (cont. from the October 22, 2007, November 19, 2007, December 17, 2007, January 14, 2008 & January 28, 2008 mtgs.)** - for proposed plans for construction of a house, limited project driveway crossing and a pedestrian elevated walkway within 100 feet of wetlands. Scott Goddard updated the members on the project. He stated that the issue of the correct filing fees was resolved. He said he had received a comment letter from Jennifer Carlino and the Commission dated November 27, 2007 which listed outstanding issues and had sent a letter in response to this letter dated February 1, 2008.

Earl Willcott asked Jennifer Carlino how she would like Mr. Goddard to proceed and she stated he could give a quick overview of each of the items in the comment letter sent to Mr. Goddard. Mr. Goddard stated the first issue dealt with performance standard issues. He stated the delineation of the stream as to it being intermittent or perennial would affect the filing fee and performance standards. He said he had already shown through pictures that the stream is intermittent and was going to leave the plans as is showing the stream as intermittent. Mr. Goddard stated the first issue referring to MWPA regulation #10.54 refers to performance standards to include a bank and riverfront. He stated it was his plan to install 2 box culverts 10" wide across the bordering vegetated wetlands where the bank appeared to be in the intermittent stream.

Mr. Goddard stated that, since less than 50 linear feet of bank was being disturbed, there would be no impact to the wildlife habitat. Mr. Goddard pointed out the area of replication for the 700 sq.ft. of disturbed bordering vegetated wetlands. He stated the area had been evaluated for wildlife habitat as required by new state regulations of 1996 which requires that the applicant to have an evaluation of the wildlife habitat completed to prevent any impacts to important wildlife habitat species. He stated there was no important wildlife species present. Another issue Mr. Goddard presented was "Land Under Waterbody" which he stated there was no land under waterbody present. Mr. Goddard stated at the previous meeting discussion regarding withdrawal of any water from the watershed and the size of the watershed. He stated the watershed is measured at 0.3 sq. miles and he has corrected the stream stats which previously showed 0.5 and 0.6 miles and does not affect the watershed.

Mr. Goddard stated the second outstanding issue in the comment letter referred to a possible vernal pool being present on the property. He stated that Jennifer Carlino had sent information to the Natural Heritage and Endangered Species Program and received information back that they did not think a vernal pool was present on this property. Jennifer Carlino clarified that the photos were not adequate not that there wasn't a vernal pool.

Mr. Goddard stated the third outstanding issue was an alternative access for the proposed house having the least impact to any wetlands. He said the proposed location of the house is the only dry upland portion of the property and the proposed access is the only possible access except by going through the neighbor's property and the neighbor will not allow this.

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Mr. Goddard stated the fourth outstanding issue is the documentation of the erosion and sedimentation control during construction and he pointed these areas out on the plans and stated he would be using siltation fence and not haybales. He stated he had also submitted a construction sequence document with the original Notice of Intent.

Mr. Goddard stated the fifth outstanding issue is the written guidelines for the stream crossing standards. He stated he had submitted this information with the original application in the construction sequence.

Mr. Goddard stated the sixth outstanding issue is to submit a detail of the culvert connection to John Scott Boulevard. He proceeded to point this information out to the members on the revised plans.

Mr. Goddard stated the seventh and final outstanding issue was the Zoning Compliance Form with the Building Inspector and he stated he has not received any information from the Building Inspector as yet. Jennifer Carlino requested a copy of the form and asked Mr. Goddard when he applied to the Building Inspector for the Zoning Compliance Form and he replied it was only today.

Ron O'Reilly asked Mr. Goddard if he had spoken with the Fire Department regarding access for emergency vehicles yet and he stated he has not. He stated to Mr. Goddard that it would be the weight of the emergency vehicles, and not the width of the vehicles, that might present a problem.

Mr. Shaw, an abutter, asked if he would be plowing the snow on this property and Mr. Goddard stated nothing has been decided on this issue yet, but this could be added to the proposed plans.

Julian Kadish asked why the proposed house was proposed so high and Mr. Goddard stated because of the septic system and existing ground water levels.

Jennifer Carlino stated to Mr. Goddard that, in her opinion, he has not adequately addressed the status of the stream, the bank issues, construction of the culverts and has not minimized impact to the wetlands as much as possible. Earl Willcott asked Mr. Goddard if he plans to submit any more information and he stated he was waiting for the zoning issue to be resolved through the Planning Board.

Mr. Shaw had concerns with water flowing onto his property because of the crossing of the stream. Mr. Goddard stated the two proposed culverts should take care of any water that might flow from the area of the stream to his property.

Kathleen Giblin suggested that a couple of the members go to the site for a site walk.

Scott Goddard requested a continuance in order to address the issues noted by Jennifer Carlino at this meeting. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 25, 2008. Approved.

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The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-793) – **Fred Bottomley/Fairland Farm, LLC – Parcels 6, 8, 9, 40 & 901 (assessors map 6) Fairlee Lane – (cont. from the November 19, 2007, December 17, 2007 & January 28, 2008 mtgs.)** - for verification of Wetland Resource areas. Scott Goddard of Carr Research Laboratories updated the Commission on the project. He said he would not go over all the resource areas because the area involved is over 100 acres. He stated Jennifer Carlino had completed her site walk of the property and sent him a comment letter. Mr. Goddard stated he is almost finished with his response to Jennifer Carlino's letter and said Chris Yarworth of Yarworth Engineering was almost finished with a revised site plan. He stated the issue of concern is not on the site plan which is the delineation of the stream as "intermittent" or "perennial". He said that the stream was deemed perennial by Jennifer Carlino and therefore, she wanted bank measurements and Mean Annual High Water Marks and Riverfront Area added to the submitted plans. Mr. Goddard stated he had no intentions of changing the plans to depict this information. He pointed out the areas of the stream to the members. Mr. Goddard pointed out another stream which seemed to be, in his opinion, even during drought periods, flowing and perennial, but he stated was not listed on the USGS maps. He said he mapped out the Watershed Areas at this stream to be 0.3 sq. miles and, therefore, stated that since this area is under ½ of a mile, does not have to be listed as a perennial stream by DEP regulations. Mr. Goddard stated the small pond in this area is listed as a pond and not with "riverine" characteristics. Jennifer Carlino stated the stream is listed as perennial and the pond is listed as intermittent on the USGS map. She continued to say that the Stream Stats calcs for the stream are .59 which keeps the stream as perennial. She reminded Mr. Goddard that an Enforcement Order was issued for the alteration of the pond and the stream system by removing the boards from the dam. She had concerns with the alteration of the stream (upstream of the pond) and Mr. Goddard stated there was an existing cart path across the stream, and in his opinion, does not alter the stream system by the use of it. Jennifer Carlino requested that Mr. Goddard give her documentation for the existing cartpath and he agreed to do this. She stated to Mr. Goddard that the property is areas within the Canoe River Aquifer Area of Critical Environmental Concern which is the drinking water for five area towns. Mr. Goddard pointed out that only a very small portion of Zone II on the property infringes on these areas and there is no significant impact. Jennifer Carlino reminded Scott Goddard that "significant" just means it "plays a role".

An abutter, Martha Mitchell, of Fairlee Lane addressed the Commission and pointed out areas on the USGS map around the pond that is near her house that are listed at Hockomock Wildlife Management Swamp Areas. She stated that the areas in Norton that are connected to these other areas are not listed as Hockomock Wildlife Management Swamp Areas. She continued to say that she has seen turtles, muskrats, fresh water otters and a wounded paragraine falcon that was picked up by Tufts University. Ms. Mitchell stated it was her understanding Fairlee Lane was proposed to be paved with a paved driveway leading to a fish pond to the end which in her opinion would destroy the wildlife habitat and ecology system of the area.

The members reviewed a request for a Certificate of Compliance for File #250-536 – **Teddy Realty Trust (Angelo Pasqualino) – parcels 499 & 527 (assessors map 10) Cross Street**. Jennifer Carlino stated this project was for road and drainage work. Earl Chartier of RIM Engineering Co., Inc. addressed the Commission with a list of unfinished issues for this project. He submitted revised plans showing the exact location of each house which was #1 issue. He stated #2 issue was to submit

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revised letters explaining any changes to each lot which he said was not done yet. Mr. Richard Bland, attorney for the applicant, addressed the Commission regarding #3 which was to have the catch basins cleaned. He stated this had not been done, but a bond would be posted to cover the cost of this work.

Mr. Bland stated there were 26 catch basins to be cleaned and the cost to clean each one was \$40. He said Mr. Pasqualino had posted a \$50,000 bond with the Planning Board to cover the cost of tree plantings on the road, grass planting along the road between the sidewalk and the road and the cost of having an as-built plan drawn by RIM Engineering Co., Inc. Mr. Bland submitted a letter from Mr. Pasqualino stating the bond was posted and the work that will be covered by the bond. He stated that \$10,000 would be left in the bond and should be enough to cover any work left by this project until the Conservation Commission issues a Certificate of Compliance, then he will request the remaining \$10,000-bond from the Planning Board. Jennifer Carlino noticed the letter submitted and signed by Angelo Pasqualino was not an original, therefore, she requested an original letter with Angelo Pasqualino's signature notarized as previously requested and agreed upon. Mr. Bland agreed to draft an agreement between the Planning Board, the Conservation Commission and Angelo Pasqualino agreeing that no final bond money will not be released by the Planning Board until all Conservation permits are closed with a Certificate of Compliance. Mr. Chartier continued with the issues at hand and stated that #4 was to document in writing all the locations of the driveways and calculate the impervious surfaces which would be done after receiving the As-Built plan from RIM Engineering Co., Inc. He stated #5 issue was to note all Conservation Restriction lines on the site plans and said he would submit that tomorrow. He stated all rip rap was in place on the site but some vegetation was growing at one area and Jennifer Carlino stated this should be removed as soon as possible. Jennifer Carlino said the materials removed from the catch basins is hazardous waste and should be removed from the property at the time of cleaning. The estimate for basin cleaning states it will be dumped on-site, which is illegal. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a Certificate of Compliance for this project. Approved. Jennifer Carlino suggested the Certificate be issued after the signed and notarized agreement between Angelo Pasqualino, Charles Gabriel and Jennifer Carlino is submitted and the appropriate bonds for the other lots are posted.

The members reviewed a request for a Certificate of Compliance for File **#250-739 – Angelo Pasqualino – parcels 499 & 527 (assessors maps 10 & 17) Johnson Road**. Jennifer Carlino stated this project was for road and drainage work also. Earl Chartier of RIM Engineering stated the Conservation markers have been hung in the field but not noted on the plans. Mr. Bland stated that some of the Conservation markers have been removed but will be replaced before the As-Built plan is done. Mr. Chartier stated monthly reports regarding storm water pollution have not been submitted as yet and he stated he has searched online for such a report. He said this report is to be completed by the applicant/owner of the project. Jennifer Carlino said the report is to be created using data from the submitted files. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$5,000 bond with the Town Treasurer to ensure final vegetated stabilization and project completion of the common driveway for this project. Approved. Jennifer Carlino suggested three members sign the partial Certificate of Compliance tonight, and after the signed and notarized agreement between Angelo Pasqualino, Charles Gabriel and Jennifer Carlino is submitted and the appropriate bond is posted, Earl Willcott will sign the partial Certificate of Compliance and it will be issued.

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The members reviewed a request for a Certificate of Compliance for File **#250-678 – Angelo Pasqualino – parcels 224 & 229 (assessors map 17) 18 Johnson Road**. Earl Chartier of RIM Engineering Co., Inc. submitted an As-Built plan for this lot showing the exact location of the house and driveway and the location of the Conservation Restriction line. After reviewing the plan, Jennifer Carlino stated the plan did not show the original grading, visual barrier, common driveway, wetlands, etc. that were on the original plans. Richard Bland, attorney for the applicant, gave the Commission members a list of outstanding items to be completed on this project and the approximate cost. Mr. Bland stated the calculations for the house on the property is wrong at 4324 sq. ft. and should read 2527 sq.ft. He submitted drawings of the two houses on the common driveway showing where runoff water from the houses would go into two infiltration trenches and asked Mr. Chartier to explain how this would work and Mr. Chartier submitted a drawing and explained how this was going to work.

Mr. Richard Bland, Attorney for Angelo Pasqualino addressed the Commission to explain why several lots had different parcel numbers and book and page numbers at the Registry of Deeds. He explained that because of transfer of ownership, the book and page numbers had changed and during construction parcel numbers had changed because some of the lots were only portions of assessed parcels. He further stated that some of the property was divided through the Planning Board and this caused a change in parcel numbers. Mr. Bland submitted a document clarifying the various parcel numbers and book and page numbers. He stated that a temporary visual barrier to consist of a three-wire fence along with inkberry plants would be installed. Earl Chartier of RIM Engineering Co., Inc. stated plans were revised to show the correct location of the house, driveway and correct grading. He stated the same type of infiltration trenches would be in place to received storm water runoff from the roof of the house as Lot A1.

Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$1,340 bond with the Town Treasurer to ensure final vegetated stabilization and project completion for this project. Approved. Jennifer Carlino suggested three members sign the partial Certificate of Compliance tonight, and after the signed and notarized agreement between Angelo Pasqualino, Charles Gabriel and Jennifer Carlino is submitted and the appropriate bond is posted, Earl Willcott will sign the partial Certificate of Compliance and it will be issued.

The members reviewed a request for a Certificate of Compliance for File **#250-781 – Angelo Pasqualino – Parcel 225 (assessors map 17) 14 Johnson Road**. Richard Bland, attorney for the applicant stated the same visual barrier would be installed as for 18 Johnson Road consisting of a three-wire fence with inkberry plants. Earl Chartier of RIM Engineering Co., Inc. stated storm water runoff from the roof of the house will be trenched as for 18 Johnson Road. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$5,000 bond with the Town Treasurer to ensure final vegetated stabilization and project completion for this project. Approved. Jennifer Carlino suggested three members sign the partial Certificate of Compliance tonight, and after the signed and notarized agreement between Angelo Pasqualino, Charles Gabriel and Jennifer Carlino is submitted and the appropriate bond is posted, Earl Willcott will sign the partial Certificate of Compliance and it will be issued.

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The members reviewed a request for a Certificate of Compliance for file **#250-782 – Angelo Pasqualino – Parcel 230 (assessors map 17) 16 Johnson Road**. Earl Chartier of RIM Engineering Co., Inc. stated the limit of work has been revised on the plan and a visual barrier consisting of a three-wire fence has been installed at the correct distance for the limit of work with the proposal to install inkberry bushes in the spring. He stated revised plans had been drawn revising the grading and adding a deck. Mr. Chartier stated the crushed stone has been placed in the location shown on the Conservation Restriction plan. Jennifer Carlino stated he should be looking at the revised As-Built plan he submitted today. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$5,000 bond with the Town Treasurer to ensure final vegetated stabilization and project completion for this project. Approved. Jennifer Carlino suggested three members sign the partial Certificate of Compliance tonight, and after the signed and notarized agreement between Angelo Pasqualino, Charles Gabriel and Jennifer Carlino is submitted and the appropriate bond is posted, Earl Willcott will sign the partial Certificate of Compliance and it will be issued. The buyer for this lot addressed the commission and commended the members for requiring a \$5,000 bond to be posted. He had concerns with planting inkberry bushes as they are very small and thought a larger plant should be planted. Earl Willcott stated that anything larger would be very expensive. Jennifer Carlino stated to the buyer that, in her opinion, the inkberry bushes would do very well in this area because of the sandy soil and lighting conditions. The buyer stated that it was his understanding that his driveway would be at the area where the crushed stone is at the present and not where it was originally proposed to be placed. Earl Willcott stated this was an issue between him and Mr. Pasqualino.

The members reviewed the draft Order of Conditions for – **(#250-795) – Dave Sullivan/Norton Youth Baseball, Softball – Parcel 22 (assessors map 22) 215-223 West Main Street** which were sent to the members with the agenda for review. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

Jennifer Carlino stated that regarding the Norton Reservoir Dam inspection, she had submitted a request to transfer \$2,500 from the Reserve Fund Account to fund the 6-month inspection of the Norton Reservoir dam. She said the Finance Committee will be voting this evening on this request.

Julian Kadish made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb