



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2008 APR 15 PM 2:30
NORTON TOWN CLERK

Monday, March 24, 2008
7:00 pm

Attendance

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

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **February 11, 2008**. The minutes were tabled until the next regular meeting.

The members reviewed the draft minutes of **February 25, 2008**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **March 10, 2008**. The minutes were tabled until the next regular meeting.

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

The members reviewed the Bills Payable Sheet (Misc.) Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Phyllis Bernard/partial re-imbursement for doctor visit co-payment charges). Julian Kadish made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #916) – Manuel Ramos – Parcel 59 (assessors map 32) 43 Eddy Street** – for proposed plans to install a septic system within 100 feet of wetlands. The applicant was present and his contractor, Dylan Ribeiro, described the project to the members. He stated the septic system was out of the 100-ft. buffer zone, but a portion of the grading was in the buffer zone. He said the engineer could not move the system any further away from the wetlands. Lisa Carrozza asked what the “dewatering pit” was on the submitted plan and he replied he did not know and would ask the engineer. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work was done according to the approved plans. Approved.

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The members reviewed an Enforcement Order for **Anthony Virga – 60 Plain Street**. Jennifer Carlino stated to Mr. Virga that at the last meeting it was agreed he would retain a wetland consultant to do the restoration work for the disturbed wetlands. Mr. Virga stated he was going to contact RIM Engineering Co., Inc. and Jennifer Carlino stated he would need to hire a wetland consultant. Mr. Virga stated he contacted Trisha Cassidy of Cassidy Wetland Consultants but she was no longer doing business in the area and gave him five names to contact. He said he tried contacting these people but no one was returning his phone calls. Jennifer Carlino offered to give Mr. Virga a list of wetland consultants, but he stated he already had this list and, again, had no luck in retaining a consultant. She suggested to Mr. Virga to stop by the office tomorrow and she would help him with a list of consultants and he agreed he would.

The members reviewed a Notice of Intent – **(#250-800) – James Brown – Parcels 84 & 84-01 (assessors map 22) 73 West Main Street** – for proposed plans for site grading & activities within 100 feet of wetlands. James Brown attended the public hearing and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. described the project to the members. He stated that it was the intent of his client, Mr. Brown, to run a hot dog stand on this site. Mr. Yarworth stated an Enforcement Order had been issued to the owner of this property, Clarence Rich, for allowing Mr. Brown to place a hot dog stand on this site without a permit. He said he had submitted to the Conservation office a set of plans with the Notice of Intent and after the recent Board of Selectmen meeting, revisions to the plans were made and he submitted revised plans to the Conservation office earlier. He stated the applicant had placed landscape timbers for parking on site and will not have to pave the parking area. Mr. Yarworth said the applicant had placed benches and trash barrels on site. Jennifer Carlino stated the revised plans were a lot better than the previously submitted plans because the parking area was relocated further from the wetland/vernal pool, therefore there would be no need for storm water management at this time. She stated that Mr. Brown responded quickly to the Enforcement Order by submitting this Notice of Intent. Jennifer Carlino stated a permanent barrier is proposed to prevent any accidental encroachment into the wetlands. She said one of her concerns was trash blowing around, but noted there were trash barrels on site. An abutter, Albert Watson of 74 West Main Street, had concerns with the wood chips that were being used on this property. He stated that his well, which is his drinking water, is 75 feet from the street and did not want any wood chips used that were being chemically treated. Bob Medeiros suggested to Mr. Watson to check with Baker's Landscaping to check on the wood chips. Mr. Watson stated he knew that Baker's Landscaping's chips were natural. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish had questions regarding the Enforcement Order that was issued to Mr. Brown. Jennifer Carlino stated this will be one of the conditions.

The members reviewed a Request for a Determination of Applicability – **(DET. #915) River Oaks Reserve, LLC – Lot 12, Parcel 265 (assessors map 21) 5 Pratt Drive – (cont. from the March 10, 2008 mtg.)** - for proposed site work associated with the construction of a house within 100 feet of wetlands. No one was present at the public hearing to represent the applicant. It was decided to postpone the public hearing until the end of the meeting. No one appeared at the meeting. Jennifer Carlino stated after reviewing the revised plans that a Notice of Intent would be required for this project. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting. Approved.

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The members reviewed a Notice of Intent – (#250-799) – **Bob Campbell/Wheaton College – Parcel 93 (assessors map 17) Off Pine Street** – for proposed plans to construct a 176-space parking lot with associated walkways, storm water management areas, site grading, lighting and landscaping within 100 feet of wetlands. Present at the public hearing were David Manoogian, Attorney for the applicant, Marc Tisdelle of Hayward-Boynnton & Williams, Engineer for the applicant and Bob Campbell, Facilities Director and applicant for Wheaton College. Marc Tisdelle described the project to the members. He stated the site was south easterly of the campus and mostly grassed. He stated proposed plans include a pedestrian walkway to the north and a pedestrian walkway to the south. He said runoff water would be treated with two basins, one of which is an underground infiltration basin which will be under the parking lot and the other one will be a typical detention basin. He said the underground basin will have a hydroworks unit. Mr. Tisdelle stated 48 trees are proposed to be planted as required by the Zoning Board. He stated to the north an end cap ramp is proposed with a rip rap slope and to the south an 8-ft. wide pedestrian walkway which is actually the relocation of an existing walkway which will be removed. He stated all disturbed areas will be loamed and seeded and erosion control will be in place. Lisa Carrozza asked Mr. Tisdelle if the hydroworks unit was DEP approved and he stated it was. Mr. Tisdelle submitted a revised comprehensive Operation & Maintenance Plan. He said he had submitted a response letter to Jennifer Carlino's comment letter. Jennifer Carlino asked Mr. Tisdelle if he wanted to go over the letter now or at the next regular meeting. Lisa Carrozza requested she have a chance to review the letters before any discussion. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, April 14, 2008.

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, September 24, 2007, October 22, 2007 November 19, 2007, December 17, 2007, January 28, 2008 & March 10, 2008 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Byron Holmes of Holmes Engineering addressed the commission. He stated the applicant, Riley Lamson and Larry Rubin were also present at the public hearing. Mr. Holmes stated the project was not approved by Planning Board. He proceeded by saying four houses are proposed to be built on the upland site which would involve a stream crossing with less than 5,000 sq. ft. of fill. He said the main issue of concern with the Planning Board and abutters is the existing culvert that is underneath East Hodges Street. Two streams join and then enter the culvert. He stated a few of the abutters stated the culvert tends to clog up with leaves and debris occasionally. Mr. Holmes stated the applicant has proposed to replace this culvert with a new 6' x 3' box culvert which would have 4 times the capacity as the existing culvert. Bob Medeiros asked Mr. Holmes if he had contacted the Highway Department and Mr. Holmes stated he would in the near future. Ron O'Reilly asked if the Planning Board had approved the culvert and he replied they had not and the applicant would be re-applying for a Special Permit. Mr. Holmes stated he wanted to get suggestions from the Conservation Commission before re-applying to the Planning Board. Jennifer Carlino stated she would like to see a plan and Mr. Holmes stated after getting Conservation Commission comments and Planning Board comments he would submit a plan. Mr. Holmes stated that at the time this application was submitted almost one year ago, a culvert replacement underneath

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East Hodges Street was not considered. Jennifer Carlino stated replacement of the culvert was already discussed with her and the Conservation Commission and that they have already said it would be a benefit. She stated that the applicant should proceed with the revised plans for the project and re-notify the abutters. Julian Kadish stated the plan he was reviewing was dated April 24, 2007 and asked Mr. Holmes if the only proposed revision to the plan is the proposed culvert and Mr. Holmes replied this was correct. Jennifer Carlino asked when a revised plan showing the East Hodges culvert would be submitted and Mr. Holmes replied at the regular meeting of April 28, 2008. Jennifer Carlino stated abutters would have to be re-notified and a revised plan would have to be submitted before April 14, 2008. Christopher Poke, an abutter, had a question regarding the hydraulic testing that was being performed on the culvert for the past 8 months with no conclusive results. Mr. Holmes stated he would have this information at the meeting of April 28, 2008. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, April 28, 2008. Approved.

The members reviewed the draft Order of Conditions for – **(#250-797) – Eugene Norberto – Parcel 84 (assessors map 23) 55 Pine Street** which were sent to the members with the agenda for review. Ron O'Reilly abstained from voting. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the draft Order of Conditions for – **(#250-798) – Maurice & Suzanne Mendonca – Parcel 573 (assessors map 10) 59 Cross Street** which were sent to the members with the agenda for review. Lisa Carrozza and Ron O'Reilly abstained from voting. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved. It was agreed Eileen King would sign the Order of Conditions as soon as possible.

Jennifer Carlino stated a complaint had been received, as a result of a Planning Board filing, stating Baker's Landscaping/Chris Baker does not have any Conservation permits for any of his **three** businesses. She stated she had inspected these sites as follows: 1. On the lot where he has his logs, she stated she had him install erosion control and move the logs out of the buffer zone; 2. On the lot owned by the bird garden company, she had him install erosion control and move his materials out of the buffer zone and 3. On his main business location of Baker's Landscaping she compared his business form 1990 to the present using "Google Earth" and his business has doubled in size. She stated he needs to obtain these permits. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to send an Enforcement Order to Mr. Baker for all three of these sites. Approved. Bob Medeiros abstained from voting.

Jennifer Carlino stated an Enforcement Order had been sent to the Land Preservation Society (LPS) for property on North Washington Street that is being damaged by ATVs. She stated Frances Shirley of the LPS asked that the Order be issued so she could give this to the person doing the damage. Jennifer Carlino stated Frances Shirley has since been in touch with her attorney, Henry Sousa, who has suggested the Enforcement Order be issued to the violator instead of the owner. She stated the regulations clearly state the owner of the property receives the Order. Jennifer Carlino suggested sending Ms. Shirley a copy of the regulations along with a copy of a "No Trespassing" form she could post to be copied to the Police Department. The board members agreed.

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Jennifer Carlino stated a request for a Modification to File #250-790 - 380 Old Colony Road – Edward Fontneau has been received. The members agreed Mr. Fontneau will appear at the next regular meeting of Monday, April 10, 2007 to explain the modification to the members.

Jennifer Carlino stated a letter of “Non-Compliance” has been received from the Office of Dam Safety. Jennifer Carlino stated she sent a response to the Office with a copy of the deed showing the dam is owned by “Tweave Company” and not the Norton Conservation Commission.

Jennifer Carlino stated she appeared before the Capital Improvement Committee meeting regarding the transfer of funds from the Norton Reservoir Dredging project fund account to another account to fund tree removal and slope stabilization at the Norton Reservoir dam. She said the Town Manager has added this to the “Special Town Meeting” agenda.

Jennifer Carlino stated she is interested in attending a conference in Virginia to be held from June 30th to July 2nd. She stated the conference will include topics on the riparian and buffer zone, topics of which she is doing research on at the present. She said the cost of the conference is \$525 and she had included the agenda with the agenda for this meeting. She stated she would pay for her hotel and travel costs herself. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino attend the conference and to pay for all hotel and travel costs out of the Conservation budget. Approved.

Jennifer Carlino stated she thinks the Conservation Commission should send Bob Campbell/Wheaton College a letter advising him to pay for a wetland consultant as part of their pending project and included a draft contract and invoice from Tom Sexton of Mainstream Engineering, Inc. for his review. She stated she will advise him to send a check to the Conservation Commission as soon as possible.

Bob Medeiros stated he had a letter from SRPEDD asking for a nomination for a member or agent for outstanding service. Lisa Carrozza stated this would be for that organization only and the members did not have a nominee to suggest.

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

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb