



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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2008 SEP -9 AM 11:51
NORTON TOWN CLERK

Monday, June 23, 2008

7:00 pm

Attendance

Bob Medeiros (Chairman), Earl Willcott (Vice-Chairman), Kathleen Giblin, , Ron O'Reilly, Jennifer Carlino, Conservation Agent.

Julian Kadish and Lisa Carrozza were absent.

Minutes

The meeting started at 7:00 pm.

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

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

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

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

Jason Stockholm, a representative for Chris Baker updated the Commission on the progress for his wood lot on Mansfield Avenue and his stockyard at the former bird garden on Mansfield Avenue. He stated the woodlot should be all set. Jennifer Carlino stated she had driven by and the site looked in compliance. Bob Medeiros passed pictures around to the members. Mr. Stockholm stated all equipment and materials are being removed from the stockyard area on Mansfield Avenue beginning at the end of the month and said Mr. Baker would call with an approximate date as to when this will be completed.

Enforcement Order: Elim Housing on Faith Way. No one appeared at the public meeting to represent Elim Housing.

The members reviewed a Notice of Intent – (#250-808) – Angelo Pasqualino – Parcel 225, Lot B1 (map 17) 16 Johnson Drive – (cont. from the June 9, 2008 mtg.) - for proposed plans to move the driveway and change the crushed stone runoff area within 100 feet of wetlands. No one was present to represent the applicant. Bob Medeiros and Earl Willcott recused themselves from the meeting.

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Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 14, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-810) – Scott Pietruszewicz/River Oaks Reserve LLC – Parcel 271, Lot 17 (map 21) – 15 Ellis Road – (cont. from the June 9, 2008 mtg.)** - for proposed plans to clear and grade within 100 feet of wetlands. Scott Pietruszewicz of Canfour Corp. described the project to the members. Jennifer Carlino requested that a revised plan clarifying a grade number be submitted before issuing the Order of Conditions and which shall be one of the conditions. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #922) – David Lennon/Norton Kayak Co. – Parcel 721-01 (assessors map 3) 237 Mansfield Avenue** – for proposed plans to install a storage container and maintain a grassed footpath within 100 feet of Norton Reservoir. David Lennon/Norton Kayak Company described the project to the members. He stated that he proposes to install an 8' x 20' storage container on the property and to maintain an existing footpath. Jennifer Carlino asked Mr. Lennon what agreement had been made, and with whom, regarding parking. Mr. Lennon replied he had spoken with the Town Manager, James Purcell, who advised him to contact the person who leases the house on this property which is an insurance company. He stated he had a preliminary discussion regarding the parking with the company. Jennifer Carlino stated to Mr. Lennon that the Commission needs to know exactly where the parking will be. Mr. Lennon stated the parking would be in the front of the existing building on the existing gravel parking area. Jennifer Carlino stated to Mr. Lennon that according to the Town Manager, James Purcell, he would be allowed only 2 parking spaces and would have to shuttle people to this site from another site. Mr. Lennon replied that this was correct and he was in the process of getting transportation for future customers. Jennifer Carlino advised Mr. Lennon that whatever he is planning for parking should be on the submitted plans for this permit; otherwise, he will have to obtain another permit if the situation changes later. She advised him that he could continue the project until the next regular meeting and hopefully have a completed accurate plan by then. Mr. Lennon decided to continue the public hearing until the next regular meeting. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 14, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #923) – Derwin & Ana Brown – Parcel 40 (assessors map 27) 40 Power Street** – for proposed plans to install a well within 100 feet of wetlands. Christopher Yarworth of Yarworth Engineering Co., Inc. described the project to the members. He stated that the applicant has not yet received a Certificate of Compliance for the previous project for the construction of an addition. He stated that the request for the Certificate of Compliance is on tonight's agenda. He said that this RDA is to cover any changes made to the original Order of Conditions as well as the installation of a well. He stated the original deck was modified and the silt fence was 10 feet closer to the wetlands than approved in the original Order of Conditions. Mr. Yarworth stated that there was a stockpile of lumber which will be removed as a condition for the Certificate of Compliance. Bob Medeiros asked what type of well was to be installed and Mr. Yarworth replied it would be a well designed for the irrigation needed and probably a shallow well as it is close to Barrowsville Pond. Earl Willcott made a motion, seconded by Ron O'Reilly, to

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close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed a Request for a Determination – **(DET. #924) – Scott Smith – Parcel 90 (assessors map 29) 12 Forest Lane** – for proposed plans to pump water from the Three-Mile River for irrigation purposes. Scott Smith described the project to the members and stated he would like to pump water from the Three-Mile River for irrigation purposes. He stated a foot-valve connected to a plastic pipe is in the river which then connects to the pump which is outside of the river. Jennifer Carlino stated the pump should not be running if the river gets as low as one foot deep and that a wildlife screen should be used at the end of the plastic pipe that is in the river. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

Notice of Intent – **(#250-811) – Perry DiMascio – Lot N3, Parcel 379 (assessors map 4) Feck Way** – for proposed plans to construct a house, deck with attached garage, driveway and utilities with associated grading within 100 feet of wetlands. Perry DiMascio and his engineer, Ralph I. Maloon, of RIM Engineering Co., Inc. were present at the public hearing. Mr. Maloon described the project to the members. He stated that this was a house lot that was included in a subdivision which was approved in 2006. He stated the split-rail fence was re-designed and two ground water recharge areas were added for roof runoff. Jennifer Carlino stated the original subdivision road and drainage work permit required monthly reports which have not been submitted. Perry DiMascio stated the road and drainage work was completed but not functioning at this time. He stated each monthly statement showed the sequence of construction to that point. Mr. DiMascio stated he would comply to any format of report required by the Commission. Jennifer Carlino stated to Mr. DiMascio that his partner had come in and suggested that there might be changes to the approved plans. Mr. DiMascio stated there were no changes to the plans proposed. Jennifer Carlino asked if all side slopes were stabilized for the road and Mr. DiMascio replied they were not and that this would be the final sequence of construction. She requested that the certified vernal pool be labeled as such on a revised plan. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-805) – Norton Water & Sewer Department – Parcel 235 (assessors map 5) 32 Newland Street** – for proposed demolition of a well and building, construction of a well and pumping station building, installation of a water main and expansion of gravel parking within 100 feet of wetlands. Duane Knapp was present at the public hearing with his engineer, Mark Youngstrom of Otter Creek Engineering who described the project to the members. He stated that well #3 at 32 Newland Street is one of the town's primary supply wells and currently does not meet DEP's standards. He said that the building does not meet up-to-date codes. Mr. Youngstrom stated that the Water Dept. would like to demolish the building and construct a new well and pumping station similar to what has been done to wells #1 and #4. He stated this 15-acre parcel of land is in an ACEC area along Canoe River. He said that approximately 0.2 acres will be proposed impervious area. Mr. Youngstrom stated that five small bio-retention areas will be constructed to direct the storm

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water into the basins rather than directly into the wetlands. He stated siltation control will be in place to protect the wetlands during construction. He said he is waiting for a response from the Natural Heritage and Endangered Species Program (NHESP). Jennifer Carlino stated the letter has to be received before the public hearing can be closed. Jennifer Carlino asked if the pipes or well were changing or just the building and paved parking area. Mr. Youngstrom stated there will be a new pipe from the new well to the new building and from the building to the existing water main, but would be the same size as the old pipe so that the water flow will not change. Bob Medeiros asked Mr. Youngstrom if he had any idea when he would receive a response from NHESP and he replied he thought around July 11th. Jennifer Carlino stated there is always a 30-day wait response period. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, July 14, 2008. Approved.

Mr. George Hill of **139 North Worcester Street** addressed the commission per his request to be on tonight's agenda regarding his violation.

Bob Medeiros, after reading a letter sent to him from Mr. Hill, stated that, in his opinion, Mr. Hill had done exactly what he should have done, and maybe more, to fix his violation.

Mr. Medeiros asked Earl Willcott, if left alone, would the disturbed wetland area re-grow by itself. Earl Willcott replied that it would. Bob Medeiros stated that if he had to vote, he would vote to have Mr. Hill leave the area alone to restore itself with no further action.

Mr. Hill stated he had been given a permit by the former building inspector to put an 8' x 12' shed on the property and he asked what he needed to do to move the shed away from the wetlands to a dry area. Earl Willcott suggested to Mr. Hill he check the Zoning By-Laws before moving the shed.

Earl Willcott asked Mr. Medeiros if soil was removed from the violation area and he stated only vegetation. Mr. Hill stated he removed approximately 3 tons of trash and moved it to the rear of the yard. He stated neighbor's trash ends up on his property after storm events. Mr. Hill stated that there are four town sewers that dump onto his property. Mr. Hill was informed that it was drainage, not sewers.

Mrs. Hill asked the commission if she had to install a fence as a visual barrier to the wetlands. Mr. Hill asked if the visual barrier already in place, which in his opinion, are ugly, could be replaced with something more attractive. Bob Medeiros stated that he could replace the barriers with better looking ones. Kathleen Giblin, Earl Willcott and Ron O'Reilly stated they had no problem with this plan.

The members reviewed a request for a Certificate of Compliance for File **#250-581-Derwin & Ana Brown-parcel 40 (map 27) 40 Power Street**. Jennifer Carlino stated the project was completed according to the approved plans but she will request the applicant to remove a pile of debris at this site. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

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The members reviewed a request for a Certificate of Compliance for File **#250-785 – Joao A. DosReis - parcels 223, 24 & 169 (map 22) 199 West Main Street**. Jennifer Carlino stated the project was completed according to the approved plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance and issue a letter releasing the bond posted for this project. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-752 – Alison Stapleton – parcel 163 (map 15) 4 Fletcher Way**. Jennifer Carlino stated the applicant had decided not to do the project and has stabilized the area. 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 **#250-549 – Judy Garrick – parcel 45 (map 17) 6 Miller Terrace**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly 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 **#250-749 – Mark Carroll/Carroll Construction - Lot 33, parcel 287 (map 21) 12 Goff Road**. Jennifer Carlino stated the area was not quite stabilized. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance with the condition the applicant posts a \$500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

The members reviewed the draft Order of Conditions for File – **(#250-809) – Scott Pietruszewicz/River Oaks Reserve LLC – Parcel 266, Lot 12 (map 21) – 5 Pratt Drive** which were included with the agenda for review. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the draft Order of Conditions for File – **(#250-807) – Scott Pietruszewicz/River Oaks Reserve LLC – Parcel 264, Lot 10 (map 21) – 9 Pratt Drive** which were included with the agenda for review. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the draft Order of Conditions for File – **(#250-810) – Scott Pietruszewicz/River Oaks Reserve LLC – Parcel 271, Lot 17 (map 21) – 15 Ellis Road** which were included with the agenda for review. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions, as amended by adding a condition that a revised plan be submitted before work begins. Approved.

Discussion ensued regarding the issue with Fred Bottomley and his replication for Samoset Street. The members all agreed to have Jennifer Carlino send Mr. Bottomley a letter requesting him to appear before the Board at the next regular meeting of Monday, July 14th.

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Discussion ensued re: **Chris Munise, 4 Rumford Road**. Bob Medeiros suggested sending Mr. Munise another letter requesting him to file for a wetland permit using the plan he already has and to attend the next regular meeting of Monday, July 14, 2008.

Discussion ensued regarding a complaint received about the weeds on Norton Reservoir. Jennifer Carlino asked the commission on their advice for a letter and the commission agreed that the response Jennifer Carlino had drafted was acceptable.

Jennifer Carlino presented a copy of her response letters for the appeals for John Scott Boulevard – **Scott Goddard (File #250-787) and Fairlee Lane – Fred Bottomley (File #250-793)**.

Jennifer Carlino presented a copy of her response letter for the **Floodplain Map** revisions for the members to review.

Jennifer Carlino noted that the meeting for the ACEC public testimony is this Wednesday, June 25th from 7pm to 9pm in Taunton and she presented the support letters for the members to sign.

Ron O'Reilly made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb