



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2008 SEP -9 AM 11:51
NORTON TOWN CLERK

Monday, July 28, 2008
7:00 pm

Attendance

Earl Willcott (Chairman), Julian Kadish (Vice-Chairman), Kathleen Giblin, Lisa Carrozza, David Henry, Jennifer Carlino, Conservation Agent.

Ron O'Reilly was absent.

Minutes

The members welcomed the newest member to the Commission, David Henry.

The meeting started at 7:00 pm.

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

The members reviewed a Notice of Intent – **(#250-812) – Stephanie Joyce – Parcel 580 (assessors map 10) 54 Cross Street – (cont. from the July 14, 2008 mtg.)** - for proposed plans for construction of an addition, driveway, grading and septic trenches within 100 feet of wetlands. The applicant was present at the public hearing. Todd Pilling of Pilling Engineering updated the members on the project. He stated that at the last meeting it was suggested to him to move the addition, of which 830 sq. ft. was within the 25-ft. limit of work area, in order to take it out of the 25-ft. limit of work area as much as possible. He stated the addition was moved and now only 120 sq. ft. of it lies within the 25-ft. limit of work area. He said he also added a 2' wide by 12" deep crushed-stone apron at the edge of the driveway and the small turnaround at the end of the driveway. Mr. Pilling stated he revised the Notice of Intent and plans to make the requested changes to include the stream being noted as perennial rather than intermittent. He stated the visual barrier has been added as well. Lisa Carrozza asked if any trees would be cut and Mr. Pilling stated any trees within six feet of the house would be. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-815) – Marc Emma/Emma's Enterprises, Inc. – Parcel 238 (assessors map 9) 130 Mansfield Avenue – (cont. from the July 14, 2008 mtg.)** - for proposed plans to construct an addition within 100 feet of Norton Reservoir. A representative of Silva Engineering, James Barry, updated the Commission on the project. He submitted revised plans and an Operations & Maintenance Manual. The revised plans had the addition of the water quality swale and notes referring to the limit of the loam and seed area for the slope.

Norton Conservation Commission
Monday, July 28, 2008
Minutes, page 2.

He stated they removed some existing curbing which was directing water towards the Reservoir and added a new stone-lined water dissipater on the edge of the pavement flush with the stone swale then dropping down 6" to allow siltation to drop out then coming up 6" above the swale to allow clean water to dissipate. Jennifer Carlino asked how much fill was going to be brought in and Mr. Barry stated only enough to replace any taken out.

Jennifer Carlino stated she has been working with the engineering company in complying with the written description of the compliance for the Performance Standards for the floodplain. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jennifer Carlino stated that one of the conditions is to have monthly Environmental Monitor Reports. Julian Kadish made a motion, seconded by David Henry, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-816) – Realty Development Associates, Inc./Donald Shulman – Parcel 32 (assessors map 33) Taunton Ave. (Rt. 140) – (cont. from the July 14, 2008 mtg.)** - for proposed plans to construct a modular house and garage with driveway, parking area, drainage, grading and utilities within 100 feet of wetlands. Brian Grady of G.A.F. Engineering updated the Commission on the project. He stated he had complied with all requests from the last meeting and submitted the revised plan. Lisa Carrozza asked if this would be a model or modular house and Mr. Grady replied both. He said this modular house will be the model for a modular house business at this address.

Mr. Grady proceeded to respond to the comments in a letter received by Jennifer Carlino.

In reply to #1, #2 and #3 he stated he added to the plans the notes and changes regarding erosion control, Operation & Maintenance Schedule and post-construction Operations & Maintenance Plan.

In reply to #4 he replied there is a garage on the property that will not be used and snow can be piled in that area. He said for de-icing sand will be spread and swept up.

In reply to #5 he has moved the location of the Mass Highway easement and is waiting for approval from the state. He says there are no structures in the easement only an outfall pipe which will be noted on the plans.

In reply to #6 he stated the water line will go under the swale and the cover will be maintained.

In reply to #7 he confirmed the septic system will be at least 50 feet from the infiltration area.

In reply to #8 he said sod will be placed immediately to stabilize any disturbed areas.

In reply to #9 he stated the slope is kind of steep for a water quality swale but there will be a 4-ft. erosion control barrier at the foot of the slope.

Norton Conservation Commission
Monday, July 28, 2008
Minutes, page 3.

In reply to #10 he stated they had added drip trenches on each side of the garage.

In reply to #11 he stated he clearly noted the driveway was gravel and would not be paved.

In reply to #12 he stated a visual barrier was added to the plans consisting of a post-rail fence.

In reply to #13 he stated there would be a gravel driveway around the building.

In reply to #14 he stated this project does not need Planning Bd. approval.

In reply to #15 he stated the erosion control plan would include temporary stock pile areas and the bio-retention area will be rough shaped to handle runoff during construction and then cleaned out after the areas are stabilized.

In reply to #16 he stated that several test pits have been done on the site on off the site and witnessed by the Health Agent and the soils are well drained sandy soils.

In reply to #17 he stated again there will be no paved areas.

In reply to #18 he stated hay bales have been removed from the plans.

In reply to #19 he stated test pits have proven the soils to be sandy and well drained.

In reply to #20 he said the changes were made to the details on the plans removing the rip rap from the top of the erosion control.

Jennifer Carlino asked if the garage was going to be used and Mr. Grady replied the garage would only be used for storage but not for cars. Earl Willcott asked what the other building on the property was and Mr. Grady stated this building is not going to be used. Lisa Carrozza had concerns regarding the future use of the buildings since it would require changes to the retaining wall near the wetland, and Mr. Grady stated this is not the issue at hand. She suggested putting in a condition stating that if the garage is ever to be used as a garage the access will have to be from the west and not the south, never to change. Mr. Grady agreed this is acceptable. Jennifer Carlino asked if the second detached garage was noted in the description of the property on the Notice of Intent.

Mr. Grady stated since this building is not part of the project, he does not think it has to be noted and if at anytime in the future, someone wants to utilize this garage, they would have get a permit from the Conservation office. Lisa Carrozza asked Mr. Grady how this building would be accessed in the future the way it is laid out at this time and he again stated this is not his project at this time and would be addressed at the time someone wanted to access it. Julian Kadish stated that at this time the board should only be addressing the project at hand and not anticipating any future activities. Mr. Grady stated that one of the model garages at another one of their locations is used for an in-law apartment. Jennifer Carlino asked Mr. Grady if the septic system was currently designed for the bedrooms to accommodate an in-law apartment. He stated it was designed for four bedrooms to be conservative.

Norton Conservation Commission
Monday, July 28, 2008
Minutes, page 4.

Mr. Grady asked how difficult it is to get a variance and Jennifer Carlino stated that this was a Zoning Board of Appeals issue. She stated to change the Zoning of a parcel of land, an Article would have to be submitted at a Town Meeting and voted on. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed the draft Order of Conditions for File **(#250-814) – George Lattouf – Parcel 111 (assessors map 36) 5 Gilbert's Way** which was included with the agenda for their review. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved. David Henry abstained from voting.

The members reviewed the draft Order of Conditions for File **(#250-813) – David LeMieux/Sinclair Manufacturing Company - Parcels 124-01, 126, 127 & 127-01 (assessors map 26) 12 South Worcester Street**. Julian Kadish made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved. David Henry abstained from voting.

The members reviewed a letter releasing Mr. Fred Bottomley of Condition #10 (d) of his Order of Conditions for File **#250-760** - 21 Samoset Street which required him to complete the conditions for his other project at Country Club Way for File **#250-356**. Jennifer Carlino stated the condition in **#250-356** required Mr. Bottomley to replicate the disturbed wetland areas. She stated Mr. Bottomley no longer owned the properties involved in File **#250-356** and could not complete the required replication. Jennifer Carlino stated the members gave Mr. Bottomley an alternative project in order to comply with Condition #10 (d) of his Order of Conditions for File **#250-760**. She stated he had completed the project which included removing compost at a site on King Phillip Road that was serving as a dump site for local people and landscapers, placing boulders so people could no longer access this dumping area and putting up a sign prohibiting dumping on this site. She also re-stated that Mr. Bottomley knows this is a rare situation and shouldn't be expected in the future. Julian Kadish made a motion, seconded by Lisa Carrozza, to send a letter releasing Mr. Bottomley of the condition #10 (d) for the Order of Conditions for File **#250-760**. Approved.

The members reviewed a request for a Certificate of Compliance for Fred Bottomley for File **#250-356 – Parcel 55 (assessors map 15) Walker Street**. Jennifer Carlino stated Mr. Bottomley has completed the work required of him which was to substitute for the last unfinished condition for this project. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

Regarding the Enforcement Order at **60 Plain Street**, Jennifer Carlino stated that Anthony Virga had notified her that he had removed the fill piles from the wetland. She stated that the Restoration Plan calls for additional work so they should send a letter saying that Phase I is complete.

Regarding a violation at **8 Pond Street**, Jennifer Carlino stated the resident had responded to her violation letter and will be filing a Request for a Determination of Applicability for the cutting and clearing that was done within 100 feet of wetlands and a stream.

Norton Conservation Commission
Monday, July 28, 2008
Minutes, page 5.

Jennifer Carlino noted that a volunteer project was planned to remove water chestnuts, by hand, at Barrowsville Pond to be held on Sunday, August 3rd.

Jennifer Carlino noted that the Canoe River Wildlife Habitat Evaluation was finally finished.

Jennifer Carlino stated it was her opinion that a professional would have to remove vegetation at the Chartley Pond Dam. She stated she had previously removed the vegetation which consists of trees and shrubs herself but the vegetation keeps growing back. She submitted an estimate from Matt Crowe Landscaping for the members to review. Earl Willcott asked if Mr. Crowe had a pesticide license and she replied that he did. She stated the estimate for the initial visit was \$300 and will require follow-up visits every two months. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to have Mr. Crowe treat the area with herbicides at his initial visit and do two follow-up visits, after which he shall come before the Commission with an update and approval for more visits. Approved.

Jennifer Carlino noted there was another person interested in being appointed to the Conservation Commission and stated she had sent the letter with the agenda. She stated she meant to invite her to this meeting but forgot and will send a letter.

Jennifer Carlino stated Otis Dyer of E. Otis Dyer Engineering had filed an application for an ANRAD which was incomplete and with the wrong filing fee of \$200 which should have been \$2,000. She stated that her secretary called Mr. Dyer to pick up the incomplete application. She said after approximately two weeks, he came in to discuss the issue and was arrogant and rude and disputed her statements why the application was incomplete as well as the filing fee. Jennifer Carlino stated that Mr. Dyer's project will be heard at the next regular meeting of Monday, August 11, 2008. She said she is standing firm with her decisions and will include a letter with her comments with the next agenda.

Kathleen Giblin made a motion, seconded by Lisa Carrozza, to adjourn the meeting at 8:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb