



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, November 10, 2008
7:00 pm

Attendance

Earl Willcott (Chairman), Julian Kadish (Vice-Chairman), Lisa Carrozza, Ron O'Reilly, David Henry, Chris Baker, Jennifer Carlino, Conservation Agent.

Kathleen Giblin was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **October 20, 2008**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Chris Baker abstained from voting. Approved.

The members reviewed the Bills Payable Sheet (Chartley Pond dam). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (David Henry). Lisa Carrozza made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

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

The members reviewed the Bills Payable Sheet (Registry of Deeds/Norton Reservoir dam). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the authorization form for the signing of all payroll documents authorizing any Conservation Commission member to sign the forms. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign the form. Approved.

Brian W. Riley, Esq. of Kopelman & Paige addressed the Commission to discuss the **Conflict of Interest Law**. He then passed out to the members a copy of the State Ethics Commission pamphlet on The Conflict of Interest Law. (Chapter 268A.) He noted that there is a Legal Division which consists of attorneys that can be contacted free of charge to give advice to anyone that has a question if needed at any time. He said that the Ethics Commission has the power to impose civil fines if necessary or even criminal charges through the Attorney General's office if necessary. Mr. Riley explained the

Norton Conservation Commission
Monday, November 10, 2008
Minutes, page 2.

main purpose of the Ethics Commission is to prevent public officials from mixing their private interests with their public duties. He stated some acts are obvious such as receiving gifts, which are not allowed. Other acts are not so obvious, but not allowed. He stated that the conflict of interest law applies to any one working for the town/state, paid or voluntary.

Mr. Riley pointed out one of the most common sections, **Section 19**. This sections explains that employee or volunteer for the town is prohibited from participating in any activity in which he/she or a family member or business has any financial interest. He stated *family* member includes spouse, parents, brother, sister or children. He said that if any employee or volunteer for the town has a project for approval with any town board or commission, he should recuse himself from the meeting, even better, leave the room during any discussion of his project. Mr. Riley explained that an exception to this rule would be in a case where there would not be a quorum which would be called a "rule of necessity". He stated that in this case, any member should explain what their conflict is and then may participate in the discussion. He said another exception would be if the employee or volunteer wanted to participate in the discussion for a particular reason, he would fill out a Disclosure Form explaining the conflict and submit it to the Board of Selectmen who could then make a decision whether or not to allow him/her to participate in the discussion. Mr. Riley gave the members a copy of a Disclosure Form.

Mr. Riley pointed out another example that would refer to **Section 19**. He stated that if someone comes before the Commission for a permit or approval, and one of the members or more stands to make money because of his/her business if approved, he/she should leave the room during the discussion or file a Disclosure Form with the Board of Selectmen. He continued to state that if someone was applying for a permit or approval from the Commission and a member **could foresee** a chance to make a profit personally or in their business from this individual after receiving his/her permit or approval, he/she should leave the room during discussion. He continued to state that if a particular member **could not foresee** making a profit from the individual receiving the permit or approval, then it would be ok to participate in the discussion, emphasizing avoiding the appearance of wrong doing. Mr. Riley stated each project should be assessed on an individual basis. Chris Baker asked Mr. Riley if he/she should make the other members aware of the possible conflict and he replied he/she should. He stated details are not necessary, just a brief comment would be ok.

Julian Kadish commented that no matter who comes before the Commission for approval, the Commission has a civic duty to allow the project if it meets all requirements of the Wetlands Protection Act. Mr. Riley stated he is only trying to clear up any questions regarding conflicts of interests to protect people from getting in trouble by mistake.

Lisa Carrozza asked Mr. Riley if a member is an abutter should he/she recuse herself/himself from discussion of a project. She also asked about the applicant being a former employer. He replied that a member who is a direct abutter should not be included in the discussions unless the abutting property under discussion was very large and the project was quite a distance away from the abutter's property. Julian Kadish asked if a member as an abutter who leaves the table can comment on the project as an abutter. Mr. Riley stated that the best scenario would be for the member as an abutter to leave the room, but to be more practical he stated the abutter has a legal right to participate in the discussion as

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 3.

an abutter and not a member of the board. He stated the member should proceed with caution and explain he/she is commenting only because the property in question is abutting his/her property and not a representative of the Conservation Commission.

Earl Willcott asked Mr. Riley if a member of the Conservation Commission may comment before any other board or commission and Mr. Riley replied he/she could, but not in the capacity of a commission member. He suggested the member state he/she is speaking as a resident and not a commission member.

Mr. Riley referred to **Section 23** which refers to the Code of Conduct. In answer to Lisa Carrozza's question referring to a former employer, he stated that if he/she fills out another Disclosure Form stating all facts referring to this situation before hand, no one should come to the unreasonable conclusion of the member doing favors for the applicant. He stated that this Disclosure does not need approval from anyone as does the Disclosure Form for Section 19. Jennifer Carlino asked if with the Section 19 Disclosure Form, the Board of Selectmen keeps the form or returns it to the signee. He replied that the signee should keep a copy but does not become part of the project file.

Mr. Riley finished his talk by referring to **Section 20** which states that he/she as a member of a board and a municipal employee should not have a financial interest in a contract with the town. He stated that if he/she or the business wanted to bid on a town project, he/she would have to fill out the proper Disclosure Form. He also stated that if the town employee is getting paid by the town he/she may not be able to participate in another paying position. Julian Kadish asked if a volunteer member of a board may work for the town and Mr. Riley stated, unless this person meets one of the exemptions, he/she cannot get paid by the town for work or professional services rendered.

Mr. Riley stated the best way to obtain information when in doubt is to call his office through Town Counsel after advising the Town Manager and filing with the Town Clerk. He stated the Ethics Commission has thirty days to respond and cannot change their opinion. Mr. Riley stated that there is also a website available to any one for further information.

The members reviewed a Request for a Determination of Applicability – (**DET. #933**) – **Nicholas & April Bender – Parcel 6-04 (map 31) 171 John Scott Boulevard** – for proposed plans to repair/install a septic system within 100 feet of wetlands. Nicholas Bender was present and his engineer, Chris Yarworth of Yarworth Engineering described the project to the members. He stated that the applicant proposes to remove the two existing trenches in the existing lawn at the edge of the wetlands and replace them with a leaching system. Jennifer Carlino stated she had not inspected the site because of a locked gate at the front of the property. Mr. Bender stated that there was a side gate that was opened. He stated he would arrange for the gates to be unlocked on Wednesday for Jennifer Carlino to inspect the site. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability pending a site inspection by Jennifer Carlino, after which, if there are no revisions to the approved plans, the Determination of Applicability can be issued. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #934) – River Oaks Reserve, LLC – Parcel 270, Lot 16 (assessors map 21) – 12 Ellis Road** – for proposed plans for excavating and grading within 100 feet of wetlands. The applicant, Scott Pietruszewicz of Canfour Corp., described the project to the members. He said that he is proposing to do clearing and grading associated with the construction of a 4-bedroom house within the 100-ft. buffer zone of the wetlands.

Jennifer Carlino requested that the new limit of work line be shown on the plans and Mr. Pietruszewicz agreed to submit revised plans. She asked that the areas be staked in the field where the boulders are to be placed. Earl Willcott stated that the boulders should be at least ½ yard in size or larger. Julian Kadish made a motion, seconded by David Henry, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, 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 Notice of Intent – **(#250-833) – Philip & Jacqueline Horton – Parcels 63 & 63-01 (assessors map 28) 185 & 189 Taunton Avenue** – for proposed plans to remove a illicit discharge PVC pipe, install a swale and remove debris within 100 feet of wetlands. Present at the public hearing were the applicant, Philip Horton, the owner, Mr. Mark Robitaille and Chris Yarworth of Yarworth Engineering who described the project to the members. He stated that there are two different owners for this project and both share the violation. Mr. Yarworth stated that there is a big water problem on this lot and water flows down hill into the garage at the present time. He stated that the owner is constantly pumping water out of the basement. He said that eventually the owner of the house would like to raise the grade and grade the driveway so that the water does not flow directly into the front of the garage. Mr. Yarworth stated that, at the moment, the problem is the discharge pipe which is illegal. He said the project is to remove the pipe and move it back 30 – 35 feet to be 25 feet from the wetlands and construct a swale with a water quality bump. Mr. Yarworth stated the applicant also proposes to remove brush from an intermittent swale by hand. Lisa Carrozza asked how big the pump was and had concerns with stones from the check down getting stuck in the pump. Chris Yarworth stated the pump was a small sump pump and that the stones were large enough not to get sucked into the pump. He stated it is the applicant's intent to build another garage that will be four feet higher than the existing garage and out of the buffer zone. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent **(#250-834) – Thomas & Maureen Jarbeau – Parcel 117 (assessors map 28) 5 Lisa Drive** – for proposed plans to construct an addition within 100 feet of wetlands. Thomas and Maureen Jarbeau were present with their engineer, Steven Rye of Land Planning, who described the project to the members. He stated the site had been previously flagged by Dr. Walter Hewitson. Mr. Rye stated the applicant is proposing an addition to the basement, first floor and second floor and four feet to the back of the garage raising the roof of the garage for a second story room. He stated the existing deck would have to be removed in order to construct the addition. Mr. Rye stated the closest point to the wetlands of the addition was 42 feet from the proposed foundation which would be continuing from the existing foundation and at the back of the house, the closest point to the wetlands is 60 feet. Julian Kadish asked if a full foundation was proposed and Mr. Rye stated it was. Lisa Carrozza noted that hay bales were proposed for erosion control and stated the Commission prefers silt fence. Mr. Rye stated he would make the revision to the detail of the erosion control on the submitted plans. Earl Willcott stated a number has not yet been received for this project from DEP and

Norton Conservation Commission
Monday, November 10, 2008
Minutes, page 5.

therefore the public hearing cannot be closed. He stated that a number probably will be received before the next public hearing and then the public hearing can be closed and the Order of Conditions can be signed.

The members reviewed a Notice of Intent – (#250-820) – **John C. Kelly, Advantage Construction, Inc. – Parcel 83 (assessors map 25) 10 Commerce Way – (cont. from the September 22, 2008 & October 20, 2008 mtgs.)** -for proposed plans to construct a commercial building with associated driveway, parking areas, loading area and stormwater management facilities within 100 feet of wetlands. Lisa Carrozza recused herself from the public hearing. Mark Dibb, Civil Engineer for C & A Architectural Design & Engineering, LLC updated the members on the project. He said this lot was at the rear of the Norton Commerce Center and would probably end up with an address on South Washington Street. He stated this was a warehouse with office space. He said that an ORAD was issued in August for this site. Mr. Dibb stated he was on the agenda for the Planning Board meeting of November 18th with a Special Permit application and Site Plan review.

Mr. Dibb stated he had response comments to Jennifer Carlino's letter with her comments as follows:

--On the Storm Water Management Report:

1. He stated the entire parcel is within the ACEC and he will include this on the first page of his application. He stated that the basins will be in place for storm water management.
2. He stated he thought that he had already submitted a SWPPP, but if not, will submit this before construction begins and this will include the Construction Period Erosion as well.
3. He stated he has provided a cut/fill plan. He said about 1000 cubic yards of excess material will be reused somewhere within the Norton Commerce center.
4. He stated that the site does not have any land uses of higher potential pollutant loading.
5. He stated he has submitted the TSS worksheet for each of the two major runoff areas.
6. He stated that the owner/responsibility contact information is included with the storm water management report.
7. He stated the No Illicit Discharge Statement is included with the SWPPP.
8. He confirmed that the impervious area amounts to 1.04 acres.
9. He stated he has revised the sheet flow calculations on the pre-post development plans which had originally been shown as 100 feet, but is actually less than 50 feet.
10. He stated reference to all hay bales have been removed on all plans and replaced with silt fences.
11. He stated he would be meeting with the Planning Board on Tuesday, November 18, 2008 regarding his application for a Special Permit and also for Site Plan review and does not yet have comments from Planning Board's consultant, Walter Amory.
12. He stated that any future expansion regarding impervious area is included with the storm water calculations.

--On the plans:

13. He stated sewage will be handled by a pump station which will serve the entire Norton Commerce Center.

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 6.

14. He stated that if the Verizon lines are not correct at this time, they will be moved or revised at the time of construction.
15. He stated public access for emergency vehicles will be discussed at the Planning Board meeting on Tuesday evening.
16. He stated that the curbing will be Cape Cod berm except at the parking area along the building which will be a curb with a rain garden.
17. He stated he tightened up the limit of work near the wetland flags WFQ33 through WFQ27 as requested.
18. He stated a rubber membrane roof will be used.
19. He stated he has added the 3-Mile River ACEC designation notation to the plans.
20. He stated that the infiltration basin has a sediment forebay with a concrete weir outlet structure. He stated an additional concrete outlet has been added with additional rip rap for erosion control.
21. He explained that the "D" notation for drainage on the plans is for a drainage pipe that he is not sure at this time where it goes.
22. He stated a legend is provided on the front page title sheet of the plans.
23. He explained that there is another lot on the opposite side of the road and the existing sleeves in the road will bring utilities to the other building. He stated that part of this will be used for this project and be serviced with the existing sewage pump station.
24. He stated that it was suggested by Amory Engineering that open infiltration basins be used rather than subsurface for maintenance and costs. Jennifer Carlino stated that, per updated regulations, infiltration basins have to be located at least 50 feet from a water of the Commonwealth including wetlands. Mr. Dibb stated he would confirm that they are, and if not, will move them.
25. He stated that the notes regarding stabilization have been revised to reflect within 14 days instead of 45 days.
26. He stated the details for erosion control have been revised to include silt fences instead of hay bales.
27. He stated the infiltration basin detail has been revised to show a table of elevations. Jennifer Carlino asked that the actual locations of the different storm events be noted on the plans. She also stated she would like to see the detail of the emergency overflow structure and a detail of the weir concrete. Mr. Dibb agreed to revise the plans to reflect the details. Jennifer Carlino had questions regarding how the infiltration basins would filter properly through compact soils and asked if the basins would be infiltrating on the bottom only or sides also. Mr. Dibb replied that infiltration will be on the bottoms and sides. Jennifer Carlino stated that the soils on the sides are quite compacted and would not filter properly. Mr. Dibb stated that in the compacted areas, the infiltration basin will be lined with a slower filtering material. She pointed out an area of thick compacted sand on the sides of the infiltration basin and Mr. Dibb
28. stated that in this area, the material will be excavated and removed. Jennifer Carlino requested the process be detailed on the plans for clarification.
29. He stated the landscape plan has been designed by a landscape architect.

Jennifer Carlino asked Mr. Dibb if he allowed for a 15-foot access around the basins and he replied that he is still working on designing the access. Chris Baker asked if there were any concerns with the sewer excavation. Mr. Dibb stated there were no resource areas near the excavation. He requested a

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 7.

continuance of the public hearing until the meeting of December 8th. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, December 8, 2008. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-829) – Mark D. Dibb, P.E./CA Architectural Design & Engineering, LLC – Parcel 116 (assessors map 24) & Parcels 84-01, 86 & 92 (assessors map 25) Commerce Way – (cont. from the October 20, 2008 mtg.)** - for verification of the wetland resource area delineation. Dan Vasconcelos of Wetland Preservation, Inc., representative for the applicant and Mark Dibb, Civil Engineer for C & A Architectural Design & Engineering, LLC were present for the public hearing and Mr. Dibb updated the members on the project. He stated the project consists of 4 lots which are located at the rear of the Norton Commerce Center. At this point Dan Vasconcelos addressed the commission. He stated no wetlands were found on the first lot. He said a large man-made replicated pond exists on the second lot. Mr. Vasconcelos stated a wetland has been located across the street from the site. He stated there were various forested wetlands on the property as well as many man-made wetlands and pointed the majority of these areas out on the plans to the members.

Jennifer Carlino asked Mr. Vasconcelos if he could submit a plan with a different scale so that she could read the flag numbers. She stated she could not read the flag numbers on the submitted plans. She asked if she should be following the new or old flags and he replied that he was not familiar with the old flags and had flagged this property back in March. Jennifer Carlino stated she would like the same #s for the flags both in the field and on the plans. Mr. Vasconcelos agreed to fix the flags and the plans. Jennifer Carlino suggested checking two areas that are not clear near wetland flags L12 & N4.

Jennifer Carlino stated there was no Mean Annual High Water Mark and the Riverfront area should be removed from the plans. She asked that the calculations for the O & D Series (Isolated Wetlands) be submitted and Mr. Vasconcelos agreed he would submit them.

Jennifer Carlino stated there are at least 10 Blue Herons nests and 4 vernal pools on these lots and would like the vernal pools to be noted on the plans as potential vernal pools. Mr. Dibb requested the public hearing be continued until the meeting of December 8th. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, December 8, 2008. Approved. Lisa Carrozza recused herself from the public hearing.

The members reviewed a Notice of Intent – **(#250-831) – Town of Norton – Parcels 28 & 525 (assessors map 10) Reservoir Street/Falls Road – (cont. from the October 20, 2008 mtg.)** - for proposed plans for repairs and modifications to the Norton Reservoir dam within multiple wetland resource areas. Matt Bellisle, Dave Matheson and Lauren Hastings from Pare Corp. were present at the public hearing. Mr. Bellisle stated that this project was for deferred maintenance and for the embankment portion of the dam only. He stated there would not be any increase in the size of the dam, any changes in the normal pool, any changes to the discharge capacity and the project is being pursued as a limited project.

Dave Matheson pointed out portions of the dam with varying damage, such as worn down trails, trees and stumps, water seepage, etc. including irregular slopes. He stated that that this project will include

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 8.

the grubbing and removing of stumps and roots, a new grass system, replacing splashpads with concrete and placing stone rip rap on upstream slopes. He then showed pictures to the members so they would have a better understanding of what he was talking about.

Matt Bellisle stated access to the Reservoir would be either by existing paths off of Reservoir street which will be improved and by way of Town property. He stated that during the repairing of the dam a blanket drain would be in place to control seepage along the slopes.

Lauren Hastings addressed the commission and pointed out the various areas that are going to be impacted by the repair process.

Jennifer Carlino stated Performance Standards for Bordering Vegetative Wetlands have to be discussed and if they do not want to replicate the wetland, a Water Quality Certificate will be necessary. She stated they would have to decide under the Limited Project section if they are going to have to replicate or not. Matt Bellisle stated he would rather not have to replicate as, in his opinion, wetlands do not belong in a dam and he proposed it as a limited project so he wouldn't have to replicate. Julian Kadish suggested that replicating could cause further damage to the dam. Mr. Bellisle stated there is a small area that could be replicated if needed by watering and planting the area. Mr. Bellisle asked if the Commission would like to have Pare Corp. submit suggestions for some mitigation at a future meeting. Julian Kadish suggested leaving well enough alone. Matt Bellisle asked if repairing the dam would be considered to be mitigation by protecting all the upstream wetland resource areas. Earl Willcott replied that he thought it would be enough. Jennifer Carlino stated DEP would be appealing this decision if a Water Quality Certificate is not obtained or replication is not done.

Chris Baker asked how the slope would be stabilized after the equipment has cut into it. Matt Bellisle stated it would be seeded with a wetland mix and native species. He stated that in areas such as this, special machinery is used, which is usually smaller than the usual equipment.

Lisa Carrozza asked if stabilized construction entrances were proposed and Mr. Bellisle stated that crushed stone track mats were going to be used for truck traffic. She asked if the construction equipment to be used in the water would operate from the top of the dam or the sides and Mr. Bellisle replied it would be used from the side slopes working its way down. Lisa Carrozza asked about erosion control and time of work in the water. Mr. Bellisle stated work will be after July and silt fence and turbidity curtains would be used. Lisa Carrozza stated that since the erosion control was going to be located perpendicular to the slope of the bank, they might just as well use orange construction fence instead of silt fence. She stated this would be less costly to the Town. Julian Kadish suggested dropping the level of the water a foot and Mr. Bellisle said this would be a good idea and would help to facilitate construction and stated July would be a good time of year to do this, but we would have to get approval to do this. Lisa Carrozza asked for an approximate work time frame and Mr. Bellisle stated approximately 3-4 months. Lisa Carrozza asked if there would be any silt curtains in the water and Mr. Matheson stated there would be one down stream.

Ruth Perlow of 14 Falls Road, and just below the dam, had concerns with the water level rising higher than normal because of silt and would like to see more rip rap in her area, and thought the removal of trees would cause erosion. Mr. Bellisle replied that when a tree is removed, the stump will be ground

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 9.

up and the hole will be immediately filled with compacted soil, loamed and seeded. He stated that grass planting because of the roots will actually work better than rip rap for erosion control on the banks. Mr. Bellisle stated the amount of sediment during a storm would actually decrease because of the thorough stabilization of the soil. Ms. Perlow pointed out a drain pipe that carries water flow from the road into the stream bed and she had concerns with trucks running over the road on top of the pipe. Mr. Matheson stated he would make sure the area will be protected from any further erosion. Mr. Bellisle apologized that this area is not within the scope of work for this project, but assured Mrs. Perlow every effort would be made to protect the pipe. Lisa Carrozza requested that a replication plan be submitted at the next public hearing. Jennifer Carlino stated she wanted to go over the contract and invoices to date with Mr. Bellisle and the Town Manager and he stated he would be in touch soon. David Henry made a motion, seconded by Julian Kadish, to continue the public hearing until the meeting of Monday, December 8, 2008.

The members reviewed a Notice of Intent – **(#250-832) – Thomas Palanza – Parcel 2 (assessors map 22) 1 Power Street** – for proposed plans to construct a church, new parking and storm water management system within 100 feet of wetlands. Bob Rogers of Tibbetts Engineering, and representative for Palanza Design, described the project to the members. He said that the church is proposed to be constructed on the site where St. Mary's Parish Center is located at this time with a paved parking area with a capacity for 111 vehicles. He stated there were two catch basins on the side of West Main Street that lead to a headwall at the beginning of the wetlands. Mr. Rogers stated that 248 parking spaces are proposed and a large infiltration basin that will be located between the parking lot and the wetlands.

He said there will be deep sump catch basins that will lead to forebays which will be approximately at 1 foot deep. He stated he would have to work with existing grades. Mr. Rogers stated he had met with Walter Amory and had reviewed his comments with other members of his engineer group. He stated the main issue is the ground water elevation which appears to be at 94 feet coming out of the headwall and 95 feet at the drain manhole. He stated he is proposing an under drain from the basin set at an elevation of 95 feet and 96 feet at the bottom of the infiltration basin.

Jennifer Carlino stated that all infiltration basins are required to be at least 50 feet from the Water of the Commonwealth. He said that a couple of small portions of the infiltration basin encroach into the 25-foot limit of work area. Jennifer Carlino stated to Mr. Rogers that maybe a portion of the infiltration system may have to encroach the wetlands, but not the entire system.

Discussion ensued on the amount of parking spaces that would be needed year round. Jennifer Carlino asked why so many spaces are needed and if they would be needed on a daily basis or just a couple of major holidays. Mr. Rogers stated parking would be necessary in the event of overlapping church services, for religious classes, holidays, etc. Mr. Rogers stated that there seems to be more events that require more parking spaces rather than not requiring extra parking spaces. He said that the church would rather use existing parking than have to pay for new parking spaces. He stated that at this time there is approximately 248 parking spaces.

Lisa Carrozza asked if erosion control was included on the plans and Mr. Rogers stated it was and consisted of haybales. He said that after speaking with Jennifer Carlino, only silt fence would be used.

Norton Conservation Commission
Monday, November 10, 2008
Minutes, page 10.

Lisa Carrozza asked that even if the church is moved out of the buffer zone would the storm water management still be within the buffer zone? Mr. Rogers stated that it would be. Lisa Carrozza suggested that infiltrating the roof runoff might decrease the size of the infiltration basin. Mr. Rogers replied that it might decrease it slightly and stated that if he cannot provide 100-year infiltration subsurface, he will not be able to decrease the size of the infiltration basin.

Chris Baker asked about the septic system and Mr. Rogers stated it consisted of a couple of manholes with 4 leaching trenches. Lisa Carrozza asked Mr. Rogers if this was going to meet the "separation requirement" which requires the system to be at least 50 feet from a basin.

Jennifer Carlino stated she would like a written response to her letter of November 3, 2008. Mr. Rogers stated he would try to get this to her before the next meeting of Monday, November 24, 2008 and requested a continuance of the public hearing until the next regular meeting of Monday, November 24, 2008. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, November 24, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-830) – Michael Riha – Parcels 686 & 687 (assessors map 3) 40 South Lakeview Road – (cont. from the October 20, 2008 mtg.)** - for proposed plans to construct a garage and an addition to an existing dock including a ramp and related grading within 100 feet of wetlands. Michael Riha submitted a copy of the Zoning Board of Appeal's Decision and a letter from Thomas Liddy, Professional Wetland Scientist. He also submitted pictures of the embankment. He stated that he was willing to go with a floating dock if necessary and a pervious surface for the driveway and walkways leading to the house and drywells for the garage. Chris Baker asked Mr. Riha what the materials for the driveway consisted of. Michael Riha stated it was an asphalt mix with a 3/8 stone with asphalt and no sand which makes it pervious. Lisa Carrozza suggested that Mr. Riha be present when the driveway is constructed to ensure that this material is used correctly. He agreed that he would be there. Mr. Riha submitted revised plans to the members.

Julian Kadish asked if the house was of new construction and Mr. Riha stated he has already obtained an Order of Conditions to construct the house. He stated this project was for the garage and an addition to an existing dock with related grading including a driveway and a couple of walkways.

Jennifer Carlino asked Mr. Riha where the floodplain construction was and Mr. Riha stated that his engineer had placed elevation numbers on the revised plans. Jennifer Carlino stated she would like to see proposed floodplain construction plans. Jennifer stated that like many other properties on lakes, houses have to be above a certain elevation or be built according to floodplain construction methods. Jennifer Carlino stated to Mr. Riha that he needs to address the Performance Standards for each Resource area and he replied that he was not knowledgeable enough to do this, but he would have his engineer look into this. It was suggested to hire a wetland scientist to answer wetland questions, not an engineer. He requested a continuance of the public hearing until the next regular meeting. Lisa Carrozza made a motion, seconded by Chris Baker, to continue the public hearing until the next regular meeting of Monday, November 24, 2008. Approved.

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 11.

The members reviewed a request for a Certificate of Compliance for File **#250-565 - T.J. Flatley - Gregory D. Stoyles - Parcels 1, 86, 87 & 88 (map 25) Commerce Way & S. Washington St.** Jennifer Carlino stated she advised the Flatley Company to cease asking for a Certificate of Compliance for this project until an As-Built plan and a request form are received. Lisa Carrozza made a motion, seconded by Chris Baker, to not review the request for a Certificate of Compliance for this site until the requested information is received from the applicant. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-521 – Teddy Realty Trust, c/o Michael Stallings – Parcel 527, Lot 2 (map 10) 4 Mill Lane.** Jennifer Carlino stated the lawn was twice as large as was approved on the submitted plans and the limit of work needs to be re-established on the As-Built Plan to reflect what was on the approved plans. Ron O'Reilly made a motion, seconded by David Henry, to deny the request and require the limit of work to be re-established. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-821) – Bill DeCouta, Tweave, Inc. – Parcel 118 (assessors map 27) 138 Barrows Street** – for proposed plans for clearing and cutting vegetation within 100 feet of wetlands and Barrowsville Pond Dam. Lisa Carrozza made a motion, seconded by David Henry, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-827) – Richard Gomes – Parcel 40 (assessors map 16) 11 Young Avenue** – for proposed plans to repair a septic system within 100 feet of a wetland and 200 feet of a perennial stream. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-822) – Paul Kashap – Parcel 61 (assessors map 23) 68 Pine Street** – for proposed plans to repair/install a septic system within 100 feet of wetlands. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-828) – Harold Kelleher – Parcel 192 (assessors map 35) 64 West Hodges Street** – for proposed plans to construct two additions and expand a porch within 100 feet of a wetland and 200 feet of a perennial stream. Ron O'Reilly made a motion, seconded by David Henry, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-824) – Ronald Turowetz/Easecat Limited Partnership – Parcel 294, Lot 40 (assessors map 21) 7 Allen Drive** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Jennifer Carlino stated the silt fence is crooked in the detail on the submitted plans and the retaining wall detail is missing. She suggested adding a condition to fix the silt fence in the detail and add the retaining wall detail to the plans. Ron O'Reilly made a motion, seconded by Chris Baker, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-825) – Ronald Turowetz/Easecat Limited Partnership – Parcel 295, Lot 41 (assessors map 21) 9 Allen Drive** –

Norton Conservation Commission

Monday, November 10, 2008

Minutes, page 12.

for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Jennifer Carlino stated the silt fence is crooked in the detail on the submitted plans and the retaining wall detail is missing. She suggested adding a condition to fix the silt fence in the detail and add the retaining wall detail to the plans. Ron O'Reilly made a motion, seconded by Chris Baker, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-826) - Ronald Turowetz/Easecat Limited Partnership – Parcel 296, Lot 42 (assessors map 21) 11 Allen Drive** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Jennifer Carlino stated the silt fence is crooked in the detail on the submitted plans and the retaining wall detail is missing. She suggested adding a condition to fix the silt fence in the detail and add the retaining wall detail to the plans. Ron O'Reilly made a motion, seconded by Chris Baker, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed the Order of Conditions for the Notice of Intent – **(#250-823) – Ronald Turowetz/Easecat Limited Partnership – Parcel 283, Lot 29 (assessors map 21) 9 Goff Road** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Jennifer Carlino stated the silt fence is crooked in the detail on the submitted plans and the retaining wall detail is missing. She suggested adding a condition to fix the silt fence in the detail and add the retaining wall detail to the plans. Ron O'Reilly made a motion, seconded by David Henry, to sign and issue the Order of Conditions as amended. Approved.

Jennifer Carlino stated that, per her contract, she will received the standard 3% cost of living raise, and if a Performance Evaluation is done with the Chairman of the Board and the Town Manager along with outside projects, she will receive an additional .5% raise for each project completed. She stated one project is suggested by the Town Manager and the other two should be decided by the members. She listed three projects and asked the members to pick the two projects they would like her to complete. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to choose: 1. Prepare and implement Water Chestnut Removal Plan for Barrowsville Pond, and 2. Initiate 3-Mile River ACEC stewardship committee and regular meeting schedule. Approved.

Jennifer Carlino noted she received a letter from Cornelia DeVeau stating that, if all the gardens cannot be totally organic, she would rather withdraw her request to do a community garden. She said she responded with a letter stating that if she changes her mind, to please contact the Conservation office.

Jennifer Carlino stated DEP responded to only one of the three outstanding appeals, the one for Maple Street. DEP stated that the applicant for Maple Street would have to file with MEPA within 60 days.

Jennifer noted that the three violations, **100 Leonard Street, 176 East Main Street and 3 Fordham Drive**, have already begun correcting their violations. She stated that she and Chris Baker inspected the on-going violation at **60 Plain Street**, and she said it looks as if Mr. Virga has done nothing in the stream as yet. Earl Willcott stated he will sign a letter drafted by Jennifer Carlino requesting Mr. Virga to clean up the stream and bank area.