



Norton Conservation Commission
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JAN 16 2009

NORTON TOWN CLERK

Monday, December 22, 2008
7:00 pm

Attendance

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

Kathleen Giblin was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the minutes of **November 24, 2008**. The minutes were tabled until the next regular meeting.

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

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

The members reviewed an Enforcement Order issued to Fred Bottomley for Fairlee Lane. Jennifer Carlino stated it would be ok to release the Enforcement Order with a letter. David Henry made a motion, seconded by Julian Kadish, to send a letter to Mr. Bottomley releasing the Enforcement Order. 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, November 10, 2008, November 24, 2008 & December 8, 2008 mtgs.)** - for 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. Jennifer Carlino stated Mr. Riha had submitted the revised information requested. Julian Kadish 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. #936) - Washington Mutual/ c/o Remax-Landmark – Parcel 47 (assessors map 11) 10 Berkshire Avenue** – for proposed plans to repair/install a septic system within 100 feet of wetlands. There were no representatives for this project at the public hearing. Jennifer Carlino stated it was a typical septic repair project. She stated revised plans were submitted because, after her inspection, it was noted that a wetland at the rear of the property was omitted from the plans.

Norton Conservation Commission
Monday, December 22, 2008
Minutes, page 2.

Lisa Carrozza requested the applicant add the details for the silt fence as the visual barrier and limit of work on the plans. Julian Kadish made a motion, seconded by David Henry, to close the public hearing. Approved. Julian Kadish made a motion, seconded by David Henry, to issue a negative Determination of Applicability (#3) as long as the work is done according to the approved plans with the addition of the silt fence detail and after the legal notice bill is paid. Approved.

The members reviewed a Request for a Determination of Applicability - **(DET. #935) – Jennifer Johnston – Parcel 250 (assessors map 27) 3 Fordham Drive** – for proposed plans to install a lawn and to restore altered wetlands. The applicant described the project to the members. She stated she had cut down a few dead trees because of safety issues and did not realize that she needed a permit to do this. She said the tree company had also put wood chips in the wetlands which has since removed at Jennifer Carlino's request. Ms. Johnston stated she would like to grind up the stumps of the trees she had cut down and put in a lawn in the area that is within 100 feet of the buffer zone of the wetlands. An abutter, Maura Muldoon, of 5 Fordham Drive, confirmed that the trees cut down by Ms. Johnston were a safety hazard. Julian Kadish made a motion, seconded by David Henry, to close the public hearing. Approved. Chris Baker abstained from voting. Julian Kadish 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. Chris Baker abstained from voting.

The members reviewed a Notice of Intent – **(#250-836) – Bob Campbell/ Wheaton College – Parcels 14K & 14-10 (assessors maps 17 & 23) – 26 East Main Street – (cont. from the November 24, 2008 & December 8, 2008 mtgs.)** - for proposed plans for site work and storm water management associated with a building within 100 feet of wetlands. Mr. Campbell addressed the Commission and submitted the information requested by the Commission's engineer, Tom Sexton of Mainstream Engineering. Brian McLane of Nitsch Engineering updated the Commission on the project and refreshed the members' memory by pointing out and describing the location of the various storm management drainage features. He also submitted a revised package of information including pictures. He stated that the revised catch basin which primarily caught parking facility water will now catch grassed area water.

Mr. McLane noted he had added the two storm ceptors to the plans and explained their functions to the members. He noted that all water going into the recharge center will be clean roof water only and will be filtered before entering the wetlands. He stated the site will be greener and more pervious than before the project. Lisa Carrozza asked Mr. McLane if he had considered using a leaching catch basin rather than a point source catch basin and he replied that because the ground water is extremely high throughout the site the point source catch basin would work better. Lisa Carrozza asked how far the recharge center was from the building. Mr. McLane stated the recharge center was 10 feet from the building and the bio retention area was 10 feet from the recharge center.

Mr. McLane stated it was recommended he go with a sand and gravel mixture for the bottom of the recharge center rather than a filter fabric, but he stated he is remaining with the filter fabric because of the height of the ground water. Jennifer Carlino asked Mr. McLane if he had sent Tom Sexton a copy of the newly submitted packet and he replied that he had not. She stated she would send Mr. Sexton a copy. Mr. McLane stated that one of Mr. Sexton's previous comments was that there was to be no

Norton Conservation Commission
Monday, December 22, 2008
Minutes, page 3.

refueling on site. He explained that according to EPA regulations, refueling on site is allowed if done 25 feet from any water source, but storing fuel on site is not allowed. Lisa Carrozza reminded Mr. McLane that the contractor has to designate an area for refueling in their inspection reports.

Chris Baker asked what the time frame for this project was and Mr. Campbell stated ground breaking would probably occur mid to late March as planned, but there was a small chance that because of the economy, this may not occur.

Jennifer Carlino stated the hearing will have to be continued in order that the Commission's consultant, Tom Sexton, has a chance to review the revised packet. She stated she would like a response letter before the next regular meeting and she will have the draft Order of Conditions ready to be reviewed. Bob Campbell requested a continuance of the public hearing until the next regular meeting.

Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 12, 2009. Approved.

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, November 10, 2008 & December 8, 2008 mtgs.)** - for proposed plans for repairs and modifications to the Norton Reservoir dam within multiple wetland resource areas. Jennifer Carlino stated that rather than trying to find the funds to pay Pare Corp. to do a replication plan for the 750 sq. ft of bordering vegetated wetlands and bordering land subject to flooding that will be altered by this project, she would do it. Earl Willcott stated the Commission has been presented with two options of where the replication can be located: 1. one area she can mitigate some storm water from Reservoir St. by adding a small forebay to slow water and trap sediment, 2. the other area is located near the river. She asked the Commission, after they had reviewed the detail sheet which was included with the agenda, which location they preferred. Ron O'Reilly made a motion, seconded by Julian Kadish to choose option #1. which would have consist of replicating the wetland and contain storm water from an existing outfall. Approved.

Jennifer Carlino stated all that the only information needed to close the public hearing was the replication area. She stated she would finalize the detail Replication Plan with the type of plants she would use and stating she would make a 6" berm. David Henry made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

Earl Willcott noted a free conference was going to be held for **Improving Water Quality and Habitat Values in Vernal Pools** at Stonehill College in Easton on March 14, 2009 from 8:30am to 3:00 pm.

Discussion ensued regarding a proposed **Wetland Bylaw**. Jennifer Carlino noted she had included with the agenda all the cities and towns in Massachusetts that have a wetland bylaw and also listed some of the benefits of having a bylaw. Earl Willcott stated there were several issues that would have been resolved more efficiently if a bylaw were in place. Jennifer Carlino stated most of the issues were storm water issues which could be resolved better if a bylaw were in place.

Norton Conservation Commission
Monday, December 22, 2008
Minutes, page 4.

Jennifer Carlino stated that the By Law Proposal would have to be passed at a Town Meeting. She stated that, after voting to implement a wetlands bylaw, regulations can be adopted into the town's non-zoning bylaws. Jennifer Carlino stated portions of area town and city by laws that will fit Norton's conditions can be specifically chosen for Norton's Wetlands By Law. Lisa Carrozza stated that having a by law would make it more difficult for applicants to appeal the Commission's decisions to DEP because they would have to appeal both the Wetlands Protection Act and the Wetlands By Law.

Lisa Carrozza stated that most of the drinking water in Norton comes from groundwater and the quality of the drinking water is deteriorating due to all the construction and development within the wetlands. She stated that having a bylaw would be the best protection for building right up to a wetland. Jennifer Carlino stated that according to past surveys, the town seems to favor a wetland bylaw.

Earl Willcott stated that, in his opinion, many Norton residents will be against any "new" rules or regulations. Jennifer Carlino suggested holding a workshop to explain why a wetlands bylaw is needed and to also find out why people are against one. She offered to put something together. The members voted unanimously to place an article on the Town Meeting Warrant for a Wetlands Bylaw.

The members reviewed a request for a Certificate of Compliance filed by **Patrick DiGregorio c/o Paradigm Properties, LLC for file #250-690 - parcel 30-04 (map 24) 176 So. Washington St.** Jennifer Carlino stated the project has been completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issued the Certificate of Compliance. Approved.

The members reviewed the draft Order of Conditions for the Notice of Intent – **(#250-820) – John C. Kelly, Advantage Construction, Inc. – Parcel 83 (assessors map 25) 10 Commerce Way** – for proposed plans to construct a commercial building with associated driveway, parking areas, loading area and storm water management facilities within 100 feet of wetlands which were included with the agenda for their review. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved. Lisa Carrozza abstained from voting.

The members reviewed the draft Order of Conditions for the 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 which were included with the agenda for their review. Jennifer Carlino stated she would be inspecting the catch basin which was partially owned by Mass Highway. Chris Baker offered to go with Jennifer Carlino to inspect the catch basin. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions with the possible amendment of condition #30. Approved.

Earl Willcott stated he would sign the comment letter to MEPA regarding the South Coast Rail project written by Jennifer Carlino.

Jennifer Carlino noted she had drafted two informational **New Home Owner** pamphlets for the commission's review and comments. Discussion ensued on ways to fund and distribute the pamphlets.

Norton Conservation Commission
Monday, December 8, 2008
Minutes, page 5.

Jennifer Carlino noted that Ron O'Reilly informed her that the owners of **(map 26, parcel 12) West Main Street** have been dumping landscaping debris into the Wading River again as they did in 2005 and 2006. She said she had issued an Enforcement Order to them in 2005 and in 2006. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to send an Enforcement Order to the owners. Approved.

David Henry made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:47 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director
JC/pmb