



Norton Conservation Commission
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RECEIVED
FEB 24 2009
NORTON TOWN CLERK

Monday, January 26, 2009
7:00 pm

Attendance

Julian Kadish (Vice-Chairman), Kathleen Giblin, Lisa Carrozza, David Henry, Chris Baker, and Jennifer Carlino, Conservation Agent.

Earl Willcott (Chairman) & Ron O'Reilly were absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the Bills Payable Sheet (Registry/AMWS.). Kathleen Giblin made a motion, seconded by Chris Baker, to pay the bills. Approved.

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

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, December 22, 2008 & January 12, 2009 mtgs.) - for proposed plans for site work and storm water management associated with a building within 100 feet of wetlands. Bob Campbell was present along with his engineer, Brian McLane of Nitsch Engineering. Mr. McLane stated he would like to read his responses to the last comment letter from Tom Sexton of Mainstream Engineering, the Commission's consultant to the project as follows:

1. he stated that the design of the bio-retention system has been changed to incorporate recharge in the bio-retention system and the underground recharge center to absorb all of the roof water for the building. He stated the amount of infiltration has increased.
2. he stated a gate valve had been added to a 12" line that leads into the wetlands to minimize any spills that occur.
3. he stated one major issue was the nutrient management systems and he stated he would let Steve from Wheaton College update the commission on this issue. Steve said that not much fertilization is done on campus grounds. He stated the high profile areas at the front of the campus are fertilized twice a year and approximately 80% of the campus is never fertilized.

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Jennifer Carlino asked about the roof drains and Mr. McLane stated the comment was actually about the volumes that are coming out of the roof drains. He stated that approximately 21,000 sq. ft. that will go into the recharge center.

Kathleen Giblin made a motion, seconded by Chris Baker, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by David Henry, to sign and issue the Order of Conditions as written. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-829) – **Mark D. Dibb, P.E./CA Architecural Design & Engineering, LLC – Parcel 116 (assessors map 24) & Parcels 84-01, 86 & 92 (assessors map 25) Commerce Way – (cont. from the October 20, 2008, November 10, 2008, December 8, 2008 & January 12, 2009 mtgs.)** - for verification of the wetland resource area delineation. Jennifer Carlino noted that the applicant had submitted revised plans with the calculations for the Isolated Land Subject to Flooding in Area 3. She stated this was to be noted in condition #5 and a notation of the previous file number would be added to condition #8. Kathleen Giblin made a motion, seconded by David Henry, to close the public hearing. Approved. Lisa Carrozza abstained from voting. Kathleen Giblin made a motion, seconded by David Henry, to sign and issue the Order of Conditions as amended. Approved.

Jennifer Carlino noted that the FEMA maps were going to be revised and she submitted a 4-page comment letter with a response back stating they were not going to change much of anything. She stated the new maps have to be adopted at the Annual Spring Town Meeting. She stated funds could be used from the Wetland Protection Fund to pay SRPEDD to add the Hydrology layer to the new F.I.R.M. maps. She said that Norton will be allowed an amount of hours of free time from SRPEDD also but she does not know exactly how many.

Jennifer Carlino noted she received a letter from DEP regarding the Fairlee Lane Enforcement Order/Fred Bottomley stating the issue was not a violation. She stated that DEP neglected to refer to the section of the regulations that restrict working during an appeal. She said that a release letter had already been sent to Fred Bottomley for the violation.

Bylaw Discussion

Discussion ensued regarding the issue of creating a bylaw. Jennifer Carlino referred to her comments and sample MACC bylaw which she enclosed with the agenda for this meeting.

Julian Kadish asked Jennifer Carlino if the Commission or Commission members are covered by any type of insurance in case of a law suit against them. She stated all town employees are indemnified by the town for any work related incident.

Jennifer Carlino stated that the secretary had a comment regarding legal notice fees. She said it was the secretary's opinion to leave the process as is since there doesn't seem to be any problems with it.

Lisa Carrozza noted she would like to make the benefits of a bylaw specific to Norton since their sole source of drinking water comes from ground water. Jennifer Carlino agreed.

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Lisa Carrozza stated that it would be beneficial to find out how many people in town have private wells. She stated the average person might be under the impression that having a private well makes a difference with the quality of the drinking water. Jennifer Carlino stated the Board of Health would have that information.

Jennifer Carlino stated that the sample bylaw from MACC that she enclosed with the agenda should be reviewed to understand what the actual changes are from the Wetland Protection Act. Her comments regarding the **changes** were as follows:

1. the buffer zone is considered a **resource area** rather than just a buffer zone.
2. under **Jurisdiction**, all areas such as coastal, ocean, etc. that do not apply to Norton were removed. She added **floodplain, vernal pool habitat, and lands adjoining vernal pools.**

Julian Kadish asked if the vernal pools would have a buffer and Jennifer Carlino stated she left that area blank at this time until some discussion is done on the subject.

3. fees will remain the same except that under the bylaw, additional fees may be added. She stated she will obtain fee schedules from other towns to review. Lisa Carrozza asked if the fees may be used by the Commission and Jennifer Carlino stated that all fees, except for the filing fees under the Wetland Protection Act, would have to go into the town's general fund.

Kathleen Giblin asked if any other towns charged for filing an Request for a Determination of Applicability (RDA) and Jennifer Carlino stated some towns charge \$50.00 - \$200.00.

4. applicants will be required to notify abutters of a public hearing for an RDA. She stated 100 feet is sufficient, not 300 feet, as suggested by MACC.
5. applicants may file an RDA for property that is not owned by them without notifying the property owner. Jennifer Carlino suggested the applicant send a notice to the property owner and the Commission would then send the owner copies of any further decisions.
6. MACC suggested the applicant send a full application to all Town boards. Jennifer Carlino stated other boards do not show an interest receiving Conservation filings but she will look into the purpose of this section.
7. regarding permits and conditions she added a few items under **adverse impacts** which she stated are probably already included in the Wetland Protection Act. Lisa Carrozza stated that it is practically impossible to quantify the impacts on the temperature of the water or relative humidity. That item was removed.
8. permits may be extended for one year up to three times at the discretion of the commission. Jennifer Carlino stated MACC recommends doing this one time only for one year but she disagrees and stated that some projects need to extend their permit more than once.

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9. regarding the definition for a vernal pool, Jennifer Carlino stated she would like to exempt storm water management structures as well as adding a few species of known invertebrates. Jennifer Carlino stated that the two methods of certifying a vernal pool are wet pool and dry pool. She stated that Natural Heritage and Endangered Species are eliminating the dry pool method which she disagrees with. Adding invertebrates to the definition will enable the Commission to continue using the dry pool method.

Jennifer Carlino requested the members jot down a few questions that may be asked by residents regarding the adopting of a bylaw.

Jennifer Carlino noted she had included her comment letter regarding vernal pool changes with the agenda for the Commission's review.

Discussion ensued regarding Pare Corporation's final invoice. Lisa Carrozza asked what Pare Corporation was referring to when billing \$400 for 15 hours to co-ordinate the replication. Jennifer Carlino stated she had already issued the permit and had already done the replication. It was unclear to the members what the \$400.00 charge is for.

Jennifer Carlino stated that National Grid had advised her that they would be replacing two existing telephone poles at the well #3 site on Newland Street that were not part of the Order of Conditions for File #250-805. Julian Kadish suggested to consider this a minor modification.

Jennifer Carlino stated she received a complaint regarding the MA Highway project on West Main Street. She said the complaintant had asked if the additional drainage would cause run off water to enter the streams and cause damage to their septic system. She said she replied the same amount of water would just be directed to additional catch basins and eventually run into the same wetlands as before.

David Henry made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb