



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

508-285-0277 fax

conservation@nortonmaus.com

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MAR 24 2009

NORTON TOWN CLERK

Monday, February 23, 2009

7:00 pm

Attendance

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

Ron O'Reilly was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the minutes of **January 12, 2009**. Kathleen Giblin made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Lisa Carrozza abstained from voting.

The members reviewed the minutes of **January 26, 2009**. Kathleen Giblin made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved. Earl Willcott abstained from voting.

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

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Julian Kadish made a motion, seconded by David Henry, to pay the bill. Approved.

Update – Violation – Chris Baker – **133 Mansfield Avenue**. Chris Baker recused himself from the public hearing. Chris Baker stated he had obtained cost prices from several engineers and decided to retain RIM Engineering Co., Inc. He stated he would have the necessary plans and information this Spring.

The members reviewed a Request for a Determination of Applicability – **(#937) – Kevin Driscoll – Parcel 100 (assessors map 28) 10 Hadley Road** – for proposed plans to repair/replace septic system within 100 feet of wetlands. Steve Rumba of Collins Engineering Group represented the applicant at the public hearing and stated the project was a septic repair. He stated the system will not be moved from the existing site and the tank will be re-used. He said erosion control will be placed between the project and the driveway. Lisa Carrozza asked if there was any stockpiling of fill proposed and the contractor replied there would not be.

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Mr. Rumba stated the water line will have to be re-routed because it goes through the existing system. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by David Henry, 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-) – **Jim Hendrickson, Chairman/Norton Open Space Committee – Parcel 118 (assessors map 27) Barrowsville Pond** – for proposed plans to manually remove Water Chestnut from Barrowsville Pond. Jim Hendrickson described the project to the members. He stated that water chestnut is an annual invasive plant which drops its seeds mid-August and thrives for 5 years. He said the Water Chestnut is, so far, limited to Barrowsville Pond. Jennifer Carlino stated that the roots can be left in place as it is an annual plant and the roots will die eventually. She said it is important to collect the plants before they seed or while they are seeding. She stated that actually the best time to collect the water chestnuts are when you first see the plant floating on top of the water. Jennifer Carlino said the Highway Department has taken the collected chestnut plant to the Norton Hill Street land fill. Earl Willcott had concerns with the collected plants being mixed into the compost mixture that would be distributed to residents. Jennifer Carlino stated she would request the Highway Department place the plants in a separate area from the compost area. She stated a DEP File number has not been received as yet for this project. Julian Kadish made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, March 9, 2009. Approved.

The members reviewed a Notice of Intent – (#250-) – **Scott Pietrusewicz – Lot 16, Parcel 270 (assessors map 21) 12 Ellis Road** – for proposed plans to clear and grade additional lawn within 100 feet of wetlands. Scott Pietrusewicz described the project to the members. He stated that clearing had been done previously to install the water main for the subdivision road. He said that this project is for finish grading and a lawn which is, at the closest point, 30 feet from the wetlands. Lisa Carrozza asked if access to remove the erosion control would be available after placing the boulders in place at the limit of work. Jennifer Carlino suggested he might remove the haybales as the boulders are put in place. Julian Kadish suggested that the erosion control could be removed manually. Jennifer Carlino stated that a DEP File number has not been received yet for this project.

Michele Simoneaux of 102 So. Washington Street asked what the changes would be in the topography of the site and if they are noted on the submitted plan. Scott Pietrusewicz stated that there would be very little grade changes and pointed those areas out to Ms. Simoneaux. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, March 9, 2009. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-727 – **Catherine Kehoe – Parcel 271 (assessors map 27) 7 Danielle Street**. Jennifer Carlino stated the project was for an addition and a deck which would cause slight alteration to the floodplain and require floodplain compensation. She stated that it has taken the engineer quite a while to provide the correct As-Built Plan. She said the project has finally been completed according to the approved plans. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

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The members reviewed a minor modification to **File #250-812 – 54 Cross Street**. Jennifer Carlino stated the commission had previously approved an expansion of the septic system at the same time the addition/garage was approved, but the Board of Health has requested the system be replaced. The proposed system is further away from the wetlands than the addition and garage. Lisa Carrozza suggested putting extending the erosion control along the 103 contour down along the driveway side. Lisa Carrozza requested a revised plan showing the modification. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to allow the modification without an amended Order of Conditions after a revised plan is received. Approved.

The members reviewed a minor modification to **File #250-805 – 32 Newland Street (well #3)**. Jennifer Carlino stated that National Grid proposes to replace two existing telephone poles. Jennifer Carlino stated she did not foresee a problem with this. David Henry made a motion, seconded by Chris Baker, to allow the modification without an amended Order of Conditions.

Discussion ensued regarding a request by the Selectmen to transfer \$8,000.00 from the Wetland Protection Fund to the General Fund fund. Earl Willcott suggested putting a stipulation on the transfer that if the money is needed for the Conservation vehicle repairs, it will be returned. Jennifer Carlino stated that repair funds are paid from the Conservation budget account. A vote was taken on this issue and Earl Willcott, Julian Kadish and Chris Baker voted to give the money to the Selectmen and Kathleen Giblin, Lisa Carrozza and David Henry voted not to give the money. She suggested continuing discussion on this issue to the next regular meeting of Monday, March 9, 2009. Approved

The members reviewed three Land Lease renewals:

1. Hoist-N-Hawgs – This is a fishing club that is requesting to use the Reservoir for one day, Sunday, May 17th. The event will involve one to twenty people, one to twenty cars, most likely two to five vehicles and all boats will not have motors.
2. LLBean – This is a renewal of the same lease as last year.
3. Norton Kayak Co. – This is a renewal of the same lease as last year.

The Commission agreed fees would not be charged since the applicants do pay a fee to the Selectmen already for the use of the property.

Jennifer Carlino noted that she has not heard back from Pare Corporation regarding her last letter and she has drafted a letter for the Chairman, Earl Willcott to sign that advises them that co-ordination of the wetland replication will be done by a local landscaper. She stated she also advised them that payment of the final invoice will be paid at the completion of the project and receipt of all deliverables. Lisa Carrozza made a motion, seconded by David Henry, to have Earl Willcott sign the letter. Approved.

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Jennifer Carlino noted she drafted a Cease & Desist letter to Judge Rotenberg of the Judge Rotenberg Education Center at **31 Shelly Road** for the filling and altering of a wetland. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to have Earl Willcott sign the letter. Approved.

Jennifer Carlino stated that she received copies of two Superceding Decisions that were issued by DEP:

1. #250-787 – John Scott Blvd. – Scott Goddard – Superceding Order of Conditions approval.
2. #250-793 – Fairlee Lane – Fred Bottomley – Superceding Order of Resource Area Delineation.

She stated the Commission has previously discussed the possibility of the DEP issuing these Superceding Orders of Conditions and they had decided that they would appeal these Orders if issued. She said that one of the Orders was received a week later than the issue date and there is only four days left to write and send the appeal before the deadline. Jennifer Carlino stated that the attorney used previously for the on-site reviews of the appeals has been temporarily disbarred and another attorney would have to be retained.

She will contact a list of attorneys that had been given to her. She said that she would have to start drafting the appeals right away. Jennifer Carlino stated that it was noted in the latest MACC mailing that many towns lose their appeals to DEP decisions because they do not meet the deadline for filing their appeals. She said that DEP, in these two cases, took almost a year to arrive at their decisions which were supposed to be made within 70 days.

Jennifer Carlino stated she received an email from a grad student at Tufts University working on a new farming project to match farmers with leaseable farmland. They will conduct training sessions on farming. She stated the land would have to be owned by the town, but maybe private land owners could be contacted as well.

Discussion ensued on the proposed **by-law**. Jennifer Carlino noted that the section on “co-ordination with other boards” was discussed at the previous meeting and she handed to the members the section from the handbook explaining why this section is necessary. Jennifer Carlino suggested that an agenda for each meeting be given to other boards and if they request any further information, we would ask the applicant to supply the requested information.

She noted that, in the “Jurisdiction” section, she revised the sections on Vernal Pools and Land Subject to Flooding. She stated that under the Definition section of **Vernal Pool** section she removed the phrase stating that “200 cubic feet of water” is necessary for jurisdiction.

Lisa Carrozza requested that Isolated Vegetative Wetlands be noted in the “jurisdiction” section.

Jennifer Carlino stated she would give the members a revised clean copy of the proposed by-law. Lisa Carrozza asked why we need to list Canoe River as an ACEC and Jennifer Carlino stated that the Canoe River is more significant than a river not designated as an ACEC.

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Julian Kadish noted that the model by-law stated that "98% of Norton households get their drinking water from private wells" and this should state "from public wells" or "from town wells". Lisa Carrozza suggested putting this information with the fact that Canoe River is designated as an ACEC.

Lisa Carrozza stated that the **process** of ground water becoming drinking water should be spelled out in detail so that the public can understand clearly.

Jennifer Carlino stated that approximately 190, or half, of all towns in Massachusetts have adopted a wetlands by-law. She stated she will have her secretary contact a few towns by phone to answer a six-question survey regarding their town's wetland by-law, specifically what obstacles were encountered during the process of creating the by-law.

Chris Baker made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb