



**Norton Conservation Commission**  
70 East Main Street  
Norton MA 02766

NORTON TOWN CLERK  
AUG 25 2009  
RECEIVED

Monday, July 20, 2009  
7:00 pm

**Attendance**

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

**Minutes**

The meeting started at 6:30 pm.

Discussion ensued regarding the **proposed bylaw regulations**.

David Henry asked if anyone could give him a couple of instances which would be considered a "land taking". Lisa Carrozza stated that one instance would be where someone purchased a small parcel of land and proposed a project that would encroach into the 25-no disturbance zone and would have no alternatives and the commission denied the project.

Julian Kadish stated that the concept behind the Wetland Protection Act is often misunderstood by people attempting a project. He stated that some people do not understand the purpose of the rules and regulations of the Wetland Protection Act, which is to protect the value of any development that occurs for the present or future homeowner. Julian Kadish had concerns with creating "no-disturb" zones. He asked if there would be any firm data to show that public interests and additional interests will be substantially degraded by creating exclusive "no-disturb" zones. He stated it is going to be a difficult task for a lot of business who are trying to preserve adjacent wetlands now and in the future and still remain in business.

Discussion ensued regarding **buffer zones & the language for buffer zone work**.

Jennifer Carlino drafted the language for buffer zone work and organized it 2 different ways. The two options are;

**Buffer Zone Performance Standards**

- A. Standards for all projects with 1 paragraph describing the difference in setbacks for:
1. New Projects (with a couple of requirements) and;
  2. Re-development (requirements for re-development) projects.

**or**

All projects:

B. Separate them for

- (1.) Standards for all projects and new projects, undeveloped sites.
- (2.) All Standards for re-development (Projects on property with existing buildings.

Lisa Carrozza asked if the buffer zone areas just discussed were the 100 foot buffer zone and Jennifer Carlino stated they were. Julian Kadish stated that, in his opinion, the bylaw will not make much of a difference as each project is reviewed on a "case by case basis" at the present time. Lisa Carrozza stated she was confused with the way the 100-foot buffer zone and the 25-foot no-disturbed area were written. Jennifer Carlino explained that what the members are reading is just a draft and each member could re-write it as they choose.

Lisa Carrozza stated the way she was reading the draft, under the heading of "100-foot Buffer Zone" Performance Standards, Setbacks and Permitted Activities would be listed. She then stated under the "25-foot No-disturb Zone" Performance Standards, Setbacks and Permitted Activities would be listed. She asked if anything else should be listed. Kathleen Giblin suggested this covered it all. Lisa Carrozza asked if the word "Prohibited" should be used in place of the word "permitted" and Julian Kadish stated it should not be.

Lisa Carrozza stated that she thought the draft was too confusing for engineers to follow at this point. She suggested a simpler form like a table would be easier for engineers to follow. She suggested adding a table to the bylaw. Chris Baker asked about the "Path to access water" and asked if this meant that a permit would be needed to create a **path** to the water. Jennifer Carlino stated a permit is needed at the present time. Lisa asked if the path referred to vehicles or pedestrians. There was a little confusion with the word "permitted" as a verb or a noun. Julian Kadish suggested using the word "allowed" instead of "permitted" to avoid confusion. He said the word "permitted" could mean to get a permit **or** to be allowed.

Lisa Carrozza asked what the word "utilities" meant and Julian Kadish explained this would mean waterline, sewer, etc. which would be allowed within the 25-ft. no disturbance zone with a permit.

Kathleen Giblin asked Lisa Carrozza if she liked the final version of Attleboro's bylaw since she helped write it. Lisa Carrozza stated she does not remember the section pertaining to buffer zones. She stated the "25-foot no disturbance zone" section was the most difficult. She said the attorneys wrote up some of it. Lisa Carrozza suggested having 3 pages for the buffer zone; 1. specific regulations for the 100-foot buffer zone, 2. specific regulations for the 25-foot no-disturbance zone, and 3. specific regulations that apply to both.

Lisa Carrozza stated one feature she likes about Attleboro's bylaw is that it does **not** list prohibited activities, but focuses mainly on what needs to be **protected**. She continued to say that first of all it states **what you want to protect** and how important is it. She stated this information is used case by case. She further stated Attleboro had decided to create a bylaw after seeing structure after structure ending up right up to the wetlands.



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Kathleen Giblin asked what specifically are the problems that Norton is having to prompt the creation of a wetlands bylaw. Lisa Carrozza stated that even after reviewing all the rules and regulations of the proposed bylaw, the commission can still approve or deny a project. Julian Kadish stated that the main projects that he can recall causing a problem using the present methods of applying for a wetland permit are of pushy, condescending builders or developers refusing to pay fees or abide by the Wetland Protection Act. He stated that, in his opinion, they get the permit and leave town leaving all problems with the new owner.

Earl Willcott stated one big obstacle is going to be to try and **sell** the bylaw to the residents of Norton at the annual Fall Town Meeting. Jennifer Carlino suggested that **all** the commission members should not only attend the town meeting, but also speak in favor of the bylaw. She said that only her speaking will not sell the bylaw. He stated that the residents do **not** want to hear what they can or cannot do. He said it would sound better if they were told why a bylaw would benefit everyone.

David Henry asked if anyone had an opinion regarding the Falmouth bylaw. Kathleen Giblin stated she had not reviewed the Falmouth bylaw because, in her opinion, Falmouth is too different than Norton. Lisa Carrozza stated she thought it was too complicated and wordy. Jennifer Carlino stated that the most important section of the bylaw is "**buffer zones**".

Jennifer Carlino stated that for Town Meeting, the important part is the bylaw and not necessarily the rules and regulations. Lisa Carrozza stated she has seen where a bylaw has been enacted and many years later the rules and regulations are added. Jennifer Carlino stated she thought it is important to have the rules and regulations ready before Town Meeting so they could answer resident questions. Lisa Carrozza stated the three most important sections will be 1. Expanded Jurisdiction, 2. the 100-foot Buffer Zone as a resource area and 3. the 25-foot no-disturb zone.

Jennifer Carlino stated that after the buffer zone and jurisdictional issues are resolved, the rest will go quickly, such as the Performance Standards for all areas. Lisa Carrozza asked, that since the buffer zone area is going to be considered a resource area, will there be limitations within the buffer zone. Jennifer Carlino replied that the current policy of a "minimum 25-ft. no-disturbance zone" is basically a performance standard for working in the buffer zone. She stated that "25" feet is what is now in effect, but any amount can be set as the standard. Lisa Carrozza stated that is what Attleboro has set for their no-disturb zone and asked the members if they would like to keep the no-disturb zone as 25 feet.

Lisa Carrozza read the information regarding "temporary" disturbance and believed it to mean that in order to carry out a project, encroaching into the 25-foot no disturbance zone would be necessary.

Lisa Carrozza stated in some instances where replication would be more disturbing such as cutting trees, requiring the applicant to maybe stabilize an eroding shoulder in front of the project, or doing clean up work would be a better alternative.



Lisa Carrozza suggested that the paper work should be kept at a minimum. She stated that since the 100 foot buffer zone is now considered a **resource area**, there is 75 feet left after the 25-foot no disturbance zone to be considered and what should or should not be allowed within this area. Julian Kadish stated that anything can be reviewed and he asked what now is the difference between a resource area and the buffer zone to a resource area. Lisa Carrozza asked what will the performance standards be for the 100-foot buffer zone as a resource area. She asked if there was a list of activities that would not be allowed within the 100-foot buffer zone and Jennifer Carlino stated just what is on the list she drafted for the members. Jennifer Carlino stated the two performance standards that everyone with new construction will have are 1. a 25-foot no-disturbance zone and 2. the requiring of amending soil to be used for a lawn with compost so that it will infiltrate better and will not require an irrigation system. She stated a visual barrier will be a requirement for all new construction.

Julian Kadish stated that creating a bylaw gives the Conservation Commission more leverage when dealing with a difficult applicant which, in his opinion, is not that often. He suggested to keep the bylaw vague rather than to detail it too much. Lisa Carrozza suggested changing the heading to The 100-foot Wetlands Protection Zone, to avoid confusion with "buffer zone" in the Wetland Protection Act, and list the four main topics from the Attleboro bylaw that will regulate the 100-foot buffer zone. She suggested changing the wording from "Performance Standards" to "Requirements"

Discussion ensued regarding **fees** and Jennifer Carlino stated that the members previously stated they did not want any additional fees. David Henry had concerns with future fees and Jennifer Carlino stated it would be written into the bylaw that fees can be adopted any time by the Commission. She stated that, at present, the fee for a duplicate document is \$25.00. She said she is proposing a filing fee of \$25.00 for a Request for a Determination of Applicability. Lisa Carrozza stated that verification of the wetlands is the most time consuming project. Jennifer Carlino asked the members if they wanted examples of past ANRADS to show how large of any area was delineated and the fee that was paid. Lisa Carrozza suggested to charge a fee by the linear foot after the standard amount for the project had been met. Lisa Carrozza stated she would like a sentence in the bylaw that states that the Conservation Commission or Agent will be responsible for publishing the legal notice to be paid for by the applicant before the closing of the project. She stated that in some towns the engineer or applicant will be responsible for writing and publishing the legal notice for a project. Jennifer Carlino suggested adding a paragraph to the bylaw which will state that the Conservation Commission will write and publish the legal notice for a project and bill the applicant for the publication costs.

Jennifer Carlino stated the **Consulting Fee** section would remain the same as our policy is now, which is a consultant may be retained by the Conservation Commission to review a project and the applicant would be required to pay for the consultant. She stated this is the process at present as stated in Chapter 44, Section 53G and filed with the Town Clerk as a policy. Lisa Carrozza asked Jennifer Carlino what would happen if the applicant does not pay for the consultant in a timely manner. Jennifer Carlino stated that a check is received from the applicant for the consultant before the consultant reviews the project.

Jennifer Carlino stated a **fee** is charged for a "**re-inspection**" of the site in the Attleboro bylaw. She stated that a reason should be listed for the re-inspection. Lisa Carrozza asked if the re-inspection for a partial Certificate of Compliance would be considered a "re-inspection". She suggested listing the



individual inspections and Jennifer Carlino suggested leaving it at just any further “re-inspections”. Lisa suggested listing the reasons since the applicant will be paying the fee. Jennifer Carlino noted that the amount of the fee for re-inspections in Attleboro is \$75.00 and asked the Commission members if this amount is ok. The members suggested raising the fee and Jennifer Carlino suggested \$100.00. The members agreed the fee is actually a tool to encourage applicants and engineers to flag the wetlands correctly and not a tool to get money for the commission. Lisa Carrozza stated a fair amount would probably be \$250.00 in order to make a difference.

Discussion ensued regarding the **Application Form**. Lisa Carrozza asked what the benefits are by using a local form rather than the DEP state form. She suggested using the DEP state form with a checklist stapled to the top as is presently done adding whatever else is needed and refer to the bylaw. Ron O’Reilly suggested calling the checklist “Application Guidelines”.

David Henry asked Jennifer Carlino what the standard procedure is for incomplete applications. She stated that she has her secretary call the applicant, or representative, to pick up the application. She said that she used to spend a day and a half listing all the information that was incorrect or missing and mailed it back to the representative of applicant which was costing the Town money for postage. She stated that it will be written into the bylaw that any incomplete application shall be picked up and revised. Lisa Carrozza stated that it should be written in the bylaw that the Application Guidelines form shall accompany the application.

Lisa Carrozza suggested changing the amount of prior notice needed to extend an Order of Conditions which is presently one month. Jennifer Carlino stated one month is fair since the applicant has three years to finish the project. She stated that, in many cases, as long as the permit has not already expired, it usually can be extended after a decision at a public meeting.

Discussion ensued regarding **Plan Submittal Requirements**. Lisa Carrozza suggested adding “new” or “repair” to the **septic system plans**. She suggested leaving the requirement for the **Notice to Abutters** at 100 feet rather than 300 feet. Earl Willcott suggested skipping over anything that has not changed for the submitted plans or forms. Julian Kadish suggested adding a sentence stating that applications or plan submittals shall be identical to the Wetlands Protection Act rather than specifying each item. Lisa Carrozza stated one difference is the requirement of **color-coded** plans. Jennifer Carlino stated USGS Maps and Floodplain references are not required by the Wetland Protection Act but should be included with an application and will be added to the bylaw list of requirements. Lisa Carlino stated that the wording in the bylaw for expirations and extensions should be **per the Wetlands Protection Act**. Lisa Carrozza suggested only listing requirements that are different from the Wetlands Protection Act.

David Henry asked if the proposed bylaw could be less strict than the Wetlands Protection Act and Jennifer Carlino stated it could not be.

Lisa Carrozza asked how a plan can be in compliance with Title V. Jennifer Carlino stated a plan will have to show that the septic system is at least 50 feet from a resource area and all revised plans and information will have to be submitted at least **five** days before a meeting. She stated these two items will be listed in the bylaw. She stated the words **business days** shall be used. Lisa Carrozza asked

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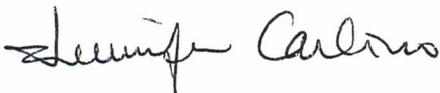
where the abutter list comes from and Jennifer Carlino stated she requires a certified abutters list from the Assessor's office.

Jennifer Carlino stated the conditions for partial or full Certificates of Compliance will be in the bylaw to avoid having to write them for every issuance.

Discussion ensued regarding **Occupancy Permits**. Ron O'Reilly asked why the paragraph was added stating the signing of the Occupancy Permit by Jennifer Carlino. He suggested referencing the condition within the Order of Conditions that references that section. Earl Willcott stated that not all construction requires an Occupancy Permit. David Henry stated that even though it is a requirement in the Order of Conditions, not everyone applies for a Certificate of Compliance. Jennifer Carlino stated that a Certificate of Compliance should be requested at the completion of the project.

David Henry made a motion, seconded by Lisa Carrozza, to adjourn the meeting at 9:04 pm. Approved.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino  
Conservation Director  
JC/pmb