



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766

NORTON TOWN CLERK

NOV 10 2009

RECEIVED

Monday, September 28, 2009  
7:00 pm

**Attendance**

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

Chris Baker was absent.

**Minutes**

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **August 24, 2009**. Kathleen Giblin made a motion, seconded by David Henry, to accept the minutes as written. Approved. Lisa Carrozza and Earl Willcott abstained from voting.

The members reviewed the Bills Payable Sheet (misc.). David Henry made a motion, seconded by Lisa Carrozza, to pay the bills. 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 a Request for a Determination of Applicability – **DET. #943 – Guy & Laura Keene – Parcel 52 (assessors map 33) – 14 Eddy Street – (cont. from the September 14, 2009 mtg.)** for proposed plans to repair/replace a septic system within 100 feet of wetlands. The applicant's engineer, Jack Vance, stated he submitted revised plans to show the pool and stated that the applicant had removed all grass and leaves from the wetlands as requested by the commission. Kathleen Giblin 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 project is done according to the approved plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #945) – David & Gail Freeman – Parcel 37 (assessors map 31) 66 Dean Street** – for proposed plans to enlarge a leach field and expand a portion of the driveway within 100 feet of wetlands. Gail Freeman and Chris Yarworth of Yarworth Engineering Co., Inc., were present at the public hearing. Mr. Yarworth described the project to the members. He stated that a Notice of Intent had been filed to construct the house a few years earlier and a Certificate of Compliance has been issued for that project.



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Mr. Yarworth stated the applicant would like to add an in-law apartment to their parent's house which would involve expanding the leaching field and re-locating the driveway which would then be partially within the buffer zone. He said that minor grading would be done and a swale outlet is proposed to lead to a small depression at the rear of the house. Mr. Yarworth stated he has drawn the silt fence along the existing lawn. He stated hay bales would be placed on the existing driveway during the construction of the extension. Lisa Carrozza stated that hay bales on a paved surface is useless and suggested putting the silt fence along the existing driveway along the tree line instead of using hay bales on the driveway.

Jennifer Carlino stated the expansion of the leaching field is at least 100 feet from the vernal pool and does meet the Title V requirement. Chris Yarworth stated he would submit the revised plans with revisions to the erosion control tomorrow. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved. Jennifer Carlino stated the Determination would be sent after the revised plans are received.

**Notice of Intent – (#250-848) – Fairland Farm, LLC, Fred Bottomley – Parcels 6, 8, & 9 (assessors map 6) Fairlee Lane** – for proposed plans to construct agricultural drainage and water systems within 100 feet of a wetland and a pond. Present at the public hearing were the applicant, Fred Bottomley, his wetland scientist, Scott Goddard of Carr Research Laboratory and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. Mr. Yarworth stated a Request for a Determination of Applicability has already been filed for the access road to the existing cranberry bogs. He stated the utilities included with this application consist of a bog dike and flume and an irrigation system. There will be a 10'x10' pump building with a propane tank. He stated the applicant proposes to clear the area where the pump system is to be located and clear any trees that might fall onto the pump building.

Jennifer Carlino asked Mr. Yarworth if vegetation on the pond banks would have to be removed in order to allow the pump to float and he replied it would. She told Mr. Yarworth to add the total square feet of bank to be disturbed on the application to coincide with what is shown on the plans. Fred Bottomly stated that under "an Agricultural project", a pond can be expanded up to 10,000 surface feet without obtaining a permit. Jennifer Carlino asked Mr. Yarworth to revise the Notice of Intent to clarify what is exempt and what is not exempt within this application.

Jennifer Carlino asked if a wildlife screen would be attached to the pump and Fred Bottomley stated there would be. He said he thought it was a 1"x1" mesh screen at the end of an 8" pipe. He stated the pump house will sit on cement blocks and does not have to be fenced unless vandalism occurs. Julian Kadish asked how big the propane tank was and Mr. Bottomley stated it was a 1,000 gallon tank. Lisa Carrozza asked Mr. Bottomley approximately when he proposed to construct the pump house and he replied in about one year. She requested that a silt fence detail and a slope restoration detail be submitted.

Jennifer Carlino asked Chris Yarworth to explain the irrigation system. Fred Bottomley said the main irrigation dike will be the center line of the bog and go down the middle to the end and then fork to the left and right with laterals every 60 feet diagonally and horizontally. He stated the pond will be used as a tailwater recovery system. Jennifer Carlino asked Mr. Bottomley why the water doesn't need to be recovered before entering the pond and he explained that the pond goes through the bypass canal, which is flume- controlled before entering the wetlands.

Lisa Carrozza asked Mr. Bottomley if he plans to dredge as part of this project and he replied he would be. She asked him where he would be staging from and he replied from the existing dike road and cleared area. He stated he would not be stockpiling dredged materials on the dike road. He said he would be restoring the dike road to its original state. Jennifer Carlino asked Mr. Bottomley if he intended on having erosion control in front of the flume while dredging and he replied that he was. She stated it would be helpful to the commission if he had the details of the erosion control written in the farm plan. She asked if he planned to stabilize the side slopes of the dike road before the winter and he replied that he would be replacing the stone again, which would be the fourth time. He stated there was a problem with vandalism and has had to replace the silt fence several times. He said calcium has been placed on the road to keep the dust down.

Lisa Carrozza stated that the area at the outfall slope should be covered with woodchips or compost until the area stabilizes a year later. Jennifer Carlino asked if there will be filter fabric under the rip rap and Mr. Yarworth stated none was proposed at this time. She asked Mr. Yarworth to note that the floodplain information was obtained from the old FEMA maps and that there are new floodplain maps.

Jennifer Carlino pointed out to Mr. Yarworth that the word "perennial" is misspelled several times on the plans and should be corrected.

Kathleen Giblin made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, October 19, 2009. Approved.

The members reviewed an Amendment to Order of Conditions for **#250-826 – Ronald Turowetz, Easecat Limited Partnership – 11 Allen Drive (Lot 42) – (cont. from the September 14, 2009 mtg.** The amendment will change the house plan, include a new inground swimming pool and irrigation well. Jennifer Carlino stated she received the well information for the project as requested. David Henry made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

No one was present to discuss **Earth Day/Arbor Day for 2011 – 300<sup>th</sup> Anniversary Park** and tree plantings.

The members reviewed a request for a Certificate of Compliance for File **#250-798 – Maurice & Suzanne Mendonca – Parcel 573 (assessors map 10) 34 Johnson Drive (old Cross Street).** Jennifer Carlino stated that she has not received the requested information from the engineer. She stated the request will not be put on the next agenda unless the required information is received.



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The members reviewed a request for a Certificate of Compliance for File **#250-825 – Ronald Turowetz, Easecat Limited Partnership – Parcel 295, lot 41 (assessors map 21) 9 Allen Drive.** Jennifer Carlino stated the site has not been stabilized yet. Lisa Carrozza made a motion, seconded by David Henry, to issue a partial Certificate of Compliance, as long as the applicant posts a \$1,000 bond to ensure stabilization of exposed soils. Approved.

The members reviewed a request for an Extension Permit for **#250-744 – Michael Allen – 21 Eisenhower Drive.** Jennifer Carlino stated this is a septic system project which was never started because of finances. Lisa Carrozza made a motion, seconded by David Henry, to issue a three-year Extension Permit. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-570 (sewer tie-in) 33 Bay Road.** Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed the draft Amendment to Order of Conditions for **#250-830 – Michael Riha – 40 So. Lakeview Road.** The amendment will change the driveway detail from pervious pavement with the addition of 2'x2' stone trenches on each side of the driveway. Julian Kadish made a motion, seconded by Earl Willcott to sign and issue the Amended Order of Conditions as written. Approved.

**Proposed Bylaw**

Discussion ensued regarding the proposed bylaw.

Chris Yarworth stated he was not aware of the discussions on the proposed bylaw and this is why he was not present.

Jennifer Carlino stated the Fall Town Meeting will be Monday, October 5, 2009 and said the bylaw article is Article 11. She suggested every member go to the meeting and get up in support of the bylaw even if they make it very brief.

She stated that if the Finance Committee or Board of Selectmen do not recommend the Article, one of the members will have to move the article. Julian Kadish asked what the process of adopting the rules and regulations would be and Jennifer Carlino replied that public meetings would be held with the commission to discuss the rules and regulations.

Ron O'Reilly noted that Chris Yarworth, Scott Goddard and Fred Bottomley's attorney had spoken to the Selectmen last Thursday evening opposing the bylaw. Jennifer Carlino stated they were using scare tactics to discredit the bylaw. Jennifer Carlino stated that after she was aware that they had been before the selectmen, she spoke to the selectmen to correct any misinformation regarding the bylaw. He stated that no one showed up at any of the Conservation Commission meetings when the proposed bylaw was discussed and did show up at the Selectmens' meeting to complain about it. Kathleen Giblin stated the Selectmen do not seem to be in favor of a bylaw.

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Julian Kadish stated that, in his opinion, and from past instances in town, the homeowner would be in favor of a bylaw that would present stricter rules for the contractors and developers in town. Lisa Carrozza suggested that the members have a brief meeting before Monday night's Fall Town Meeting to discuss the what members will speak at town meeting and what they will say supporting the proposed bylaw. Lisa Carrozza suggested meeting before the town meeting. Jennifer Carlino stated they would

meet at the Town Hall at 6:00 pm. Lisa Carrozza suggested stating that a lot of the people against the bylaw are from out of town.

Julian Kadish stated that before all the members get up at town meeting to speak, one member at a time should and respond to any questions people might have. Earl Willcott suggested having Ron O'Reilly make the motion at town meeting to let Jennifer Carlino present the bylaw. David Henry suggested rewording the bylaw to make it simpler for the general public to understand. Jennifer Carlino stated she has put together two poster boards to display in the hallway at town meeting.

Jennifer Carlino stated she has printed a summary sheet with the minor changes to the proposed bylaw that is on the Fall Annual Town Meeting Warrant. She said this will help the general public understand why the changes were made. Ron O'Reilly asked if any one had any questions on the summary sheet of changes. Ron O'Reilly suggested giving the Finance Committee members and the Board of Selectmen a "clean" copy of the proposed bylaw before town meeting which would state the revision date. David Henry made a motion, seconded by Kathleen Giblin, to approve the final draft. Approved.

Jennifer Carlino stated she has drafted a sheet showing the difference between the current isolated land subject to flooding **definition** and the proposed.

Earl Willcott made a motion, seconded by Dave Henry, to adjourn the meeting at 8:54 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director  
JC/pmb