



Norton Conservation Commission
70 East Main Street
Norton MA 02766

NORTON TOWN CLERK
NOV 10 2009
RECEIVED

Monday, October 19, 2009

Attendance

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

David Henry (Vice-Chairman), was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **September 14, 2009**. Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed a Notice of Intent – **(#250-848) – Fairland Farm, LLC, Fred Bottomley – Parcels 6, 8, & 9 (assessors map 6) Fairlee Lane – (cont. from the September 28, 2009 mtg.)** for proposed plans to construct agricultural drainage and water systems within 100 feet of a wetland and a pond. Chris Yarworth submitted A revised portion of the farm plan showing the requested information from the previous meeting. He listed the added information as follows; silt fence details, mesh over the inlet pipe, more information regarding the outlet from the bog, silt fence over the outlet structure, filter fabric under the rip rap, labeling of the 18th inlet pipe, notes clarifying the area around the pump chamber and notes regarding permitting. Jennifer Carlino stated she had not had a chance to review the revised plans yet and Fred Bottomley has not submitted the revised description of the project and suggested to continue the public hearing. Chris Yarworth agreed to continue the public hearing. Earl Willcott made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, November 9, 2009. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #946) - Mass Highway Department – Parcel 2 (assessors map 22) Route 123 (St. Mary's Church)** – for proposed plans to replace a drainage outlet within 100 feet of wetland. Tom McGuire, District Environmental Engineer for Mass Highway, District V in Taunton and George Ayoub, Mass Highway Maintenance Engineer addressed the commission. Mr. McGuire stated this was a follow-up filing for additional highway work on Route 123 at St. Mary's Church in Norton. He stated that 7 leaching basins, 4 catch basins and a gutter inlet have been added to the plans. He stated this would not only decrease the amount of water flowing toward the rear of the church into the wetlands, but also increase the quality of the water.

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Mr. McGuire stated a new line would be installed from Route 123 which would run into a new manhole into a new outlet. He stated the outlet would be at least 25 feet from the wetlands. He said the revised plans noted that all disturbed areas would be loamed and seeded. Mr. McGuire stated he was working with Mr. Bob Rogers of Tibbetts Engineering, engineer for St. Mary's Church. He said a Right of Entry signed by the Bishop was included with this application.

Mr. McGuire stated the existing system is not functional and the existing pipe will be blocked once the new one is in place. George Ayoub stated that the manholes on Route 123 contain sumps at the present time.

Lisa Carrozza asked Mr. Ayoub what storm the detention basin was sized for and he replied they did not calculate the storm size. Mr. McGuire stated that the existing pipes are capable of storing water from the road runoff. He gave the members revised plans at this time. Lisa Carrozza asked Mr. Ayoub if he planned on starting the work before wintertime and suggested that the loaming and seeding could not be done at this time of year. She asked what kind of stabilization would be used over the winter. Tom McGuire stated that as soon as the 12" pipe is installed, the area will be paved so stabilization will not be necessary. Lisa Carrozza stated that if the area is not paved immediately after disturbing the soil, some time of cover will have to be put in place temporarily. Mr. McGuire agreed he would keep informed of the situation at all times; monitor the silt fence.

Lisa Carrozza asked Jennifer Carlino if Walter Amory had any questions on the revised plans. Jennifer Carlino said he commented that he wanted construction details for the outfall, pipe trench details, labeling of the easement on the plans, and that the wetland boundaries differed between the revised plans and the plans for the St. Mary's project. Jennifer Carlino stated one flag had been changed on the plans when St. Mary's project was permitted.

Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination of Applicability pending revised plans. Approved.

The members reviewed a Notice of Intent – **(#250-849) - Paul Freeman – Parcels 117 & 118 (assessors map 4) 11 Teepee Trail** – for proposed plans to create a lawn and construct a driveway within 100 feet of wetlands. Paul Freeman described the project to the members. He stated he proposed to remove a few trees in order to install a driveway. He stated he would not be changing the grade of the rear lawn and would remove any stumps. Jennifer Carlino stated he would be installing a visual barrier and would be installing a stone trench for the uptake of the storm water for the driveway. Earl Willcott made a motion, seconded by Chris Baker, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as drafted. Approved.

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Butch Rich addressed the commission regarding **Earth Day/Arbor Day for 2011 – 300th Anniversary Park and tree plantings**. He asked if they all had a copy of the letter sent to Jennifer Carlino. The members responded that they did read the letter. Mr. Rich stated that it was his desire to make a park by planting trees to celebrate Norton's Anniversary of 300 years in the year 2011. He said he has made a plan with the Solmonese School to use their parking lot to hand out 1000 seedlings, including soil, to anyone wanting to plant a tree in Norton.

Mr. Rich noted that he would also like to assist in the Earth Day and Arbor Day cleanup programs. He stated that he belongs to a committee which consists of many members and of which Dan Rich is the chairman. He said many events are being planned for Norton's 300th anniversary and he would like the Conservation Commission to be involved. He stated it was the intent of the committee to re-introduce the American Elm tree in Norton. He said that large elm trees were destroyed by "Dutch Elm's disease" in past years. Mr. Rich said the committee would like to build a park somewhere in Norton where the "Princeton" American Elm trees would be planted. He said the park would contain several ornamental trees and a few granite seats or benches.

Mr. Bob Kimball, Selectman, addressed the commission. He stated that it was the committee's first thought to build the park on John Scott Boulevard, but realized it would be too far from the center of Town. He said another site of interest would be the area at North Washington Street and Newcomb Street. He stated that the committee would like to get going on the park so that it could be dedicated at the Tri-Centennial celebration. Mr. Kimball stated they would like to get permission from the School Dept. to plant a larger tree, such as a "Liberty" tree, on the Henri Yelle School site. He suggested that maybe the Conservation Commission could help obtain grant money to purchase the seedlings.

Mike Tierney, Norton Tree Warden, addressed the commission. He stated he received a \$15,000 grant from National Grid for the hazard tree mitigation program to replace the trees on South Worcester Street. He stated he was only able to use approximately \$8,000 for the replacement of trees on South Worcester Street because of all the stumps couldn't be removed and would like to use the remaining \$8,000 for the proposed park.

Mr. Tierney stated that last year National Grid had donated locus trees and the children at the Solmonese School helped plant the trees. He stated he would like to do a similar project at the LG Nourse School this year. He said one big tree would be planted and the kids would plant seedlings. He said an ultimate goal for Norton would be that the Town would be known as a "Tree City USA". Chris Baker suggested the committee contact the Land Preservation Society of Norton for additional assistance. Julian Kadish noted that the planting of trees would not require any permits.

Bob Kimball stated any assistance by the Conservation Commission would be greatly appreciated. Lisa Carrozza asked what the qualifications were for a Town to be noted as a "Tree City USA". Mike Tierney stated that he hasn't even gotten to the point where he checked into this because Norton hasn't done enough to warrant applying for this title. Chris Baker asked what size seedlings the committee is looking for and Earl Willcott asked what type of tree seedlings they were looking for. Mike Tierney stated the committee hasn't decided on any type or size as yet and Mr. Rich stated that maybe the Conservation Commission could advise them on this issue.

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Butch Rich stated that the area at the side of the Henri Yelle School which he had referred to earlier contained an oil tank in past days to supply the school. He stated that this area should be spruced up slightly with a few trees. He suggested planting a couple of horse chestnut trees. Bob Kimball suggested using an American tree and something will last a long time.

Butch Rich asked if the Commission would appoint one or two members to participate in this project and meet with the other members of his committee. Kathleen Giblin stated she was already on the committee and discussion ensued on what nights she would be available to attend meetings. Chris Baker stated he might be able to attend a couple of meetings.

Cathy Wilkerson of 7 Goff Road addressed the commission. She stated she proposes to move her visual barrier which is a post and rail fence in order to install a shed. She said the visual barrier is currently 30 feet from the wetlands. Ms. Wilkerson stated she would not be removing any trees in the process. Chris Baker asked how big the proposed shed was and Ms. Wilkerson stated it would be 10'x14'. Lisa Carrozza asked why the shed could not be placed inside of the post and rail fence and Mr. Wilkerson stated there were a couple of large trees in that area that he did not want to cut. Lisa Carrozza suggested putting the shed between one section of the fence. Julian Kadish stated that, in his opinion, the shed would not impact the wetlands.

Lisa Carrozza stated that she did not want to set a precedent for future homeowners to propose to move the visual barriers. She stated that the developer had received a permit for each lot with the approved location of the visual barrier and the visual barrier should remain in that same location. Julian Kadish agreed that the shed could be placed between the fence and then appropriate plantings could be placed on the sides of the shed to make it look attractive. Chris Baker asked what type of base would be underneath the shed and Mr. Wilkerson said either Sona tubes or a gravel base. Julian Kadish suggested not using Sona tubes if the Wilkerson's have a vegetable garden. He stated this would give animals a place to hide after eating the garden vegetables. Chris Baker stated if a gravel base was to be used to draw this on the plan. Mr. & Mrs. Wilkerson said they would be applying for the permit as soon as possible.

James Anderson addressed the Commission regarding the proposed bylaw. He submitted a page that he printed off the internet and asked the Commission to explain its contents. He wanted to know why a bylaw would be needed when the Wetland Protection Act presently protects the wetlands. Jennifer Carlino stated the information he was referring to shows the different Towns and their current bylaws. Julian Kadish stated that the Wetland Protection Act covers the whole state of Massachusetts but a bylaw for Norton would be tailored for Norton. Mr. Anderson could not understand what the differences would be. Kathleen Giblin stated that a bylaw is proposed for Norton to better protect the water quality in Norton. Mr. Anderson asked if the intent of the bylaw was to choose which areas in town should be better protected than others and Julian Kadish responded that many homeowners may be left with problems caused by the developer if stricter regulations are not imposed.

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Mr. Anderson asked if the bylaw would better protect the waters in the Canoe River and the Norton Reservoir and Julian Kadish stated the bylaw is intended to protect ground water first. Julian Kadish stated that even though dredging the Reservoir is presently not an option, the water will eventually clean itself naturally because sewage is not flowing into the Reservoir as in past years. He further stated that this process will probably take from 50 years to 100 years.

Mr. Anderson asked if the Commission could identify the species of fish in the various water bodies in Town and find out if they are native to the area. Jennifer Carlino stated this would be an issue for the Fisheries and Wildlife Department. Kathleen Giblin suggested to Mr. Anderson that he might want to participate in the clean-up of the rivers and ponds in Norton at some point.

The members reviewed an Amendment to Order of Conditions for **#250-826 – Ronald Turowetz, Easecat Limited Partnership – 11 Allen Drive (Lot 42)** – The amendment will change the house plan, include a new inground swimming pool and irrigation well. Lisa Carrozza noted an error for condition #33. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to issue the amended Order of Conditions as corrected. Approved.

Jennifer Carlino noted that the Board of Selectmen would like the Commission to meet with them at their regular meeting of October 29th to discuss the bylaw. Lisa Carrozza stated she sent a note to the Town Manager asking to meet with the Selectmen to discuss why the Selectmen were not in favor of the bylaw. Ron O'Reilly stated that the Board of Selectmen had received many phone calls from developers before Town Meeting opposing the bylaw. Earl Willcott stated that a large number of people show up at every town meeting to oppose certain articles.

Julian Kadish stated that, in his opinion, it was a very good first attempt. He said that one problem with it was that people were uncertain as to what rules and regulations would be implemented after adopting the bylaw. He asked the Commission members if they wanted to present the bylaw again at Spring Town Meeting with early campaigning or start holding meetings on the rules and regulations. Lisa Carrozza stated that, in her opinion, if the residents cannot understand the bylaw at this point, that they will be more confused when rules and regulations are included. Lisa Carrozza suggested that a larger crowd is needed to vote in the bylaw rather than a change to the bylaw. Kathleen Giblin stated only 225 people showed up for the Annual Fall Town Meeting, but many more will show up for the spring town meeting. Lisa Carrozza stated that the residents of Norton will not usually support any article that is not recommended by the Board of Selectmen. Julian Kadish stated that if the Board of Selectmen are not in support of a Conservation Town Bylaw then no more effort should be put into one.

Ron O'Reilly stated that the Water Department voted against the bylaw. Lisa Carrozza stated that this was because they do not understand the bylaw. Julian Kadish said "scare tactics" by developers to a homeowner played a role in the defeat of the bylaw article. Earl Willcott stated that the Finance Committee did support the bylaw. Lisa Carrozza stated that Bob Kimball's reason at Town Meeting for not supporting the bylaw was that it was too much information for the Board to digest which, in her

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opinion, was not a very good reason. Ron O'Reilly stated that at the Board of Selectmen meeting that he and Jennifer Carlino had presented the bylaw to the Selectment, Bob Kimball and Mary Steele seemed to be supporting the bylaw. Julian Kadish stated that the Selectmen should give a straight out answer as to whether or not they want the Commission to protect Norton's water resources.

The members agreed to meet with the Board of Selectmen on Thursday, October 29th.

Jennifer Carlino noted that a Superceding Order of Conditions has been received from DEP regarding the Determination #DET. 938 – William Cuming/Norton Bird Garden – Mansfield Avenue/Route 140.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb