



Norton Conservation Commission
70 East Main Street
Norton MA 02766

NORTON TOWN CLERK

DEC 15 2009

RECEIVED

Monday, November 09, 2009

Attendance

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

Lisa Carrozza was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **September 28, 2009**. Ron O'Reilly made one change to the draft minutes. David Henry made a motion, seconded by Julian Kadish, to accept the minutes as revised. Approved.

The members reviewed the draft minutes of **October 5, 2009**. David Henry made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **October 19, 2009**. Kathleen Giblin made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (Walter Amory). Earl Willcott made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Jennifer Carlino). Kathleen Giblin made a motion, seconded by David Henry, to pay the bill. 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 & October 19, 2009 mtgs.)** for proposed plans to construct agricultural drainage and water systems within 100 feet of a wetland and a pond. Ron O'Reilly stated the applicant has requested a continuance of the public hearing. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, November 23, 2009. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #947) – Cathy Wilkerson – Lot 28, Parcel 282 (assessors map 21) 7 Goff Road** – for proposed plans to install a shed beyond the visual barrier. Cathy Wilkerson and her husband, Mark Hosely, were present at the public hearing to answer any questions the members might have on the project. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Julian Kadish, 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 Request for a Determination of Applicability – **(DET. #948) – River Oaks LLC – Lot 7, Parcel 261 (assessors map 21) 15 Pratt Drive** – for proposed plans for clearing within 100 feet of wetlands. Scott Pietruszewicz of Canfour Corp. described the project to the members. He stated he would like to clear a small portion of the rear yard going further into the buffer zone up to the 50-foot line. Earl Willcott made a motion, seconded by Kathleen Giblin, 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 Certificate of Compliance for an Enforcement Order for **31 Arrow Road**. Jennifer Carlino stated that a few years ago an acre of land was filled which contained wetlands, Floodplain and Riverfront. She stated the owner has since removed the fill and has completed the restoration and replication work. She said a final report has been received, the house is being sold and the new owners would like to release the Enforcement Order. Jennifer Carlino stated the property has been properly restored and recommended the issuance of the Certificate of Compliance. David Henry made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-823 – Ronald Turowetz, President, Easecat Partnership – Lot 29, Parcel 283 (map 21) 9 Goff Road**. Jennifer Carlino stated the lot has not been seeded yet. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue a partial Certificate of Compliance as long as the applicant posts a \$1,000 bond with the Town Treasurer to ensure final vegetative stabilization of the exposed soils on this lot. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-847 – David LeMieux, Sinclair Mfg. Co. – Parcels 124-01, 126, 127, 127-01 & 128 (map 26) 12 So. Worcester Street**. Jennifer Carlino stated that rather than have the permit expire before finishing the project, it would be advisable to issue a partial Certificate of Compliance in order to finish the project. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-695 – Michael Clements/Mass Highway Dept. – parcel 17 (map 11) 240 East Main Street**. Jennifer Carlino explained that this project was for a septic system behind the salt shed at this site. She stated that a request for a Certificate of Compliance had been requested previously but the slope nearest to the wetlands had not been stabilized at that time. She stated the site has been reseeded since then. Kathleen Giblin made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

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The members reviewed a request for a partial Certificate of Compliance for File #250-824 - **Ronald Turowetz, President, Easecat Partnership – Lot 40, Parcel 294 (map 21) 7 Allen Drive**. Jennifer Carlino stated the lot has been graded but not seeded, and the applicant will have to post a \$1,000 bond. David Henry made a motion, seconded by Chris Baker, to issue the partial Certificate of Compliance as long as the applicant posts a \$1,000 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

Ron O'Reilly noted that the **Emergency Action Plans** for Chartley Pond and Norton Reservoir have been updated. Jennifer Carlino asked Ron O'Reilly to sign the Chartley Pond plan and Julian Kadish to sign the Norton Reservoir plan as they are the main operators.

The members reviewed the **Enforcement Order** for Chris Baker at 133 Mansfield Avenue. Chris Baker stated that a large pile of logs has been removed from the property but the large pile of fill has not moved because he has no where to put it. He says under normal circumstances the fill would have been sold, but with the poor economy right now, no one is purchasing the fill.

He stated that he does not have the money to pay for further engineering or for plans. Jennifer Carlino requested that Chris Baker submit a Notice of Intent even if there are no plans accompanying it. She said he can use the plans he already submitted and revise them. Chris Baker agreed to submit the Notice of Intent.

Ron O'Reilly noted that **National Grid** will be working on the high tension lines from the Rehoboth/Northern border north of Tremont Street to the Norton/Attleboro border south of Union Street. He stated they would be replacing insulators and would be doing repair work on the cross beams.

Ron O'Reilly read a letter received from Steve D'Amico of the House of Representatives, Commonwealth of Mass inviting the members to a hearing of the House Committee on **Global Warming Climate Change** to be held in Seekonk on Tuesday, November 10th at 7:00 pm at the Seekonk High School Auditorium.

Ron O'Reilly noted an article had been received by student James Anderson of Norton referring to getting rid of local by-laws and cluster zoning. Julian Kadish stated that obviously Mr. Anderson hasn't witnessed flooding problems in residents' homes due to bad development. Earl Willcott stated that the article is blaming the high rise of costs for houses to too many strict rules and regulations.

Jennifer Carlino stated that the **Norton Reservoir embankment work** is ready to go out for bid. She said the documents for bid have been reviewed and commented on. She stated that to make sure the bids are still valid for Town Meeting, advertising will be held off until January. She said any dam work usually comes under the Capital Improvement budget.

Jennifer Carlino stated she received revised plans from Mass Highway for **File DET #946** with details of the trench work, but stated that Walter Amory said they did not match the plans and requirements

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for the St. Mary's Church project. She said Mass Highway did not want to change the plans and contacted Boston DEP. She stated Boston DEP called her saying Mass Highway should not have to change their plans and that Tom Palanza for St. Mary's Church did not want the same standards applied to the church either.

Jennifer Carlino stated she received a Chapter 61A letter regarding **6 Lopes Drive** which is being sold and is under one of the Chapter programs but will remain under an agricultural use and does not require a response from the Conservation Commission for the Right-of-First Refusal.

Discussion ensued the meeting between the Board of Selectmen and the Conservation Commission regarding the proposed bylaw. Ron O'Reilly stated that Julian Kadish had appeared before the Board of Selectmen at their regular meeting last Thursday night. Julian Kadish stated he plans to appear on a couple of the local Norton TV channels to present the proposed bylaw next spring and welcomes any comments by Town officials or residents. Kathleen Giblin stated the Board of Selectmen were not in favor of a bylaw at the time because there were no written regulations at this point. Jennifer Carlino stated she would draft the regulations if necessary as an example of what people could expect if the bylaw passes at the Spring Town Meeting, but they would not be included with the bylaw for Town Meeting vote. David Henry opposed the draft regulations before the acceptance of a bylaw.

Julian Kadish stated, in his opinion, that any real objections will come out of future discussions. He stated that if the bylaw is defeated a second time, maybe it should be put aside for about five years. Jennifer Carlino stated that if this is the case, every time a new development is proposed, someone will be complaining about it. Julian Kadish said that most people do not realize what the permitting process is, and what the time involved is, and how a bylaw can help the Commission.

Ron O'Reilly stated that the Board of Selectmen had suggested looking at some of the other Town's regulations for their bylaws. Julian Kadish suggested holding a debate on the bylaw with people who are for it and people who are against it. He stated the main two goals at hand right now are educating people on how the bylaw will not effect them directly and getting more people to the Town Meetings. Jennifer Carlino suggested putting the bylaw on the Special Town Meeting.

Kathleen Giblin made a motion, seconded by Julian Kadish, to adjourn the meeting at 8:25 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb