



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766

NORTON TOWN CLERK

JAN 26 2010

RECEIVED

Monday, November 23, 2009

Attendance

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

Chris Baker was absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the Bills Payable Sheet (Jane Sears Pierce). David Henry made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (misc.). Kathleen Giblin made a motion, seconded by David Henry, to pay the bill. Approved.

Discussion ensued regarding an invoice received by Pare Corp. for Norton Reservoir Dam Design of Repairs for \$2,525.00. Ron O'Reilly stated the copies of the invoice dated from September 22, 2008 to the present date and the invoice has never been paid. Jennifer Carlino stated that this was the final payment for the contract but all the work has not been done. She said Pare Corp. has submitted the draft bid documents and a schedule to start in February and the commission may want to pay a portion of the bill. Lisa Carrozza made a motion, seconded by Earl Willcott, to pay half 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 & November 9, 2009 mtgs.)** for proposed plans to construct agricultural drainage and water systems within 100 feet of a wetland and a pond. Chris Yarworth of Yarworth Engineering Co., Inc., represented the applicant and stated he had submitted revised plans with the added information requested at the last meeting, a letter describing why he thinks some of the activities should be exempt and a revised Notice of Intent with added details requested at the last meeting.

Jennifer Carlino asked Mr. Yarworth to discuss the items in his letter. He stated all the items were listed on the front page of the letter as follows; additional landscaping notes in the pump house area, addition of filter fabric at the pond outlet weir, addition of a 1"x1" mesh screen on the pond inlet pipe, labeling of the 8" diameter inlet pipe, addition of landscape notes over the bog outflow pipe, addition of filter fabric under the outlet pipe rip rap, re-labeling of the wetland boundary line as "top of bank" instead of "bordering vegetated wetland" and changing the permitting note to read 40 feet of exempt bank disturbance instead of 20 feet.



**Norton Conservation Commission**  
**Monday, November 23, 2009**  
**Minutes, page 2.**

Mr. Yarworth said he noted clarification of the additional proposed work in the immediate area such as construction of the cranberry bog, dredging of the pond and bank alteration and why these activities were exempt. He said he noted the jurisdiction items such as construction of the inflow pipe, pump house, 8" irrigation line and bog outflow pipe.

Mr. Yarworth stated a negative Determination of Applicability had been issued for the construction of the bog access road. He said construction of the new cranberry bogs will be out of the 100 feet of any wetland resource area. He said the pond dredging is exempt because 1. it is considered Maintenance of drainage and flooding systems of cranberry bogs and 2. Work performed for normal maintenance or improvement of land in agricultural or in aquacultural use.

Jennifer Carlino referenced Mr. Yarworth's notes regarding the NRCS Farm Plan and the pond being used as part of the irrigation system. She stated the dredging the pond itself doesn't mention the actual bank. She said the **exemption** for water withdrawal applies only to the pond if the water is used for watering **existing** bogs and not new bogs.

She stated the **Agricultural exemption section "A"** in the regulations is for existing bogs only. She said the exemption was not being met, but there would be no problem meeting the performance standards under the Wetlands Protection Act.

Chris Yarworth stated that the project could be listed under "Maintenance of Existing Cranberry Bogs". He said that after the new bogs are in, the water will be used for both new and existing cranberry bogs. Jennifer stated that if he was going to list the watering of bogs as an exemption, he has to use the water in the **existing** bogs, not **new** bogs.

Jennifer Carlino stated that this project is for **new** bogs and bringing water to **new** bogs and isn't exempt. She stated that "Performance Standards" can be met under the Wetland Protection Act using this plan.

Jennifer Carlino stated the dredging of the pond is no problem and is an exemption, but alteration to the bank of the pond is not an exemption for this project. She said 20 feet of the altered bank will grow back but 10 feet will be altered permanently and, in her opinion, will not be a problem under the Wetlands Protection Act. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-852) - Fairland Farm, LLC – Lot E, Parcel 195 (assessors map 12) Bay Road** – for verification of the wetland resources. Chris Yarworth of Yarworth Engineering Co., Inc. and Scott Goddard of Carr Research Laboratory represented the applicant at the public hearing. Mr. Goddard stated this property was part of the larger parcel containing the cranberry bogs at one time. He proceeded to point out the various resource areas.

He stated that even though the cranberry bogs are not flagged, they are a resource area. He said the resource areas that are delineated are the bordering vegetated wetlands and the mean annual high water for Mulberry Meadow Brook. Mr. Goddard said that there is a depression at Bay Road which is a



**Norton Conservation Commission**  
**Monday, November 23, 2009**  
**Minutes, page 3.**

Certified Vernal Pool, which could be labeled Isolated Land Subject to Flooding, but because of a connection, he is labeling it Bordering Vegetated Wetlands. Jennifer Carlino agreed that it is clearly Bordering Vegetated Wetlands. He stated that many parts of the Mulberry Meadow Brook are flat and wide and run right into the edge of the wetlands, so he was delineating the edge of the wetlands consistent with the Mean Annual High Water Mark. He said he has delineated 1. Bordering Vegetated Wetlands, coinciding with Mean Annual High Water Mark, 2. 100-foot Buffer Zone which is in a riparian zone and 3. the 200-foot Riverfront Area.

David Henry asked if the correct filing fee has been paid for this project and Jennifer Carlino stated that, in her opinion, the filing fee is incorrect as the project is an ANRAD with no project associated with it. The fee is assessed by resource areas and the linear feet of each delineation. Chris Yarworth stated the lot was for a single-family house. Lisa Carrozza stated there was no mention of a single-family house on the submitted plans and stated the fee for the ANRAD should apply to the entire property. Lisa Carrozza requested an opinion from DEP. Jennifer Carlino suggested to stay the decision until a decision is received from DEP. She stated a letter will be mailed to the applicant with the Commission's decision to stay their decision until a response is received from DEP.

The perspective buyer of the property asked the commission to explain the difference between what was filed at this time and what should have been filed. Lisa Carrozza explained that since this was an ANRAD filing, the filing fee would be according to how large of a wetland area is being verified by this filing versus filing a plan to construct a single family house which would involve a different fee. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to stay the decision until a decision is received from DEP. Approved.

The members reviewed a Notice of Intent – **(#250-851) – Mark Mobilia – Parcel 177 (assessors map 12) 1 Fuller Drive** – for proposed plans to construct a garage and to extend a paved driveway within 100 feet of wetlands. Mark Mobilia and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing and Mr. Yarworth described the project to the commission. He stated Mr. Mobilia would like to construct a 24' x 24' garage and extend his driveway to meet the garage.

Jennifer Carlino asked Mr. Yarworth why the garage was proposed in that area which is the closest point to the wetlands and Mr. Yarworth stated that was where Mr. Mobilia wanted to construct the garage. He said the area had already been disturbed. Jennifer Carlino asked Mr. Yarworth if a drywell was proposed and he stated two drywells could be installed near the driveway and he would submit revised plans to reflect the two drywells. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-850) – Duane Knapp/Town of Norton Water Department – Parcel 1 (assessors map 31) 166 John Scott Boulevard** – for proposed plans to construct a building, leaching field and sewer connections within 100 feet of wetlands. Duane Knapp and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing. Mr. Yarworth pointed out to the members where the building is proposed which is in front of an existing storage building. Myra O'Dette of 41 Colonial Drive had questions regarding the



**Norton Conservation Commission**

**Monday, November 23, 2009**

**Minutes, page 4.**

Conservation Restriction abutting this property and Jennifer Carlino said she could pick up a copy of the Conservation Restriction at the office tomorrow.

Mr. Yarworth explained that there is an existing gravel road that leads to the proposed building site. He stated there is an existing water main that was installed without a permit and that he included the water main in this application. Mr. Yarworth explained that the proposed septic system has to be installed at the front of the building because of the poor soils to the rear. He stated the tight tank at the rear of the existing building would be tied in with the new septic system by a pumping system. He said there would be no filling of wetlands with this project.

Mr. Yarworth explained that the property is zoned commercial, therefore, storm water standards would have to be met. He said roof runoff would be going into infiltration trenches on each side of the building. He stated that existing recycled asphalt will be used for parking except for the 4 new proposed parking spaces which have to meet ADA standards and will be constructed of a new material called "Flexipave" which is a porous material.

He stated he is proposing the Flexipave for the walkways also. Mr. Yarworth stated the sewer lines will be hand dug by the contractor. He said haybales can be used for filtering if necessary. Lisa Carrozza asked if the water line was already in and Mr. Yarworth replied that it was. He said it would be coming into the septic system from the John Scott Boulevard side. Lisa Carrozza suggested moving the silt fence on sheet 5 upland as much as possible to avoid killing as many trees as possible. Lisa Carrozza asked if any concrete washout details were on the plan and Mr. Yarworth replied there were not. She asked that the details be added to the conditions.

Mr. Yarworth stated there would be minor grading for the septic system, parking spaces and ramps. David Henry asked the violations on the property have been addressed. Mr. Yarworth replied he had submitted plans to the office showing the location of the pond, top of the bank, carpath, edge of woods and the boulder wall in one of the locations. He said the boulder wall has been moved twice farther away from the edge of the wetlands and lots of materials have been moved from the property.

Jennifer Carlino asked Mr. Knapp the status of the other violations and he replied that he has moved the boulder wall approximately to the 30-ft. line from the wetlands. Jennifer Carlino suggested having Chris Yarworth stake the area to move the materials and wall to as his plans did not reflect the wall and materials being at least 30 feet away. Mr. Yarworth suggested walking the site with Jennifer Carlino to check where the 25-foot no-disturbance zone is. Jennifer stated she had already walked the site with Ms. Kelleher of Weston and Sampson and asked Mr. Knapp where her report was. He said he had no idea. Mr. John Home of Weston and Sampson stated no report had been done at this point. Jennifer Carlino stated she had requested a meeting at one point and the meeting turned out to be for another issue. Jennifer Carlino questioned why we would do this twice when we can just review Ms. Kelleher's notes with Duane Knapp. She suggested that the Water Department get together with Weston and Sampson before the next meeting and write a report of the time frame that will involve cleaning the site up.



**Norton Conservation Commission**

**Monday, November 23, 2009**

**Minutes, page 5.**

Jennifer Carlino stated there is work that has been done on this property that should have been permitted through Conservation, such as filling the stream and adding a culvert. Earl Willcott stated a report should have been done and the Commission has to be notified of all the information in it. Mr. Knapp stated some of the work was done to prevent disturbing the existing pond. He stated the Selectmen have been getting involved suggesting ball fields, filling in of the pond and possibly low-income housing. David Henry made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 14, 2009. Approved.

Discussion ensued regarding a complaint made about **Mike Galloway's Farm on Essex Street**. Jennifer Carlino stated a resident had complained that trucks were going in and out of the farm. Earl Willcott stated there are certain activities that are allowed on the property under Agricultural zoning. Earl Willcott stated he would investigate the situation.

The members requested a request for a partial Certificate of Compliance for file #250-839 - **Ronald Turowetz/Easecat Limited Partnership - Lot 43, Parcel 297 (map 21) 8 Allen Drive**. Jennifer Carlino stated the site has not been stabilized as yet. She said erosion control will remain in place during the winter. Lisa Carrozza 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 vegetated stabilization of exposed soils on this lot. Approved.

Jennifer Carlino noted that, after one revision, the bid documents for the **Norton Reservoir dam repairs** will be ready for Spring Town Meeting's capital budget article.

Discussion ensued regarding the **proposed bylaw**. Jennifer listed the major points as follows:

1. people did not understand the bylaw. She drafted a version with notes to the side for people to read and help explain the bylaw. She asked the members to review this document.
2. grandfathering and effective date of the bylaw- she drafted a page explaining that the bylaw would not govern any existing projects or permitted projects and asked the members to review different versions that other towns have used in their regulations, noting that none had the language in their bylaw. The members chose to go with something like Plymouth's version.
3. there are no existing regulations-she stated that regulations can be drafted before town meeting and review portions of them at our regular meetings. She attached a draft letter to be sent to people who had comments about the proposed bylaw to invite them to the meeting for discussion.
4. ilsfshe stated the definition for ilsfs should be reviewed and compared to other town's definitions and pick one that they will be very confident about. She suggested keeping the first set of regulations very simple.

Lisa Carrozza stated that, in her opinion, she would rather leave out the ilsfs if it means the bylaw being voted. Jennifer Carlino stated the Commission has three options; 1. leave the ilsfs in; 2. decide on a specific footage size, or a revision; or 3. leave the ilsfs out.

Jennifer noted she has listed the regulation portions to be discussed at upcoming Conservation Commission meetings with updates to the Board of Selectmen after each meeting, as requested.

**Norton Conservation Commission**  
**Monday, November 23, 2009**  
**Minutes, page 6.**

The schedule is as follows:

- a. Dec 14 – Con Com meeting: review bylaw
- b. Dec 17 - BOS update
- c. Jan 11- Con Com meeting
- d. Jan # - BOS update
- e. Jan 25 Con Com meeting
- f. Jan # - BOS update
- g. Feb 8 – Con Com meeting
- h. Feb # - BOS update
- i. Feb 22 – Con Com meeting
- j. Feb # - BOS update
- k. March 8 – Con Com meeting

Lisa Carrozza suggested sending out postcards to people interested in attending the meetings on the bylaw with the beginning and ending dates of the meetings instead of a postcard for each meeting. David Henry and Earl Willcott suggested sending postcards for each meeting.

Discussion ensued on who to involve with the bylaw.

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

Respectfully Submitted,



Jennifer Carlino  
Conservation Director  
JC/pmb