



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

NORTON TOWN CLERK

MAY 26 2010

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Monday, April 26, 2010

**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 Bills Payable Sheet (Pare Corp.). Earl Willcott made a motion, seconded by David Henry, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Home Depot). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Chris Yarworth, Misc.). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bills. Approved.

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

The members reviewed a Notice of Intent – (#250- ) – **Albert Reed – Parcels 40, 51 & 83 (assessors map 29) 40 Meadowbrook Lane – (cont. from the April 12, 2010 mtg.)** proposed plans for an agricultural project/10-acre hay field and to re-grade an access road within 100 feet of wetlands. Ron O'Reilly stated that the applicant has requested a continuance of the public hearing. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, May 10, 2010.

Ron O'Reilly read a thank-you letter to Jennifer Carlino and him written by Chief Rick Gomes, Director of the Norton Emergency Management Agency thanking them for attending the emergency meetings for the flooding days at the end of March.

The members reviewed a Notice of Intent – (#250-857) – **GPT-Norton Glen LLC, c/o Equity Residential Properties Management Corp. – Parcels 50-71 (assessors map 5) & Parcels 23-27, 61-62 (assessors map 6) Norton Glen Road – (cont. from the April 12, 2010 mtg.)** - for proposed plans to construct a sewer force main, wastewater collection system, pump stations and replace a storm water drainage culvert with minor grading and clearing within 100 feet of wetlands. Present at the public hearing were Kevin Klein of Norfolk Ram Group, Melissa Kasessky of Equity Residential Properties Management Corp. and Jim Manganello of LEC who updated the members on the project. He said many revisions had been made to the plans as follows:



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1. the proposed drainage structure shown on sheets 9 and 15 has been pulled back 5 feet from the wetlands and a rip rap settling basin with check dams was added at the outfall. He said notes have been added to describe this revision, 2. notes have been added to sheets 1, 9 & 15 to show storm water system flows during construction if needed. Mr. Manganello explained that most of the construction will probably be done during the dry season. He said if there were a small amount of water in the system, he could probably dam it up., 3. the silt fence and limit of work had been modified to fill in any gaps, 4. a Storm Water Pollution Prevention Plan has been prepared, 5. A NPDES Construction General Permit has been prepared, 6. the wetland related notes have been separated and the Construction Sequence has been added, 7. a separate sheet was prepared for the mitigation work (Sheet W), 8. a note was added to the wetland mitigation plan that all landscape yard waste will be used on-site or taken off site, 8. a Storm Water Report/Checklist has been prepared. Mr. Manganello stated he had received the certificate from MEPA today. He stated the work in the wetlands will be monitored by a wetland scientist who will report to Jennifer Carlino.

Jennifer Carlino stated she had received all the information she had requested at the previous meeting. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a modification to the Order of Conditions for **File #250-756 – Sinclair Mfg. Co./David LeMieux – 12 South Worcester Street**. Jennifer Carlino said she had emailed the LSP for further information but has not heard back from them as yet. She suggested continuing the modification until the next regular meeting of Monday, May 10, 2010.

Jennifer Carlino stated that Article 4 of the upcoming annual spring Town Meeting will allow the transfer of the Shpack Superfund site from Conservation to the Conservation Commission with easements. She stated this will allow the Commission to permit on-going soil testing by the Army Corp. of Engineers (ACOE) as well as an access easement on the property. It will allow the conversion of part of the property changing its use under Article 97 just to allow the access easement. She said that the first sentence of Article 4 needed to be revised since the Conservation Commission already owns this property. Ron O'Reilly read the Article to the members.

David Henry asked if there were wetlands on this property and would the ACOE need Conservation approval to do work on this property and Lisa Carrozza stated that this property is a superfund clean-up property, therefore the Army Corp. of Engineers does not have to get permits to work on this property. He asked what is the purpose of this article. Lisa Carrozza explained that under Article 97, usage for this property is for "parkland" use only which can only be changed by the Legislature, the Conservation Commission being the first step. Julian Kadish stated that the Commission is in agreement with the principal of Article 4, but the final text and map will have to be corrected.

Julian Kadish made a motion, seconded by Earl Willcott, to approve the article with revisions to the final text and attached map. Approved.

Ron O'Reilly made note that the Norton Reservoir dam embankment bids were postponed one week and are now due on Wednesday, April 28, 2010.

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The members signed two copies of a Lease Agreement between LL Bean and the Town of Norton to lease an area of the Norton Reservoir for the purpose of conducting kayak tours.

Earl Willcott left the meeting.

Discussion: Proposed bylaw rules and regulations.

Jennifer Carlino stated that Sections 5, 7 & 8 have been posted on the website. Jennifer Carlino brought up a question that Julian Kadish had asked at the previous meeting regarding a statement about violations in Section 7/Enforcement and the fees for violations continuing each day after the violator is notified of the violation. She stated this is the language used in the Wetland Protection Act Regulations, and by law, a bylaw cannot be less stringent than the Wetland Protection Act.

Jennifer Carlino noted each member had been given a draft new version of the bylaw which has been approved by Town Counsel and ready to be given to the Finance Committee and be placed on the website. She asked the members to read the comments next to each section, and if they agree with all the comments, the draft bylaw will be put on the website and be given to the Finance Committee. David Henry suggested numbering the pages. David Henry suggested changing the word "they" to "the rules and regulations" in comment #3.

Jennifer Carlino noted the comment changes in the proposed bylaw as follows;

V. Exemptions and Exceptions: she stated in comment 7 there was a lot of language about agriculture and public utilities which has since been combined, in comment 8 she stated the section to refer to in the Wetland regulations is listed and C. this section clarifies "grandfathering" vs. new projects.

VI. Applications: she stated in comment 9 she listed most of the common permits with their abbreviations so as to prevent having to write out the whole permit name in every section.

VII. Fees: she stated in comment 10 she removed the lengthy language and and inserted the law citation.

X. Assessment of Impacts: she stated in comment 11 she consolidated three different descriptions of the types of wetland resource areas since the review is the same for all three.

Comment 12: she stated she added the size criteria based upon available information in the conservation office pertaining specifically to such areas within the Town of Norton. She said she does not include flooded areas in people's front yards but allows the commission to review small areas in abandoned gravel pits more closely that tend to have 40Bs proposed within them. David Henry suggested changing the wording to "For example, this definition still does not include flooded areas in people's lawns but allows the Commission's review of small areas in abandoned gravel pits more closely."



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Comment 13: she stated that she added jurisdictional review area.

Joe Cogliano asked Julian Kadish what he meant at the last meeting when he stated the bylaw would help to prevent some "bad projects" from happening. Julian Kadish corrected Mr. Cogliano in saying the words were "to prevent some people" from creating problem projects. Mr. Cogliano asked Julian Kadish to specify one of these projects and Julian Kadish replied that at one time someone tried to place a house on a small upland portion of a large lot that contained a large wetland including a pond and did not have adequate access which was adjacent to an existing house lot. He said the adjacent house lot would be adversely impacted by the construction of this house. Julian Kadish stated the applicant appealed to DEP and the project was allowed. He said a lot of these projects are developed by people who do not live in town and do not care about the adverse impacts to other properties. He said that the proposed bylaw would prevent such projects from occurring and continue to preserve abutter's property rights.

Mr. Cogliano asked where this project was located and Jennifer Carlino stated that this project was located on John Scott boulevard. She said that the applicant could have changed the amenities so that a house could be built on the property correctly without impacting the neighbors property, but the applicant did not want to change the original application. As a result of this decision, she stated the project was appealed to DEP which cost the applicant and the town money. She said DEP allowed the project.

Jennifer Carlino stated the other project was a wetland resource area identification project of which a disagreement in the labeling of an specific area had arisen. She said the applicant didn't meet the regulations, again, the case was appealed to DEP where mitigation took place between the commission's attorney and the applicant's attorney. Jennifer Carlino said the case was settled out of court and after all that, the area of argument had nothing to do with the actual project and the area was preserved by the regulations anyway.

Mr. Cogliano asked what percentage of the town would be affected by the bylaw and Jennifer Carlino replied the same amount of homeowners affected by the Wetland Protection Act at present. Mr. Cogliano stated that, in his opinion, this does not seem reasonable because it states in the proposed rules and regulations that a vernal pool has no minimum size and may not have to be certified. Jennifer Carlino stated this is the same as is required in the Wetland Protection Act Rules and Regulations at the present time. Julian Kadish stated nothing in the proposed bylaw is written in stone and every project will be individually reviewed by its own criteria. Mr. Cogliano implied the bylaw would create a more expensive filing for the homeowner and Julian Kadish stated the cost would be less with the bylaw because now, complicated figuring of an isolated wetland has been omitted and an engineer might not be needed to fill out the details of the application.

Discussion ensued on the criteria for vernal pools and Jennifer Carlino gave the criteria. She explained a second time that the physical description for a vernal pool is the same as the Wetland Protection Act and has not changed.

Mr. Cogliano questioned the Consultant fees and when these would apply. Jennifer Carlino stated that if at anytime she was not able to review an application, a consultant would be hired to do the review for

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the commission. She stated that most often the Planning Board reviews the storm water calculations before the project comes before the Conservation Commission. If not, then a consultant would be hired to confirm what the applicant's engineer has written. She said that it would be a rare instance that someone would come before the Conservation Commission with drainage calculations before going before the Planning Board. Mr. Cogliano asked about wildlife studies, which Jennifer Carlino stated are already required under certain circumstances within the Wetlands Protection Act. He suggested that, even though the current Conservation Board is a reasonable board, maybe in the future the Board will be unreasonable. Julian Kadish stated that there is not room on the board to be unreasonable, and since the members are appointed by the Selectmen, if a particular person was unreasonable, he would not remain on the board for long. Kathleen Giblin told Mr. Cogliano that Jennifer Carlino is the best agent the Commission has ever had the privilege to work with. She stated Jennifer Carlino is very thorough and works very closely with the applicant to get projects done more swiftly and correctly.

Arthur Taylor, a resident of Norton, stated that Rosewood Estates off Burt Street was constructed by ignoring a couple of wetland restrictions, such as filling in of a vernal pool. Jennifer Carlino stated the project was completed before she became Conservation Agent in Norton.

Kathleen Giblin made a motion, seconded by David Henry, to adjourn the meeting at 9:30 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director  
JC/pmb