



## Norton Conservation Commission

70 East Main Street  
Norton MA 02766

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NORTON TOWN CLERK

2010 JUL 27 A 10:31

Monday, June 14, 2010

### Attendance

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

Lisa Carrozza was absent.

### Minutes

The meeting started at 7:00 pm.

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

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

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

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

The members reviewed the Bills Payable Sheet (Phil Benjamin, Benjamin Forestry Services, Inc.). Earl Willcott made a motion, seconded by Kathleen Giblin, to pay the bill.

The members reviewed the Bills Payable Sheet (Phil Benjamin, Benjamin Forestry Services, Inc.).

The members reviewed a Notice of Intent – **(#250-858) – Jeffrey O'Neill, Norton Commerce Center Hill Street LLC – Parcel 82 (assessors map 29) – Hill Street – (cont. from the May 24, 2010 mtg.)** - for proposed plans to construct a commercial building, parking, utilities and storm water management facilities within 100 feet of wetlands and within the 200-foot of Riverfront Area. treatment plant at the intersection and the site sewage would also be tied into the Mansfield Treatment facility. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, June 28, 2010. Approved.

**Norton Conservation Commission**

**Monday, June 14, 2010**

**Minutes, page 2.**

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, April 26, 2010, May 10, 2010 & May 24, 2010 mtgs.)** proposed plans for an agricultural project/10-acre hay field and to re-grade an access road within 100 feet of wetlands. Jennifer Carlino stated the applicant has not yet received a project number from DEP and has not brought in copies of the revised plans. David Henry made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, June 28, 2010. Approved.

The members reviewed a Notice of Intent – (#250-859) – **Christopher Baker/Baker's Landscaping, Inc. – Parcel 302 (assessors map 9) 133 Mansfield Avenue** – for cutting, clearing and grading within 100 feet of wetlands and Norton Reservoir. Chris Baker recused himself from the public hearing as a member but being the applicant, updated the members with the violation. Earl Willcott stated he would not comment on this project and will abstain from voting. Chris Baker stated there has been no new activity since the violation notice was issued. He stated that because of financial difficulties, he has not been able to obtain the required engineered-plans to submit to the commission and has submitted as much information as he could to at least start the correction process for the violation. He said Rick Medeiros has met with Jennifer Carlino and she helped him fill out the application. He gave the commission members a brief history of the site and when he purchased the property and proceeded to point out areas that he has been pulling materials away from the wetland's edge. He said there are a few piles of fill on the site because he has not had a demand for it, but they aren't in a wetland.

Chris Baker stated that the floodzone area has decreased with the new F.E.M.A. maps. He said most of his present activities are not within the floodzone area. He said with the economy the way it is, materials are not moving quickly. He said that during the latest flood event, the area did not flood.

Julian Kadish asked what the origin of this application was and Jennifer Carlino stated it started with a complaint/violation. She said Chris Baker has been cleaning up and pulling back from the wetlands for the past several years trying to comply with the violation. Julian Kadish suggested that an Order of Conditions could be issued for this site with conditions for any future activities on the site which would prohibit any activity within the floodzone with the exception of the existing bins. Jennifer Carlino stated that at the previous meeting the commission had agreed to allow Chris Baker to use the submitted plan with the proper revisions added to it. She said that the Order of Conditions will state that whatever is existing on the submitted plan will now be permitted.

Julian Kadish asked where the submitted plan came from and Chris Baker stated the plan was copied from another plan and the existing condition of the property was added to the plan as well as any existing materials and buildings on the site to give the commission an idea of what needed to be cleaned up and removed from the wetlands. Julian Kadish advised Chris Baker to add comments to the plan, revise the floodzone areas with added notes. He said conditions would be issued prohibiting any new activities within the floodzone areas. Chris Baker asked what he should do about the existing bins within the floodzone area and Julian Kadish stated they will remain as "existing" but cannot be changed in anyway.

**Norton Conservation Commission**

**Monday, June 14, 2010**

**Minutes, page 3.**

Julian Kadish made a motion, seconded by Kathleen Giblin, to accept the plans submitted with revisions and conditions and allowing the existing activities within the floodzone areas to remain as is, with no new activities and to modify all other activities to prevent any pollution of surrounding wetlands as needed. Approved. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-860) – Donald Abbott – Parcel 168 (assessors map 35) 3 Hampshire Court** – for proposed plans to construct an addition within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering Co., Inc. described the project to the members. He noted that the applicant had gone before the Board of Health for a variance to move the house away from the wetlands and septic tank and the Zoning Board of Appeals for a variance for the side line. He said that both permits were obtained. Chris Yarworth said he will submit revised plans as he forgot to move the driveway on the submitted plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing with the condition that Chris Yarworth submits revised plans. Approved.

Chapter 61A discussion – Lopes Drive

No one was present for the discussion. It was agreed to add it to the next meeting's agenda.

The members reviewed a request for a Certificate of Compliance for File **#250-624 – Laurence Schneider/The North Cottage Program – Parcel 106 (map 17) 69 East Main Street**. Jennifer Carlino stated the work was completed according to the approved plans. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-846 - Ann O'Donnell, New Wading River Country Club, LLC - Parcel 139 (map 26) 300 West Main Street**. Jennifer Carlino stated the requested information had been received since the last meeting. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

Ron O'Reilly stated that the two Town Meeting Warrant articles regarding the parcels at the former Shpack landfill site had passed at town meeting and the ACOE Right-of-Entry for Environmental Assessment and Response was on the agenda for the members to sign. Jennifer Carlino stated the document was revised by adding a second parcel (2-02) to the document. Earl Willcott made a motion, seconded by Julian Kadish, to sign the document. Approved.

Kathleen Giblin said she could no longer attend the Tri-centennial Committee meetings representing the Conservation Commission because the meetings are held on Mondays, which conflict with the Conservation Commission meetings and Thursdays which she said she cannot attend. She asked if anyone else was interested in attending the meetings to represent the Conservation Commission. Jennifer Carlino suggested having the Tri-centennial Committee mail information to the chairman of the

**Norton Conservation Commission**

**Monday, June 14, 2010**

**Minutes, page 4.**

Conservation Commission or the town hall to be reviewed by the commission members at their meetings.

The Commission reviewed the "Goals" page to the Forestry Plans for Lincoln Woods. She said the Tree Warden will prepare the one for the Town Forest. Ron O'Reilly said he would read aloud the items on the page for the members to vote on the importance of the item such as high, medium, low or don't know.

1. Generate Immediate Income – High
2. Generate Long Term Income – High
3. Enhance the Quality/Quantity of Timber Products - Low
4. Improve Access for Walking/Skiing/Recreation – Medium
5. Preserve Scenic Beauty – Medium
6. Produce Firewood – Low
7. Enhance Habitat for Birds - High
8. Enhance Habitat for Small Animals - High
9. Enhance Habitat for Large Animals – High
10. Improve Hunting or Fishing – Low
11. Improve Water Quality – High
12. Learn about the Land – Medium
13. Increase Biological Diversity – Medium
14. Reduce Taxes – Don't know
15. Protect Unique/Special Areas – Don't know

Question 1. In your own words please describe your goals for your property.

Julian suggested "maintain open green space corridors in as close to their natural state as possible".

Earl Willcott made a motion, seconded by Kathleen Giblin, to fill out the "Goals" page as discussed. Approved.

Jennifer Carlino stated the forestry bids had gone out for Lincoln Woods and the Town Forest. She stated Warren Emerson had bid only on the Lincoln Woods property and Dan Reed had bid on both. She said the high bid goes to Warren Emerson for the Lincoln Woods property. Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the bids as given. Approved.

Ron O'Reilly thanked Jennifer Carlino and all the members for all the work and time that they put into the proposed Bylaw and the rules and regulations. Julian Kadish stated that, in his opinion, in the future, a few of the supporters of the proposed bylaw should pass out flyers in answer to the opposition's untrue statements. Ron O'Reilly stated he had spoken with Duane Knapp, Water Superintendent, and he said he would support the proposed bylaw if the commission works with him more closely.

**Norton Conservation Commission**

**Monday, June 14, 2010**

**Minutes, page 5.**

Ron O'Reilly stated the biggest issue is to convince the people of Norton that they will benefit by a bylaw. Julian Kadish suggested that the people of Norton are convinced that DEP will protect them from unwanted situations, but in reality, there are no tools in place for the local government boards to use at present.

Discussion ensued regarding the proposed Tri-Town Regional Sewer Project by the Mansfield Sewer Dept. Ron O'Reilly stated the issue was brought up at the Annual Spring Town Meeting. He stated that Jay Barrows, State Representative, suggested there would be a tax advantage for the sellers of the property if the property was taken by eminent domain. He said one of the sellers spoke up at the town meeting and said it would not be an advantage. He said one of the sellers who was selling 50 acres stood up and was in favor of the land taking process. Ron O'Reilly said the Reilly family was not ready to sell their property and had not been given an offer yet.

Jennifer Carlino stated that the Nature Conservancy has been working with Mansfield and the Reilly family to work a way to preserve all of their property and still get Mansfield what they need for the Tri-Town sewer project. Jennifer Carlino pointed out the various properties in question. She said they are trying to work out a Conservation Restriction on a portion of the property as well as trying to preserve all of the historical parts to the Reilly's property. Jennifer Carlino stated she was approached by the Nature Conservancy before town meeting, but she did not bring it up because things were entirely too hectic. She stated that at that point she was not aware that there was an article on the Town Warrant for a waste water project. She said the process used to be called "Self-Help" which is a process where the town can purchase a property and then be fully reimbursed after the purchase in order to preserve the property. She said she wanted to speak with the Town Manager before doing anything.

She stated that The Nature Conservancy was trying to get private funding for the entire project and the Town would pay for the project up front but be fully reimbursed by the grant. Jennifer Carlino said she spoke with the Town Manager to see if he wanted her to apply for the grant which was due in two weeks. She said that if she received the grant, an article would have to be put on the warrant for the next Town Meeting to make the funds available up front to be reimbursed later by the state. She said this would be contingent on The Nature Conservancy obtaining the private funding since there are no town funds available. She said the Town Manager advised her to apply for the grant. Jennifer Carlino said she would like to meet with Mr. Reilly and Dave McGowan of The Nature Conservancy before she writes the grant.

Ron O'Reilly asked if Norton was negotiating with the Reillys and Jennifer Carlino stated that it was Mansfield that was speaking to the prospective sellers. He stated that at Town Meeting, State Representative, Jay Barrows, had planned to bring everything into place not knowing that there was a problem with one of the sellers. The Commission agreed she should meet with them before she writes the grant.

Ron O'Reilly stated that, in regards to the proposed bylaw, The Horsley-Witten Group would like feed back from the Commission as to what they learned from this process. He said a representative of the Group was at Monday night's meeting but not at Wednesday night's meeting when the article was defeated.

**Norton Conservation Commission**

**Monday, June 14, 2010**

**Minutes, page 6.**

Jennifer Carlino stated that Horsley-Witten Group will still use this draft bylaw as a model including the rules and regulations. Ron O'Reilly stated the bylaw has to be looked at from a marketing point of view pointing out what the benefits will be to Norton residents. Julian Kadish suggested most residents want protection when a project is next to their own property, but are very uncomfortable giving more power to town government. Chris Baker stated, that in his opinion, the general homeowner at the present time is unaware of any of the basic Conservation rules and regulations and to, all of a sudden add more rules and regulations, they are overwhelmed.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino  
Conservation Director  
JC/pmb