



Norton Conservation Commission

70 East Main Street
Norton MA 02766

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NORTON TOWN CLERK

2010 JUL 27 A 10:31

Monday, July 12, 2010

Attendance

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

Kathleen Giblin and Chris Baker were 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 bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Earl Willcott made a motion, seconded by Lisa Carrozza, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Misc.). David Henry made a motion, seconded by Julian Kadish, to pay the bills. Approved.

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

The members reviewed the draft minutes of the for **May 24, 2010 (Executive Session)**. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the minutes as written. David Henry abstained from voting. Approved.

The members reviewed a Notice of Intent – (#250-862) – **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, June 14, 2010 & June 28, 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 that a file number has been received from DEP and that Albert Reed could not attend tonight's meeting. She said that it is OK to close the hearing, and will condition the locating of the erosion control on the submitted plans. Mr. Reed can meet with her on-site. Lisa Carrozza made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

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Documents: Notice of Intent – WPA Form 3

Al Reed, Lincoln Meadow Farm, Norton, MA (5/15/2009)

a. Plan Title

West Wareham Service Center (USDA-NRCS)

b. Prepared By

June 2, 2010

d. Final Revision Date

c. Signed and Stamped by

1" = 100'

e. Scale

The members reviewed a Request for a Determination of Applicability – **(DET. #954) – Tom McGrath - parcel 50-02 (assessors map 28) 213 Old Taunton Avenue** – for proposed plans to cut and remove trees within 100 feet of wetlands. No one was present at the public hearing for this project. Julian Kadish made a motion, seconded by Earl Willcott, to wait until the end of tonight's meeting to see if someone shows up representing this project, and if not, vote to continue the project until the next regular meeting. Approved. At the end of tonight's meeting, no one has shown up for this project. Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 26, 2010. Approved.

Documents: Request for a Determination of Applicability-WPA Form 1

Plan & Details, Subsurface Sewage Disposal System Upgrade

Title

213 Old Taunton Avenue, Norton, MA

Title

Signed and stamped by George R. Collins

Title

November 14, 2006

Date

Date

Date

The members reviewed a Request for a Determination of Applicability – **(DET. #956) – Kevin Weber (Pop Warner) – Parcels 90 & 90-01 (assessors map 22) 64 West Main Street** – for proposed plans for cutting and pruning vegetation at the football field within 100 feet of wetlands. Kevin Weber described the project to the commission members. He stated that for the past few years, they have been playing football on the High School football field. He said, because of the wear and tear on the field, the school has asked him to use the football field behind the Henry Yelle School which is older and needs some maintenance. He said he would like to reclaim the sidelines by cutting and pruning overgrowth vegetation. Mr. Weber said all work will be done using hand tools. Jennifer Carlino said it is mostly sweet pepperbush and blueberries within 5 feet of the existing field. Earl Willcott made a motion, seconded by Julian Kadish, 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.

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Documents: Notice of Intent – WPA Form 3

Progress Print of Topographic Plan, Plan of Land in Norton, MA		June 26, 2000
Title		Date
Prepared for Norton Public Schools, Norton, MA		
Title		Date
Prepared by Merrimack Engineering Services		
Title		Date

The members reviewed a Request for a Determination of Applicability – **(DET. #955) – Mass Dept. of Transportation-Highway Division-District 5 – Route I-495 – Mansfield line to Taunton line** - for proposed plans for pavement milling, resurfacing and related items for roadway rehabilitation within 100 feet of wetlands and 200 feet of a river. Michael Clements of Mass Dept. of Transportation-Highway Division, Environmental Section addressed the commission and stated Tony Massey, project engineer, was also present tonight. He said the project involves pavement milling and pavement resurfacing with related items for rehabilitation and will cost approximately \$7,000.000.

Mr. Clements listed the various activities that will take place for this project as follows:

- safety signs will be used during construction on the highway
- hay bales and silt fence for erosion control
- existing drainage structures will be cleaned
- and catch basin frames will be replaced with a new hook lock catch basin system
- the ramps at Route 123 will be milled and resurfaced and bridge joints and decks will be repaired or reconstructed along Route I-495
- at the end of the project rumble strips will be placed along the breakdown areas on the main highway
- repair or replace damaged guardrails as needed
- crushed stone will be placed as needed
- at the end of the project painted markings and reflectors will be placed on the highway as appropriate

Mr. Clements stated all work is proposed within the buffer zone and not within the wetlands and the appropriated erosion control will be used during construction.

Julian Kadish asked if any new major construction will be taking place and Mr. Clements stated that no new construction is proposed, only maintenance or replacement of existing structures and areas. Julian Kadish stated that because there are some rare species habitat areas present, the normal procedure would be the filing of a Notice of Intent. Mr. Clements stated that the proposed work is all maintenance work and is exempt from a rare species filing. Julian Kadish suggested that, with field observation and barriers denoting the limit of work in the rare species habitat areas, a Determination of Applicability would be sufficient for this project. Jennifer Carlino stated that most of the items that Mr. Clements had just listed are not listed on the application form. Mr. Clements handed the list of proposed work to Jennifer Carlino and she stated the list was not included with the application that was submitted.

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Earl Willcott asked where the heavy equipment and trucks were going to be parked and Mr. Clements replied that they usually are parked in the rest areas or on islands away from any wetlands. Earl Willcott stated there are no rest areas on Norton highways. Mr. Clements suggested conditioning where the commission would like the equipment parked. He said the contractor usually does not know where the equipment will have to be stored at the end of the day.

Lisa Carrozza stated that, in her opinion, the burden of locating the wetland areas is put on the agent, Jennifer Carlino, and this is not fair. Mr. Clements stated these things could be written in as conditions. Jennifer Carlino stated this is the reason why this project should be a Notice of Intent filing. She said conditions need to be stated in Order of Conditions and not Determinations of Applicability. Jennifer Carlino asked Mr. Clements what work was proposed on bridge joints because there are two or three locations in Norton that Route 495 crosses over the Canoe River which is Norton's drinking water source.

Tony Massey stated that the limit of work in Norton has been cut back and will not extend to the Mansfield town line. Jennifer Carlino asked if they were changing their project and Mr. Clements said he would like to get approval for all the work proposed by this application to avoid having to come back in the future. Mr. Clements stated he would be submitting information on the wetland areas as determined by DEP later and Jennifer Carlino said the information should have been submitted with the filing for the commission to review before issuing a permit. Lisa Carrozza agreed that a plan showing the wetland areas should be submitted before a proposed project can be approved on the site. She advised Mr. Clements that hay bales are not permitted in Norton.

Julian Kadish suggested to Mr. Clements that they agree to have the contractors park vehicles out of the buffer zones, install silt fences where there might be runoff materials and at least provide a plan showing the wetland areas. Mr. Clements said he planned to obtain plans from DEP which should have the wetland areas outlined. Tony Massey stated that in previous projects other towns have requested less and in some cases requested more silt fence according to their own plans. Lisa Carrozza suggested that if conditions are needed, a Notice of Intent should be filed. She said it is not legal to add conditions to a negative Determination of Applicability. Discussion continued between Julian Kadish and Lisa Carrozza regarding whether or not a Notice of Intent should be filed, Lisa Carrozza suggesting that it should. David Henry asked what the drawback would be for filing a Notice of Intent and Mr. Clements stated filing a Notice of Intent takes longer to obtain the permit. He said that the Highway Department has been doing this type of work under a Determination of Applicability for years. Julian Kadish asked if information can be provided in a letter stating the work that is proposed accompanied by a plan showing the wetlands as well as assurance of the conditions that the contractors will follow as discussed earlier. Jennifer Carlino stated that everything begins with the location of the wetlands and protecting the wetlands for each project. She said this cannot be done unless a plan showing the wetlands is submitted with the application. Julian Kadish stated that if the applicant assures the commission that nothing is going to go into or impact the wetlands, then a plan of the wetlands will not be needed.

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Lisa Carrozza questioned where the heavy equipment might be stored and the possibility of grass being torn up. Julian Kadish stated that if the areas are upland areas they would be out of Conservation jurisdiction. Mr. Massey stated that Route 495 has a wide median strip and a lot of the time the contractors store their heavy equipment there. He said a lot of the work is also done at night. He referred to this project as a "book job" which means that normally all work and all plans are put into a book format so that the project managers and contractors can handle them easily in the field. He said all requirements and specifications from the Conservation Commission can easily be put into each book for each contractor to follow. Julian Kadish strongly stated that a Determination of Applicability with conditions can be issued for this project.

Marshall Martin of Taunton Avenue asked if there was going to be any extensive tree cutting. Mr. Massey stated that tree cutting was discussed at a previous meeting. He said there were problems with some of the contractors and the cutting of trees on Route 24. He stated that some contractors had to cut trees for their machinery to get to the dead trees. Mr. Marshall expressed a concern with overkill of cutting of the trees. Mr. Clements stated that a permit was given previously to cut trees along the highway for safety reasons.

Mr. Clements said he would get the requested information to the Conservation office to include maps showing the wetlands and locations of the silt fence. Jennifer Carlino requested the storage and stockpile areas be located on the maps also. Julian Kadish suggested that there will be no stockpiling for this project. Mr. Massey suggested adding a condition to the Determination that there will be no stock piling in Norton. He said that even though there is no material stockpiling, cut trees are usually grouped together in a pile for chipping. Julian Kadish stated that if the trees are stockpiled in an upland area, they should not be an issue. Mr. Massey stated that the length of the project on Route 495 has been decreased to approximately 1200 ft. to 1500 ft. and will not go to the Mansfield line as listed in the application, but he would like to get the approval for the entire length. Julian Kadish stated that the bridge joint maintenance will have to be detailed to ensure that no materials will run off into the river below the bridges.

Earl Willcott made a motion, seconded by David Henry, to continue the public hearing until the regular meeting of Monday, August 16, 2010 to allow time for the applicant to submit a letter and the requested information before the meeting. Approved.

Documents: Request for a Determination of Applicability-WPA Form 1

Norton, Route I-495 – U.S.G.S. Locus Map

Title

June 9, 2010

Date

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Discussion with Dora Burik re: Edgewater Condos and tree clearing.

No one was present at the public meeting for the discussion so no action was taken.

At 7:40 pm Earl Willcott made a motion, seconded by David Henry, to go into Executive Session for a land grant discussion.

The members returned to their regular meeting.

The members reviewed a request for a Certificate of Compliance filed by Richard Bland for Files:

#250-781 - 14 Johnson Drive

#250-677 - 16 Johnson Drive

#250-678 - 18 Johnson Drive

Richard Bland, Attorney for Angelo Pasqualino, Teddy Realty Trust, addressed the commission. He stated that there is an 800-foot driveway that runs from Johnson Drive to the three houses, 14, 16 and 18 Johnson Drive. He said originally the Order of Conditions requested that grass strips be placed on both sides of the driveway and he would like to know if the commission has any preference as to what type of grass seed to use as a portion of the strip is near a vernal pool.

Jennifer Carlino stated that what Mr. Bland requested is can the builder leave the weeds as is or does he have to dig it up and re-loam, re-seed the strips and properly stabilize the area. Lisa Carrozza asked what type of soil and vegetation is there at the present and Jennifer Carlino stated the top soil has been removed and weeds have rooted in the areas. She says it has been like this for at least six years. Julian Kadish suggested that loam and compost would have to be put down for any type of grass to grow.

Ron O'Reilly noted a letter was received from one of the homeowners on the common driveway requesting that a good grass seed be planted on each side of the driveway. Jennifer Carlino stated that grass should be planted on each side of the common driveway at least two feet wide and beyond that a wildflower or erosion control seed mix can be planted. Earl Willcott agreed that the soil would have to be dug out up to the driveway for loam or compost to be placed. Julian Kadish stated that loam and seed should be put down as stated in the original Order of Conditions. Lisa Carrozza stated that this should not be done before September because there is no way to water or irrigate the grass strip.

The members reviewed a request for a Certificate of Compliance for File **#250-814 – George Lattouf – Parcel 111 (assessors map 36) 5 Gilbert's Way**. Jennifer Carlino stated the work has been completed according to the approved plans. Lisa Carrozza made a motion, seconded by David Henry, to issue the Certificate of Compliance. Approved.

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The members reviewed the draft Order of Conditions for File **(#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. Earl Willcott abstained from voting. Julian Kadish made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions. The members agreed that three members can sign the Order of Conditions and Kathleen Giblin can sign the Order of Conditions at her convenience.

The members reviewed the draft Order of Conditions for File **(#250-861) – Alec Rich III, Ricci Custom Builders, LLC-Lot 3, Parcel 304 (assessors map 26) North Worcester Street** – for proposed plans to construct a house, driveway, sewage disposal system, utilities and related grading within 100 feet of wetlands. David Henry abstained from voting. Earl Willcott made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed the draft Order of Conditions for File **(#250-858) – Jeffrey O’Neill, Norton Commerce Center Hill Street LLC – Parcel 82 (assessors map 29) – Hill Street** – 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. Lisa Carrozza abstained from voting. Ron O’Reilly suggested changing the word “residents” to “applicant and its employees” in condition #41. David Henry made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed an Enforcement Order for **13 Karol Drive** for the cutting and clearing of trees within wetlands and within the floodplain without a permit. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign the Enforcement Order. Approved.

The members reviewed a letter to be signed by the chairman and sent to Andrew Waitkus of 6 Lopes Drive advising him that dredging his pond is ok under the agricultural exemption but the dredging or altering of the wetland at the front portion of Lopes Drive would need a wetland permit. Earl Willcott made a motion, seconded by Lisa Carrozza, to have the letter signed and sent. Approved.

The members reviewed a violation letter to be signed by the chairman and sent to the owner of **15 Samoset Street (Hope Street)** for the cutting and clearing of trees and vegetation within wetlands and the 100-year floodplain. Lisa Carrozza made a motion, seconded by Julian Kadish, to have the letter signed and sent. Approved.

The members reviewed a violation letter to be signed by the chairman and sent to the owner of **138 John Scott Boulevard** for the dumping of debris within the wetlands. Lisa Carrozza made a motion, seconded by Julian Kadish, to have the letter signed and sent. Approved.

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Jennifer Carlino noted that a request to donate property at parcel 14, assessors map 13, Lincoln Street has been received from Darlene Stanley. She stated taxes are due on the property and the Conservation Commission cannot accept land that taxes are due. She said she sent Ms. Stanley a letter stating this.

Jennifer Carlino stated she enclosed a new Open Meeting Law notice with the agenda.

The members re-organized the Conservation Commission as follows:

Julian Kadish made a motion, seconded by Earl Willcott, to vote David Henry for Chairman. Approved. It was agreed to vote for the Vice-Chairman at the next regular meeting of Monday, July 26, 2010.

Earl Willcott made a motion, seconded by David Henry, to adjourn the meeting at 9:09 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb