

Monday, December 20, 2010

Attendance

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

Kathleen Giblin (Vice-Chairman) and Lisa Carrozza were absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of November 8, 2010. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of November 29, 2010. Ron O'Reilly made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved. Julian Kadish abstained from voting.

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

The members reviewed the Bills Payable Sheet (W.B. Mason Co., Inc.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Benjamin Forestry Services, Inc.). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #959) – Christina Cavanaugh – Parcel 32 (assessors map 27) 35 Power Street** – for proposed plans to construct an addition within 100 feet of wetlands.

Document List

1. Request for Determination of Applicability Application Form WPA Form 1.
2. Plan entitled "Plot Plan Showing Additions for Christina Cavanaugh at 35 Power Street in Norton, MA signed and stamped by John F. Vance, Jr. with a scale of 1"=20' dated December 4, 2010.

Present at the public hearing were Christina Cavanaugh and her engineer, John F. Vance, Jr. who described the project to the members.

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He stated that 10 years ago the previous owner had replaced the septic system. He said the new owners, Mr. and Mrs. Cavanaugh are proposing an addition to the house. He stated there will be no excavation and only four holes will be dug for piers. Jennifer Carlino noted trees had been cut down in the wetlands and Mr. Vance noted this was done by the previous owner. She advised the applicant that no tree cutting is allowed in the wetlands and the area shall be left alone to restore to the original condition. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, 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. #961) – Wayne & Kathleen Dunn – Parcel 36-02 (assessors map 31) 126 John B. Scott Boulevard** – for proposed plans to repair/replace a septic system within 100 feet of wetlands.

Document List

1. Request for Determination of Applicability Application Form WPA Form 1.
2. Plan entitled "Subsurface Sewage Disposal System prepared by Outback Engineering Inc., signed and stamped by James A. Pavlik, R.P.E., with a scale of 1"=30' dated December 7, 2010.

Present at the public hearing were Wayne and Kathleen Dunn and their engineer, Niles Zager of Outback Engineering, who described the project to the members. He stated that this project is an emergency repair for the failing septic system. He stated that the septic system is 70 feet from the wetlands and the grading is within the 50-foot buffer area. Mr. Zager stated the septic system is located where it is because of the setbacks required by an existing well. Jennifer Carlino stated the work has already been started because of the emergency situation. Julian Kadish made a motion, seconded by Chris Baker, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, 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. #962) – Keith Bandecchi – Parcel 5-05 (assessors map 29) 256 Old Taunton Avenue** – for proposed plans to install a point well within 100 feet of wetlands.

Document List

1. Request for Determination of Applicability Application Form WPA Form 1.
2. Proposed Well Plan prepared by Yarworth Engineering Company, Inc. for Keith Bandecchi for 256 Old Taunton Avenue, Norton, MA 02766 with a scale of 1"=60' with latest revisions on October 28, 2010.

No one was present at the public hearing for this project. Ron O'Reilly made a motion, seconded by Chris Baker, to continue the public hearing until the end of the meeting. Approved.

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Keith Bandecchi arrived at the public meeting late. Julian Kadish made a motion, seconded by Ron O'Reilly, to re-open the public hearing for this project. Approved. Mr. Bandecchi described the project to the members. He stated that he proposes to install a point well on the property for irrigation purposes. He stated the well is proposed at the edge of the grass next to the retaining wall. He said that Chris Yarworth of Yarworth Co., Inc. added the well to an old Mortgage Plot Plan. Chris Baker asked if the well would be dug out with a backhoe and Mr. Bandecchi stated a truck would be used. Jennifer Carlino asked how a truck would get in to dig between the fence and the stone wall and he replied he would be removing the fence to allow access. Earl Willcott asked how deep the well was proposed and Mr. Bandecchi replied it would be approximately 20 feet. He stated he would be using an inch and one half pipe with a filter on the end. Julian Kadish asked if any erosion control would be necessary and it was agreed none would be needed. Julian Kadish made a motion, seconded by Chris Baker, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, 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. #960) – Linda Allen – Parcel 254 (assessors map 9) 19 Smith Street** – for proposed plans to repair a septic system within 100 feet of Norton Reservoir.

Document List

1. Request for Determination of Applicability Application Form WPA Form 1.
2. Plan entitled "Plan to Accompany a Conservation Application/Subsurface Sewage Disposal System Upgrade 19 Smith Street in Norton, MA prepared by Collins Civil Engineering Group, Inc. and signed and stamped by George R. Collins with a scale of 1"=20' dated November 30, 2010.

Present at the public hearing were Mr. and Mrs. Allen and their engineer, David Klennert of Collins Engineering Group, Inc. who described the project to the members. He stated the proposed system is a gravity-feed system and all work will be outside of the 50' buffer area, including the grading. He said silt fence will be installed around the existing system and the closest point to the wetlands will be 39 feet. Julian Kadish made a motion, seconded by Chris Baker, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Chris Baker, 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 Notice of Intent – **(#250-866) - Paul Barron – Parcel 174 (assessors map 12) 55 Lincoln Street** – for proposed plans to construct a house and septic system within 100 feet of wetlands.

Document List

1. Notice of Intent (WPA Form 3)
2. Affidavit of service as to notification of abutters.
3. Notification to Abutters under the Mass Wetlands Protection Act
4. Certified abutters list from the Norton Assessor's Board
5. Wetland Border Report, dated March 22, 2010

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6. USGS map portion and aerial photograph showing site locus
7. Supplemental Information for Endangered Species Review submitted to the NHESP
8. Plan entitled "Sanitary Disposal Design, Paul Barron, Lincoln Street in Norton, MA prepared by, signed and stamped by John F. Vance, Jr. with a scale of 1"=100' with latest revision of July 17, 2010.
9. Pictures submitted by Shannon Ribeiro of 55 Lincoln Street.

Present at the public hearing was Christopher Wagner of Carr Research Laboratory, Inc. who described the project to the members. He stated a single-family house is proposed and he proceeded to point out the different resource areas on a plan to the members. He stated that the submitted plan was a plan originally drawn by John F. Vance, Jr. for a septic system. He said that a response letter had been received from NHESP stating there would be no adverse impact to rare species.

Mr. Wagner pointed out the 100-foot buffer zone and the location within the 100-foot buffer zone where the septic system would be installed and he stated that only 25% of the property would be developed and 75% would remain undeveloped. Julian Kadish asked how big the lot was and Mr. Wagner stated the lot was just over 5 ½ acres, 3 acres of which is dry land. He stated the house is 30'x50' and is outside of the 100-foot buffer zone as well as the garage. The only work within the 100-foot buffer zone will be the septic system.

David Henry reminded Mr. Wagner that the erosion control shall consist of silt fence only and not haybales. Ron O'Reilly asked if there was a proposed garage or deck and Mr. Barron replied that he is proposing to construct a walk out basement with a two-car garage under and a deck off the rear of the house. Jennifer Carlino asked if he would be using town water and Mr. Barron replied he would have a private well. She requested that the well location, utilities, visual barrier and erosion control be shown on the plan. Discussion ensued on the different types of visual barriers that could be installed. Jennifer Carlino stated the barrier should be installed at the limit of work line.

Susan Bieksha of 57 Lincoln Street, an abutter, asked how many telephone poles would be used on the proposed 500' or 600' driveway and Jack Vance replied probably two or three. She asked how many holes had been dug to perc the property and indicated that trucks had driven over her property to get to the percolation areas. Earl Willcott replied this was a question for the Board of Health. Jack Vance replied that 13 test pits had been dug and, in order to get 4 feet of sand, the system had to be mounded and sand added to the area where the septic system was going to be located. He stated that the land will be surveyed and staked. Ms. Bieksha stated that she had concerns with flooding because the proposed house is located directly behind her house and this area is very wet when it rains already. Julian Kadish suggested the water flow created by the construction of this house would be very minimal compared to rain water flow.

Shannon Ribeiro of 55 Lincoln Street, an abutter, had concerns with flooding and submitted pictures of the property during a rain storm. Julian Kadish again stated that the construction of the house will not

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create any more runoff onto her property than already exists and that the water should be flowing into the wetlands. Jack Vance stated that the town had installed several additional catch basins on Lincoln Street within the past few years and all water eventually empties into the wetlands. Ms. Ribeiro asked whose jurisdiction it was as far as a privacy screen between the proposed house and the existing houses is concerned. Julian Kadish stated this might be the Planning Board's jurisdiction but suggested discussing this concern with her neighbors. Mr. Barron stated that his proposed house is located at least three hundred feet from any existing houses.

David Henry suggested that the applicant revise his plans to show the visual barrier, utilities, silt fence details, the driveway, culvert, etc. and submit them before the next regular meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 10, 2011 in order to receive revised plans. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-861 – Alec Rich III, Ricci Custom Builders, LLC – Lot 3, Parcel 304 (map 26) North Worcester Street**. Jennifer Carlino stated that she had sent a letter, dated December 13, 2010, to the applicant requesting that the elevations be shown on the As-Built plans and has not heard back from him. It was agreed to continue the request until the next regular meeting of Monday, January 10, 2010 in order to receive the revised plans.

The members reviewed a request for a Certificate of Compliance for File **#250-500 – Kim Arena – Parcel 292 (map 27) 8 Fordham Drive**. Jennifer Carlino stated the project is complete. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-676 – Deryl Kenney – Parcel 121 (map 35) 156 Dean Street**. Jennifer Carlino stated the project is complete. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-843 – Dean Zwicker – Parcel 14 (map 23) 9 Clapp Street**. David Henry read aloud the changes listed in the accompanying letter to the request for the Certificate of Compliance that were made to the project as follows:

1. Fence location of post and rail fence.
2. Two trees in the front of the accessory building have been removed.
3. Driveway location (North side) in the front general runs straight out.
4. Finish grade near accessory building slightly lower than the proposed 102 elevation.
5. Canopy on south side moved to the east side of the accessory building.
6. New stone placed in old driveway near old garage.
7. Electric service to accessory building runs underground from U.P. 1133.

He noted that a plan showing the changes was referenced in the letter as follows: "File #SE 250-0843 As-built plan for "Certificate of Compliance" in Norton prepared for Dean A. Zwicker, prepared by W.T. Whalen Engineering Co., 481 Mt. Hope Street, North Attleborough, Ma., dated December 6, 2010, scale 1"=30'.

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Jennifer Carlino asked Mr. Zwicker when he put the seed down and he replied that he put seed around the foundation about September of 2009 and the rest around May of 2010.

Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for File **#250-772 – David Azanow, Bennett Mortgage Investment Co., Inc. – Parcels 182, 185, 191 & 311 (map 27) South Worcester Street.** Jennifer Carlino noted the project is eligible under the Permit Extension Act. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a two-year Extension Permit. Approved.

The members reviewed a request for an Extension Permit for File **#250-776 - Benton Keene - Sugar Hill Home Inv., Inc. - Lot 2, Parcel 7 (map 27) So. Worcester Street.** Jennifer Carlino noted the project is eligible under the Permit Extension Act. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a two-year Extension Permit. Approved.

The members reviewed a request for an Extension Permit for File **#250-777 - Benton Keene - Sugar Hill Home Inv., Inc. - Lot 1, Parcel 7 (map 27) So. Worcester Street.** Jennifer Carlino noted the project is eligible under the Permit Extension Act. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a two-year Extension Permit. Approved.

Jennifer Carlino stated that regarding the forestry project at Lincoln Woods, extra wood has been found and an extension is needed. She suggested until February 28th. Earl Willcott made a motion, seconded by Chris Baker to extend the Forestry Project for Lincoln Woods. Approved.

Jennifer Carlino noted a new cutting plan has been received for the Crane Farm for the Reilly family at 174 Pine Street. She said white pine and black oak trees will be harvested. She stated this is the area where the waste water treatment plant is proposed to be located.

Jennifer Carlino stated there was a minor modification to File #250-858 (Hill Street Waste Management plant) in order to comply with Planning Board requests regarding a sound barrier and pipe size. Earl Willcott made a motion, seconded by Ron O'Reilly, to accept the modification as requested.

Jennifer Carlino noted that the annual Spring Town Meeting is scheduled for Monday, May 9, 2011. She asked the members if they wanted the article for the Norton Reservoir dam repairs to be added to the warrant and it was agreed to submit the article as required by the state each year.

Jennifer Carlino noted she received notification of the Attleboro Hydroelectric Project at Dodgeville dam on the Ten-Mile River. She stated it will not enter Norton and she does not have to comment on this project.

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Jennifer Carlino noted that the Chartley Dam Phase I inspection is due in 2011 and the Norton Reservoir dam follow-ups are supposed to be done twice a year. She stated she had given these projects to Pare Corp. but she thinks they have not completed the projects. Jennifer Carlino asked the members to start thinking about what action will be taken regarding Pare Corp. and the continuing problem with the last unpaid invoice. She said a decision will have to be made as to whether or not the dam inspections will go out for bid to a different company or not.

Ron O'Reilly noted that installation of the fence for the McGinn property has begun.

David Henry adjourned the public meeting at 8:34 pm.

Minutes Approved by Committee on: _____
(Date)

Respectfully submitted,

Signature:

(Name)

Chairman, _____
(committee)