



Norton Conservation Commission
70 East Main Street
Norton MA 02766

Monday, June 13, 2011

RECEIVED
NORTON TOWN CLERK
2011 JUL 26 P 2:32

Attendance

David Henry (Chairman), , Ron O'Reilly, Julian Kadish, Lisa Carrozza,
Chris Baker, Michele Simoneaux and Jennifer Carlino, Conservation Agent

Kathleen Giblin (Vice-Chairman)

Minutes

David Henry called the meeting to order at 7:00 pm.

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

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

The members reviewed the Bills Payable Sheet (Nextel). 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. #968**) – **Bryan Driscoll – Parcel 54-04 (Assessor's map 24) – 61 Hill Street** - for proposed plans to replace/repair a septic system within 100 feet of wetlands.

Document List

1. WPA Form 1-Request for Determination of Applicability
2. U.S.G.S. Topographic Site Locus Map
3. Mass Natural Heritage Atlas Rare Species, Priority Species, Potential and Certified Vernal Pools.
4. FEMA Flood Map
5. Wetlands Data Sheets
6. Plan entitled "Subsurface Sewage Disposal System Upgrade, 61 Hill Street, Norton, MA prepared by Outback Engineering Incorporated, Scale of 1"=20', dated May 5, 2011 and signed and stamped by James A. Pavlik (sheets 1 & 2).

Present at the public hearing were Caroline Driscoll and Nyles Zager of Outback Engineering Incorporated. Mr. Zager described the project to the members. He explained that the septic system at the rear of the property has failed. He said there was an existing pond at the rear of the property. Mr. Zager stated that because of the location of the house, the septic system could not be re-located, but the plumbing in the house had been re-located to come out of the side of the house. He said that the work

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 2.

will now be approximately 65 feet from the BVW instead of 50 feet. Mr. Zager noted that the new system will be a gravity pump system on a smaller footprint and there will be no additional grading.

Lisa Carrozza asked where the old system was located and Mr. Zager showed her on the submitted plan and explained that the old "cesspool" would be filled with sand and left undisturbed after removing the existing pipes. Jennifer Carlino requested that debris be removed at W flags 6 & 7 before the installation of the new system. She stated that grass has been cut beyond the property line and right up to the wetlands and suggested the property line be staked to prevent further mowing within the wetlands. Jennifer Carlino asked if the homeowners intend on doing any work within the existing stone channel or stone pool such as pumping. Christine Driscoll, daughter of the homeowner stated she would not be touching those areas and would like them to remain as is.

David Henry asked Ms. Driscoll if she intends to remove a fallen tree branch. Jennifer Carlino noted the branch was not on this property. Julian Kadish stated the branch could be removed as maintenance of the wetlands. Michele Simoneaux asked Ms. Driscoll if water has ever flowed down the stone channel and Ms. Driscoll replied it had not since she has lived here.

Lisa Carrozza 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 Notice of Intent – **Bay Road Heights – Parcels 27, 29, 30 & 131 (Assessor's Map 12) & portions of Bay Road, off Bay Road (Phase 2 of Bay Road Heights 40B)** for proposed plans to extend a water main, construct a roadway, 11-lot subdivision and storm water management within 100 feet of wetlands.

Document List

1. WPA Form 3-Notice of Intent
2. Plan entitled "Phasing Plan, Bay Road Heights in Norton, Massachusetts prepared by Outback Engineering Incorporated with a scale of 1"=50' dated February 23, 2011 and signed and stamped by Rene L. Gagnon, RPE (sheets 1 & 2).
3. Plans entitled "Bay Road Heights, A Residential Development in Norton, Massachusetts, prepared by Outback Engineering Incorporated signed and stamped by Rene L. Gagnon, RPE (sheets 1 to 13) dated January 9, 2007 with latest revisions of October 14, 2010.
4. Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated June 24, 2010.
5. Addendum to Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated October 12, 2010.

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 3.

Present at the public hearing were Shaun Kelly, applicant, Nick Adams, owner and Rene Gagnon, Project Manager, of Outback Engineering Incorporation who described the project to the members. He stated that this property consists of 31.26 acres which extends from Bay Road to Lincoln Street. He said there are two existing houses, one at 135 Bay Road and one at 50 Lincoln Street. He stated that the property consists of 15.9 acres of uplands and 15.3 acres of wetlands, which are located at the rear of the Bay Road property and across the street at 134 Bay Road. Mr. Gagnon stated the wetland boundaries were flagged in 2005 by Pare Engineering and an ORAD was issued at that time which has expired.

Mr. Gagnon explained that this project is for a 40B Subdivision which includes a 12-lot subdivision with a 950-foot road, 1 duplex building and 11 single-family houses. Mr. Gagnon stated the 40B Comprehensive Permit was obtained in 2007 and modified last month. He stated this project also includes a condominium development which includes 23 three-bedroom condos on a 950-foot loop road. He said the extension of the water main from the subdivision to Buttermilk Way was part of this project also.

Mr. Gagnon pointed out the 3 discharge areas on the plans, 2 within the subdivision which will discharge to a detention basin and one across the street which will discharge into the wetlands. He stated that there is approximately 153,000 sq. ft. of buffer zone of which approximately 58,000 sq. ft. will be disturbed. He noted that originally the two detention basins were proposed to be dry, but have been revised to be infiltration basins. Mr. Gagnon stated there was still a disagreement with Natural Heritage regarding the rare species habitat area and he said that he brought data with him to back up his submitted information and stated the project was not proposed in a priority habitat when the project started. He pointed out the 25-no disturbance zone on the plans to the members.

Jennifer Carlino asked if the addresses on file for Shaun Kelly and Nick Adams were correct since the mail came back "undeliverable" and Nick Adams updated their addresses. She also asked who the engineer for the project is and Nick Adams stated Outback Engineering has been the engineer since the beginning of the project approximately five years ago. He said that Rene Gagnon is the engineer and Seth Dufort is the Environmental Scientist. Mr. Adams stated his engineer had reviewed her comment letter which consisted of 47 items to be addressed. He stated they were in agreement with all but the Natural Heritage issue. Jennifer Carlino stated she would like a written response and will review each item one at a time in order at the next public hearing in order to give anyone interested a chance to comment.

Mr. Gagon noted that the Zoning Board of Appeals had granted a modification to the project to allow the project to be completed in three phases; 1. the first Phase would include the remodeling of the building at 135 Bay Road into a duplex house and the remodeling of the house on Lincoln Street, 2. the second Phase would consist of the extension of a water main to run from Buttermilk Way to the subdivision road where the single-family houses and condominiums would be constructed and the construction of the single-family houses, 3. the third Phase would be the construction of the condominium units. Lisa Carrozza asked if a peer review had been done by the town for the storm water and Mr. Gagnon replied one had. Lisa Carrozza requested a copy be submitted to the Conservation Commission.

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 4.

Michele Simoneaux asked Mr. Gagnon if the water discharge across the street on Bay Road would be discharging into a vernal pool and Mr. Gagnon stated it would not be a vernal pool, just wetlands. Jennifer Carlino asked Mr. Gagnon if the wetland across the street had been flagged with the original ORAD and he replied that it had not been but it is now. She asked him if the flags were shown on the submitted plans. He stated they were not and Jennifer Carlino requested the plan be revised to show the flags so that the Conservation Commission can review and approve the boundary. Michele Simoneaux suggested to Mr. Gagnon that when revisions are made to the plans and the various areas are zoomed in, wetland flag numbers should be included. Lisa Carrozza asked when Phase 3 would begin and Mr. Adams stated probably not for a couple of years because of the housing market at the present time.

Discussion ensued regarding comment #38 of Jennifer Carlino's comment letter dated June 6, 2011. Jennifer Carlino stated that if the lawn area between the decks and the edge of the 25-foot limit of work area is too small, that side of the house becomes shaded and subject to mold and mildew, roof damage and clogged gutters. She suggested relocating the houses closer to the road.

Cheryl Roberts, an abutter to the project, asked about how large the lot sizes of the proposed condominium and single family houses were proposed and Mr. Adams replied approximately 16,000 sq. ft. Linda Mayer, 101 Bay Road, stated she had no knowledge that this project had started up again since 2005. She said she thought the project was dead because of the housing market. Another abutter asked if this property was still for sale and Mr. Adams replied that it was. Mary Caizza, 111 Bay Road, asked if the proposed project would be piping water down Bay Road and Mr. Gagnon replied it would be. She asked if the pipe would be installed on her side of Bay Road and Mr. Adams replied it would be on the opposite side of the road. She asked who would be paying for water pipe to be connected to her house and Jennifer Carlino stated this is a question for the Water Department.

Lisa Carrozza asked if the wetlands on Bay Road near the proposed water line were part of this project and Jennifer Carlino stated the wetlands are owned by the Conservation Commission and were not flagged as part of this project. David Henry asked the applicant if he would have a response letter ready for the next regular meeting of Monday, June 27th and he said he would. Jennifer Carlino asked to be notified in advanced if they cannot have the response letter ready for the next meeting and to please call to confirm that they will be attending the next meeting.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, June 27, 2011. Approved.

The members reviewed a Notice of Intent – Notice of Intent – **Bay Road Heights – Parcels 29, 30 & 131 (Assessor's Map 12) off Bay Road (Phase 3 of Bay Road Heights 40B)** – for proposed plans to install a 23-unit condo complex, road, storm water management and utilities within 100 feet of wetlands.

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 5.

Document List

1. WPA Form 3-Notice of Intent
2. Plan entitled "Phasing Plan, Bay Road Heights in Norton, Massachusetts prepared by Outback Engineering Incorporated with a scale of 1"=50' dated February 23, 2011 and signed and stamped by Rene L. Gagnon, RPE (sheets 1 & 2).
3. Plans entitled "Bay Road Heights, A Residential Development in Norton, Massachusetts, prepared by Outback Engineering Incorporated signed and stamped by Rene L. Gagnon, RPE (sheets 1 to 13) dated January 9, 2007 with latest revisions of October 14, 2010.
4. Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated June 24, 2010.
5. Addendum to Drainage Report, Bay Road Heights, Norton, Massachusetts, A Proposed Housing Development in the Town of Norton, MA prepared by Outback Engineering Incorporated dated October 12, 2010.

Present at the public hearing were Shaun Kelly, applicant, Nick Adams, owner and Rene Gagnon, Project Manager, of Outback Engineering, Inc. All comments are the same as the previous hearing.

Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, June 27, 2011.

The members reviewed a request for a Certificate of Compliance for File **#250-423 – Gary Blanchard – Parcel 186-01 (Assessor's Map 19) 4 River Road** for the razing of an existing structure and construction a new dwelling, deck and landscaping. Jennifer Carlino stated the project was completed, an as-built plan was submitted and an Elevation Certificate was on file. Lisa Carrozza 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 **#250-169- Angelo Pasqualino – Parcels 139, 140 & 142 (Assessor's Map 27) Barrows Street (Estates at Norton)** – for construction of a residential subdivision, roadways, drainage, utilities, etc. within 100 feet of wetlands, banks and floodplain. Jennifer Carlino stated As-Built plans have been submitted. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed the following requests for Certificates of Compliance.

#250-691	Angelo Pasqualino	26 Johnson Drive, Lot 3	single family home
#250-648	Angelo Pasqualino	11 Johnson Drive, Lot 8	single family home
#250-628	Angelo Pasqualino	24 Johnson Drive, Lot 4	single family home
#250-782	Angelo Pasqualino	16 Johnson Drive, Lot b-1	single family home/common dwy

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 6.

#250-678	Angelo Pasqualino	18 Johnson Drive, Lot a-1	single family home/common dwy
#250-781	Angelo Pasqualino	14 Johnson Drive, Lot 9a	single family home/common dwy
#250-739	Angelo Pasqualino	Johnson Drive	road and drainage work common driveway

Jennifer Carlino stated that the grading is not included on any of the As-Built plans for these 7 files and there are no visual barriers on most of the plans and the information is incomplete for these files. She suggested the requests be continued until a future meeting after which the information to close these files out is received. The members agreed. Angelo Pasqualino stated that he thought the information would be received before the next meeting of June 27, 2011.

The members reviewed a release of the Enforcement Order for 14 North Worcester Street. Jennifer Carlino stated the work was completed a few years ago. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign the release (Certificate of Compliance) for 14 North Worcester Street. Approved.

The members reviewed a request for an Extension Permit for File **#250-756 – David LeMieux, Sinclair Manufacturing Company, Parcels 124-01, 126, 127 & 127-01 (Assessor's Map 26), 12 South Worcester Street**. David Henry stated the Permit Extension Act allows for a **two-year** extension at this time. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Extension Permit. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-870) – Dylan Ribeiro – Parcel 302 (Assessor's Map 9) 133 Mansfield Avenue** – for proposed plans to clean and restore areas, construction of storage bins and site grading within 100 feet of Norton Reservoir. Chris Baker recused himself from voting. Lisa Carrozza suggested changing the word "Erosion" to "Sediment" in condition #11a. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept and sign the Order of Conditions, as amended. Approved.

Jennifer Carlino stated that the Norton Water Department is proposing to install water lines on Mansfield Avenue and, after reviewing the plans, she notified them that they will need to obtain a wetland permit.

The members reviewed a draft comment letter written by Jennifer Carlino in response to a letter regarding the proposed Island Brook 40B on East Main Street in Norton. She stated this project has been going on since 2001 and she has sent the same comments in the past. She said they have not gone before the Zoning Board of Appeals yet nor have they received their letter from Mass Housing. She noted that no applications have been filed with any boards and the developer is Robert Junior. Michele Simoneaux had a few minor revisions to the draft letter. Ron O'Reilly made a motion, seconded by Julian Kadish, to have the chairman, David Henry sign the amended letter. Approved.

Norton Conservation Commission

Monday, June 13, 2011

Minutes, page 7.

Jennifer Carlino noted that the city of Taunton is proposing to remove the Whittendon Dam and there is an ENF available for review. Jennifer Carlino suggested that it would probably not impact Norton since we are upstream. She said she will have a few comments on the project.

Jennifer Carlino stated that someone is proposing to purchase the Goosebrook Garage on Dean Street and sell cars from the site. She said she sent a letter to the Board of Selectmen stating any activities on that site will require a wetland permit.

Jennifer Carlino stated that she has not received an update for the violation at 157 Mansfield Avenue which was supposed to be sent to her every two weeks. She said it was suggested to her to send a letter to the insurance company to help speed up the settlement process.

Jennifer Carlino stated that the cleaning up of the detention basin at the Roche Bros. Plaza has begun but she has not received a receipt for the cleanup nor a copy of the Operations & Maintenance Plan for the plaza.

Jennifer Carlino noted that the pre-construction meeting for John Scott Boulevard will be held this Thursday at 9:30 am. She stated this is the lot that was appealed to DEP.

Jennifer Carlino noted that Kathleen Giblin will be resigning from the board.

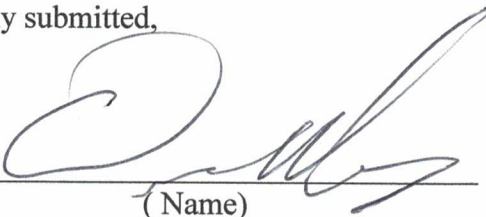
Chris Baker made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 8:20 pm. Approved.

Minutes Approved by Committee on:

7/26/11
(Date)

Respectfully submitted,

Signature:


(Name)

Chairman,

Conservation
(committee)