

Monday, February 11, 2013

### **Attendance**

David Henry (Chairman), Ron O'Reilly (Vice-Chairman),  
Julian Kadish, Michele Simoneaux, Scott Ollerhead  
and Jennifer Carlino, Conservation Agent

Lisa Carrozza and Chris Baker were absent.

### **Minutes**

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

The members reviewed the draft minutes of **September 10, 2012**. David Henry and Michele Simoneaux noted a couple of typing errors which Jennifer Carlino replied she would have the secretary correct. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to accept the minutes as amended. Approved. Julian Kadish abstained from voting.

The members reviewed the draft minutes of **September 24, 2012**. Michele Simoneaux had a question regarding a paragraph under Old Business. She asked where was the location of the pond and Jennifer Carlino noted it was on Fairlee Lane which will be added to the minutes. Michele Simoneaux noted that the minutes stated Jennifer Carlino was going to draft a letter for the next meeting and she asked to whom the letter would be addressed. Jennifer Carlino replied the letter would be addressed to Fred Bottomley and that she would add this to the minutes. Michele Simoneaux made a motion, seconded by Julian Kadish, to accept the minutes of September 24, 2012, as amended. Approved.

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

The members reviewed the Bills Payable Sheet (Home Depot). Scott Ollerhead made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Chessia). Michele Simoneaux made a motion, seconded by Scott Ollerhead, to pay the bill. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation– **(#250-898) – Campanelli Thorndike Norton, LLC - Parcels 61 & 76 (Assessor's Map 11) 274 East Main Street – (cont. from the November 19, 2012 & December 17, 2012 mtgs.)** - for verification of the Resource Areas.

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Document List

1. WPA Form 4A – Abbreviated Notice of Resource Area Delineation
2. Plan entitled “Plan to Accompany ANRAD, East Main Street, Norton, Massachusetts, Prepared For: Thorndike Properties of Massachusetts, LLC, Scale 1”=50’, prepared by Yarworth Engineering Co., Inc., signed and stamped by Christopher D. Yarworth and dated October 19, 2012, Revised November 19, 2012.
3. Letter dated November 30, 2012 from Brona Simon, Mass Historical Commission
4. Peer Review comment letter dated January 8, 2013 from Chessia Consulting Services LLC.
5. Peer Review comment letter dated January 11, 2013 from ThompsonFarland.
6. Comment letter dated January 25, 2013 from Kelly Engineering Group, Inc.

No one showed up at the meeting. Jennifer Carlino stated she had received an email from an abutter asking if she had received feed back from Chessia Consultants on the supplemental information and if they are on the agenda for tonight. She replied that they are on tonight’s agenda but the applicant has not submitted the \$800 check to pay for the Consultant yet as required at the meeting of January 14<sup>th</sup>.

Jennifer Carlino stated she drafted a letter to the applicant advising them that the Commission is requiring them to submit a check for \$800 to pay for the Peer Review under Chapter 44, Section 53G and that they have 10 days to submit the check to the Conservation office. David Henry read the letter aloud. Ron O’Reilly suggested to add a paragraph to the letter regarding the applicant or his representative not showing up for tonight’s meeting. He suggested that she write into the letter that the Commission can close the public hearing for lack of information if he does not show up again. Michele Simoneaux made a motion, seconded by Scott Ollerhead, to have Jennifer Carlino send the letter with the added information as suggested by Ron O’Reilly regarding not showing up for the public meeting tonight. Approved.

Mr. Manganiello, attorney for the Kingsbury Hill Condo Association suggested the applicant would not be ready by the next meeting of February 25<sup>th</sup>.

Michele Simoneaux made a motion, seconded by Ron O’Reilly, to continue the public hearing until the regular meeting of Monday, March 11, 2013. Approved.

Dr. Maureen Sroczynski of 283 East Main Street, Unit 15, suggested that the Conservation Commission notify the Zoning Board of Appeals that the applicant did not show up tonight for the meeting. David Henry replied that is not the Commission’s responsibility to do that.

Leland Goldberg of 9 Danforth Lane noted that he had a copy of the Peer Review letter from Chessia Consulting Services LLC dated January 8, 2013. He asked the board what the procedure at this time after continuing the public hearing for this project. He asked if there would be any discussion tonight regarding the letter received from Chessia Consulting Services LLC. Jennifer Carlino replied there would be no more discussion on this project this evening nor on February 25<sup>th</sup>. She said the project is

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continued to the regular meeting of March 11<sup>th</sup> and that is when further discussion will take place. Ron O'Reilly stated they will have to send a letter requesting a continuance, and if they do not, that issue will have to be addressed at that time.

Julian noted that the application is for the Wetland delineation only and not for a proposed project. Michele Simoneaux noted that if and when a Notice of Intent application is filed, it will be decided whether or not the information within the application trips any thresholds for other required applications. Jennifer Carlino noted that the Commission is reviewing only the plans submitted with this Abbreviated Notice of Resource Area Delineation.

The members reviewed a Notice of Intent – (#250-902) – **Brian Coulter – Parcel 41-02 & 35-01 (Assessor's Map 14) 186 North Worcester Street** – for proposed plans to construct an addition within 100 feet of wetlands.

Document List

1. WPA Form 3 – Notice of Intent
2. Plan entitled "Plan of Proposed Garage Addition, 186 North Worcester Street in Norton, MA Prepared for Brian Coulter, Scale 1"=20', Yarworth Engineering Company, Inc., signed and stamped by Christopher D. Yarworth dated January 18, 2013.

The applicant described the project to the members. He said he would like to add a garage to the side of his house. He stated that the side where he proposes to put the driveway is an existing gravel driveway. Mr. Coulter noted that the proposed garage will be 28' x 48' with a 10-ft. lean to on the back side. Michele Simoneaux asked if any trees would have to be cut and Mr. Coulter replied that he may have to trim a couple, but not cut any down. She asked if there would be any grading and he replied he was going to put down a slab and not dig a foundation.

Jennifer Carlino asked Mr. Coulter if he would have to cut any trees within the 25-ft. no disturbance zone. He replied he may have to trim a couple. She asked him if the roof line for the proposed garage will match up with the roof line of the house and he replied it would.

Michele Simoneaux suggested moving the silt fence up closer to the project. Jennifer Carlino pointed out an area in the back that was dug out and asked Mr. Coulter what happened in that area. He replied that during a hurricane, two trees had fallen and crashed into two other trees. He noted that the previous owner had filled in a pool and left a mess which he had to clean up.

Jennifer Carlino suggested that Mr. Coulter remove logs and leaves from the wetlands and let it grow back naturally which he agreed he would do. She suggested that he install a visual barrier at the top of the slope to prevent any more encroachment into the wetlands.

Michele Simoneaux asked Mr. Coulter when he planned to begin construction and he replied he would begin approximately late spring, early summer.

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Michele Simoneaux made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed the draft Order of Conditions for Notice of Intent – **(#250-901) - George Jackson, Jr. – Parcel 26 (Assessor's map 32) 292 Taunton Avenue** – for proposed plans to repair/replace a sanitary disposal system within 200 feet of the Wading River. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the conditions as written and to sign the Order of Conditions. Approved.

**OLD BUSINESS**

**#250-882 – Pheeny's Island** appeal update - Jennifer Carlino stated that everyone should have two letters and she will copy the third letter for them which is a letter opposing the motion to dismiss the appeal from the petitioner.

Jennifer Carlino noted that she has not received any added information from Pare Corp. after requesting that they send more detail information for their latest invoice.

Jennifer Carlino stated that Pare Corp. is in the process of doing the Spillway Design for the Norton Reservoir but cannot go any further until they know which elevation they can go by. Jennifer Carlino stated she received a letter from Town Counsel who states in her letter that originally back in 1954 it was stated in the deed for the private properties at the Norton Reservoir that the elevation of the water could not go higher than 101.76 feet and, if it did, the town would be responsible for trespassing on the property. She said that the elevation has been 103 feet for years. She said the Commission has to make a decision as to what elevation Pare Corp. is to go by in their repair design for the spillway.

Jennifer Carlino stated that if the Commission decides to leave the elevation where it is at 103 feet, the case might have to go to land court. She noted that the elevation has always been 103 feet as far back as she can recall. Ron O'Reilly stated that the spillway wasn't always there. She noted that the Town Manager has suggested they have a meeting with Pare Corp. and Town Counsel in Executive Session. Julian Kadish stated that lowering the Norton Reservoir two feet would not be feasible. He suggested the building of the dam in 1909 caused the discrepancy in the elevation. Jennifer Carlino stated the elevation was 101.6 in 1954.

Julian Kadish suggested this could have been a surveying error. Jennifer Carlino suggested having the meeting with Town Counsel and Pare Corp. and suggested doing the research that the elevation has been at 103 feet for over 20 years. Julian Kadish suggested to do the research and find out where the discrepancy derived from.

VIOLATIONS:

**12 Forest Lane –**  
**18 Richardson Avenue –**  
**241 Mansfield Avenue –**  
**6 Rumford Road –**  
**45 Crane Street –**  
**418 Reservoir Street –**  
**#250-552 – COC letter**

Jennifer Carlino stated there is no new information on any of the above violations at this time.

**SITE VISITS -**

David Henry asked if anyone had inspected the violation site at **72 Mansfield Avenue**. Scott Ollerhead replied he had gone there and the area was highly vegetated. Jennifer Carlino stated she had sent a letter to the owner, advising him to Cease and activities within 25 feet of the existing line of trees at the edge of the Reservoir until the type of application to be filed is determined by the Commission and all brush piles, cut limbs and branches may be removed by hand.

She said she advised the owner, Dennis Fernandes, that stabilization at this time is not necessary because of the amount of woody debris on the ground. She stated she advised the owner to provide documentation as to any farming being performed on the property. She said she told him that a permit will be needed for any agricultural projects being performed on the property since it has been over a decade since any agricultural projects have been performed on the site. She noted that the owner was referring to hay. Jennifer Carlino stated that Lisa Carrozza suggested having the owner mark the 100-ft. buffer zone area which she agreed she would have him do and call to let her know when he is going to file an application for a permit.

**NEW BUSINESS**

Land Court – Nieuwkoop-Demers, South Highland Road - Jennifer Carlino noted that the two homeowners are going to land court to see who can use a certain parcel of property for their driveway. Jennifer Carlino stated the land in question is actually owned by the Conservation Commission. She said that Town Counsel has prepared a letter to send to the homeowner advising them that the land is owner by the Conservation Commission and that they cannot use the land. She stated that they have actually been encroaching on the wetlands. Jennifer Carlino presented the two letters for each homeowner for the Commission's review. She stated the letters are requiring all materials and buildings be removed from the Conservation property. Michele Simoneaux made a motion, seconded by Ron O'Reilly, to send the letters.

**119 Freeman Street** - Jennifer Carlino stated that the homeowner would like to add to an existing boardwalk and also construct a dock. She stated that the Wetlands Protection Act requires the

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homeowner to present an engineered plan. The members agreed they should provide an engineered plan. Jennifer Carlino stated she would send a letter to the homeowner requiring the plan. She noted that the homeowner has also cut, cleared and filled within the wetlands and will need to do replication work.

Jennifer Carlino noted that there has been an Emergency Declaration by DEP which allows the home owner to clean up any fallen branches or trees in rivers within reason.

Jennifer Carlino presented the annual lease between the Norton Conservation Commission and Norton Kayak Company to be signed. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign the lease. Approved.

Julian Kadish made a motion, seconded by Michele Simoneaux, to adjourn the meeting at 8:14 pm. Approved.

Minutes Approved by Committee on: \_\_\_\_\_  
(Date)

Respectfully submitted,

*Signature:*

\_\_\_\_\_  
( Name)

Chairman, \_\_\_\_\_