



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MA 02766-2320
(508) 285-0275
Fax (508) 285-0277

Monday, January 24, 2005
7:00 pm

RECEIVED
FEB 15 2005
NORTON TOWN CLERK

Attendance

Bob Medeiros (Chairman), Kathleen Giblin (Vice-Chairman)
Julian Kadish, Lisa Carrozza, Ron O'Reilly
Jennifer Carlino, Conservation Agent

Eileen King & Earl Willcott were absent.

Minutes

The members reviewed the draft minutes of **October 18, 2004**. The minutes were tabled until the next regular meeting of Monday, February 14, 2005.

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

The members reviewed the Bills Payable Sheet (Registry of Deeds). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed a Notice of Intent – **(#250-643) - Scott Frietas – Parcel 112 (assessors map 32) 35 John B. Scott Boulevard – (cont. from the November 15, 2004, December 13, 2004 & January 10, 2005 mtgs.)** - for proposed plans to construct an addition, driveway and garage and for replication of wetlands within 100 feet of wetlands. Scott Frietas was present at the public hearing and submitted a revised plan. He stated according to a botanist he should plant pepperbush and maple trees in the wetland areas along with a Conservation mix to stabilize the wetland area. Jennifer Carlino stated the submitted plan was still not containing all of the revisions. She stated the planting plan, including the upland area should be on the revised plans. Jennifer Carlino stated the visual barrier should also be noted on the revised plans for the limit of work area and reminded the commission members of the Enforcement Order. Bob Medeiros stated he was opposed to a fence barrier. Bob Medeiros asked Mr. Frietas to have his botanist, Walter Hewitson, call Jennifer Carlino to discuss the information that should be added to the revised plans. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, February 14, 2005. Approved.

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The members reviewed a Notice of Intent – (#250-651) – **Bill Harris/Robin Norton LLC – Parcels 38, 252 & 253 (assessors map 5) 308 East Main Street – (cont. from the January 10, 2005 mtg.)** - for proposed plans to expand a parking lot, with associated grading, landscaping and drainage improvements within 100 feet of wetlands. Bob Medeiros stated the applicant requested a continuance for the project until the regular meeting of Monday, February 28, 2000. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until Monday, February 28, 2005 at 7:05 pm. Approved.

The members reviewed a Amendment to Order of Conditions - (#250-520) - **Massachusetts Golf Association – parcel 139 (assessors map 26) 300 West Main Street – (cont. from the January 10, 2005 mtg.)** - to remove concrete blocks along Wading River and provide stormwater management. Matt Varrell of Vanasse Hangen Brustlin (VHB) represented the applicant at the public hearing. He said he wanted to address the issues of concern of the previous meeting. The first issue was the suggestion of the Commission to have the applicant install a swale along the edge of the parking lot which would eliminate the installation of a detention basin. He stated that he and the engineer agreed that the swale would not be very effective in catching the runoff water from the parking lot. He said that in his opinion and his engineer's opinion, eliminating the detention basin and installing a swale would not be a good tradeoff. Mr. Varrell said the second issue is the re-suspension of sediment in the basin during a large storm event. In his opinion, he thought this would not be necessary as the golf course is closed during the winter months. Jennifer Carlino and the Commission members informed Mr. Varrell that the club is open now and the parking lot has been plowed which indicates that the clubhouse is open during the winter months. He stated that there is a sweeping program in place to clean up any sediment that does collect on the parking lot. The third issue Mr. Varrell addressed was the moving of the soil stock piles. He said the applicant was willing to move the piles next to the retaining wall but stated the piles would need to be placed onto an impervious surface. The next issue was the location of the compost from any landscaping on the site. Mr. Varrell stated the Operations & Maintenance Plan was revised to include a section describing the landscaping process and location of the compost and was submitted at the last meeting. Jennifer Carlino noted that it wasn't marked on the plans. He said the area would not be within the buffer zone or the floodplain and would be marked by stakes to keep the compost within the described location. Jennifer Carlino asked if the areas that were not flagged are now flagged and Mr. Varrell stated they were not but he would make sure this was done. Lisa Carrozza requested that the applicant relocate the basin to the stock pile area since the stock pile would be moved. This will move all work outside the floodplain. She requested they relocate the soil stock piles to next to the clubhouse. Mr. Varrell agreed to the suggestions and said a revised plan would be submitted to the Commission. Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 14, 2005 at 7:15 pm. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #845) – **Katherine Conway – lot 5, parcel 89 (assessors map 23) Seminary Way – (cont. from the January 10, 2005 mtg.)** - for delineation of the wetland boundaries. Paul Jodice, contractor for the applicant was at the public hearing to update the Commission members on the project. Jennifer Carlino stated the information requested from the applicant's engineer was submitted today and she did not have time to review it. She stated that she would need to look at a Watershed map also. Kathleen Giblin made a

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motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 14, 2005 at 7:20 pm to receive the revised plans from the engineer showing the submitted information. Approved.

The members reviewed a Notice of Intent – (#250- 648) - **Angelo Pasqualino – Lot 8 - Parcel 611 (assessors map 10) 11 Johnson Drive – (cont. from the January 10, 2005 mtg.)** - for proposed plans to construct a house, porch, deck, garage, driveway & sewage disposal system with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Richard Bland III, Attorney at Law, represented the applicant at the public hearing. He stated Mr. Pasqualino could not attend tonight's meeting. He explained that he was not at the last meeting and asked for an update. Jennifer Carlino stated she was waiting for revised plans from the engineer showing the new location of the Conservation Restriction and erosion control similar to Lot 7. Mr. Bland presented two revised plans. One showed the distance between the vernal pool and the Conservation Restriction to be 20 feet which Jennifer Carlino said was the old plan. The other plan showed the distance between the vernal pool and the Conservation Restriction to be 30 feet. Jennifer Carlino asked Mr. Bland where the 30 feet figure came from. He said that he was not at the last meeting and this is the figure given to the engineer by Earl Chartier of RIM Engineering. Jennifer Carlino stated this figure was incorrect and it should be 45 feet like on Lot 7. Jennifer Carlino said that a response was not received from Natural Heritage at this time. Mr. Bland presented the green certified receipt card signed by Natural Heritage on January 5, 2005. Kathleen Giblin stated the Commission would like the distance between the vernal pool and the Conservation Restriction to be at least 45 feet. Mr. Bland asked if approval for the project could be given before the next meeting. Jennifer Carlino reminded the applicant that he still has not appeared before the Planning Board for Lots A, B and 9 and a response has not been received from Natural Heritage at this time. She reminded Mr. Bland that the Conservation Restriction has to be completed and signed by all parties before the Occupancy Permits are signed per the Order of Conditions. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 14, 2005 at 7:30 pm. Approved.

The members reviewed a Notice of Intent – (#250-649) - **Angelo Pasqualino – Lot 7 - Parcel 610 (assessors map 10) 13 Johnson Drive – (cont. from the January 10, 2005 mtg.)** - for proposed plans to construct a house, garage, driveway and sewage disposal system with related grading within 100 feet of a vernal pool and isolated wetlands. Bob Medeiros recused himself from the public hearing. Richard Bland III, Attorney at Law, represented the applicant at the public hearing. Jennifer Carlino stated that a response has not been received from Natural Heritage. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, February 14, 2005 at 7:35 pm. Approved.

The members reviewed a Notice of Intent – (#250-647) – **John Stewart/The Richmond Company, Inc. – Parcel 33 (assessors map 23) 42-46 West Main Street** – for proposed plans to construct a commercial building including parking areas, utilities, stormwater management and related grading within 100 feet of wetlands. John Stewart of the Richmond Company and his engineer, Rich Williams of Hayes Engineering were present at the public hearing. Mr. Williams stated this project was a proposal to construct a Walgreens within the 100 foot buffer zone of a vegetated wetland. He said the wetlands were located in the rear southern area of the site. Mr. Williams stated the runoff from the parking lot would flow into a catch basin with deep sumps and then into drain pipes. From there the

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water would flow through an oil/water separator and a grit removal tank and then discharging into the forebay and then into the main section of the retention basin. He stated an infiltration system was also proposed to meet the stormwater management policy to handle runoff from the roof by providing a cultech recharger system behind the building sized to handle a 100-year storm. He further explained that street sweeping will be included in the Operations & Maintenance Plan. Lisa Carrozza asked Mr. Williams to describe the percentages of TSS. He stated the TSS removal rate for the catch basins with deep sump pumps will be 25%, for forebays, 25% and for constructive pocket wetlands, 80% and the more accurate total after calculations is approximately 88%. John Stewart said a local environmental engineer was hired to clean-up the contaminated soils/hazardous waste on the site. He said the contaminated soils would be sent to a batching plant and made into asphalt and would be sold back to his company. Mr. Williams explained that the lower half of the berm will be approximately 10 feet from the wetlands. He explained that in order to be 25 feet away from the wetlands, a retaining wall and guard rails would have to be installed. Bob Medeiros suggested to allow the project to be within 10 feet of the wetlands to avoid having to install a retaining wall and guard rails for safety reasons. Lisa Carrozza pointed out that most of the site has a wall and guard rail anyway. He explained that the Planning Board was allowing only one curb cut. He said that one side of the parking lot would have to have a four-foot retaining wall and the otherside only one foot. Julian Kadish suggested making the berm 2:1 instead of 3:1 which would move the site 5 feet away from the wetlands to total 15 feet away instead of 10 feet. Mr. Williams stated only 70 feet on the side near the wetlands would be 15 feet away and the rest of the project is 25 feet. The next issue Mr. Williams addressed was he agreed to have the stormwater management form signed by the applicant. Lisa Carrozza asked what the pre-development catchment area versus post-development. Mr. Williams stated this information is not available at this time. Jennifer Carlino pointed out to Mr. Williams the information that would answer Lisa Carrozza's question on his plans. Discussion ensued regarding the runoff flowing in one direction. Mr. Williams agreed the runoff would be split into two areas so that hydrology would be maintained for both wetlands. The Commission asked to have snow management put on the plans. Discussion ensued the landscaping plan to eliminate several existing exotic evasive plants. Mr. Stewart stated that the site would be cleaned up before any construction begins and would be witnessed by the Environmental Engineer who will remain on-site during the cleanup period which would be approximately 6 weeks. He stated construction of the building would be approximately 6 months. Lisa Carrozza asked if any of the excavation process would go beyond the 25-foot limit of work and Mr. Williams stated this was not anticipated. Jennifer Carlino asked if there were any outstanding violations with the Department of Environmental Protection regarding the contamination of the soils. Mr. Williams replied the owners were sent a non-compliance letter from DEP but never had the resources to clean up the site. Julian Kadish asked if the contaminated soils were basically within the footprint of this site and Mr. Williams replied they were. Lisa Carrozza had questions regarding the distance of the water flow at the high point across the drive-through area. She asked what the landscape green fence was. Mr. Williams replied this was an evergreen border requested by the abutter on that side to block the lights from the business proposed on this site. This would include an 8 foot high cedar fence. Bob Medeiros suggested that Mr. Williams contact Jennifer Carlino during the week to further discuss the alternatives. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 14, 2005 at 7:40 pm to give the engineer the needed time to submit the revised plans and information requested by the board and the agent. Approved.

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Discussion ensued regarding a complaint filed by Neal Fischer, owner of 103 Burt Street, against the owner of 105 Burt Street. Dave Fischer, brother of the complainant addressed the Commission. He stated his brother Neal Fischer had inquired as to whether or not any permits were issued for 105 Burt Street for any work that was previously performed by the owner. Jennifer Carlino told the members she had answered this question a couple of times previously by way of e-mail and stated that there were no previous wetland permits for this site. Bob Medeiros replied that there were none issued. Jennifer Carlino stated she was asked to inspect the site by Neal Fischer but has not been able to do so because of the large amount of snow that had fallen. Bob Medeiros stated to Mr. Fischer that as soon as possible the agent would inspect the property.

The members reviewed a request for an Extension Permit for **File #250-508 – Town of Norton/Park & Recreation Dept. – parcel 52 (assessors map 31) – Parker Street**. Jennifer Carlino stated that the work was never started for this project and recommended a one-year extension as the rules and regulations will be changing in the next year. She said she would like to see the work done according to the latest regulations and if an extension is needed at some time in the future, this could be done. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to issue a one-year Extension Permit. Approved. This permit will expire on January 15, 2006.

Jennifer Carlino noted the FY06 Conservation Commission Budget remains the same as for FY05. She stated she did include the Norton Reservoir dam repairs in the Capital Improvements Budget.

The members re-signed the letter supporting the nomination of the Three-Mile River as an Area of Critical Environmental Concern with the correct address.

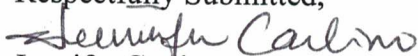
Jennifer Carlino stated the attorney for a File on East Hodges Street called and requested to resolve the matter of the Enforcement Order on this property and requested to be put on the next agenda.

Jennifer Carlino stated a request was received for a Certificate of Compliance for **File #250-527 – 34 Cross Street**. She said the botanist, Scott Goddard, sent a letter to the applicant stating all the work was completed on the project. Jennifer Carlino stated the replication area would have to have grown and stabilized for at least two growing seasons before a Certificate of Compliance would be issued in accordance with the law.

Ron O'Reilly stated he had not received a response from the two abutters to the Chartley Pond Dam in regards to their responsibility for their portion of the repairs. Bob Medeiros requested the agent send a letter to each abutter if a response is not received in the near future.

Lisa Carrozza made a motion, seconded by Kathleen Giblin, to adjourn the public meeting at 8:40 pm. Approved.

Respectfully Submitted,



Jennifer Carlino

Conservation Director

JC/pmb