



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2006 JAN 10 AM 9:38
NORTON TOWN CLERK

Monday, December 12, 2005
7:00 pm

Attendance

Julian Kadish (Chairman), Earl Willcott (Vice-Chairman),
Ron O'Reilly, Kathleen Giblin, Lisa Carrozza, Robert Medeiros
Eileen King, Jennifer Carlino, Conservation Agent

Minutes

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

The members reviewed a Notice of Intent - (#250-691) - **Angelo Pasqualino/Teddy Realty Trust - Parcel 606 (assessors map 10) 26 Johnson Drive - (cont. from the November 14, 2005 & November 28, 2005 mtgs.)** - for proposed plans to construct a house with attached garage, sewage disposal system, driveway, utilities and related grading within 100 feet of wetlands. Jennifer Carlino stated a DEP file number had been received and the response from Natural Heritage stated the project would not have an adverse affect on the environment. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent - (#250-692) - **Keith Silver/Town of Norton - North Boundary Road & Bay Street/Taunton - (cont. from the November 28, 2005 mtg.)** - for proposed plans to improve transportation to include widening of the roadway and adding a sidewalk and to improve the intersection of Bay Street and Industrial Park Drive within 100 feet of wetlands. Julian Kadish read a letter requesting a continuance of the public hearing stating the revised plans were not finished and that additional portions were being added to the project. Earl Willcott made a motion, seconded by Bob Medeiros, to continue the public hearing until the next regular meeting of Monday, January 9, 2006 at 7:15 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation - (#250-694) - **Joseph Raffaele / Plantation Products, Inc. - Parcels 6 & 7 (assessors map 25) - South Washington Street - (cont. from the November 28, 2005 mtg.)** - for delineation of the wetland resource areas. Mark Tisdale of Hayward-Boynton & Williams represented the applicant at the public hearing. Mr. Tisdale stated the wetland lines were revised on the submitted plans. He stated plans to walk the site with the agent were postponed because of weather conditions. He described the drainage calculations

Norton Conservation Commission
Monday, December 12, 2005
Minutes (page 2)

to the members. Jennifer Carlino stated the revised information was received late this afternoon and she would like time to review it. Lisa had a couple of questions regarding one of the flooding areas and the elevations. Earl Willcott made a motion, seconded by Bob Medeiros, to continue the public hearing until the next regular meeting of Monday, January 9, 2006 at 7:20 pm. Approved.

The members reviewed Notice of Intent – **(#250-693) - Cafco Construction Management – Parcel 52-01 (assessors map 19) 48 Bay Road** – for proposed plans to install temporary staging within Winnecunnet Lake for building repairs. Julian Kadish read a letter requesting to postpone the public hearing for this project until the next regular meeting in order to file with the Natural Heritage and Endangered Species Program as well as file the MESA form. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to postpone the public hearing until the next regular meeting of Monday, January 9, 2006 at 7:25 pm. Approved.

The members reviewed a Notice of Intent – **(#250-698) – Keith Arnold/New England Truck Caps, LLC – Parcel 50 (assessors map 22) 137 West Main Street** - for proposed plans to install a subsurface drainage facility and pave a driveway within 100 feet of wetlands. The applicant's representative, Mike Pimento of J.C. Engineering described the project to the members. He stated there was an existing two-bedroom house and driveway on the property. He said the wetlands were located on the Northern portion of the property. He said a 4,000 sq. ft. building is proposed as well as converting the existing house into commercial property. He said a turnaround paved driveway to go around the building is proposed. Mr. Pimento pointed out that within the 100 foot buffer zone, a drainage infiltration system is proposed to include four 500 gallon leaching chambers, a 1500 gallon water quality inlet chamber and a catch basin. He stated haybales would be placed along the entire perimeter of the proposed driveway to prevent siltation from flowing into the wetlands. Mr. Pimento stated the closest point of work to the wetlands is 64 feet. He said a site plan was currently under review with the Planning Board and his applicant will be addressing their comments at their January meeting. Mr. Pimento stated he had a response letter addressing issues sent in a letter from the Conservation Agent. The first issue was the test locations on the submitted plans which Mr. Pimento proceeded to show the members their locations. The next question asked if each filtration system comply with a 2-foot separation to ground water, which he replied that they do. He continued to explain the third comment which stated the tests were not witnessed by a town health agent. He said since these were drainage tests, they were not required to have a witness. He stated the landscaping plan was revised to include Junipers and Boxwoods and eliminate evasive plants and to use Japanese maple trees and silver maple trees. Mr. Pimento said shielded lighting attached to the building was proposed and there would not be any light pollution. He then presented the response letter listing all of this information. Jennifer asked Mr. Pimento to submit a copy of the Planning Board's response letter. Ron O'Reilly asked where the removed snow would go and he said it would be pushed towards the back of the property. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, January 9, 2006 at 7:35 pm. Approved.

Norton Conservation Commission
Monday, December 12, 2005
Minutes (page 3)

The members reviewed a DENIAL ORDER for File #250-660 – **Chuck Cramer/Cramer Levine & Company - Parcel 58B (assessors map 17) – 134 East Main Street**. Jennifer Carlino stated the applicant proposes to re-file the application at a later date. Bob Medeiros made a motion, seconded by Earl Willcott, to deny the project and sign and issue the Denial Order of Conditions as written. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for File DET. #428 – **Sher-Corp., Ltd. – lot 7, parcel 60 (assessors map 28) Furnace Pond Way**. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for File #250-437 – **Maplewoods LLC/Fred Bottomley – Parcel 67 (assessors map 30) Bullock Drive (Wildwood Estates)**. Jennifer Carlino stated the project is ok, just moving slowly. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to issue a one-year Extension Permit. Approved.

The members were requested to ratify the signing of an Emergency Certificate for **30 Lincoln Street**. Jennifer Carlino stated the homeowner is pumping her septic system twice a week and needs to have her septic system repaired immediately. Jennifer Carlino stated the homeowner has already filed an application for a permit. Ron O'Reilly made a motion, seconded by Kathleen Giblin to issue the Emergency Certificate.

Jennifer Carlino noted the contract for the Norton Reservoir dam repairs was revised and signed by the Town Manager; therefore the final design and permitting process would begin.

Jennifer Carlino reported that a grant was denied by Riverways for technical assistance for repairs to the culvert on Walker Street.

Jennifer Carlino stated Neil Carlson of the ESS Group, in regards to the report for Lake Winnecunnet, called to postpone the submittal of the report until the end of November then called twice again promising to submit the report the end of December because he had other projects that were more important.

Jennifer Carlino noted there were three parcels of Chapter 61 land available (approximately 8 acres) and the Conservation Commission has the right-of-first-refusal. She stated there was no significant advantages to purchasing this land. Bob Medeiros made a motion, seconded by Ron O'Reilly, to decline the offer to purchase this property. Approved. Kathleen Giblin suggested sending letters to owners of property of interest to the Conservation Commission asking that if they were to ever sell the property, to notify the Conservation Commission first.

Jennifer gave out copies of the letter from Baystate Environmental Consultants, Inc. with the update of the Norton Reservoir dredging project and rebid process.

Norton Conservation Commission
Monday, December 12, 2005
Minutes (page 4)

The members reviewed a request for a modification to **DEP File DET. #847 – 129 Newland Street**. Jennifer Carlino stated originally there was a permit to create cranberry bogs at this site, but instead of creating the bogs, gravel was hauled out of the site. She said a Cease & Desist was issued as well as an Enforcement Order. Since then, she stated, the property was sold. An Order of Resource Area Delineation was issued. Jennifer Carlino stated that questions were asked regarding the ponds and isolated wetlands and calculations for only two areas were submitted. She stated the last permit issued was the Determination of Applicability DET. #847 allowing the filling of the two ponds before the *five-year-of-no-activity-on-an-abandoned-property* period was up in January 9, 2006. She said after this date, the ponds will be jurisdictional. Jennifer Carlino stated the modification requested today will be to fill in three small areas instead of the two previously approved areas.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:05 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2006 JAN 24 PM 12:09
NORTON TOWN CLERK

Monday, November 28, 2005
7:00 pm

Attendance

Earl Willcott (Vice-Chairman), Ron O'Reilly
Kathleen Giblin, Lisa Carrozza, Robert Medeiros
Jennifer Carlino, Conservation Agent

Julian Kadish (Chairman) & Eileen King were absent.

Minutes

The members reviewed the Bills Payable Sheet (Nextel.). Bob Medeiros made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

The members reviewed Notice of Intent – (#250-660) – **Chuck Cramer/Cramer Levine & Company - Parcel 58 (assessors map 17) – 134 East Main Street – (cont. from the May 16, 2005, June 13, 2005, July 11, 2005, August 22, 2005, September 26, 2005, October 17, 2005 & November 14, 2005 mtgs.)** – for proposed plans to construct a parking lot and expand an existing sewage disposal system within 100 feet of wetlands. Jennifer Carlino stated the project was continued from the previous meeting in order to allow the applicant to hear back from the Planning Board. She stated she has not heard from anyone regarding this project. Bob Medeiros made a motion, seconded by Ron O'Reilly, to deny the project for lack of information. Lisa Carrozza voted no. Approved.

The members reviewed a Notice of Intent - (#250-691) – **Angelo Pasqualino/Teddy Realty Trust – Parcel 606 (assessors map 10) 26 Johnson Drive – (cont. from the November 14, 2005 mtg.)** - for proposed plans to construct a house with attached garage, sewage disposal system, driveway, utilities and related grading within 100 feet of wetlands. Earl Willcott stated the applicant requested a continuance of the public hearing until the next regular meeting. Bob Medeiros abstained from voting. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 12, 2005 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – (#250- 692) - **Keith Silver/Town of Norton – North Boundary Road & Bay Street/Taunton** – for proposed plans to improve transportation to include widening of the roadway and adding a sidewalk and to improve the intersection of Bay Street and Industrial Park Drive within 100 feet of wetlands. Present at the public hearing were Keith Silver, Norton Highway Superintendent, Steve Farr, Senior Project Engineer for Vanasse-Hangen Brustlin and Gene Crouch, Senior Environmental Scientist for Vanasse-Hangen Brustlin. Mr. Crouch stated he

Norton Conservation Commission
Monday, November 28, 2005
Minutes (page 2)

would be describing the proposed improvements to South Washington Street. He pointed out an area of priority habitat and stated he was waiting to hear from Natural Heritage to find out whether the habitat was wildlife or plant life. Lisa Carrozza had questions on where certain areas drained to and Mr. Crouch showed her on the map where they drained. Jennifer Carlino asked if he had a response to the MEPA comment letter she had sent. He replied he had received the letter and stated one of the comments was to include a water quality structure. He said that since the existing pipes were quite deep into the ground, to pump the water up and into a swale would probably flood the areas where the pipes were located. He stated that using a stormceptor would be quite expensive. He said in reference to the rock slope being next to the wetlands, a schedule of erosion control cannot be provided before the project begins and should be included as an condition in the Order of Conditions. Mr. Crouch stated that slope granite curbing would be used instead of verticle granite, taking into consideration the migration of small species and animals. He asked Jennifer Carlino if she had received the copy of the ENF that was mailed to her and she replied that she had not. Mr. Crouch said that VHB would be making the revisions to the plans. Jennifer Carlino reminded Mr. Crouch that the revised plans must be signed and stamped by the engineers. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 12, 2005 at 7:10 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #856) – Nicholas J. Adams – Parcel 29 (assessors map 12) 50 Lincoln Street** – for proposed plans to repair a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr. represented the applicant at the public hearing. Bob Medeiros recused himself from the public hearing. Mr. Vance stated that Mr. Adams and his partner bought this property and the adjoining property off of Bay Road and proposed to put in a subdivision. He said that the Board of Health allowed the existing 1000 gallon tank to remain because this is a two-bedroom house. He said the existing well would remain on the property. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#3) as long as the work is done according to the approved plans. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-694) – Joseph Raffaele / Plantation Products, Inc. – Parcels 6 & 7 (assessors map 25) – 202 South Washington Street** – for delineation of the wetland resource areas. Mark Tisdale of Hayward-Boynton & Williams described the project to the members. He stated he had received a comment letter from Jennifer Carlino. He gave each member a copy of the response letter. He said the wetland line discrepancies had been revised and that the three areas of standing water were now shown on the submitted plans. Jennifer Carlino stated calculations for the Isolated Land Subject to Flooding should be on the plans. Jennifer Carlino stated she would be doing a site inspection in order to verify the information on the revised plans. Kathleen Giblin requested to go with Jennifer Carlino to the site inspection. Jennifer Carlino stated a DEP file number had not yet been received for this project. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, December 12, 2005 at 7:15 pm. Approved.

Norton Conservation Commission
Monday, November 28, 2005
Minutes (page 3)

The members reviewed a Notice of Intent – (#250-) – **John Dubuc/320 Main Street Realty Trust – Parcel 125 (assessors map 26) – 320 West Main Street** – for proposed plans to fill parking area with gravel and fill old tailrace channel with gravel within 100 feet of wetlands. Walter Galuska of Tibbetts Engineering described the project to the members. He stated that some of the work proposed in this application had already been done. He said that recycled concrete gravel has been placed in some areas and also modified rock fill has been placed at the back of the property. Mr. Galuska stated his applicant was proposing to extend the retaining wall at the rear of the parking area using large concrete blocks. He said it was proposed to fill the old existing tailrace that exited from the building because of moisture problems that exist in the building. He said flowable fill would be used to fill the tailrace and at the point where the tailrace meets Stonybrook, Geotechtile fabric would be placed to help retain the fill. Mr. Galuska stated he had replies to the comment letter that was sent to him by Jennifer Carlino. He said one comment was regarding the compensatory storage requirements for fill placed within the floodplain. He said there were no base elevations determined for this area. He further stated the amount of flood storage loss at the parking lot area and tailrace area amounted to only 79.6 cubic yards. Jennifer Carlino stated that part of the Performance Standards is to compensate for any filling of the floodplain areas. Mr. Galuska stated it should be decided by the Commission as to whether or not his client would have to compensate for the loss. Jennifer Carlino stated a report would have to be submitted to show what the impact of the filling of the floodplain areas would be if he intended to overcome the presumption that the floodplain area is significant. Mr. Galuska said in reply to Jennifer Carlino's statement that the tailrace is considered "Land under water bodies and waterways", that it should not be considered as such because this is an artificial channel that has been discontinued. He said this title refers to lakes, streams, ponds, etc. Discussion ensued as to the water that flows into the tailrace. Mr. Galuska claimed the water was overflow from the stream and not a direct flow from the stream hydraulically. He said the purpose of filling in the tailrace was to prevent water from backing up into the tailrace and creating moisture in the building. Lisa Carrozza asked how high the water would get in the dam in the springtime after the tailrace is filled in. Ron O'Reilly stated the water in the brook was only three inches from the Sinclair building this past October and threatening to do some damage. Mr. Galuska stated that in reply to the comment requiring economic alternatives for proposed work within the riverfront area, he wanted to leave this decision up to the Commission members. He said the alternatives are very limited for this project because of the existing building and parking lots and size of the area. Jennifer told him it is a performance standard and required. Mr. Galuska requested extra time to get the requested information to the Commission. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, January 9, 2006 at 7:05 pm. Approved.

File #250-612 – RED MILL VILLAGE – UPDATE

David Eastridge of Thorndike Development addressed the Commission to present an update on the Red Mill Village project. He stated that at foundation work and roadway work was presently active. He presented a plan of the project and pointed out the different basins and said they were 90 percent stabilized. Mr. Eastridge stated that approximately 19 houses were closed at this point and 36 others

Norton Conservation Commission
Monday, November 28, 2005
Minutes (page 4)

sold. He pointed out the retaining walls and noted which ones were finished and which ones were not. He said that the Conservation Restriction for the project was already recorded and several As-Built plans for retaining walls were completed. Mr. Eastridge said the nesting habitat for the turtles was finished. He said the permanent well was finally getting done after some difficulty with the piping. Jennifer Carlino stated that the Town Planner mentioned that there were problems with the drainline. Mr. Eastridge stated there were two basins connected with a flat 6" pipe with a small pitch to it to basically to equalize the two to perform as one. He said the Town Planner had noticed that one basin had ten inches of water in it and the other one only a trickle of water flowing into it. Mr. Eastridge stated he received a solution to the problem from his engineer today and has not had time to present it to the Town Planner. Jennifer Carlino asked Mr. Eastridge if he had the soil profiles for infiltration trench areas. He wasn't quite sure and proceeded to explain what the process was checking the various soils which included having a soil scientist do a report. Jennifer Carlino requested a copy of any information that was sent to the soil scientist. She asked if the snow removal signs were in place yet and Mr. Eastridge said the signs were made but not put up yet. Jennifer Carlino stated the plans submitted for the proposed retail store were different than the plans before the Commission presently. She stated the building appears slightly bigger and there are seven additional parking spaces and the retaining wall looks different. Mr. Eastridge claimed that the building would be slightly smaller if anything and the plans should all be the same.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Manuel Lawrence – 70 King Phillip Road** (sewer connection). Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Peter & Frances Ulak – 72 King Phillip Road** (sewer connection). Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-654 – Joyce Macher – Parcel 12 (assessors map 12) – 119 Burt Street**. Jennifer Carlino stated the house and garage were built and the septic system was finished. She stated the final grading was done, but seeding and final stabilization of exposed soils was not done. She said the As-Built plan needed to be revised to show grading. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance as long as the applicant posts a \$1500 bond with the Town Treasurer to ensure final stabilization of exposed soils on this lot and submits a revised As-Built plan showing grading. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-646 – Dylan Ribeiro/Ribeiro Enterprises – Lot 3, Parcel 23 (assessors map 23) 91 Taunton Avenue**. Jennifer Carlino stated all work was completed as proposed. She said a partial Certificate should be issued because the As-Built plan did not show the grading. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue the partial Certificate of Compliance. Approved.

Norton Conservation Commission
Monday, November 28, 2005
Minutes (page 5)

Jennifer Carlino stated the Open Space & Recreation Plan was approved as written until the year 2010.

Jennifer Carlino noted there was a Special Town Meeting scheduled for Wednesday, December 21, 2005 at 7:00 pm and asked the members if they had any articles to put on the warrant.

A copy of the Open Space Meeting Law was given to each member. Jennifer Carlino explained that it was not against the regulations to meet on site with other members and discuss the project primarily to inspect and find out information, as long as no decisions were made at that time.

Jennifer Carlino stated MACC dues were going up slightly and this amount would have to be included in the FY07 budget line item.

Jennifer Carlino stated Red Mill Realty Trust had a Determination of Applicability to allow them to fill the old cranberry bogs at for 129 Newland Street. She stated that if these areas were filled in by January of 2006, they would then become jurisdictional. She said because of the time restriction, they decided to fill in several small areas as opposed to the large pond by this date and have presented a revised plan. Jennifer Carlino explained that the areas being filled are not jurisdictional yet because according to regulations, any gravel pits or abandoned cranberry bogs would only become jurisdictional after being abandoned after five years. She said the five-year period would start at the time of the original Enforcement Order on this property and end on January 9, 2006.

Discussion ensued regarding the Norton Reservoir dam repairs contract. Lisa Carrozza asked why Pare Engineering requested all invoices be paid in full before the application if filed for this project. She suggested the request should state all invoices to date instead. Jennifer Carlino stated Pare Engineering probably meant state and federal permits. She stated Pare Engineering is aware that the grant for the project is \$60,000 and the contract for repairs is \$59,900. Lisa Carrozza stated even though their contract states attending two public hearings with updates, she would suggest they attend three public hearings.

Bob Medeiros expressed a desire to have time to read all Orders of Conditions before all public meetings. Jennifer Carlino said this could be arranged, but Orders of Conditions would take a little longer to issue. Members agreed that from this date forward they would collect all information from the applicant and close the public meeting. Then, conditions would be prepared and sent to the members to review with the agenda. The Order of Conditions would be signed at the following meeting. This would give the agent more time to prepare the Order of Conditions and the members a chance to review them. Lisa Carrozza said most Conservation Commissions do this.

Norton Conservation Commission
Monday, November 28, 2005
Minutes (page 6)

Bob Medeiros stated he would be absent for six meetings after January 1, 2006. The members thought this will probably not present a problem and if it did, the problem would be addressed at that time.

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:53 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb