



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, January 22, 2007  
7:00 pm

### Attendance

Earl Willcott (Chairman), Julian Kadish, Kathleen Giblin,  
Ron O'Reilly, Lisa Carrozza, Jennifer Carlino, Conservation Agent

Bob Medeiros (Vice-Chairman) & Eillen King were absent.

### Minutes

The members reviewed the draft minutes of **August 14, 2006**. Earl Willcott asked if anyone had any changes to add and no one replied. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 28, 2006**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 11, 2006**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bills. Approved.

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

The members reviewed a Notice of Intent – (#250-750) – **Richard Ellis/The Flatley Company – Lot 1, Parcel 115 (map 24) South Washington Street – (cont. from the October 16, 2006, November 13, 2006 & December 18, 2006 mtgs.)** - for proposed plans to construct a 20,000 sq.ft. building with associated grading, pavement and utilities within 100 feet of wetlands and the Riverfront area. Earl Willcott stated a letter was received from the applicant requesting a continuance of the public hearing until the regular meeting of Monday, February 26, 2007. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, February 26, 2007 at 7:05 pm. Approved.

**Norton Conservation Commission**  
**Monday, January 22, 2007**  
**Minutes, page 2.**

The members reviewed a Notice of Intent – **(#250-741) – Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road – (cont. from the August 28, 2006 , September 11, 2006, September 25, 2006, October 30, 2006, November 27, 2006 & December 18, 2006 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Jennifer Carlino stated a letter was received from the applicant requesting a continuance of the public hearing until the regular meeting of Monday, February 26, 2007. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, February 26, 2007 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-758) – Perry DiMascio/Shamrock Realty Trust – Parcel 33 (assessors map 21) – Walker Street – (cont. from the December 18, 2006 mtg.)** - for proposed plans to construct a dwelling, garage, deck, room and driveway with related grading within 100 feet of wetlands and within the floodplain. Jennifer Carlino stated a letter was received from the applicant requesting a continuance of the public hearing for two months. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, March 26, 2007 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-761) – Scott Goddard – Parcel 37-01 (assessors map 31) John Scott Boulevard – (cont. from the December 18, 2006 mtg.)** - for verification of the wetland resource areas and the temporary crossing of a wetland, floodplain and a river with equipment for soil testing. Scott Goddard described the project to the members. He stated that since the last time he addressed the Commission with this project filed as a Request for a Determination of Applicability, he had a chance to address all the concerns the Commission had with this project and met with Jennifer Carlino to go over all the issues. He stated there were a couple of modifications were made to the submitted plans; 1. the Riverfront line was extended to WF I 10, 2. some of the wetland boundaries were changed. Mr. Goddard said a document was created and labeled "Temporary Wetland Crossing" which contains information such as seeding disturbed areas and on-site erosion control if necessary, in order that it may be referenced throughout the Order of Conditions. Lisa Carrozza asked when he planned to start work and Mr. Goddard replied that after the Order of Conditions are issued, he will apply to the Board of Health for the testing. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-760) – Fred Bottomley – Parcel 29 (assessors map 25) 21 Samoset Street – (cont. from the December 18, 2006 & January 8, 2007 mtgs.)** - for proposed plans to construct a house, driveway and utilities with associated grading within the 100-year floodplain. Chris Yarworth of Yarworth Engineering Co., Inc. updated the Commission members and stated that at the last public hearing the Commission requested a wildlife habitat study be done for this site. He stated Scott Goddard of Carr Research Laboratories did the habitat study and Mr. Goddard addressed the Commission. He stated that because of the amount of alteration of the site, a habitat study would not be necessary. Jennifer Carlino asked where the overhead lines were going and Mr. Yarworth replied Mass Electric will install them wherever they need to go. Jennifer Carlino stated she



**Norton Conservation Commission**

**Monday, January 22, 2007**

Minutes, page 3.

tried to call Mr. Bottomley and his phone was not in service and Mr. Yarworth gave Jennifer Carlino Mr. Bottomley's cell phone number. Jennifer Carlino told Mr. Yarworth a replication plan was required for Mr. Bottomley's project File #250-356 and he said he would submit one. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-759) - **David Azanow/Bennett Mortgage & Investment Co., Inc. - Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street – (cont. from the December 18, 2006 & January 8, 2007 mtgs.)** - for verification of the wetland resource areas. Mr. Azanow's engineer, Scott Goddard of Carr Research Laboratories updated the Commission on the project. He submitted revised plans with minor modifications to the wetland boundaries and labeling of the vernal pool. Lisa Carrozza requested that "BVW" be written on the submitted plans and Christopher Yarworth added this to the plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent - (#250-763) **Robert Downey – Parcel 282 (assessors map 9) 154 Mansfield Avenue – (cont. from the January 8, 2007 mtg.)** - for proposed plans to construct a gravel access driveway and parking lot within 100 feet of vegetated wetlands. Robert Downey and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing. Mr. Yarworth addressed the Commission and stated at the previous meeting the Commission suggested a swale be installed along the existing driveway to comply with stormwater management. Mr. Yarworth explained he went out to the site and concluded a swale would make a mess because of the side slope. He said he now proposes to install a catch basin with a hood and a subsurface infiltration trench. Mr. Yarworth stated that because a drainage structure is now proposed, the applicant proposes to pave the driveway. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-766) – **Robert Boyle, Jr. – Parcels 14 & 12-1 (assessors map 31) – 11 Harvey Street** – for proposed plans to install a septic system within 100 feet of wetlands. The applicants engineer, Robert Moitoso of R.E.M. Land Surveying described the project to the members. He stated the applicant proposes to replace his failed septic system with a 1500 gallon septic tank which will be approximately 75 feet from the wetlands and a 1000 gallon pump chamber which will be within 50 feet from the wetlands. He stated silt fence and haybales will be used for erosion control. Jennifer Carlino asked if a DEP file number had been issued as yet and Mr. Moitoso stated he has not received one yet. She stated there is only one minor change to WF #5 and Mr. Moitoso said he would revise the plan for the next meeting. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing for a DEP file number and a revised plan until the next regular meeting of Monday, February 12, 2007 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – (#250-764) – **Brian Lesperance/Executor of Estate of Lloyd Lesperance – Parcel 66 (assessors map 21) 41 Oak Street** – for proposed plans to repair/replace septic system with associated grading within 100 feet of wetlands. The applicant and his engineer, Michael Campagnone of Miller Engineering, were present at the public hearing. Mr. Campagnone described the project to the members. He stated this is an existing 3-bedroom house on a



**Norton Conservation Commission**

**Monday, January 22, 2007**

**Minutes, page 4.**

20,000 sq.ft. lot and the wetland delineation had been done last year. Mr. Campagnone stated a request for a variance to go from 5 feet to 4 feet was filed with the Board of Health. He pointed out to the members haybales will be used for erosion control and the site grading is outside of the 25-foot-no-disturb area. Mr. Campagnone stated that this is a very small lot and all efforts were made to keep the system as close to the house and as far away from the wetlands as possible. He said there is a row of bushes that the applicant would like to keep. Jennifer Carlino requested debris be removed at WF#6 and stated this will be a condition. Mr. Campagnone stated a DEP File number had not yet been issued for this project. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing for a DEP File number until the next regular meeting of Monday, February 12, 2007 at 7:06 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #893) – Robert Rodericks – Lot 2-04, Parcel 63 (assessors map 6) Fairlee Lane** – for proposed plans to construct a house, well, driveway, utilities and lawn with associated grading within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering Co., Inc. described the project to the members. He stated all work was at least 50 feet from the wetlands and a visual barrier was in place to ensure work will be at least 50 feet from the wetlands. He said all the grading and construction of the house is out of the buffer zone. Jennifer Carlino asked what type of well was going to be constructed and he replied the deep well would be used for drinking water. Jennifer Carlino asked how far the septic system is proposed from the wetlands and Mr. Yarworth stated it would be at least 105 feet. Joe Sirtoli, Jr. of 3 Fairlee Lane had concerns with drainage, specifically water that flows from one pond to another by way of a river. He said there was a culvert on his property for water to flow through and onto the area of the proposed driveway. Mr. Sirtoli stated if a driveway was constructed, water would be restricted and flood his property. Chris Yarworth stated there was no river present at this site. Jennifer Carlino suggested it would be possible to take another look at this area if he would like to check for a river. Nancy Foley of 6 Fairlee Lane asked where the driveway was to be located and if the road would be widened. Mr. Yarworth stated there were no plans at this time to widen the road. Joe Sirtoli, Sr. of 5 Fairlee Lane pointed out an area to the members that floods at certain times during the year and he stated he had concerns with the flooding getting worse. Mr. Yarworth stated the flooding would not change and would probably continue the way it has always been. Fred Bottomley, owner of the property, stated fill would be needed to replace the topsoil for the installation of the driveway, but the grade would not be altered. Mr. Sirtoli asked who would be held responsible for any further flooding to his property in the future. Mr. Bottomley stated the grades for this project are not going to be raised. An abutter, Mr. Ford of 10 Fuller Drive, asked where the house was proposed to be built. He asked where the pond was and was advised the pond is in the front yard of the property. Mr. Ford asked if all the trees were to be cleared and Chris Yarworth stated they were. Mr. Ford expressed concerns with all the trees to be cleared between the proposed house and his. An abutter, Al Gauvin of 8 Fuller Drive asked where the pond was and if there were any other areas confirmed to be wetlands. Earl Willcott explained where the pond was located and stated there were no other wetlands on the property. 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 Determination (#3), as long as the work is done according to the submitted plans. Approved.



**Norton Conservation Commission**

**Monday, January 22, 2007**

**Minutes, page 5.**

Matt Bellisle of Pare Corporation addressed the Commission regarding the Norton Reservoir dam. He stated that 50% of the design plans have already been submitted. He said he will be addressing the stability of the embankment such as erosion and vegetation on the embankment. Mr. Bellisle submitted a plan showing a flattening of the downstream slopes, removal of trees and vegetation on the slopes and regrading on the slopes. In regards to the modifications to the spillway, Mr. Bellisle stated the spillway does not have sufficient discharge capacity to meet the design storm according to state regulations. He stated even though these are improvements to the spillway, they do not bring it up to the state requirements. Mr. Bellisle stated a downstream flood analysis had been done and there appeared to be a rise in the downstream water level during a dam failure condition. He said the rise was not significant enough to warrant a "HPMF" which is required. Mr. Bellisle said that on behalf of the Commission, he would petition the Office of Dam Safety for a Reduced Spillway Design Flood. He said that under normal operations there is no significant rise in the stream channel or flood elevation due to the spillway itself. Mr. Bellisle stated that the repairs to the spillway would be very expensive and the benefits of this would not be very significant compared to the cost. He asked the members if they had any questions. Julian Kadish asked what side of the spillway would be lowered and Mr. Bellisle replied that there was some consideration in removing the island between the main spillway and the emergency spillway. He said the concern was what would be found if that island was pulled open. He stated the benefits would be very minimal. He suggested lowering the auxillary spillway one foot and lowering it would reduce the operability of the gates. Lisa Carrozza asked what initiated this study and Mr. Bellisle stated after a visual inspection was done in 1998, a report was sent to the Office of Dam Safety who sent a letter to the Norton Conservation Commission requiring the repairs. Lisa Carrozza asked what the difference was between what the state requires and where the Commission is at this time. He said the state is looking for a Half Probable Maximum Flood which is a 1000-year return interval storm. He said right now the Commission has 16% which is less than the 100-year storm event. Mr. Bellisle stated the gates at the dam should be opened in anticipation of a flood event before the actual storm happens. Julian Kadish suggested this is not always possible and Mr. Bellisle stated this is very necessary to prevent flooding. Julian Kadish stated in his opinion, letting water out of the Reservoir before a storm would be a mistake and agreed that the Office of Dam Safety should be petitioned to require a reduced Spillway Design Flood. Mr. Bellisle stated that he hoped construction will begin at the end of the summer and asked if it would be ok have a drawdown for construction. He stated the alternative would be a cofferdam. Jennifer Carlino noted that in regards to the Norton Reservoir project, it is not desireable to have a draw down. Mr. Bellisle stated a drawdown would last about 90 days, but a cofferdam, which would have less of an impact to the Reservoir, would take about a week to install, but would cost approximately \$50,000. He stated that there is an easement to the left of the spillway and asked if there was an easement to the right of the spillway for access. Julian Kadish stated there were houses along that side but the Town did own a strip of property along there. He said the area might contain large boulders that would have to be removed for access. Mr. Bellisle said he would send the letter requesting a Reduced Spillway Flood Design.

The members reviewed a Notice of Intent – (#250-768) – **Michael Riha – Parcel 686 (assessors map 3) 40 South Lakeview Road** – for proposed plans to demolish a building and construct a 45"x48" house, patio, utilities and garage with associated grading within 100 feet of wetlands. The applicant



**Norton Conservation Commission**  
**Monday, January 22, 2007**  
**Minutes, page 6.**

was present at the public hearing with his engineer, Earl Chartier of RIM Engineering Co., Inc. who described the project for the applicant. He said the applicant proposes to demolish the existing building and leave one wall standing facing South Lakeview Road. He said a 26' x 28' garage is proposed, which would require revisions to the sewer easement and that siltation control would be in place. Discussion ensued as to whether or not it was permissible to construct a garage within the sewer easement. Jennifer Carlino asked if the house was going to be constructed on a foundation or a slab and Mr. Chartier replied it would be a slab. Jennifer Carlino asked how the figure for the floodplain was arrived at and he replied it was measured from the street towards the back. Jennifer Carlino stated on the FEMA F.I.R.M. maps the floodplain is 50 feet at the back of the property. She stated the figures could vary according to where the measurements are taken. Jennifer Carlino stated the dock has not been permitted and should be added to the project application. She suggested to Mr. Chartier to inquire about construction on the easement and since there is no file number for the project yet, to continue the public hearing. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 12, 2007 at 7:07 pm. Approved.

The members reviewed a Notice of Intent – **(#250-767) – Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road** – for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Mr. Fontneau and his engineer, Earl Chartier of RIM Engineering Co., Inc., were present at the public hearing and Mr. Chartier described the project to the members. He said the applicant proposes to construct a 2400 sq. ft. building at the rear of the property and extend the existing driveway to the garage. He stated siltation control would be in place. Mr. Chartier stated the closest distances to the wetlands are 47 feet at the rear of the building and 31 feet in the front, and, in the front again 40 feet to an isolated wetland. Jennifer Carlino stated the applicant has not addressed an Enforcement Order for the adjacent property which is owned by the applicant and asked Mr. Chartier if Mr. Fontneau intends on complying with the Enforcement Order. Mr. Chartier replied he had no knowledge of the Enforcement Order and asked if the Enforcement Order would delay this project and Jennifer Carlino said it would. Mr. Fontneau stated he had Carr Research Laboratory and RIM Engineering Co., Inc. working on the Enforcement Order and has received paper work and plans to date. He stated he did not think it was acceptable to refer to the Enforcement Order while discussing this application. Jennifer Carlino asked if the calculations for the isolated wetlands were completed and Mr. Chartier stated they were not. She suggested that while the property is being inspected, the calculations should be done for the isolated wetland and Mr. Fontneau should submit information for his violation of the adjacent lot. Lisa Carrozza asked if cars would be turning around in front of the building since there is only about 20 feet to do this and Mr. Fontneau stated the building is being constructed for the sole purpose of storing cars and there will not be regular traffic in and out. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, March 12, 2007 at 7:10 pm in order to obtain a DEP file number and receive the requested information pertaining to the calculations for the isolated wetland and Enforcement Order of the adjoining property. Approved.



**Norton Conservation Commission**

**Monday, January 22, 2007**

**Minutes, page 7.**

The members reviewed a Notice of Intent – **(#250-765) – Raymond Passenti – Parcels 61 & 76 (assessors map 11) 274 East Main Street (The Village at White Farm)** – for proposed drainage work to include alteration of the bank of an intermittent stream, replacement of a pipe, construction of a drainage basin and construction of a lawn within 100 feet of wetlands and a vernal pool. Mr. Passenti and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc., were present at the public hearing and Mr. Yarworth described the project to the members. He stated the applicant proposes to construct a 42-unit, 55-plus condominium complex with 5 affordable units with the existing house in the front to be demolished. Mr. Yarworth pointed out to the members on the submitted plans the drainage plans for the project and stated there would be applications for a couple of the basins as they are within the buffer zone. He said the basin will be able to accommodate the 100-year flood. He said his applicant proposes to replace an existing corrugated metal pipe on East Main Street with an 18" RCP pipe. Jennifer Carlino asked to have the snow removal plan shown on the plans and in the Operations & Maintenance Plan. Lisa Carrozza asked about the water and sewer treatment and Mr. Yarworth replied it would be a bio-clear unit. Jennifer Carlino requested the invasive plants be removed from the landscaping plan. Christopher Yarworth stated he would be adding the extension to the water main to the plans. Lisa Carrozza asked if the proposed extended water main would be larger than the existing water main and he stated it would be 12" which is larger than the old water main. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing, for revised plans, until the next regular meeting of Monday, February 12, 2007 at 7:15 pm Approved.

The members reviewed an Enforcement Order for **Sothy Hay of 36 South Lakeview Road** for cutting and clearing up to the wetlands. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to issue and send the Enforcement Order as written. Approved.

The members reviewed an Enforcement Order for **Old Newland Street** cutting and clearing within the wetlands. Jennifer Carlino stated the owner responded today and explained landscapers have been dumping clippings and debris on this property and cutting trees for firewood.

The members reviewed an Enforcement Order for **1 Hampshire Court** for cutting and clearing within the wetlands. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue and send the Enforcement Order as written. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-90 – Flatley Company – South Washington Street**. Jennifer Carlino stated the project has been completed. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-762) – Linda Cannata– Lot 2, Parcel 136 (assessors map 12) 104 Burt Street** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

Jennifer Carlino presented a book that was given to the Commission by Ginny Wiseman who had helped with the restoration project at the Leo Yelle Conservation Area. The book contained pictures of the area.

**Norton Conservation Commission**


**Monday, January 22, 2007**

**Minutes, page 8.**

Jennifer Carlino noted there would be a Special Town Meeting on Wednesday, February 7, 2007. She said one of the Articles would be to appropriate funds to the Middle School for the As-Built Plans for their project.

Lisa Carrozza made a motion, seconded by Julian Kadish, to adjourn the meeting at 9:15 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino  
Conservation Director

JC/pmb