



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, April 28, 2008
7:00 pm

Attendance

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

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **February 11, 2008**. The minutes were tabled until the next regular meeting.

The members discussed amending the approved minutes of February 25, 2008. Lisa Carrozza stated she would like to review the minutes again. It was agreed to amend the minutes at the next regular meeting.

The members reviewed a Request for a Determination of Applicability – **(DET. #915) River Oaks Reserve, LLC – Lot 12, Parcel 265 (assessors map 21) 5 Pratt Drive – (cont. from the March 10, 2008, March 24, 2008 & April 14, 2008 mtgs.)** - for proposed site work associated with the construction of a house within 100 feet of wetlands. Scott Pietruszewicz, representative for the applicant, updated the Commission on the project. He stated the work was moved out of the 50-ft. buffer zone to the 65 ft. mark. He said he has re-submitted the original Request for a Determination of Applicability file. Jennifer Carlino stated the visual barrier was on the plan and the project now meets the buffer zone policy and suggested issuing a negative Determination. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, 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 Request for a Determination of Applicability – **(DET. #919) – Easecat, Inc. – Lot 37, Parcel 291 (assessors map 21) 4 Goff Road – (cont. from the April 14, 2008 mtg)** - for proposed plans for site grading associated with the construction of a house within 100 feet of wetlands. Jennifer Carlino stated revised plans have been submitted and shows the visual barrier and that the project was moved out of the buffer zone to the 65-ft. mark and now meets the buffer zone policy. She suggested issuing a negative Determination. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability as long as the work is done according to the approved plans. Approved.

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The members reviewed a Notice of Intent – **(#250-801) – Michael Kahn & Joreen Sicks – Parcel 116 (assessors map 28) 7 Lisa Drive** – for proposed plans to install an irrigation well within 100 feet of wetlands. Michael Kahn and his engineer, Steven Wry of Crowell Engineering attended the public hearing. Mr. Wry described the project to the members. He stated there is an existing irrigation system in the front lawn and the former owners were using town water or they were pumping from the wetland in front of the house. He said the applicant would like to tie into the existing irrigation system with the well. Mr. Wry said the wetlands were recently flagged and all nearby septic systems were located in order to comply with the Board of Health regulations for a well installation. Mr. Wry stated erosion control would be placed around the well during installation. He said because of the different regulations, the well would be over the existing pipe within 20 feet of the wetlands in one area. Jennifer Carlino asked how deep in the ground the supply line to the well would be and Mr. Wry stated approximately 1 to 1 ½ feet. She asked if the applicant had a place to filter the water while doing the pump test and he replied they would be using a low area in the front of the house. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-775) – Riley Lamson, LL Investments – Parcel 6 (assessors map 36) East Hodges Street – (cont. from the May 21, 2007, June 25, 2007, Aug. 13, 2007, September 10, 2007, September 24, 2007, October 22, 2007 November 19, 2007, December 17, 2007, January 28, 2008, March 10, 2008 & March 24, 2008 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Larry Rubin, owner, and Byron Holmes of Holmes Engineering were present at the public hearing. Mr. Holmes stated there were three major features to the project. 1.) the wetland crossing. He stated the crossing is located in this particular spot because of several reasons; a. to maintain a buffer zone to neighboring property; b. to stay at least 200 feet away from an existing stream; and c. this is the narrowest part of the wetlands to cross. He stated it was proposed that two 3' x 12' culverts would be used for the crossing. He said the details were changed from having side slopes to constructing concrete block retaining walls. He stated the final width of the driveway was going to be 22 feet which meets Planning Board regulations. Mr. Holmes stated the owner had contacted the owner of the adjoining properties hoping they could do a joint project or be given an easement in order to access the upland without going through any wetlands, but the owner was not interested. 2.) an existing 3' x 4' culvert that runs under East Hodges Street. He said that Walter Amory, a consultant for the Planning Board, had looked at this culvert and, in his opinion, the culvert looked partially collapsed and he thought it was not structurally capable of lasting for too many more years. He said the applicant had proposed to replace this culvert and make it wider by using concrete. Mr. Holmes stated that after careful consideration it was decided not to increase the width in order to keep the existing flow rate. 3.) the construction of 4 single-family houses accessible by a common driveway. Mr. Holmes stated that in order to prevent the increase of any runoff into the wetlands, two intercepting basins are proposed to be constructed. He said these basins could also handle a 100-yr. storm. Mr. Holmes stated the 25' setback has been maintained and also a 50' distance from the vernal pool. He said that Jennifer Carlino had suggested a conservation restriction for the vernal pool and the wetlands and the applicant has no objections to these conditions.

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Bob Medeiros asked how large an area was to be filled and Mr. Holmes stated approximately 4,140 feet. He asked how much would be replicated and Mr. Holmes stated 5750 feet. Bob Medeiros stated the commission prefers 1:1 for replication, which is 4,140 in this case, and Mr. Holmes agreed this would be done. Jennifer Carlino requested a more specific replication plan. Lisa Carrozza asked Mr. Holmes if erosion control would have to be moved for equipment to reach the replication area and he said it would. He stated he would be submitting a detailed erosion control plan as requested by Jennifer Carlino. Lisa Carrozza asked what the ground cover for the side slopes would consist of and he replied that it would consist of loam and seed. She asked him who would be responsible for the maintenance of the slopes and he replied that the homeowners would be responsible for the slopes as well as the detention ponds and road. He stated a Homeowners Association would be formed. Lisa Carrozza asked if the driveway was going to be paved and Mr. Holmes stated the driveway was going to be constructed of reclaimed pavement. Bob Medeiros stated this type of driveway falls apart and cannot be plowed easily. Lisa Carrozza stated reclaimed pavement crumbles easily. She suggested the driveway be paved from the street passed the wetlands at least 25 feet. Mr. Holmes suggested the applicant pave all the way to the ponds.

Jennifer Carlino asked Mr. Holmes to label the limit of work on his plan. She asked Mr. Holmes if the East Hodges Street culvert was going to be part of this project or a separate project. He replied that it would be easier to add it to this project to avoid an amendment later. Jennifer Carlino stated that if it is added to this project a revised sheet for the impacted resources, cross sections should show the resource areas that are to be impacted and the Construction Sequence should refer to the East Hodges Street culvert. Jennifer Carlino asked the elevation of the stream bank be added to the plans even though it would not be touched. Mr. Holmes requested a discussion on the best location for the replication and Jennifer Carlino stated she would have to do another onsite inspection before she answers this question. Jennifer Carlino suggested moving the detention ponds further away from the wetlands if possible, especially the vernal pool as they had discussed in December or January. He said he didn't see much of a problem with this except for the fact that this would make the driveway longer and the Planning Board is requesting a shorter driveway.

An abutter, Chris Polk of 123 East Hodges Street asked Mr. Holmes what part of the existing stream was being deemed intermittent, the Taunton side or the Norton side, and Mr. Holmes replied the Norton side was. Mr. Polk stated he has never seen the stream dry. He stated that a subdivision was proposed in Taunton that would cause more water to flow towards this property. Mr. Holmes stated the subdivision in Taunton will not drain towards Norton because of a break in the topography. Mr. Polk had concerns with his property getting flooded once the builder and developer are no longer involved with the project. Julian Kadish stated there were project design plans in place to prevent this from happening. Mr. Polk still had concerns with the proposed subdivision in Taunton and Mr. Holmes stated he knew nothing about the proposed subdivision. Jennifer Carlino stated she had received an ENF at one time and sent comments to Taunton. Mr. Polk stated that this project had been before Planning Board but at the present it does not exist to them. Mr. Holmes stated the project still exists with the Planning Board but was advised to withdraw the project, without predudice, and, at the Planning Board's suggestion, he has been working with the Planning Board's consultant before going before the Planning Board again. Jennifer Carlino had several questions regarding the plan and her

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letter of last year. Mr. Holmes requested a continuance until the second next regular meeting. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, June 9, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-799) – Bob Campbell/Wheaton College – Parcel 93 (assessors map 17) Off Pine Street – (cont. from the March 24, 2008 & April 14, 2008 mtgs.)** - for proposed plans to construct a 176-space parking lot with associated walkways, storm water management areas, site grading, lighting and landscaping within 100 feet of wetland. Bob Medeiros read a letter from the applicant requesting a continuance of the public hearing until the next regular meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, May 19, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-802) – Bob Campbell/Wheaton College – Parcel 14K (assessors map 17) 26 East Main Street – (cont. from the April 14, 2008 mtg.)** -for proposed plans to relocate utilities and drainage within 100 feet of wetlands with 185 sq.ft. of wetland alteration. The applicant was present and his engineer, Brian McLane of Nitsch Engineering updated the members on the project. He stated the location of the utilities had changed slightly and he stated approximately 180 sq.ft. of wetlands were being altered. He said they would be replicating 450 sq. ft. of wetlands. Bob Medeiros suggested replicating the same amount as being altered, 180 sq. ft. Mr. McLane stated all the changes were put on a revised plan to include the re-location of the stockpile area. He said the plans were signed and dated as well. Mr. McLane said erosion control will be used. Jennifer Carlino requested two signed and dated copies of the revised plan be submitted. Mr. McLane agreed to send them as soon as possible. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

Dave Lennon, owner of Norton Kayak Company, addressed the commission and asked if they had a chance to review his letter requesting to kayak tours in groups of eight from 237 Mansfield Avenue in Norton which is town-owned property. Jennifer Carlino explained that a Request for a Determination of Applicability would have to be filed for use of the parking area and access to the Norton Reservoir. She stated the parking area is owned by the Town of Norton and a Lease Agreement would have to be signed with the Board of Selectmen as well as a Lease of Conservation Commission land. Julian Kadish suggested to Mr. Lennon that he investigate other sites for this program. Mr. Lennon stated he had talked with the owner of Tsang's Restaurant but the owner did not think this would be a good idea because of issues with other people in the past. Bob Medeiros suggested a site off of Evergreen Road. Mr. Lennon stated the area would have to be zoned Commercial. Jennifer Carlino suggested to Mr. Lennon he get plans from the Board of Selectmen and show her on these plans his proposal and she would then advise him of which application to file.

The members reviewed a request by K.G.M. Custom Homes, Inc. for three-year Extension Permits for **Files #250-593-#250-610** (individual houses in the Strawberry Fields subdivision). Jennifer Carlino stated 1-year Extension Permits were issued last year, and this year DEP had extended the original road and drainage project (File #250-515) for three years. She suggested issuing 3-year extensions, but stated at the end of the three years they should cease and ??? review the projects before issuing any

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further extensions. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue 3-year Extension permits for Files #250-593 thru #250-610. Approved.

Jennifer Carlino noted Town Meeting was going to be held on Monday, May 12th and the request to transfer funds for repairs to the embankment at the Norton Reservoir dam have been put on a Special Town Meeting with the Annual Town Meeting. She stated she had received the estimate for the repairs from Pare Engineering which was approximately \$250,000. She said only \$50,000 would be requested for the transfer which would not be enough for the total repairs, but might be enough to satisfy the Office of Dam Safety temporarily.

Jennifer Carlino stated Ron O'Reilly had made changes to the Lease Agreement for LL Bean and she noted she had given each member a copy of the revised Agreement.

Jennifer Carlino stated she had received a letter from a wetland consultant hired by Anthony Virga of 60 Plain Street regarding the Enforcement Order issued to him.

Jennifer Carlino noted there were two new violations: 1.) a house at the end of Sturdy Street. Ron O'Reilly stated it appeared that the owner had done some clearing and maybe used herbicides because of the color of the vegetation at Chartley Pond; 2.) the location of the billboard on West Main Street owned by Duane German of the Attleboro YMCA.

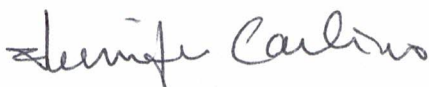
Jennifer Carlino noted that tomorrow evening, Tuesday, was the 3-Mile River nomination for an ACEC at the Norton Public Library at 7-9 pm. She stated she would attend and read the letter of support already signed by the members.

Jennifer Carlino noted the on-site appeal meetings with DEP for John Scott Boulevard and Fairlee Lane have been postponed until Wednesday, April 30th at 10am & 11:30 am.

Jennifer Carlino noted she received a Stewardship Plan for forestry cutting on the property across the street from the East Hodges project. She stated it is not just for clear cutting but for the Wildlife Habitat, but stated she did comment to follow the regulation of not cutting within 50 feet of a vernal pool.

Earl Willcott made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb