



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, September 22, 2008
7:00 pm

Attendance

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

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **August 11, 2008**. Kathleen Giblin made a motion, seconded by Julian Kadish, to accept the minutes as written. Ron O'Reilly abstained from voting. Approved.

The members reviewed the draft minutes of **August 25, 2008**. Kathleen Giblin, made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved. Ron O'Reilly abstained from voting.

The members reviewed the draft minutes of **September 8, 2008**. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

The members reviewed an Enforcement Order for **Gary Colassi for 1 Hampshire Court**. Mr. Colassi stated he first heard of the enforcement on his property when he submitted an application to the bank who stated the Enforcement Order was recorded on his deed. He said at that time he contacted Jennifer Carlino by phone. He stated that a couple of years ago he had paid a worker to do some yard work and brush work on the property. Mr. Colassi stated that according to past members of the Conservation Commission, the former agent and one engineer, the wetlands on the property were not significant enough to warrant a wetland permit. He referred to the wet areas on the property as "rinky-dink" wetlands. Julian Kadish stated that there is no such thing as "rinky-dink" wetlands and that all wetlands are important enough to be protected through the Wetland Protection Act. He stated that all citizens are treated equally and not singled out by any party. The applicant's attorney, Jeff Formica, addressed the Commission. He stated that his client did not mean to sound critical. He stated that Mr.

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Colassi has agreed not to do any other work in the wetland areas and allow them to grow back. He submitted a plan to the members showing the wetlands which was the plan approved for the construction of the house. Julian Kadish asked what the actual violation was and Jennifer Carlino stated that underbrush and shrubs were cut and cleared within the wetlands and the replication area. She stated that the Enforcement Order was issued approximately 1 ½ years ago. She stated that at the previous meeting, it was decided that if Mr. Colassi agrees to leave the wetland areas alone, a Certificate of Compliance for the Enforcement Order would be issued. At this time Mr. Formica submitted a letter signed by Mr. Colassi agreeing to leave the wetlands alone. Mr. Colassi stated nothing has been cut or cleared since 2006. Julian Kadish made a motion, seconded by Lisa Carrozza, to release the Enforcement Order as long as Mr. Colassi agrees to leave the wetland areas alone. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign the Certificate of Compliance releasing the Enforcement Order. Approved.

The members reviewed an update for the violation for **Chris Baker – Baker's Retail Yard – 133 Mansfield Avenue**. Chris Baker stated five to six hundred yards of material have been removed from the site including cement but he will have to pay to have a lot of the remaining materials removed. Jennifer Carlino stated this was the same report given in July and asked Mr. Baker if he had anything else to report. Jennifer Carlino asked Mr. Baker if he had hired an engineer and if he has been working on filing an application for a wetland permit. He stated he has not contacted an engineer at this point. He was reminded that this was required since the enforcement action began 6 months ago. Lisa Carrozza asked if the wetlands on the property have been identified yet and Jennifer Carlino stated they have not but the entire back of the property is in a flood plain. She stated there are wetlands on this site.

Earl Willcott suggested to Mr. Baker he contact a wetland scientist or engineer and begin the filing process. Lisa Carrozza suggested that contacting a wetland scientist at this time might not be too hard given the economy. Chris Baker asked if there was a list of local engineers and wetland scientists and Jennifer Carlino stated there was one but she could not recommend anyone in particular. Chris Baker agreed to contact an engineer and give the Commission an update at the next regular meeting of Monday, October 20, 2008.

The members reviewed a Notice of Intent – **(#250-821) – Bill DeCouta, Tweave, Inc. – Parcel 118 (assessors map 27) 138 Barrows Street** – for proposed plans for clearing and cutting vegetation within 100 feet of wetlands and Barrowsville Pond Dam. Earl Willcott stated this filing is a result of a violation of clearing and cutting vegetation without a valid wetland permit. Bill DeCouta addressed the commission and stated that he had received a letter from the Office of Dam Safety asking that vegetation be removed from the dam so the second phase of the inspection would be more accurate. He said the company is being sold and finances are not that good at this time.

Jennifer Carlino stated approximately 500 feet along the stone wall had been cleared. She stated a file number has not been received from DEP as yet and the public hearing will have to be continued until one is assigned to this project. Ron O'Reilly made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, October 20, 2008 in order to receive a file number from DEP. Approved.

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The members reviewed a Notice of Intent – **(#250-820) – John C. Kelly, Advantage Construction, Inc. – Parcel 83 (assessors map 25) 10 Commerce Way** – for proposed plans to construct a commercial building with associated driveway, parking areas, loading area and stormwater management facilities within 100 feet of wetlands. Lisa Carrozza recused herself from the public hearing. The applicant's representative, Kurt Young of Wetlands Preservation, addressed the Commission. He stated that access to this project is off of South Washington Street. He said that a portion of the project initially was within the ACEC and since the Three-Mile River has just been designated to be within the ACEC, the entire project is within the ACEC. Mr. Young submitted a revised page to the Notice of Intent because of this change.

He continued to say the proposed building will be a commercial building and all work is out of the 25-foot no disturbance zone and further away where possible. He stated that one discharge point into the storm water pond will be in the buffer zone. He said that the impervious area will be increased on the site and stated Mr. Mark Dibb of C & A Architectural Design will explain the details to the commission as well as respond to Jennifer Carlino's letter. He pointed out that at the front area of the property there will be two deep sump catch basins to capture and treat the water then it will run into a sediment forebay to filter the water runoff which will then run into an infiltration basin designed for the 100-year storm. (Mr. Dibb stated that similar basins will be installed at the rear of the building will additional bio retention areas). The building will be serviced by a sewer line which will flow to a pump station in Taunton which services the entire Norton Commerce Center.

Mr. Dibb stated that Kurt Young would like to address Jennifer Carlino's letter but stated he did not have all the required information at this time. Jennifer Carlino stated she would like all written responses for the file. Jennifer Carlino asked Mr. Dibb if this project had been heard by the Planning Board yet and he replied that he had received recommendations from the Town Planner to submit plans to the Planning Board's consultant, Walter Amory. He stated they would be filing with the Planning Board within the next week or two. Jennifer Carlino suggested to wait until after the Planning Board review of this project to discuss storm water issues. Jennifer Carlino asked Mr. Dibb why the application stated the project location as Commerce Way rather than South Washington Street. He stated that previous to the ANRAD filing of this site, this property was one large parcel located on Commerce Way. He said that since then, the property was subdivided into two parcels with this site having an address on South Washington Street. Mr. Young requested 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, October 20, 2008. Approved. Jennifer Carlino.

The members reviewed a request for a Certificate of Compliance for File **#250-747 – Ron Turowetz - c/o Mark Carroll, Lot 35, Parcel 289 (map 21) 8 Goff Road**. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Kathleen Gibling, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-748 – Mark Carroll - Lot 34, Parcel 288 (map 21) 10 Goff Road**. Jennifer Carlino stated the project was completed

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according to the approved plans. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-658 – William Cuddeback, c/o Andrew Davison - Parcel 6 (map 32) 38 John Scott Boulevard**. Kathleen Giblin made a motion, seconded by David Henry, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-631 – Duane German – Parcel 292 (map 26) West Main Street**. Earl Willcott read a letter to be sent to Mr. German stating the submittal requirements for a Certificate of Compliance which have not been met. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to send the letter. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-807 – Scott Pietruszewicz – Lot 10, Parcel 264 (map 21) 9 Pratt Drive**. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish 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 **#250-809 – Scott Pietruszewicz – Lot 12, Parcel 266 (map 21) 5 Pratt Drive**. Jennifer Carlino stated the project was completed according to the approved plans. Lisa Carrozza 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 **#250-810 – Scott Pietruszewicz – Lot 17, Parcel 271 (map 21) 15 Ellis Road**. Jennifer Carlino presented a letter to be sent to Mr. Pietruszewicz's representative, Anthony Esposito of Outback Engineering informing him that the project does not meet submittal requirements at this time for a Certificate of Compliance due to the fact that the visual barrier is not adequate to remind the homeowner that they cannot perform activities beyond the barrier. She advised Mr. Esposito to revise the visual barrier on the property. Ron O'Reilly made a motion, seconded by Julian Kadish, to send the letter. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-746 – Mark Carroll, Carroll Construction Corp. – Lot 36, Parcel 290 (map 21) 6 Goff Road**. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

The members reviewed the draft Order of Conditions for File **#250-819 – Andrew Davison - Parcel 6 (assessors map 32) 38 John Scott Boulevard** - for proposed plans to construct a driveway and house with associated utilities and grading within 100 feet of wetlands which was included with the agenda for this meeting. Lisa suggested revising condition #22 to state that all concrete truck wash out be done in a designated area only. David Henry made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as amended. Ron O'Reilly abstained from voting. Approved.

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The members reviewed a request for an amendment to the Order of Conditions for File #250-812 – **Stephanie Joyce – 54 Cross Street**. Jennifer Carlino stated the revision is to add a second deck. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to allow the minor revision without having to file another application. Approved.

The members reviewed a request for an amendment to the Order of Conditions for File #250-802 – **Wheaton College**. Jennifer Carlino stated the revisions are 1. adding an extension of the sewer work that is being done. She stated that the added work will not be any closer to the wetlands; and 2. add a temporary asphalt walkway along the edge of the grass. Jennifer Carlino stated the walkway will be removed at the end of the project. Julian Kadish made a motion, seconded by Kathleen Giblin, to allow the revisions without having to file another application. Approved.

Jennifer asked the members if they read an email re: the business plan for community garden project and they responded that they had.

Jennifer Carlino noted that she went to the Finance Committee meeting for money to pay for the Norton Reservoir and Chartley Pond dam inspections. She stated the request will be heard at the annual Fall Town Meeting of October 6, 2008. She said she filed for an extension with the Office of Dam Safety.

Jennifer Carlino noted she included her "Evaluation" sheet with the agenda.

The members reviewed the final copy of the Instrument for Recording for **Chris & Judith Munise at 4 Rumford Road**. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign the copy and send it to the Munises to record. Approved.

Jennifer Carlino noted that **Anthony Virga of 60 Plain Street** called to say he would be sending in pictures of his restoration work and requested to speak to the commission members at the next regular meeting.

Jennifer Carlino noted that Bristol County Mosquito Control has called to say they will be conducting another project on Crane Street.

Jennifer Carlino noted that DEP has called to schedule an on-site meeting regarding the Superceding Order of Conditions for the River Oaks Subdivision regarding a non-compliance issue (monthly reports). She stated the meeting will be held on Tuesday, September 30th.

Lisa Carrozza made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:15 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb