



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, October 20, 2008  
7:00 pm

### Attendance

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

Julian Kadish (Vice-Chairman) was absent.

### Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **September 22, 2008**. Ron O'Reilly made a motion, seconded by David Henry, to accept the minutes as written. Approved.

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

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

The members reviewed the Bills Payable Sheet (misc.). Kathleen Giblin made a motion, seconded by David Henry, to pay the bill. Approved.

The members reviewed an Enforcement Order – **Fred Bottomley- Fairlee Lane** –Vegetation & soil removal without permits during the appeal process. Fred Bottomley addressed the Commission members. He stated that an Abbreviated Notice of Resource Area Delineation (ANRAD) had been filed previously for 105 acres of his 350 acres of property from Bay Road through Fairlee lane. He said that because of the delineation decision of 2 or 3 areas, he filed an appeal with DEP and requested a Superceding Order of Resource Area Delineation (SORAD) it was accepted by DEP on April 7, 2008. Mr. Bottomley stated the areas in question were a pond on Fairlee Lane which is used for water control for the bogs, a stream which was depicted as perennial by the board and intermittent by the engineer, a

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couple of resource flags on the east and west side of the upper areas of the pond and on the northerly side of the old abandoned bogs.

Mr. Bottomley proceeded to point out on a color-coded map to the members the various jurisdictional areas such as the area filed under the ANRAD, the area filed under the appeal, the Bordering Vegetated Wetland, perennial stream, 100-foot buffer zone and the 200-foot riparian zone. He stated he proceeded to remove sand (per Wetlands Protection Act regulation Chapter 310 CMR 10.00 I-) from an area that is 155 feet from the riparian zone and 265 feet from the bordering vegetated wetlands. He stated that this regulation states that work can be done under an appeal of a Determination of Applicability. He stated that Jennifer Carlino called him at approximately 10:00 am and he stopped all work by 11:00 am and had all equipment moved off the site. Mr. Bottomley stated no work has been conducted since that time.

Mr. Bottomley stated that according to the appellant process, any property under the appeal cannot be touched. He stated that the area where the sand was being removed is not one of the areas that is being appealed. He said that he spoke with Gary McKuch of DEP and Mr. McKuch stated to him that an Enforcement Order should not have been issued to him at this time for the removing of sand. He stated he met with Jennifer Carlino and his engineer, Chris Yarworth, to discuss the Enforcement Order and to go over the areas that the work was conducted on. Mr. Bottomley stated he was still waiting for DEP's decision regarding the appeal which was long overdue.

Jennifer Carlino stated that the regulations state that no work is to begin on a property under appeal until the appeal has been resolved and she read the regulations to Mr. Bottomley. She stated that Mr. Bottomley was referring to an appeal for a Determination of Applicability and suggested he re-read the regulations for an appeal for an Order of Resource Area Delineation (ORAD). Jennifer Carlino handed Mr. Bottomley the Enforcement Order that was returned from the post office because he had not picked it up. Mr. Bottomley stated that he had checked with Gary McKuch of DEP and Mr. McKuch gave him permission to go ahead with the work. Jennifer Carlino stated she left a message with Mr. McKuch regarding the Enforcement Order and when she spoke with him he agreed to the appropriateness of the Enforcement Order. Mr. Bottomley again explained that, in his opinion, work must cease only in the areas under dispute and not the entire parcel of property filed under the ANRAD. He stated that it has already been 165 days since the appeal was accepted by DEP. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to ratify the signatures on the Enforcement Order for Fred Bottomley. Approved. Jennifer Carlino handed Mr. Bottomley the Enforcement Order that was returned as "unclaimed".

The members reviewed an Enforcement Order – **Chris Baker – 133 Mansfield Avenue** - status of wetland permit and hiring consultants. Chris Baker addressed the Commission members and presented pictures of updated work on the property. He stated Silva Engineering and Associates of Bridgewater was currently reviewing a site plan of the property and will devise a plan of action for him. He said that he has been cleaning up the back side of the property. Jennifer Carlino asked Mr. Baker if he has already retained the services of Silva Engineering & Associates or if they are just reviewing the existing plans. Mr. Baker stated he is waiting for an estimate from Silva Engineering & Associates. Jennifer Carlino asked if he thought he would have an estimation by December and Mr. Baker stated he would. He stated he is continually working on the site removing materials.



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The members reviewed a Notice of Intent – **(#250-821) – Bill DeCouta, Tweave, Inc. – Parcel 118 (assessors map 27) 138 Barrows Street – (cont. from the September 22, 2008 mtg.)** - for proposed plans for clearing and cutting vegetation within 100 feet of wetlands and Barrowsville Pond Dam. Jennifer Carlino stated that a DEP File number had been received for the project. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-827) – Richard Gomes – Parcel 40 (assessors map 16) 11 Young Avenue** – for proposed plans to repair a septic system within 100 feet of a wetland and 200 feet of a perennial stream. The applicant and his contractor were present along with Nyles Zager, Project Engineer for Outback Engineering, Inc., who addressed the Commission. Earl Willcott read a letter sent to Seth Dufort of Outback Engineering, Inc. by Jennifer Carlino requesting hay bales be removed from the erosion control detail and to only use silt fence. She also requested that the pump well be included in the application and to notify the Conservation Commission about the pump's capacity and to ensure that a screen is on the device that is placed in the water. Mr. Zager stated he received the letter and he submitted revised plans with the requested information. Mr. Gomes explained that there is no pump on the well and the well had never drawn water from the pond and it does have a screened tip in the earth. Lisa Carrozza asked what side of the house was going to be used to access the project and Mr. Zager stated the left side. He said the septic system was kept as far away from the wetlands as possible. Lisa Carrozza made a motion, seconded by David Henry, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-822) – Paul Kashap – Parcel 61 (assessors map 23) 68 Pine Street** – for proposed plans to repair/install a septic system within 100 feet of wetlands. The applicant and his contractor were present along with George Collins of Collins Engineering who described the project to the members. He stated the project was a septic repair to a three-bedroom house. He explained to the members what the various colors depicted on his submitted plans. He said several test pits had been done in order to find suitable soil for the septic system and the soils were found only in the area that the system is proposed and that the system is as far away from the wetlands as possible. Jennifer Carlino stated the only concern she has is that the compost pile at the wetland line does not go any further. Lisa Carrozza asked Mr. Collins what was going to become of the existing trenches and he replied that they would be abandoned in place. He stated the existing septic tank was going to be used for this project. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-828) – Harold Kelleher – Parcel 192 (assessors map 35) 64 West Hodges Street** – for proposed plans to construct two additions and expand a porch within 100 feet of a wetland and 200 feet of a perennial stream. The applicant was present along with his engineer, John DeLano of John DeLano and Associates, who described the project to the members. Mr. DeLano explained that the applicant had applied for a side-yard variance through the Zoning Board of Appeals in order to add to the western side of his house and was denied the variance for the large addition. He stated that the applicant did receive a variance to add a small addition to the westerly side of the house. Mr. DeLano stated the larger addition will be at the back of the house to include a screened-porch and a one-car garage with living space above. He stated that all work will be done within the existing lawn area but there will be additional driveway paving in order to access the



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proposed garage. Mr. DeLano explained that since the work will occur within a riverfront area, filter trenches will be placed along the side of the driveway and at the rear of the turn-around for the garage. He said roof drains were proposed which will drain onto the ground. He stated that as requested by a letter from Jennifer Carlino, the applicant will remove yard debris from the bordering vegetated wetland. Mr. DeLano explained the main reason for the addition is that Mr. Kelleher plans to re-locate his elderly mother to his home. Lisa Carrozza asked if there were full foundations for the additions or just slabs and Mr. DeLano replied only slabs. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-831) – Town of Norton – Parcels 28 & 525 (assessors map 10) Reservoir Street/Falls Road** – for proposed plans for repairs and modifications to the Norton Reservoir dam within multiple wetland resource areas. Jennifer Carlino stated a request was received from the applicant's engineer to continue the project until the next regular meeting of November 10, 2008. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, November 10, 2008. Approved.

The members reviewed a Notice of Intent – **(#250-824) – Ronald Turowetz/Easecat Limited Partnership – Parcel 294, Lot 40 (assessors map 21) 7 Allen Drive** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Dan Agiar of SITEC, Inc., engineer for the applicant, described the project to the members. He stated this was a project in the River Oaks subdivision off of Shelly Road for a 4-bedroom house. He said there is an existing erosion control barrier on the site and will be re-located per this permit but will still be outside of the limit of work area. He said most of the house is outside of the buffer zone with the exception of approximately two thirds of the rear of the house. Jennifer Carlino stated the erosion control detail was omitted from the submitted plans and Mr. Agiar agreed to submit revised plans. Jennifer Carlino asked why no one attended the site walk last month for the subdivision and Mr. Agiar stated he was not made aware of any such walk. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-825) – Ronald Turowetz/Easecat Limited Partnership – Parcel 295, Lot 41 (assessors map 21) 9 Allen Drive** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Dan Agiar of SITEC, Inc., engineer for the applicant, described the project to the members. He stated this was a project in the River Oaks subdivision off of Shelly Road for a 4-bedroom house and that this project was very similar to the previous application. He stated the only difference is that there is no existing silt fence at the limit of work. Earl Willcott requested revised plans be submitted with the addition of the erosion control details and Mr. Agiar agreed to submit revised plans. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-826) - Ronald Turowetz/Easecat Limited Partnership – Parcel 296, Lot 42 (assessors map 21) 11 Allen Drive** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Dan Agiar of SITEC, Inc., engineer for the applicant, described the project to the members. He stated this was a project in the River Oaks subdivision off of Shelly Road for a 4-bedroom house and also that this



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project was very similar to the previous two applications. Mr. Agiar stated he would submit revised plans with the addition of the erosion control details. Lisa Carrozza noted there is a 6' grade difference on the driveway and stated there will be runoff into the wetlands. She suggested installing a stone apron or rip rap pad at the end of the driveway and he agreed this would be done and revised on the plan. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-823) – Ronald Turowetz/Easecat Limited Partnership – Parcel 283, Lot 29 (assessors map 21) 9 Goff Road** – for proposed plans to construct a single-family house with associated grading and driveway within 100 feet of wetlands. Dan Agiar of SITEC, Inc., engineer for the applicant, described the project to the members. He stated this was a project in the River Oaks subdivision off of Shelly Road for a 4-bedroom house and was also very similar to the previous three applications. Mr. Agiar stated he would submit revised plans with the addition of the erosion control details. Jennifer Carlino noted that there is a retaining wall proposed with this project. Mr. Agiar stated that all the lots on this side of the road will have walk-out basements and garage-unders, and, because of the drastic grade transition, retaining walls are necessary. The Commission agreed they would like the retaining wall detail on the plans. Ron O'Reilly, made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #932) – River Oaks Reserve, LLC – Lot 13, Parcel 267 (assessors map 21) 3 Pratt Drive** – for proposed plans for clearing and grading within 100 feet of wetlands. Scott Pietruszewicz of Canfour Corporation addressed the Commission and stated the project is for a 4-bedroom house and for additional grading within the buffer zone up to the 55-foot line. Earl Willcott stated the size of the boulders used for a visual barrier seemed to be undersized and could easily be moved. Scott Pietruszewicz agreed to use larger boulders. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, 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 Notice of Intent – **(#250-820) – John C. Kelly, Advantage Construction, Inc. – Parcel 83 (assessors map 25) 10 Commerce Way – (cont. from the September 22, 2008 mtg.)** -for proposed plans to construct a commercial building with associated driveway, parking areas, loading area and stormwater management facilities within 100 feet of wetlands. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next regular meeting of November 10, 2008. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 10, 2008. Lisa Carrozza abstained from voting. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-829) – Mark D. Dibb, P.E./CA Architectural Design & Engineering, LLC – Parcel 116 (assessors map 24) & Parcels 84-01, 86 & 92 (assessors map 25) Commerce Way** – for verification of the wetland resource area delineation. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next regular meeting. Ron O'Reilly made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, November 10, 2008. Approved.



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The members reviewed a Notice of Intent – **(#250-830) – Michael Riha – Parcels 686 & 687 (assessors map 3) 40 South Lakeview Road** – for proposed plans to construct a garage and an addition to an existing dock including a ramp and related grading within 100 feet of wetlands. The applicant described the project to the members. He stated that he intended to include the construction of the garage with the previous filing for this site but the garage was going to be within the sewer easement on the property. He said he would like to construct the garage at this time and install a walkway to the garage. Mr. Riha stated there is an existing walkway going from the house to a dock on the water and he would like to remove this walkway and seed it with grass and put up a fence. He stated he would like to place a concrete pad under the stairway.

Jennifer Carlino asked Mr. Riha if he had gone before the Zoning Board of Appeals for the garage and he replied he was granted the variance. Jennifer Carlino requested a copy of the decision and he stated he would submit a copy to the Commission.

Earl Willcott suggested to Mr. Riha that he install a block driveway which consists of blocks that have diamond-shaped areas in them to allow water to drain through them into the ground as most of the lot will be impervious. Mr. Riha suggested that he put dry wells in front of the garage for roof runoff. Lisa Carrozza suggested making the walkways pervious as well as the driveway.

Jennifer Carlino stated that there is an existing 10-foot floating dock that was permitted with the previous filing for this site. Mr. Riha stated that since the existing dock seems too high, he would like to construct another dock built on 12" piers which would be installed into the existing stone embankment with a ramp which would lead to the existing floating dock. Lisa Carrozza asked Mr. Riha how he intended on keeping the embankment in place during excavation of the piers. He replied by saying he intended on digging the holes for the piers with a post hole digger and placing soner tubes in the holes to be filled with cement. Earl Willcott suggested to Mr. Riha to modify the existing dock instead of constructing an addition because of the instability of the embankment. He advised Mr. Riha to hire a professional that is qualified to do this type of work since the embankment is involved.

Lisa Carrozza stated to Mr. Riha that he has to consider bank impacts at this point. He was also reminded that the Commission owns the Reservoir and extending the dock would bring the work off his own property. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, November 10, 2008. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-727 – Catherine Kehoe – Parcel 271 (assessors map 27) 7 Danielle Street**. Jennifer Carlino stated that she has not yet received the requested information needed to review for the Certificate of Compliance even though she has advised the applicant of the request with the information needed several times. She stated she has drafted a letter to be sent to the applicant advising him of the situation and needed information. Lisa Carrozza made a motion, seconded by Ron O'Reilly, not to issue a Certificate of Compliance and to send the letter to the applicant. Approved.



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The members reviewed request for a Certificate of Compliance for File **#250-746 – QBI Homes, Inc., c/o Mark Carroll – Lot 36, Parcel 290 (assessors map 21) 6 Goff Road**. Jennifer Carlino stated the work was completed according the approved plans. Kathleen Giblin made a motion, seconded by David Henry, to issue the Certificate of Compliance and the bond release letter. Approved.

The members reviewed request for a Certificate of Compliance for File **#250-749 – QBI Homes, Inc., c/o Mark Carroll – Lot 33, Parcel 287 (assessors map 21) 12 Goff Road**. Jennifer Carlino stated the work was completed according the approved plans. Kathleen Giblin made a motion, seconded by David Henry, to issue the Certificate of Compliance and the bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-711 – Pasquale Barletta – Parcels 31-34 (assessors map 4) 11 Sylvan Road**. Jennifer Carlino stated the work has been completed according to the approved plans. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance and bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-815 – Emma Enterprises – Parcel 238 (assessors map 9) 130 Mansfield Avenue**. Jennifer Carlino stated customers were driving into the stone swale and suggested that the applicant install curb stops to prevent this. She stated that there was a small area that has not been seeded as yet. Chris Baker stated that three signs are proposed to be installed in the area of the swale. Earl Willcott stated originally there were railroad ties to prevent driving further toward the wetlands and were removed at the time the parking lot was paved. Earl Willcott stated he noticed they were moved when he had gone out on site to do the pre-construction meeting. Jennifer Carlino stated she drafted a letter to send to the applicant requesting that curb stops be installed. David Henry made a motion, seconded by Lisa Carrozza, to send a letter to the applicant. Chris Baker abstained from voting. Approved.

The members reviewed a request for a Duplicate Order of Conditions for File **#250-819 - 38 John Scott Boulevard**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the duplicate Order of Conditions. Approved.

The members reviewed a request for a Duplicate Certificate of Compliance for File **#250-658 – 38 John Scott Boulevard**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the duplicate Certificate of Compliance. Approved.

Discussion ensued regarding a community garden proposal. Jennifer Carlino stated that Cornelia DeVeau was proposing an all organic community garden and, at the previous meeting, the commission members suggested to have both, organic and inorganic gardens. She stated that there were issues with liability and public information involved also. Jennifer Carlino said she does not want the gardens to go to the edge of the banks of the river. She advised the commission that they need to come to some decisions on a few basic important issues. Earl Willcott suggested reducing the size of the gardens. David Henry suggested that both inorganic and organic gardens may be grown on the site. It was decided that Ms. Cornelia DeVeau outline on her plans where the parking spaces will be and also get permission for parking spaces for the gardens from the school department. Jennifer Carlino said she will relay the information to Ms. Cornelia DeVeau that is decided upon this evening.

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Jennifer Carlino presented a revised contract for the Norton Kayak Company to be signed by the Conservation Commission. She explained that Town Counsel had revised the legal documents. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign the revised contract. Approved.

Jennifer Carlino noted that, after three years, the Office of Dam Safety has sent a registration form to be recorded at the Registry of Deeds which as included with the Bills Payable Sheets.

Jennifer Carlino noted that she will be speaking at the Norton Library on *rare species* with the Natural Heritage and Endangered Species Program on Thursday, November 13<sup>th</sup> at 6:30-8:30 pm.

Jennifer Carlino noted a final invoice has been received from Pare Corp. for the Norton Reservoir. She suggested having the Town Manager review the contract before paying the bill.

Jennifer Carlino noted that **CSX** will begin the restoration work on the railroad tracks sometime next week.

**Anthony Virga of 60 Plain Street** addressed the Commission members and submitted pictures of the restoration that had been completed regarding his violation and pictures of the piles of debris that were removed from the wetlands. The Conservation Commission questioned if he raked out the areas in the stream. Jennifer Carlino stated she will inspect the area and Chris Baker agreed to go with her.

The members reviewed an enforcement issue with File **#250-805 – Norton Water Department – Newland Street/Well #3**. Jennifer Carlino stated that DEP had informed the Water Department that they cannot put in the storm water management basins. She said she informed the Water Department that they will have to revise the project by requesting a modification and go back to the original plans which they have stated they do not want to do. Jennifer Carlino stated she will draft a letter to send to the Water Department if the Commission requests her to do so. The Commission decided not to send a letter but when he comes in for a Certificate of Compliance he will have to revise the Order of Conditions then.

Kathleen Giblin made a motion, seconded by Lisa Carrozza, to adjourn the meeting at 10:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director  
JC/pmb