



Norton Conservation Commission
70 East Main Street
Norton MA 02766

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MAY 20 2009

NORTON TOWN CLERK

Monday, April 27, 2009
7:00 pm

Attendance

Julian Kadish (Vice-Chairman), Kathleen Giblin, Lisa Carrozza,
David Henry, Chris Baker and Jennifer Carlino, Conservation Agent.

Earl Willcott and Ron O'Reilly were absent.

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **March 23, 2009**. Kathleen Giblin made a motion, seconded by Chris Baker, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **Executive Session of March 23, 2009**. Kathleen Giblin made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Chris Baker, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Don Nagle). Lisa Carrozza made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Corp.). Julian Kadish made a motion, seconded by Chris Baker, to pay the bill. Approved.

The members reviewed a Notice of Intent – (#250-839) – **Ronald Turowetz/Easecat Limited Partnership – Parcel 297 (assessors map 21) 8 Allen Drive – (cont. from the April 13, 2009 mtg.)** - for proposed plans to construct a house with associated grading, utilities and driveway within 100 feet of wetlands. Dan Gioiosa of SITEC Engineering, representative for the applicant, updated the members on the project. He stated that at the previous hearing the members had requested a revised plan showing the details for the proposed retaining wall as well as a note stating a visual barrier will be installed at the limit of work which he submitted to the members. Jennifer Carlino stated a detail of the erosion control should be shown on the plans. Lisa Carrozza suggested adding a condition requiring the silt fence to be in place and in good condition before construction begins. Julian Kadish made a motion, seconded by Chris Baker, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-842) – **Michael Tracy, The Judge Rotenberg Center – Parcel 164 (assessors map 21) 31 Shelly Road** – for proposed plans to stabilize and resurface two portions of a gravel parking area within 100 feet of wetlands. The applicant was present and his representative, John Bensley of Beals & Thomas described the project to the members. He stated the property consists of a residential house with approximately 14 acres of land. Mr. Bensley stated the applicant had been working on the gravel parking lot trying to get rid of the mud and did expand it slightly. He stated that the applicant had filled in a small amount in one area, and he said he didn't think any trees were cut. He said the applicant would like to improve another existing gravel parking lot on this site.

Mr. Bensley stated the applicant had received a Cease & Desist letter from the Conservation Commission which stated they would have to get a wetland permit for any work done within 100 feet of the wetlands. At this time, Mr. Bensley stated his company was contacted by The Judge Roterberg Center and he went out and flagged the wetland boundary on the property. He said the applicant proposes to remove the fill that was placed within the 25-foot no disturbance zone and replace it with upland transitional vegetation. Mr. Bensley stated it is the applicant's intentions to improve the existing gravel parking areas to include the expansion of one. He said that a couple of areas that are away from the wetlands will be designated for snow storage and he pointed out a shallow grassed swale will be installed in an area along both parking lots. Mr. Bensley said boulders will be placed along the perimeter of the parking areas where it abuts the swales or adjacent wetlands to prevent any future violations. He asked if the applicant could use a post and rail fence for a visual barrier if there aren't enough boulders on site.

Lisa Carrozza asked Mr. Bensley if the gravel from the parking lot will have to be replaced or fixed after it is plowed and he replied it would be. He stated that some of the gravel may be recovered from the snow storage area in the spring. Lisa Carrozza suggested a condition be added to the Order of Conditions to require the gravel be refreshed and maintained annually. Chris Baker asked Mr. Bensley if the applicant proposes to remove the silty gravel that is existing and Mr. Tracy replied it would be up to his contractor but he thought he would. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-841) – **Joseph Nocera, Bay Road Norton Realty LLC, c/o Chateau Waltham – Parcel 52 (assessors map 19) 54 Bay Road** – for proposed plans to raze a house and garage and construct a parking lot with associated grading and drainage within the 100-year floodplain and 100 feet of Lake Winnecunnet. Representative for the applicant, Attorney Ed Valanzola of Mansfield described the project to the members. He stated the applicant is in the process of purchasing the property at 54 Bay Road which is contingent on obtaining a permit to remove the existing house and constructing additional parking spaces. Mr. Valanzola pointed out on the plans to the members the house and garage that will be removed and replaced with 45 parking spaces.

Mr. Valanzola introduced Scott Rolfe, Wetland Scientist with GPR Southeast LLC from North Attleboro who is the Project Manager for this project, not the engineer. Mr. Rolfe handed out to the members a set of plans. He stated the area of concern for the Conservation Commission consists of approximately 20,455 sq. ft.

Mr. Rolfe stated it was the applicant's proposal to remove the house, garage, driveway and existing pavement on this site and re-grade the area. He said that because of a Town By-Law, the parking lot would not exit onto Bay Road, but into the existing parking lot. He pointed out a snow storage area and an area of pick-up and drop-off for customers of the restaurant.

Mr. Rolfe stated that a temporary truck access to Bay Road is proposed with a "rumble strip" in place to clean the tires before going onto Bay Road. He pointed out that in regards to contours of the site, a crown will be built in the middle of the parking lot for storm water to go towards the North and South edges of the lot. He stated a tree well will catch any runoff from the upper portion of the lot and a subsurface recharge system with an emergency outlet will be in place to catch any other runoff. He stated the site will be dropped in grade and new flood storage will be created on site.

Julian Kadish asked Mr. Rolfe if a tree would be in place where each tree well is proposed and he replied that a shrub would be in place, not a tree. Lisa Carrozza asked Mr. Rolfe if he had concerns with the melting snow in the snow storage areas clogging up the tree box area and he replied that the melting water would pass through a rip rap area first. Chris Baker asked if a plan for snow removal is in place and how this was done in the past with the existing parking lot and Mr. Rolfe suggested to ask one of the abutters present at this hearing this evening. An abutter spoke up and stated he had seen a front end loader dumping the snow into the lake.

David Henry asked Mr. Rolfe to address Jennifer Carlino's letter of April 6, 2009. Mr. Rolfe addressed the comments as follows:

1. He stated that the cubic feet of proposed alteration within the bordering land subject to flooding (BLSF) has been revised within the WPA Form 3 and that the supporting calculations have been submitted. Lisa Carrozza asked what the cubic feet of impact was going to be to the BLSF. Jennifer Carlino stated that there are 4 Performance Standards for BLSF and that Flood Storage is only one of them and would like all 4 discussed. Mr. Rolfe stated there would be approximately 8700 sq. ft. of alteration and approximately 12,499 sq. ft. of replacement. He stated there would be 0 cu. ft. of flood storage lost and 7,270 cu. ft. replaced.
2. He stated that the narrative in the NOI has been revised to include a written description of the project's compliance with 310 CMR 10.57 and is attached. Jennifer Carlino questioned that he didn't address all performance standards.
3. He stated Floodplain compensation is achieved by the proposed changes in topography and the removal of a structure within the BLSF. He stated a sheet entitled "Compensatory Flood Storage Computations" was attached to the revised NOI.
4. He stated that page 6 of the NOI has been revised to show the Canoe River ACEC and that a sheet entitled "Water Quality Retention Volume" is included in the Stormwater Management Report previously submitted.

5. He stated the "Checklist for Stormwater Report" has been re-submitted reflecting the disturbance within the BLSF and the additional "Infiltration Trenches" BMP not previously listed. He stated an additional description has been noted in comment #10. Jennifer Carlino comment that BLSF is a Resource Area so they need to uncheck the first box.
6. He stated that the project is not proposed as a re-development project and the NOI has been revised to reflect that.
7. He stated a TSS removal worksheet for each treatment train has already been submitted and included within the "Stormwater Management Report" previously submitted.
8. He stated he has provided an illicit discharge statement for this hearing but it has not been signed as yet. Jennifer Carlino requested a signed copy as soon as possible.
9. He stated the Operations and Maintenance Plan has been revised to describe snow storage areas.
10. He stated that the further information provided by this response letter and revised and re-submitted documents will ease concerns about the stormwater management and floodplain compensation as well as impacts to rare species habitat.

Jennifer Carlino stated the Consulting Engineer will submit comments on the Water Quality proposed on the site.

Jennifer Carlino asked for further comments regarding Performance Standards for Wildlife Habitat Evaluation. Mr. Rolfe replied he did not have any further comments at this time and Jennifer Carlino requested that he send a written response. She stated that, at a minimum, Appendix A of the Wildlife Habitat Evaluation is required.

Jennifer Carlino stated that she was waiting for Tom Sexton's comment on the Water Quality proposed for this project.

An abutter, Paul Gooley of 4 Charlotte Avenue addressed the commission. He asked where the snow storage was on the proposed parking lot and Mr. Rolfe pointed out the area to him. Mr. Rolfe proceeded to explain the storm water system to Mr. Gooley. Mr. Richard Oler, Charlotte Avenue, an abutter, addressed the commission with his concerns of the possibility of gas and oil from automobiles running into the lake. Chris Baker stated that the water from the parking lot will be treated before running into the lake. Julian Kadish stated that there will be oil and grit separators in the catch basins and Mr. Rolfe stated there are filters in the tree wells. Mr. Oler asked about the size of the shrubs being planted in the tree wells and Mr. Rolfe stated that each tree well consists of an open top and bottom with four concrete sides. He stated that the tree wells are designed with a catch basin top and special soil in each well that will help filter any water before it goes into the lake. Mr. Oler asked how often the soil

Norton Conservation Commission

Monday, April 27, 2009

Minutes, page 5.

was going to be changed in the tree wells and Mr. Rolfe stated the information will be provided in the Operations & Maintenance Plan. Mr. Oler asked how deep the tree well went into the ground and Mr. Rolfe replied it was above the water table. Another abutter, Bill Duspidowser, 30 Charlotte Avenue, asked where the garage to be removed was on the property and asked to be shown where the retaining wall was located behind the garage. He stated that there are two existing retaining walls which differ in elevation approximately 3 ½ feet and differ from what is shown on the submitted plans. He said that if the parking lot is constructed according to the submitted plans, the parking lot will flood eventually. Mr. Rolfe explained to Mr. Duspidowser how the drainage system will be working and how the tree wells will be filtering runoff water. Mr. Duspidowser stated he canoes in this area every year and part of this project site is under water and polluted with oil and gas and debris.

Mr. Valanzola stated that the applicant intends on complying with all rules and regulations with every department.

Mr. Bill Pellegrini of 65 Bay Road had concerns with the water quality of Lake Winnecunnet and asked who checks on that. Jennifer Carlino stated that there is no funding for water quality testing in the Lake at this time. She stated that the applicant has to provide water quality information for the project, but the Town does not test the water in Lake Winnecunnet. The commission directed Mr. Pellegrini to the Board of Health for information on the quality of the lake.

Chris Baker suggested that it would be better to have cars parking in a parking lot with a stormwater filtering system in place rather than on Bay Road where there is no system. Mr. Pellgrini asked that if this project is completed, will it eliminate parking on Bay Road and Jennifer Carlino stated he would have to check with the Board of Selectmen for that information. Mr. Valanzola stated that, in his opinion, the environment will be significantly improved by having vehicles park in the proposed parking lot instead of on Bay Road and hoped that all boards and commissions would come to the same conclusion or they'll abandon the project and continue parking in the street.

Mr. Gooley asked what the barrier will be between the parking lot and nearest house. Mr. Rolfe replied that a row of evergreen trees will be planted all around the proposed parking lot. He stated a row of evergreen trees will be planted along Bay Road to prevent light shining onto houses from cars parking in the lot. Carol Duspidowser of 30 Charlotte Avenue asked to be shown where the cars would be entering and exiting the proposed parking lot and Mr. Rolfe showed her on the submitted plans. Mr. Gooley asked about the additional lighting that has been discussed and David Henry referred him to the Planning Board. Mr. Rolfe stated the proposed lighting will be "nightsky" compliant and will not disturb the abutters to the property.

Mr. Valanzola asked Jennifer Carlino if she had reviewed the consulting engineer's comments yet and she stated she just received them today and had not had a chance to review them.

Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, May 18, 2009. Approved.

Norton Conservation Commission
Monday, April 27, 2009
Minutes, page 6.

The members reviewed a Request for a Determination of Applicability – (DET. 938) – **William R. Cuming, Tr., Norton Bird Garden Trust – Parcels 278-17, 278-18 & 298 (assessors map 9) Mansfield Avenue – (cont. from the March 9, 2009 & April 13, 2009 mtgs.)** - for proposed plans to fill three (3) wetland depressions within 100 feet of wetlands. There was no representative at the public hearing for this project. Jennifer Carlino stated that she had not received revised plans for the project and had spoken with the representative today who stated he would probably request to continue the public hearing until the revised plans were received by the Conservation Commission. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, May 18, 2009. Approved.

The members reviewed the draft Order of Conditions for a Notice of Intent (#250-840) – **Jeffrey O'Neill – Norton Commerce Center, LLC – Parcel 8-12 (assessors map 25) South Washington Street** – for proposed plans to cut and clear wetland for sign visibility on Route 495. Lisa Carrozza abstained from voting. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

Chris Yarworth addressed the Commission regarding project **File #250-669** and the ongoing violation of the filling in of wetlands at the Hill Street firing range site. Also attending the public meeting was Police Chief Brian Clark and Highway Superintendent, Keith Silver. Chris Yarworth submitted an As-Built plan showing the existing conditions on the site. Mr. Yarworth stated the Police Dept. would like to do a replication area. He stated the project would be too large for the Highway Department to handle therefore the work would have to be subcontracted out to a company that could handle the work. He said approximately 931 sq. ft. has been filled. He stated 333 sq. ft. can be replicated in place but 598 sq. ft. would have to be replicated in a different location which he sketched on a plan and showed to the members.

Jennifer Carlino asked Mr. Yarworth if the applicant is proposing to go closer to the wetlands as shown on the plan that Mr. Yarworth has submitted this evening which is closer than was originally approved by the Commission. He replied that they are not proposing work closer to the wetlands and the plan he brought with him tonight was only for informational purposes and not part of a filing. Mr. Yarworth pointed out an area that the applicant had originally planned to put a trailer and an area where a trench was proposed but stated this would not be done at this time. He also pointed out an area where stone would have to be removed.

Mr. Yarworth stated it would be a problem trying to remove a large pile of fill and Jennifer Carlino asked how the fill was brought in. Keith Silver replied that another company had tried to raise the grade in the back and stumps kept falling out of the pile making the area larger.

Brian Clark explained to the members that this project was approved in 2005 and all material were donated to the Police Dept. and no Town funds were used. He stated that at that time the project was finished. He said in 2008 CPS Technologies of South Worcester Street had asked permission to use the site and in return offered to build a shelter/shed for the property. Mr. Clark stated when CPS approached the Building Dept., they told them to see Jennifer Carlino because the file was not closed for the original project. He stated when he approached Mr. Yarworth to file a Request for a Certificate of Compliance for the original project, the violation was discovered.

Lisa Carrozza asked what happened to the trailer and Chris Yarworth pointed out the area where the trailer ended up being placed. Chris Yarworth asked Jennifer Carlino if she wanted the applicant to file a new application or a reply to the Enforcement Order and Jennifer Carlino stated a new application is not necessary since it can be handled as enforcement. The members agreed to have the Police Department fix their violation of filling in wetlands by replicating and restoring in place as shown on the plan brought in by Chris Yarworth.

The members reviewed a request for a Certificate of Compliance for File **#250-173 – River Crossing Condos – West Main Street – Doug King Builders**. Jennifer Carlino stated that everytime one of the condos is up for sale, someone calls about the outstanding Order of Conditions. She stated the developer has finally provided the information required in 2003 and 2004 and that the As-Built Plan submitted is the most accurate that will ever be submitted. She stated this plan is ok to use. Julian Kadish asked if the site was stabilized and she stated it was and that she had received the botanist report and archaeological report letter. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance.

An abutter, Don McKenny of Edgewater Drive asked Jennifer Carlino if the Commission was finished with Doug King and Jennifer Carlino replied that there may be other files for this property but this File will be closed. Another abutter asked about a Phase III and Jennifer Carlino stated there may be other files for the different phases.

The commission members signed a duplicate copy of the LL Bean contract for the use of the Norton Reservoir.

Jennifer Carlino noted that she had received pictures of violations performed by Revoli under contract with the Water Department. She stated Earl Willcott will be meeting with Revoli, Town Manager and Duane Knapp, Water/Sewer Superintendent to resolve the violations.

Chris Baker updated the Commission on his violation at 133 Mansfield Avenue. He stated that he removed a stock pile of logs that were located at the rear of the property. He stated he ran out of room to put the woodchips. Lisa Carrozza asked if there was any chance of the woodchips running into the Reservoir and Chris Baker stated there was not. He stated that he is moving forward slowly but the cost of the engineer is very steep at this time.

Jennifer Carlino stated another meeting would be held for the proposed By-Law with consultants, Horsley Whitten Group. She asked the members if they would rather hold separate meetings for the By-Law or discuss it at the end of a regular meeting. The members agreed to discuss the By-Law at the end of a regular meeting as long as the regular meeting is a short meeting. If separate meetings have to be held the members agreed to hold a meeting for the By-Law on the first or third Monday of the month.

Norton Conservation Commission
Monday, April 27, 2009
Minutes, page 8.

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

Kathleen made a motion, seconded by Chris Baker, to adjourn the meeting at 9:07 pm. Approved.

Respectfully Submitted,

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

Jennifer Carlino
Conservation Director
JC/pmb