



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766
508-285-6301



Norton Conservation Commission

August 12, 1991

Attendance

Julian Kadish	Earl Willcott
Robert Medeiros	Jeff Houde
Leo Yelle	Leonard Silvia
Peter MacLean	

Minutes

Members reviewed the bill payment sheet. Earl Willcott made a motion, seconded by Leo Yelle, to approve the bills as submitted. Approved.

The Conservation Director reported that the minutes from the last meeting are not yet ready and will be sent out to members within the next few days.

Ken Wagner, BayState Environmental Consultants, gave the members the second update on the Norton Reservoir diagnostic/feasibility study.

Members reviewed a proposed addition to the plan for #250-283. Mr. Oliveria, Oak Street, proposed to remove stumps from a pond on the property. Leo Yelle made a motion, seconded by Robert Medeiros, to approve the request if Mr. Oliveria agrees to: notify the Conservation Director prior to starting said work; outline the limit of activity; specify the location where the stumps are to be stockpiled. Approved.

James Vadala, lot 4 West Hodges Street, requested a modification of the approved plan for #250-245. Mr. Vadala noted the increase in lot size on lot 4, and minor grading and installation of a fence at the beginning of the proposed driveway. Robert Medeiros made a motion, seconded by Jeff Houde, to approve the revisions. Approved.

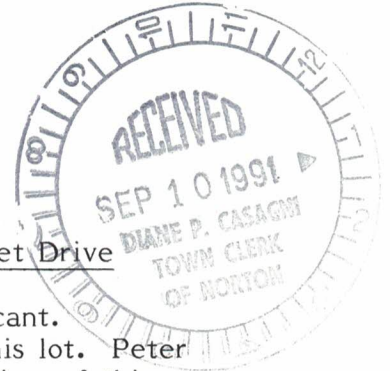
The Conservation Director distributed the draft Conservation Restriction for lot 4 to the members for their review prior to the next meeting.

Request for Determination - Robert Berg, 221 Old Taunton Ave.

Members reviewed a plan to construct a residential garage at this address. Leo Yelle made a motion, seconded by Earl Willcott, to close the review of this project. Approved. Robert Medeiros made a motion, seconded by Leo Yelle, to issue a Negative Determination. Approved.

Continued Public Hearing - Paul Saccocia, 122 East Main Street

Mr. Saccocia requested that the Public Hearing be continued until Monday, August 26, 1991. Earl Willcott made a motion, seconded by Jeff Houde, to continue the Public Hearing, at the applicant's request until Monday, August 26, 1991 at 8:30 p.m. Approved.



Request for Determination - P & A Construction, Lot 54, Margaret Drive

NOTE: Robert Medeiros left meeting in order to represent applicant. Members reviewed a plan to construct a single family home on this lot. Peter MacLean made a motion, seconded by Leo Yelle, to close the review of this project. Jeff Houde abstained from voting. Approved. Leo Yelle made a motion, seconded by Peter MacLean, to issue a Negative Determination. Jeff Houde abstained from voting. Approved.

Request for Determination - P & A Construction, Lot 99, Margaret Drive

NOTE: Robert Medeiros left meeting in order to represent applicant. Members reviewed a plan to construct a single family home on this lot. Leo Yelle made a motion, seconded by Peter MacLean, to close the review of this project. Jeff Houde abstained. Approved. Peter MacLean made a motion, seconded by Leo Yelle, to issue a Negative Determination. Jeff Houde abstained. Approved.

Request for Determination - Sandra Shiere, 63 King Philip Road

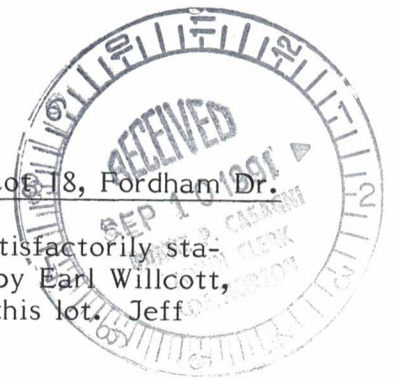
Members reviewed a proposed plan to reconstruct an existing concrete porch within the 100-year floodplain and 100 ft. Buffer Zone of Lake Winnecunnet. Peter MacLean made a motion, seconded by Earl Willcott, to close review of this project. Approved. Leo Yelle made a motion, seconded by Leonard Silvia, to issue a Negative Determination. Approved.

Request for Certificate of Compliance - Lester Epstein, 65 King Philip Road

The Conservation Director reported that Mr. Epstein is in compliance with his Order of Conditions and that he has satisfactorily completed his project. The Director recommended that a Certificate of Compliance be issued. Robert Medeiros and Jeff Houde reported that they had seen the project on this date and that the Order of Conditions has been met. Robert Medeiros made a motion, seconded by Jeff Houde, to issue a Certificate of Compliance. Approved.

Mrs. Jennings, 72 King Philip Road, requested to be allowed to speak about this project. Leo Yelle made a motion, seconded by _____, to allow Mrs. Jennings to speak. Approved. Mrs. Jennings objected to the issuance of the document. Mr. Jennings complained that they had been notified too late about the meeting and he asked that the decision be put off until the next meeting when they could have legal representation. (The Jennings attorney asked, in writing on August 8, that they be notified of any actions to be taken by the Commission relative to this project. They received said notification from us the next day, August 9.)

The Jennings were advised that Mr. Epstein had exercised his right to build on his property in compliance with current regulations.



Request for Certificate of Compliance - J & R Construction, Lot 18, Fordham Dr.

The Conservation Director reported that the soils have been satisfactorily stabilized with grass. Robert Medeiros made a motion, seconded by Earl Willcott, to issue a Certificate of Compliance and release the bond for this lot. Jeff Houde abstained. Approved.

Request for Certificate of Compliance - P & A Construction, Lot 19, Margaret Dr.

The Conservation Director reported that the exposed soils on this lot have not yet been satisfactorily stabilized.

Request for Certificate of Compliance - P & A Construction, Lot 48, Fordham Dr.

The Conservation Director reported that there is erosion occurring at the back of this lot. The soils have not yet been satisfactorily stabilized.

Request for partial Certificate of Compliance - P & A Construction, Lot 21, Margaret Dr.

Robert Medeiros removed himself from the meeting to discuss this project. Mr. Medeiros stated that the loam is on the lot but that it has not yet been seeded. Leo Yelle made a motion, seconded by Peter MacLean, to issue a partial Certificate of Compliance if the applicant posts a \$500.00 bond to ensure final vegetative stabilization of exposed soils on this lot. Robert Medeiros and Jeff Houde abstained. Approved.

The members discussed the bonding issue and decided, in the future, not to require that an applicant obtain three estimates of what it would cost to finish the regulable work at a site. Each site will be considered separately after a review of its particular characteristics.

Request for partial Certificate of Compliance - Alan Brown, Lots 2 & 5, Natalie Estates

There was no one present to represent the applicant. The members reviewed the lot sizes and work that remains to be done (final grade, loam and seed). Robert Medeiros made a motion, seconded by Jeff Houde, to issue partial Certificates of Compliance for lots 2 & 5, if the applicant posts bonds for \$1,000.00 and \$2,000.00, respectively, to ensure final vegetative stabilization of exposed soils on these lots. Approved.

Request for partial Certificate of Compliance - W & G Dev., 120 Barrows St.

The Conservation Director reported that the section of water line installed on this lot has been completed and soils have been stabilized. Peter MacLean made a motion, seconded by Earl Willcott, to issue a partial Certificate of Compliance for 120 Barrows Street. Robert Medeiros abstained. Approved.

Request for partial Certificate of Compliance - Town of Norton Water/Sewer Dept.

The Conservation Director reported that the sewer installation work at the Rumford River, Norton Reservoir cove, Holly Road pump station, Island Road pump station, and Rumford Road pump station has been completed. The areas have been satisfactorily restored and stabilized. The Director noted that the stream



crossing at the cross-country section has some erosion from recent rains, and that she will contact the Water/Sewer Supt. regarding that problem. Robert Medeiros made a motion, seconded by Leo Yelle, to issue the partial Certificate of Compliance. Approved.

Request for partial Certificate of Compliance - William McArtor, Elm St.

The Conservation Director reported that Mr. McArtor has requested that this be placed on hold.

Request for Extension Permit - Wheaton College, Pine St.

This project does not expire until March 1992. A letter will be sent to Mr. Campbell asking him to resubmit his request in February 1992.

Request for Extension Permit - Frank Zarek, West Main St.

Robert Medeiros made a motion, seconded by Peter MacLean, to issue a one-year Extension Permit to Mr. Zarek for the proposed addition to his car wash. Approved.

Update - Mulberry Meadow Estates appeal mediation

The Conservation Director reported that she had met with Mr. DeLano (Mr. Junior's representative), a volunteer attorney from the mediation service and two representatives of that service. It appears that there will be a compromise on the activities on lots 5 & 9; specifically, that one six-unit building and parking lot could be constructed (not two of each), that all surface runoff would drain to the detention basin, and that low nitrogen fertilizer would be used only once a year.

Short discussion - Arthur Amaral, Boutas Dr. project

Mr. Amaral presented estimates of what it will cost to complete the wetlands replication and floodplain compensation areas on the Boutas Drive project, and that he is prepared to post a bond so that he can start work. The members reminded Mr. Amaral that his Order of Conditions states that he has to submit a proposed replication plan also. Mr. Amaral stated that he thought he could have that ready by the next meeting.

Norton Reservoir

Members discussed weed harvesting at the shoreline near 113 Freeman Street at the request of Larry Lamey. The Conservation Director will contact private property owners with land under the water along the shore; find an access spot; and complete the permit application to perform said work.

Lake Winnecunnet

The Conservation Director reported that the Bid Package to contract with a middleman to rent out the weed harvester has been drafted but is not yet typed. It will be sent to members prior to the next meeting for review and comments.

Enforcement

The Conservation Director reported that Arthur Amaral is working on the drainage system at Courtland Estates; town counsel will be contacted and asked to pursue legal enforcement actions against the owners of Norton Country Club condos for their lack of attention to the Commission's orders regarding a stream violation. Manuel D'Aguiar, 92 Mansfield Ave. was issued a Cease and Desist for attempting to fill in Norton Reservoir, without a permit, to create a boat ramp. Melvin and Annie Dorrance were issued a Cease and Desist because of tree clearing that was being conducted within the edge of a wetland and within the 100 ft. Buffer Zone of a wetland without a permit. Both of these sites will be monitored.

The Conservation Director recommended that W & G Development be ordered to submit a plan to restore lot 103 by the next Conservation meeting on August 26, 1991. The roots are exposed at the trees on the top of the ridge, and erosion continues to occur, adding to the instability of the bank.

Members discussed the schedule for October meetings. Earl Willcott made a motion, seconded by Jeff Houde, to schedule the meetings for October 15 and 28. Approved.

The Conservation Director requested to take a personal day on August 20, 1991.

The Conservation Director reported that Mr. Bottomley, No. Worcester Street, complained about youths noisily loitering at the conservation area at night. He suggested that the members adopt a policy of closing the area at 9:00 p.m. A letter, stating such, will be sent to the Police Chief.

The Conservation Director reported that Mrs. Kimball, 51 Pine Street, would like to add the construction of a stone wall to the above-ground pool installation which was approved at the last meeting. She had submitted a revised sketch of the project. Approved.

The members discussed the Shpack site and whether it would be advisable to pursue legal action against the U.S. Dept. of Energy (for being placed on EPA's potentially responsible parties list even though D.O.E. encouraged and almost mandated that the Town acquire the site, and because the access agreement with the D.O.E. absolves the Town from liability regarding D.O.E. regulatory actions).

Meeting adjourned at 9:55 p.m.

