



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
(508) 285-0275
Fax (508) 285-0297

Monday, October 28, 1996
7:30 pm

RECEIVED

DEC 04 1996

NORTON TOWN CLERK

Attendance

Jeff Houde (Chairman), Ed Breault (Vice-Chairman),
Leonard Silvia, Patrick Corcoran, Julian Kadish,
Carlos Fragata (Director)

Bob Mederios and Dana Rappaneau were absent.

Minutes

Leonard Silvia made a motion, seconded by Ed Breault, to table the draft minutes of October 16, 1996 until the November 12, 1996 meeting. Approved.

The members reviewed a **Request for a Determination of Applicability - Ewa Jedrychowska - parcels 220 & 222 (assessors map 9) Reservoir St.** - for conformation of a wetland line and to initiate a discussion regarding the ditches which have to be filled to build a road, others could be replaced by storm drainage. These ditches are in place for drainage purposes and don't appear to serve any animal habitat. Ralph Maloon represented the applicant. Revised plans were submitted (dated 9/7/96, revised 10/28/96) that reflected an onsite with the Director. The wetland alteration increased from 1,650 sq. ft. to 2,000 sq. ft. The Director stated that the plans submitted were different than what was discussed in the field with John from RIM's office. Mr. Maloon noted the changes. Dave Killingbeck of 60 Reservoir Street had concerns with water runoff. The Director stated that he felt that the western ditch which connected the two wetlands was a stream or intermittent stream. Don Swavely, 62 Reservoir St. questioned the proposal in regards to the ditch on the easterly side of the proposed road. The Planning Board was approached informally recently. Dave Killingbeck stated that deer, turtles, muskrat and red backs and other wildlife use the area. Don Swavely stated that turtles used the drainage ditch. Leonard Silvia made a motion, seconded by Ed Breault, to continue the public meeting until the November 12, 1996 meeting. Approved.

The members reviewed a **Notice of Intent - Chilmark Company - lot 190 (assessors map 4) Kingsley and Kensington Road - (con't. from 9/23/96 & 10/16/96 mtg.)** for a proposed residential subdivision of single family homes with associated roads, septic systems and driveways. The activities proposed within the jurisdiction of the Wetlands Protection Act include grading within the buffer zone of bordering vegetated wetlands. This continuance is to review a plan change from the original filed Notice of Intent for the subdivision road to increase the amount of wetlands to be altered to include 1,389 sq. ft. of bordering vegetated wetlands due to a wetlands line change. The replication area shall include an area of 2,000 s. ft. Previously approved plans showed 50 sq. ft. of alteration. Bob Ingram of Daylor Consultants represented the applicant as did Donald Chute. Mr. Ingram explained that because

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the wetlands were recently reflagged, the wetlands alterations increased from 50 sq. ft. (per outstanding Town wetlands permit #250-332) to 1,389 sq. ft. Therefore a 2,000 sq. ft. replication area is proposed. The Town's permit will not be used but some work has been performed there. Leonard Silvia made a motion, seconded by Ed Breault, to close the public hearing. Approved. The members decided that the Order of Conditions will be reviewed at the next regular meeting of November 12, 1996.

The members reviewed a **Notice of Intent - John G. Walsh, Jr. & Boro Sand & Stone Corp. - lot 139 (assessors map 17) - East side of Pine St.** - Proposed plans for a drainage detention basin and outlet for a subdivision road within the 100-foot wetland buffer. No wetlands are to be altered by this project. The road and its construction will lie outside of the 100-foot buffer. This Notice of Intent does not include house site construction. Otis Dyer, Jr. represented the applicant and stated that the site is located off of Pine St. Otis Dyer stated that the Bordering Vegetated Wetland was originally approved by the previous Conservation Director which runs basically along the topography. He stated that the detention basin was sized for several storms and would be loamed and seeded. The Director made several comments as follows: 1. A DEP # for this file is needed; 2. The subdivision is not exempt from the Rivers Act; 3. The Rivers Act needs to be addressed: a. economic practical alternative and b. adverse impacts to the area; 4. On Sheet 3 of 6 - floodplain compensation area is adjacent to the bordering vegetated wetlands. He suggested moving to floodplain area or upland adjacent to it but not within 25 +/- ft.; 5. The detention basin is adjacent (\approx 3 ft.) to bordering vegetated wetlands and in the floodplain. He suggested moving it at least 25 to 50 feet from the bordering vegetated wetlands; 6. He suggested a 25 ft. undisturbed area and moving the haybale line (sheet 6 of 6); 7. Notice stated no alteration to wetland but the floodplain is a wetland. Doris Murray, an abutter, was concerned with underground flooding. Otis Dyer responded to the Director's comments stating that he could pull back the haybales, detention basin and floodplain replication area. At the applicant's request Ed Breault made a motion, seconded by Leonard Silvia, to continue the public hearing until the December 9, 1996 meeting at 8:00 pm. Approved.

Ed Breault made a motion, seconded by Patrick Corcoran, to approve the Orders of Conditions for Teirney, Meadowbrook Lane, #250-383 as written. Approved.

Ed Breault made a motion, seconded by Patrick Corcoran, to approve the Orders of Conditions for Setters Place Realty Trust, John Scott Boulevard, #250-384 as written. Approved.

The members reviewed a request for a **full Certificate of Compliance** filed by **Paul Jodice - lot 97-01, (assessors map 22) 29 Barrows Street (DET. #456)**. Ed Breault made a motion, seconded by Patrick Corcoran, to issue the full Certificate of Compliance. Approved.

The members reviewed a request for a **full Certificate of Compliance** filed by **Sher-Corp., Ltd. - lot 5 (assessors map 29) Forest Lane (DET. #342)**. Julian Kadish made a motion, seconded by Ed Breault, to issue the full Certificate of Compliance with a bond release letter in the amount of \$500.00.

The members reviewed a request for a **full Certificate of Compliance** filed by **Roberts Realty Trust - lot 13 (originally) assessors map 12, Burt Street (#250-164)**. Leonard Silvia made a motion, seconded by Patrick Corcoran, to wait until research is done to find out if the Planning Board had accepted this plan. Approved.

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The members reviewed a request for a **full Certificate of Compliance** filed by **John G. LaCombe - 115 Taunton Avenue (DET. #106)**. Julian Kadish made a motion, seconded by Leonard Silvia, to issue the full Certificate of Compliance. Approved.

The members reviewed a request for a **partial Certificate of Compliance** filed by **Malloch Construction - lot 9 (assessors map 36) Arnold Place (DET. #465)**. Leonard Silvia made a motion, seconded by Julian Kadish, to issue the partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Norton Town Treasurer. Approved.

The members reviewed a request for a **partial Certificate of Compliance** filed by **Malloch Construction - lot 12 (assessors map 36) Richmond Drive (DET. #466)**. Julian Kadish made a motion, seconded by Patrick Corcoran, to issue the partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Norton Town Treasurer. Approved.

The members reviewed a request for an **Extension Permit** filed by **William B. Slattery - lots 3 & 4 (assessors map 31) Harvey St. (#250-293)**. Leonard Silvia made a motion, seconded by Julian Kadish to hold off on this project until an onsite has been done. Approved.

The members reviewed the file for **Willow Crest Mobile Home**, filed by **John F. Taylor Jr., DET # 400, lots 249 & 250 (map 9) Smith Street** to discuss trailer construction permit requirement if any. Mr. Taylor was present and discussion ensued. Ed Breault made a motion, seconded by Julian Kadish to approve the existing plans filed with DET # 400, as long as the plans showing where the six (6) new trailer sites will be are submitted to the Commission for approval. Approved.

A letter for a jurisdictional opinion by Mr. Pimental at 259 Mansfield Avenue was read. The Commission's consensus was that filling in that area of his yard for horses was an agricultural activity and no permit was necessary.

The Director updated the commission on the Norton Reservoir, stating that he attended a meeting with the Bank of Boston regarding the development of the 600 acre Great Woods parcel. The Director stated that he informed the bank representative that the site may be a good one to receive dredge spoil.

The Director stated in response to a previous request, that a Certificate of Compliance, per Walter Lindberg, need not be placed on the agenda and that members, if uncomfortable with that, could vote the project onto the agenda.

The Director stated in response to a previous request, that lot 141, map 16 the Jourdenais project's, "line and dot" on the plan was a vent for the proposed septic system.

The Director updated the Commission on the 6 Berry Street project, Hayes complaint stating that it was not within the Conservation Commission's jurisdiction pursuant to a previous permit issued years ago.

The Director updated the Commission on the Tiexiera complaint regarding West Hodges Street Goose Brook tributary, which was culverted with a 12 inch pipe

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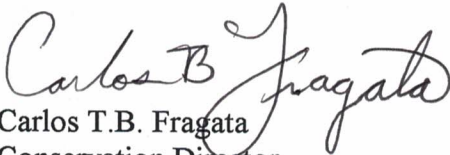
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The Director updated the Commission on a master plan meeting scheduled at the library on November 20, 1996 at 7:00 p.m.; A Rails to Trails meeting scheduled in Mansfield on October 29, 1996 (Selectmen to send representative); and a DEP Rivers Act workshop scheduled at the South East Regional Office on December 3, 1996 from 2:00 - 4:30 p.m. or 6:30 - 9:00 p.m.

Leonard Silvia motioned to adjourn the meeting at 9:40 p.m., Patrick Corcoran seconded. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Carlos B. Fragata". The signature is written in dark ink and is positioned above the printed name and title.

Carlos T.B. Fragata
Conservation Director

CF/pmb/tc