



CONSERVATION COMMISSION
70 EAST MAIN STREET
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RECEIVED
2001 MAY 18 AM 8:56
NORTON TOWN CLERK

Monday, November 27, 2000
7:30 pm

Attendance

Jeff Houde (Chairman), Bob Medeiros (Vice-Chairman) Ed Breault
Leonard Silvia, Julian Kadish, Jennifer Carlino, Director

Dana Rappaneau and Patrick Corcoran were absent.

Minutes

The members reviewed the draft minutes of **April 25, 2000**. Bob Medeiros made a motion, seconded by Ed Breault, to continue the minutes until the next regular meeting of Monday, December 11, 2000. Approved.

The members reviewed the draft minutes of **May 9, 2000**. Bob Medeiros made a motion, seconded by Ed Breault, to continue the minutes until the next regular meeting of Monday, December 11, 2000. Approved.

The members reviewed the draft minutes of **May 22, 2000**. Bob Medeiros made a motion, seconded by Ed Breault, to continue the minutes until the next regular meeting of Monday, December 11, 2000. Approved.

The members reviewed the draft minutes of **June 27, 2000**. Bob Medeiros made a motion, seconded by Ed Breault, to continue the minutes until the next regular meeting of Monday, December 11, 2000.

The members reviewed the Bills Payable Sheet. Bob Medeiros made a motion, seconded by Ed Breault, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **Town of Norton – Norton Reservoir and Chartley Pond** – for proposed plans to conduct soil borings at Chartley Pond and Norton Reservoir for the Hydrologic and Hydraulic Studies and to obtain permits for the dredging project. Bob Medeiros made a motion, seconded by Ed Breault, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ed Breault, to issue a positive Determination of Applicability checking number 3 which would require the applicant to file a Notice of Intent for these proposed projects. Approved.

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The members reviewed a Notice of Intent – **(#250-468) - Town of Norton/Water and Sewer Commissioners – River Road, Bay Road, Maplewood Avenue, Charlotte Avenue, Samoset Road and King Phillip Road – (con't. from the November 13, 2000 mtg.) - for proposed plans to install 12,930 linear feet of sewer line along River Road, Maplewood Avenue, Charlotte Avenue, Samoset Road, King Phillip Road and a portion of Bay Road** and to construct a pump station on Bay Road within 100 feet of wetlands and the 200-foot Riverfront Area. Dwayne Knapp, Water Superintendent, and Howard Baker of the Water/Sewer Commission were at the public hearing. The Director stated that the floodplain was not accurately depicted on the plans. The pump station would be built in the 100-year floodplain and a compensation area has to be designated. Dwayne Knapp stated that he was not aware of any problems with the pumping station until talking with Jennifer Carlino this morning. He also stated that after talking with the engineers, he found that they had used old maps for this project and would not be able to have revised plans submitted in time for this public hearing. Bob Medeiros made a motion, seconded by Ed Breault, to continue the public hearing until Monday, December 11, 2000 at 7:50 pm. Approved.

The members reviewed a Notice of Intent – **(#250-469) - Wheaton College – parcels 93 & 100 (assessors map 17) East Main Street – (con't. from the November 13, 2000 mtg.) - for proposed plans to install a subsurface stormwater management system for the demolition of two buildings; and work within 100 feet of a wetland associated with the construction of a new dormitory to include the installation of a subsurface stormwater system, access drive and regrading access drive and minor grading within 100 feet of wetlands.** Bob Mainones of Toomey-Munson represented the applicant at the public hearing. Ed Breault made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – Timberstone Custom Builders, Inc. (#250-466) - parcel 6 (assessors map 13) Lincoln Street – (continued from the October 23, 2000 & November 13, 2000 meeting) - for proposed plans to construct a single-family house, sewage disposal system and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Jeff Houde left the room for the public hearing. The Director stated that a response was received from the Natural Heritage and Endangered Species Program stating that there would be no adverse impact to the wetlands. Bob Medeiros stated that he had worked and does sometimes work for Jeff Houde and he probably should abstain from voting. Discussion ensued regarding conflict of interest issues. Julian Kadish suggested that as long as it is stated in the beginning that someone is associated with the applicant in anyway, he should be able to vote on the project. It was agreed by the Commission members to allow Bob Medeiros to vote on this project as long as the project was done according to the rules and regulations of the Wetland Protection Act. Ed Breault made a motion, seconded by Leonard Silvia, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ed Breault, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a **Request for a Determination of Applicability – (DET. #729) - Teddy Realty Trust – parcel 527 (assessors map 10) Irene Estates II Subdivision, Talbot Drive and Cross Streets – to hear a proposal to dispute the presumption of a perennial stream, a tributary to Rumford River, off of Talbot Drive and Cross Street.** Jeff Houde removed himself from the public

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hearing because of the fact that he had worked for the applicant at one time. Ralph Maloon of RIM Engineering represented the applicant at the public hearing. He submitted a report from Carr Research Laboratory, Inc. which was done on the river. He also mentioned that a wetland line determination had been done on this lot previously. Jennifer Carlino mentioned to him that the determination was only for the wetland boundary line and not for the stream in question. Mr. Maloon claimed that he has seen the stream dry at times and the drainage area to the street was 99 acres and Dr. Carr had it written down as 105.8 acres. According to Mr. Maloon, the state wetland by-law states that once it is 3 square miles, it is probably a year-round stream. He stated that the drainage area for this stream was only 5.5% of the 3 square miles. Referring to Dr. Carr's report, in simple language, he mentioned that in the summer months the wetland area would take more water out of the ground than store it. Mr. Maloon stated that the Planning Board had more or less stated that if the stream on this property was found to be a river, then this project would have to come under the River's Act. The Planning Board wanted to clear this issue up before going any farther with this project. The applicant wanted the Commission to prove it was perennial. Jennifer Carlino stated that according to Conservation, this stream is a perennial stream and it is up to the applicant to prove that it is not a river. She reminded the applicant it is his burden of proof to overcome the presumption. She reminded the applicant that the whole sentence states that streams with a watershed size of greater than 3 square miles in any basin **except** Cape Cod/Taunton river basin would be perennial, which would allow for a smaller watershed size in this basin. She continued to state that according to the regulations, there are several items to investigate that would qualify this stream as perennial. She found evidence of the presence of 8 aquatic macro invertebrate species. The stream is on the USGS map and on 6 out of 8 more recent maps. She also mentioned that she had pictures of the stream flowing. There were cut banks on both sides of the streambed, scour and stain marks on trees and rocks that are over a foot above the bottom of the stream, (point bars), the bottom of the stream consists of fine sand with more than 25% gravel with leaf litter, 90% of the watershed consisted of sand and gravel, the groundwater is within 2" of the bottom of the stream illustrated by the applicant's perc tests. It is a low-gradient stream and the stream is meandering containing oxbows. She further stated that there are more than five types of soil within the watershed, all of which have the description of sand and gravel except for one which has the histosol. Mr. Maloon stated that there was a slope of approximately a 2-foot drop in 280 feet in the area of the stream he thought was rather steep for a stream. He further stated that the gradient was sufficient to meet the Planning Board's road criteria for a roadway and the Director stated that she was not concerned with the Planning Board's criteria at this time but only with the Conservation issues at hand. According to the Director, there were enough factors present to document the stream as a perennial stream or river. Bob Medeiros asked if the Board had any questions. Julian Kadish asked Mr. Maloon what he was calling the stream. Mr. Maloon said that he would call it a "seasonal" stream, and he believed that it dries up for 3 months during the year. Julian Kadish stated that if the stream dries up only 3 months during the year, in his estimation this would be more of a perennial stream. Ed Breault made a motion, seconded by Leonard Silvia, to continue the public hearing until the next regular meeting of Monday, December 11, 2000. Approved.

The members reviewed a request for a Certificate of Compliance for file **DET. #439, Paul Fogerty, c/o John Tyler for parcel 173-03 (assessors map 36) 51 West Hodges Street**. Bob Medeiros asked the Director if the project was complete and she stated that it was. Bob Medeiros made a motion, seconded by Ed Breault, to issue the Certificate of Compliance. Approved.

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The Director stated that she had information regarding Mass Highway working on the Crane Street bridge without a permit. She is waiting for Keith Silver to give her the name of Mass Highway so she could contact them.

H & H Study The Director provided a copy of the RFP for the H & H Study. Members did not comment and approved the sending of the RFP.

Cease & Desist – 8 Cherry Tree Drive The Director stated that 3 truck loads of fill were placed in the retention pond and that Doug King will remove all fill in compliance with the Cease & Desist letter.

Bob Medeiros made a motion, seconded by Ed Breault, to adjourn the meeting at 10:00 pm.
Approved.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino
Conservation Director

JC/pmb