



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
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RECEIVED
2001 OCT 18 PM 2:40
NORTON TOWN CLERK

Monday, May 14, 2001
7:30 pm

Attendance

Jeff Houde (Chairman), Bob Medeiros (Vice-Chairman),
Dana Rappaneau, Julian Kadish
Jennifer Carlino, Director

Ed Breault and Leonard Silvia were absent

Minutes

The members reviewed the draft minutes of **April 25, 2000**. Bob Medeiros made a motion, seconded by Dana Rappaneau, to continue the minutes until the next meeting of June 11, 2001. Approved.

The members reviewed the draft minutes of **June 27, 2000**. Bob Medeiros made a motion, seconded by Dana Rappaneau, to continue the minutes until the next meeting of June 11, 2001. Approved.

The members reviewed the draft minutes of **August 14, 2000**. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the minutes until the next meeting of June 11, 2001. Approved.

The members reviewed the draft minutes of **September 11, 2000**. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the minutes until the next meeting of June 11, 2001. Approved.

The members reviewed the draft minutes of **October 23, 2000**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **November 13, 2000**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **November 27, 2000**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 8, 2001**. Bob Medeiros made a motion, seconded by Dana Rappaneau, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 22, 2001**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **February 12, 2001**. Dana Rappaneau, made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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The members reviewed the draft minutes of **February 26, 2001**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **March 12, 2001**. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

The members reviewed a Notice of Intent – **(#250-471) - L & M Custom Builders/Brian Mulligan – parcel 5 (assessors map 1 – Newland Street (con't. from the January 8, 2001, January 22, 2001, February 12, 2001, February 26, 2001, March 12, 2001, March 26, 2001, April 9, 2001 & April 23, 2001 meetings) – for proposed plans to install a stormwater management system for a 9-lot subdivision. Treated stormwater is proposed to be discharged to an existing pond through parcels 8 & 9 of Assessor's Map 2, and then discharged to a wetland. Ralph Maloon of RIM Engineering represented the applicant at the public hearing. Jennifer Carlino stated that she had talked to Pat Huckery of the Natural Heritage & Endangered Species Program today and that everything looked fine. Dana Rappaneau made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to approve the Order of Conditions and sign them after they are typed. Approved.**

The members reviewed a Notice of Intent – **(#250-477) - Barry P. & Kimberly Arango – Parcel 46-14 (assessors map 15) 6 Taylor Court – (con't. from the March 26, 2001, April 9, 2001 & April 23, 2001 mtgs.) - for proposed plans to construct a single-family dwelling, septic system, well and driveway within the 100-foot buffer zone of a bordering vegetated wetland. Karl Drown of Drown Environmental represented the applicant at the public hearing. He stated that the Director had checked the wetland boundary line last January. Jennifer Carlino stated that 4 field data forms are incorrect. The wetland indicator statuses were incorrect. She also stated that hydric soils were not shown on the submitted plan and the location of the wetland is wrong. The boundary was revised to reflect the hydric soils. Mr. Drown suggested that the house could be moved 20 feet to the right and move the reserve to the back. The Commission agreed with that suggestion. Bob Medeiros made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Dana Rappaneau, to accept and sign the Order of Conditions as written with revised plans to be submitted. Approved.**

The members reviewed a Notice of Intent – **(#250-480) - Teddy Realty Trust – Parcel 527 (assessors map 10) & Parcel 57 (assessors map 17) Talbot Drive "Irene Estates II" Subdivision. – for proposed plans to construct a 527 foot road with utilities and related grading for future construction of seven single family homes within the 100-foot buffer zone of a bordering vegetated wetland. Ralph Maloon represented the applicant at the public hearing. Mr. Maloon submitted a letter sent to him by the Director listing all the problems with this filing and a copy of his response to this letter. He proceeded to explain each concern separately to the Board; 1. he double-checked the condition of the wetland flags, 2. he stated that the pond was a retention and detention pond and would be sufficient enough to cover the 25-year storm frequency. Jennifer questioned lot 5 in regards to the retention basin taking up most of the frontage. Mr. Maloon stated that he was putting the driveway on this lot on the**

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easement and it would be shared with the Town when they check the retention basin, 3. he submitted a revised Maintenance Plan; 4. in regards to the rip rap, he was asked to extend the rip rap., 5. he explained that he added the inland bank of the stream to the revised plans, 6. he stated that the buffer zone area is much larger than stated on the submitted plans and the revised plans will reflect this. Jennifer had questions regarding the top of the bank of the stream and Rumford River as well as the mean annual high water marks. Ralph Maloon explained that the top of the bank was much higher than the the 100-year floodplain. He also stated that the 75-foot floodplain elevation was added to the revised plans., 8. the calculations for the Isolated Land Subject to Flooding would be on the revised plans., 9. he explained that the work proposed cannot feasibly be further away from the 25-foot no disturbance zone than 10 feet., 10. he stated that the fee for the project had been corrected., 11. he explained that a cluster subdivision had been considered, but a large waiver from the Planning Board would be necessary. Jeff Houde asked Mr. Maloon about lots 3 & 4. Mr. Maloon stated that item 11 of Jennifer Carlino's letter covered that issue. He further stated that the applicant did not intend on entering lots 3 & 4 from this road (Irene Estates II new road). Bob Medeiros suggested to put this information in one of the conditions of the Order. The Director questioned how this would be worded. Ralph Maloon said that the applicant would be asking permission to enter the lots by a different road. The Director questioned whether or not they would request permission. She suggested that a Conservation Restriction could be requested for the wetlands on lots 3 & 4. Mr. Maloon stated that the applicant still had the ability to access lots 3 & 4 from another direction and still comply with Zoning regulations. Bob Medeiros stated to Mr. Maloon that he did not want the applicant to go through a wetland to access lots 3 & 4. Jennifer Carlino had concerns with the possibility of future owners trying to create a lot and stating that the hardship is not theirs. Bob Medeiros again suggested to put that in the Order of Conditions. Jennifer Carlino stated that if they create the lots so that there is 5,000 sq. ft. of wetland fill on lots 3 & 4, they would then need to do a 401 Water Quality. She further stated that if the applicant sells off each lot separately to have the new home owner do their lots separately, there would not be any Water Quality. Ralph Maloon stated that if someone were to purchase lots 3 & 4 without going through the Conservation Commission, they would need to purchase a bridge. Bob Medeiros made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next meeting of Monday, June 11, 2001 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **(#250-478) – Estate of Annette Shaeffer, c/o Paul Vozella, Attorney at Law – Parcel 144 (assessors map 31) & Parcel 307 (assessors map 27) John Scott Blvd. at Utility Pole #19** – for proposed plans to construct a single family house/garage, on-site septic disposal system, water and power service and lawn and driveway within the 100 foot buffer zone of a wetland. Otis Dyer, Jr. represented the applicant at the public hearing and presented the project to the Commission. The Director had inspected the project and didn't have any questions once the 25-foot buffer was added to the plans. Julian Kadish made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent **(#250-479) – John F. & Patricia M. Pino – parcel 235-01 (assessors map 9) 10 Robinson Lane** – for proposed plans to construct a home craftsman shop, septic tank, leach field, associated grading and parking within the 100 foot buffer zone of a wetland and the Norton Reservoir. Christopher Yarworth represented the applicant at the public hearing. John Pino was also present. The Commission asked the Director if she had any problems with this project and she said that she did not. Bob Medeiros made a motion, seconded by Dana Rappaneau, to close the

public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a complaint regarding the Extension Permit for **File #250-90 – The Flatley Company – South Washington Street** that was approved at the April 23, 2001 meeting and since issued. Present at the public hearing were Rick Ellis, Joseph McParland, & Dennis Crowe. Julian Kadish stated that they had given an extension for this project in the past in an effort to allow the project to go forward faster and that they ordinarily do not do this. He further stated that this was a concession on the Commission's part. He said that eventually the project should be treated as a new project. Mr. Kadish explained that the Norton Conservation Commission does not have a reputation for holding up projects but for helping them to proceed as quick as possible. Mr. McParland explained to the Commission that when Mr. Flatley purchased this property, at the time of the sale, he was required to build a certain amount of buildings within a certain period of time. He further stated that the economy had gone down hill for a few years and no further work was being done. After the economy picked up, the Flatley Company had an opportunity to continue with the building up of this property, namely the Stop & Shop Company. He claimed that according to the wording of the

Extension Permit received at the last meeting, a Notice of Intent would have to be filed to proceed with the building of a Stop & Shop warehouse. Dana Rappaneau explained that it was not the intention of the Commission to have the Flatley Company file a new Notice of Intent to put up a new building for the Stop & Shop Company. Bob Medeiros stated to the representatives of the Flatley Company that they do have an Extension for one year, but after that the project will have to be completed or they will have to file a new Notice of Intent. He further stated that they are required to follow the rules and conditions that are in place at this time. Rick Ellis stated that he wanted to go on using the present stormwater system and detention basins as originally designed and approved. Discussion ensued whether this should be allowed or if The Flatley Company should be required to comply with the latest rules and regulations. Bob Medeiros asked if Planning Board will be reviewing this project and Mr. Ellis stated that they would. Mr. McParland stated that Jennifer Carlino had listed the three conditions required by the Army Corp of Engineers of work to be done for road B. He stated that the applicant would comply with these conditions. Julian Kadish asked if the applicant could at least partially comply with newer standards. Mr. Ellis stated probably not and explained the present units and stormwater system would have to be used. Julian Kadish made a motion, seconded by Bob Medeiros, to clarify the extension to specifically reference the existing plans to place a warehouse where road "B" is designed in the plans and an additional building and that we consider those 2 items under the previous notice and under the conditions listed in the Notice of Review without advertising and it is the intent of the applicant to meet all possible standards with the possible exception of 100% detention before going into a wetland. The applicant will come back for a review without a new Notice of Intent. After 1 year, the applicant will have to consider a new filing. Approved.

The members reviewed a request for a Certificate of Compliance for **File DET. #566 – Welch Bldg. Corp. – bldrs. lot 2, parcel 328 (assessors map 4) 4 Keith Drive**. The members asked the Director if the project was complete. She stated that it was. Julian Kadish made a motion, seconded by Dana Rappaneau, to issue the Certificate of Compliance and do a bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for **File DET. #568 – Welch Bldg. Corp. – bldrs. lot 4, parcel 330 (assessors map 4) 8 Keith Drive**. The members asked the Director if

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the project was complete. She stated that it was. Dana Rappaneau made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance and do a bond release letter. Approved.

The members reviewed a request for a Certificate of Compliance for **File DET. #571 – Welch Bldg. Corp. – bldrs. lot 7, parcel 333 (assessors map 4) 14 Keith Drive.** The members asked the Director if the project was complete. She stated that it was. Dana Rappaneau made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance and do a bond release letter. Approved.

The members reviewed the a draft of the existing fee schedule that was approved at the Annual Fall Town Meeting of 1986 for the Conservation Commission.

1. The Applicant shall pay a fee of \$200.00 for the re-inspection of any wetland boundary when the following applies:
 - a. when more than 10% of the total flags illustrated on the plan, or more than three consecutive flags are missing in the field; and/or
 - b. all resource areas have not been identified on the plan and are found in the field at the initial inspection by the Conservation Commission or its Agent.

Bob Medeiros made a motion, seconded by Dana Rappaneau, to enforce #1 of the draft fee schedule presented to the Commission. Approved.

3. Any person filing a Notice of Intent or a Request for Determination of Applicability with the Norton Conservation Commission in accordance with the Massachusetts Wetlands Protection Act, MGL Chapter 31, Section 40, as amended, shall pay the costs and expenses of any expert consultant deemed necessary by the Norton Conservation Commission to review the application and the accompanying information up to a maximum of \$2,500.00. No permit will be issued until all fees have been paid. The Commission may waive this requirement when an applicant is filed by a government agency.

The Director stated that the Commission had already voted to accept #3 of the draft fee schedule. Bob Medeiros stated that since the board had already voted on this issue in the past to just leave it as approved.

4. Requests for Duplicate official documents i.e. Certificates of Compliance, will require an administrative fee of \$50.00.

Bob Medeiros made a motion, seconded by Julian Kadish, to accept #4 of the draft fee schedule. Approved.

The members reviewed a draft of the existing policies that went into effect as of May 1, 2001.

1. Partial Certificates of Compliance and Certificates of Compliance will not be issued if the replication area has not been regraded or planted in accordance with the planting plan of the applicable Order of Conditions.

Dana Rappaneau suggested to word the condition on the Order of Conditions to state that the regrading and planting of the replication areas have to be completed as soon as it is physically possible to do (weather permitting).

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2. At least a 25-foot "No Disturbance Zone" will be required for all projects. The 25-foot area shall not be cleared, grubbed, or made into lawn; it shall be left in its natural state. The 25-foot no disturbance zone requirement shall be met for the entire length of the approved wetland boundary. The Commission may grant relief from portions of the 25-foot No Disturbance Zone requirement if there are significant attempts made to meet the requirement and plans to show exactly and clearly why the requirement cannot be met.

Bob Medeiros made a motion, seconded by Julian Kadish, to leave this policy as it already reads. Approved.

Bob Medeiros made a motion, seconded by Dana Rappaneau, to require the posting of a bond by the applicant for all roads in a subdivision filing in an amount comparable to the size of the project. Approved.

The members reviewed and accepted the Management Plan for the Subon Company property. The Director noted that one half of the property belongs to the Conservation Commission and the maintenance for this property is basically for the habitat and to create a Greenbelt trail. It was the consensus of the board to sign the Plan.

The Director stated that in regards to the project on Myra's Way, where there was a large portion of wetland filling to be done, the applicant was asking permission to leave this area the way it appeared at the present time instead of having to add 20 feet on each side to comply with the Order of Conditions. Bob Medeiros asked Jennifer Carlino for her recommendation and she stated that she had no problems with allowing this. It was the consensus of the members to grant the request.

The members reviewed a modification to the plans for **File #250-445 – The Park at Great Woods**. The applicant stated that there would be cutting of fallen and dead trees in the buffer zone and construction of a pad for an electrical unit out of the buffer zone. It was the consensus of the Commission to allow these changes as submitted.

Bob Medeiros made a motion, seconded by Dana Rappaneau, to adjourn the public meeting at 10:04 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb