



CONSERVATION COMMISSION
70 EAST MAIN STREET
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2002 APR -9 PM 3:36
NORTON TOWN CLERK

Monday, June 11, 2001
7:30 pm

Attendance

Jeff Houde (Chairman), Bob Medeiros (Vice-Chairman),
Dana Rappaneau, Ed Breault, Neil Linehan
Jennifer Carlino, Director

Julian Kadish 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 25, 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 25, 2001. Approved.

The members reviewed the draft minutes of **August 14, 2000**. Bob Medeiros made a motion, seconded by Dana Rappaneau, to continue the minutes until the next meeting of June 25, 2001. Approved.

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

Dana Rappaneau made a motion, seconded by Ed Breault, to have Commission members sign a letter to the Town Accountant allowing Jeff Houde or Bob Medeiros to sign all payroll sheets. Approved.

The members reviewed the Bills Payable Sheet. Dana Rappaneau made a motion, seconded by Ed Breault, to pay the bills. 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. – (con’t. from the May 14, 2001 meeting)** - 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. Ralph Maloon represented the applicant at the public hearing and submitted revised plans for the project with

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corrections noted by the Director. He noted that the driveway would have a 4 foot drop over a 16 foot area. The members had concerns with maintaining the detention basin and Mr. Maloon stated that a driveway would be located to the right of the basin to allow a vehicle to maintain the basin. The Director asked Mr. Maloon to revise the basin so that the entire frontage of lot 5 wouldn't be the basin. She is trying to avoid another situation like lot 7, Lisa Drive. The Commission asked about access to lots 3 & 4 and noted that the applicant would be creating his own hardship by subdividing the lots so that he has to cross wetlands. Mr. Maloon presented a separate plan for lots 3 & 4 of this project. He pointed out that according to the Contour Plan, wetlands would have to be crossed in order to get to lots 3 & 4. He also stated that no wetland crossings were proposed in this filing. He stated that the Planning Board had no problems with this plan. Jennifer Carlino stated that it would be better if lots 3 & 4 were accessed by another means other than the wetlands. She further stated that it was suggested that if lots 3 & 4 were not accessible from another area, extensive wetlands would have to be crossed. Jeff Houde pointed out to Mr. Maloon a driveway on the plan going through the wetlands. Mr. Maloon explained that it was not the intention of the applicant to put the driveway as shown, but he had to show a driveway to the property line for the Planning Board. It was agreed upon that sometimes the house and driveway do not end up where they are shown on the submitted plans. Bob Medeiros asked Ralph Maloon if a Certificate of Compliance was ever issued for Irene Estates I. He replied that he thought he had filed for a Certificate of Compliance at one time and that nearly everything was done for that project. Jennifer Carlino stated that she was waiting for an As-Built Plan for Irene Estates I. She further stated that the conditions were only in the draft form and that the stormwater management conditions were not added to the Orders yet. She suggested that the members review the conditions at the next meeting. Bob Medeiros made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next regular meeting of June 25, 2001 at 7:40 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #742) – Kevin McGonigle – Parcel 93-03 (assessors map 18) 4 Beverly Lane** – for proposed plans to install a well within 100 feet of a wetland. Kevin McGonigle was present at the public meeting. Bob Medeiros asked if the applicant was going to drive the well or have it drilled. Mr. McGonigle said that it would be drilled. Ed Breault made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Ed Breault made a motion, to issue a negative Determination of Applicability (#3) as long as the project is done according to the submitted plans. Approved.

Other Business

Signing of the Deed for the Subon property. Bob Medeiros made a motion, seconded by Ed Breault, to sign the deed. Approved.

Signing of Extension Permit - #250-90 – Flatley Company – Norton Commerce Center. Bob Medeiros asked the length of time for the extension permit. The Director stated that it was for 1 year. Jeff Houde read the extension permit to the members. He read "Motion was made to extend the existing Order of Conditions and allow the future proposal of the warehouse (located in place of road B) and the construction of another building to be brought before the Commission without filing a new

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Notice of Intent. However, the proposed plans will still be brought before the Commission for review. It is the intent of the Applicant to meet all possible standards with the possible exception of 100% detention (of stormwater) before going into the wetland. After one year, the Applicant will have to consider submitting a new filing if the project is not complete. This Extension will expire on May 23, 2002.” Bob Medeiros made a motion, seconded by Dana Rappaneau, to sign the extension permit. Approved.

The members reviewed a Modification **File #250-454 – John Scott Blvd., LLC – Parcel A, portion of parcel 196 (assessors map 31) and Lot 1, parcel 126 (assessors map 32) Myra’s Way.**

The Director explained to the members that the driveway into the garage was going to be further away from the wetlands because Mr. Bottomley purchased more land from an adjacent lot. The driveway will be on the additional land, not through Lot 1. The house would be moved slightly further from the wetlands. Natural Heritage approved the modification because with the new driveway location, Mr. Bottomley is no longer proposing work within a rare habitat area. Ed Breault made a motion, seconded by Dana Rappaneau, to accept the minor modification as written. Approved.

Newland Street Cranberry Bog Enforcement Order. The Director stated that the Enforcement Order was sent in December of 2000 and she had met with the owner in January to explain the actions to be taken. She further stated that even though the permit has not expired yet, none of the conditions or actions of the Order have been done to date. It was the consensus of the board to send a reminder letter to the owner. Jennifer Carlino then stated that she thought that some restoration work should be done.

Discussion – 7 Lisa Drive – Mike and Darlene Calabro.

Ms. Calabro stated that she had a detention pond in the front of her house and asked the board how far from the house a detention pond should be. Jennifer Carlino stated that on the plans the detention pond is approximately 30 feet from the house and when she went out to the property, it was approximately 5 feet from the stairs. Julian Kadish asked how this happened and who was the builder. Jennifer Carlino stated that Angelo Pasqualino was the builder. Ms. Calabro stated that she had gone to the Planning Board several times with this issue. She stated that a fence was put up around the basin, only near the road, but the hill is quite steep. She said that the detention basin is so close to her house that the front porch stairs go to either side of the house and not straight out. Ms. Calabro asked the board what responsibilities belonged to Angelo Pasqualino as the builder and who else, if not him, would be responsible for this detention basin. Dana Rappaneau stated that this is a legal problem and not a Conservation issue. Dana Rappaneau asked if the submitted plans showed the detention basin 30 feet from the house and it was actually placed 5 feet from the house, was there an as-built submitted to someone and who approved it. The Director’s opinion was that Ms. Calabro would probably need to consult an attorney. The members asked how long this detention basin was there and Ms. Calabro stated that it was there for 8 years, as long as the house was there. The board agreed with the Director and suggested that Ms. Calabro consult with an attorney with regards to the builder. At this point the members looked at the as-built plan for Ms. Calabro’s property and it did show the detention basin located approximately 30 feet from her house. However, the drainage easement is within 10 feet of the house. Ed Breault stated that the only way that the detention basin could have been installed where it

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is would be if the builder obtained an amendment to the submitted plans from a board. Ms. Calabro stated that the detention basin walls were not supposed to be as high as they are. Bob Medeiros noted that the plan showed the location of the house as "proposed". Dana Rappaneau said that if the location of the house was moved, it changes the whole situation. Jeff Houde mentioned that Ralph Maloon of RIM Engineering was the Engineer for the property. He then asked Mr. Maloon if he remembered this project at the Estates at Norton. Mr. Maloon looked at the plan and stated that this was not the final plan, but just a "proposed" plan. Dana Rappaneau stated that this was not a final plan and nothing could be decided until a final plan (as-built) could be reviewed. He mentioned for the second time this this was not a Conservation issue. Ed Breault stated that the Building Department has to have the final plan on file. Mr. Maloon and Bob Medeiros stated that as long as the septic system was put in the right location according the Board of Health regulations, the house could be moved without approval. Dana Rappaneau asked Ms. Calabro how from the house was the detention basin located, according to plans, when she purchased the house. Ed Breault asked what was behind the house. Mr. Calabro replied that approximately 120 feet was just grass. Jennifer Carlino stated that there are some wetlands. Ed Breault said he could not figure out why the house would be placed so close to the detention basin if it could have been moved back. Mr. Calabro asked if he could put a wall up around the detention basin and Dana Rappaneau stated that he could because he owns the basin. Mr. Calabro then stated that the Planning Board said that he owned the detention basin, but the Town owns the water, and if he wanted to do anything with the basin, he would have to contact the Conservation Department. Jennifer Carlino stated that they could put up a wall or plant flowers, but they could not change the storage capacity of the basin and would need a new wetland permit to do any work there. The members stated to Ms. Calabro that if when she purchased the house, the final plans showed the detention basin where it is, there is nothing that can be done. They further stated that if the final plan shows the detention basin 30 feet away, she would have cause to consult an attorney in regards to the builder. The board suggested to Ms. Calabro to obtain an as-built plan. Ms. Calabro stated that she wants the builder to install a wall around the detention basin. She said that when she first saw the detention basin there was no water in it and she was told that it would be beautified. Ms. Calabro further stated that nothing was ever done to the basin, and now she has mold in her attic. She stated that the Board of Health had been there and agreed that there is mold present. Ms. Calabro said that she had several vents installed and was told that the detention pond was causing the mold problem. Ed Breault noted that the basin was probably never stabilized. It was the consensus of the board for Ms. Calabro to consult an attorney. Ralph Maloon asked Mr. Calabro if the detention pond dries up in the summer and he said that it did not. He stated that he has to pump it occasionally to prevent odors and slime. Jeff Houde stated that the detention basin is probably working correctly, but it is unfortunate that it was placed in front of the house.

The members reviewed a request for a Certificate of Compliance filed by **E.D.D. Realty Trust, c/o The Heritage Companies/Steve Corey for File #250-63, 63a, 63b - Parcel 22 (assessors map 26) 360 Old Colony Road**. Ralph Maloon was present at the public hearing and stated that a Certificate of Compliance had previously been requested. Jennifer Carlino stated that there were a couple of conditions not completed and the Commission wanted the applicant to post a bond to complete the tailwall. It turned out that it was in the middle of a wetland. She stated that the request was dropped and nothing further had been done. Bob Medeiros looked at the plans and stated that the catch basins were in. Dana Rappaneau suggested that if a tailwall had to be finished, there would be a larger mess.

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The Director agreed. Bob Medeiros made a motion, seconded by Ed Breault, to issue a full Certificate of Compliance. Dana Rappaneau abstained from voting. Approved. Bob Medeiros made a motion, seconded by Ed Breault, to stop by at the Conservation Office and sign the Certificate of Compliance after it is typed. Approved.

Jennifer Carlino mentioned to the members that the Canoe River Aquifer Advisory Committee has a member that is on the Tri-Town Chamber of Commerce. They asked her to come in early one morning to explain the Norton Reservoir Dredging project to them so that they could send any support letters necessary in the future. Jennifer Carlino suggested to wait until the permitting process was complete so that the information would not be forgotten in the mean time. It was the consensus of the board to wait until the permitting process was complete.

Jeff Houde noted that the Land Acquisition Committee was looking for a member to replace Jeff Houde and to represent the Conservation Commission.

Jennifer Carlino stated that Kopelman and Paige, P.C. had reviewed the Agricultural Preservation Restriction for Barrows Street and had a couple of comments and that she would be sending a copy of it soon for the members to sign. Jennifer Carlino suggested to the members that instead of someone leasing the property and growing blueberries there, it might be a good idea to have a community garden there. She said that this would have to be reviewed by the Food and Agriculture Department. Neil Linehan had questions concerning the accessibility by the handicapped. Jennifer Carlino stated that if this property was to be a community garden, it would be accessible to the handicapped.

Bob Medeiros made a motion, seconded by Dana Rappaneau, to adjourn the meeting at 8:38 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb