



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, October 21, 2002
7:30 pm

Attendance

Julian Kadish (Chairman), Jeff Houde (Vice-Chairman),
Kathleen Giblin, Ron O'Reilly, Earl Willcott, Neil Linehan,
Bob Medeiros, Jennifer Carlino, Director

Minutes

The members reviewed the draft minutes of **January 14, 2002**. Neil Linehan made a motion, seconded by Bob Medeiros, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 28, 2002**. Bob Medeiros made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **February 11, 2002**. Bob Medeiros made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **February 25, 2002**. Bob Medeiros made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **March 25, 2002**. Kathleen Giblin made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering). Jeff Houde made a motion, seconded by Bob Medeiros, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability (**DET. #783**) – **Peter Murphy – Parcel 21 (assessors map 122) 53 North Worcester Street** – for proposed plans to repair an existing septic system within 100 feet of wetlands. Peter Murphy was present at the public hearing and explained the project to the members. Jennifer Carlino stated that the repair project okay, but she would like to meet on-site with the applicant to advise him on the limit of work because the wetlands have already been altered. Bob Medeiros made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Neil Linehan, to issue a

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negative Determination of Applicability (number 3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Biltmore Realty Trust/Viola Homan – (#250-544) - Parcels 116 & 117 (assessors map 36) Mary Joe Road – (cont. from the September 9, 2002 mtg.)** - for proposed plans for restoration work within 100' of a wetland and a rare habitat area as part of expired permit DET. #544. Jeff Houde read a letter that was faxed to the Conservation office by Carr Research Laboratories requesting a continuance of this project for sixty days in order to obtain the information requested by the Agent. Bob Medeiros made a motion, seconded by Neil Linehan, to have a letter sent to Carr Research Laboratories stating that the public hearing will be scheduled for Monday, December 16, 2002 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **Russell Mills Development Corp. – (#250-546) - Parcels 11 & 78 (assessors map 24) and Parcel 93-08 (assessors map 18) South Washington Street – (cont. from the September 9, 2002 mtg.)** - for proposed plans to construct 7 buildings, parking areas, drainage structures, access road, retaining walls, retention basins, subsurface sewage, and for site grading and utilities within the 100 foot buffer zone of a bordering vegetated wetland. Mark Casey of South Shore Survey, Gary Russell, Design Engineer for South Shore Survey and the applicant, Ted Mahoney were all present at the public hearing. Mr. Casey stated that the wetlands were re-flagged per Jennifer Carlino's request and he submitted revised plans. Jennifer Carlino stated that she would like to review the revised plans and compare them to the wetland flags on the property. Mr. Casey said that percolation tests were done at all the basins. It was the consensus of the board members that it was hard to visualize proposed changes on the old plans and that they would discuss the changes when the applicant submits those revised plans. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, November 18, 2002 at 7:40 pm to allow Jennifer Carlino the time to meet on-site with the Engineer to review changes made and changes to be made to the plans. Approved.

The members reviewed a Notice of Intent – **Ribeiro Enterprises – (250-545) - Parcel 2 (assessors map 23) 8 Barrows Street – (con't. from the September 23, 2002 mtg.)** - for proposed plans to construct a single family house and septic system, including sitework and grading within 100 feet of wetlands. The applicant, Jay Ribeiro, was present at the public hearing along with John DeLano of John DeLano and Associates who presented the project to the members. Jennifer Carlino stated that during a previous file for this property the well boundary was not verified because of metall debris located throughout the depression. A letter was sent to Mr. DeLano on January 9, 2001 stating that the resource areas couldn't be verified. The letter also requested that the Health Agent be contacted and the Conservation Commission be notified when the debris would be cleaned; this was not done. She further stated that the area could be the Isolated Land Subject to Flooding (ILSF) but it is not flagged. Mr. DeLano stated that he did not classify this area as an ILSF. Jennifer Carlino asked Mr. DeLano to re-flag the area in question and she would inspect it. Earl Willcott made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, November 18, 2002 at 8:00 pm in order to allow the agent and engineer to clarify the area in question as to whether or not it is an ILSF. Approved.

The members reviewed a Notice of Intent – **Worldwide Development Corp. – (#250-547) - Parcels 43-05 & 46 (assessors map 15) 146 Oak Street** – for proposed plans to construct a single family house, yard, leaching system and driveway, and for utilities within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering presented the project to the members. Jennifer Carlino stated she had inspected the wetland boundary with Chris Yarworth and it seemed to be correct. Bea Nelson, an abutter, 148 Oak Street had concerns with possible water problems. Chris Yarworth explained that she and a few other residents in the area probably have water problems because their houses are level with the water table. He further explained that the new houses will be built above the water table. He explained that the water will drain toward the wetlands, not any abutting property. Jeff Houde made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Earl Willcott, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #779) – Creative Edge Builders Corp. – Lot 3, Parcel 141 (assessors map 15) 7 Fletcher Way** – for proposed plans to construct a lawn area and a portion of a single family house within the 100-foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering presented the project to the members. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #780) – Creative Edge Builders Corp. – Lot 4, Parcel 142 (assessors map 15) 9 Fletcher Way** – for proposed plans to construct a lawn area and a portion of a single family house within the 100-foot buffer zone of a bordering vegetated wetland. Neil Linehan made a motion, seconded by Jeff Houde, to waive the reading of the legal notice for this project. Approved. Chris Yarworth of Yarworth Engineering presented the project to the members. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #781) – Creative Edge Builders Corp. – Lot 5, Parcel 143 (assessors map 15) 11 Fletcher Way** – for proposed plans to construct a lawn area and a portion of a single family house within the 100-foot buffer zone of a bordering vegetated wetland. Neil Linehan made a motion, seconded by Earl Willcott, to waive the reading of the legal notice for this project. Approved. Chris Yarworth of Yarworth Engineering presented the project to the members. Neil Linehan made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #782) – Creative Edge Builders Corp. – Lot 18, Parcel 162 (assessors map 15) 2 Foster Drive** – for proposed plans to construct a lawn area and a portion of a single family house within the 100-foot buffer zone of a bordering vegetated wetland. Neil Linehan made a motion, seconded by Earl Willcott, to waive the reading of the legal notice for this project. Approved. Chris Yarworth of Yarworth Engineering presented the project to the members. Bob Medeiros made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans.

The members reviewed a Request for a Determination of Applicability – **(DET. #778) – Norton Estates Cooperative Corporation – Parcel 730 (assessors map 3) 250 Mansfield Avenue** – for proposed plans to revise the drainage system within 100 feet of wetlands. Michael Clark, P.E., of the Norfolk Ram Group LLC, presented the project to the members. He stated that approximately 2300 sq. ft. of the proposed work will be in the buffer zone of the wetlands. He stated that the project is for the proposed plans to modify the existing catch basin. He presented a letter sent to him from the Agent, Jennifer Carlino and his responses to each issue. Jennifer Carlino stated that she would like to have the resource areas noted on the submitted plans. Jeff Houde made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, November 18, 2002 at 8:05 pm in order to allow time for the engineer to survey and flag the resource areas and provide Jennifer Carlino with revised plans showing the flagged areas. Approved.

The members reviewed a Notice of Intent – **Fred C. Bottomley & Allen G. Riley – (#250-548) - Parcel 26 (assessors map 30) Maple Street** – proposed plans to fill over 11,000 sq.ft. of wetlands to construct two driveways. Ron O'Reilly left the meeting. Dave Hallowell of Tilton and Associates was present at the public hearing along with Fred Bottomley, the applicant, who presented the project to the members. He stated that he has been before the Conservation Commission for lots 2, 3, 4 & 7 already. He also stated that he had gone before the Zoning Board of Appeals and the Planning Board for the common driveway that would service lots 5, 6 & 7. He stated that he got approval from the Zoning Board of Appeals on November 14, 2002. He said that the Planning Board denied his proposal for a common driveway on these lots even though the Conservation Commission supported it. Fred Bottomley agreed that the common driveway would be the best method for the project, but was denied by the Planning Board. Julian had concerns with the wetlands being able to support a road. Bob Medeiros suggested sending a letter to the Planning Board strongly urging them to approve the common driveway. Mr. Bottomley stated that he would not mind going before the Planning Board if there was a possibility of getting the approval for the common driveway. Jennifer brought up a few issues that she would like clarified. She stated that there was a missing flag to compare with submitted plans and no limit of work in the buffer zone was noted on the plans. She stated that she had discussed with the representative in April the possibility of minimizing impacts to the wetlands by using retaining walls and bridges instead of replication and none of this was mentioned in the application. She further stated there might be problems with stabilization of the side slopes. The possibility of a vernal pool exists on the site and Jennifer asked Mr. Bottomley to show utilities on revised plans. Jennifer Carlino said that this was a limited project and read the DEP Policy for limited projects and roadways, a copy of which she sent to the members prior to the public hearing.

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Julian Kadish told Mr. Bottomley he should go before Planning Board again and request approval for the common driveway which the Conservation Commission would support. He said he would certainly like to try again and apply for a Special Permit for the common driveway. He then asked that this project be continued to allow a site visit with the agent and to resolve the other issues stated by Jennifer Carlino. He requested to have this project continued to the December 16th meeting. Jeff Houde made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, December 16, 2002 at 8:00 pm. Approved. An abutter had concerns with medical waste being removed from this site. Bob Medeiros assured the abutter that the medical waste she was referring to did not come from this site.

The members reviewed the conditions for **File #250-536 – Teddy Realty Trust - parcels 499 & 527 (assessors map 10) Cross & No. Washington St. (Todd Estates)**. Bob Medeiros left the meeting. Neil Linehan made a motion, seconded by Earl Willcott, to accept the conditions as written. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-496 - Richard & Kimberly Leitch - parcel 81 (assessors map 32) 14 Garrett Drive**. Jennifer Carlino stated she inspected the project and everything was done according to the Order of Conditions. Kathleen Giblin made a motion, seconded by Bob Medeiros, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-445 - Park at Great Woods, Attn. Alice Guiney - Route 140, Mansfield Avenue**. Jennifer Carlino stated that the plans submitted do not match the approved plans and no information was received on the replication area. She stated that the request will be continued to the next meeting.

The members reviewed a request for a partial Certificate of Compliance for **File #250-523 – Timberstone Builders, Inc. – lot 3, parcel 191 (assessors map 12) 126 Bay Road**. Jeff Houde left the meeting. Jennifer Carlino stated that the vegetative stabilization of exposed soils on this lot is not done. Bob Medeiros made a motion, seconded by Earl Willcott to issue a partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

Neil Linehan made a motion, seconded by Julian Kadish, to send a letter to the School Committee asking them to notify the Conservation Office of the location of the proposed high school in regards to wetlands. Approved.

Julian Kadish read a letter written by Jennifer Carlino to send to Ralph E. Crowell thanking him for his donation of land on Anna Way. Jeff Houde made a motion, seconded by Ron O'Reilly, to sign the letter. Approved.

Bob Medeiros made a motion, seconded by Neil Linehan, to submit an article for Town Meeting to transfer 174 acres in the Hemlock Swamp at the rear of Dean Street (map 35, parcel 138) to the Conservation Commission.

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Bob Medeiros made a motion, seconded by Neil Linehan, to send a letter to the Board of Selectmen recommending that they purchase the Slattery cranberry bog property (approximately 100 acres) at the corner of Harvey Street and John Scott Boulevard exercising their right of first refusal, suggesting that the School Department, Cemetery Department, Water Department and Parks and Recreation Department may be able to use the land in the future. Approved.

Bob Medeiros made a motion, seconded by Jeff Houde, to send a letter to the Board of Selectmen recommending that they do not exercise their right of first refusal to purchase the Meadowbrook Lane property. Approved.

Jennifer Carlino stated that she found the old survey for Lake Winnecunnet that Mark Lincoln had asked for and she mailed him a copy.

Bob Medeiros made a motion, seconded by Jeff Houde, to adjourn the meeting at 10:10 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director

JC/pmb