



CONSERVATION COMMISSION
70 EAST MAIN STREET
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NORTON TOWN CLERK

Monday, November 18, 2002
7:30 pm

Attendance

Ron O'Reilly, Earl Willcott, Neil Linehan
Bob Medeiros, Jennifer Carlino, Director

Julian Kadish (Chairman), Jeff Houde (Vice-Chairman), &
Kathleen Giblin,

Minutes

The members reviewed the draft minutes of **April 22, 2002**. It was the consensus of the board to continue the minutes to the end of the meeting. The minutes were continued to the next regular meeting of December 16, 2002.

The members reviewed the draft minutes of **May 6, 2002**. It was the consensus of the board to continue the minutes to the end of the meeting. The minutes were continued to the next regular meeting of December 16, 2002.

The members reviewed the draft minutes of **May 20, 2002**. It was the consensus of the board to continue the minutes to the end of the meeting. The minutes were continued to the next regular meeting of December 16, 2002.

The members reviewed the draft minutes of **June 24, 2002**. It was the consensus of the board to continue the minutes to the end of the meeting. The minutes were continued to the next regular meeting of December 16, 2002.

The members reviewed the draft minutes of **July 8, 2002**. It was the consensus of the board to continue the minutes to the end of the meeting. The minutes were continued to the next regular meeting of December 16, 2002.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

Norton Conservation Commission

Monday, November 18, 2002

Minutes, page 2.

The members reviewed the Bills Payable Sheet (Misc.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. 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 & October 21, 2002 mtgs.)** - 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.

Gary Russell and Mark Casey of South Shore Survey Consultants, Inc. were present at the public hearing and explained the revisions to the plans to the members. Jennifer Carlino stated that all the issues from the November 12, 2002 letter were completed. She said the only issue that was not discussed was the Conservation Restriction. Mr. Russell stated that the applicant was agreeable to the Conservation Restriction. Jennifer Carlino had a question regarding basin number six. She said that she would have the conditions ready for the next meeting. Earl Willcott had questions about the soil mixture. He asked if peat from the site would be used. Mr. Russell said that peat would be imported. Earl Willcott stated that a compost/loam mixture would be the best mixture to use and the amounts would vary according to what was to be planted. Lisa Burgess, an abutter, had questions and concerns regarding the number of units being constructed along the railroad beds and the impact to her and neighboring properties because their properties were lower than the proposed units. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, December 16, 2002 at 7:55 pm so that the applicant and Jennifer Carlino may have another meeting to resolve a few issues. Approved.

The members reviewed a Notice of Intent – **(#250-549) - Judy Garrick – Parcel 17 (assessors map 45) 6 Miller Terrace** – for proposed plans to construct an 8' x 36' addition to an existing house within 100 feet of wetlands. Judy Garrick presented the project to the members. Jennifer Carlino requested that leaves and cuttings will not be dumped into the existing wetland behind the house. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to accept and sign the Order of Conditions as written. 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 & October 21, 2002 mtgs.)** - for proposed plans to construct a single family house and septic system, including sitework and grading within 100 feet of wetlands. John DeLano of John DeLano and Associates presented the project to the members. Mr. DeLano stated that an area that was flagged in a previous filing was re-flagged and inspected by Jennifer Carlino and was determined to be an isolated wetland. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to accept and sign the conditions as written. (because of a typographical error, the numbering of the conditions will be corrected before issuing the permit)

Norton Conservation Commission

Monday, November 18, 2002

Minutes, page 3.

The members reviewed a Request for a Determination of Applicability – **(DET. #778) – Norton Estates Cooperative Corporation – Parcel 730 (assessors map 3) 250 Mansfield Avenue – (con't. from the October 21, 2002 mtg.)** - for proposed plans to revise the drainage system within 100 feet of wetlands. Michael Clark of the Norfolk Ram Group presented the project to the members. Jennifer Carlino stated that she inspected the project today and had one question for Mr. Clark regarding the elevation noted on the revised plans. Mr. Clark stated the elevation would remain the same. Jennifer Carlino did mention to Mr. Clark that he had written down on the revised plans that the work would be 50 feet from the buffer zone, but it will be 27 feet. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (number 3). Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #784) - Barry Shore – lot 2, parcel 78 (assessors map 30) 3 Bullock Drive** – for proposed plans to construct a single family house within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering represented the applicant at the public hearing and presented the project to the members. Jennifer Carlino stated that the Mr. Yarworth submitted revised plans today and also that this property will be on Town water instead of the proposed well. An abutter, Bea Nelson of 119 Maple Street had concerns with the cutting of trees and the possibility of water problems as a result. Chris Yarworth explained that water is draining in the opposite direction as her house and shouldn't affect her. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, 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. #785) – Al Nicolazza – Parcel 130 (assessors map 20) 26 Eisenhower Drive** – for proposed plans to install a leaching field and grading and seeding within 100 feet of wetlands. John F. Vance, Jr. represented the applicant and presented the project to the members. Mr. Vance presented revised plans which showed the leach field and pump chamber located out of the buffer zone. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative Determination (number 3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Wheaton College – (#250-550) - Parcel 93 (assessors map 17) Elms Field, Wheaton College** – for proposed plans for improvements to existing Soccer/Lacrosse Field including bleachers, fences and paths within the buffer zone of a wetland. Bob Campbell, Director of Physical Planning of Wheaton College and Christine Meaney of Toomey and Munson, who presented the project to the members, were present at the public hearing. She stated that they did not propose to change any grades with the access path and a gravel packed trench will be installed to catch any runoff. Mr. Campbell stated that concrete slabs are proposed for under the bleaches to replace the portable bleaches with permanent bleaches. He also stated that an asphalt path is proposed for handicap accessibility to and from the bleaches. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros 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 Certificate of Compliance for **250-444 - Wheaton College - Parcel 14 (map 17) East Main Street**. Jennifer Carlino stated that this project was completed according to the Order of Conditions. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance - **#250-459 - Wheaton College - Parcel 93 (map 17) East Main Street**. Jennifer Carlino stated that this project was complete except for stabilization of the vegetation. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a partial Certificate of Compliance with the condition that the applicant post a \$1,000 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this property. Approved.

The members reviewed a request for a Certificate of Compliance - **DET. #427 - Slyvia Markley - lot 57 (map 11) 8 Agoritsa Lane**. Jennifer Carlino stated that a small amount of clearing had been done beyond the erosion control. She further stated that a letter would be sent to the applicant and she would do an inspection to resolve this issue. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a Certificate of Compliance. Approved.

Jennifer Carlino stated that Land Collaborative for file **#250-524 - Plain Street** is requesting a letter stating that utilities are included in the Order of Conditions to be sent to Mass Electric. She stated that the utilities were shown on the plans, but were not mentioned in the Order of Conditions. Bob Medeiros made a motion, seconded by Earl Willcott, to send the letter. Approved.

Jennifer Carlino stated that the Canoe River Advisory Committee was requesting a letter of support for Robert Durand to be sent to the Governor to re-appoint him as Secretary of Environmental Affairs. She presented the draft letter to the members. Bob Medeiros made a motion, seconded by Earl Willcott, to send the letter.

Discussion of appeal and request for modification to **File #250-536 - Teddy Realty Trust - Parcels 499 & 527 (assessors map 10) Cross and North Washington Street (Todd Estates)**.

Jennifer Carlino stated that she contacted DEP, and that because the applicant has appealed the decision for this permit, no activities or further discussions can take place for this project. She said that the proposed revisions could be discussed among the Commission members. She stated that the applicant could withdraw the appeal and an Amended Order of Conditions could be issued or the applicant could file a new Notice of Intent application with the revisions. Mr. Richard Bland, Attorney for the applicant, stated that the applicant's intent is to work with the Conservation Commission resulting in an Order of Conditions agreeable to his applicant and the Commission and then to withdraw the appeal. Jennifer Carlino stated that a condition should be added to the existing conditions to state that work may begin on this project, but before it is completed, the four lots in question would not be marketed or sold until the correct boundaries were defined. Corrections to condition numbers 36 and 37 were agreed upon by Jennifer Carlino and Mr. Bland. Mr. Bland requested an addition to condition number 45 to state that utilities are included in this permit. Neil Linehan suggested to have the applicant drive a water pipe to go under the proposed bridge deep enough so as not to alter the wetlands. Mr. Bland stated that condition number 51 requiring that the

Monday, November 18, 2002

Minutes, page 5.

Norton Conservation Commission

bridge construction be done during a low ground water period would be impracticable for the applicant. Jennifer Carlino stated that this condition can be modified before the next Conservation meeting. Mr. Bland requested that the conditions be drafted more clearly. He stated that he believes conditions 59 through 62 are worded in a way that neighbors could take rights away from the homeowners. Mr. Bland stated that condition number 64 needs to be revised and Jennifer Carlino stated she had no problems with revising it. She then stated that the conditions can and will be revised before the next meeting and the applicant will have to then decide to either withdraw the appeal or file a new application.

Jennifer Carlino stated that the Special Town Meeting was going to be held on Monday, December 9, 2002.

Jennifer Carlino noted that the pre-construction meeting for the Chartley Pond Dam repairs was on November 25, 2002 at 9:00 am.

Jennifer Carlino stated that a letter offering land to the Conservation Commission on Essex Street was received. She said the letter did not state whether it was offered as a donation or for purchase. It was the consensus of the board to send a letter stating that if this land offer was a donation, it would be accepted, but if it was to be purchased, the Commission would not be interested.

Earl Willcott asked Jennifer Carlino to contact Julian Kadish in regards to the Norton Reservoir dam.

Jennifer Carlino asked the members if they had any ideas regarding what permit process would be used for sewer hook-ups for Lake Winnecunnet. She asked if every homeowner would get a permit or if one permit for all the hook-ups would be a better process.

The meeting ended at approximately 8:30 pm.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb