



CONSERVATION COMMISSION
70 EAST MAIN STREET
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2003 APR 15 PM 3:17
NORTON TOWN CLERK

Monday, March 10, 2003
7:30 pm

Attendance

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

Jeff Houde (Vice-Chairman) was absent.

Minutes

The members reviewed the draft minutes of **May 20, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **July 8, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **August 12, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the Bills Payable Sheet (Misc.). Neil Linehan made a motion, seconded by Bob Medeiros, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET#791) - Paul Jodice – Parcel 109 (assessors map 32) 6 Furnace Pond Way** – for proposed plans to construct a 22' x 18' addition, a 27' x 36' addition and a 23'5" x 14' deck within 100 feet of wetlands. The applicant was present along with his representative, Ralph Maloon of RIM Engineering, who explained the project to the members. Jennifer Carlino suggested that no vegetation be cut within 25 feet of the wetland vegetation. She further stated that there was a lot of brush and debris that had been dumped into the wetlands and would like removed before work is started. Bob Medeiros made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) with the condition that all debris dumped into the wetlands is removed before work is started. Approved.

The members reviewed a Notice of Intent – **(#250-555) - Pam Chisholm – Parcel 35 (map 16) 9 Pond Street** – for proposed plans to construct a 38' x 21' addition and a 4' x 26' deck within 100 feet of wetlands. Ralph Maloon of RIM Engineering, representative for the applicant, explained the project to the members. He stated that the deed to this lot includes an easement through the property to allow the Town to install a 10" drain pipe. He said the Town was now installing a larger drain pipe with the Freeman Street reconstruction project. 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 sign and issue the Order of Conditions, as amended, omitting conditions #33 & 8a. Approved.

The members reviewed a Notice of Intent – **(#250-556) - Ernest Orlando – bldrs. lot 101, Parcel 134 (assessors map 28) 25 Margaret Drive** – for proposed plans to construct a 24' x 24' garage within 100 feet of wetlands. Ralph Maloon of RIM Engineering, representative for the applicant, explained the project to the members. He said a portion of the work is within the 25-foot no-work zone. He submitted a revised plan to the Commission with the revisions to the wetland at flag #2 as requested by Jennifer Carlino. Ron O'Reilly made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **(#250-544) - Biltmore Realty Trust/Viola Homan - Parcels 116 & 117 (assessors map 36) Mary Joe Road – (cont. from the September 9, 2002, October 21, 2002, December 16, 2002 & February 24, 2003 mtgs.)** - for proposed plans for restoration work within 100' of a wetland and a rare habitat area as part of expired permit DET. #544. James Vadala, applicant, was present at the public hearing with his Attorney and representative, Ed Woods, who updated the members on this project. He stated this was site that the applicant wanted to restore to its original state before becoming contaminated. He said his client has a project which is a cranberry bog, behind this site and the two are separate projects. Mr. Woods stated he did not think his client should have to file a hazardous waste site fee because, according to DEP, this site is no longer listed as a hazardous waste site. Mr. Vadala stated that approximately an acre of soil was removed from this site and he went to court with the company that removed the soil. Jennifer Carlino stated she wanted the proof that the abutters to this project were re-notified because the first notice gave incorrect information. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until the next meeting of Monday, March 24, 2003 at 7:40 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-551) - Red Mill Realty Trust/Nick Mirrione, Trustee – Parcels 4 & 22 (assessors map 2) Newland Street – (con't. from the December 16, 2002, January 13, 2003 & February 24, 2003 mtgs.)** - for verification of Wetland Resource Areas. Julian Kadish stated that a letter was received by the applicant's representative requesting to continue the public hearing until the meeting of Monday, March 24, 2003. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until the next regular meeting on Monday, March 24, 2003 at 7:50 pm. Approved.

The members reviewed a Notice of Intent – (#250-554) - **Tournament Players Club of Boston/Jim O'Mara – Lots 292/301 (assessors map 9) & Lot 123 (assessors map 8) Arnold Palmer Boulevard** - for proposed plans for a limited project to alter 6,928 sq. ft. of wetlands for boardwalk installation and clearing, parking lot, new tees and additional paving within the buffer zone of a wetland. Jim O'Mara explained the project to the members. He stated that this project is very necessary because of a PGA Tour event which is scheduled for September of this year and a large number of spectators is expected to attend. He felt that the wetlands would need to be further protected from the large crowd. Dave Pickart of VHB stated that there are six types of improvements being proposed within this project; 1. A new tee would be constructed at the 4th hole, 2. An area for the media to set up would be constructed, 3. Bus drop off areas, 4. Grandstands, restrooms, concession stands, hospitality tents, etc., 5. Parking areas and 6. Walkways and boardwalks. Jennifer Carlino made a few minor requests to the project which were agreed to by the applicant. Dave Pickart submitted a revised plan. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Neil Linehan, to accept the conditions as written and sign and issue the Order of Conditions. Approved.

The members reviewed a request for a partial Certificate of Compliance –File #250-480 – **Teddy Realty Trust - Irene Estates II – Parcel 527 (map 10) & Parcel 57 (map 17) Talbot Drive (Mill Lane)**. Jennifer Carlino stated that there were several items that needed to be revised on the submitted As-Built plan. The sideslopes for the road were not shown. The plan shows curb cuts for lots 3 & 4 but there are no cuts in the road. Discussion ensued on the amount of the bond that would be required to be posted by the applicant to the Town Treasurer to ensure the final stabilization of exposed soils on this property, grass, and repairs to the erosion control. Neil Linehan suggested to wait a couple of weeks in order to allow inspection of the property in better weather without snow cover. It was the consensus of the board to not act on this request at this time, but to allow an inspection by Jennifer Carlino when the snow has melted on the property.

The members reviewed the conditions for **File #250-553 – Edward L. Plausse – Parcel 3 (assessors map 7) Lincoln Street (opposite utility pole #1728)**. Jennifer Carlino said that the Natural Heritage and Endangered Species Program had sent a letter stating that the project would not have an adverse impact to the wetlands. Bob Medeiros made a motion, seconded by Kathleen Giblin, to accept the conditions, as amended, omitting condition #9a, and sign and issue the Order of Conditions. Approved.

The members reviewed a request for a partial Certificate of Compliance for File #250-517 – **Thomas M. Baldino – Parcels 22 & 23 (assessors map 3) 2 Grove Lane**. Jennifer Carlino stated that the project was done except for the loaming and seeding. She said that the plan had been changed and the erosion control had been removed. Bob Medeiros made a motion, seconded by Neil Linehan, to issue a partial Certificate of Compliance with the following conditions; the applicant will post a \$1,000 bond with the Town Treasurer, a revised plan is received with the changes that were made and all erosion control is re-installed. Approved.

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The members reviewed Modifications to **File #250-514 – Duane German – Parcels 80 & 80-02 (map 26) West Main Street**. Bob Medeiros made a motion, seconded by Earl Willcott, to issue an amended Order of Conditions. Approved.

Discussion ensued regarding the 1986 bond anticipation note. Jennifer Carlino stated that, from what she has learned, a bond anticipation note had been written to acquire the Norton Reservoir for \$2,000,000. The amount of \$500,000 is unissued and the Town Manager wants to clear this issue up. The project is finished at this time, so he wants a vote from the board the \$500,000 is not needed. The money was never borrowed because a grant had been obtained to cover the cost. It was understood by the members that this amount was still being listed within the Town Budget as being available to the Commission. Julian Kadish suggested to word an article to be put on the warrant for Town Meeting stating that the Conservation Commission is in agreement that the additional \$500,000 was never borrowed and does not need to be borrowed because of money that was received through a Self-Help grant. Ron O'Reilly made a motion, seconded by Bob Medeiros, to word the article as suggested by Julian Kadish. Approved.

Jennifer Carlino asked the board if they were interested in creating a wetlands by-law. Discussion ensued on the possible benefits and down-side of a wetlands by-law. Jennifer Carlino asked the members to make a list of ideas for the by-law regulations. She said she would do the same and the lists could be compared.

Neil Linehan made a motion, seconded by Bob Medeiros, to adjourn the meeting at 9:26 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb