



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MA 02766-2320
(508) 285-0275
Fax (508) 285-0277

RECEIVED
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NORTON TOWN CLERK

Monday, November 17, 2003
7:00 pm

Attendance

Bob Medeiros, (Chairman),
Kathleen Giblin (Vice-Chairman)
Julian Kadish, Earl Willcott,
Jennifer Carlino, Director

Ron O'Reilly & Lisa Carrozza were absent.

Minutes

The members reviewed the draft minutes of **July 14, 2003**. It was the consensus of the Commission to continue the minutes to the next regular meeting.

The members reviewed the draft minutes of **August 25, 2003**. It was the consensus of the Commission to continue the minutes to the next regular meeting.

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

The members reviewed a Notice of Intent – (#250-573) - **Easecat, Inc. – Parcels 111, 112, 113, 114, 115, 116, 117, 207, 208 & 219 (assessors map 21) – Anna Way and Shelly Road – (cont. from the September 15, 2003 & October 20, 2003 mtgs.)** - for proposed plans to replicate and fill over 5,000 sq. ft. of wetlands in order to construct a subdivision roadway with associated grading and utilities and work within the buffer zone. Kathleen Giblin excused herself from the public hearing. Dan Aguiar of Sitec Engineering addressed the Commission and passed out a cover letter with the comments made by Jennifer Carlino after the last meeting regarding issues that she wanted addressed. Mr. Aguiar stated that one of the concerns listed by Jennifer Carlino is a request to make sure the elevation of the orifice plate to be installed is at the same level as the existing culvert. He stated the elevation level was listed on the revised plans. Mr. Aguiar submitted signed copies of the Stormwater Management Form and a revised Operations & Maintenance Plan. He further stated that once the Planning Board approved the acceptance of the road by the Town, and as soon as Town Meeting voted this, the responsibility for the stormwater management would be the Towns and not the homeowners. Mr. Aguiar said there would not be a homeowner's association. Ron Turowetz stated that the draft Conservation Restriction to the Town and the deed to the Norton Land Preservation Society has not yet been mailed to the Planning Board and he did give a copy to Jennifer Carlino earlier this evening. Mr. Aguiar stated additional fees were given to cover the nine point-source discharges proposed on the plan. He also stated that all disturbances to the area have been kept minimal and the 25-foot limit of work cannot be met in the same areas. He stated that with each future application for each individual

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house the 25-foot limit of work would be applied. The agent stated she would need time to review the revised plans. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, December 15, 2003. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #807) - John DosReis et ux – parcel 4 (assessors map 10) 75 Elm Street – (cont. from the October 20, 2003 & November 3, 2003 mtgs.)** - for proposed plans to construct a single family house, install a sanitary disposal system and grading and seeding within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, and Karl Drown were at the public hearing. John Vance submitted revised plans and Field Data Forms requested by the agent. Mr. Vance explained the revisions to the members. He stated the limit of work has been moved closer to the house. Karl Drown, Registered Sanitarian, presented Field Data Forms with results of soil samples he had done in the past week. Bob Medeiros offered to inspect the site this week and take pictures of the site for the agent. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next meeting of Monday, December 15, 2003 at 7:05 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-579) – Shamrock Realty Trust c/o Perry Dimascio – Lot 33, Parcel 33 (assessors map 21) Walker Street – (cont. from the October 20, 2003 & November 3, 2003 mtgs.)** - for verification of the wetland resource areas. Perry Dimascio addressed the Commission and stated a check was given to the Town Treasurer to pay for the consultant hired by the Conservation Commission to inspect the site for Jennifer Carlino because of her knee surgery. Jennifer Carlino stated the consultant would be inspecting the project and would have his report ready for the next meeting of December 15, 2003. Mr. Dimascio requested to be notified when the consultant would be inspecting the site. Jennifer Carlino agreed to notify him as soon as she was made aware of the date. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, December 15, 2003 at 7:10 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-578) - Angelo Pasqualino – Parcel 104 (assessors map 26) 284 West Main Street – (cont. from the October 20, 2003 & November 3, 2003 mtgs.)** - for the verification of the wetland resource areas. Kathleen Giblin read a letter from Carr Research requesting the public hearing be continued until after the Commission's consultant has submitted a report. Bob Medeiros abstained from voting. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 15, 2003 at 7:20 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #814) - Aldona Matunin – Parcel 236 (assessors map 21) 31 Cottage Street** – for proposed plans for a sanitary disposal system including grading and seeding within 100 feet of wetlands. John F. Vance, Jr. explained the project to the members stating a new system was needed as the existing one failed the Title V inspection. Jennifer Carlino said the site would have to be inspected. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros and Earl Willcott stated they would inspect the site tomorrow as the agent, Jennifer Carlino could not because of

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knee surgery. Julian Kadish made a motion, seconded by Earl Willcott to have three members sign a negative Determination of Applicability (#3) pending the inspection and then another member would sign. Approved.

The members reviewed Request for a Determination of Applicability (**DET. #816**) – **Timothy Winiarz – Parcel 64 (assessors map 23) 118 Pine Street** – for proposed plans to construct a 12' x 26' addition to an existing house with associated grading within 100 feet of wetlands. There was no one present to represent the applicant at the public hearing for this project. Julian Kadish made a motion, seconded by Earl Willcott, to deny the project due to the lack of information. Approved.

The members reviewed a Notice of Intent – (**#250-**) – **Lorusso Building and Remodeling – parcel 40 (assessors map 27) 40 Power Street** – for proposed plans to tear down portion of a house at the rear and construction of an addition 14' x 20'5" to 20' x 36' within 100 feet of wetlands. Bruce Wilson of Wilson Associates and Anthony Lorusso of Lorusso Building and Remodeling and Mr. Brown were present at the public hearing. Mr. Wilson described the project to the members. He stated the location of the addition in the buffer zone leads to the Barrowsville Pond. He said haybales would be installed along the edge of the lawn. Bob Medeiros made note that the plan did not show floodplain elevation or any other elevations. He also noted that the application was incomplete, the wrong fee was given and there was no copy of the FEMA F.I.R.M. map attached. Mr. Wilson stated no fill was going to be used and the existing grade was not going to be changed. Mr. Brown stated fill was going to be removed from the site. Jennifer Carlino asked Mr. Wilson to submit a plan showing the elevations and floodplain. He agreed to provide that information. Julian Kadish said he would inspect the site tomorrow. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting on Monday, December 15, 2003 at 7:25 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (**#250-**) – **R & D Development c/o Tom Lombardo & James Washington – Parcels 7, 1, 13 & 7 (assessors maps 6, 7, 7 & 13) Cranberry Lane** – for the verification of the wetland resource areas. Tom Lovett, Wetland Specialist, from LEC Environmental Consultants stated his firm flagged the wetlands on this site. Jennifer Carlino informed Mr. Lovett that the abutter notice was incorrect stating the wrong newspaper in which the Legal Notice for the property would be published. She stated that all the abutters would have to be re-notified. Bob Medeiros stated there were other issues and Mr. Lovett agreed to call Jennifer Carlino to discuss them with her. The public hearing was not opened and the public hearing for this project will be scheduled for the next regular meeting of Monday, December 15, 2003 at 7:30 pm. Mr. Lovett agreed to send a letter waiving the 21 day request period. An abutter submitted rare species information.

The members reviewed a Notice of Intent – (**File #250-580**) - **James Sullivan/Rainbow Kids Daycare – Parcel 19R (assessors map 26) 366 Old Colony Road** – for proposed plans to construct a daycare center with associated driveway, utilities, septic system and site grading within the 100 foot buffer zone. James Sullivan, applicant, and Jack Sullivan, applicant's engineer, were present at the public hearing. Jack Sullivan stated the applicant would like to move his existing daycare center to this area to allow for more parking and a larger playground area. He stated the applicant would like to do selective clearing in the playground area which is within the floodplain area. He further stated there would be no regrading of the property but the site would have to be raised because of DEP Stormwater

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Guidelines. He said that to the rear of the building they would place rip rap at a two to one slope and all impervious runoff water would flow back into the ground. Bob Medeiros stated that because the agent has had knee surgery she will not be able to inspect the wetland boundaries; therefore the Commission would be hiring a consultant to inspect the wetland boundaries and the applicant would be responsible for the fee. Jennifer explained that requests for proposals will be sent out and when a consultant is chosen, the applicant will be notified with the details of the cost and of the services being provided along with a contract. She further explained that work will be started as soon as the proof is received that the fee for the services has been paid in the form of a check to the Town Treasurer. Mr. Sullivan agreed to this arrangement. Mr. Sullivan stated to Jennifer Carlino that every effort had been made to avoid the 25-foot limit of work, but unfortunately it would be impossible to access the rear of the property by way of a driveway without going into the 25-foot limit of work. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, December 15, 2003 at 7:35 pm. Approved.

The members reviewed a Request for a Determination of Applicability (**DET. #815**) – **William & Catherine Bechtel – Parcel 264 (assessors map 9) 157 Mansfield Avenue #5** – for proposed plans to construct a 12' x 16' addition to an existing mobile home within 100 feet of the Norton Reservoir. Catherine Bechtel was present at the public hearing along with the contractor who would be doing the work. He showed the Commission members a drawing of where the footings were going to go. Bob Medeiros stated he inspected the project today and did not find anything wrong with it. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-541 – Creative Edge Bldrs. Corp. – Lot 25, Parcel 155 (assessors map 15) 18 Fletcher Way**. Jennifer Carlino stated that three members would sign the Certificate and the fourth member would sign it after the inspection was completed. Kathleen Giblin said she would inspect the site and Bob Medeiros said he would be the fourth person to sign the Certificate after talking to Kathleen.

The members reviewed the conditions for **File #250-577 – Rob Picchione – Parcel 96 (assessors map 29) 20 Meadowbrook Drive**. Julian Kadish made a motion, seconded by Kathleen Giblin, to accept the conditions as written. Approved.

The members reviewed the Conservation Restriction for the Flatley Company. Julian made a motion, seconded by Kathleen Giblin, to sign the restriction. Approved.

Earl Willcott noted complaints had been received regarding trucks using Conservation property for a turn-a-round at Bernie and Phyl's warehouse on East Main Street, Norton. He stated that some engineer work was in the process. Jennifer Carlino stated that allowing trucks to use this property would be a "conversion of use" because the property was acquired by using state funds for part of the cost. This would be considered a violation and possibly result in having the Conservation Commission having to pay for a portion of the property that was paid for by state funds. Jennifer Carlino noted a complaint was received for a possible violation on Wampum Road. Kathleen Giblin stated she would check into this matter.

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Jennifer Carlino stated Maple Street and Gilbert's Way had to be inspected and Bob Medeiros offered to do the inspections.

Jennifer Carlino stated the Lake Winnecunnet Association had sent out Requests for Proposals for the cost to treat Lake Winnecunnet with chemicals in order to get rid of the aquatic invasive plants. She stated she informed the Association this was not the correct procedure and asked the Commission if they wanted her to write a Request for Proposal for the Association. It was the consensus of the agent and the Commission that this issue was going to be pursued until it was resolved and it would be better if it was done legally. Jennifer Carlino stated she had been asked by the Lake Winnecunnet Association to help with this project. She stated she had received some needed information and would draft a proposal for the Association to start the process. Julian Kadish stated even if proposals were sent and responses were received, permission from the public at Town Meeting would be required.

The members discussed the inspections they had done during the week with the Agent. Jennifer Carlino asked if the members were clear as to what properties they were to inspect and the correct procedures.

Earl Willcott made a motion, seconded by Julian Kadish, to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino", with a stylized, cursive script.

Jennifer Carlino
Conservation Director

JC/pmb