



CONSERVATION COMMISSION
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Monday, March 8, 2004
7:00 pm

Attendance

Bob Medeiros (Chairman), Julian Kadish,
Ron O'Reilly, Earl Willcott, Lisa Carrozza,
Jennifer Carlino, Conservation Agent

Kathleen Giblin (Vice-Chairman) & Eileen King were absent.

Minutes

The members reviewed the draft minutes of **November 17, 2003**. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the minutes until next regular meeting. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Julian Kadish made a motion, seconded by Lisa Carrozza, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Consultant for 75 Elm Street). Julian Kadish made a motion, seconded by Lisa Carrozza, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #821) – Dennis & Dena Warchal – Parcel 203 (assessors map 10) 30 Wampum Road – (cont. from the February 23, 2004 mtg.)** - for proposed plans to install a retaining wall, regrade and plant grass within 100 feet of wetlands. Dena Warchal and her engineer, John F. Vance, Jr. were present at the public hearing. He stated that after inspecting the site, Jennifer Carlino suggested that a Notice of Intent be filed for this project. He stated she claims the mean annual high water mark is much closer to the house than shown on his submitted plans. Jennifer Carlino stated any project within 200 feet of a riverfront area is within a resource area and a Notice of Intent should be filed. She also stated the information on the submitted plans was incorrect. Julian Kadish stated one of the Commission's responsibilities was to protect the homeowner from any excess hardships. Lisa Carrozza stated a precedent would be set if this project is carried out without obtaining an Order of Conditions. Julian Kadish stated this would not be the case because each filing is reviewed and voted upon separately and objectively. Lisa Carrozza stated that if a Notice of Intent is not going to be required for this project, plans showing the engineer's stamp, the construction of the retaining wall and proposed grades should be submitted. Jennifer Carlino asked that the silt fence and retaining wall be moved onto the applicant's property and shown that way on the revised plans. The applicant agreed to do this. Julian Kadish made a motion, seconded by Ron

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O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 22, 2004 at 7:25 pm in order to give the applicant time to submit the necessary information requested by the Commission. Approved.

The members reviewed a Notice of Intent filing – **(#250-586) - Woodlark Development Corp. – Parcels 102 & 102-1 (assessors map 26) 252 West Main Street – (cont. from the February 23, 2004 mtg.)** -for proposed plans to construct a 15-unit condominium including a stormwater mangement facility within the outer riparian zone of the Wading River. Chris Yarworth of Yarworth Engineering Co., Inc. represented the applicant at the public hearing. Jennifer Carlino asked Mr. Yarworth if the Planning Board had him do an inspection of the discharge pipe during stormwater management construction to make sure it will function properly when needed. He replied they had not, but will inspect it during construction. Jennifer Carlino stated a couple of inspections would be necessary to make sure the facility will function as planned. Discussion ensued as to whose responsibility it is to monitor the discharge pipe. Jennifer Carlino stated to the board that they have the authority to include the requested monitoring as a condition in the Order of Conditions to put the burden on the applicant and not on the agent. Julian Kadish stated that it is the obligation of the applicant to make sure the stormwater management facility does work, and will work, in stormy weather events and there is no need to include a special condition. It was the consensus of the board to inspect the system at the time a Certificate of Compliance is requested for the project. Lisa Carrozza made a motion, seconded by Julian Kadish, to amend the Order of Conditions by changing condition number 49 to read “prior to issuance of a Certificate of Compliance, infiltration trenches will be inspected by the agent or Commission members, and the information shall be given to the Conservation Agent proving the system is working correctly”. Approved. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed the conditions for **(File #250-580) - James Sullivan/Rainbow Kids Daycare – Parcel 19R (assessors map 26) 366 Old Colony Road**. Julian Kadish made a motion, seconded by Earl Willcott, to sign the Order of Conditions as written. Approved.

The members reviewed a request for a Certificate of Compliance for **File DET. #429 – Dennis & Dale O’Neal – Lot 163 (assessors map 3) 14 Woodland Road**. Jennifer Carlino stated the project was completed as proposed. Ron O'Reilly made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance.

The members reviewed a request for a partial Certificate of Compliance for **File #250-383 – Regina M. Tierney – Lot 49 (map 29) & Lot 24-01 (map 33) 17R Meadowbrook Lane**. Jennifer stated parcel 49 (assessors map 29) is stabilized and lot 24-01 (assessors map 33) is not. Jennifer Carlino stated that no bond would have to be posted for this partial Certificate. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance to apply to **Lot 49 (assessors map 29) only**. Approved.

The members reviewed **INDIVIDUAL LAKE WINNECUNNETT SEWER CONNECTION CERTIFICATES OF COMPLIANCE**

#250-570	Mark Lincoln	105 King Phillip Road
#250-570	Mark Lincoln	107A King Phillip Road
#250-570	Martin Lincoln	107B King Phillip Road

Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificates of Compliance. Approved.

The members reviewed a request for a modifications to the Order of Conditions for **File #250-505 – Marilyn Realty Trust, Sheila Medeiros, Trustee – Lot 2, Parcel 365 (Assessors map 4) 4 Horton Drive**. Jennifer Carlino stated the modification is to install an in-ground pool in the back yard and, in her opinion, is a minor modification. Julian Kadish made a motion, seconded by Ron O'Reilly, to allow the modification without an amended Order of Conditions. Approved.

The members reviewed a letter that Jennifer Carlino drafted to send to Angelo Pasqualino /P&A Construction/Teddy Realty Trust regarding the driveway at **34 Cross Street** stating that he is required to finish the work by May 1, 2004 or the bond he posted will be obtained from the Town Treasurer and used to pay for this work to be finished.

Jennifer Carlino noted an on-site meeting was set for March 29, 2004 at 10:30 am at 284 West Main Street /Angelo Pasqualino with Carr Research Laboratory regarding the appeal.

Jennifer Carlino stated that there will be an interview tomorrow with the Lake Winnecunnet Association and herself with the lead two companies interested in doing the Lake Winnecunnet Diagnostic/Feasibility Study. The interview will eliminate one of the companies. Bob Medeiros stated he thought the Commission should be involved with the process and Jennifer Carlino asked him if he wanted to read the proposals. He replied that he did not want to read them and stated that as long as she was going to be present at the interviews there would be no need for him to be there. None of the other members wanted to go.

Earl Willcott made a motion, seconded by Julian Kadish, to adjourn the meeting at 8:25 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director