



CONSERVATION COMMISSION
70 EAST MAIN STREET
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RECEIVED

JAN 11 2005

NORTON TOWN CLERK

Monday, December 13, 2004
7:00 pm

Attendance

Bob Medeiros (Chairman), Kathleen Giblin (Vice-Chairman)
Julian Kadish, Earl Willcott, Lisa Carrozza, Eileen King
Jennifer Carlino, Conservation Agent

Ron O'Reilly was absent.

Minutes

The members reviewed the draft minutes of **August 23, 2004**. Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 13, 2004**. Kathleen Giblin made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **October 4, 2004**. The minutes were tabled until the next regular meeting of Monday, January 10, 2005.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants). Earl Willcott made a motion, seconded by Eileen King, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel/Nov.). Earl Willcott made a motion, seconded by Eileen King, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel/Dec.). Earl Willcott made a motion, seconded by Eileen King, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc./Staples). Earl Willcott made a motion, seconded by Eileen King, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Registry of Deeds). Earl Willcott made a motion, seconded by Eileen King, to pay the bill. Approved.

The members reviewed a Notice of Intent – (#250-643) - **Scott Frietas – Parcel 112 (assessors map 32) 35 John B. Scott Boulevard – (cont. from the November 15, 2004 mtg.)** - for proposed plans to construct an addition, driveway and garage and for replication of wetlands within 100 feet of wetlands. No one was present to explain the project to the members and revised plans have not been received yet.

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Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, January 10, 2005 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – (#250-) – **Neal Fischer – Parcel 87 (assessors map 12) 103 Burt Street** – for proposed plans to repair a septic system within 100 feet of wetlands. Debbi of Kings Equipment presented the project to the members and stated the septic repair was already started and her company wanted to complete the project. Jennifer Carlino stated after she was aware of the project, she issued a Cease and Desist for the project and had the contractor file a Notice of Intent for the project. She stated she allowed the project to continue after reviewing the submitted plans. David Thomas, the attorney representing the abutters at 105 Burt Street, stated that this septic system was denied originally by the Board of Health and then approved. He presented pictures of the work done by the contractor and stated, in his opinion, the work was below standards. Mr. Thomas stated his clients at 105 Burt Street were suing for damages to his property in the amount of \$16,000. He further stated that the Board of Health had not inspected the installation of the septic system at anytime during construction. He pointed out to the members that the vent pipe was shown on the plans to be located 10' to 11' from the sidelines of the property, but were placed 3 ½ feet from the property line. Mr. Thomas presented pictures taken by his client at 105 Burt Street showing erosion on the sidelines under his trees. He stated that he would be placing a lien on the property to prevent a closing by the owner. He further stated the location of the septic system was not as shown on the plans submitted to the Board of Health. Mr. Thomas stated that all work on this property pertaining to the septic system was done without the proper permits from the Board of Health and the Conservation Commission. Debbie of Kings Equipment stated her company had spoken with Gary, Norton Health Agent on November 12, 2004 and was told the plan was approved by the Board of Health. She stated that she was given permission by the Health Agent to move the septic system back in order to avoid having to remove several large pine trees and to avoid damage to the existing driveway. She stated this was common in a lot of projects. Bob Medeiros asked if the engineer was notified and Debbie replied that her husband had left a message for the engineer, Karl Drown. Debbie stated that the health agent had inspected the system before covering it with soil (open hole inspection) and after the system was completely installed, the Health Agent did the final inspection and the engineer drew the As-built Plan. Debbie stated a phone message had been left for Karl Drown, the original engineer, to let him know an As-built plan was needed for this hearing. She stated that her husband had a conversation with Mr. Drown and Mr. Drown would not complete the As-built Plan because he had not been paid for previous work completed. She said she believed this issue had been resolved and an As-built Plan would be submitted soon. Debbie said a silt fence, as well as a secondary silt fence, was installed. She stated her company had done the septic system installation according to the submitted plans, but there seemed to be a discrepancy as to where the lot lines were located. Mr. Thomas again stated he had no proof the Board of Health had inspected this system. He stated the grading where the vent pipe was located was 18 inches higher than before the system was installed. Debbie stated this was correct but stated the abutter's property at 105 Burt Street was previously higher and runoff had always been allowed to run onto the applicant's property. Debbie Stated she would have the soil around the neighbors trees removed if the property line is not correctly shown on the plans used to install this system. Earl Willcott stated the important issue is to find out where the exact property line is. Jennifer Carlino submitted pictures taken today at the site of the trees. The pictures showed that there was no soil around the trunk of the trees. The higher grading was away from the trees at the lot line as shown on

the existing plans. Julian Kadish stated a swale would be necessary in the area where the grading was raised near the property line. Debbie agreed to make any alterations necessary, at the owner's request, to comply with the abutter's request at 105 Burt Street to avoid further arguments. Mr. Thomas requested the health agent be present at the next Conservation meeting. Earl Willcott made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 10, 2005 at 7:15 pm. Approved.

DISCUSSION: Richard Bland II, Attorney for Angelo Pasqualino (P & A Construction & Teddy Reatly Trust) addressed the Commission in regards to the Conservation Restriction for Patricia Estates (formerly Todd Estates). He stated when the Order of Conditions was issued for this subdivision one of the conditions required a conservation restriction be placed on several areas of the subdivision. He said it was not clear as to where the restriction should be placed so several meetings took place between himself and Jennifer Carlino as to the location. Mr. Bland stated a draft conservation restriction signed by Angelo Pasqualino and Town Counsel was submitted to the Conservation Office. He proceeded to present to the members a plan showing the proposed areas and asked for their comments. He mentioned Lots A & B in particular. He stated these were rear lots off of Mill Lane. He said previously the Commission asked that these lots be accessed from Johnson Road and not Mill Lane. He continued by stating Lot 9 was almost impossible to build on because of a vernal pool and a Shell Oil Line easement. Mr. Bland then presented a revised plan for Lots A, B & 9 which consisted of a common driveway to access these three houses. It was agreed that all plans showed three houses to be built. Julian Kadish asked Jennifer Carlino if liked the revised plans and she replied that she did because it reflected all her comments and suggestions except it did not show the proposed conservation restriction. Lisa Carrozza asked if the original Order of Conditions were changed and Jennifer Carlino stated the original Order of Conditions was for the roadwork and drainage and one of the conditions was that the applicant submit a conservation restriction. Mr. Bland stated he was looking for an approval of these revised plans before approaching the Planning Board. Julian Kadish made a motion, seconded by Earl Willcott to approve the revised plans to reflect a common driveway for lots 9, A & B. Approved. Mr. Bland then submitted a revised plan for Lot 7. Jennifer Carlino stated the house on this lot could be moved back behind the septic system because the 10 to 20 foot upland area between the vernal pool and house was not adequate. Mr. Bland stated Angelo Pasqualino did not think this plan would be feasible. Jennifer Carlino stated this was because it was assumed the septic system would have to be moved, but in her opinion, this would not have to be done.

The members reviewed a request for a duplicate Order of Conditions for File #250-639 – **Lynn Sicola – Parcel 54 (assessors map 31) – 78 Dean Street**. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue the duplicate Order of Conditions. Approved.

The members reviewed a request for a partial Certificate of Compliance for File #250-626 – **Tony Sottile/Kinsington Development Corp. – Parcel 22-01 (assessors map 22) 209 West Main Street**. Jennifer Carlino stated there was minimal work to be done to complete this project. Lisa Carrozza made a motion, seconded by Julian Kadish, to issue the partial Certificate of Compliance. Approved. It was the consensus of the board not to require the applicant to post a bond where as the work left to be done was minimal.

The members reviewed a request for a Certificate of Compliance for File #250-107 – **Raymond & Sally Charron – Parcel 51 (assessors map 14) 151 North Worcester Street**. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for File #250-159 – **Lester Epstein, Jr. – 65 King Philip Road**. Julian Kadish made a motion, seconded by Eileen King, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for File #250-468 – **Town of Norton/Bd. of Water & Sewer Commissioners – Samoset Rd., King Phillip Rd., River Rd., Maplewood Avenue & Charlotte Avenue**. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-478 – **Estate of Annette Shaeffer – Parcel 144 (map 31) & Parcel 307 (map 27) 183 John Scott Boulevard**. Jennifer Carlino stated the applicant went beyond the erosion control and this area should be re-established. She suggested a letter be sent to the applicant requesting to re-establish the disturbed area. Lisa Carrozza made a motion, seconded by Earl Willcott, to send a letter to the applicant. Approved.

The members reviewed a request for a Certificate of Compliance for File **Guy R. & Diana M. Salvo – Parcel 24 (map 18) 65 South Washington Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-247 – **Bodio Country Classics, Inc./c/o Andrew Ashley – Parcel 57 (map 15) McTee Drive (off of Walker Street)**. Jennifer Carlino stated the project was completed according to the submitted plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-398 – **Thorndike Development Corp. – Lot 271 (assessors map 9) Smith Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-539 – **Creative Edge Builders – Bldrs. lot 16, parcel 164 (map 15) 2 Fletcher Way**. Jennifer Carlino stated a partial Certificate should be issued because the steep slopes have to be stabilized as well as seeding. She stated the As-built Plan did not have the topographical information as well as the limit of work shown. Earl Willcott made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$5,000 bond with the Town Treasurer to ensure final stabilization of exposed soils and to submit a revised As-built plan showing the grading, wetland boundary, topography and limit of work. Approved.

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The members reviewed a request for a Certificate of Compliance for a Lake Winnecunnet sewer project for **File #250-570 – 65 Charlotte Avenue – Nancy Mussi**. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for **File #250-437 – Wildwood Estates Subdivision – Bullock Drive**. Jennifer Carlino suggested to approve the request. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a one-year Extension Permit. Approved.

The members reviewed a request for an Extension Permit for **File #250-435 – Plymouth Bay Girl Scouts – Parcel 47 (map 21) North Worcester Street**. Jennifer Carlino suggested to approved the request. Julian Kadish made a motion, seconded by Earl Willcott, to issue a five-year Extension Permit. Approved.

The members were asked to sign thank-you letter for Sher-Corp for donating land consisting of approximately 2.65 acres located next to the Crooked Brook. Jennifer Carlino stated there were outstanding taxes on the property. Julian Kadish made a motion, seconded by Kathleen Giblin, to sent the letter. Approved. Earl Willcott was opposed.

Discussion ensued the signing of the Field Inspection Form for the Freeman Street Conservation Restriction written by the Wildland Trust. Jennifer Carlino stated that even though she did the inspection form for Freeman Street, it was going to be held by a private organization. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign the Municipal Certification Form stating this is in the public interest. Approved.

Bob Medeiros, Chairman, signed a thank-you letter to Curtis McKeown, Eagle Scout, for a project at the "K" streets in Norton consisting of stenciling on catch basins and making of signs.

The members reviewed a violation at **14 North Worcester Street**. Jennifer Carlino stated she had met previously with the buyer, Real Estate Agent, a botanist and the engineer. She said she received a restoration plan to restore approximately 200 sq.ft. of wetlands that were altered and defined a buffer zone. Earl Willcott made a motion, seconded by Lisa Carrozza, to have the owner of the property post a \$6,500 bond with the Town Treasurer to ensure the restoration of the disturbed wetlands. Approved.

Jennifer Carlino stated Keith Silver, Highway Superintendent inquired about resurfacing North Washington Street next spring. She said she gave him a letter stating this would be a limited project and would have to file a Notice of Intent with the Conservation Commission. She said he agreed to come into the office with his secretary to have her help them fill out the application.

Jennifer stated all the members should have received a copy of a letter to Lloyd Geisinger of Thorndike Development stating the bogs on the Slattery property are classified as a wetland area and is subject to the Wetlands Protection Act.

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Bob Medeiros stated Duane Knapp, Water/Sewer Superintendent, had spoken to him in regards to flooding an area for ice skating. Jennifer Carlino stated Duane Knapp had spoken to her today also. She said he would be pumping water from the reservoir into one of the cranberry bogs this winter only. She said after the master plan is finished for the entire property, everthing will be permitted at one time.

Jennifer noted that the appeal for **159 North Washington Street** for **Thomas Calhoun** was tomorrow morning on site with the Department of Environmental Protection.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the public meeting at 8:35 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Carlino".

Jennifer Carlino
Conservation Director

JC/pmb