



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, July 11, 2005
7:00 pm

Attendance

Bob Medeiros (Chairman)), Kathleen Giblin (Vice-Chairman)
Ron O'Reilly, Lisa Carrozza, , Eileen King, Julian Kadish
Jennifer Carlino, Conservation Agent

Earl Willcott was absent.

Minutes

The members reviewed the Bills Payable Sheet (Eileen King). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Staples). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Jennifer Carlino). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

Discussion ensued regarding the **reorganization** of the Conservation Commission. It was decided to table the discussion until the next regular meeting of Monday, July 11, 2005 because Julian Kadish was not present. Julian Kadish arrived at the public hearing and discussion ensued regarding the reorganization of the Conservation Commission. Kathleen Giblin made a motion, seconded by Julian Kadish, to table the discussion until the next regular meeting of Monday, July 25, 2005. Approved.

The members reviewed a Notice of Intent – (#250-651) – **Bill Harris/Robin Norton LLC – Parcels 38, 252 & 253 (assessors map 5) 308 East Main Street – (cont. from the January 10, 2005, January 24, 2005, February 28, 2005, March 28, 2005, May 16, 2005 & June 13, 2005 mtgs.)** - for proposed plans to expand a parking lot, with associated grading, landscaping and drainage improvements within 100 feet of wetlands. Mike Murray of Holmberg & Howe, represented the applicant at the public hearing. He stated the project was heard by the Planning Board and there were several changes to the plans which would be submitted to the Conservation Office by the end of the week. Mr. Murray stated the one main revision is the entire regrading of the rear parking lot and

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therefore, all drainage would be handled by the retention pond instead of the two catch basins previously designed for this reason. He mentioned several changes that would be outside of the one hundred-foot buffer zone. He stated that the Planning Board had suggested closing their hearing for the project by July 26th. Jennifer Carlino stated that the Operations & Maintenance Plan still did not describe truck washing which was requested by her last January. She stated motorized vehicle access to the rear of the building and trash clean up in the wetlands were not addressed to date. She noted it was proposed to rip up some pavement and asked when the area between the curbing and the wetlands would be stabilized. Jennifer Carlino requested a copy of the Planning Board comments. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 25, 2005 at 7:05 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (**#250-**) – **Raymond Passenti – Parcel 76 (assessors map 11) – East Main Street –(cont. from the May 16, 2005 & June 13, 2005 mtgs.)** - for verification of the wetland resource areas. Jennifer Carlino stated the applicant requested a continuance in order to receive a DEP File number. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 25, 2005 at 7:10 pm. Approved.

The members reviewed a Notice of Intent – (**#250-660**) - **Chuck Cramer/Cramer Levine & Company – Parcel 58B (assessors map 17) – 134 East Main Street – (cont. from the May 16, 2005 & June 13, 2005 mtgs.)** - for proposed plans to construct a parking lot and expand an existing sewage disposal system within 100 feet of wetlands. Jennifer Carlino stated the applicant requests a one-month continuance of the public hearing. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting Monday, August 22, 2005 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – (**#250-663**) - **Kenneth & Ellen Munger – Lot 14, Parcel 173 (assessors map 22) 11 Erin Lane – (cont. from the June 13, 2005 mtg.)**for proposed plans to construct a 26' x 16' addition and a 22' x 28' x 14' addition with a porch and a mudroom within 100 feet of wetlands. Jennifer Carlino stated the applicant had revised the plans by moving the limit of work as requested by the Commission and she was waiting to receive them. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Jennifer Carlino stated one condition was added requiring the owner or applicant to remove leaves and debris from the wetland resource areas. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – (**DET. #847**) - **Red Mill Realty Trust – Parcels 4 & 22 (assessors map 2) 129 Newland Street (rear) – (cont. from the June 13, 2005 mtg.)** - for proposed plans to fill a former cranberry bog reservoir within 100 feet of wetlands per 310 CMR 10.04 [pond (c)]. Jennifer Carlino stated the applicant has requested a continuance of the public hearing to the second next meeting in order to write the erosion control and dewatering plan for the pond. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, August 8, 2005 at 7:05 pm. Approved.

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The members reviewed a Notice of Intent – **(#250-668) – Chris & Tina Vittorini – Parcel 144 (assessors map 27) 84 Barrows Street** – for proposed plans to construct an addition with related grading within 100 feet of wetlands. Dylan Ribeiro described the project to the members. He stated the applicant proposes to construct a 24' x 32' addition which is approximately 55 feet from wetlands on neighboring property and 70 feet of erosion control would be used. He said the fill removed during construction would be used to level the left side of the property. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-667) – Flatley Company – Commerce Way** – for proposed plans for resurfacing and sidewalks on Commerce Way, & stormwater improvements within 100 feet of wetlands. Dick Cane of the Flatley Company and Donald Schall of ENSR were present at the public hearing. Mr. Schall explained the details of the project to the members stating that one portion of the proposed project was to relocate an existing concrete pipe on the site that discharges into the wetlands to discharge more to the west into a small detention basin located on an upland area. He said there was another concrete pipe that was discharging into a wetland but relocating it to an upland area was not an option. He said the applicant proposed to deepen an area that would create a detention basin and have the pipe discharging into that area. Lisa Carrozza asked if the wetland flags shown on the submitted plans were new or from a previous filing. Mr. Schall explained that as a result of a violation, these plans were drawn. Lisa Carrozza had questions regarding the seeding of the sideslopes and Mr. Schall replied that as a result of previous restoration, the sideslopes were re-seeded. Lisa Carrozza noted that this was not shown on the submitted plans. Mr. Schall stated it was noted in a letter dated July 7, 2005 and Lisa stated it should be on the plans for the contractor to see. Lisa Carrozza mentioned that on the plan it called for a haybale check dam, but should actually be a rock check dam. It was agreed this would be added to the conditions. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written.

The members reviewed a Notice of Intent – **(#250-670) - Edward R. Woods, Jr., Trustee, Rapwood Nominee Trust –Parcel 37-1 (assessors map 31) John Scott Boulevard** – for proposed plans to fill and replicate wetlands and bank for a driveway, construct a house, septic system, utilities and grading in a Riverfront Area. Bob Medeiros read a request to continue the public hearing until the next regular meeting of Monday, July 25, 2005. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 25, 2005 at 7:15 pm. Approved.

The members reviewed a Notice of Intent – **(#250-671) - Joan Scott – Parcels 10 & 158 (assessors map 28) Taunton Avenue** – for proposed construction of a limited project driveway crossing of a bordering vegetated wetlands, single family house and wetland replication. Bob Medeiros read a request by the applicant to continue the project until the next regular meeting. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the project until the next regular meeting of Monday, July 25, 2005 at 7:25 pm. Approved.

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The members reviewed a Request for a Determination of **Applicability – (DET. #848) – Jonathan T. Hubler – Parcel 78 (assessors map 17) 46 Pine Street** – for proposed plans to pump water from the Rumford River for irrigation purposes. Jonathan Hubler explained the project to the members. He stated it was his intention to place a submersible pump into the Rumford River in order to irrigate his lawn. Bob Medeiros asked about fertilizer going into the Rumford River. Mr. Hubler stated he would be using non-harmful fertilizer. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue a positive Determination (#2). Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #849) – MA Highway Dept. – Route 123, Norton** – for proposed plans for cold planing and resurfacing with related work to rehabilitate Route 123. Tom McGuire, District Environmental Engineer for MA Highway, District V and Bill Travis, Assistant District Highway Maintenance Operations Engineer. Mr. McGuire stated that two inches of blacktop would be removed and four inches put back on Route 123. He said the Board of Selectmen requested the sidewalks be re-constructed in town. Mr. McGuire stated that the section of sidewalks on both sides of the road on Rt. 123 between Rt. 140 and the Hess gas station would be widened to five feet. He stated drainage evaluations have been done and the drainage problems will be corrected in several areas by installing catch basins and leaching catch basins. Mr. McGuire passed out to each member a packet showing where the location of each catch basin would be and proceeded to describe the proposed work for each section of Route 123. Ron O'Reilly asked Mr. McGuire if he was aware of the proposed project going on at the Shpack land fill site and all the trucking of fill that would be going on in the near future. Jennifer Carlino asked if there were going to be curb inlets at each catch basin and Bill Travis stated that there probably would be. Bob Medeiros stated that in the snow season plows generally wreck the curbs. Mr. Travis stated if the Commission would rather not have curb inlets at the catch basins they would be omitted. Jennifer Carlino said this would be a good idea in lieu of wildlife. She stated she would like to check certain areas and Mr. McGuire suggested continuing the project until the next regular meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 25, 2005 at 7:35 pm. Approved.

The members reviewed a Notice of Intent – **(#250-669) - Jeffrey Zaccardi/Norton Police Department – Parcel 98 (assessors map 29) – 76 Hill Street** – for construction of a police training facility within 100 feet of a wetland. Jeff Zaccardi described the project to the members. He stated that for years the Police Department used the Water Department area on Pine Street for various training sessions, but the well on this site was reopened and the Police Department was informed they could no longer use this site for training purposes. He said the Police Department no longer had a site for training purposes. Bob Medeiros asked if the project included a building or if all work was outside. Mr. Zaccardi stated the project was mainly all open and included moving dirt around with a small storage building and a small amount of paved area. A small swale or stone area will be incorporated to handle any stormwater before it reaches the wetland. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #850) – Paul Mitchell – Parcel 29 (assessors map 22) 189 West Main Street** – for proposed plans for a septic system repair within 100 feet of wetlands. Brad Fitzgerald of SFG Associates, Inc., Project Engineer and representative for the applicant, described the project to the members. He stated the applicant proposes to remove an existing septic system and replace it with a new one. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a negative (#2) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

Informal Discussion - Frank Westgate – **Chapter 40B – East Main Street & Rumford River.**
No one was present at the public hearing.

The members reviewed a request for a partial Certificate of Compliance for File **#250-587 – Jake Development LLC - Parcel 108 (map 29) 241A Old Taunton Ave.** Jennifer Carlino explained that the applicant had a closing on this property and she signed the Occupancy Permit. She stated the applicant posted a \$1,560 bond with the Town Treasurer. Julian Kadish made a motion, seconded by Eileen King, to issue the partial Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-533 - Sothy S. Hay - Parcels 684 & 685 (map 36) 36 South Lakeview Road.** Jennifer Carlino explained that the applicant had a closing on this property and she signed the Occupancy Permit. She stated the applicant posted a \$2,000 bond with the Town Treasurer. Julian Kadish made a motion, seconded by Eileen King, to issue the partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-570 – Edmund Cady – 12 Bay Road** (sewer connection). Ron O'Reilly 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 **#250-570 – Erek & Carol Bratt – 67 King Phillip Road** (sewer connection). Ron O'Reilly 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 **#250-516 – Stephen & Barbara Mahoney – 16 Ledge Road.** Julian Kadish made a motion, seconded by Ron O'Reilly, to sign the duplicate Order of Conditions. Approved.

The members reviewed a request for an Extension Permit for File **#250-537 - Ronald & Janet O'Reilly - Parcels 38-01 & 38-02 (map 26) 29 Union Road.** Ron O'Reilly recused himself from the public hearing. Jennifer explained normally this would be a one-year Extension Permit, but where the maintenance is on-going she recommends a three-year extension. Kathleen Giblin made a motion, seconded by Julian Kadish to issue a three-year Extension Permit. Approved.

Kathleen Giblin made a motion seconded by Julian Kadish, to sign copies of the Order of Conditions for File **#250-570** to be given to the sewer project residents at Lake Winnecunnet.

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Old Business - Petition Town Council to file Preliminary Injunction & Civil Suit **at 123 Freeman Street – Nancy Hamilton** – failure to comply with Enforcement Order. Jennifer Carlino stated that at the last meeting she stated Nancy Hamilton had notified her that she retained John DeLano to represent her and rectify the violation. Jennifer Carlino said she spoke with Mr. DeLano and he said was not retained by Ms. Hamilton. Bob Medeiros asked Jennifer Carlino what the next step is and she replied it was to petition Town Council to file a Preliminary Injunction in order to stop Ms. Hamilton from continuing to disturb the wetlands. Bob Medeiros suggested Ms. Hamilton might not have the funds to comply with the Commission's request to restore the wetlands. Jennifer Carlino stated that if a violator is willing to comply with the Commission's request, the Commission will work with that person, but if that person is ignoring all requests, an injunction should be petitioned. She stated this was the second violation by Ms. Hamilton. Julian Kadish suggested having the violator agree to allow the disturbed areas of the wetlands to grow back without interference again. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to allow Ms. Hamilton to appear before the board at the next public meeting of Monday, July 25, 2005 and state her intentions to restore the wetlands. Approved.

The members reviewed a minor revision to the **River Oaks** Conservation Restriction. The change is the number of acres for the utility easement; it is 105.7 not 105.9 acres. Ron O'Reilly made a motion, seconded by Julian Kadish, to allow the change. Approved.

Bob Medeiros stated the Board of Selectmen would like to sell the weed harvester. Ron O'Reilly made a motion, seconded by Eileen King, to have the agent send a letter to the Board of Selectmen supporting the sale of the weed harvester. Approved.

Kathleen Giblin made a motion, seconded by Lisa Carrozza, to adjourn the public meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb