



CONSERVATION COMMISSION
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2005 SEP 30 AM 11:23
NORTON TOWN CLERK

Monday, July 25, 2005
7:00 pm

Attendance

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

Minutes

Re-organization – Conservation Commission.

Kathleen Giblin made a motion, seconded by Ron O'Reilly to elect Earl Willcott as Vice-Chairman. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to elect Julian Kadish as Chairman. Approved.

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

The members reviewed the Bills Payable Sheet (Phyllis Bernard/Notary Supplies.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

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

The members reviewed the Bills Payable Sheet (W.B. Mason Co.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (ESS Group, Inc.). Earl Willcott asked about the "Kick-off Meeting" proposed by the ESS Group, Inc. to be held for the Lake Winnecunnet Association. Jennifer Carlino questioned the fact that the Commission members were not invited to the meeting even though it is the Conservation Commission that is paying for the work being done on Lake Winnecunnet. Jennifer Carlino stated she would look into this issue further. Earl Willcott made a motion, seconded by Bob Medeiros, to pay the bill. 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 & July 11, 2005 mtgs.) - for proposed plans to expand a parking lot, with associated grading, landscaping and

Norton Conservation Commission

Monday, July 25, 2005

Minutes, page 2.

drainage improvements within 100 feet of wetlands. Jeff Ryder, engineer from Holmgren & Howe updated the Commission on the project. He stated that the Planning Board requested a couple of minor changes to the plans regarding grading and paving. He pointed out that the applicant would like to save as much of the existing pavement as possible. By paving the areas proposed by the Planning Board, runoff water would be re-routed to a different stormceptor, catch basin and retention pond. Mr. Ryder stated the Planning Board requested that the retention pond be built before the paving was started. He stated this would impose a hardship on the applicant because it was the intention of the applicant to move the large box trucks onto the proposed retention pond area while the paving was being completed. Mr. Ryder says he discussed this with the Planning Board engineer and he wasn't too concerned with this issue. He stated a berm had been added to the plans as there were a couple of hills on the site which caused water to flow into the wetlands. Mr. Ryder addressed a letter that he received in January from the Commission. One issue was the grading between flags 93 and 96. He said that the retention pond had been moved out of the 100 foot buffer zone which then changed the plans to re-grade between the two flags. After a brief discussion it was determined the retention pond was actually an infiltration basin. Jennifer Carlino asked if an infiltration basin was allowed in this (ACEC) area. Lisa Carrozza stated it was allowed as long as the water was pretreated. Mr. Ryder said a sand mix soil would line the forebay therefore filtering the water. Lisa Carrozza asked if there any plans for replication and Mr. Ryder replied there were no plans for replication because the soil would not support wetland plants. Mr. Ryder stated the Commission had concerns with unauthorized vehicles entering onto the property and he said chain-linked fence was proposed as well as a gate in certain areas. Another issue in the letter was sediment and erosion entering the wetlands at wetland flag number 23 as a result of a small detention pond proposed. Mr. Ryder stated after meeting with Jennifer Carlino it was agreed the area would be paved using curbing. The last issue was concerns with truck washing and he said it was agreed by the owners to conduct truck washing on the paved areas in the future near the infiltration basin only, not near the wetlands. Jennifer Carlino requested all areas marked retention or detention pond on the plans be changed to infiltration basin before conditions would be given. She also asked that wetland flag numbers be changed on the plans as requested previously as well as the revisions to the Operations & Maintenance Plan. Jennifer Carlino asked that Planning Board comments be submitted to the Commission. Lisa Carrozza asked how stormwater would be managed during construction and Mr. Ryder stated the existing catch basins would be used. It was agreed that conditions would not be issued until all revisions were made to the plans and resubmitted to the Conservation Commission. Ron O'Reilly made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of August 8, 2005 at 7:05 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-672) – **Raymond Passenti – Parcel 76 (assessors map 11) – East Main Street – (cont. from the May 16, 2005, June 13, 2005 & July 11, 2005 mtgs.)** - for verification of the wetland resource areas. Chris Yarworth, representative for the applicant, provided the Commission with the DEP file number for this project. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Resource Area Designation as written. Approved.

The members reviewed a Notice of Intent – **(#250-636) - Edward R. Woods, Jr., Trustee, Rapwood Nominee Trust – Parcel 37-1 (assessors map 31) John Scott Boulevard – (cont. from the July 11, 2005 mtg.)** - 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. Julian Kadish read a letter from KMJ requesting a continuance of this project awaiting a response from The Natural Heritage & Endangered Species Program for of this project and from the Army Corp. of Engineers for comments on the stream crossing. Earl Willcott made a motion, seconded by Lisa Carrozza, to continue the public hearing until the regular meeting of Monday, August 22, 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 – (cont. from the July 11, 2005 mtg.)** - for proposed construction of a limited project driveway crossing of a bordering vegetated wetlands, single family house and wetland replication. Joan Scott was present along with Chris Yarworth of Yarworth Engineering, her engineer, who described the project to the members. He stated the house cannot be constructed at the front of the property because it is zoned commercial. He said there is an existing carpath which would be widened and raised in order to access the back property with a couple of culverts installed at the low spots. Julian Kadish read a letter dated July 6, 2005 addressed to Chris Yarworth sent by the Conservation Agent, Jennifer Carlino requesting further information. Chris Yarworth responded with the requested information. Lisa Carrozza requested that the utilities be added to the submitted plans. Lisa Carrozza asked if there was any grading proposed for the driveway and he replied there would be a small amount of grading in order to raise the driveway to avoid flooding. She requested this be shown on the plans. Lisa Carrozza stated that a planting schedule should be created to specify that existing wetland trees be left in place and show the topography of the areas to make sure the trees will not die as a result of construction work and changes in the elevation of the property. She stated that for the replication the same type of plant in the area should be planted. Discussion ensued regarding tree removal, planting and maintenance of the existing trees. Jennifer Carlino suggested inspecting the replication area with Mr. Yarworth who agreed to walk the site with her in the near future. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #849) – MA Highway Dept. – Route 123, Norton – (cont. from the July 11, 2005 mtg.)** - for proposed plans for cold planing and resurfacing with related work to rehabilitate Route 123. Tom McGuire of Mass Highway Dept. was present for the public hearing. He stated the area of the proposed project is Route 123 starting at Route 140 continuing to the Attleboro line and possible a little further into Attleboro. He stated that two inches of blacktop would be removed and four inches put back on Route 123. He said detailed information was presented at the last meeting of July 11th. Jennifer Carlino stated that she, Mr. McGuire and Mr. Bill Travis inspected the areas that might need some clearing at the existing headwalls and areas that might require erosion control. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#2) because some of the work is located within a riverfront area. Approved.

Norton Conservation Commission
Monday, July 25, 2005
Minutes, page 4.

The members reviewed a Notice of Intent – (#250-) – **Deryl Kenney – Parcel 21 (assessors map 35) – 156 Dean Street** – for proposed plans for septic system repairs within 100 feet of a wetland. Earl Chartier of RIM Engineering presented the project to the members. He stated the closest point of the

repair to the wetlands was 53 feet. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, August 8, 2005 at 7:15 pm in order to obtain a DEP file number. Approved.

The members reviewed a Notice of Intent – (#250-) – **Philip Landry – Parcel 158 (assessors map 15) 10 Foster Drive** – for proposed plans to install an in-ground pool and a fence within 100 feet of wetlands. There was no one present at the public hearing to present the project. Jennifer Carlino stated a DEP file number had not been received as yet the project. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing in order to obtain a DEP file number and in order to allow the applicant or his representative to be present at the public hearing until the next regular meeting of Monday, August 8, 2005 at 7:15 pm. Approved.

The members reviewed a Notice of Intent – (#250-) – **Steven Houghton – Parcel 248 (assessors map 10) 23 Cobb Street** – for proposed plans to install a 2" PVC pipe for sewer hookup within 100 feet of wetlands. Steven Houghton was present and John F. Vance, Jr., his engineer, presented the project to the members. Mr. Vance stated that this property should have been hooked up to the sewer line at the time of purchase but was not and the applicant was not aware of this. He stated the Town of Norton Water Department was charging fifty dollars a day fine until the property was hooked up to the sewer line. The applicant stated his house is 550 feet from the road. Mr. Vance said there was a culvert under the driveway and a 2-inch PVC pipe would be placed under the culvert, not over it, because there is only 2 inches of soil on top of the culvert. Jennifer Carlino stated a DEP file number had not been received for this project. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, August 8, 2005 at 7:20 pm. Approved.

Informal Discussion – Frank Westgate – Chapter 40B – East Main Street & Rumford River.

Discussion ensued regarding a proposed project for Chapter 40B housing on East Main Street. Frank Westgate presented the proposal to the members. He stated 180 units are proposed. Mr. Westgate stated he wanted to get the Commission's opinion on the proposed entrance to the project which requires crossing a wetland and filling of 3500 sq. ft. of wetlands. Jennifer Carlino stated the best procedure would be to put down on a plan the project that would least disturb the wetlands. Mr. Westgate asked if the Commission or agent could walk the site to get a more accurate details of the property. Earl Willcott stated that the proposed developer of this property should submit the suggested information (wetland boundary) by the agent before walking the property. Julian Kadish also stated that walking the property would not make a difference as far as following the Wetland Protection Act. Jennifer stated they should file an ANRAD before going any further with the proposed project. Mr. Westgate asked the Commission's opinion regarding the proposed wastewater treatment plant and Bob Medeiros suggested he speak with the Board of Health and DEP on this issue first. Jennifer Carlino

stated the treatment plant would be located in the Riverfront Area by this plan. Mr. Westgate stated in his opinion the stream on the property is an intermittent stream and Jennifer Carlino said this will be decided by in the ANRAD filing. Jennifer Carlino stated a stormwater management plan would have to be submitted and Mr. Westgate replied that direct ground water discharge was proposed rather than a detention basin. Lisa stated the water would be uncleansed and Mr. Westgate stated it would be filtered as it flowed over the high ground. Lisa Carrozza stated this method does not meet DEP policy.

The members reviewed a request for a Certificate of Compliance for File #**250-539 – Creative Edge Bldrs. Corp./Scott Fuller – Lot 16, Parcel 164 (assessors map 15) 2 Fletcher Way** and a bond release letter. Jennifer Carlino stated the project was completed as proposed. Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance and give a letter to release the bond. Approved.

The members reviewed an Emergency Certificate for **32 Samoset Street/Tom Clark**. Jennifer Carlino stated the applicant has some oil contamination and has to remove a portion of a porch and also soil. She stated this has to be done as soon as possible and she advised Mr. Clark that he may start work, but will have to file for a permit later. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the Emergency Certificate. Approved.

The members reviewed a request for a Certificate of Compliance for File #**250-653 – Thomas Flett – Parcel 7-01 (assessors map 8) 8 Richardson Avenue**. Jennifer Carlino stated the project was completed as proposed. Ron O'Reilly made a motion, seconded by Bob Medeiros, to issue the Certificate of Compliance. Approved.

Discussion ensued the violation by **Nancy Hamilton/Freeman Street**. Julian Kadish stated the Commission has four options; 1. Require Nancy Hamilton to hire a consultant and restore the wetlands; 2. give Ms. Hamilton a restoration plan, with a timeframe, to restore the wetlands and if not restored, file an injunction; 3. To file an injunction/civil suit to prevent Ms. Hamilton from cutting or clearing anymore on this property; and 4. to allow the wetlands to replicate themselves. Julian Kadish noted Ms. Hamilton has had a previous violation on another property. Eileen King did not think it right to issue a court order to a senior citizen. Julian Kadish stated this was just an order to keep Ms. Hamilton from further damaging the wetlands. Lisa Carrozza suggested have Ms. Hamilton appear before the board and Kathleen Giblin stated she has been asked to appear, but never came in. A vote was taken and 5 members voted to issue an injunction and 2 were against. Bob Medeiros made a motion, seconded by Earl Willcott, to have an injunction issued to forbid Ms. Hamilton from doing any other cutting or clearing in order to prevent further damage to the wetlands and to allow the wetlands to grow back. Approved.

Jennifer Carlino stated she received a letter that a parcel of Chapter 61 property consisting of 16 acres at 50 Lincoln Street would be coming out of the tax exempt status. She said she has a copy of the Purchase and Sales Agreement and presented an aerial photo of the property. Bob Medeiros asked the purchase price and Jennifer Carlino stated it was \$475,000. She stated the land is in the aquifer and also in the ACEC. Julian Kadish asked if the land was contiguous to any other Conservation property and Jennifer Carlino stated that it was not. Jennifer Carlino stated the Board of Selectmen would like

Norton Conservation Commission

Monday, July 25, 2005

Minutes, page 6.

the Conservation Commission's comments on the possible purchase of this property. Bob Medeiros made a motion, seconded by Earl Willcott, not to recommend purchasing the property for the reason being the land is not contiguous to any other Conservation land and the land lacks significant natural features. Lisa Carrozza was in favor of the purchase. Approved.

The members reviewed a request for a minor modification to File #250-537 – **Ronald & Janet O'Reilly – 29 Union Road**. Jennifer Carlino stated the O'Reillys would like to install a post and rail fence lined with chicken wire to keep the geese off their lawn. Julian Kadish asked how long the fence would be and Jennifer Carlino stated the area was very long. Bob Medeiros made a motion, seconded by Eileen King, to allow the minor modification to the plans and the installation of a fence. Approved.

Earl Willcott made a motion, seconded by Bob Medeiros, to adjourn the meeting at 8:40 pm. Approved.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino
Conservation Director

JC/pmb