



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2006 MAR 29 PM 3:37
NORTON TOWN CLERK

Monday, February 27, 2006
7:00 pm

Attendance

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

Robert Medeiros was absent.

Minutes

The members reviewed the draft minutes of January 9, 2006. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the draft minutes of January 23, 2006. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

The members reviewed a Notice of Intent – (#250-701) – **Richard Fitzgerald – Parcel 29 (assessors map 19) – 46 Charlotte Avenue – (cont. from the January 10, 2006, January 23, 2006 & February 13, 2006 mtgs.)** - for proposed plans to remodel an existing house within 100 feet of Lake Winnecunnet. Julian Kadish stated a letter had been received by the applicant requesting a continuance of the public hearing until the next regular meeting. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 13, 2006 at 7:20 pm. Approved.

The members reviewed a Notice of Intent – (#250-) - **Angelo Pasqualino/TDS Construction, Inc. – Lot 4, Parcel 188 (assessors map 12) 3 Fuller Drive** – for proposed plans to construct a single family house, driveway, well, pool, septic system and lawn with associated grading within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering described the project to the members. He stated the wetland boundaries were approved at the time that the subdivision plans were approved. He said a filing was necessary because the work is approximately 50 feet from the wetlands. Jennifer Carlino

Norton Conservation Commission

Monday, February 27, 2006

Minutes, Page 2.

stated the wetland flags were either gone or damaged and she requested they be put back in order for her to do an accurate inspection. She asked for information regarding the proposed well and for the proposed pool. He did not have any information on either. Discussion ensued on whether or not a new filing would be required for the pool if grading was to be done outside of the silt fence area. Lisa Carrozza asked Mr. Yarworth to show on the submitted plans the exact location of the proposed pool. An abutter, Bill Lach, of 86 Burt Street, submitted pictures that he had taken of his property where it connects to this lot. Mark Mobilia of 1 Fuller Drive stated that there was a perennial stream that ran through this site. Jennifer Carlino stated this was not a perennial stream but an intermittent stream. Mr. Mobilia stated that sometimes not everything will appear on the USGS maps on the website. Jennifer Carlino stated this stream is presumed an intermittent stream until proven otherwise. She stated that it was her opinion the stream is intermittent. Mr. Mobilia had questions that were not regulated by the Mass Wetland Protection Act and was advised to address the correct departments for these questions. Julian Kadish explained to Mr. Mobilia that as long as the project meets all the rules and regulations of the Wetland Protection Act, the Commission will issue a permit. The abutters had concerns with the location of the proposed house and Chris Yarworth stated the house is usually located in the best location for all boards involved and in a way that it looks good from the road. He said the house will be placed farther away from the wetlands in case the new owners decide to install a pool. An abutter stated that when she had built her house, the subdivision plans for this house showed the house closer to Fuller Drive and now it is proposed much further back on the lot. Jennifer Carlino stated that the wetland flags have not been replaced or repaired and a DEP file number has not been received for this project as yet. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 13, 2006 at 7:25 pm. Approved.

The members reviewed Abbreviated Notice of Resource Area Delineation – (#250-707) - **Robert E. Lee – Parcels 28 & 36 (assessors map 26) South Worcester Street & Sturdy Street** – for verification of the wetland resource areas. The applicant's representative, Darren Michaelis of AZOR Land Sciences, Inc. stated that this application is only for verification of the wetland boundaries and a Notice of Intent would be filed for any future activity. Jennifer Carlino stated she would like to see floodplain information of any submitted plans. Jennifer Carlino stated that there is an existing violation being worked out, but the wetland boundaries are ok. She said that a DEP file number has not been received for this project as yet. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, March 13, 2006 at 7:30 pm. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #860) - **Andrea Wetherill - Parcels 47, 47-01 & 47-02 (assessors map 14) 167 North Worcester Street** – for proposed plans to install a sanitary disposal system within 100 feet of wetlands. The applicant's engineer, John F. Vance, Jr., described the project to the members. He pointed out that the Wading River ran along the back side of the property. He stated the septic system is out of the buffer zone but within 200 feet of Wading River. Lisa Carrozza requested Mr. Vance to add a note on the submitted plans stating the entire site is out of the 100-foot buffer zone of the wetlands. Mr. Vance stated a siltation fence would be placed at the corner of the house for erosion control. Ron O'Reilly made a

motion, seconded by Earl Willcott, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Jennifer Carlino told Mr. Vance a permit would be issued as soon as a revised plan is received. Approved.

Discussion ensued regarding paying the bills submitted by The ESS Group. Jennifer Carlino stated the report due to the Commission for the Lake Winnecunnet Study was over four months late. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to have the agent send a Certified/Receipt requested letter to the president of The ESS Group stating why the submitted invoices were not being paid. The letter would state that the contract agreement has not been met at this time and the required Lake Winnecunnet Study report has not been submitted. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-514 – **Duane German – Parcels 80 & 80-02 (map 26) – West Main Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members signed the Order of Conditions for File #250-705 – **Robert Camp, Julia Brennan & Linda Smith – Parcel 174 (assessors map 35) 102 Dean Street** which were sent for review with the agenda for this meeting. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Earl Willcott abstained from voting. Approved.

The members signed the Order of Conditions for File #250-704 – **Mary Ann Guimond – Parcel 31 (assessors map 27) – 49 Power Street** - which were sent for review with the agenda for this meeting. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written. Earl Willcott abstained from voting. Approved.

The members signed the Order of Conditions for File #250-706 – **Parcel 175 (assessors map 17) 11 Talbot Drive** - which were sent for review with the agenda for this meeting. Jennifer Carlino stated that the garage has not yet been staked and revised plans have not yet been submitted per her request. Julian Kadish suggested adding a condition to the Orders stating that if the staked area does not agree with the revised plan, the applicant would have to file for a modification to the approved plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Order of Conditions as amended. Earl Willcott abstained from voting. Approved.

The members reviewed a modification to the plans for File #250-683 – **Angelo Pasqualino - Lot 11, Parcel 233 (assessors map 17) 10 Johnson Road**. Jennifer Carlino stated the change is the septic system has been moved from the middle of the lot to the edge which is further away from the wetlands. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the minor modification without a new filing. Approved.

Norton Conservation Commission

Monday, February 27, 2006

Minutes, Page 4.

The members reviewed a modification to the plans for File #250-631 – **Duane German/Attleboro YMCA - Parcel 292 (assessors map 26) West Main Street**. Jennifer Carlino stated that this project was for approval to build soccer fields at Camp Finberg and the change to the plans is for approval of an irrigation system. She stated the limit of work would not change. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to allow the modification without a new filing. Approved.

Jennifer Carlino asked the Commission if they wanted her to send a letter to Mass Highway in regards to the use of salt in the watershed area at their garage site and they agreed that she should.

Jennifer Carlino spoke to Angelo Pasqualino regarding the violation on Plain Street where clearing had been done within the riverfront area on the common driveway.

Discussion ensued the violation at 14 North Worcester Street where clearing and cutting had been done in the wetlands. Jennifer Carlino updated the Commission members and stated a \$6,500 bond had been posted with the Town Treasurer to ensure replication at this site. This has not been done yet. She stated the property has been sold and the new owner would like to correct this problem and possibly use this bond money. Jennifer Carlino suggested pulling the bond money to hire the wetlands scientist who originally created the wetland replication plan. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to obtain the \$6,500 bond and contact the wetlands scientist to start the replication process. Approved.

Jennifer Carlino asked the members to sign a Conservation Easement that would be along the Canoe Riverfront at 16A James Street so it could be recorded on the deed. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign the Conservation Easement.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:15 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb