



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, March 27, 2006
7:00 pm

Attendance

Julian Kadish (Chairman), Earl Willcott (Vice-Chairman),
Robert Medeiros, Ron O'Reilly, Eileen King,
Jennifer Carlino, Conservation Agent

Lisa Carrozza and Kathleen Giblin were absent.

Minutes

The members reviewed the draft minutes of February 27, 2006. Earl Willcott made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

The members reviewed the Bills Payable Sheet (Misc). Earl Willcott made a motion, seconded by Ron O'Reilly, 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, February 27, 2006 & March 13, 2006 mtgs.)** - for proposed plans to remodel an existing house within 100 feet of Lake Winnecunnet. Ted Trowbridge of Hutchins-Trowbridge Engineering, Inc. stated he had recalculated the pervious area for the slabs for the proposed deck and submitted a wildlife study report as requested by Jennifer Carlino. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-) - **Angelo Pasqualino/TDS Construction, Inc. – Lot 4, Parcel 188** (assessors map 12) 3 Fuller Drive – (cont. from the February 27, 2006 & March 13, 2006 mtgs.) - for proposed plans to construct a single family house, driveway, well, pool, septic system and lawn with associated grading within 100 feet of wetlands. Jennifer Carlino stated the applicant requested a continuance of the public hearing. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, May 15, 2006 at 7:05 pm. Approved.

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The members reviewed a Notice of Intent – **(#250-711) – Pasquale Barletta – Parcels 31-34 (assessors map 4) 11 Sylvan Road – (cont. from the March 13, 2006 mtg.)** - for proposed plans to raze and reconstruct a single family house within 100 feet of wetlands. Mark Roberts of Analysis and Design Engineering stated the submitted plans had been revised to show the mean annual high water mark in the river and the post and rail fence marking the limit of work line. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-673) – Angelo Pasqualino/Teddy Realty Trust – Parcels 230 & 231 (assessors map 17) lot 9-A – 14 Johnson Drive – (cont. from the March 13, 2006 mtg.)** - for proposed plans to construct a house, attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Julian Kadish stated a request for a continuance of the public hearing was requested by the applicant. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, April 10, 2006 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-677) – Angelo Pasqualino/Teddy Realty Trust – Parcels 225 & 230 & a portion of 224 (assessors map 17) lot B-1 – 16 Johnson Drive – (cont. from the March 13, 2006 mtg.)** - for proposed plans to construct a house, attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Julian Kadish stated a request for a continuance of the public hearing was requested by the applicant. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, April 10, 2006 at 7:10 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-709) - Fred Bottomley – Parcel 2 (assessors map 6) 1 Fairlee Lane** – for delineation of the wetland resource areas. Fred Bottomley attended the public hearing and his engineer Chris Yarworth of Yarworth Engineering, Inc. stated the wetland areas had been flagged as a pond which may or may not dry up. He said revisions were made to the submitted plans and corrections were made to the wetland flags at the request of the agent. Jennifer Carlino stated it was her opinion the wetland boundaries were correct at this time. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #861) – George Polillio – Lot 6, Parcel 187 (assessors map 12) 5 Fuller Drive** – for proposed plans to construct a portion of a house with associated grading within the 100 ft. buffer zone of a bordering vegetated wetland. The applicant and his engineer, Chris Yarworth of Yarworth Engineering, Inc. were present at the public hearing. Mr. Yarworth stated an application had been submitted for this property years earlier and a foundation was installed on the site. The permit expired and the owner is now ready to build the house. Julian Kadish asked if there were any changes since the original filing and he stated there were not and the wetlands were flagged according to the previous plan. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans.

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The members reviewed a Notice of Intent – (#250-710) – **Joseph Raffaele/Plantation Products, Inc. – Parcels 6 & 7 (assessors map 25) South Washington Street** – for proposed plans to construct an addition to an existing warehouse, parking areas and stormwater drainage system and for site grading and landscaping within 100 feet of wetlands. The applicant and his engineer, Marc Tisdelle of Hayward-Boynnton & Williams, Inc. were present at the public hearing. Mr. Tisdelle stated an ORAD had already been obtained for this property. He said there was a small issue of endangered species wildlife on the property, but a letter had been received from Natural Heritage stating there would be no adverse affects by this project. He stated the two lots that involve this project, are lots 6 & 7 but all the proposed work is on lot 6. Mr. Tisdelle stated there was an existing warehouse on the lot and a 45,000 sq. ft. addition is proposed. He said all the proposed new pavement will be located outside of the 100 foot buffer zone. Mr. Tisdelle explained the drainage system to the members. He mentioned the project has been filed with the Planning Board at this time. Jennifer Carlino asked Mr. Tisdelle for an update on a violation of the parking area and he explained this was including within this filing. Jennifer Carlino asked Mr. Tisdelle if Planning Board had given him any comments and he explained Planning Board had requested he add a catch basin to his plans. He said the next meeting with the Planning Board is April 18th. She asked Mr. Tisdelle for a copy of any comments given to him from the Planning Board. Mr. Tisdell agreed to give the Conservation Commission of the revised plan for Planning Board. Jennifer Carlino stated that it appeared that the existing sediment trap gets filled and overflows already and how will the new addition affect that amount of overflow water. Mr. Tisdell stated that even after heavy rain storms, he has not noticed any erosion. He said the existing swale can hold at least three feet of water. Ron O'Reilly asked Mr. Tisdell if he had made provisions for snow removal and he stated there would not be any snow placed within 100 feet of wetlands. Ron O'Reilly asked him if he planned to provide the Commission with an Operations & Maintenance Plan for snow removal and interceptor procedures and he replied that one would be submitted. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, April 10, 2006 at 7:15 pm. Approved.

The members reviewed a Notice of Intent – (#250-713) – **J.E. Case, Inc. – Parcel 101 (assessors map 19) 13 King Phillip Road** – for proposed plans for gravel removal and repairs to an existing retaining wall within 100 feet of Lake Winnecunnet. The applicant, Jason Case, and the owner were present at the public hearing. Jennifer Carlino stated a detailed drawing of the proposed retaining wall, a response from Natural Heritage and a file number have not been received as yet. Julian Kadish noted the lot size is 79' x 94' and there appears to be an existing retaining wall present and he asked the applicant what the gravel removal involved. Mr. Case replied the gravel removal would be from the excavating for the retaining wall repairs. Julian Kadish asked if the work was proposed at the time that the water is at its lowest level so work would not be done in the water and Mr. Case replied that the owner suggested the lowest level period would be in August. Jennifer Carlino told Mr. Case that he might have to obtain a Chapter 91 Permit and he stated his engineer would look into that. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, April 10, 2006 at 7:25 pm. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-712) - **Nicholas Adams/Bay Road Heights LLC – Parcels 29 & 30 (assessors map 12) Bay Road and Lincoln Street** – for delineation of the wetland resource areas. The owners and applicants were present at the public hearing along with their Environmental Scientist, Briscoe Lang of Pare Engineering. Mr. Lang stated copies of the ANRAD were requested by the abutters and their attorney and were sent out on the same day requested. Mr. Lang proceeded to describe the property to the members. He stated the property consists of 32 acres from Bay Road on the west to Lincoln Street on the east. He said wetland delineation and soil sampling began on the site last summer into early fall. Mr. Lang explained that the wetland flags on the east ranged from C1 to C71 and the wetland flags on the west ranged from B1 to B50. He said there were two existing homes on the site, 135 Bay Road and 50 Lincoln Street. He stated there was a portion of property in the floodplain area. He said there were no rivers within 200 feet on the property and no rare habitat wildlife on the property. He did state the site is within the Canoe River Aquifer Area of Critical Environmental Concern (ACEC). Mr. Lang stated there were two upland islands that he chose not to flag again. Old flags that labeled with the letter “A” were still seen there. Julian Kadish asked Jennifer Carlino if she had any questions or concerns with the proposed delineation of this site and she stated she had no problems with the Bay Road side, but there were two areas on the Lincoln Road side that she would like to discuss on-site with Mr. Lang. She stated that wetland flag numbers C-15 to C16, C-31 to C-32, C-38 to C-39 and C-63 to C-64 were areas that she would like to have Mr. Lang recheck with her. She mentioned there might be a potential vernal pool in the area of wetland flag C-42. She mentioned that an area near wetland flag C-66 might have been altered during the installation of the well. Mr. Sean Kelly, part owner, stated there would be no work on Lincoln Street. Bernard Graves of 58 Lincoln Street, an abutter, asked what the elevation of the proposed development was. Mr. Lang stated there was no proposed development at this time. Mr. Graves asked what the elevation was in a certain area. Mr. Lang replied the hill is 20 feet above Bay Road and 20 feet above the wetlands. Mr. Graves had concerns with water runoff from any future development moving towards his property and Julian Kadish assured him that the reason for Conservation permits is to assure that the project is engineered to avoid this problem. Mr. Lang stated there were no rivers on the property therefore there is not riverfront areas on the submitted plans. Jennifer Carlino stated there was an intermittent stream present with a bank, but this would not be reviewed under the Riverfront Act. Mr. Lang stated he would call and schedule an on-site meeting with the agent and possible some of the members. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, April 10, 2006 at 7:35 pm. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-683 – Angelo Pasqualino/Teddy Realty Trust, lot 11, parcel 233 (assessors map 17) 10 Johnson Road**. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance with the condition that a \$12,000 bond is posted with the Town Treasurer to ensure stabilization of exposed soils and to ensure cleaning up of the site. Bob Medeiros abstained from voting. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-586 – Woodlark Development Corp. – parcels 102 & 102-01 (assessors map 26) 252 West Main Street for buildings 3 & 6 only**. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the Certificates of Compliances.

The members reviewed a request for a Certificate of Compliance for **File #250-570- Helen Russell – 4-6 Bay Road** (sewer connection). Ron O'Reilly made a motion, seconded by Eileen King, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570- Helen Russell – 10 Bay Road** (sewer connection). Ron O'Reilly made a motion, seconded by Eileen King, to issue the Certificate of Compliance. Approved.

The members signed the Order of Conditions for File **(#250-698) – Keith Arnold/New England Truck Caps, LLC – Parcel 50 (assessors map 22) 137 West Main Street** which were sent for review with the agenda for this meeting. It was noticed that there was a small typographical error in the draft Orders which would be corrected before the Order of Conditions is issued. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign the Order of Conditions as written with the typographical revision. Approved.

The members signed the Order of Conditions for File **(#250-693) – Cafco Construction Management – Parcel 52-01 (assessors map 19) 48 Bay Road** which were sent for review with the agenda for this meeting. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign the Order of Conditions as written. Approved.

The members signed the Order of Conditions for File **(#250-707) – Robert E. Lee – Parcels 28 & 36 (assessors map 26) South Worcester Street and Sturdy Street** which were sent for review with the agenda for this meeting. Earl Willcott made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions as written. Approved.

The members signed the Order of Conditions for File **(#250-708) – Thomas A. Dill & Ann Dill Lord – Parcel 59 (assessors map 17) 120 East Main Street** which were sent for review with the agenda for this meeting. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign the Order of Conditions as written. Approved.

Jennifer Carlino stated no response has been received from the ESS Group to the letter sent by the agent regarding the Study Report for Lake Winnecunnet. The members agreed the Town Manager should call the company president.

Jennifer Carlino stated a letter was received from John Dubuc requesting an extension permit for File **#250-696** for 320 West Main Street which was denied on January 25, 2006. She stated she sent Mr. Dubuc a letter stating a new application for a Notice of Intent would have to be filed for this project. She said she stated in her letter that the on going violation would have to be corrected by April 1, 2006.

Jennifer Carlino stated that Policy for visual barriers for the minimum 25-foot no-disturbance zones are something that should be consistently requested and not randomly. She stated she had sent each member the four most important pages to the new Wildlife Habitat Guidelines.

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Jennifer Carlino stated the land behind Arrowhead Village that was supposed to be preserved by the Conservation Commission and The Land Trust was actually given to the Water Department to preserve. She stated the land would still be protected by Article 97 and cannot be converted to any other use. She said the eleven acres near the river would be protected.

Jennifer Carlino stated a resident of Spruce Tree Lane requested permission to have a few trees cut down in the wetland behind one of the condominium units including behind unit 42 to allow more sunlight in the backyard. She said the residents would also like to fix erosion at the end of some of the downspouts by extending the spouts to the retaining wall. She submitted an old plan from when the condo units were constructed. Discussion ensued concluding that cutting trees in this particular area, which are in the wetlands, would not allow any more sunlight than is already present. Jennifer Carlino suggested pruning, but not cutting down, the trees would be a better way to protect the wetlands and allow more sunlight to the property. Julian asked Jennifer Carlino to speak to the residents and relay this information to them.

Ron O'Reilly stated he had taken one board out of the Chartley Pond dam and would normally be putting it back in at this time of year and asked if this should be done under the current weather circumstances. Jennifer Carlino stated the project at the Shpack superfund site was put on hold for at least one year at this time because there was a lot more fill to be removed than first thought. Ron O'Reilly stated work would probably not resume until late fiscal year 2007 and finish approximately late fiscal year 2009. Jennifer Carlino suggested to Ron O'Reilly that he continue as normal with the dam at this time.

Earl Willcott made a motion, seconded by Bob Medeiros, to adjourn the meeting at 9:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb