



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, June 26, 2006

7:00 pm

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NORTON TOWN CLERK

Attendance

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

Kathleen Giblin was absent.

Minutes

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

The members reviewed the Bills Payable Sheet (Southeastern Regional School). Earl Willcott made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Bob Medeiros made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Copy Inks.). Bob Medeiros made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Forestry Supplies). Bob Medeiros made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed a Notice of Intent – (#250-716) – Angelo Pasqualino/TDS Construction, Inc. – Parcel 184 (assessors map 18) 143 Plain Street – (cont. from the May 15, 2006 & June 12, 2006 mtgs.) postfacto permit for the removal of trees and the installation of a lawn within 100 feet of a stream and the 100-foot buffer zone of bordering vegetated wetlands. Discussion ensued and Jennifer Carlino stated this project was continued until the regular meeting of Monday, August 28, 2006 at the June 12, 2006 meeting. She stated this project was on the agenda in error.

Jennifer Carlino presented an Emergency Certificate for the members to sign. She stated she received a call from a man named Mike of Hydro Environmental stating there was an oil spill a couple of weeks ago on the Taunton portion of the Industrial Park. She said oil had gotten into the stream that leads

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into the Three-Mile River. Jennifer Carlino stated she was told there were a number of booms in place. She said Mike requested to remove sediment and water from the catch basins, and along the road he was going to pull up the booms and remove the saturated water and saturated soils by hand and carry it out in sacks. She said it was expected to be only a couple of inches of material. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Emergency Certificate. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #867) – Joe Hixon – Parcels 23 & 168 (assessors map 16) 8 Young Avenue – (cont. from the June 12, 2006 mtg.)** - for proposed plans to repair a sanitary disposal system within 100 feet of wetlands & 200 feet of a perennial stream. John F. Vance, Jr., engineer for the applicant, described the project to the members. He stated he had submitted revised plans earlier this week showing an existing pipe that was omitted from the original plans. He stated the pipe in question from the last meeting was draining from a drywell approximately one-foot square with a couple of holes in it in front of the driveway to keep water from the driveway from getting into the basement. He stated the word stream was added to the plans. Jennifer Carlino requested revised plans to read "inner riparian" because this is a riverfront area. Bob Medeiros made a motion, seconded by Earl Willcott, 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 was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-726) - George Perry – Parcel 39 (assessors map 17) 13 Cross Street – (cont. from the June 12, 2006 mtg.)** - for proposed plans to construct a garage with an apartment above and a sanitary disposal system within 100 feet of wetlands & 200 feet of Rumford River. George Perry and his engineer, John F. Vance, Jr., were present at the public hearing and Mr. Vance updated the members on the continued project. He stated he revised the Alternative Analysis in the application. Jennifer Carlino asked Mr. Vance to revise the new plans to show the mean annual high water line and he agreed to do this and submit the revised plans. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-724) - Jim O'Mara/Tournament Players Club of Boston – Parcel 123 (assessors map 8) 405 Arnold Palmer Boulevard – (cont. from the June 12, 2006 mtg.)** - for proposed plans to construct a permanent bridge over Great Brook & new paths and for parking lot improvements to the Tournament Players Club of Boston golf course within 100 feet of wetlands. Jim O'Mara and his engineer, David Pickart of Vanasse Hangen Brustlin, Inc. were present at the public hearing. Mr. Pickart submitted revised plans to show the revised bridge and described the bridge and construction to the members. He stated siltation control will be in place during construction and that the project should only take approximately one week. Jennifer Carlino asked if he had received a letter of approval from Frances Shirley of the Land Preservation Society of Norton, and he said he has been trying to contact her but has not been able to as yet. Jennifer Carlino stated that one of the conditions will be the obtaining of a letter of approval from Frances Shirley. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

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The members reviewed a Notice of Intent – **(#250-725) - Thomas Landry/Massachusetts Golf Association – Parcel 139 (assessors map 26) 300 West Main Street – (cont. from the June 12, 2006 mtg.)** - for proposed plans to install an irrigation system withdrawal mechanism with associated piping within 100 feet of wetlands. Julian Kadish read a letter requesting to continue the public hearing until the second meeting in July. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the regular meeting of Monday, July 24, 2006 at 7:05 pm. Approved. \

The members reviewed a Notice of Intent – **(#250-730) – Norton Highway Department/Keith Silver – Dean Street/Goosebrook** – for proposed plans to replace a culvert within 100 feet of wetlands and 200 feet of Goose Brook. Keith Silver described the project to the members. He stated that there are two galvanized six-foot pipes that are rotted out and need to be replaced. He said they will be replaced with one twelve-foot wide by forty-four foot long square culvert consisting of six sections. Keith Silver stated this would be done by using a crane. He said the water main and gas pipe at this area would be replaced at the same time. Jennifer Carlino asked when he expected to start the project and he stated probably in August, weather permitting. He said the Goose Brook was full of water at this time because of all the rain lately. Jennifer Carlino asked if he would be posting signs that the road will be closed, and he replied that he would be shortly. Jennifer Carlino asked how he intended to remove the headwalls and he said with a 235 excavator. Keith stated the materials would be removed from the site by trucks. Jennifer Carlino stated a DEP File number has not been received for this project as yet. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, July 10, 2006 at 7:05 pm for a File number. Approved.

The members reviewed a Notice of Intent – **(#250-723) – Mathew Crowe – Parcel 15 (assessors map 28) 167 Taunton Avenue** – for proposed plans to demolish an existing house and to construct a single family house with associated grading, utilities and driveway within 100 feet of wetlands. Christopher Yarworth of Yarworth Engineering described the project to the members. He stated the existing house and garage would be demolished and the new house would be located further back on the property. He said the septic system would be placed near the street. Mr. Yarworth stated there would be some clearing in order to move the house back. He stated there would be several plantings to be used as visual barriers in the backyard. 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. #871) – Michael Savage – Parcel 193-02 (assessors map 27) 163 South Worcester Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, described the project to the members. He said the house belonged to Mr. Savage's mother, but now he was renovating the house for him and his family who would be living in it. Mr. Vance stated the septic system was not only too small, but has failed. He said the wetlands are approximately 75 feet away from the house. Jennifer Carlino stated wetland flag #6 would have to be raised upland approximately 10 feet and noted there was a low spot that should be shown as a wetland. She also mentioned that the existing stream should be relabeled "stream" instead of "ditch" on the plans. Mr. Vance said he would submit revised plans. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to

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issue a negative Determination of Applicability (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #869) – Debbie Bouchard – Parcel 52 (assessors map 22) 133 West Main Street** – for proposed plans to repair/replace a sanitary disposal system within 100 feet of wetlands. Debbie Bouchard and her engineer, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier described the project to the members. He stated in order to repair the septic system two trenches and two reserve trenches would be needed. He said the trenches were not within the 100-foot buffer zone. Mr. Chartier stated the only work in the buffer zone would be grading. Lisa Carrozza asked if erosion control would be used and Mr. Chartier asked what the Commission would prefer. Lisa Carrozza stating silt fence would be all right to use and asked that it be shown on the plans. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-727) – Catherine Kehoe – Parcel 271 (assessors map 27) 7 Danielle Street** – for proposed plans to construct a sunroom, deck and patio within 10 feet of wetlands and within the 100-year floodplain. Kevin Medeiros and his engineer, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier described the project to the members. He passed out revised plans on which the only revision was the distance from the wetlands line to the siltation control. Jennifer Carlino requested that anytime a revision is made to a plan, she would like to have the revision dated stated also. Mr. Chartier stated the distance from the wetlands and the work is 87 and ½ feet. He said the applicant proposes to replace the existing 12' x 13'8" deck with a 14' x 35'6" deck to include a sunroom and patio. He stated there would be some floodplain filling with compensation. Mr. Chartier stated that 171 cubic feet would be filled and 335 cubic feet would be compensated. Lisa Carrozza asked what materials would be used for the retaining wall. Kevin Medeiros, contractor, stated modular blocks would be used. Jennifer Carlino stated the wetland boundary was not completely accurate as there were wetland plants present in some areas that were excluded and stated this information was for future reference. She asked Mr. Medeiros about the existing well on the property. She requested the well be added to the submitted plans if not already permitted. Jennifer Carlino stated a DEP File number has not been received yet. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, July 10, 2006 at 7:10 pm in order to receive a DEP File number and to receive revised plans showing the existing well. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #872) – Paul Wheeler – Lot 5, Parcel 93-05 (assessors map 18) – 5 Beverly Lane** - for proposed plans to install a well within 100 feet of wetlands. Robert Moitoso of R.E.M. Land Surveying Co., Inc., representative for the applicant, described the project to the members. He stated the proposed well will be 59 feet from the wetlands and the siltation control will be 31 feet from the wetlands. Mr. Moitoso stated a variance has been received from the Board of Health permitting the well to be less than 100 feet from the septic

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system. Jennifer Carlino stated the boundary is incorrect and revised plans should be submitted. Mr. Moitoso agreed to submit the revised plans. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#3) as long as revised plans are submitted and the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #873) – Frank Chester – Lot 3, Parcel 31 (assessors map 17) 34 Elm Street** - for proposed plans to repair/replace a septic system within 100 feet of wetlands. Robert Moitoso of R.E.M. Land Surveying Co., Inc., representative for the applicant, described the project to the members. He said the Board of Health had inspected the property and required the septic system for the carriage house to be replaced. He said the applicant proposes to install a 1500 gallon septic tank and a 1000 gallon pump chamber. Mr. Moitoso stated the minor grading and system is approximately 75 feet from the wetlands. He said the siltation control will be 75 feet from the wetlands. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #870) – Joann Emerald – Parcel 103 (assessors map 19) 39 King Phillip Road** – for proposed plans to demolish an existing house and to construct an addition and deck within 100 feet of Lake Winnecunnet and within the 100-year floodplain. Jennifer Carlino stated the word “demolish” was a typing error. The applicant was present at the public hearing with her representative, Leeann Bradley of Outback Engineering. Ms. Bradley explained that the proposed 321 sq. ft. addition is within the floodplain and would be placed on sona tubes and the only disturbed area would be where the sona tubes are placed. She said the addition would be above the flood elevation of 74 feet. Ms. Bradley stated the addition is 56 feet from Lake Winnecunnet and 90 feet from the bordering vegetated wetlands across the street. Lisa Carrozza made note that the proposed addition was 4 feet higher than the existing house. Joann Emerald explained the engineer would have to correct the plans. Jennifer Carlino stated that all projects on Lake Winnecunnet are **Rare Species Habitat** and require a letter from Natural Heritage. Leeann Bradley asked Jennifer Carlino what the rare species was, and Jennifer replied they were fresh water mussels. Jennifer Carlino stated a Notice of Intent was required for this project. Leeann Bradley stated this Request for a Determination of Applicability was filed at the end of May, and Jennifer Carlino stated she suggested a couple of times to Ms. Bradley that the project should be a Notice of Intent. Jennifer Carlino stated to Ms. Bradley that in spite of her suggestions, she chose to go ahead with the Request for a Determination of Applicability. Discussion ensued as to what type of project this was. Ms. Bradley stated the application was submitted at the end of May and Jennifer Carlino stated the application was stamped in on June 2nd. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, July 10, 2006 at 7:15 pm in order to receive a response from Natural Heritage in regards to the rare species. Approved.

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The members reviewed a request for a Certificate of Compliance for File **#250-704 – Mary Ann Guimond – Parcel 31 (assessors map 27) 49 Power Street**. Jennifer Carlino stated that this lot has not been stabilized. She said the area has to be loamed and there is a steep slope leading to the Wading River that has to be stabilized. She suggested a letter be sent to the applicant requesting her to stabilize the area and then request a Certificate of Compliance. Bob Medeiros made a motion, seconded by Earl Willcott, to send the letter. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-503 – Creative Edge Bldrs. Corp. – Parcels 45 & 48 (assessors map 15) Fletchers Way**. Jennifer Carlino stated that neither a letter of request nor a request form and an As-Built plan has been submitted for the Certificate of Compliance. Bob Medeiros made a motion, seconded by Ron O'Reilly, to send a letter to the applicant requesting this information. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-533 – Sothy S. Hay – Parcels 684 & 685 (assessors map 3) 36 South Lakeview Road**. Jennifer Carlino stated the applicant had requested a Certificate of Compliance last January and at that time there were a number of conditions that were not met. She said she sent Mr. Hay an itemized list of things that needed to be done including the construction of swales, but has not heard back from him. Bob Medeiros made a motion, seconded by Ron O'Reilly, to send a letter to the applicant requesting the conditions be met before a Certificate of Compliance will be issued. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-618 – John DosReis – Parcel 4 (assessors map 10) 75 Elm Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Duplicate Certificate of Compliance for File **#250-644 – Michelle Russo – Parcel 283 (assessors map 27) 10 Margaret Drive**. Jennifer Carlino stated “on-going” condition #23 was removed from the Certificate of Compliance. Bob Medeiros made a motion, seconded by Earl Willcott, to issue the duplicate Certificate of Compliance as amended. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-690 – Patrick DiGregorio of CFRI – Parcel 30-04 (assessors map 24) 176 South Washington Street**. Jennifer Carlino stated a request form, As-Built plan nor a letter from the engineer has been received as yet for this project. Bob Medeiros made a motion, seconded by Earl Willcott, to send a letter to the applicant requesting the required information before a Certificate of Compliance will be issued. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-647 – John Stewart (Walgreens) – Parcel 33 (assessors map 23) 42-46 West Main Street**. Jennifer Carlino stated a request form, As-Built plan nor a letter from the engineer has been received as yet for this project. Bob Medeiros made a motion, seconded by Earl Willcott, to send a letter to the applicant requesting the required information before a Certificate of Compliance will be issued. Approved.

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The members reviewed the Order of Conditions for File **(#250-713) – J. E. Case, Inc. – Parcel 101 (assessors map 19) – 13 King Phillip Road** which was sent for review with the agenda for this meeting. Lisa Carrozza abstained from voting. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for File **(#250-719) – Richard & Vivian Demers – Parcels 711, 712 & 713 (assessors map 3) – 388 Reservoir Street** which was sent for review with the agenda for this meeting. Bob Medeiros stated conditions #20 & #22 are the same and one should be removed. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions, as amended by removing condition #22. Approved.

The members reviewed the Order of Conditions for File **(#250-720) – QBI Homes, Inc. – Lot 25, Parcels 111-117 & 207 (assessors map 21) – Goff Road** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for File **(#250-721) – QBI Homes, Inc. – Lot 27, Parcels 111-117 & 207 (assessors map 21) – Allen Drive** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for File **(#250-722) – QBI Homes, Inc. – Lot 28, Parcels 111-117 & 207 (assessors map 21) – Allen Drive** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent to Sell for **Lot 3A – South Worcester Street**. (Chapter 61 land.) Jennifer Carlino stated this was voted on last year and the Commission voted not to exercise it's right-of-first-refusal. She stated there is another buyer for this lot and requires a new review and vote by the Commission. Bob Medeiros made a motion, seconded by Earl Willcott, not to purchase this property. Approved.

Jennifer Carlino asked the members if they wanted to meet with Mass Highway and, if so, when. It was decided Jennifer would meet with Mass Highway this Friday, June 30, 2006 with anyone else who could be there.

Discussion ensued regarding the Lake Winnecunnett Report by The ESS Group. Jennifer Carlino stated she is still reading through it, noting that there is a lot of missing information so far. She stated Barbara Brady of the Lake Winnecunnett Association would be submitting her comments after she reads the submitted report.

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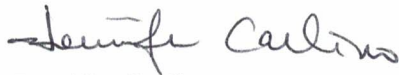
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Jennifer Carlino stated that a letter was received from Howard Levine requesting a modification to his project at 134 East Main Street (#250-735). She said she spoke to Mr. Levine already and explained to him that since a Certificate of Compliance has already been issued for this project, any new work would require a new wetland permit. Lisa Carrozza asked what Mr. Levine was proposing and Jennifer explained he wants to expand the paved parking lot. Jennifer Carlino said she would send Mr. Levine a letter notifying him that she spoke to the members.

Bob Medeiros made a motion, seconded by Earl Willcott, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennifer Carlino".

Jennifer Carlino
Conservation Director

JC/pmb