



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, August 14, 2006
7:00 pm

Attendance

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

Kathleen Giblin & Eileen King were absent.

Minutes

The members reviewed the draft minutes of **May 15, 2006**. The members tabled the minutes until the next regular meeting because of the lack of a quorum.

The members reviewed the Bills Payable Sheet (Home Depot). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Bob Medeiros made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Baystate Env. Cons.). Bob Medeiros made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Dam Seminar). Jennifer Carlino stated she. would be going to this seminar and if any of the members would like to attend, they could. Bob Medeiros made a motion, seconded by Ron O'Reilly to sign the Bills Payable Sheet with the possibility of one to three people attending. Approved.

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, June 26, 2006 & July 24, 2006 mtgs.)** - for proposed plans to install an irrigation system withdrawal mechanism with associated piping within 100 feet of wetlands. Present at the public hearing were Matt Varrell of Vanasse-Hangin Brustlin (VHB), Tom Landry of Massachusetts Golf Association and Chris Johnson, Superintendent of MGM Links at Mamantapett. He proceeded to hand out copies of a letter he was submitting which addressed concerns brought up at the first hearing for

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this project. Mr. Varrell stated that the first concern by the Commission was changing the method of irrigation. He said the Commission suggested changing the method of irrigation to a well system rather than the river withdrawal system. He said this would not be a good idea because of the type of soils present where the well would be located. A storage area would be needed for the water until it was needed for which there would not be a good location. He also stated the cost of such a system would be too great for the applicant to pay. Mr. Varrell stated the second issue was information regarding the baseline data on riverflows. He pointed out the approximate mean daily discharge from Wading River obtained from the USGS on line. He said the maximum amount of water, which would be 300 gallons per minute, that would be pumped at the site equals between .5 and 8% of the river's mean daily discharge. Mr. Varrell stated Conservation practices are in place at all times on the golf course. He stated the DEP Golf Course Water Use Policy and use of wetting agents on the course are in effect always. Mr. Varrell stated another concern of the Commission is the drought management policy which he stated is always in place at the course by checking the river and adjusting the pump daily. He said the system proposed by this project would be more efficient as far as monitoring the level of the river at the location of the pump. He said a level of at least three feet would be maintained. Jennifer Carlin asked Mr. Varrell to address wildlife concerns and he replied that he did not think there would be any changes in that area. Mr. Johnson stated he had never seen the river go dry in all the years he owned the golf course. Lisa Carrozza asked Mr. Varrell if actual testing had been done at the site for the soils or if information was arrived at by information obtained from the internet and he replied that no borings had been done on the site. Jennifer Carlino asked if a monitoring plan had been created and Mr. Varrell stated that one will be in place at the start of this project and updated regularly after that. Bob Medeiros made a motion, seconded by Lisa Carrozza, to continue the public hearing until the regular meeting of Monday, August 28, 2006 at 7:10 pm in order to review the new information submitted at tonight's meeting. Approved.

The members reviewed a Notice of Intent - **(#250-735) - Howard Levine/134 East Main Street, LLC - Parcel 59b (assessors map 17) 134 East Main Street - (cont. from the July 24, 2006 mtg.)** - for proposed plans to pave an existing gravel parking area with associated drainage improvements within 100 feet of wetlands. The applicant was present as well as his engineer, David Mackwell of Kelly Engineering who updated the Commission on the project. He stated the applicant proposes to pave an area approximately 1000 sq. ft. which is within the buffer zone. He said stormwater management would be provided such as a dry well for roof drainage and a pre-treatment swale and a recharge swale in both the front and side yards. Mr. Mackwell stated flood routing information was requested by the Planning Board's engineer, Tom Sexton which he submitted to the Commission for review. Lisa Carrozza asked Mr. Mackwell to submit revised plans showing the grading for the proposed stormwater management. Jennifer Carlino requested permission to continue this project in order to give the Commission and herself time to review the revised plans and Planning Board comments, since it was requested at the previous meeting and only submitted at this meeting. Mr. Mackwell was reluctant to continue the project and asked if this was necessary. Julian Kadish made a motion, seconded by Bob Medeiros, to continue the project until the next regular meeting of Monday, August 28, 2006 at 7:30 pm. Approved.

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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, June 26, 2006 & July 10, 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. Bob Medeiros recused himself from the public hearing. Jennifer Carlino stated that in April of 2005 she notified the contractor that he was in violation of the Wetlands Protection Act and the Order of Conditions. She said she had not received a response to the Enforcement Order. She said finally the contractor filed an application for a permit to mitigate but the consultant has recently sent a letter requesting a continuance until the first meeting in October in order to come to a conclusion as to whether or not the stream on the property is intermittent or perennial. Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of October 16, 2006 at 7:05 pm and send a letter to the applicant notifying him he is still in violation under the Enforcement Order that was sent to him. Approved.

The members reviewed a Notice of Intent - **(#250-731) - Eric Johnson - Parcel 607 (assessors map 10) 24 Johnson Drive** - for proposed plans to install a well within the 100 foot buffer zone. Earl Chartier of RIM Engineering described the project to the members and submitted revised plans showing the siltation control and locus of the property. He explained the well was proposed to be located 87 feet from the wetlands and 28 feet from the lot line. Jennifer Carlino asked Mr. Chartier what type of well was proposed and he said he did not know. She asked if the Conservation Restriction signs were posted and he said he had not been out to the site recently. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 7:35 pm. Approved.

The members reviewed a Request for Determination of Applicability - **DET. #878) - Rita Leeds - Parcel 159 (assessors map 31) 187 John Scott Boulevard** - for proposed plans to repair/replace a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, described the project to the members. He stated the system was being upgraded to accommodate another bedroom. Mr. Vance stated two trenches were to be removed and a larger leaching field was to be installed, and a wider trench would be dug to replace the two smaller ones that were removed. He stated erosion control was not necessary as the driveway was higher than the work area. Jennifer Carlino asked if the materials dug out were to be stockpiled on the property and Mr. Vance stated the bad soils would be removed from the property. Jennifer Carlino stated a revised plan had been submitted showing the corrected wetland boundaries. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative (#3) Determination as long as the work is done according to the submitted plans. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation - **(#250-733) - The Flatley Company - Lot 1, parcel 115 (assessors map 24) South Washington Street** - for delineation of the wetland boundaries. Bob Rego of Prime Engineering explained the project to the

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members. It was agreed to add a notation to the plan stating the remainder of the lot is wetland. The wetland boundary was ok but the perennial stream has not been delineated in its entirety. Jennifer Carlino stated revised plans would have to be submitted showing the entire perennial stream. Pat Widell, and abutter, had concerns with possible flooding. Julian Kadish made a motion, seconded by Bob Medeiros, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 7:45 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation - **(#250-732) - The Flatley Company - Lot 2, parcels 8-12 (assessors map 25) South Washington Street** - for delineation of the wetland boundaries. Bob Rego of Prime Engineering explained the project to the members which was only for verification of the wetland resource areas. Jennifer Carlino had a few questions regarding the stormwater management system and the applicant stated he would address them and revise the plan. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 7:50 pm. Approved.

The members reviewed a Notice of Intent - **(#250-737) - Mark Lincoln - Parcel 100 (assessors map 19) - Lot 100 King Phillip Road** - for proposed plans to cut trees and brush within 100 feet of Lake Winnecunnet. George Collins of Collins Engineering Co., Inc. represented the applicant at the public hearing, and in response to Jennifer Carlino's letter, he submitted floodplain information and a proper project description. The applicant was reminded not to cut anything else without a valid permit. Jennifer Carlino stated this permit only authorizes what he already cut and releases the Cease & Desist notice. The members agreed that any future project on the property must contain a revegetation with trees. Mr. Lincoln state he would address the letter sent to him. Bob Medeiros made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 7:55 pm. Approved.

The members reviewed a Notice of Intent - **(#250-736) - Mark Lincoln - Parcels 97 & 98 (assessors map 19) 5 King Phillip Road** - for proposed plans to construct a single family house within 100 feet of Lake Winnecunnet. Jennifer Carlino stated a letter was received from the applicant requesting a continuance of the public hearing. Lisa Carrozza made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 8:00 pm. Approved.

The members reviewed a Notice of Intent - **(#250-738) - Warren Cummins - Parcel 28 (assessors map 25) 32 Samoset Street** - for proposed plans to demolish an existing house and construct a single family house within 100 feet of wetlands.) Frances McGrath, engineer for the applicant, described the project to the members. He stated the house will have floodplain construction and compensation. Jennifer Carlino stated all information has been received for this project. Ed Breault of 61 King Philip Road spoke in favor of the project. Jennifer Carlino stated the project meets the floodplain performance standards and can be approved. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

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The members reviewed an Abbreviated Notice of Resource Area Delineation - **(#250-734) - Maurice & Elizabeth Roberts - Parcel 16 (assessors map 26) 376 Old Colony Road** - for verification of the wetland boundaries. Dana Clow of Advanced Concepts Engineering Corp. and Judy Schmitz, Professional Wetland Scientist represented the applicant at the public hearing. Jennifer Carlino requested calculations for Isolated Land Subject to Flooding (ILSF). She stated a site inspection would be done regarding potential violations in the rear of the property. She said a vernal pool is located in the isolated wetland and should be shown on the plans. Dana Rappaneau, owner of The Old Thyme Shoppe on Old Colony Road, requested information on what type of project was proposed. Ms. Schmitz stated that nothing was proposed at this time and this filing is only for verification of the wetland boundaries. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 8:10 pm. Approved

The members reviewed a Notice of Intent - **(#250-739) - Angelo Pasqualino, Tr./Teddy Realty Trust - (assessors maps 10 & 17) Johnson Road** - for proposed plans to complete outstanding road-related tasks within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Angelo Pasqualino, Scott Goddard, engineer for the applicant, & Dick Bland, Attorney for the applicant were present at the public hearing. Scott Goddard described the project to the members. He stated that in the year 2002 a permit was issued for the roadwork, drainage and utilities for Johnson Road (File #250-536 & amended Order of Conditions File #250-536A). He stated the only work within the bordering vegetated wetlands was the construction of a bridge over a wetland area. Mr. Goddard stated quite a bit of work has been done on the road such as drainage and utilities, but the permit expired in December of 2005. He said the work continued, but an extension had not been requested. Mr. Goddard said the Agent then contacted the applicant to file another application. He stated this filing is basically a request to continue the project as approved in file #250-536 & #250-536A. Mr. Goddard stated work to be completed involved sidewalk construction, final grading and top coating of soils at the edges of the road, seeding and final top coating of the driveway. He said one of the ongoing issues is the completion of the Conservation Restriction for this area. Mr. Bland stated the Conservation Restriction was signed by the Commission as well as Angelo Pasqualino of Teddy Realty Trust and the Board of Selectmen. He said it was sent to the Executive Office of Environmental Affairs but in the meantime the Director of Conservation Services retired and was replaced. As a result of this change, comments were made in regards to the Conservation Restriction by the new Director and a request to make changes to the Conservation Restriction was recorded. Mr. Bland stated he did not think this was appropriate since the Commission had already approved the Restriction as written and wanted to make the members aware of this. He said he did make the changes and emailed them to Jennifer Carlino who said they were ok. He asked if he should submit the changes to Boston or if the Commission wanted to approved them first. Jennifer Carlino stated the changes were very minor and the Selectmen have to approve them as well. Julian Kadish made a motion, seconded by Ron O'Reilly, to approve the minor changes to the conservation restriction. Approved. Mr. Bland stated he would email the changes to the Director of Conservation Services for their approval. Jennifer Carlino asked if the utilities were installed and Mr. Pasqualino stated they were except in the new common driveway.

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Jennifer Carlino asked where the catch basins were and Mr. Pasqualino said they were there but needed to be cutout and raised. She requested a construction sequence be submitted to the commission within two weeks. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, August 28, 2006 at 8:15 pm in order to receive the final signed Conservation Restriction from Boston and a construction sequence. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-576 - Dennis & Michelle Freeman - Parcel 37 (assessors map 31) 66 Dean Street**. Jennifer Carlino stated this project was not completed and stabilization has not been completed at the slope at the end of the driveway. Julian Kadish made a motion, seconded by Bob Medeiros, to deny the request and send a letter to the applicant.

The members reviewed a request for a Certificate of Compliance for File **#250-645 - Neal Fischer - Parcel 87 (assessors map 12) 103 Burt Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros 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 **#250-662 - Wheaton College (Peacock Pond) - Parcels 14D & 14E (assessors map 17) East Main Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros 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 - William Barton - 2 River Road (sewer connection)**. Bob Medeiros 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 **#250-485 - Mark & Carolyn Pelletier - Parcels 102 (assessors map 35) 41 East Hodges Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros 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 **#250-586 - Woodlark Development Corp. - Parcels 102 & 102-01 (assessors map 26) 252 West Main Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for File **#250-552 - Champion Builders (Arrowhead Village) - parcels 507 & 510 (map 10) North Washington Street**. Jennifer Carlino stated all work has been done according to the Order of Conditions. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a two-year Extension Permit. Approved.

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Discussion ensued regarding the project at **241 Old Taunton Avenue, File #250-587 - Jake Development**. Jennifer Carlino stated there were erosion issues with the sideslope closest to the wetland. She said the house has already been sold and she notified the contractor several times with no response. She suggested pulling the bond that was posted for the project and getting estimates from contractors to fix the problem. Bob Medeiros made a motion, seconded by Julian Kadish to pull the bond and contract the work out. Approved.

The members reviewed the Order of Conditions for File - **(#250-730) - Norton Highway Department/Keith Silver Dean Street/Goosebrook** which was sent for review with the agenda for this meeting. Discussion ensued regarding the conditions. Bob Medeiros suggested omitting condition #13 but Jennifer Carlino said to keep it a condition in case an occasion arises when it would be needed. It was suggested conditions #26 & #27 could be combined. It was decided to revise condition #27. Lisa Carrozza suggested clarifying condition #18 and Jennifer Carlino stated grades would be determined onsite when the area is surveyed. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Order of Conditions with revisions as discussed. Approved.

The members reviewed the Order of Conditions for File - **(#250-729) - Eric Peach - Parcel 17-02 (assessors map 35) 26 East Hodges Street** which was sent for review with the agenda for this meeting. Ron O'Reilly suggested to delete the last sentence in condition #24 and the agent agreed to do this. Bob Medeiros asked about condition #9d. Jennifer Carlino stated this was always a condition, to notify the commission if any changes are made in the field or on approved plans. Lisa Carrozza suggested changing the word "contractor" to "engineer" and the members agreed to this. Bob Medeiros made a motion, seconded by Lisa Carrozza, to sign the Order of Conditions with a couple of minor modifications. Approved.

The members reviewed the Order of Conditions for File - **(#250-728) - Marlene Spilewski - Parcel 128 (assessors map 31) 10 West Hodges Street** which was sent for review with the agenda for this meeting. Jennifer Carlino stated condition #22 would be deleted from the Order. It was agreed by the agent and the members to modify condition #8d by changing the word "contractor" to "engineer". Bob Medeiros made a motion, seconded by Julian Kadish, to sign the Order of Conditions with the revisions suggested. Approved.

Discussion ensued regarding the Standard Operating Procedures of the Mass Highway. Jennifer Carlino stated the commission would attend at least one onsite meeting during the deicing at the Mass Highway facility.

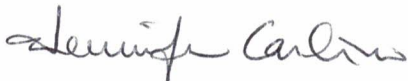
Discussion ensued regarding the Norton Reservoir dredging project. Jennifer Carlino stated she had sent a letter to Tom Jenkins last January suggesting to either re-bid the project or revise the RFP. She stated that after six months she phoned him and he said nothing had been done at this point. She said she told him to send a letter stating they were not going to go any further with this issue and she would

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then award the contract to someone else. He decided he would send a letter with several options within a month. Discussion ensued to abandon the project or re-bid it. It was agreed that the project might go forward if a dredger teams up with someone that can use the materials that are removed from the Reservoir. Lisa Carrozza agreed to take the list of people that had gone to a pre-bid meeting for the project in order to try and find an interested contractor.

Julian Kadish made a motion, seconded by, Ron O'Reilly, to adjourn the meeting at 9:20 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director