



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, August 28, 2006
7:00 pm

Attendance

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

Minutes

The members reviewed the draft minutes of **May 15, 2006**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering). Bob Medeiros made a motion, seconded by Ron O'Reilly, 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 the Bills Payable Sheet (ESS Group, Inc.). Bob Medeiros made a motion, seconded by Ron O'Reilly, to pay the bill. 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, March 27, 2006, May 15, 2006 & June 12, 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. Earl Willcott stated a letter was received requesting to withdraw the application for this project. He stated that because of a variance that was requested and a land swap with one of the abutters, the house was moved away from the wetlands.

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 & August 14, 2006 mtgs.)** - for proposed plans to install an irrigation system withdrawal mechanism with associated piping within 100 feet of wetlands. Earl Willcott read a letter received from the applicant requesting a continuance of the project until the next regular meeting in order to respond to the comment letter sent by Jennifer Carlino. Bob Medeiros made a motion, seconded by Ron O'Reilly to continue the public hearing until the next regular meeting of Monday, September 11, 2006 at 7:05 pm. Approved.

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The members reviewed a Notice of Intent – **(#250-741) – Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road** – for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Jennifer Carlino stated due to an oversight by the secretary, the legal notice for the project was not advertised in the local newspaper and she said she apologized to the applicant for the oversight. The members agreed the public hearing would be heard at the next regular meeting of Monday, September 11, 2006 at 7:15 pm.

The members reviewed a Request for a Determination of Applicability – **(DET. #879) – John Corrway -Parcel 227 (assessors map 27) 14 Barrows Court** – for proposed plans to install a sanitary disposal system within 100 feet of wetlands. Jennifer Carlino stated due to an oversight by the secretary, the legal notice for the project was not advertised in the local newspaper. John F. Vance, Jr., engineer for the applicant was present and Jennifer Carlino requested that he change the color of the flags on site from green to a brighter noticeable color. The members agreed the public hearing would be heard at the next regular meeting of Monday, September 11, 2006 at 7:25 pm. 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 & August 14, 2006 mtgs.)** - for proposed plans to pave an existing gravel parking area with associated drainage improvements within 100 feet of wetlands. Dave Mackwell of the Kelly Engineering Group represented the applicant at the public hearing. He stated the project is to pave an existing gravel parking lot and that Jennifer Carlino had requested that the details of the curb type be placed on the legend on the plan and he submitted revised stamped plans. Mr. Mackwell stated Jennifer Carlino wanted specific details on the TSS removal which he stated he faxed to her today. He submitted a stamped revised plan for the files. Lisa Carrozza asked for the TSS calculations. He said approximately 10% would be for the pavement sweeping, 70% would be for the .5 inches of water quality area and 80% for the infiltration basins. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-731) - Eric Johnson – Parcel 607 (assessors map 10) 24 Johnson Drive – (cont. from the August 14, 2006 mtg.)** - for proposed plans to install a well within the 100 foot buffer zone. Earl Chartier of RIM Engineering represented the applicant and stated he had the information requested by Jennifer Carlino at the last hearing. He said he spoke to the homeowner and Mr. Johnson said the type of well to be installed was an artesian well approximately 200 feet deep. He said there were no visible Conservation Restriction signs on the property. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-733) - The Flatley Company – Lot 1, parcel 115 (assessors map 24) South Washington Street – (cont. from the August 14, 2006 mtg.)** - for verification of the wetland boundaries. Bob Rego of Prime Engineering, engineer for the applicant, stated Jennifer Carlino had inspected the wetland resource boundaries, which had been corrected as they stopped before the edge of the property, but were changed to continue off the property, and she found them to be correct. An abutter, Pat Wadell of 184 South Washington Street had questions and concerns regarding runoff water from certain impervious areas

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and started questioning Mr. Rego about what was going to be constructed and where. Mr. Rego explained to Mr. Wadell that the application filed for this meeting was only to verify the wetland resource areas and he was not prepared to answer any questions. Earl Willcott explained to Mr. Wadell that this hearing was to verify all wetland resource areas and if he had any other questions he would have to talk to the applicant somewhere other than at this meeting or at a future time if an application for work is submitted. Mr. Rego stated that he would be filing a Notice of Intent for this site in the near future. Discussion ensued regarding notification to abutters and Mr. Rego explained to Mr. Wadell that abutters are notified of the first public hearing and that it is their responsibility to know whether or not the hearing is continued and when or closed. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to close the public hearing.

The members reviewed a Abbreviated Notice of Resource Area **Delineation – (#250-732) - The Flatley Company – Lot 2, parcel 8-12 (assessors map 25) South Washington Street –(cont. from the August 12, 2006 mtg.)** - for verification of the wetland boundaries. Bob Rego of Prime Engineering, engineer for the applicant, stated that this application was basically the same as the first lot. He stated changes were made to the locations of a few wetland flags and were put on the submitted plans per Jennifer Carlino's request. An abutter, Pat Wadell of 184 South Washington Street asked where the property line was next to the Extended Stay Hotel and Mr. Rego showed him. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-737) - Mark Lincoln – Parcel 100 (assessors map 19) – King Phillip Road – (cont. from the August 12, 2006 mtg.)** - for proposed plans to cut trees and brush within 100 feet of Lake Winnecunnet. Mark Lincoln and his engineer, George Collins of Collins Engineering Group were present at the public hearing. Mr. Collins stated that Mr. Lincoln had cut down a dead tree on this vacant lot and a tree overhanging onto a neighbor's property and did not realize a permit was needed to do this. Mr. Collins said a Cease and Desist letter was sent to Mr. Lincoln and as a result of this, this Notice of Intent was filed for the cutting of the trees. He said he sent a copy of the Notice of Intent to Natural Heritage. Mr. Lincoln stated he was ignorant of what was permitted and not permitted on his property and suggested that a note be added to the floodplain flyers that are sent out yearly regarding the cutting of trees within the floodplain and what is permitted and not permitted. Jennifer Carlino stated she had not received information she requested regarding Bordering Land Subject to Flooding and asked Mr. Collins to review the Performance Standard for information. Jennifer Carlino stated the criteria for a Performance Standard and said each one should be addressed. Lisa Carrozza suggesting to replace the trees some time in the future. Bob Medeiros asked Mr. Lincoln if he intended on doing anymore work on this property and he replied that he did not. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250- 736) – Mark Lincoln – Parcels 97 & 98 (assessors map 19) 5 King Phillip Road – (cont. from the August 12, 2006 mtg.)** - for proposed plans to construct a single family house within 100 feet of Lake Winnecunnet. Mark Lincoln and his engineer, George Collins of Collins Engineering Group were present at the public hearing. Mr. Collins stated that a copy of this Notice of Intent had been sent to Natural Heritage and the wetland boundaries had

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been delineated by Walter Hewitson. He stated that floodplain compensatory storage could be done on Dave Klenert's property at 54 King Phillip Road. Jennifer Carlino asked if the project had been filed with MESA and Mr. Collins replied that it has not. Bob Medeiros asked Mr. Collins if it was legal to have compensatory storage on another person's property and Mr. Collins said he saw no problem with this. Lisa Carrozza stated that if there were a flood, this site would be flooded first then flood the roadway and go across the street to Mr. Klenert's and, therefore, makes no sense. It was her opinion that compensatory storage has to be on this lot. Mr. Collins requested a continuance of the public hearing until the second next meeting. An abutter, Carol Lees of 1 Bay Road read a letter to the Commission members stating her reasons for being against this project which mainly is the chance of floodwater flooding her property a lot quicker if there is any filling of property next to her. Ms. Lees submitted photos with her letter. Ms. Nancy Medeiros of 9 King Phillip Road stated she is not against this project but has concerns with her property getting flooded more easily if there was a house built on this property. Mr. Collins asked the Commission if they would allow off-site compensation and Lisa Carrozza said they would not favor this alternative for this project. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, September 25, 2006 at 7:05 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-734) - Maurice & Elizabeth Roberts – Parcel 16 (assessors map 26) 376 Old Colony Road – (cont. from the August 12, 2006 mtg.)** - for verification of the wetland boundaries. Earl Willcott read a letter requesting a continuance of the public hearing in order to respond to the Agent's letter requesting more information. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, September 11, 2006 at 7:30 pm. Approved.

The members reviewed a Notice of Intent – **(#250-739) – Angelo Pasqualino, Tr./Teddy Realty Trust – (assessors maps 10 & 17) Johnson Road – (cont. from the August 12, 2006 mtg.)** - for proposed to complete outstanding road related tasks within 100 feet of wetlands. Earl Willcott read a letter requesting to continue the public hearing until the next regular meeting in order to submit a Construction Sequence report as requested by the Agent. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, September 11, 2006 at 7:35 pm. Bob Medeiros abstained from voting. Approved.

The members reviewed a Notice of Intent – **(#250-) – Perry DiMascio/Perry & Feck LLC – Parcel 150 (assessors map 4) Essex Street (Autumn Park)** – for proposed plans to construct a road with associated utilities for a 4-lot subdivision within 100 feet of wetlands. Mr. Feck requested a continuance in order to respond to the Agent's comments in the letter she sent after reviewing the application. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 11, 2006 at 7:40 pm. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-317 - Marshall B. Martin, III - Parcel 34 (map 32) Taunton Avenue**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

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The members reviewed a request for a Certificate of Compliance for File **#250-328 - Marshall B. Martin, III - Parcel 1 (map 29) - Taunton Avenue**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-654 - Joyce Majcher Parcel 12 (map 12) 119 Burt Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-545 - Dylan J. Ribeiro Lot 4, Parcel 2 (map 23) 8 Barrows Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-570 – Daniel Patrone - 29 King Phillip Road (sewer connection)**. 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 the Order of Conditions for File **#250-738 – Warren Cummins – parcel 28 (assessors map 25) 32 Samoset Street** which were sent with the agenda for this meeting for review. Jennifer Carlino asked the members if they wanted to omit or modify condition #21. She said that the bottom floor should be at the correct elevation. Bob Medeiros suggested modifying condition #21 to read that the engineer make a "grade stake" onsite and mark the foundation where the first floor should be built, which should be at an elevation above the floodplain. Bob Medeiros made a motion, seconded by Ron O'reilly, to accept the conditions as written with the revisions to condition #21. Approved.

The members reviewed an Enforcement Order for **75 Elm Street**. Jennifer Carlino stated clearing and cutting of brush had been done beyond the approved limit of work and materials had been dumped into the wetlands. She stated she had informed the resident that he had two options; file for an additional permit for work he wants to do or remove junk and materials from the wetlands and let it grow back. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to send the Enforcement Order. Approved.

The members reviewed an Enforcement Order for **34 Margaret Drive**. Jennifer Carlino stated she sent the homeowner a Cease & Desist letter last week for work done within wetlands but has not heard from the owner. She stated she had an on-site meeting with the owner last summer and pointed out violations that should be corrected. She said nothing has been corrected to date. She stated the owner had filled in a portion of a stream and had claimed a portion of Conservation property for his own use. Jennifer Carlino already signed the Order. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to ratify Jennifer Carlino's signature and have her mail the Enforcement Order. Approved.

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The members reviewed a violation at **31 Arrow Road**. Jennifer Carlino stated she had received a revised remediation plan for the restoration of 9,000 sq. ft. of wetlands from Gale Associates. She said this was in response to the Enforcement Order issued. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to allow the contractor to start the restoration work. Jennifer Carlino said she would send the letter. Approved.

Bob Medeiros made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb