



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, March 12, 2007
7:00 pm

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NORTON TOWN CLERK

Attendance

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

Lisa Carrozza was absent.

Minutes

The members reviewed the draft minutes of **January 8, 2007**. Bob Medeiros made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 22, 2007**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

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

The members reviewed a Notice of Intent – (#250-768) – **Michael Riha – Parcels 686 & 687 (assessors map 3) 40 South Lakeview Road – (cont. from the January 22, 2007, February 12, 2007 & February 26, 2007 mtgs.)** - for proposed plans to demolish a building and construct a 45"x48" house, patio, utilities and garage with associated grading within 100 feet of wetlands. Earl Willcott stated the applicant has requested a continuance for the public hearing. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, April 23, 2007. Approved.

The members reviewed a Notice of Intent – (#250-767) – **Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road – (cont. from the January 22, 2007, February 12, 2007 & February 26, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Ed Fontneau was present at the public

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hearing. Earl Willcott gave a picture of the trash that needed to be removed on this site in order that the agent may be able to do an inspection safely. Jennifer Carlino asked Mr. Fontneau if his engineer, Ralph Maloon of RIM Engineering had gone out to check out a few wetland flags and he stated that Mr. Maloon had requested the trash be cleaned first so Jennifer Carlino could go out to the site before he did. Mr. Fontneau submitted a letter that was faxed to him today by Carr Research Laboratory apologizing for not having the replication report done at this time and said he would get it to him as soon as possible. Mr. Fontneau requested a continuance of the public hearing until the next meeting in order to clean up the trash and submit the replication report. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 26, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-765) – Raymond Passenti – Parcels 61 & 76 (assessors map 11) 274 East Main Street (The Village at White Farm) – (cont. from the January 22, 2007, February 12, 2007 & February 26, 2007 mtgs.)** - for proposed drainage work to include alteration of the bank of an intermittent stream, replacement of a pipe, construction of a drainage basin and construction of a lawn within 100 feet of wetlands and a vernal pool. Raymond Passenti was present at the public hearing and submitted a revised landscaping plan, removing the Burning Bush plants. He stated his engineer had added the siltation fence to the plans. Jennifer Carlino stated that the engineer for the project, Chris Yarworth of Yarworth Engineering Co., Inc. has not submitted the requested information for the wetland crossing and requested it be removed from this application and he will submit it by itself in a future application. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-741) – Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road – (cont. from the August 28, 2006 , September 11, 2006, September 25, 2006, October 30, 2006, November 27, 2006, December 18, 2006 & January 22, 2007 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Earl Willcott read a letter by Jacqueline Gill requesting a continuance until the regular meeting of Monday, April 9, 2007. Bob Medeiros made a motion, seconded by Julian Kadish, to have the agent send a letter to the applicant stating this project can be continued to the regular meeting of Monday, April 9, 2007 as long as abutters are re-notified and all information is submitted to the Conservation Commission by April 4th. Approved

The members reviewed a Notice of Intent – **(#250-769) – David Newcomb – Parcel 172 (assessors map 22) 13 Erin Lane** – for proposed plans to construct an addition within 100 feet of wetlands. David Newcomb was present with his engineer, Paul DeSimone of Colonial Engineering. He stated the applicant proposes to construct an addition almost as large as the existing house on the left side of the house. It will be constructed where the existing driveway is, so it will not increase the impervious surface. Mr. DeSimone stated he omitted the siltation fence on the plans because he did not know if the board had any preferences. Earl Willcott stated he could use any type of erosion control that worked. Mr. Newcomb stated he would probably have to get a variance from the Zoning Board of Appeals because he is too close to the property line (1 foot). Jennifer Carlino stated that the addition must be constructed on his own property and not on the Conservation Restriction property or anyone else's property. Discussion

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ensued regarding what is, or what is not, allowed on a Conservation Restriction. The members suggested to Mr. Newcomb that he check with the Building Inspector or Zoning Board of Appeals and review the Conservation Restriction before he continues with the project. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, March 26, 2007. Approved.

The members reviewed a Notice of Intent – (#250-770) – **Chris Costa/Eureka Manufacturing Co. – Parcel 36 (assessors map 17) 47 Elm Street** – for proposed plans to repair/restore a retaining wall within 100 feet of the Rumford River. Brian Dunn of Fuss & O'Neill, Inc., engineer for the applicant, addressed the Commission and stated Chris Costa, applicant, and Tracey Willard of Fuss & O'Neill, Inc. were present at the public hearing. Mr. Dunn stated a request for an Emergency Certificate was denied by the board in January and it was suggested a Notice of Intent be filed. He said LEC had delineated the wetlands and a copy of their report was included in the application. Mr. Dunn handed out pictures of the retaining wall. He submitted a letter from the Fire Dept. supporting the restoration of the retaining wall to allow access around the building which is an old wooden building. Mr. Dunn said in order to repair the wall, two backhoes would need to be employed and deadmen, re-enforced with rebar, would be placed behind the retaining wall as it is pulled back into place. Bob Medeiros suggested adding more rebar. He said the roof drain pipes would be reset as repairs were being done to the wall. Mr. Dunn stated the only activity at the bank to Rumford River would be the placement of rip rap.

Earl Willcott asked what guarantees there are this problem would not occur again. Mr. Dunn stated that concrete deadmen and rebar would keep the walls from collapsing again. The members had concerns with the water running down off of the roof as well as the existing parking lot downhill towards the wall. Mr. Dunn suggested a swale could be placed behind the wall creating a high point to divert the water in different directions and away from the wall. Julian Kadish suggested a drain be placed before the foundation to keep the water from collecting and freezing on the wall. Earl Willcott asked how long the deadmen would be and Mr. Dunn stated they would be 26 feet which is the length of the wall. Mr. Dunn stated there would be some restoration of the pavement once the wall was reset.

He stated the re-enforced concrete pipe would also be repaired. Earl Willcott suggested paving further towards, and up to, the wall to divert water, and Mr. Dunn agreed this would make better sense allowing a larger area for fire equipment to drive over in the event of a fire. Jennifer Carlino asked that revise plans be submitted showing the detail of the proposed swales and larger paved area. Mr. Dunn asked the members to close the public hearing tonight in order to start the project before the spring rains start. Jennifer Carlino asked Mr. Dunn if he had received a response from Natural Heritage yet and he replied he had not. She stated the hearing cannot close until a response is received from Natural Heritage. Julian Kadish stated this project should move fairly quickly stating a response from Natural Heritage should be received anytime now. He said the Order of Conditions can be ready for the next if necessary. Jennifer Carlino asked Mr. Dunn what could be done about all the trash and sand by the loading dock. Mr. Dunn stated the sand is a combination between sanding the loading dock and the town sanding the streets. He stated he would plan to sweep the sand up. Jennifer Carlino asked Mr.

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Dunn to define the width of the retaining wall to the members to show the wall does not extend the length of the Rumford River but only a portion of it. She noted that storm water is actually causing a lot of erosion of the bank of the river beyond the retaining wall causing tree roots to become visible and she suggested they come up with a solution to fix this problem within the next couple of weeks. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, March 26, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-766) – Robert Boyle, Jr. – Parcels 14 & 12-1 (assessors map 31) – 11 Harvey Street – (cont. from the January 22, 2007, February 12, 2007 & February 26, 2007 mtgs.)** - for proposed plans to install a septic system within 100 feet of wetlands. Julian Kadish made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

Jennifer Carlino stated the Board of Selectmen requested a portion of the Wetland Filing Fees be transferred to the General Fund as in past years. Jennifer Carlino suggested that \$8,000 be transferred. Julian Kadish made a motion, seconded by Ron O'Reilly, to transfer the \$8,000 from the Wetland Filing Fee fund to the General Fund. Approved.

The members reviewed a Notice of Intent – **(#250-764) – Brian Lesperance/Executor of Estate of Lloyd Lesperance – Parcel 66 (assessors map 21) 41 Oak Street – (cont. from the January 22, 2007, February 12, 2007 & February 26, 2007 mtgs.)** - for proposed plans to repair/replace septic system with associated grading within 100 feet of wetlands. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-752 – Alison Stapleton – Parcel 163 (map 15) 4 Fletcher Way**. Jennifer Carlino stated that the applicant had started digging for the pool and hit water and decided to abandon the project. She said the area has to be stabilized and she will send a letter to the applicant stating after the lawn has been mowed twice a Certificate of Compliance can be issued. Bob Medeiros made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send a letter to the applicant. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-580 – James Sullivan/Rainbow Kids Daycare – Parcel 19R (map 26) – 366 Old Colony Road**. Jennifer Carlino stated the area needs to be stabilized and she will send a letter to the applicant stating after the area is stabilized a Certificate of Compliance can be issued. Bob Medeiros made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send a letter to the applicant. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-692 – Keith Silver/Town of Norton – North Boundary Rd./Taunton and South Washington St./Norton**. Jennifer Carlino stated all work was done according to plan. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

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The members reviewed a violation – Christian Munise – **4 Rumford Road**. Mr. Munise stated that at the rear of his property he had cleared and cut brush, poison ivy, milk weeds and dead trees, some standing and some not standing. He stated it was his understanding that he have his property surveyed or restore the area to its original state. Mr. Munise stated he cannot afford to hire an engineer or surveyor or file an application for a Notice of Intent. He said he would like to replant a few trees and let the area grow into grass. Earl Willcott stated to Mr. Munise that he should do whatever Jennifer Carlino had requested him to do in order to be in compliance with the Conservation Commission. Mr. Munise argued he did not fully understand what he had to do. Bob Medeiros asked the board to assist Mr. Munise in correcting his violation. Mr. Munise stated there were haybales in place as requested by Jennifer Carlino. Jennifer Carlino stated to Mr. Munise he had two options: 1. replant and then to let the area restore to its natural state; and 2. to file a Notice of Intent for proposed work within the riverfront area, buffer zone and floodplain. Earl Willcott said he could replant the trees and place wood chips where he wanted grass. Jennifer Carlino further explained that if he intends on filing a Notice of Intent, engineered plans would be required showing all wetlands and wetland boundaries and all work proposed within the wetlands. Bob Medeiros stated it would not make sense to let poison ivy grow back and Jennifer Carlino stated Mr. Munise could eradicate the poison ivy, but creating a lawn within the riverfront area would not be restoring the area to its original state. Mr. Munise stated spotted lawn areas were existing before he cleared the area. Mr.

Munise stated the previous owner had installed a pool and had done other work within the wetlands without a permit. Earl Willcott stated this was a violation and, just because the previous owner got away with it, he could not do work without a wetland permit. Mr. Munise stated he wanted to comply with the wetland regulations, but could not afford to. He stated that when he purchased the house, no one advised him he was within wetlands. Jennifer Carlino suggested letting the area restore naturally and think about filing for a wetland permit in the future. Mr. Munise said he would think about his options.

Jennifer Carlino suggested to the members that they drive around town and see how different subdivisions can look. She stated the subdivision on Johnson Drive is a mess compared to most other subdivisions.

Eileen King stated illegal cutting of trees has been taking place at the corner of King Phillip Road and Samoset Street. She stated she saw someone in person at the site and took pictures and asked what steps she should have taken. She submitted pictures to the members. She asked if she could have called the police and Jennifer Carlino stated she could if she thought someone was doing something illegal.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb