



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, March 26, 2007
7:00 pm

Attendance

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

Minutes

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

Earl Willcott noted that there would be a Special Town Meeting on Monday, May 14, 2007 and the warrant will be closed on April 3, 2007.

The members reviewed a Notice of Intent – **(#250-758) – Perry DiMascio/Shamrock Realty Trust – Parcel 33 (assessors map 21) – Walker Street – (cont. from the December 18, 2006 & January 22, 2007 mtgs.)** - for proposed plans to construct a dwelling, garage, deck, room and driveway with related grading within 100 feet of wetlands and within the floodplain. Earl Willcott read a request to continue the public hearing until Monday, April 23, 2007. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, April 23, 2007. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #895) – David Freeman – Parcel 64 (assessors map 31) 68 Dean Street** – for proposed plans to install a septic system within 100 feet of wetlands and a certified vernal pool. Dylan Ribiero, was substituting for John F. Vance, Jr. engineer for the applicant, and described the project to the members. He stated the applicant is proposing to install three clean outs with a pump chamber in order to keep the septic tank 50 feet from the vernal pool. He stated 2 trenches would be located at the front of the property near the road in order to stay at least 100 feet from the vernal pool. Dylan Ribiero stated this was the only plan that would meet all criteria for keeping away from the vernal pool. Jennifer Carlino stated, that with the revisions, the project meets Title V and MA Wetland Protection Act. 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 approved plans. Approved.

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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 & March 12, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Earl Willcott stated the applicant had requested a continuance of the public hearing until the next regular meeting. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, April 9, 2007. Approved.

The members reviewed a Notice of Intent – (#250-769) – **David Newcomb – Parcel 172 (assessors map 22) 13 Erin Lane – (cont. from the March 12, 2007 mtg.)** – for proposed plans to construct an addition within 100 feet of wetlands. Mr. Newcomb submitted revised plans showing the siltation barrier next to the house and to show the detail on the plan. He stated that parcel C on the plan was restricted by a Conservation Restriction. He said no cutting of trees, no machinery and basically nothing other than walking is permitted on this property. Bob Medeiros asked what the distance was between the proposed addition and the restricted property and Mr. Newcomb replied 1 ½ feet. Bob Medeiros asked how he proposed to dig a foundation in such a small area and Mr. Newcomb stated that if the material does not hold up under digging, 4' x 8' sheets of sheathing will be placed at the boundary line. He stated a small machine could be brought in on the other side of the house. Bob Medeiros stated a foundation is 2 feet wide and the space is only 1 ½ feet wide. Earl Willcott asked Mr. Newcomb if he had been to the Zoning Board of Appeals for a variance and he replied that the Zoning Board of Appeals stated he had to get approval from the Conservation Commission first. Bob Medeiros stated he had no problem with this project as long as Mr. Newcomb does not encroach onto the restricted property which is only 1 ½ feet away from the proposed foundation. He stated he thought this was very unlikely to be possible. Mr. Newcomb said the Building Inspector's Assistant, Brian Butler, stated that as long as the proposed foundation is at least 40 feet from his neighbor's foundation, he had no problem with the construction of this addition. Bob Medeiros recused himself from the public hearing. Jennifer Carlino stated, that according to the submitted plans, there is a sloped area running into the restricted area and she believed there would certainly be an impact to that property by the construction of the addition so close. She suggested to Mr. Newcomb that he take some time and go over his options with his engineer. He did not want to do this. Kathleen Giblin asked what would happen if Mr. Newcomb encroached onto the restricted property during construction and Jennifer Carlino stated the permit could possibly be revoked. Mr. Newcomb stated different options meant spending more money or making the house look silly and chose to stick with this project as proposed. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – (#250-770) – **Chris Costa/Eureka Manufacturing Co. – Parcel 36 (assessors map 17) 47 Elm Street – (cont. from the March 12, 2007 mtg.)** - for proposed plans to repair/restore a retaining wall within 100 feet of the Wading River. Lisa Carrozza recused herself from the public hearing. Chris Costa and his engineer, Brian Dunn of Fuss & O'Neill, were present at the public hearing. Mr. Dunn stated that he addressed most of the Commission's concerns brought up at the previous hearing; the pavement at the top of the retaining wall was extended; a swale was added to divert water at the top of the retaining wall; grading was added at the top of the wall to show the pitch of the storm water going away from the wall; a detail of a swale on the other

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side of the wall; additional cables were attached to the deadman; a note was added to the plans addressed to Eureka's contractor to identify the areas along side of the building that needed more support such as rip rap and filter fabric. Mr. Dunn stated a letter was received from Natural Heritage stating there would not be any adverse impacts to the rare species by this project. Jennifer Carlino stated she had spoken with Natural Heritage today and they said they approved the old plans but have not had a chance to review the revised plans. Mr. Dunn stated he had not heard from Natural Heritage today and was not aware of this. He asked Jennifer Carlino if his applicant could do the project according to the original plan and she stated he could but any modification to the old plan would require review by Natural Heritage. She stated a condition could be added to the Orders regarding the actual structure. Bob Medeiros suggested using the original plan and starting the work and later on, if needed, file for a modification to the plans. Julian Kadish suggested that using the original plan, instead of the revised plan, would not be as durable and effective in the long run. Mr. Dunn stated that, in his opinion, the retaining wall was very unstable and it was his desire to go forward with the original plan and start work as soon as possible, and after a response is received from Natural Heritage on the revised plan, modifying the Order of Conditions to the revised plan. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a request for a Certificate Compliance for **File #250-570 – Carole Lees – 1 Bay Road (sewer connection)**. Jennifer Carlino stated the project was completed as proposed. 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 Notice of Intent – **(#250-765) – Raymond Passenti –Parcels 61 & 76 (assessors map 11) 274 East Main Street (The Village at White Farm)** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

Discussion ensued regarding the many **ongoing & new** enforcements and violations. Jennifer Carlino stated she had already been working on the **ongoing** enforcements and violations. She stated that all the **new** enforcements and violations were brought to her attention after the last meeting.

Jennifer Carlino stated that when she is made aware of a violation she sends a letter to the owner of the property advising him/her of the violation and sets up a site inspection. She stated that after the site inspection she advises the homeowner of his/her options. She said that most of the time the issues are resolved but occasionally not. For the new enforcements Jennifer Carlino presented a "draft" violation letter for the members to review and revise if they wanted. She requested the members decide if they would like her to go and do the site inspection with the homeowner or if they would rather the homeowner address the Commission at a meeting. It was the board's decision to have Jennifer Carlino do a site inspection with the homeowner and if favorable results are not obtained, to request the homeowner to appear before the Commission at a regular meeting. The members agreed the "draft" letter was ok and it was agreed that the chairman would sign the letters and Jennifer Carlino would mail them.

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Lisa Carrozza stated the homeowner at 75 Elm Street was in violation of his Order of Conditions by growing grass closer to the wetlands. She stated the detention basin at the entrance to the Roche Bros. Shopping Plaza on Mansfield Avenue was full of trash.

Earl Willcott noted the appeal hearing for **1 Fairlee Lane** would be held on Friday, April 6th on site.

Jennifer Carlino noted a complaint had been received from K. Ryan regarding a resident that has built a house within the floodplain without a permit on Samoset Street.

Jennifer Carlino stated Frances Shirley of The Land Preservation Society of Norton will be posting the property at King Philip Cave prohibiting ATV vehicles from on the property. She stated the Conservation Commission holds the Conservation Restriction for the property and can send no trespassing letters to the people driving the ATVs on the property. The members agreed that the agent will send the letters to the violators. Jennifer Carlino stated a similar situation exists at Red Mill Road.

Jennifer Carlino presented a continuance policy for the members to review for their information.

Lake Winnecunnet:

Jennifer Carlino asked the members if they had reviewed the draft RFP for the Lake Winnecunnet project and, if so, did they make any changes. Ron O'Reilly made a couple of typo corrections.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:17 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb