



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, April 9, 2007
7:00 pm

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 **February 12, 2007**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **February 26, 2007**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **March 12, 2007**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (misc.). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bills. 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, March 12, 2007 & March 26, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. No one was present at the public hearing for this project. The project was continued until the next regular meeting of Monday, April 23, 2007.

The members reviewed a Notice of Intent – (#250-771) – **Easecat Limited Partnership – Parcel 286 (assessors map 21) 15 Goff Road** – for proposed plans to construct a house with associated driveway, grading and utilities within 100 feet of wetlands. Dan Gioiosa of SITEC Engineering, and representative for the applicant, described the project to the members. He stated the applicant proposes to construct a single family house on this lot with an onsite septic system which would be at least 100 feet from the wetlands. He said a visual barrier at the limit of work was added to the plans. Jennifer

Carlino stated that the utility easement for the sewer/water line on the road project needs to be restored. She stated she would be sending a letter to the applicant advising him that the Superceding Order of Conditions issued by DEP for this subdivision is about to expire and to request an extension from DEP. She said she will mention the restoration of the easement in the letter. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #896) – Easecat Limited Partnership – Parcel 284 (assessors map 21) 11 Goff Road** – for proposed plans to construct a house with associated grading and utilities within 100 feet of wetlands. Dan Gioiosa of SITEC Engineering, and representative for the applicant, described the project to the members. He stated the applicant proposes to construct a single family house on this lot with an onsite septic system and municipal water. He said the limit of work would be at least 50 feet from the wetlands and a silt fence would be installed. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish, made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination as long as the work is done according to the approved plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #897) – QBI Homes, Inc. – Parcel 293 (assessors map 21) 5 Allen Drive** – for proposed plans to construct a house with associated grading and utilities within 100 feet of wetlands. Dan Gioiosa of SITEC Engineering, and representative for the applicant, described the project to the members. He stated the applicant proposes to construct a single family house on this lot with an onsite septic system and municipal water. He said the only work within the buffer zone is a portion of the turn-around section of the driveway and a silt fence would be installed at the limit of work. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-772) – David Azanow/Bennett Mortgage & Investment Co., Inc. – Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street (Harvest Meadow Estates)** – for proposed plans to construct a 26-unit development, access roadway with BVW crossing and storm water structures within 100 feet of wetlands. Present at the public hearing were David Azanow, his engineer, Chris Yarworth of Yarworth Engineering, and Scott Goodard of Carr Research Laboratory, botanist for the applicant. Mr. Yarworth stated the applicant proposed to construct 55+ condominiums on the 24-acre site which would be clustered to the front of the site. He stated there is one wetland crossing which would be done over an existing carpath, the violation area. Mr. Yarworth said approximately 3,647 sq. ft. of wetlands are disturbed of which 2,735 has already been disturbed and 912 sq.ft. is proposed to be disturbed, in order to construct the road. He stated that approximately 3,740 sq.ft. would be replicated by the applicant. He stated there would be 2 basins for the road drainage, the one at the front which would handle the 100-year flood and the one at the rear which would handle smaller events. Mr. Yarworth explained that a box culvert is proposed under the road crossing. He noted that the project will be reviewed at a Planning Board meeting and he intends to put the Conservation Commission's comments with the Planning Board comments and

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design the project accordingly. Scott Goddard addressed the Commission and stated that the wetland boundaries for this lot have already been approved by the Conservation Commission in a previous ANRAD filing. He stated that 90% of the crossing disturbance will be located at the area of the existing carpath which he said is already quite a mess and already disturbed, mostly by off-road vehicles. He stated looking up stream, the water appears to be a ponded area and looking downstream, the water flows through a 3-foot wide channel. Mr. Goddard stated even though he believes there is no stream present, the water will be treated as an intermittent stream. Jennifer Carlino stated that is because it is a violation and why he can't see the stream. He said that most of the replication will be done in an area that is considered to be a "trashy" area and will actually benefit by the replication. Mr. Yarworth stated there is no other access to the back of the property except over this wetland area. Mr. Goddard stated spotted turtles had been seen on this site, but since they were de-listed from the endangered species list, he did not make a report. He said that Engineer, Walter Amory had reviewed the area and submitted his comments to the Planning Board. Jennifer Carlino requested to see Mr. Amory's comments and suggested that a couple of the Conservation Commission members do an on-site inspection. Mr. Yarworth explained he may not have the revised plans and comments done before the May 1st Planning Board meeting. He requested this public hearing be continued until the regular meeting of Monday, May 21, 2007. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, 21, 2007. Approved. Kathleen Giblin and Eileen King agreed to meet on site with Jennifer Carlino on Thursday, April 12th.

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 & March 12, 2007 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Present at the public hearing were Jacqueline Gill, her attorney, George Comeau and Donald Bracken, Jr. of Bracken Engineering, Inc., who did the hydrological report. Mr. Comeau stated since the last hearing, several issues had been resolved. He stated notification to abutters, etc. had been re-sent and he submitted revised plans with the revised grading. He said the proposed retaining wall will be pulled back approximately 3 feet and the grade level for the proposed finished wall will be lower than the grade on the properties on either side of this property. Mr. Bracken addressed the Commission and explained the wall design to the members. He said that including the proposed retaining wall and the 3 feet of fill behind the wall, there would be an additional fill area of 4 feet bringing the total to 7 feet into the backyard. He stated at this point the grade level is still lower than the neighboring properties and slopes toward the Lake. Jennifer Carlino asked Jacqueline Gill if she had a construction sequence plan or has hired a contractor yet and she replied she Mr. Tim Mello will be her contractor. Jennifer Carlino requested Mr. Mello come up with a construction sequence plan for this project to include the changes to the wall. She stated to Ms. Gill that Natural Heritage has not had time to review the revised plans and the project would have to be continued until a response has been received. Joel Fishman represented an abutter, Sandra Shiere, owner of 63 King Philip Road and asked how much of the wall would be seen on the water side and Mr. Bracken stated 4 feet would be seen. Mr. Fishman asked what would be on the ground where the old wall is now and where the new wall will not cover. Mr. Bracken assured Mr. Fishman that the

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retaining walls on both sides of this property would remain higher than the proposed retaining wall for this project. Jennifer Carlino stated there would be sand and should be plants. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, April 23, 2007. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-190 - Dennis & Filomena Dansereau - Parcel 70 (map 18) 98 So. Washington St. (originally Vestar Corp.)**. Jennifer Carlino stated the project was never started. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-719 – Richard & Vivian Demers – parcels 711, 712 & 713 (assessors map 3) 388 Reservoir Street**. Jennifer Carlino stated the area is rough graded and has not been loamed or seeded. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance as long as the applicant posts a \$500.00 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on these parcels. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-769) – David Newcomb – Parcel 172 (assessors map 22) 13 Erin Lane** which was sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-770) – Chris Costa/Eureka Manufacturing Co. - Parcel 36 (assessors map 17) 47 Elm Street** which was sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a minor modification to the Order of Conditions for File **#250-714 – Nick Moelders – 21 Woodward Street**. Mr. Moelders addressed the Commission and stated he would like to add a 4' x 18' deck/walkway in back of the garage to tie into the existing deck behind the house. Jennifer Carlino stated the work is minor but the slope at the back of the house is very steep. Julian Kadish made a motion, seconded by Ron O'Reilly, to allow the minor modification without an amendment. Approved. Bob Medeiros abstained from voting.

Christine Odiaga, Circuit Rider for Mass DEP Wetlands and Waterways Program addressed the Commission. She stated it was her job to provide regulatory, procedural and technical assistance to Conservation Commissions. She said workshops of various topics are held across the region occasionally. Ms. Odiaga stated it is her responsibility to respond to calls or complaints from residents of the various towns.

Jennifer Carlino stated she received a copy of the letter from Pare Engineering that was sent to the Office of Dam Safety asking to downsize the repair design for the Norton Reservoir dam.

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Jennifer Carlino stated she has been meeting with potential contractors for the Norton Reservoir dredging project.

Jennifer Carlino stated the RFP for the Lake Winnecunnet project has gone out and bids are due by May 11, 2007.

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

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb