



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, May 21, 2007  
7:00 pm

### Attendance

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

Eileen King was absent.

### Minutes

The members reviewed the draft minutes of **April 9, 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 **April 23, 2007**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

The members reviewed the Bills Payable Sheet (CRAAC books). Kathleen Giblin made a motion, seconded by Lisa Carrozza, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #898) – Margaret McKay – Parcel 261 (assessors map 27) 24 Fordham Drive** – for proposed plans to repair/replace a sanitary disposal system within 100 feet of wetlands. Margaret McKay described the project to the members. She stated the septic system failed Title V and needs to be replaced. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 2.**

The members reviewed a Request for a Determination of Applicability – **(DET. #900) - River Oaks Reserve, LLC – Parcel 263, Lot 9 (assessors map 21) 11 Pratt Drive** – for proposed plans for grading within 100 feet of wetlands. Mike Jones of Canfour, described the project to the members. He stated he purchased the Anna Way side of the River Oaks subdivision and is developing the lots for houses. He stated this house is not within the bufferzone but a portion of the rear yard is. Mr. Jones stated boulders would be in place at the 65 foot limit of work line. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-773) – Edmund Weldon – Parcel 39-01 (assessors map 31) 45 John Scott Boulevard** – for proposed plans for repairs to a septic system and construction of an addition within 100 feet of wetlands. Steve Collins of Collins Engineering Group submitted revised plans and described the project to the members. He stated that most of the proposed septic system was out of the buffer zone, but because there was an existing well on the property, and the septic system had to be located at least 100 feet away from it, part of the system was within the 100-foot buffer zone. Flag 2A was added as requested by the agent. Mr. Collins stated a dewatering pit and haybales were proposed to be onsite. He said the existing pavement is proposed to be removed and replaced with new pavement to the addition. He stated a waiver to the 25-foot-no-disturb zone is requested by the applicant because the addition is 20 feet from the wetlands and hay bales are proposed 8 feet away. Mr. Collins said drywells were added to the plans for roof runoff. Jennifer Carlino asked if a slab or foundation was proposed and Mr. Collins stated it would be a foundation. Ms. Carlino requested that the details for the foundation and retaining wall be added to the plans. She requested that no cutting or clearing be done beyond the existing fence which will serve as a visual barrier at the edge of the wetlands. Jennifer Carlino stated they also need a visual barrier on the left side of the house, they need to stop altering the wetland and they need to remove the pipe from the center of the wetland. The owners agreed to these requests. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-774) – Eric Murphy – Parcels 148-01 & 150-01 (assessors map 4) 18 Essex Street** – for proposed plans to construct an addition within 100 feet of wetlands. Eric Murphy described the project to the members. He said he proposed to construct a 16' x 32' addition with a crawl space. Jennifer Carlino stated the applicant had cut and cleared a portion of the wetlands and requested it be restored. The owner agreed to this request. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. 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) – (cont. from the April 9, 2007 mtg.)** - for proposed plans to construct a 26-unit development, access roadway with BVW crossing and storm water structures within 100 feet of wetlands. Earl Willcott stated the applicant requested a continuance of the public hearing. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, June 11, 2007. Approved.

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 3.**

The members reviewed a Notice of Intent – (#250-775) – **Riley Lamson, LL Investments – Parcel 6 (assessors map 36) East Hodges Street** – for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Byron Holmes of Holmes Engineering described the project to the members. He stated an ORAD had been issued for the wetlands previously. He said the applicant has requested to install a common driveway to allow access to four houses which was presently on the Planning Board's agenda. Mr. Holmes stated the applicant is trying to avoid the Riverfront Act by keeping the driveway crossing at least 200 feet from the perennial stream bank. He said two box culverts were proposed for maintaining stream flow and to allow small animals to cross upland without going into the stream. Jennifer Carlino stated that since only the driveway crossing is within Conservation jurisdiction, the two proposed houses will be removed from the Order of Conditions. Mr. Holmes stated the entire bank will be flagged and noted on revised plans as requested by Jennifer Carlino. He said the existing stone crossing will be staked as well as the proposed crossing. Jennifer Carlino stated 200 sq. feet of bank alteration is proposed and the regulations only allow 50 linear feet and wildlife habitat needs to be addressed. She stated these issues must be addressed in writing as well as the description of the limited project. Mr. Holmes stated a wildlife consultant will be addressing these issues. Ms. Carlino handed Mr. Holmes a copy of the documentation for a potential vernal pool located on the property. Bob Medeiros asked how much wetlands filling was proposed and Mr. Holmes replied approximately 4900 sq. ft. He said approximately 5700 sq. ft. of replication was proposed. Lisa Carrozza suggested installing silt fence instead of haybales in the wetlands because the haybales tend to disintegrate. She also suggested placing erosion control along the slope of the driveway to prevent any debris from entering the wetlands. Lisa Carrozza stated that the construction entrance should be stabilized and she stated a Water Quality Certificate should be applied for under Section 401. She asked Mr. Holmes if the driveway was going to be paved and he replied that it was not. She requested the driveway be paved to avoid the washing out of the driveway into the wetlands. Christopher Polk, an abutter, stated that the front portion of this property is under water at certain times of the year. Mr. Holmes stated 2 twelve-foot box culverts were proposed to handle this water. Another abutter, Mike Wasylyow, of 8 Arnold Place stated this area floods constantly and had concerns of his property flooding. Lisa Carrozza asked Mr. Polk if water ever actually touches his property line when this area floods, and he replied that it has not yet happened and he was afraid that if this project was allowed, it would happen. Mr. Holmes stated that the request for a Special Permit for the common driveway will be reviewed at the Planning Board meeting of June 19<sup>th</sup> and he would like this hearing continued until after that date. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, June 25, 2007. 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, March 12, 2007, April 9, 2007 & April 23, 2007 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Jacqueline Gill and her attorney, George Cuneau were present at the public hearing. Jennifer Carlino stated all information has been submitted including the final design plan by the structural engineer, Richard Dempsey. Bob Medeiros noted the design showed rip-rap from the wall into the lake. Jennifer Carlino stated this is not permitted. Jacqueline Gill stated the

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 4.**

wall manufacturer suggests placing the rip rap behind the wall. Discussion ensued with suggestions on the design of the wall and grading around the wall. Mr. Dempsey questioned whether or not the rip rap, which was required by the block manufacturer, would be necessary in order for the structure to hold up. Lisa Carrozza stated the rip rap could be placed on either side of the wall in specific situations as this. Mr. Cuneau stated he would give this information to the structural engineer, Richard Dempsey, and have him make the appropriate revisions to the wall design if possible. If not possible, another wall design would have to be obtained. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, June 11, 2007. Approved.

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, March 26, 2007 & April 23, 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. Jennifer Carlino stated Mr. DiMascio had called today requesting a continuance and stated he would be donating the property rather than build on it. She stated Mr. DiMascio said he would send or fax a letter with his request to continue the public hearing for two months to give him enough time to organize his paperwork for the donation. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, August 13, 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, March 12, 2007, March 26, 2007, April 9, 2007 & April 23, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Jennifer Carlino stated a request was received from Mr. Fontneau for a continuance of the public hearing for one month. She said he still has not removed all debris and trash from the wetlands and the report has not been received from Carr Research. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, July 9, 2007. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #899) – Joseph & Susan Fernandes – Parcel 182 (assessors map 32) So. Worcester St. (utility pole #760)** - for proposed plans to construct a house, sanitary system, well, garage/car port, driveway and lawn within 100 feet of wetlands. The applicants were present at the public hearing. Mr. Fernandes described the project to the members. He stated this property has been in his family for at least 55 years. He stated it was his intention to disturb as little wetlands as possible which would mean leaving an old barn foundation at the front of the property in place, which also had sentimental value to him. He said the house would be constructed on the highest portion of the property. Jennifer Carlino asked Mr. Fernandes if he intended to leave the tree line as shown on the submitted plans and grow lawn on the rest of the property. He pointed out where the silt fence would be placed. Jennifer Carlino stated that no clearing or cutting would be permitted beyond this fence line. Lisa Carrozza requested details of the silt fence be added to the plans. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue a negative Determination (#3) of Applicability as long as the work is done according to the approved plans. Approved.

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 5.**

The members reviewed a request for a Certificate of Compliance for File **#250-391 - Norton Middle School Committee/c/o Patricia Ansay - parcel 22 (map 22) - 215-223 West Main St.** Jennifer Carlino stated the project has been completed. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance by **Chris & Michelle Pilcher for File #250-439 - John Scott Blvd LLC - Lot 2, parcel 17-02 (map 32) - 26 John Scott Blvd.** Jennifer Carlino stated the project was not in total compliance but there was no violation present. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-621 – Andrea Ashburn – Parcel 124 (map 28) 9 Eileen Road.** Jennifer Carlino stated the project has been completed. 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 #250-570 – Kenneth Brown – 53 Charlotte Avenue (sewer connection).** Jennifer Carlino stated the project was completed. Bob Medeiros made a motion, seconded by Ron O’Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Sandra Shiere – 63 King Phillip Road.** Jennifer Carlino stated the project was completed. Bob Medeiros made a motion, seconded by Ron O’Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for the sewer project, **File #250-570 – Carole Lees – 1 Bay Road.** Bob Medeiros made a motion, seconded by Ron O’Reilly, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request made by **K.G.M. Custom Homes, Inc.** for Extension Permits for the Order of Conditions for Files:

<b>#250-593</b>	<b>#250-599</b>	<b>#250-605</b>
<b>#250-594</b>	<b>#250-600</b>	<b>#250-606</b>
<b>#250-595</b>	<b>#250-601</b>	<b>#250-607</b>
<b>#250-596</b>	<b>#250-602</b>	<b>#250-608</b>
<b>#250-597</b>	<b>#250-603</b>	<b>#250-609</b>
<b>#250-598</b>	<b>#250-604</b>	<b>#250-610</b>

Lisa Carrozza asked when the permits expire. Jennifer Carlino replied that most of them expired yesterday, May 20, 2007. Lisa Carrozza made a motion, seconded by Julian Kadish, to extend the Order of Conditions for these 18 files for **one year**. Approved.

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 6.**

The members reviewed a Minor modification: File #250-658 – 38 John Scott Boulevard. Earl Willcott stated the footprint of the house was the only modification to the plans. Lisa Carrozza made a motion, seconded by Julian Kadish, to allow the modification without a new application. Approved.

The members reviewed the **DENIAL** Order of Conditions for – (#250-768) – Michael Riha – Parcels 686 & 687 (assessors map 3) 40 South Lakeview Road which was included with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly to sign the Denial Order of Conditions as written. Approved.

The members reviewed a Minor modification for File #250-763 – 154 Mansfield Avenue. Jennifer Carlino stated the only change is the relocation of the rip-rap. Bob Medeiros made a motion, seconded by Kathleen Giblin, to allow the modification without a new application. Approved.

Earl Willcott noted SRPEDD was having an Annual Meeting at the Norton Chateau Restaurant this coming Wednesday evening. He stated if anyone was interested, the tickets were \$35.00 each.

Jennifer Carlino noted she received a letter from Bob Cummings regarding the Norton Reservoir project. According to Mr. Cummings the project is not feasible at this time. The members voted to stop pursuing the project for a time.

Jennifer Carlino stated two bid proposals were received for the Lake Winnecunnet project. One from ENSR and one from Geosyntec. A letter of acknowledgement was received from BSC Group who was unable to bid now but thanked us for the opportunity. Jennifer Carlino suggested the members review the two proposals and decide on one to do the project. She said the decision should be made at the next regular meeting of Monday, June 11, 2007.

Jennifer Carlino noted there were three donations to be acknowledged.

1. Bob Medeiros made a motion, seconded by Ron O'Reilly, to send a thank-you letter to the Nelsons with a copy of the recorded deed for the land on Union Road they donated to the Conservation Commission. Approved.
2. A letter was received from Frances Texeira wanting to donate land on Harvey Street to the Conservation Commission. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the land. Approved.
3. Jennifer Carlino stated a resident of Miller Terrace offered the Conservation Commission to put a Conservation Restriction on a one-acre parcel of property that he owns, but he would like to continue using it. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to decline the offer. Approved.

The members signed a Thank-you Certificate for Matt Salvas for an Eagle Scout project completed at Lincoln Woods Conservation area.

**Norton Conservation Commission**

**Monday, May 21, 2007**

**Minutes, page 7.**

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:05 pm.  
Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb