



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, July 9, 2007
7:00 pm

RECEIVED
2007 SEP 25 AM 9:35
NORTON TOWN CLERK

Attendance

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

Minutes

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

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

Mr. Bob Hartzel of Geo Syntec had responded with a bid for the proposed Lake Winnecunnet design and permitting process and, as requested by the board members, addressed the Commission members to respond to any questions they might have. Lisa Carrozza stated to Mr. Hartzel that he seemed to have a significant total of baseline data and asked approximately how many projects have been taken to the level of the Town actually choosing a company to do the project and what type of methods were chosen. Mr. Hartzel responded to her questions and named several projects that he was in charge of and did complete. He stated that most companies such as his only go as far as the design and permitting and do not have an herbicide applicator. Lisa Carrozza asked Mr. Hartzel if he found one method to be superior to another. In answer to this question Mr. Hartzel stated it was not only Lake specific but community specific. Lisa asked if he intended to rely on previous studies on the Lake and Mr. Hartzel stated not entirely and wanted to spend at least one day on the Lake to do his own observations. He mentioned that the one area that he would probably give more thought to would be the "storm water" issues in relation to the invasive species and because of the developed watershed. Ron O'Reilly asked Mr. Hartzel if he had any reservations regarding the previous study that was done on the Lake and he replied that there may have been a couple of areas that he would have done more of an intensive study but did not want to comment on the quality of the study of another company. Kathleen Giblin asked Mr. Hartzel to name a Lake that he thought had similar conditions to Lake Winnecunnet and he replied that Lake Shirley was.

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Wendy Gendron of ENSR had responded with a bid for the proposed Lake Winnecunnet design and permitting process and, as requested by the board members, addressed the Commission members to respond to any questions they might have. Lisa Carrozza asked her opinion on the "draw down" method and Ms. Gendren replied that with this method you own the liability if anything happens to the dam. Julian Kadish stated that the draw down method could not be used for Lake Winnecunnet because there is no dam and the water just flows out. Lisa Carrozza asked Ms. Gendren what would probably be an obstacle for the permitting for this project and she replied that, because there are two rare species in this lake (Bridle Shiner & rare mussels), Natural Heritage would be involved. She stated it would be in their best interest to involve Natural Heritage as soon as possible to speed of the response process. Lisa Carrozza asked Ms. Gendren if she had ever encountered these two rare species in a permitting process and she stated she has not. Finally Ms. Gendron explained that she would like to get all interested parties together early in the project to get all suggestions and options.

The members reviewed a Request for a Determination of Applicability – **(DET. #904) – River Oaks Reserve LLC – Lot 11, Parcel 265 (assessors map 21) – 7 Pratt Drive** – for proposed plans for clearing and grading within 100 feet of wetlands. Mike Jones of Canfour described the project to the members. He stated the house and septic system were not within the buffer zone, but because the potential buyers requested a larger back yard, some of the clearing and cutting is within the 100-foot buffer zone. Mr. Jones stated boulders would be placed as a visual barrier at the 65-foot line within the 100-foot buffer zone. 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.

The members reviewed a Notice of Intent – **(#250-777) – Benton Keene/Sugar Hill Home Investments, Inc. - Lot 1, Parcel 7 (assessors map 27) South Worcester Street** – for proposed plans to construct a house, septic system, underground utilities, driveway and lawn with associated grading including a common driveway within 100 feet of wetlands. Don Roach, the owner, and his representative, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing. Mr. Yarworth described the project to the members. He stated the owner had been approved at Town Meeting to rezone these lots to residential. He said the project will have to be heard by the Planning Board because of the common driveway, but would like to get Conservation approval first. Mr. Yarworth pointed out on the plans to the members where the lots were and where the existing basin is and the existing pond. He stated sheet two of the submitted plans showed the detail of the common driveway and the Board of Health plans showed details around the two proposed houses. Mr. Yarworth stated a 14' driveway with 18' cleared width is proposed. He said guard rail is proposed on the sides of the driveway. Bob Medeiros asked about the water line. Mr. Yarworth stated there would be two shutoffs at the street, one for each house. Bob Medeiros asked why the plans did not show grading for the driveway and Mr. Yarworth stated the driveway would follow the natural landscaping with no curves. Lisa Carrozza asked where the swale drained into and Mr. Yarworth showed her on the plans. She asked why the limit of work was as large as it was and Mr. Yarworth stated he wanted to keep the backyard as large as possible and did not know what the homeowners would be planting. Jennifer Carlino requested to install a visual barrier at the limit of work. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

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The members reviewed a Notice of Intent – **(#250-776) – Benton Keene/Sugar Hill Home Investments, Inc. - Lot 2, Parcel 7 (assessors map 27) South Worcester Street** - for proposed plans to construct a house, septic system, underground utilities, driveway and lawn with associated grading including a common driveway within 100 feet of wetlands. Don Roach, owner was present and his representative, Christopher Yarworth of Yarworth Engineering Co., Inc. described the project to the members. He stated the plans are the same for Lot 2 as for Lot 1 noted in the previous hearing. All plans are the same for the common driveway for both lots. Lisa Carrozza inquired about the “landfill” area shown on the plans. Chris Yarworth stated this was building material debris left over from a previous project from the past but has since been removed. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. 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 & May 21, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Earl Willcott read a letter received by the applicant requesting a continuance of the public hearing to July 23rd to give him a chance to walk the site with Jennifer Carlino before the next public hearing. He stated documents from Carr Research Laboratories regarding the violation, replacing the culvert, at 378 Old Colony Road were included with the letter and asked if any of the members had any comments or questions. Jennifer Carlino stated the letter referred to replacing a culvert but the violation was for filling in of wetlands, approximately 5,000 sq. ft., as stated in the Enforcement Order, and not for replacing the culvert. She said she expects a restoration plan to be submitted before August 13th. Bob Medeiros made a motion, seconded by Julian Kadish to have Jennifer Carlino send a letter to Carr Research Laboratories requesting the restoration plan be submitted to the Commission before August 13, 2007. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to continue the public hearing until the next regular meeting of Monday, July 23, 2007. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-691 – Angelo Pasqualino/Teddy Realty Trust – Lot 3, Parcel 606 (assessors map 10) 26 Johnson Drive**. Bob Medeiros recused himself from the meeting. The members reviewed the conditions in this permit and Earl Willcott noted the Conservation Restriction markers were not in place as required. He noted the lot had been graded but was not stabilized as yet. Kathleen Giblin made a motion, seconded by Julian Kadish, to have the applicant post a \$1500 bond before a partial Certificate of Compliance is issued. Approved. Angelo Pasqualino stated the bond would be posted tomorrow morning.

The members reviewed a request for a 3-yr. Extension Permit for **File #250-612 – Lloyd Geisinger/Thorndike Dev. Corp. – White & Newland St**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a 3-yr. Extension Permit. Approved.

The members reviewed a request for a 3-yr. Extension Permit for **File #250-625 – Lloyd Geisinger/Thorndike Dev. Corp. – Newland St**. Jennifer Carlino stated the project was almost complete. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a 1-yr. Extension Permit. Approved.

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The members reviewed a modification to Order of Conditions **#250-754 – Parcel 98 (assessors map 32) – John Scott Boulevard**. Philip Ibrahim handed a copy of the plan showing the modification to the members. He stated the modification was to construct a duplex instead of a single family house and to move the no-touch zone to the hale bale line. Jennifer Carlino stated the Planning Board had approved the construction of a duplex. Lisa Carrozza made a motion, seconded by Julian Kadish, to approve the minor modification as presented. Approved.

The members reviewed two modifications:

Modification: Order of Conditions for File #250-673 – 14 Johnson Drive.

Modification: Order of Conditions for File #250-677 – 16 Johnson Drive.

Earl Willcott stated that there were a few outstanding issues brought up at the last meeting that were to be completed before tonight's meeting and asked Mr. Pasqualino if all these issues had been addressed. Mr. Pasqualino stated the Conservation Restriction markers were not totally installed, he stated the GIS Data Sheet had been sent to the correct address. Dick Bland presented most of the Acknowledgement Forms required for all the lots included in the Conservation Restriction. This was originally requested by Dick Bland to be added to the Order of Conditions as a condition in the appeal for this project. Earl Willcott asked if the bonds for lots 10 & 11 were posted yet. Mr. Pasqualino wanted to discuss this issue, but seeing it was not on the agenda, Mr. Willcott requested to advance to the next issue which was finishing the drainage work which should have been completed. Mr. Pasqualino stated he had a contract for the work to begin in July but was not completed as yet. He stated the Superceding Order of Conditions has been recorded and the pre-construction meeting was done. Earl Willcott read a letter from Angelo Pasqualino stating the drainage work for Patricia Estates would be ongoing through the month of July. Earl Willcott stated to Mr. Pasqualino that he had assured the Commission the road work and drainage would be completed by May, 2007 and Mr. Pasqualino said with the construction of 11 houses, the road work and curbing would have been damaged if it was in place at this time.

Jennifer Carlino stated that since the modification requested is for this lot, which a Superceding Order of Conditions was issued, approval would have to be received from DEP. Mr. Pasqualino stated he applied for approval but has not received approval as yet. Earl Willcott stated the list of incomplete items is three weeks old and should be completed by now. Mr. Pasqualino stated he has to rely on his engineer, RIM Engineering Co., Inc. and his Attorney, Dick Bland for some of the issues and cannot control them, but he stated he has completed items that he is able to control himself. Julian Kadish stated it was unfair to penalize the prospective homeowner because of Angelo Pasqualino's actions. Angelo Pasqualino stated he is requesting to enlarge the backyards of the two lots under discussion. Jennifer Carlino stated the modifications have to be approved by DEP first. Angelo Pasqualino then stated he would like to proceed with construction of the two houses for now. Jennifer Carlino asked Mr. Pasqualino how he intends on getting electricity to the two lots. He stated he would be using a generator and not going through the wetlands. Earl Willcott stated he had no problem with Angelo Pasqualino beginning construction on the two houses since permits had been issued and stated that

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once Mr. Pasqualino has completed all the outstanding issues the board would review requests for modifications. Julian Kadish asked what the process is in regards to a Superceding Order of Conditions for modifications and Jennifer Carlino stated that DEP allows the modifications, the applicant still has to get approval from the Conservation Commission. Earl Chartier submitted the two As-Built plans for these two lots showing the modifications.

The members reviewed a Restrictive Covenant for Wampum/Reservoir Street. Jennifer stated the two lots had gone up for auction by the Town and several abutters had been using the lots and wanted to claim possession. The town decided to settle the law suit with a Restrictive Covenant allowing only for the construction of one house on the four lots. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign the Restrictive Covenant. Approved.

Jennifer Carlino stated that Joseph Raffaele/Plantation Products has requested a Certificate of Compliance for File #250-710 – South Washington Street. Jennifer Carlino stated she sent a letter to Mr. Raffaele requesting him to send all the required monthly reports to the Conservation office and then the request for a Certificate of Compliance will be put on the agenda for review. The members agreed to this process.

The members opened the bids for the Lake Winnecunnet project. Bob Medeiros stated he had concerns with the actual cost of the chemicals and the cost to apply the chemicals. Lisa Carrozza stated that over the years she has seen that ENSR has had a lot of experience with this type of project and probably has much more permitting experience than Geosyntec. Jennifer Carlino stated she had trouble with the RFP and the two applicants had trouble coming up with a cost proposal. She stated that since the Norton Reservoir Dredging project is at a standstill, funds in that account may be used for other similar projects. The members reviewed the two bids. Geo-Syntec's bid was broken into categories and not subtotaled and ENSR's bid was not to exceed the quote of \$38,086. The members favored ENSR because of their permitting expertise, their task list was more concise, they seemed to have more resources and they added the phrase "not to exceed" next to their final cost. Bob Medeiros made a motion, seconded by Lisa Carrozza, to assign the contract with ENSR for the Lake Winnecunnet project pending funding. Approved.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 9:05 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb