



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, September 10, 2007
7:00 pm

Attendance

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

Ron O'Reilly was absent.

Minutes

The members reviewed the Bills Payable Sheet (misc.). Earl Willcott made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

Mr. Fred Bottomley addressed the commission to present his proposed agricultural project off Bay Road. He stated he purchased the Makepeace Cranberry bogs which consists of 275 acres, of which 130 acres are active cranberry bogs and the 100-acre Polillio piece. He proceeded to point out Mulberry Meadow Brook on a plan and stated that the construction of a by-pass canal was authorized by the Conservation Commission in 1987. Mr. Bottomley continued to point out the Fuller-Hammond Reservoir which flows from New Pond in Easton. He stated that he now controls the water rights for the relief of the dam control or bypass of the river. He said that he had an onsite inspection with Jennifer Carlino this past spring at the man-made dike which exists at the end of Fairlee Lane. He said that the dike was in need of repair. He stated that he had cleaned out a 24-inch culvert. Mr. Bottomley pointed out that the plan he submitted tonight was intended to be used in a future ANRAD filing. He stated that within the bypass canal there are six regulated flumes at two different crossings. He said that Jennifer Carlino had asked him to get affidavits from the various persons who have regulated these flumes in the past which he says he did. Mr. Bottomley stated that since 1997, this has been a "wet-pick" bog. He pointed out approximately 100 acres to the members and said he intends on filing an ANRAD for this property. He stated the reason for the ANRAD is to expand the bogs and the ponds. Mr. Bottomley stated at the present time he is sanding and re-sanding approximately 38 to 39 acres of bogs that were flooded and not picked last winter. He stated he will be applying to the Planning Board to Form A a section of land at the end of Fairlee Lane for three house lots which will then limit access to and from the bogs. He said if the Planning Board rejects his request, this area will then be created into bogs. Mr. Bottomley stated that

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he holds a state license issued by the Division of Fisheries and Wildlife for aquaculture to have a fish pond on part of the property. He said that at the moment it seems that brook trout will be the type of fish he intends on breeding. Duane Knapp, Water Superintendent, stated that this property is located in a Zone II area of the Water Resource Protection district which is a critical zone for wells 4, 5 & 6. He stated that by allowing further digging into the ground water table, it shortens the filtration in surface supplies. Mr. Knapp stated the Water Department is trying to keep a handle on these types of projects. He stated that agricultural projects do not need to be in a water protection district. Mr. Knapp stated he will be requesting that DEP supports the Water Department on this issue which will oppose any further digging of or increasing of ponds in a water protection district.

The members reviewed a Notice of Intent – **(#250-784) – Tim & Dawn Dermody – Parcel 109 (assessors map 32) 6 Furnace Pond Way – (cont. from the August 27, 2007 mtg.)** - for proposed plans to install an in-ground pool with a concrete deck and fence within 100 feet of wetlands. Jennifer Carlino stated a file number had been issued for this project. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Kathleen Giblin 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 Abbreviated Notice of Resource Area Delineation – **(#250-783) – Kevin Johnson Amego, Inc. – Parcels 19 & 49 (assessors map 33) Meadowbrook Lane** – for verification of the wetland resource areas. Earl Chartier of RIM Engineering Co. Inc. described the application to the members. Jennifer Carlino stated there were no problems with the submitted plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-786) – William Delsignore – Parcel 73 (assessors map 28) 10 Woodward Street** – for proposed plans to install a retaining wall and for grading within 100 feet of wetlands and for restoration of wetlands. Mr. Delsignore appeared at the public hearing with his engineer, John F. Vance, Jr., who described the project to the members. He stated the applicant proposes to re-grade his back yard and to restore wetlands that were mistakenly filled. He presented a detailed plan of a proposed retaining wall and stated the applicant proposes to install an above-ground pool at some time in the future. He said this permit will take care of an old violation. Lisa Carrozza asked if the wall was going to be a poured concrete wall and Mr. Delsignore replied by saying that if at some point the commission allows him to remove some of the fill to lower the grade in the back yard, he would install a concrete block wall or slope the area to lower the grade. He stated that at the moment, the wall is going to be retaining any materials that might run into the wetlands. Jennifer Carlino stated that any modifications to this applicant in the future will require a new filing. Mr. Delsignore stated he agreed with this, but at the moment he has to take care of the violation and put up the retaining wall as proposed. An abutter, Mike Costello of 12 Woodward Street asked if the area that was disturbed on his property would be restored and Jennifer Carlino stated that it would be. Jennifer Carlino stated a DEP file number had not been received for this project as yet. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing for a DEP file number until the next regular meeting of Monday, September 24, 2007. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #910) – Leonard Dwyer – Parcel 608 (assessors map 3) Island Road** – for proposed plans to construct a house with related utilities and grading within 100 feet of wetlands. Leonard Dwyer described the project to the members. He stated he proposes to construct a house on this property and the only work to be done within the buffer zone would be the sewer line. The closest point of the foundation for the house would be 98 feet from the bordering vegetated wetlands. An abutter, David Tamulis of 5 Cedar Road stated he received a notice as an abutter and didn't foresee any problems or concerns with this project. Kathleen Giblin 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 of Applicability as long as the work is done according to the approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-779) – Joseph Raffaele/Plantation Products, Inc. – Parcel 7 (assessors map 25) South Washington Street – (cont. from the Aug. 13, 2007 & August 27, 2007 mtgs.)** - for proposed plans to construct an office/warehouse, parking spaces and drive aisles, to landscape and to install a storm water management system with associated utilities and grading within 100 feet of wetlands. Bob Medeiros stated the applicant has requested a continuance of the public hearing until the next regular meeting. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, September 24, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-785) – Joao DosReis – Parcels 23, 24 & 169 (map 22) 199 West Main Street – (cont. from the August 27, 2007 mtg.)** - for proposed plans to install a tight tank and increase parking spaces within 100 feet of wetlands and within the Riverfront Area to Log Brook. The applicant was present and his engineer, John F. Vance, Jr. updated the commission on the project and submitted revised plans. He stated that Mr. DosReis had received approval from the Planning Board to reduce the number of parking spaces required and was able to locate all the parking spaces to the front of the building eliminating any at the back of the building. Mr. Vance stated this would reduce blacktop runoff from 830 gallons to 150 cubic feet therefore only one infiltration basin is proposed. Jennifer Carlino asked if the septic systems are going to be modified and Mr. Vance stated they are not. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250- 775) – Riley Lamson, LL Investments – Parcel 6 (assessors map 36) East Hodges Street – (cont. from the May 21, 2007, June 25, 2007 & Aug. 13, 2007 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Jennifer Carlino stated the applicant had requested a continuance of the public hearing until the next regular meeting. Earl Willcott made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, September 24, 2007. Approved.

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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, May 21, 2007, June 11, 2007 & July 23, 2007 mtgs.)** - for proposed plans to construct a 26-unit development, access roadway with BVW crossing and storm water structures within 100 feet of wetlands. Jennifer Carlino stated the applicant had requested a continuance of the public hearing until the next regular meeting. Earl Willcott made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, September 24, 2007. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-424 - Polillio Norton Trust & George Davey - Parcels 23 & 23-01 (map 12) Fuller Drive**. Jennifer Carlino stated she had spoken with Keith Silver, Highway Superintendent and he had no problems or concerns with issuing the Certificate. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed the Order of Conditions for Notice of Intent - **(#250-781) – Angelo Pasqualino/Teddy Realty Trust – Parcel 225 (assessors map 17) Lot 9-A, 14 Johnson Drive** which was sent to the members with the agenda for review. Bob Medeiros abstained from voting. Kathleen Giblin made a motion, seconded by Julian Kadish, 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 - **(#250-782) – Angelo Pasqualino/Teddy Realty Trust – Parcel 230 (assessors map 17) Lot B-1, 16 Johnson Drive** which was sent to the members with the agenda for review. Bob Medeiros abstained from voting. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a DENIAL - Notice of Intent – **(#250-767) – Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road** which was sent to the members with the agenda for review. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to sign and issue the Denial Order of Conditions. Approved. Jennifer Carlino submitted the Enforcement Order for Edward Fontneau. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign the Enforcement Order. Approved.

Jennifer Carlino introduced an intern from Wheaton College, Audrey Sager, who stated she will be doing a 4-hr. per week internship relating to Environmental Conflict Resolution.

Jennifer Carlino stated that as part of her Union contract, she would have to state two goals. She said that the Town Manager had given her one goal which is to keep a spread sheet on any Performance Bonds that are held by the Town Treasurer for projects permitted by the Conservation Commission. Jennifer Carlino stated that her secretary, Phyllis, created a spread sheet for the bonds. She asked the Commission to suggest any other goals they had in mind, specifically something to be finished within the fiscal year.

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Bob Medeiros stated a letter would have to be written by Jennifer Carlino updating the public on the Norton Reservoir Dredging project and what needs to be done at this point. He stated the letter should state the proposal to transfer funds from the Norton Reservoir Dredging project to the Lake Winnecunnet project at the next annual Town Meeting in October. Jennifer Carlino stated she would write the letter and send it out as a press release to area newspapers. The two goals are to tie up loose ends on the Reservoir project and start the Lake Winnecunnet project.

Kathleen Giblin asked Julian Kadish if he thought the transfer of funds from the Norton Reservoir Dredging project account to Lake Winnecunnet project would have any adverse affects on the Norton Reservoir abutters and he replied that under the present circumstances it would not.

Jennifer presented a "thank-you" letter to an Eagle Scout, Weston Forbes, who had constructed a boardwalk at the Rose Farm Conservation area. Julian Kadish made a motion, seconded by Earl Willcott, to sign the letter. Approved.

Jennifer Carlino stated she received a phone call from the Office of Dam Safety notifying her that the Emergency Action Plan done in 2002, and received on time, was not adequate, missing information and was not done according to the regulations. She stated they notified Pare Engineer to notify them of the missing information. She said Matt Bellisle is going to make up a check list of the items to be completed along with a letter requesting an extension to submit the Emergency Action Plan. Jennifer Carlino stated the Office of Dam Safety is just now reviewing this plan after it was submitted five years ago. She said the two plans will have to be reviewed by the Commission along with the original contract with Pare Engineering to see what was omitted in the original contract.

Enforcements:


Jennifer Carlino asked the members if a letter should be mailed to the residents of Holly St., Sanlin St., Berry St. & Walter St. notifying anyone dumping debris in the wetlands to stop. Earl Willcott made a motion, seconded by Kathleen Giblin, to send the letter.

Jennifer Carlino stated violations at 135 & 139 North Worcester Street are being resolved.

Jennifer Carlino stated the violation at 79 West Main Street had been taken care of.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:15 pm. Approved.

Respectfully Submitted,


Jennifer Carlino
Conservation Director

JC/pmb