



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2007 DEC 19 AM 10:05
NORTON TOWN CLERK

Monday, November 19, 2007
7:00 pm

Attendance

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

Minutes

The meeting started at 7:00 pm.

The members reviewed the Bills Payable Sheet (Sun Chronicle). Kathleen Giblin made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Scout, misc.). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Nextel/to be ratified at 12/17/07 mtg.). Kathleen Giblin made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Con. Vehicle sticker/to be ratified at 12/17/07 mtg.). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

Discussion of Enforcement

The members reviewed a violation: **Anthony Virga-60 Plain Street.**

Anthony Virga and his engineer, Earl Chartier of RIM Engineering Co., Inc. were present at the public meeting. Mr. Virga dredged the stream and altered wetlands. He had a wetland consultant flag the wetlands and has been in contact with the Agent regarding a restoration plan. Jennifer mentioned that she has met with the consultant and a restoration plan has been agreed upon. Mr. Virga stated that he chose not to hire the consultant and was using RIM. Ms. Carlino reminded Mr. Virga he already informed the commission that he hired a wetland consultant to perform the restoration work and that if he has changed this he will need to decide who the consultant is. He will do this by the next meeting. Mr. Virga was also told that the plan done by the engineer is not acceptable and that a wetland consultant will be required for this project.

Discussion of Enforcement

The members reviewed a violation: **George Hill-139 No. Worcester Street.**

George Hill and his engineer, Earl Chartier of RIM Engineering Co., Inc. and Attorney Michael Sites were present at the meeting. Attny Sites explained that the Hills made a mistake by altering wetland resource areas and agree to the restoration. Mr. Chartier presented a plan that did not illustrate a restoration of the resource areas but a proposal to alter the resource areas. Ms. Carlino informed Mr. Chartier that the plan did not meet performance standards for the resource areas or appear to "restore" the area that had been altered. Attny. Sites asked about the options for the Hills. The agent gave the options of 1. restoration or 2. apply for a permit and reminded them that the plan must meet performance standards. The Hills will work with Attny. Sites and Mr. Chartier to provide a plan before the next meeting and asked to be continued until December.

The members reviewed a Request for a Determination of Applicability - **(DET. 912) – David C. Sullivan, Jr. – Parcel 74 (assessors map 17) 38 Plain Street** – for proposed plans to clear the nature trail at the L.G. Nourse School within 100 feet of wetlands. Eagle Scout, David C. Sullivan, Jr. described the project to the members. Mr. Sullivan will restore the existing path through the wetlands for the continued use of the educational nature trail. Ms. Carlino explained that the portion of wetland to be used in the trail is mostly cinnamon fern and would not require a significant amount of digging or cutting. Judy Laponte addressed the commission and expressed her happiness with Mr. Sullivan's project. She is a teacher at the school and will utilize the path. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Earl Willcott, 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 – **(#250-791) - William Kenniston/Ralph Arnold Kenniston for Estate of – Parcel 32 (assessors map 21) 122 No. Worcester St.** – for proposed plans to repair a septic system within 100 feet of wetlands. William Kenniston attended the meeting and his engineer, Mark Trowbridge of Hutchins-Trowbridge Associates, described the project to the members. He explained the project involves repairs to a septic system. Mr. Trowbridge explained that he received the commission's letter and that all junk has been removed. He also has placed a deed restriction on the property to only allow 2 bedroom houses due to the environmental limitations. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Ms. Carlino prepared the Order of Conditions for this meeting since it was a septic project. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign the Order. Approved.

The members reviewed a Notice of Intent – (#250-790) – Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road – (cont. from the October 22, 2007 mtg.) – for proposed plans to construct a 60' x 40' building, driveway extension, utilities and related grading within 100 feet of wetlands. Edward Fontneau was present at the public hearing and his engineer, Earl Chartier, updated the Commission on the project. Mr. Fontneau agreed to the restoration plans for the adjacent lot that he

Norton Conservation Commission

Monday, November 19, 2007

Minutes, page 3.

owns and Mr. Chartier made the requested revisions to the plan for this project. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #911) – Brian Lesperance – Parcel 66 (assessors map 21) 41 Oak Street** – for proposed plans to construct an addition with associated grading within 100 feet of wetlands. Brian Lesperance's engineer described the project to the members. He stated that the septic system location has been revised and that an addition will be placed near the wetland. He included the visual barrier on the plans. Bob Medeiros and Earl Willcott expressed their reservations about requiring a visual barrier and don't feel that the wetlands or the buffer need to be protected in that manner. The plan will remain as proposed. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Lisa Carrozza 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, September 10, 2007, September 24, 2007 & October 22, 2007 mtgs.)** - for proposed plans to construct an office/warehouse, parking spaces and drive aisles, to landscape and to install a stormwater management system with associated utilities and grading within 100 feet of wetlands. Marc Tisdelle of Hayward-Boynton & Williams, Inc., representative for the applicant, updated the commission on the project. He stated that the Secretary's Certificate had been issued for the MEPA permit and that NHESP has approved the project with conditions. Members asked Mr. Tisdelle why Mr. Raffaele told the newspaper that this project took 2 years when the application was filed 2 months ago. Mr. Raffaele was not present to explain his comments. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-794) – Duane Knapp/Norton Water & Sewer Dept. – Parcel 85 (assessors map 22) 55 West Main Street** – (postfacto) for the construction of a 350,000 gallon water storage tank and water main within 100 feet of wetlands. Duane Knapp was present at the public hearing along with his engineer, Mark Youngstrom of Ottercreek Engineering, who described the project, which was already started, to the members. The new water tower will be placed at the other side of the property so the powerlines are not an issue. Members reminded Mr. Youngstrom and Duane Knapp that he was informed a year ago to file for this permit and there was no excuse for starting the project without one. There were no other issues with the project. Ron O'Reilly made a motion, seconded by Earl Willcott, 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, May 21, 2007, June 11, 2007, July 23, 2007, September 10, 2007, September 24, 2007 & October 22, 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 a request to continue the public hearing until the next regular meeting was received by the applicant's representative. She stated that she received payment

Norton Conservation Commission

Monday, November 19, 2007

Minutes, page 4.

for a consultant to review the soil samples that were done on this property and she expects the review Norton Conservation Commission report back by November 27, 2007. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, December 17, 2007. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-793) – Fred Bottomley/Fairland Farm, LLC – Parcels 6, 8, 9, 40 & 901 (assessors map 6) Fairlee Lane** – for verification of Wetland Resource areas. Jennifer Carlino stated she was half-way through the inspection on the 100-acre site. Fred Bottomley was present at the public hearing with his representative, Scott Goddard of Carr Research Laboratory, Inc. Mr. Goddard described the wetland resource areas to the commission and demonstrated the locations on a plan. He stated that there were bordering vegetated wetland, bordering land subject to flooding, isolated wetlands, intermittent streams and the perennial stream, that he felt was intermittent. He discussed submitting pictures of the stream dry and claimed that will be enough to overcome the presumption of a perennial stream. Ms. Carlino explained that she would try to finish the boundary before the next meeting and get comments to Mr. Goddard. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, December 17, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-787) – Scott Goddard – Parcel 37-01 (assessors map 31) John Scott Boulevard – (cont. from the October 22, 2007 mtg.)** - for proposed plans for construction of a house, limited project driveway crossing and a pedestrian elevated walkway within 100 feet of wetlands. Jennifer Carlino stated Mr. Goddard had submitted a revised application removing the limited project claim and a revised riverfront report. Scott Goddard stated that the filing fee is \$500.00 and continued a long and drawn out discussion regarding the riverfront area fee and his claim to overcome the presumption of a perennial stream. Members continued their discussion of the regulations, the altered streambed, and the drought status and events that lead to the drought advisory being issued. Members were clear about not making a decision regarding the perennial presumption based upon a 2-week period when the summer has been the driest in several years.

Mr. Goddard requested a stay of the review until the fee can be finalized. Ms. Carlino explained she already issued the stay of the review until the correct fee has been paid. Mr. Goddard requested to continue the stay until he could file an RDA for the filing fee. The Commission strongly suggested Mr. Goddard address the riverfront area directly in his current application. The Commission agreed to review the project and provide comments regarding the entire project in addition to the riverfront area. Mr. Goddard is prepared to provide answers to those questions prior to the December meeting.

Robert Shaw, an abutter, stated that in all the years that he has lived next to this property, the river has not stopped flowing and still has concerns regarding flooding onto his property due to this project.

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, December 17, 2007. Approved.

Norton Conservation Commission

Monday, November 19, 2007

Minutes, page 5.

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, September 10, 2007, September 24, 2007 & October 22, 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's representative has requested a continuance of the public hearing in order to have time to evaluate estimates for the stream crossing and also to meet with her and the Planning Board. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, December 17, 2007. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-785 - Joao Dos Reis - Parcels 23, 24 & 169 (map 22) 199 West Main St.** Jennifer Carlino stated a \$500 bond had already been posted to ensure final vegetative stabilization of exposed soils on this lot so she signed the Occupancy Permit. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-741 - Jacqueline Gill - Parcel 133 (map 19) 65 King Phillip Rd.** Jennifer Carlino stated all requested information has been received and that the project was completed according to the approved plans. Ron O'Reilly made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-635 - Robert Medeiros Parcel 4-02 (map 14) 87 Richardson Ave.** Jennifer Carlino stated the project has been completed according to the approved plans. Bob Medeiros recused himself from the public hearing. Ron O'Reilly 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 **#250-735 - Howard Levine - Parcel 59B (map 17) 134 E Main St, LLC.** Jennifer Carlino stated the applicant had stated that he was not required to comply with two of the conditions within his Order of Conditions and she said that he has to comply with all the conditions within the Order of Conditions. Members agreed to send them yet another letter requiring compliance with the conditions and explain that they are not optional. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino send a letter to Mr. Levine stating he has to complete all the conditions before a Certificate of Compliance will be issued.

The members reviewed a request for a modification to the approved plans for File **#250-764 – 41 Oak Street.** Jennifer Carlino stated the minor change is to the septic system. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the minor modification without a new application. Approved.

The members reviewed a request for a modification to the approved plans for File **#250-723 – 167 Taunton Avenue.** Jennifer Carlino stated the only change was a small deck to be added. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the minor modification without a new application. Approved.

Norton Conservation Commission

Monday, November 19, 2007

Minutes, page 6.

The members reviewed the Order of Conditions for **File (#250-788) – Parcel 143 (assessors map 17) 23 Elm Street** 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.

The members reviewed the Order of Resource Area Delineation for **File (#250-789) – Phyllis Nash/Park at Great Woods Corporation – Parcels 292 & 301 (assessors map 9) Mansfield Avenue/Route 140** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Resource Area Delineation as written. Approved.

Jennifer Carlino noted there would be a meeting on Monday, November 26th at 10:30 am regarding **Revised Emergency Action Plans for the Office of Dam Safety.**

Jennifer Carlino presented her response letter to the six complaint forms submitted by Sandra & Carol Shiere of 63 King Phillip Road regarding the project at 65 King Phillip Road to the members for review. Earl Willcott made a motion, seconded by Kathleen Giblin, to send the letter. Approved.

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director
JC/pmb