



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2008 FEB 14 PM 2:42
NORTON TOWN CLERK

Monday, January 28, 2008
7:00 pm

Attendance

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

Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **December 17, 2007**. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (JC/co-payment reimbursement). Ron O'Reilly made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

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

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

The members reviewed a violation: **George Hill – 139 No. Worcester Street**. Atty. Michael Sites attended the public meeting on behalf of Mr. & Mrs. Hill and Earl Chartier of RIM Engineering Co., Inc. who were present at the public meeting. Mr. Sites stated that he wanted to clear up the misconception that his client, Mr. & Mrs. Hill, purposely did not show up at the December public meeting. He stated that Mr. Chartier had faxed a letter requesting a continuance of this issue before the December meeting which might not have been received by the Conservation office. Mr. Sites presented a plan showing proposed restoration and proposed additional work on the property. He stated his client would be interested only in the restoration portion of the plan. He said that, because of financial reasons, Mr. & Mrs. Hill would prefer to use vegetation for any buffer zone markings or limits of work instead of a fence. Mr. Chartier stated the property line was located at an Endangered

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Species area and therefore, he sent a letter and plan to Natural Heritage. Mr. Sites stated his client would like to get the approval from the Commission for the restoration work. Jennifer Carlino stated that, in her opinion, the client would need help from a wetland scientist for the restoration work, but she would gladly meet with their engineer, Mr. Chartier, and go over the plan and make the necessary revisions for the restoration work. Mr. Sites stated this would be agreeable with Mr. & Mrs. Hill.

The members reviewed a Request for a Determination of Applicability – **(DET. #913) – Duane German – Parcels 80 & 80-2 (assessors map 26) West Main Street – (cont. from the January 14, 2008 mtg.)** - for proposed plans to construct a 2,200 sq.ft. building with related septic field and utilities within 100 feet of wetlands. Mr. German addressed the Commission and explained that this application is for the remainder of work not completed for a previous Order of Conditions that has expired. Jennifer Carlino stated there were no problems with the rest of the work and reminded Mr. German to make sure the erosion control is in place. She asked Mr. German if the contractor for this work is the same contractor that did the previous work and he replied that it was not. Jennifer Carlino asked Mr. German to go over the Order of Conditions with the new contractor. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-795) – Dave Sullivan/Norton Youth Baseball, Softball – Parcel 22 (assessors map 22) 215-223 West Main Street – (cont. from the Dec. 17, 2007 & January 14, 2008 mtgs.)** - for proposed plans to construct two baseball fields, a proposed irrigation system and a well that is within 100 feet of wetlands. Dave Sullivan was present at the public hearing. Jennifer Carlino stated she had received revised plans from the engineer, Chris Yarworth of Yarworth Engineering Co., Inc. and that there were no other issues to discuss. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to close the public hearing. 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, November 19, 2007, December 17, 2007 & January 14, 2008 mtgs.)** - 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 she received a letter from Scott Goddard requesting a continuance of the public hearing until the regular meeting of February 11, 2008. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, February 11, 2008. 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, September 10, 2007, September 24, 2007, October 22, 2007 November 19, 2007 & December 17, 2007 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Bob Medeiros stated a letter was received by the applicant requesting to continue the public hearing until the regular meeting of March 10, 2008. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, March 10, 2008. Approved.

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The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-793) – Fred Bottomley/Fairland Farm, LLC – Parcels 6, 8, 9, 40 & 901 (assessors map 6) Fairlee Lane – (cont. from the November 19, 2007 & December 17, 2007 mtgs\.)** - for verification of Wetland Resource areas. Jennifer Carlino stated the applicant had requested a continuance of the public hearing until the next regular meeting of February 11, 2008. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 11, 2008. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-721 - QBI Homes, Inc., c/o Mark Carroll/Carroll Construction Corp.- Parcels 111, 117 & 207, Lot 27, (map 21) 5 Goff Road.** Jennifer Carlino stated the area has been hydro-seeded but the grass is not yet growing. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance as long as the applicant posts a \$500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot.

The members reviewed a request for a partial Certificate of Compliance for File **#250-748 - QBI Homes, Inc., c/o Mark Carroll/Carroll Construction Corp.- Parcel 288, Lot 34, (map 21) 10 Goff Road.** Jennifer Carlino stated the area is only rough graded at this time. Earl Willcott made a motion, seconded by Ron O'Reilly to issue a partial Certificate of Compliance as long as the applicant posts a \$1,500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot.

The members reviewed a request for a Certificate of Compliance for File **#250-735 – Howard Levine - Parcel 59B, (map 17) 134 East Main Street.** Jennifer Carlino stated the project was completed according to the approved plans. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue a Certificate of Compliance. Approved.

The members reviewed the draft Order of Resource Area Delineation (ORAD) for file **#250-796 – Bob Campbell/Wheaton College – Parcel 93 (assessors map 17) Pine Street.** Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign and issue the ORAD as written. Approved.

The members reviewed the draft Order of Conditions for file **#250-772 – David Azanow/Bennett Mortgage & Investment Co., Inc. – Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street (Harvest Meadow Estates)** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to add a condition to the Order requiring that information regarding the issuance of this Order be put in any and all deeds and condominium documents for this project in order to make each homeowner aware of the fact that there are wetlands present on this property. Jennifer Carlino stated she would add this condition. Ron O'Reilly abstained from voting. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as amended. Approved.

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Jennifer Carlino stated that the violation for Anthony Virga, 60 Plain Street was not being resolved. She stated she had not received the requested information from Mr. Virga and has completed an Enforcement Order to be recorded on the deed for this property. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to record the Enforcement Order at the Registry of Deeds. Approved.

Jennifer Carlino asked if any member wanted to attend the MACC Annual Environmental Conference in Worcester on Saturday, March 1, 2008. Kathleen Giblin submitted her registration form to be mailed.

Jennifer Carlino stated the members had signed a letter supporting the nomination of the Three-Mile river ACEC two years ago and the ACEC program director would like a recently-signed letter of support. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to sign the letter. Approved.

Jennifer Carlino stated there will be a meeting regarding the website for the Conservation Commission on Wednesday, February 13, 2008. She asked the members if they would like to have the minutes included and the members agreed not to but to make note that copies of the minutes may be obtained at the Conservation office. The members agreed to having their names and addresses on the website but not their phone numbers. Jennifer Carlino suggested putting a "mission" statement at the beginning of the Conservation's website which is a brief paragraph of what the Conservation **is** and what it **does** for the Town. Lisa Carrozza stated it would be helpful if it was noted that the Conservation Commission does not have a town by-law.

Angelo Pasqualino requested to added to the agenda and address the Commission. Kathleen Giblin made a motion, seconded by Julian Kadish, to allow Mr. Pasqualino to address the Commission. Approved. He stated he would like to have issued a partial Certificate for 14 & 16 Johnson Road and post the appropriate bonds with the Town Treasurer. Jennifer Carlino stated that it took her one and a half days to go through Mr. Pasqualino's files and make a list of the items to be completed. She asked Mr. Chartier of RIM Engineering **if** anyone from his company had actually gone to the site and surveyed to obtain the information that was on the submitted As-Builts for these two lots. Mr. Chartier stated it was his understanding that someone had gone out to the site. Jennifer Carlino asked Mr. Chartier if he could get her the date information when this was done and he said he would. She asked Mr. Chartier if anyone from his company had read the Order of Conditions before writing a letter stating all conditions have been met. He said he did not know.

Jennifer Carlino started to read the list of unfinished issues for the various applications to Mr. Pasqualino. Starting with **File #536 (rd/drainage/conservation restriction)** Jennifer Carlino asked Mr. Pasqualino if detention basins, catch basins, street, etc. have been swept and he replied that he thought they had been but would check for her. She said she would like the actual dates when this was done and Mr. Pasqualino said he would get her this information. Jennifer Carlino stated she would like RIM Engineering Co., Inc. to provide calculations for impervious cover and compare it to the original storm water calculations for the original subdivision which stated there would be less than ½ acre of alteration on the lots. Earl Chartier agreed he would get those for her. She said the Conservation Restriction is noted incorrectly on page 2 of the submitted As-Built plans, rip rap is not shown at the

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stated more storm water management be added to cover the larger impervious area. She said a drywell may work.

Jennifer Carlino recommended that before any Certificates of Compliance are issued, a couple of the members should inspect the property, bonds should be posted, revised plans showing the added storm water management should be submitted signed and stamped by the engineer and the front page of the Order of Conditions that is stamped by the Registry of Deeds showing the accurate recording information should be submitted.

Lisa Carrozza stated she has inspected the property and it is quite a mess and nothing is stabilized. Angelo Pasqualino stated the ground has been frozen and the work has been slowed down. He asked if he could post a large bond in order to obtain a partial Certificate of Compliance for at least one houses in order to allow the perspective buyer to move in. Jennifer Carlino stated to Mr. Pasqualino, that with a lot of effort, he could very well complete all the items on the list in time for the next regular meeting.

Ron O'Reilly made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:05 pm. Approved.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name "Jennifer" written in a more stylized, connected manner to the last name "Carlino".

Jennifer Carlino
Conservation Director

JC/pmb