



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, April 14, 2008  
7:00 pm

### Attendance

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

### Minutes

The meeting started at 7:00 pm.

The members reviewed the draft minutes of **February 11, 2008**. The minutes were tabled until the next regular meeting.

The members reviewed the draft minutes of **March 10, 2008**. Julian Kadish made a motion, seconded by Eileen King, to accept the minutes as written. Earl Willcott and Ron O'Reilly abstained from voting. Approved.

The members reviewed the draft minutes of **March 24, 2008**. Julian Kadish made a motion, seconded by Kathleen Giblin, to accept the minutes as written.

The members reviewed the Bills Payable Sheet (traps CR grant fund). Julian Kadish made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Eng.) Kathleen Giblin made a motion, seconded by Julian Kadish, to pay the bills. Approved.

The members reviewed an Enforcement Order for the Land Preservation Society of Norton. (LPS) Frances Shirley of the Land Preservation Society of Norton addressed the Commission. She stated that ruts have been discovered on the trails of the LPS property off of No. Washington Street and the source of these ruts have been traced to a certain person in town, John Sulfaro of 184 West Main Street. She says the LPS has put up "No Trespassing" signs on their property which have been torn down. She stated the LPS property was taped off and someone had removed the tape. Ms. Shirley proceeded to show the members on a map where the LPS land is and neighboring land as well as land owned by John Sulfaro. Julian Kadish asked what type of vehicles were making the ruts and Ms. Shirley explained they were made by four-wheel vehicles owned by Mr. Sulfaro. She presented pictures of the damage to the trails. Ms. Shirley stated the only work done on the property was the hand-done maintenance work to clear the trails. She stated the trails were always in good condition until this past December when the deep ruts appeared. Ms. Shirley stated when she spoke to Mr. Sulfaro he insisted

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this property was his and has since put up "No Trespassing" signs on LPS property. Bob Medeiros asked what the wetland or conservation issues are. Ms. Shirley replied that the LPS property borders the Canoe River. Julian Kadish suggested that this was a private issue between Mr. Sulfaro and the LPS and was not an issue to be decided by the Conservation Commission. He suggested the property lines be delineated by a surveyor. Mr. Sulfaro suggested the LPS have their land surveyed and Ms. Shirley agreed she would have this done. Jennifer Carlino stated that any activity that has been causing damage to the wetland areas of this property must stop and the area needs to re-grow naturally. She stated that if the activity stopped, the commission would not pursue further enforcement action and in a year she would inspect the property again to release the Enforcement Order.

The members reviewed an Enforcement Order for **Chris Baker/Jose & Algerina Fernandes**. Bob Medeiros and Earl Willcott recused themselves from the public hearing. Chris Baker addressed the Commission. He stated he was in the process of moving his wood back to at least 100 feet from the Reservoir. Jennifer Carlino stated that he is required to move the wood out of the buffer zone, put woodchips down as erosion control and place pine logs or orange tape as a barrier. She stated he would need a wetland permit for any activities on this lot. Mr. Baker submitted a letter stating the work would be completed in two months or June 9, 2008. Jennifer Carlino stated when she does a recap-letter of what was discussed on site, she will send a copy to Mr. & Mrs. Fernandes.

The members reviewed an Enforcement Order for **Chris Baker/William Cuming Trustee, Norton Bird Garden Trust**. Jennifer Carlino stated this was basically the same case as the woodlot. She stated he will move all materials out of the bufferzone and will be placing boulders, which are already on site, at the limit of work. She said he will then apply for a wetland permit. Chris Baker addressed the Commission and submitted a letter stating he would be in compliance in three months or July 30, 2008.

The members reviewed an Enforcement Order for **Chris Baker Trustee, CFB Realty Trust at 133 Mansfield Avenue** which is his primary place of business. Chris Baker addressed the Commission and submitted a letter requesting a two to four week extension for getting a site plan for this operation. Julian Kadish asked Jennifer Carlino if the operation was located up to the Reservoir and she replied she had not walked the site but thought it clearly was. Chris Baker stated all work was at least 30 feet from the water except for stock piles which were up to a retaining wall on the water. Jennifer Carlino reminded him it is work within 100 feet of wetland, not just water.

The members reviewed an Enforcement Order for **Anthony Virga – 60 Plain Street**. Jennifer Carlino stated he was not at the public hearing.

The members reviewed a Request for a Determination of Applicability – **(DET. #915) River Oaks Reserve, LLC – Lot 12, Parcel 265 (assessors map 21) 5 Pratt Drive – (cont. from the March 10, 2008 & March 24, 2008 mtgs.)** - for proposed site work associated with the construction of a house within 100 feet of wetlands. Scott Pietrusewicz of Canfour addressed the Commission on behalf of River Oaks Reserve, LLC. He stated the applicant is proposing clearing and grading as close as 45 feet from the wetlands. Bob Medeiros pointed out that a letter was sent to the applicant on March 25<sup>th</sup> stating, that after reviewing the revised plans, a Notice of Intent would be required. Mr. Pietrusewicz



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stated he submitted a Notice of Intent for this project this past Friday. Jennifer Carlino stated the Notice of Intent application was incomplete. She stated a check list was given to Mr. Pietrusewicz with the application. Mr. Julian Kadish asked what information was submitted that changed the project into a Notice of Intent. Jennifer Carlino stated it did not meet the six criteria of the Buffer Zone Policy according DEP regulations. Scott Pietrusewicz requested to continue the public hearing. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, April 28, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #919) – Easecat, Inc. – Lot 37, Parcel 291 (assessors map 21) 4 Goff Road** – for proposed plans for site grading associated with the construction of a house within 100 feet of wetlands. Dan Gioiosa of Sitec Engineering described the project to the members. He stated this was a lot in the River Oaks subdivision and the clearing and cutting would be outside of the 50-ft. buffer zone area. Jennifer Carlino stated she would like revised plans showing the visual barrier. Mr. Gioiosa stated that he had the understanding that visual barriers were to be shown on plans for Notices of Intent only and not for Requests for Determination. Jennifer Carlino stated the visual barrier should be on all plans. Julian Kadish asked if the public hearing could be closed and have the applicant submit revised plans showing the visual barrier. Jennifer Carlino suggested continuing the public hearing because of incomplete applications in the past. Mr. Gioiosa requested to submit revised plans by mail and not have to attend the next public hearing. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, April 28, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #918) – Paul & Laura Guiney – Parcel 81 (assessors map 11) 98 Leonard Street** – for proposed plans to construct an addition within 100 feet of wetlands and (post facto) grading. Jennifer Carlino stated there was an issue working in a floodplain and buffer zone area without a permit before Ms. Guiney purchased the property and this permit would cover this issue as well as the new proposal. Ms. Guiney addressed the Commission and stated she was proposing to construct a 12' x 15' deck. 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 approved plans. Approved.

The members reviewed a Notice of Intent – **(#250-799) – Bob Campbell/Wheaton College – Parcel 93 (assessors map 17) Off Pine Street – (cont. from the March 24, 2008 mtg.)** - for proposed plans to construct a 176-space parking lot with associated walkways, storm water management areas, site grading, lighting and landscaping within 100 feet of wetlands. Bob Campbell and his attorney, Dave Manoogian, appeared at the public hearing. Mr. Manoogian stated he had received the report dated April 14, 2008 from Tom Sexton of Mainstream Engineering, reviewing consultant for the Conservation Commission. He requested a continuance of the public hearing until Wheaton College's engineer has a chance to review the report. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, April 28, 2008. Approved. Jennifer requested the members review the consultant's letter before the next meeting.



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The members reviewed a Notice of Intent – (**#250-802**) – **Bob Campbell/Wheaton College – Parcel 14K (assessors map 17) 26 East Main Street – (cont. from the April 14, 2008 mtg.)** - for proposed plans to relocate utilities and drainage within 100 feet of wetlands with 185 sq.ft. of wetland alteration. Bob Campbell, applicant, Dave Manoogian, Attorney for the applicant, and Josh Alston and Brian McLane, engineers for the applicant appeared at the public hearing. Mr. Manoogian stated this project would be applied for in two parts. He stated this application is only for the infrastructure and some grading for the preparation for a new science center building and not for any of the construction of the building. Josh Alston of Nitsch Engineering addressed the commission and stated that designs for the building would be finished by the summertime and an application would probably be done in October. He said Wheaton College would like to remove existing old utilities from the site during the summer months while students were on vacation. He stated they were treating the re-locating of utilities as a re-development project and the building as a new project. Mr. Alston stated it was the hope of Wheaton College to finish the utilities redevelopment project at about the time to begin the building project. Mr. McLane addressed the commission and pointed out on a map the layout of the buildings at Wheaton College. He quickly explained the proposed plan to relocate the utilities. He stated that the two 18” pipes that go under the road into a headwall and drain into the wetlands will be replaced with RCP pipe with the same capacity. He said two stormceptors will be place on site to reduce total suspended solids. Mr. McLane stated erosion control will be in place for the entire project. Ron O'Reilly asked if the capacity would be greater because of the new building and more parking and Mr. McLane stated there would be actually less capacity because the impervious surface will be less. He also stated the parking area will be reduced as well. Jennifer Carlino stated that on the original plan with the background information, the printing is too light and cannot be read easily. Mr. McLane stated he would submit darker plans. She stated wetland alteration is on the plan but not listed in the Notice of Intent as well as replication. Jennifer Carlino stated if the work is pulled out of the wetlands replication would not be necessary. She stated the locus should encompass the wetlands to be replicated and some of the notes on the plans should be revised such as changing the word “Newton” to “Norton”. Jennifer Carlino stated stabilization over the trenches and the ground cover for the parking area should be spelled out on the plan and not left up to the contractors to guess. She said notes #14 & #22 should be revised to read “14” days not “30” days for exposed soils. She stated that not #25 references 12’ and 4’, but does not state what that refers to. Mr. McLane stated that refers to the width of construction entrances. She asked that designated stockpile areas be drawn on the revised plans. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, April 28, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – (**DET. #917**) – **L.L. Bean Outdoor Discovery Schools/John Connelly – Parcel 721-01 (assessors map 3) 237 Mansfield Avenue** – for proposed plans of minor site improvements to provide kayak access at the Norton Reservoir. John Connelly addressed the commission and stated his company, **L.L. Bean Outdoor Discovery Schools**, is requesting to shuttle participants from the L.L. Bean store in Mansfield to this site for the purpose of kayak lessons. He pointed out the area where the shuttle would enter and exit and where he would prefer the two guides would like to part their personal vehicles on the property. He stated the participants would be given their equipment, to include water shoes, paddle, life jackets, etc. from an equipment trailer and that the kayaks would be stored in the trailer. Mr. Connelly stated the lessons would be approximately 1 hour on the water about twice a day on weekends throughout the



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summer. Jennifer Carlino stated the Town owns the property and the applicant is working on a lease agreement with the Town Manager. She stated all activities are within the buffer zone. She stated that since the Reservoir is owned by the Conservation Commission, she drafted a Lease Agreement application. He will need to fill it out for contact information and basic information as to times and dates of usage of the Reservoir and approximately how many clients would be using it. She stated a permit would be issued with similar specific information. 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 (#3) Determination of Applicability after receiving a signed Lease Agreement. Approved.

The members ratified the signatures for the partial Certificate of Compliance for File #**250-747 – 8 Goff Road**. Jennifer Carlino stated the applicant had already posted a bond for \$1500 with the Town Treasurer. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign the Certificate. Approved.

The members reviewed a request for a Certificate of Compliance for File #**250-649 – Angelo Pasqualino/Teddy Realty Trust** (c/o John J. Roche, Law Offices of Roche & Murphy) **Lot 7, Parcel 610 (assessors map 10) 13 Johnson Drive**. Bob Medeiros recused himself from the public hearing. Jennifer Carlino explained to the members that a portion of the driveway was constructed in the Conservation Restriction area. She stated that Ralph Maloon of RIM Engineering Co., Inc. had drawn the plan for the Conservation Restriction in 2004 and now has drawn an As-Built plan showing the driveway on the plan, a portion of which is in the Conservation Restriction area. She says he included a letter with the As-Built plan stating all conditions have been met according to the Order of Conditions and that they didn't know where the Conservation Restriction would be when they built the house. Jennifer Carlino reminded him that he is the engineer who put the Conservation Restriction on the plans originally and it was on the approved house plan. Jennifer Carlino stated the Conservation Restriction markers on this property have been removed. She suggested the applicant post a bond to fund the relocating of the driveway. Discussion ensued as to wait for Ralph Maloon to appear or begin without him. Michelle Bruno, buyer for this property, addressed the commission and stated she had been living in a hotel for the last two weeks and needs a Certificate of Compliance to be issued for a closing on the property next week. Tom O'Neil, current owner, addressed the commission and read a letter to the members he wrote explaining the many hardships he and the new buyer have gone through, and may have to go through, because of mistakes made by the engineer/and or builder. Julian Kadish stated, that in his opinion, redesigning the existing driveway would not improve the public interest nor leaving the driveway as is would hurt the public interest any further. Eileen King agreed with Julian Kadish. Earl Willcott stated forcing the issue of correcting the location of the driveway would only cause grief for everyone involved un-necessarily. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a full Certificate of Compliance. Approved. Ron O'Reilly suggested a letter be sent to Ralph Maloon of RIM Engineering Co., Inc. suggesting a more accurate review be done and more accurate information be submitted in a letter of compliance for any future projects.

The members reviewed a modification to the Order of Conditions for File #**250-658 – Parcel 6 (assessors map 32) 38 John Scott Boulevard**. Bob Medeiros stated the modification was tabled until the next regular meeting of Monday, April 28, 2008.



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The members reviewed a modification to the Order of Conditions for File **#250-790 – 380 Old Colony Road – Edward Fontneau**. Jennifer Carlino stated in order to change the Order of Conditions for this project, abutters would have to be re-notified. She asked Mr. Fontneau if he planned to continue with the modification and he replied that he intends to do all of the listed conditions, but would like to change the sequence of the conditions. Jennifer Carlino stated if he intends on changing the Order of Conditions in anyway, an amendment to the Order of Conditions would have to be done which includes re-notifying abutters. Mr. Fontneau asked if the haybales as installed are ok and can he proceed with the work and Jennifer Carlino stated they are. Mr. Fontneau decided he would not go through with the amendment.

The members reviewed a Right-of-First-Refusal for **Lot 6-2, parcels 6, 39 & 41 (assessors map 6) Fairlee Lane**. Bob Medeiros stated there was a Purchase & Sales Agreement for \$198,000 on the property at this time. Earl Willcott made a motion, seconded by Julian Kadish, to refuse the offer to purchase this property citing the lack of town funds. Approved.

The members reviewed the Order of Conditions for File **(#250-800) – James Brown – parcels 84 & 84-01 (assessors map 22) 73 West Main Street** which were included with the agenda for review. Earl Willcott and Ron O'Reilly abstained from voting. Kathleen Giblin pointed out a typographical error in condition #23. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as amended. Approved.

Jennifer Carlino noted Mr. George Hill of 139 No. Worcester Street has filed a complaint with the Town Manager regarding his Enforcement Order for his property. Jennifer Carlino stated she helped him draft a replication plan and was waiting for him to inform her of the starting date.

Jennifer Carlino stated that the appeal hearings with DEP for **John Scott Boulevard** are scheduled for Wednesday, April 23<sup>rd</sup> at 10:00 am and for **Fairlee Lane** Wednesday, April 23<sup>rd</sup> at 11:30 am. She stated she gave notice to proceed to the Environmental Attorney per the email/telephone survey to the members. The fee would be taken out of the Wetlands Protection Fund. She said he would need 2 hours to review the projects, 1 hour to meet with her and 1 hour to meet on-site for the appeals. Jennifer Carlino stated she expects there will be an adjudicatory hearing no matter how DEP votes. Ron O'Reilly made a motion, seconded by Eileen King, to ratify the hiring of the Environmental Attorney. Approved.

Bob Medeiros asked if everyone had seen the letter for Duane Knapp from Jennifer Carlino regarding Well #3 on Newland Street, and the members replied they had.

Jennifer Carlino stated another person would be applying to do eco tours on the Reservoir from the same property as leased by L.L. Bean Outdoor Discovery Schools and the Selectmen would be in charge of that.

Bob Medeiros noted a complaint had been received from Carol Shiere of 63 King Phillip Road regarding 65 King Phillip Road. Jennifer Carlino stated the fence was part of the original filing.

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Jennifer Carlino stated the nomination for the 3-Mile ACEC has been done and any testimony could be heard at a public meeting to be held at the Norton Public Library on Tuesday, April 29<sup>th</sup> from 7-9pm.

Jennifer Carlino stated a meeting for the proposed "train" issue was scheduled for Thursday, May 29<sup>th</sup> at 4:00 pm at the Norton Middle School.

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

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino  
Conservation Director

JC/pmb