



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

RECEIVED
2008 SEP 23 AM 10:18
NORTON TOWN CLERK

Monday, August 11, 2008
7:00 pm

Attendance

Earl Willcott (Chairman), Julian Kadish (Vice-Chairman), Kathleen Giblin, David Henry, Jennifer Carlino, Conservation Agent.

Lisa Carrozza and Ron O'Reilly were absent.

Minutes

The meeting started at 7:00 pm.

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

The members reviewed a Request for a Determination of Applicability – **(DET. #926) – River Oaks LLC – Lot 8, Parcel 265 (assessors map 21) 13 Pratt Drive** – for proposed plans for clearing and grading within 100 feet of wetlands. Scott Pietrusewicz submitted revised plans and described the project to the members. He stated a single family house is proposed to be constructed on this site and he would like to clear up to 55 feet from the wetlands. He stated there would be no grading within this area. Julian Kadish made a motion, seconded by Kathleen Giblin, 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 the approved plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #927) – Michael & Linda Clarke – Parcel 3 (assessors map 3) 4 Bailey Lane** – for proposed plans to demolish an existing garage and construct a new garage and to extend gravel driveway within 100 feet of wetlands. Earl Willcott read a letter from the applicant's engineer requesting a continuance 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, August 25, 2008. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-818) – John C. Kelly, Norton Commerce Center 10 LLC – Parcel 83 (assessors map 25) 10 Commerce Way** – for verification of the Wetland Resource Areas. The applicant's representative, Dan Vasconcelos of Wetlands Preservation, Inc. was at the public hearing along with Michael McCarthy, who was representing Advantage Construction. Mr. Vasconcelos described the project to the members. He stated the application had been submitted on July 9th after which he received a letter from Jennifer Carlino with suggested flag changes. He stated the flags were re-located in the field and all the flag changes were made on the revised plans which he submitted to the members. He submitted a letter

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with all the revisions along with a data sheet. Mr. Vasconcelos requested the public hearing be closed tonight with the condition added to the Orders stating that all revisions must be done before the Order of Resource Area Delineation (ORAD) can be issued. Jennifer Carlino stated the Commission did not have any official forms to review or sign tonight and suggested continuing the public hearing until the next regular meeting. She stated she would have the ORAD for the next meeting to sign. Mr. Vasconcelos agreed to continue the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, August 25, 2008. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. 928) – **William Bucklin – Parcel 42 (assessors map 29) Meadowbrook Lane** – for proposed plans to perform percolation tests within 100 feet of wetlands. The applicant's representative, Stevie Cavalho of Hayward-Boynton & Williams, Inc. described the project to the members. He stated he had a response letter to Jennifer Carlino's letter. He said no percolation tests were done within the buffer zone. He stated this project is to get a permit to temporarily cross over the wetlands with a backhoe to do the percolation tests. Mr. Cavalho stated that the contractor will have swamp mats available at the time of the crossing as suggested by Jennifer Carlino and that the contractor has agreed to rake out any ruts caused by the backhoe. Jennifer Carlino stated she had inspected the site and found an existing path with 1-ft ruts already. She said she had already spoken to the contractor today. She stated this Determination will not approve a wetland boundary and that an Abbreviated Notice of Resource Area Delineation and Notice of Intent would have to be filed before any building can be done on the site. Julian Kadish asked how large the upland area was and Mr. Cavalho stated approximately 20 acres. Francis Reilly and Albert Reed, abutters, asked if the applicant had any documents to show a right-of-way to access this site. Mr. Cavalho stated he has a plan that shows Pine Needle Lane as a private way to access this site. Mr. Reilly stated that it was written on the deed to this site that no improvements would be made to this property until improvements were made to Meadowbrook Lane first and accepted as a Town street. Mr. Cavalho stated he was not aware of any such deed. Mr. Reilly asked Mr. Cavalho what the intentions of the applicant were for this site. Mr. Cavalho stated that they proposed to construct one house on the property. Jennifer Carlino reminded him that the Conservation Commission approval does not mean access is granted to the site and he is responsible for that. Jennifer Carlino reminded him that the Conservation Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by David Henry, to issue a negative Determination (#2). Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-817) – **James Quattrocchi/Court Company, Inc. – Parcel 2 (assessors map 36) East Hodges Street** – for verification of the wetland resource areas. The applicant was present and his engineer, Otis Dyer, Jr., described the project to the members. Mr. Dyer explained that this is a very large tract of property which is located in both Taunton and Norton. He explained that the Taunton portion is in the process of being permitted for a subdivision. He said that the project area has been flagged by Walter Hewitson. Earl Willcott stated that there is an outstanding issue regarding the filing fee. Jennifer Carlino stated that according to the regulations, any project other than a single-family house shall pay a fee up to, but not more than, \$2,000 for bordering vegetated wetland verification. Otis Dyer stated that this project involved the construction of a single-family house. He stated he had contacted DEP and was told he

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could use the filing fee submitted already. Jennifer Carlino stated the fee is not determined by the zoning, but by the linear feet of whichever the resource area is. Jennifer Carlino stated that there are only two choices: one filing fee for a project with a house and one filing fee determining wetland boundaries for all other projects, which this one is for. Mr. Dyer was determined not to change the filing fee and stated he would appeal the decision of the board to DEP.

Otis Dyer asked Jennifer Carlino if she agreed with the wetland flags on the property and she replied that she had not finished the inspection of the property as yet because the wrong filing fee was submitted. Again, Otis Dyer stated someone at DEP stated he could submit this filing fee for a single-family house. Earl Willcott asked where the elevations are on the plans and Otis Dyer stated he did not show any. Jennifer Carlino stated an ANRAD without elevations has never once been filed with the Commission. She also requested that Mr. Dyer revise the plans to reflect a scale of not more than 1"=50', which she stated is a state regulation. Otis Dyer stated that according to DEP he can submit a fee of \$200 and this is what he is submitting. Jennifer Carlino stated that before the public hearing can be closed, an agreement for the filing fee will have to be made.

At this time, Mr. John Quattrocchi, the applicant and owner of the property, addressed the Commission. He stated he and his brother had owned the property for at least 40 years, had paid taxes all these years and have passed up many opportunities to develop the property. He asked that the board make a decision tonight for the ANRAD and Jennifer Carlino explained that she had only half inspected the property because of the incorrect filing fee. Mr. Quattrocchi asked Earl Willcott why Jennifer Carlino hadn't finished the inspection of this site, because, in his opinion, the filing fee issue had nothing to do with the inspection. He stated he should have been notified before the meeting that the public hearing was going to be continued.

Julian Kadish stated that in the 30 years he has been on the board, he has never dealt with professionals that behave in such a negative way. He stated that one option for Mr. Quattrocchi would be to design the project and at that time the wetland line will be delineated. Mr. Quattrocchi stated that at the moment there is no project proposed, only a piece of land that he would like to know what can or cannot be done to. He stated that there definitely will not be a subdivision proposed on this property. He said that at the most, a couple of houses could be constructed if the lots had the correct road frontage. He stated that he would like to go forward with his request and bypass all the negativity that has occurred. Julian Kadish suggested to Mr. Quattrocchi to file a Notice of Intent for his project. Mr. Quattrocchi stated he did not have a plan at this time and this is what he needs the ORAD for. He stated he would pay the \$2,000 filing fee under protest in order to go forward with the ANRAD.

David Henry asked the applicant if he had seen the page for the filing fee and pointed out that there are only two options. A. project for a single-family house, and B. all other projects. Discussion ensued on how to proceed with this project. Julian Kadish suggested contacting another agency or DEP to review the situation again. Christopher Polk, an abutter, addressed the Commission. He asked Mr. Quattrocchi about the subdivision in Taunton which is part of this property. Mr. Quattrocchi stated it consisted of approximately 140 acres with 21 house proposed. Mr. Polk stated that his property continually gets flooded. He stated that he does not know much about flooding and drainage issues and the effects of building on existing houses and abutting properties. He asked for a professional opinion on what adverse wetland issues might arise by constructing houses around him. Mr. Quattrocchi stated

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there are no plans for a subdivision on this property. Earl Willcott suggested getting back to this project and if any future plans are submitted for this site, Mr. Polk may ask questions at the public hearing at that time.

Otis Dyer requested a continuance of the public hearing until the next regular meeting. Kathleen Giblin made a motion, seconded by David Henry, to continue the public hearing until the next regular meeting of Monday, August 25, 2008. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-755 -Steven Giblin parcel 4 (map 24) 170 Pine Street**. Julian Kadish made a motion, seconded by David Henry, to issue the Certificate of Compliance. Approved.

The members reviewed a draft Order of Conditions for File Notice of Intent – **(#250-816) – Realty Development Associates, Inc./Donald Shulman – Parcel 32 (assessors map 33) Taunton Ave. (Rt. 140)** which was included with the agenda for review. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

Jennifer Carlino stated that Chris Baker is on tonight's agenda for his violations at his stock yard (Bird Gardens) and woodlot on Mansfield Avenue. She stated he did not appear tonight. She stated he had complied with all requests by the Commission for these two sites and had drafted a letter to be sent to Mr. Baker to close out the violation, but to advise him he still has to continue getting information for his business at 133 Mansfield Avenue. Julian Kadish made a motion, seconded by Kathleen Giblin, to send the letter as written. Approved.

The members reviewed an Enforcement Order for Gary Colassi – **1 Hampshire Court** (cutting and clearing within the wetlands). The members received a copy of the email regarding Mr. Colassi's phone message and Jennifer Carlino's response. The members added that office staff isn't responsible for dealing with belligerent residents and if calling the police is required, it should be done. Jennifer Carlino stated that Mr. Colassi is insisting that someone had filed a complaint but she stated this is not the case. He claims that in 1995, the owner was told this area was not a wetland. Jennifer Carlino stated that if Mr. Colassi ceases to clear and cut, this should correct the violation. She stated that if Mr. Colassi attends a meeting, the Commission should request that he stop cutting and clearing and advise him that no one had filed a complaint against him. She said that if he promises to stop the clearing and cutting, a Certificate of Compliance will be issued to him that he can record at the Registry of Deeds. Kathleen Giblin made a motion, seconded by Julian Kadish, to send Mr. Colassi a letter stating this information. Approved.

The members reviewed an Enforcement Order for **Tweave, Inc. re: Barrowsville Pond**. (cutting and clearing vegetation along the dam) Jennifer Carlino stated that they had over two months to file a Notice of Intent but had not. Kathleen Giblin made a motion, seconded by Julian Kadish, to send a letter requesting they file for a permit. Approved.

Jennifer Carlino stated she received an email from a resident at the condos at River Crossing on West Main Street stating she had been contacted by the trustee of the condo association asking if she would like to have any of her trees cut down in September. Jennifer Carlino stated this would be a violation

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because the condos back up to wetlands and the Wading River. Julian Kadish made a motion, seconded by David Henry to send a letter to the condo association trustees advising them that a permit would be needed to cut the trees. Approved.

Jennifer Carlino stated that she received a letter from **Anthony Virga of 60 Plain Street** stating he had removed piles of debris as part of his restoration plan for his violation. She stated this was only part of the plan and he still has to complete the remainder of the restoration plan that he proposed. Kathleen Giblin made a motion, seconded by Julian Kadish, to send a letter advising Mr. Virga to contact the Conservation office when he has completed all the work for his restoration plan. Approved.

Kathleen Giblin made a motion, seconded by David Henry, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director
JC/pmb