



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
(508) 285-0275
Fax (508) 285- 0297

Tuesday, October 13, 1998
7:30 pm

RECEIVED
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NORTON TOWN CLERK

Attendance

Ed Breault (Chairman), Patrick Corcoran (Vice-Chairman)
Jeff Houde, Bob Medeiros, Leonard Silvia, Carlos Fragata, Director

Julian Kadish and Dana Rappaneau were absent.

Minutes

The members reviewed the Bills Payable Sheet (misc.). Jeff Houde made a motion, seconded by Patrick Corcoran, to pay the bills. Ed Breault abstained from voting. Approved.

The members reviewed the Bills Payable Sheet for - Baystate Environmental Consultants, Inc. Invoice #15 for Norton Reservoir Dredging Project. Jeff Houde made a motion, seconded by Patrick Corcoran, to pay the bill. Approved.

The members reviewed draft minutes of **August 24, 1998** (continued from the September 14, 1998 and September 28, 1998 mtgs.). Patrick Corcoran made a motion, seconded by Jeff Houde, to table the minutes until the October 26, 1998 meeting. Approved.

The members reviewed draft minutes of **September 14, 1998**. Patrick Corcoran made a motion, seconded by Jeff Houde, to approve the minutes as written. Approved.

The members reviewed a Notice of Intent – **Dominic Texeira – lot 1, parcel 31 (assessors map 17) Elm Street** (continued from the 9/14/98 & 9/28/98 mtgs.) – for a limited project consisting of a driveway crossing [310 CMR10.53 (3E)] of a wetland and an intermittent stream for a single family house. The proposed wetland alteration is 1,070 sq. ft. and the proposed wetland replication is 1,140 sq. ft. (original filing - #250-410). Otis Dyer, Jr. represented the applicant. A DEP number for this project had been received and Mr. Dyer submitted a replication plan (schedule). Discussion ensued re: accessing the property through another area other than the wetland crossing. Jeff Houde made a motion, seconded by Leonard Silvia to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **Ray Hebert, Jr. – Subdivision lots 16 & 16A, parcels 170 & 171 (assessors map 31) bldrs. lots 14 & 15 – John Scott Blvd.** - for proposed plans for grading for a driveway and installation of a well within the buffer zone of a wetland. Ray Hebert represented himself at the meeting. Jeff Houde made a motion, seconded by Patrick Corcoran, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Leonard Silvia, to issue a negative Determination of Applicability with conditions. Approved.

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The members reviewed a Request for a Determination of Applicability – **Roland Roberge – bldrs. lot 33, parcel 172 (assessors map 14) 39 Laura Lane** – for proposed plans to construct a 28' x 28' addition which includes a 4' breezeway and a 2-car garage with a room on the second floor within the buffer zone of a wetland. The foundation will be set back approximately 18" from the existing house foundation. Mr. Roberge represented himself at the meeting. Jeff Houde made a motion, seconded by Patrick Corcoran, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Patrick Corcoran, to issue a negative Determination of Applicability with conditions. Approved.

The members reviewed a Request for a Determination of Applicability – **Mark Gershman – lot 34 (as written on submitted plans – correct lot # is 77) (assessors map 24) 131 South Washington Street** – for proposed plans to construct a 22' x 28' two-car garage with a second story family room above to be attached to an existing house within the buffer zone of a wetland. Mr. Gershman represented himself at the meeting. It was mentioned that the lot #34 as listed on the legal public notice was incorrect and the correct lot # is 77. Jeff Houde made a motion, seconded by Patrick Corcoran, to take no action at this time and re-advertise the public notice with the correct lot # at the Norton Conservation Commission's expense for the October 26, 1998 meeting. Approved.

The members reviewed a Request for a Determination of Applicability – **David M. & Anna M. Ireland – lot 5 (assessors map 13) 108 (rear) Lincoln Street** – for proposed plans for construction of a driveway, installation of a well and yard grading within the buffer zone of a wetland. Jack Vance represented the applicant. Bill Morse and Bob Trudeau, abutters, had concerns that Mr. Chicoracki did the driveway work without receiving a permit first (but had no problem with the work itself). Jeff Houde made a motion, seconded by Patrick Corcoran, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Patrick Corcoran, to issue a negative Determination of Applicability with conditions. Approved.

The members reviewed a Notice of Intent – **Wayne P. Southworth, Easton Water Division – parcel 94 (assessors map 5) Newland Street (East and West side of Canoe River, Norton, MA)** - for proposed plans to install two (2) 2-1/2-in. wells for monitoring prolonged pumping test on an existing 8-in. well within wetlands bordering Canoe River. Brian Giovanoni of Amory Engineering represented the applicant. The Director stated that there was no DEP # for this project yet and a response was needed from the Natural Heritage. Jeff Houde made a motion, seconded by Patrick Corcoran, to continue the public hearing until the October 26, 1998 meeting at 8:00 pm by which time a DEP # should be issued and a response would either be received from NHESP (or 30 days would have passed) Approved.

The members reviewed a Request for a Determination of Applicability **Teddy Realty Trust – Parcel 527 (assessors map 10) & Parcel 57 (assessors map 17) – Talbot Drive "Irene Estates II" Subdivision** – for verification of wetland boundaries as shown on plan "Definitive Contour Plan of Irene Estates II" dated March 16, 1998, revised on July 14, 1998 and final revision on September 25, 1998. The public meeting notices for this project and the next project at the same location were read simultaneously. The Director stated that the bordering vegetated wetland lines were accurately identified. Leonard Silvia, made a motion, seconded by Patrick Corcoran, to close the public meeting. Jeff Houde abstained from voting. Approved. Leonard Silvia made a motion, seconded by Patrick Corcoran, to issue a positive Determination of Applicability approving the location of the bordering vegetated wetland lines. Jeff Houde left the meeting and abstained from voting on this project. Approved.

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The members reviewed a Request for a Determination of Applicability – **Teddy Realty Trust – Parcel 527 (assessors map 10) & Parcel 57 (assessors map 17) – Cross Street “Patricia Estates” Subdivision** – for verification of wetland boundaries as shown on plan “Definitive Contour Plan of Patricia Estates” dated January 12, 1998, revised on March 16, 1998 and final revision August 11, 1998. The Director stated that the bordering vegetated wetland lines were accurately identified. Leonard Silvia, made a motion, seconded by Patrick Corcoran, to close the public meeting. Jeff Houde abstained from voting. Approved. Leonard Silvia made a motion, seconded by Patrick Corcoran, to issue a positive Determination of Applicability approving the location of the bordering vegetated wetland lines. Jeff Houde left the meeting and abstained from voting on this project. Approved.

The members reviewed a request for a Certificate of Compliance - **DET. #546 -Teddy Realty Trust lot 19A, p. 175 (map 17) 11 Talbot Drive**. Patrick Corcoran made a motion, seconded by Leonard Silvia, to issue the Certificate of Compliance. Jeff Houde left the meeting and abstained from voting. Approved.

The members reviewed a request for a Certificate of Compliance - **DET. #426 - David & Kathy Harju - lot 19 (map 19) 58 Charlotte Avenue**. Patrick Corcoran made a motion, seconded by Jeff Houde, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Certificate of Compliance - **#250-29 - Edward Paull, c/o David & Kathryn Harju - 58 Charlotte Avenue**. Jeff Houde made a motion, seconded by Patrick Corcoran, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit - **DET. #259 - P & A Construction - bldrs. lot 71, parcel 103 (map 28) 4 Garret Drive**. No action was taken on the Extension Permit because the applicant didn't request it, and the Director was instructed to have the applicant (David Welch, Sr.) file a Request for a Determination of Applicability for construction of the new enlarged garage. The Director was also instructed to contact the original applicant for this file and to request that he request a Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit - **#250-269 - Paul Precourt - parcels 38, 39, 49, & 50 (map 21) c/o Ralph Crowell - Walker Street**. Leonard Silvia made a motion, seconded by Patrick Corcoran, to have the Director contact Paul Precourt and have him send a letter requesting a Certificate of Compliance as he was the original applicant and to notify Ralph Crowell of this decision. Approved.

Signing of Conservation Restriction #15 – Larson Farm.

Jeff Houde made a motion, seconded by Patrick Corcoran, to hold off on signing the Conservation Restriction and to send a letter to Paul Folkman requesting that another access point from the subdivision be provided if possible. Approved.

Plan change for File #250-328 – Martin B. Marshall, III – lot 1 – Taunton Avenue

Martin Marshall, III represented himself at the meeting. Leonard Silvia made a motion, seconded by Jeff Houde, to accept the plan change as requested, which shows the wetland line moved further down gradient and closer to the lot line. Approved.

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The members reviewed the draft **Annual Town Report FY98** for Approval. Patrick Corcoran made a motion, seconded by Jeff Houde to approve the report as written. Approved.

Discussion ensued re: **Notification to Abutters (Policy ?)**. Leonard Silvia made a motion, seconded by Jeff Houde, to send a letter to the Board of Selectmen stating that the Norton Conservation Commission's policy is that all abutters are to be notified on all properties. Approved.

The members reviewed a Jurisdictional Opinion request filed by **Diane Genitti – lot 138 (assessors map 3) 9 Holly Road** for removal of shrubs as part of maintenance adjacent to a tributary of Norton Reservoir. Jeff Houde made a motion, seconded by Patrick Corcoran, to allow the work without a permit as long as the Director was notified before the work was started. Approved.

Discussion ensued re: The Park at Great Woods; Appeal for file DET. #573 and the Great Brook. The members did not feel that the Director should go to Boston to attend the conference because the Conservation Commission agrees with DEP's decision.

Mr. Chuck Lippmeier of 57 Evergreen Road had questions about the Norton Reservoir. Discussion ensued and Baystate Environmental Consultants, Inc.'s telephone number was given to him for a follow up.

Discussion ensued regarding the Rose Farm Conservation area. The members consensus was to send a letter to the Town Manager to make sure that the 5 acres are reverted back to passive recreation (from active recreation).

An informal procedure was discussed re: 2nd time offenders of working without permits and it was decided that the Director would request the offender to file a Notice of Intent as long as the Director consults with the Chairman and Vice-Chairman or one of the members before he imposes the request.

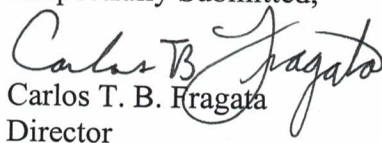
Enforcement

The Director stated that Mr. Depaulo of North Washington Street had cleared out the stumps and logs from wetlands after a year of work without a letter being sent by the Director.

Jeff Houde made a motion, seconded by Leonard Silvia, to approve of the public notice, and sign it for World Wide Development for lot 2 which was erroneously shown as lot 1, and which was now corrected. Approved.

Leonard Silvia made a motion, seconded by Patrick Corcoran, to adjourn the meeting at 9:30 pm. Approved.

Respectfully Submitted,


Carlos T. B. Fragata
Director

CF/pmb