



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
(508) 285-0275
Fax (508) 285-3300

RECEIVED
2000 JUL 31 AM 9:38
NORTON TOWN CLERK

Monday, April 10, 2000
7:30 pm

Attendance

Patrick Corcoran (Chairman), Jeff Houde (Vice-Chairman),
Leonard Silvia, Bob Medeiros, Julian Kadish, (late)
Jennifer Carlino, Director

Ed Breault and Dana Rappaneau were absent

Minutes

The members reviewed the draft minutes of February 14, 2000 (con't. from the 3/27/00 mtg.). Leonard Silvia made a motion, seconded by Bob Medeiros, to table the minutes until the next regular meeting of Tuesday, April 25, 2000. Approved.

The members reviewed the Bills Payable Sheet. Jeff Houde made a motion, seconded by Leonard Silvia to pay the bills. Approved.

The members reviewed a Notice of Intent – **Mark Hoyle, Sr. – lot 15 (assessors map 35) Dean Street (#250-440) (continued from the January 10, 2000 and January 24, 2000 mtgs.)** – for fill of 2,160 sq. ft. of wetlands for a proposed driveway from Dean Street and replication. Jack Vance represented the applicant at the public hearing. Mr. Vance stated that he was still waiting to hear from the Natural Heritage and Endangered Species Program. Bob Medeiros made a motion, seconded by Leonard Silvia, to re-open the public hearing. Approved. An abutter, Neil Lenahan of 9 East Hodges Street, had concerns with water entering onto his property. Also, there is still a question regarding the property line for Mrs. Prudencio's property. Bob Medeiros made a motion, seconded by Leonard Silvia, to continue the public hearing until the Tuesday, April 25, 2000 meeting at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **File #250-446- Anthony DeMinico – parcel 25 (assessors map 18) South Washington Street** – for proposed plans to construct a single-family house and associated rear yard grading within the 100' buffer zone of the bordering vegetated wetlands. Chris Yarworth of Yarworth Engineering represented the applicant. Philip Tracy, 8 Perry Street, had questions for the Commission. Another abutter, Peter Galvin, 2 Draper St., had concerns with the project being too close to the ditch on his property and the vernal pool. Mr. Yarworth stated that the project had been revised already to allow for additional protection of upland within the buffer zone. Bob Medeiros made a motion, seconded by Leonard Silvia, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to accept the Order of Conditions as written. Approved.

Norton Conservation Commission
Monday, April 10, 2000
Minutes, page 2.

The members reviewed a Request for a Determination of Applicability – **Paul & Dorothy Gallant – Parcel 82 (assessors map 16) 40 Freeman Street** – for proposed plans to pave the existing driveway and to construct a curb along the left side of the driveway within 100' of wetlands. Paul Gallant was present at the public hearing. Bob Medeiros made a motion, seconded by Leonard Silvia, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **File #250-449 - Briarwood Construction Corp./Ray Ferrone – Bldrs. lot 3, Parcel 57 (assessors map 31) 4 Dion's Way** – for proposed plans to construct a single family house, driveway, subsurface sewage disposal system and related grading within 100 feet of wetlands. Ted Trowbridge of RIM Engineering represented the applicant at the public hearing and stated that revisions would be made to the submitted plans and the revised plans would be submitted to the Commission at the next hearing. The Director stated that a response had not been received as yet from The Natural Heritage and Endangered Species Program. An abutter, Anita Preudencio, had concerns regarding water problems on her property. Bob Medeiros suggested that Ralph Maloon check out the water problems before the next meeting. Another abutter, Mr. Lenahan, had concerns with the road drainage on East Hodges Street whether or not this water should be going into the existing pipe in the road. Bob Medeiros suggested contacting the Highway Superintendent, Keith Silver regarding this issue. Jeff Houde made a motion, seconded by Leonard Silvia, to continue the public hearing until the next meeting on Tuesday, April 25, 2000 at 8:00 pm. Approved.

Bob Medeiros made a motion, seconded by Leonard Silvia, to waive the reading of the Legal Notices for the next three hearings. Approved.

The members reviewed a Notice of Intent – **File #250-448 - Briarwood Construction Corp./Ray Ferrone – Bldrs. lot 6, Parcel 57 (assessors map 31) 5 Dion's Way** – for proposed plans to construct a single family house, driveway, subsurface sewage disposal system and related grading within 100 feet of wetlands. Ted Trowbridge of RIM Engineering represented the applicant at the public hearing. The members expressed concerns with the location of the proposed well. Bob Medeiros suggested that this was an issue for the Board of Health. Jennifer Carlino stated that a response had not been received as yet from The Natural Heritage and Endangered Species Program. Bob Medeiros made a motion, seconded by Leonard Silvia, to continue the public hearing until the next meeting of Tuesday, April 25, 2000 at 8:05 pm. Approved.

The members reviewed a Notice of Intent – **File #250-447- Briarwood Construction Corp./Ray Ferrone – Bldrs. lot 4, Parcel 57 (assessors map 31) 6 Dion's Way** – for proposed plans to construct a single family house, driveway, subsurface disposal system and related grading within 100 feet of wetlands. Ted Trowbridge represented the applicant at the public hearing. The Director recommended changing the location of the proposed house to preserve as much of the upland in the buffer zone as possible adjacent to the vernal pool. She also stated that a response had not yet been received from The Natural Heritage and Endangered Species Program. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next meeting of Tuesday, April 25, 2000 at 8:10 pm at which time revised plans shall be submitted to the Commission. Approved.

The members reviewed a Notice of Intent – **File #250-450 - Briarwood Construction Corp./Ray Ferrone – Bldrs. lot 5, Parcel 57 (assessors map 31) 7 Dion's Way** – for proposed plans to construct a single family house, driveway, subsurface sewage disposal system and related grading within 100 feet of wetlands. Ted Trowbridge of RIM Engineering represented the applicant at the public hearing. Jennifer Carlino suggested changing the location of the proposed house so that the back yard would not drop off into a very large depression. She further stated that a response from The Natural Heritage and Endangered Species Program had not been received as yet. Bob Medeiros made a motion, seconded by Jeff Houde, to continue the public hearing until the next meeting of Tuesday, April 25, 2000 at 8:15 pm at which time revised plans would be submitted to the Commission. Approved.

The members reviewed a Notice of Intent – **Norton Realty Trust I & Fidelity Joint Ventures, Inc. – parcels 507 & 510 (assessors map 10) North Washington Street** – for proposed plans for conversion of an abandoned gravel pit into cranberry bogs, including gravel excavation, grading and creation of a reservoir and tailwater pond within the 100 foot buffer zone of a bordering vegetated wetland. The Chairman, Patrick Corcoran, read comments received from The Department of Environmental Protection, Southeast Regional Office, stating why a DEP number would not be issued at this time. John Zimmer of Coler and Colantonio, Inc. was present at the public hearing to represent the applicant. The Commission requested additional information including the groundwater elevation at each of the bog locations and a better description of the water distribution system from the tailwater pond to the reservoir. A construction schedule will be submitted with proof of access across the railroad bed. A revised wetland boundary plan was submitted. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing to May 9, 2000 at 7:40 pm so that the applicant could provide the requested information and to hear from the Natural Heritage and Endangered Species Program.

The members reviewed a Modification to Plans for **File #250-385 –“Lester Gray Estates” – John G. Walsh and Boro Sand & Stone Corp. – lot 139 (assessors map 17) east side of Pine Street**. Chris Yarworth of Yarworth Engineering represented the applicant at the public hearing. Bill Humphries of Creative Homes, Inc. was also present at the public hearing. The plan was modified from 5 lots to 3 lots. Bob Medeiros made a motion, seconded by Leonard Silvia, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to accept the Modifications to Plans for File #250-385 as written. Approved.

The members reviewed a Request for an Extension Permit filed by **Creative Homes, Inc.** for – **File #250-385 - John G. Walsh & Boro Sand & Stone Corp. - lot 139 (map 17) east side of Pine St.** Bob Medeiros made a motion, seconded by Julian Kadish, to issue a two-year extension permit. Approved.

The members reviewed a Modification to Plans for **File #250-398 – Leggat McCall Retirement Properties – lot 271 (assessors map 9) Smith Street**. D. J. MacKinnon of Atlantic Development was present at the public hearing. Patrick Corcoran, Chairman, read a letter to the members from Charles Gabriel, Town Planner, in which Mr. Gabriel stated that the site plan for this project was still before Planning Board and had not yet been approved for many reasons. Mr. MacKinnon stated that he was requesting a three-year extension of this project also. The Director stated that no work had been done on this project yet, and therefore an extension permit would not be recommended. She also stated that she thought the modifications were significant enough to warrant filing of a new Notice of Intent. Julian Kadish stated that an Extension Permit could be granted, but only for the existing Order of Conditions, and not for the modifications to the existing Order of Conditions. Bob Ingram of Atlantic Development stated that this project is exempt from the Riverfront Act because an ENF was filed

Norton Conservation Commission
Monday, April 10, 2000
Minutes, page 4.

before November, 1996. He further stated that rather than file a new Notice of Intent, he would prefer to re-notify the original abutters and also have the modification published in a local newspaper for review. Jeff Houde made a motion, seconded by Leonard Silvia to put a request for an Extension for this project on the agenda. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a 3-year Extension Permit on the amended Order of Conditions for File #250-398. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to require that modifications to existing Order of Conditions are to be re-advertised and treated as a new filing. Approved.

The members reviewed a request filed by **Norton Country Club Realty Trust c/o Richard Kelly** for a partial Certificate of Compliance for file **#250-376 -Wagon Wheel Realty Trust - buildings 5 & 7 - lot 59 (map 15) Oak St. (con't. from the 3/27/00 mtg.)**. Bob Medeiros made a motion, seconded by Jeff Houde, to issue a partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Town Treasurer for each lot to ensure final vegetative stabilization of exposed soils. Approved.

The members reviewed a request for a Certificate of Compliance filed by **Norton Country Club Realty Trust c/o Richard Kelly** for file **#250-376 – Wagon Wheel Realty Trust c/o Norton Country Club Realty Trust – buildings 2, 4, & 6 – lot 59 (map 15) Oak Street (con't. from the 3/27/00 mtg.)**. Jennifer Carlino suggested to hold off on the Certificate of Compliance until the Conservation Restriction for this property has been approved and recorded. Jeff Houde made a motion, seconded by Bob Medeiros, to issue a Certificate of Compliance after the Conservation Restriction is received and recorded. Approved.

The members reviewed a request for a partial Certificate of Compliance for file **#250-428 – MPM Builders, LLC – parcel 510-22 (map 32) 15 John Scott Blvd.** The Director suggested that two separate bonds be posted. One for the loaming and seeding and one for wetlands replication. Bob Medeiros made a motion, seconded by Jeff Houde, to require the applicant to post a \$1,000 bond with the Town Treasurer to ensure the loaming and seeding of this lot before a partial Certificate of Compliance would be issued. Approved. Bob Medeiros made a motion, seconded by Jeff Houde, to require the applicant to post a \$500 bond with the Town Treasurer to ensure wetlands replication before a partial Certificate of Compliance would be issued. Approved.

White Street Property Funding. Selectman Bob Kimball and Roger Marsan of the Recreation Department were present at the public hearing to update the Commission on the background for this property. Mr. Kimball stated that the cost to survey this property would be approximately \$8,000.00. He stated that the Selectmen will support the purchase of this property. Mr. Marsan stated The Conservation Commission would pay \$6,000.00 and the Recreation Department would pay \$2,000.00. Bob Medeiros made a motion, seconded by Julian Kadish, that the most the Conservation Commission would pay to survey this property would be \$6,000.00. Approved.

Bob Medeiros made a motion, seconded by Jeff Houde, to adjourn the meeting at 10:22 pm. Approved.

Respectfully Submitted,


Jennifer Carlino
Conservation Director

JC/pmb