



CONSERVATION COMMISSION
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RECEIVED
2001 MAY 18 AM 8:56
NORTON TOWN CLERK

Monday, January 8, 2001
7:30 pm

Attendance

Bob Medeiros (Vice-Chairman), Dana Rappaneau, Patrick Corcoran
Leonard Silvia, Julian Kadish, Jennifer Carlino, Director

Jeff Houde (Chairman), Ed Breault were absent.

Minutes

The members reviewed the draft minutes of **April 25, 2000**. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to table the minutes until the next regular meeting of January 22, 2001. Approved.

The members reviewed the draft minutes of **May 9, 2000**. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **June 27, 2000**. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to table the minutes until the next regular meeting of January 22, 2001. Approved.

The members reviewed the draft minutes of **July 10, 2000**. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to table the minutes until the next regular meeting of January 22, 2001. Approved. After Julian Kadish arrived at the meeting Patrick Corcoran made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **July 24, 2000**. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to table the minutes until the next regular meeting of January 22, 2001. Approved. After Julian Kadish arrived at the meeting Patrick Corcoran made a motion, seconded by Dana Rappaneau, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to pay the bills. Approved.

The members reviewed a Notice of Intent – **John Scott Boulevard, LLC – (File #250-454) - parcel A, parcel (portion of) 196 (assessors map 31) and Lot 1, parcel 126 (assessors map 32) – Myra's Way– (continued from the May 9, 2000, May 22, 2000, June 27, 2000, July 24, 2000, August 14, 2000, September 11, 2000, October 23, 2000, November 13, 2000 & December 11, 2000 meetings.)** for proposed plans to construct a driveway, single family house and septic system within the 100 foot buffer zone of a bordering vegetated wetland. Approximately 4,320 sq. ft. will be filled and 5,014 sq. ft. will be replicated. No one was present to represent the applicant. Jennifer Carlino stated that she had received a letter from the Natural Heritage and Endangered Species Program late this afternoon

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and asked the members if they would like her to read it to them and that revised plans had been submitted. Because none of the members had a chance to review the revised plans Patrick Corcoran made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next regular meeting of January 22, 2001 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **(File #250-468) - Town of Norton/Water and Sewer Commissioners River Road, Bay Road, Maplewood Avenue, Charlotte Avenue, Samoset Road and King Phillip Road – (con't. from the November 13, 2000 & December 11, 2000 mtgs.)** - for proposed plans to install 12,930 linear feet of sewer line along River Road, Maplewood Avenue, Charlotte Avenue, Samoset Road, King Phillip Road and a portion of Bay Road and to construct a pump station on Bay Road within 100 feet of wetlands and the 200-foot Riverfront Area. Bob Medeiros read a letter sent to the Commission from Timothy M. Sullivan regarding the application for this project. He requested a continuance to a future date to comply with the floodplain regulations and would contact the Commission at that time. Dana Rappaneau made a motion, seconded by Julian Kadish, to continue the public hearing to a later date as requested. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #729) - Teddy Realty Trust – parcel 527 (assessors map 10) Irene Estates II Subdivision, Talbot Drive and Cross Streets (con't. from the November 13, 2000 & December 11, 2000 mtgs.)**– to hear a proposal to dispute the presumption of a perennial stream, a tributary to Rumford River, off of Talbot Drive and Cross Street. Ralph Maloon of RIM Engineering represented the applicant at the public hearing. Also present was the applicant, Angelo Pasqualino and Dr. Carr of Carr Research Laboratory, Inc. Dr. Carr submitted a report from the Water Resource Research Center of the University of New Hampshire, Durham, New Hampshire (The influence of a New England Wetland on Water Quantity and Quality.). He also had responses to all the the issues in Jennifer Carlino's letter of December 4, 2000. He mentioned that upon reviewing the property, he noticed that the stream was dry and when RIM Engineering had the property "perced", at that time, the stream was also dry. Angelo Pasqualino stated that a couple of years ago he was contacted by Carlos Fragata, the former Conservation agent to correct a situation caused by crossing the stream which he said was dried up at that time. Dr. Carr seemed to be some confused with continued discussion of the Narraganset Basin rather than the Taunton Basin as discussed in the regulations. The Director stated this information is not in the files and she had no knowledge of that. Dr. Carr stated that in his opinion the most important piece of information given to the Commission in the past is the document from the Director of the US Geological Survey saying that nobody should be using blue lines on the map to indicate whether or not the streams or rivers are permanent or not. He also stated that an there is no channel or bank present, and in his opinion you will never see an intermittent stream without a bank. Jennifer reminded the Commission that this letter is irrelevant since the whole presumption is based on USGS maps. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to close the public hearing. Approved. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to categorize the stream in question as intermittent. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #731) - Sinclair Mfg. Co. – lots 124-01, 126, 127 & 127-01 (assessors map 26) 12 South Worcester Street (con't. from the December 11, 2000 meeting)** – for proposed septic system repairs within the 100 foot buffer zone of a vegetated wetland and within 200 feet of a riverfront. John F. Vance, Jr., Engineer, represented

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the applicant at the public hearing. He stated that this was an emergency situation and that the repairs had already been done. He stated that this work had to be done during vacation time because on a normal work day, there are approximately 100 cars parked in this area. Mr. Vance stated that at one point the old system was going to be repaired, but because of the possibility of contamination being present, it was more advisable to install a new system as far away from the river and as high as possible. Julian Kadish made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability (#2). Approved.

The members reviewed a Notice of Intent – **(File #250-) - Town of Norton – Norton Reservoir and Chartley Pond (con't. from the December 11, 2000 meeting)** – for proposed plans to conduct soil borings at Chartley Pond and Norton Reservoir for the Hydrologic and Hydraulic Studies and to obtain permits for the dredging project. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to continue the public hearing until the next regular meeting of January 22, 2001 at 7:50 pm in order to obtain a DEP file number. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #732) - Bryan Dague – parcel 33 (assessors map 36) 21 Birch Brook Lane** – for proposed plans to construct a 30' x 44' storage building within 100 feet of wetlands. Christine Dague was present at the public hearing. She stated that this structure would have no utilities or water and that she planned on using recycled concrete for the base of the structure. Patrick Corcoran made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #733) - Woodland Green LLC – parcel 31 (assessors map 30) Maple Street** – for verification of resources areas and determination that all work is outside of the buffer zone and is not jurisdictional. Kevin Barry of Canfour represented the applicant at the public hearing and explained that he was here for Mike Jones. The Director was asked if everything looked OK to her after the site inspection. She replied that the wetland boundaries, the location of the Isolated Land Subject to Flooding and the vernal pool are correct. She stated that all activity is out of the 100-foot buffer zone of the wetlands, including the stormwater discharge, and not within the jurisdiction of the Conservation Commission. Tom Canning of 64 Maple Street had concerns with the drainage system. Bob Medeiros stated that he had a letter from Gregory and Beverly Karol of 46 Maple Street with several concerns. It was the consensus of the Commission that these concerns would have to be addressed by the Zoning Board of Appeals. Another abutter, Philip Grafeeney of 82 Maple Street made reference to a letter from 16 years ago, January 8, 1985 sent to the chairman of the Planning Bd. by the chairman of the Conservation Commission in regards to this same parcel of land. The letter stated various concerns with water resource areas. Copies were given to all the members. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to verify that the resource areas are as presented on the submitted plans and to issue a positive Determination of Applicability (#2) and send a copy of both letters to the Zoning Board of Appeals for their hearing. Approved.

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The members reviewed a Request for a Determination of Applicability – (DET. #734) – **The Park at Great Woods Corporation, Alice Guiney – parcels 23-04, 23-05, 23-09 & 23-11 (assessors map 8) and parcels 288 & 292 (assessors map 9) – Route 140 – Mansfield Avenue** – for verification of wetland boundaries and Isolated Land Subject to Flooding. David Pickart of Vanasse Hangen Brustlin, Inc. represented the applicant at the public hearing. Also present was Alice Guiney. Mr. Pickart stated that he had an older Determination of Applicability that would probably be expired before anything would be built on this property, and just wanted to re-establish the wetland boundaries with the Commission. He said that the applicant was starting from scratch and re-flagged the wetlands. He pointed out three isolated wetlands. Two of the wetlands were previously flagged by another company (Sanford). Members asked the agent if she had inspected the boundaries. Jennifer stated she had and the boundaries are correct. Dave also provided the calculations for the isolated wetlands to rule out isolated land subject to flooding. Patrick Corcoran made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Dana Rappaneau, to verify the wetland flags and issue a positive Determination of Applicability (#2). Approved.

The members reviewed a Notice of Intent – **L & M Custom Builders/Brian Mulligan – parcel 5 (assessors map 1 – Newland Street** – for proposed plans to install a stormwater management system for a 9-lot subdivision. Treated stormwater is proposed to be discharged to an existing pond through parcels 8 & 9 of Assessor's Map 2, and then discharged to a wetland. Ralph Maloon of RIM Engineering represented the applicant at the public hearing. He mentioned that the Planning Board had an Engineer, Walter Amory, review this project and he offered some additional information to the Commission. He further explained that this was a nine-lot subdivision on the westerly side of Newland Street. He pointed out that there was one isolated wetland on this property. Mr. Maloon also stated that the Director asked him if he had considered groundwater flow to the wetlands and he said that he had not. Taking the Isolated Wetland into consideration, he stated that he would place erosion control 25 feet from the wetland. He stated that the stormwater would be connected to the Town's drainage system on Newland Street for the outflow from the retention basin. Mr. Maloon said there would only be a small amount of water retention. He mentioned that the Director and the Department of Environmental Protection had notified him that a rare species existed on this property and requested that he file with The Natural Heritage and Endangered Species Program. Jennifer Carlino asked Ralph Maloon if there was a way to shut down the detention basin in case of a spill so that the water could be contained and then removed before going into the wetlands. He explained that screened mesh would be placed in front of the v-notch so that it could not be tampered with but there would not be a way to contain the water in an emergency. Jennifer Carlino asked Ralph Maloon about the rip rap and he explained that Mass standard rip rap would be used. Jennifer Carlino asked for an Operations and Maintenance Plan and Mr. Maloon said he would provide this to her. Bob Medeiros read a letter received from Ernest and Janice Greene of 5 Kensington Road who have concerns about water behind their home. Jennifer Carlino said that she would send a letter or call Mr. & Mrs. Greene to assure them that the Isolated wetland will not be filled. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to continue the public hearing until the next regular meeting of Monday, January 22, 2001 at 7:55 pm. Approved.

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The members reviewed a request for an Extension Permit for **File #250-376 – Wagon Wheel Realty Trust, c/o Dick Kelley for Lot 59 (assessors map 15) Oak Street**. Dick Kelley was present and explained to the Commission what work was to be finished. Jennifer Carlino stated that according to the rules and regulations, a request for an extension should be filed at least a month before the Order of Conditions expire to prevent having to file a new Notice of Intent for the project. Julian Kadish stated that it would be in the best interest of the public not to delay this project any further. Dick Kelley assured the Commission work would be completed in the Spring and he would request a Certificate of Compliance as required. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to issue a 6-month Extension Permit. **Approved.**

The Director stated that she had received a letter regarding the Right of First Refusal for **Lot Y, Country Club Way**. (portion of a Chapter 61B property off of Walker Street.) After a brief discussion, Dana Rappaneau made a motion, seconded by Patrick Corcoran, to have the Director send a letter to the Board of Selectmen stating that the Conservation Commission has no interest in this property since it did not connect to other Conservation land. **Approved.**

The Director stated that the Board of Selectmen still has not awarded the contract for the Norton Reservoir Dredging Permitting Project. She further stated that the Commission is short \$89,000.00 from what was appropriated at the last Town Meeting. She commented that the Town Manager wants to bring the matter before the Board of Selectmen and go before the next Town Meeting to appropriate the rest of the money. Jennifer Carlino mentioned that the Board of Selectmen were going to meet this Thursday evening but she would not be able to attend because she would be at a training in Concord for the Shpack site. She asked if anyone would volunteer to go in case the Selectmen had any questions. Bob Medeiros said that he would talk to one of the Selectmen in regards to this matter before the Selectmen Meeting and go to the meeting if necessary.

Jennifer Carlino informed the Commission that she put a **Cease & Desist** on the cranberry bogs on Newland Street (**DEP File #SF250-415**). She stated that gravel was being hauled. She further stated that on the **Cease & Desist** she requested a Sequency Plan from the applicant along with a site inspection. The deadline for a response was today (January 8, 2001) and if no word was received, an Enforcement Order would be issued. She stated that she had no response. Dana Rappaneau made a motion, seconded by Patrick Corcoran, to have the Director issue an Enforcement Order. **Approved.**

Jennifer Carlino asked the Commission members if they had anything to add to the proposed budget or Town Report. The members stated that the Norton Reservoir Dredging project and Chartley Pond and Norton Reservoir dams were important issues.

The Director noted that she had printed the three Town Meeting Articles for the members and asked if any of the members had any other articles to add. They did not have any other articles to add. The articles include tax title land, the correction to the APR at Barrows Street and the Subon property LWCF Grant.

Jennifer Carlino mentioned that Commissioner Ammorillo from Mass Highway left a message with Senator Sprague's office that the Norton Conservation Commission would be getting 182.88 acres of Mass Highway land along Route 495 and the Canoe River for conservation purposes and it would be given to Conservation by deed. This should take place within the next couple of months.

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Jennifer Carlino mentioned that the Land Acquisition Committee has a new parcel of property (approximately 70 acres, between King Phillip Rd. and Rt. 495) that they want to start working on. She stated that she would be writing another grant and that the Land Acquisition Committee wanted to know if the Conservation Commission would be willing to pay for the two appraisals necessary. She stated that the two appraisals would be approximately \$7,000.00 and the members asked if the money was available in the budget. She replied that it was in the Other Trust Fund Account. Dana Rappaneau made a motion, seconded by Julian Kadish, to pay for the two appraisals. Approved.

Patrick Corcoran made a motion, seconded by Dana Rappaneau to adjourn the meeting at 9:25 pm.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Jennifer Carlino".

Jennifer Carlino
Conservation Director

JC/pmb