



CONSERVATION COMMISSION
70 EAST MAIN STREET
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RECEIVED
2001 DEC -3 PM 12:38
NORTON TOWN CLERK

Monday, September 10, 2001
7:30 pm

Attendance

Bob Medeiros (Chairman), Julian Kadish (Vice-Chairman)
Jeff Houde, Kathleen Giblin, Ed Breault,
Jennifer Carlino, Director

Neil Linehan, and Dana Rappaneau were absent.

Minutes

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

The members reviewed a Notice of Intent – **Robert Foster – (#250-481) - Parcel 247 (assessors map 10) 6 Rumford Road – (con't. from the June 25, 2001 & July 9, 2001 mtgs.)** - for proposed plans to construct a single family house with a gravel driveway within 100 feet of a bordering vegetated wetland and within 100 feet of a riverfront area, Rumford River. Bruce Malcom of Land Surveys, Inc. represented the applicant at the public hearing and stated that he had new information for the Commission. He noted that one of the concerns at the last meeting was the flood elevation. He said further studying had been done by starting at the dam at Cross Street where the concerns with trees growing up to the dam and flooding were. Further studying of the Flood Study showed that further upstream from this dam is another dam. He claims it is five feet higher in elevation than the dam at Cross Street and that any flooding at the Cross Street dam would not affect areas beyond the dam further upstream. He also stated the upper dam has no obstructions. Mr. Malcom pointed out the two dams to the members. Julian Kadish stated to Mr. Malcom that the concerns with flooding of this parcel was not solely related with this dam. Another concern of the Conservation Director were the elevations marked on the submitted plans. Mr. Malcom mentioned that he had corrected the elevation levels and raised the height of the foundation one foot so that they are one foot higher without a floodway. Julian Kadish asked to review the flood maps again and pointed out that in his opinion, the flooding problems associated with this parcel are not only related to the dams. He further stated that the Commission's concerns are not only with this applicant, but with future owners as long as the parcel exists. He said that the Commission does not like to see future owners left with multiple problems. Bob Medeiros stated that the runoff from this parcel will go into the river. Mr. Malcom stated that a dry well will be put in the four corners of the foundation and that the driveway will not be paved. Ed Breault stated his concerns with the house being higher, this would mean more runoff into the river and surrounding areas. Discussion ensued between Mr. Malcom and Bob Medeiros regarding

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the elevations numbers. Ed Breault asked if the cellar floor was above the 100-year floodplain and Mr. Malcom replied that it was. Julian Kadish again stated his concerns for the future homeowners of this parcel in regards to flooding. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. Bob Medeiros stated that the Order of Conditions would not be signed at this time in order that the Director would have time to review the revised plans and letter.

The members reviewed a Notice of Intent – **(#250-487) - Thorndike Development – Parcels 247 & 248 (assessors map 9) Smith Street – (con't. from the July 23, 2001 & August 13, 2001 mtgs.)** - for proposed plans to construct a walking trail and restore a bridge over Great Brook with 740 sq. ft. of bordering vegetated wetland alteration and 174 sq. ft. of Land Under Waterbody alteration. Dave Eastridge from Thorndike Development was present at the public hearing and Jeff Houde asked if he had the replication plan with him. Mr. Eastridge had a copy of the replication plan with him and reminded the Commission that from the last meeting the land under the boardwalk was going to be considered permanently disturbed and totalled 405 sq. ft. Approximately 350 sq. ft. at the edge of the boardwalk is expected to grow back once construction is completed and all activity in that area has stopped. He stated that the same earth removed in construction would be used to replicate in order to keep the original plants and seeds. The replication area is approximately 425 sq. ft. Ed Breault made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-489) - Norton Realty Trust - Parcels 507 & 510 (assessors map 10) North Washington Street – (con't. from the August 13, 20001 mtg.)** - for verification of all resource areas. John Zimmer of Coler & Colantonio, Inc. represented the applicant at the public hearing and stated that Jennifer Carlino had reviewed the revised plans submitted at the August 13, 2001 meeting and had sent her comments by way of a letter to Mr. Zimmer on September 4, 2001. The Director asked that the vernal pool be avoided, to revise the 200-foot riverfront area boundary associated with Tucker Brook, and to revise the floodplain delineation. Mr. Zimmer stated that he had already submitted revised plans to the Commission. Julian Kadish asked the Director if she had any comments or questions at this point. She replied that she did not. Jeff Houde asked if cranberry bogs were the proposed plan for this project. Mr. Zimmer said that is what originally was proposed for this site a year ago, but since the market for cranberries has declined, he was not sure what the applicant was proposing at this time. Ed Breault made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Ed Breault made a motion, seconded by Jeff Houde, to issue a negative Order of Resource Area Delineation. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #748) - Fred Bottomley & Allen G. Riley – bldrs. lot 2, parcel 84 (assessors map 30) 49 Maple Street – (con't. from the August 13, 2001 mtg.)** - for proposed plans to construct a portion of a side and rear yard for a single family house and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Fred Bottomley was at the public hearing. He stated that this project was continued from the last meeting in order for him to submit a report on landfill at the abutting parcel of land. He submitted that report along with a letter from the Board of Health. Tom Canning, an abutter to this parcel, stated that this property (lot 1) was an old dump site. Julian Kadish mentioned that the property to be developed (lot 2A) is not the property with the existing dump site located on it. Mr. Canning stated

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that it was only 37 feet from the dump site and at one time was the same parcel. Mr. Bottomley explained that he never owned this parcel (Lot 1). Mr. Bottomley asserted that he bought the lots after the subdivision by the ANR process. Mr. Canning then mentioned that debris removed from the old dump site was dumped onto this parcel (2A). Julian Kadish stated that the issue of contamination would be with the Board of Health and not the Conservation Commission. Mr. Canning asked if he would be notified of this and Julian Kadish was not sure. Fred Bottomley explained that he has already brought this project before the Board of Health and they had read this report and that they were already in the process of doing percolation tests and issuing permits for the septic systems. Mr. Phil Brefini, an abutter, stated that the bottom land of this parcel (lot 1) is under the control of the Department of Environmental Protection. Mr. Bottomley disagreed with this statement. Julian Kadish reminded Mr. Brefini and Mr. Bottomley that the issue at hand was lot 2A and not lot 1. He further stated that according to a letter from the Board of Health, this parcel (lot 2A) is not contaminated, but abutted a parcel of property that was "potentially contaminated". Mr. Brefini asked Mr. Bottomley as well as the Commission if anyone would except responsibility for future problems presented to homeowners as a result of this "potentially contaminated" parcel of property. Mr. Bottomley stated that every plan submitted to the Planning Board, the Conservation Commission and the Board of Health states that lot 1 has evidence of an old dump site being located on it. Greg Carroll, another abutter to this project, had questions regarding elevations relative to drainage onto Maple Street in this area. Mr. Bottomley stated that this was discussed at the last hearing and that all of the drainage was to go around the sides of the home and toward the powerlines. Ed Breault asked if monitoring of wells was required on these sites before permits were being issued from any of the Boards. The Director stated that there were no monitoring requirements. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Jeff House opposed. Approved. Bob Medeiros made a motion to issue a negative Determination. No one would second the motion. Jeff Houde had concerns with the property surrounding this project. Mr. Bottomley again stated that Board of Health concerns with this property were not under the jurisdiction of the Conservation Commission and that there were no wetland issues that would prevent its development. Julian Kadish stated that discussion was closed for the project and that the decision would have to be continued to the next hearing. Ed Breault had concerns with and wanted more information on the existing dump site. Discussion ensued on various options as to what action was to be taken by the Commission. Ed Breault asked if any tests had been done on the wetlands on lot 2A or only on lot 1. Mr. Bottomley replied that no tests were done on the wetlands on lot 2A because it was not applicable at this point. Jeff Houde made a motion, seconded by Ed Breault, to make a decision on the project at the next public hearing on September 24, 2001 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **Fred C. Bottomley & Allen G. Riley – (#250-492) - Lot 4, Parcel 26 (part of assessors map 30) Maple Street - (con't. from the August 13, 2001 mtg.)** - for proposed plans to construct a single family house, yard, utilities and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Fred Bottomley was present at the public hearing and explained to the Commission that the reason he had filed a Notice of Intent was that the project was within the 50-foot criteria that separates a Request for a Determination of Applicability from a Notice of Intent. Julian Kadish asked the Director if this project had been continued from the last meeting of August 13, 2001 because of the same report that had been submitted to the Commission as for the previous project and she replied that this was correct. Tom Canning, an abutter, was present at

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the public hearing and stated that ground water flows to the rear of the property, therefore any water flowing from lot 1 would flow onto this parcel. Mr. Bottomley stated that there are several culverts inside the electric easement and therefore any ground water flowing from lot 1 would go behind lot 2A. He further stated that whatever mercury was found on lot 1 was contained in one well with no migration to any other wells. An abutter had concerns with groundwater flowing toward his and other homes in the area across the street and possibly flooding the basements. Mr. Bottomley responded that the surface drainage goes away from any existing residences and toward the rear lots. Joseph Hanglin, 83 Maple Street, stated that every culvert on Maple Street empties into his backyard. Tom Canning, an abutter disagreed with Mr. Bottomley and insisted that the water in fact does flow toward his property. Bob Medeiros made a motion to close the public hearing. No one would second the motion. Ed Breault stated that before he votes to close the public hearing or sign any conditions, he would like more information on the old dump site that exists on lot 1. Jeff Houde made a motion, seconded by Ed Breault, to continue the public hearing until the next regular meeting of September 24, 2001 at 7:45 pm. Approved.

The members reviewed a Notice of Intent – **Marcia K. Anderson & Victoria L. Bacon – (#250-498) - Parcel 118 (assessors map 19) 55 King Philip Road** – for proposed plans to replace an existing stone wall with a poured concrete retaining wall within 100 feet of Lake Winnecunnet. Marcia Anderson was present at the public hearing and explained how the retaining wall would be built to the Commission members. Julian Kadish asked the applicant if she already had a contractor and she stated that she did. He then asked the Director if she had already checked the site. She said that she had and it looked ok. Ed Breault made a motion, seconded by Jeff Houde, to continue the public hearing in order to obtain the DEP file number until the next regular meeting of September 24, 2001 at 8:00 pm. Approved.

The members reviewed a Notice of Intent – **Massachusetts Electric Company – (#250-495) - Parcel 140-02 (assessors map 27) Barrows Street** – for proposed plans to install a new utility pole within 100 feet of wetlands. Stephen Klisiewicz of Massachusetts Electric Company was present at the public hearing and explained that their customer, Tweave, Inc. would like to upgrade their facilities with new electronic equipment and the existing pole is not adequate to handle the upgrade. He also stated that the augers had instructions to repair any disturbances to the soils. Julian Kadish asked Jennifer Carlino if she had gone out to the site and she stated that she had. Jeff Houde made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **Carlo & Diana Giarrusso (#250-493) – Parcel 170 (assessors map 31) 174 John B. Scott Boulevard** – for proposed plans to construct an addition, garage, sewage disposal system, driveway and drainage swale with portions of the work within the 100 foot buffer zone of a bordering vegetated wetland. Jeff Houde made a motion, seconded by Bob Medeiros, to waive the reading of the legal notice for this project. Approved. Arthur Amaral represented the applicants at the public hearing. He stated there was an area in the wetlands that needed to be cleaned up. Jennifer Carlino stated that he could remove the tires but not any brush. Julian asked if the house was existing and Arthur stated that it was and that the addition is to provide living space for the applicant's mother. He further stated that the garage would be partly within the

buffer zone of the wetlands. The driveway and the swale are existing, but the swale is not functioning properly. The plan calls for an extension of the swale. Jennifer suggested that the applicant put the swale adjacent to the driveway so that no trees would have to be cut in the berm or within the 25-foot buffer to the wetlands. Jeff Houde agreed with her suggestion. The Commission asked Mr. Amaral to submit a revised plan before starting work on this project. He stated that he would have his engineer, Ralph I. Maloon, make the revisions. Jeff Houde made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to add a condition to the Order of Conditions requiring the applicant submit revised plans showing the swale designed closer to the driveway to avoid damaging the existing berm,. Approved. Bob Medeiros made a motion, seconded by Jeff Houde, to have the Order of Conditions signed by all the present members except for one, who will sign the conditions after the revised plans are submitted to the Conservation Office. Approved. The agent then made it very clear to Mr. Amaral that she does not appreciate it when he calls for an inspection and does not show up at the location. She further stated he has done this at every inspection he has requested and that she did not expect him to continue this.

The members reviewed a Notice of Intent – **Richard & Kimberly Leitch – (#250-496) - Parcel 81 (assessors map 32) 14 Garrett Drive** – for proposed plans to construct a mud room and 2-car garage within the 100 foot buffer zone of a bordering vegetated wetland. Bob Medeiros made a motion, seconded by Jeff Houde, to waive the reading of the legal notice for this project. Approved. Richard Leitch was present at the public hearing. Julian Kadish asked the Director if she thought there would be enough regrading to require haybales and she replied that there would be. Jeff Houde made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Jeff Houde, to sign and issue the Order of Conditions with the addition of a condition stating that no leaves or brush is to be thrown over the edge of the property because the wetland behind the house functions as a vernal pool. Approved.

The members reviewed Request for a Determination of Applicability – **Jeffrey & Carol Gordon (DET. #750) – Parcel 6 (assessors map 19) 225 Plain Street** – for proposed plans for grading for a barn, excavation work and seeding within the 100 foot buffer zone of a bordering vegetated wetland. Bob Medeiros made a motion, seconded by Kathleen Giblin, to waive the reading of the legal notice for this project. Approved. Jeffrey Gordon was present at the public meeting to present the project to the Commission members. Julian Kadish stated that since the project is within the floodplain, it was the consensus of the Commission to have Mr. Gordon file a Notice of Intent. Jeff Houde made a motion, seconded by Bob Medeiros, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to issue a positive Determination of Applicability (#3) Approved.

The members reviewed a Notice of Intent – **Scott Berry – Parcel 37 (assessors map 29) Crane Avenue South and Hill Street, Taunton, MA** – for proposed plans to construct a commercial building with appurtenant parking access drives and utilities within 100 feet of wetlands. Jennifer Carlino stated the the applicant had withdrawn the Notice of Intent because there is no actual work in Norton, only Taunton.

The members reviewed a Notice of Intent – **Intoccia Construction Co., Inc. – (File #250-497) - Willis Drive** – for proposed plans to add a six-foot length of 48” diameter arch span, install placed

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stone and install a fence within 100 feet of wetlands. Rich Rheume, Chief Engineer at Prime Engineering represented the applicant at the public hearing. He pointed out an area of Isolated Land Subject to Flooding that somebody had tried to drain by hand digging a trench about a foot wide. By doing this the areas were connected making it a bordering vegetated wetland. He further stated that when the Commission approved the original plans for this subdivision, they did not like the idea of a culvert being placed in this area explaining that this would be banking or impacting. Therefore a four-foot diameter half plate stand was placed over this so as not to disturb the end of the six-inch high bank. After this the road was built. He stated that when the arch was installed it was installed short and therefore the sidewalk has been falling in. He claimed that the Planning Board wants the culvert repaired. He explained to the members the method of using placed stone and how it works. However, the Planning Board wouldn't accept that method. Therefore, they planned to extend the culvert. An abutter to the project, Mr. Greg Aberchan, had concerns with the upkeep of the culvert and detention basin. Bob Medeiros stated that it would be the Town's responsibility once the road was finished and accepted. Jeff Houde made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to accept and sign the Order of Conditions. Approved.

The members reviewed a request for a Certificate of Compliance filed by **Dick Kelly for File #250-376 – Parcel 59 (assessors map 15) Oak Street (Topflight Drive)**. The Director stated that she had walked the site prior to the public hearing and an as-built plan has been submitted along with a letter from the Engineer stating that all conditions have been complied with for this project. Briscoe Lang, an Environmental Scientist with Tilton and Associates, Inc. was present at the public hearing to explain a few changes to the members. He mentioned that there minor deviations with the landscaping along the southerly side of Topflight Drive. He further stated that at the time of construction there were a few drainage concerns by abutters on Oak Street. One in particular was Mr. Thurston's lot which was flooding. Mr. Lang stated that Mr. Kelly had tied in Mr. Thurston's dry well to the main drainage system and constructed a swale on Oak Street to help with the flooding. He stated that there had inadvertently been approximately 360 sq. ft. of wetland filling during construction of the hammerhead-shaped wetland at the cul-de-sac. He asked if the Commission would offset the minor filling by the improvements made on Oak Street rather than to have Mr. Kelly dig out a 360 sq. ft. replication area. Ed Breault asked Jennifer Carlino if she had a problem with the changes and she did not. Jeff Houde made a motion, seconded by Ed Breault, to issue the Certificate of Compliance. Approved.

Other Business:

The Director stated that the signature form that allows the Chairman or the Vice-Chairman of the Conservation Commission to sign any or all payroll sheets that had already been signed by the Commission, would have to be signed again because of a minor change in the language required by Muriel, the Town Accountant. Jeff Houde made a motion, seconded by Ed Breault, to sign the form allowing Bob Medeiros or Julian Kadish to sign any or all payroll sheets. Approved.

The Director noted that tomorrow night, Tuesday, September 11, 2001 was the Shpack Meeting at the Solmonese School. Town Meeting will be October 1, 2001. September 18, 2001 will be the meeting

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with the Finance Committee and Capital Improvements Committee regarding Chartley Pond Dam and the Lincoln Woods property. She also noted that the dedication for the Subon property was this Saturday, September 16, 2001. Bob Medeiros stated that he would be at the dedication.

Discussion ensued regarding the conflict of interest policy. Jennifer Carlino stated that a notice was sent to each of the Conservation Commission members as a reminder of the conflict of interest policy.

Jeff Houde made a motion, seconded by Bob Medeiros, to adjourn the public hearing at 9:37 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino", written in a cursive style.

Jennifer Carlino
Conservation Director

JC/pmb