



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, June 24, 2002
7:30 pm

Attendance

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

Minutes

The members reviewed the Bills Payable Sheet (Pare Engineering). Jeff Houde made a motion, seconded by Neil Linehan, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc.). Ed Breault made a motion, seconded by Jeff Houde, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Jeff Houde made a motion, seconded by Ed Breault, to pay the bills. Approved.

Discussion – **Ronald & Janet O'Reilly**. Jennifer Carlino stated that a complaint had been received accusing Ronald and Janet O'Reilly of cutting of vegetation in the wetlands. Mr. O'Reilly stated that for many years he was very active in preserving the environment and the complaintants were never involved in any environmental activities until now. He further stated that it was his opinion that a complaint was brought against him and his wife because he was building a barn on his property. He stated that he has maintained his property in the same manner for many years. He also stated that the original owner of the property being discussed always helped clear the vegetation along with the O'Reillys. Mr. O'Reilly continued to say that in the past the sherriif's office and highschool students cleared purple loosestrife from the property and there were no complaints from the complaintants (Mr. & Mrs. Precourt) at that time. Bob Medeiros asked Mr. O'Reilly to submit a letter stating these facts to the Commission. Bette Precourt of 27 Union Road submitted before and after pictures of the areas of this discussion which include pictures of wildlife she claims is no longer there. She stated that the complaint against the O'Reillys has nothing to do with their building a barn on their property. She

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further stated that the purpose of her complaint against the O'Reillys is to protect the wetlands and nothing more. She and her husband requested that the O'Reillys pay a fine for cutting in the wetlands, replace any vegetation that was destroyed and be instructed to let wetland vegetation grow back untouched. Bud Precourt stated that the past owner of this property did not cut any vegetation on this property in the past. Bob Medeiros suggested that this issue be reviewed by them and the agent before any decisions are made. Janet O'Reilly submitted pictures of the former owner on this property cutting the vegetation. Much discussion ensued regarding the building of a barn on the O'Reilly's property in relation to the location of wetland vegetation. Jeff Houde stated that every project within 100 feet of the wetlands needs a wetland permit. Jennifer Carlino suggested a site walk on the property before the situation is reviewed. The board agreed. Bette Precourt requested that Jennifer Carlino take soil samples if possible.

The members reviewed a Notice of Intent – **Shamrock Realty Trust – (#250-510) - parcel 33 (assessors map 21) Walker Street – (cont. from the January 14, 2002, February 11, 2002, March 11, 2002, April 8, 2002, May 20, 2002 & June 10, 2002 mtgs.)** - for proposed plans to fill wetlands and floodplain for a driveway and for construction of a dwelling, septic system and grading within the 100 foot buffer of a bordering vegetated wetland, 100-year floodplain and riverfront area. No one was present at the public hearing to represent the applicant. Neil Linehan made a motion, seconded by Ed Breault to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to deny the project as submitted for lack of information to include discrepancies with the wetland boundaries. Approved.

The members reviewed a Notice of Intent – **Mark Bowditch – Parcel 114 (assessors map 14) 6 Holly Street – (#250-528) – (cont. from the May 20, 2002 & June 10, 2002 mtgs.)** - for proposed plans to construct a 14' x 24' addition, breezeway and a 30' x 30' attached garage within 100 feet of wetlands. Mark Bowditch presented the project to the members. He stated that the garage is going to be 24' x 30'. Jeff Houde made a motion, seconded by Neil Linehan, 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 Request for a Determination of Applicability – **DET. #769 – Polillio Norton Trust – Parcel 187 (map 12) 5 Fuller Drive – (cont. from the May 20, 2002 & June 10, 2002 mtgs.)** - to construct a portion of a driveway within the 100 foot buffer zone of a wetland. Chris Yarworth of Yarworth Engineering presented the project to the members. Julian Kadish made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, issue a negative Determination of Applicability, #3, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Joseph S. Mozzone, Tr. of St. George Realty Trust – Parcel 36-01 (assessors map 17) Cross Street – (#250-527) – (cont. from the May 20, 2002 & June 10, 2002 mtgs.)** - for proposed plans to construct a driveway crossing of bordering vegetated wetlands and construction of a replication area. Bob Medeiros left the public hearing. Chris Yarworth of

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Yarworth Engineering presented the project to the members. He said that originally this project was for a subdivision, but now it is only for a single family house. He further stated that every alternative was considered regarding wetland crossings and cutting of trees, and these revisions are reflected on the plans. He stated that water lines could be installed along the driveway unless a well is needed. Neil Linehan made a motion, seconded by Ed Breault to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ed Breault, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #773) - Kenneth Towne, Jr. – bldrs. lot 48, parcel 288 (assessors map 27) 16 Fordham Drive** – for proposed plans to install an irrigation well within 100 feet of wetlands. Kenneth Towne, Jr. presented the project to the members. He stated that the location of the well was the only place he could install it because of the rules and regulations of the Board of Health in regards to his septic system. He said that he will be using a jack hammer and dig down only about 9 feet. Jeff Houde made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability, #3, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Town of Norton/Highway Department – (#250-532) - Freeman Street – (cont. from the May 20, 2002 & June 10, 2002 mtgs.)** - for proposed plans to reconstruct portions of Freeman Street to include vertical curbing and sidewalks and a new drainage system within 100 feet of wetlands and Norton Reservoir. Mark Flynn of H. W. Lochner, Inc. presented the project to the members. An abutter had concerns with the installation of gas lines and the destruction of the road. He was reassured by Mr. Flynn that the roads would be repaired. Neil Linehan made a motion, seconded by Ed Breault, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to sign and issue the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **Slader Realty Trust – Parcels 41, 42 & 16 (assessors map 35) 30 East Hodges Street – (cont. from the June 10, 2002 mtg.)** - for proposed plans to construct a house with associated driveway, septic system and landscaping within 100 feet of wetlands, a rare habitat area, and within 100 feet of a vernal pool. Deshang Wang from Carr Research Laboratories presented the project to the members. He stated that he received a letter from the Natural Heritage and Endangered Species Program saying the project was near, but not in, the rare habitat area. He also stated that the majority of the area is not within the floodplain. Bob Medeiros stated to Mr. Wang that he had been on this property where Myra's Way is a few years ago and there was flowing water in the trench right where the leach field is at the present time and asked where the water will be going now. Mr. Wang stated that a swale would be constructed along side of the leach field. Bob Medeiros asked if the water would be going onto Mr. Ken Zanoni's property. He then stated to Mr. Wang that he wanted this area flagged. Mr. Wang said that the vernal pool would be protected and the

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swale would be maintained to prevent water problems with the neighbors. Jennifer Carlino stated to Mr. Wang that this project started with a Request for a Determination of Applicability (RDA) which at the time was incorrect because on the submitted plans, the two swales were not flagged and should have been because they connect to a wetland area on Myra's Way. She further stated many other discrepancies on the submitted plans for the RDA. She stated that revised plans would have to be submitted. It was agreed there should be a site inspection on this property with Jennifer Carlino and Mr. Wang. Mr. Zanoni, an abutter, spoke about various water problems on his property. Neil Linehan made a motion, seconded by Ed Breault, to continue the public hearing until Monday, July 8, 2002 at 7:55 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #771) - Biltmore Realty Trust, c/o Viola Homan – Parcels 116 & 117 (assessors map 35) Mary Joe Road (off East Hodges Street) – (cont. from the June 10, 2002 mtg.)** - for proposed plans for restoration work within 100' of a wetland and a rare habitat area as part of expired permit DET. #544. Deshang Wang of Carr Research Laboratories presented the project to the Commission and presented pictures to show the members of work left to be finished. He explained that the applicant just wanted to clean up the area and finish the replication that should have been finished by now. He asked if the applicant could get permission through this filing to extend the previous filing DET. #544. Jennifer Carlino stated that a Notice of Intent would have to be filed since the work is within a rare habitat area. She further stated that the Natural Heritage and Endangered Species Program should have been notified at the time this Request was filed with the Conservation Commission but never was. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to issue a positive Determination of Applicability. Approved.

The members reviewed a Notice of Intent – **Sothy S. Hay – (#250-533) - Parcels 684 & 685 (assessors map 3) South Lakeview Road – (cont. from the June 10, 2002 mtg.)** - for proposed plans to construct a single-family house and grading and utilities within 100 feet of bordering vegetated wetlands and the Norton Reservoir. Bob Colleran of Hutchins-Trowbridge Associates, Inc. presented the project to the Commission. Jennifer Carlino stated that the wetland boundary looked fine and she added a couple of conditions to include that any debris or brush within the 25-foot no-work zone, but allowing any vegetation within that area to re-grow. Also, pruning of the trees between wetland flags # and #4, but no lower than the bottom elevation of the deck, would be allowed. Jeff Houde made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #772) - Tucker MacGregor & Tracey Frederickson – Parcel 222 (assessors map 27) 4 Barrows Court** – for proposed plans to construct a garage and repair a septic system leach field within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering presented the project to the members. Mr. MacGregor stated that he would also like to repair and enlarge the existing deck. Jeff Houde asked what the dimensions would be and Mr. MacGregor said the deck will go from 12' x 20' to 14' x 24'. Jennifer asked Mr. MacGregor to stop dumping leaves and grass clippings along the

edge of the at the wood pile. Neil Linehan made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability, #3, as long as the work is done according to the submitted plans.

The members reviewed a Request for a Determination of Applicability – **(DET. #774) - Creative Edge Builders Corp. – Parcel 154 (assessors map 15) 20 Fletcher Way** – for proposed plans to perform site work within 100 feet of wetlands. Chris Yarworth of Yarworth Engineering presented the project to the members. He stated that the cellar floor would be at ground level. Julian Kadish made a motion, seconded by Jeff Houde, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability, #3, as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Alec Rich, III – (#250-535) - Parcels 18-01 & 18-02 (assessors map 11) 246 East Main Street** – for proposed plans for drainage improvements to a new commercial building within 100 feet of wetlands. Ralph Maloon of RIM Engineering Co., Inc. presented the project to the members. He stated a three-bay building was proposed with a Dunkin Donuts on the south end, office or commercial space in the center on two floors and office or commercial space at the north end. He further stated that the project was already approved by the Planning Board. He said there is an existing drainage system on this site, but it is not adequate. The applicant proposes to take all the roof water and put it into a galley system in the ground. He stated that this would balance the peak flows from pre-development. He said surface parking lot water would go into a drainage system and in the process, the two catch basins would be rebuilt. He stated also the water would go into a stormceptor sized for all the water that goes into the drainage system and also for a “sensitive area”. He said the maintenance plan would include cleaning this system at least three times a year. Jennifer Carlino asked Mr. Maloon what would stop the oil which may leak from a car from flowing into the wetlands. Mr. Maloon replied by saying the stormceptor that is being installed would catch any spills. Mr. Maloon stated that this site is in the ACEC and not far from a Zone II with a town well. Jennifer asked Mr. Maloon what the meaning of “sensitive area” was. She stated that she had a copy of the Step Program and asked if his copy defined the word “sensitive area” as her’s did not. He said it did not, but assumed that the ACEC bordering a Zone II would probably be a sensitive area. Jennifer Carlino asked Mr. Maloon to add something about source controls, snow management, sanding and salting, etc. in the Operation & Maintenance Plan. Jeff Houde suggested to be in the conditions and Jennifer Carlino agreed. Mr. Maloon stated that the Planning Board Consultant required an emergency overflow which would go into the #1 manhole which will provided with a check valve. This would also be an added condition to the Orders. Jeff Houde made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions after the conditions are revised. Approved.

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The members reviewed a Notice of Intent – **Teddy Realty Trust – (#250-536) - Parcels 499 & 527 (assessors map 10) Cross and North Washington Street (Todd Estates)** – for proposed plans to construct a road, 16-lot subdivision and wetland fill and replication and drainage. Bob Medeiros left the public hearing. Ralph Maloon of RIM Engineering Co., Inc. presented the project to the members. He submitted revised plans at this time. He stated that he notified the Natural Heritage and Endangered Species Program regarding a vernal pool and has not heard from them yet. Julian Kadish asked Mr. Maloon if the board was going to review Jennifer Carlino's letter and then his responses to the questions in her letter at the next public hearing, and he said they would. Neil Linehan made a motion, seconded by Julian Kadish, to continue the public hearing until Monday, July 8, 2002 at 8:10 pm.

A Certificate of Compliance was requested for file **#250-469 – Wheaton College – parcels 93 & 100 (map 17) 40 Howard Street**. Jennifer Carlino stated that everything was done according to the plans and the only thing to be done is to remove a bike rack from the wetland area. Ed Breault made a motion, seconded by Jeff Houde, to issue the Certificate. Approved.

A Certificate of Compliance was requested for file **#250-463 – Town of Norton – parcel 98 (map 29) Hill Street**. Jennifer Carlino stated the project was finished. Jeff Houde made a motion, seconded by Neil Linehan, to issue the Certificate of Compliance. Approved.

A Certificate of Compliance was requested for file **#250-467 – Greg Bramwell – lots 243 & 246 (map 21) 96 North Worcester Street**. Jennifer Carlino stated the project was finished. Jeff Houde made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

A Certificate of Compliance was requested for file **#250-495 – Massachusetts Electric Company – parcel 140-02 (map 27) Barrows Street, Tweave Substation**. Jennifer Carlino stated that the project was finished. Jeff Houde made a motion, seconded by Neil Linehan, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for file **#250-511 – Michael Choquette – parcels 203/205 (map 27) 139 South Worcester Street**. Jennifer Carlino stated the extension permit was for the wetland replication area that was dug but not planted. She stated that this permit will be for two years but will require the planting be done within the next two months. Jeff Houde made a motion, seconded by Neil Linehan, to issue a two-year extension permit with the requirement that the replication area be planted within two months or by September 1, 2002. Approved.

Discussion ensued regarding file **#250-440 – Mark Hoyle, Sr. – lot 15 (assessors map 35) Dean Street**. Jack Vance spoke to the Commission as Ed Breault's representative for this project. He stated that this project began a couple of years ago when the applicant, Mark Hoyle applied for a driveway to go to the ten acres in the back from Dean Street. He stated that DEP thought it would be less of an impact to the wetlands if a driveway went in through East Hodges Street instead of Dean Street. A revised plan was then submitted with a proposal to construct a driveway to go in from East Hodges

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Street. He said that the Natural Heritage and Endangered Species Program wanted a botanist to look at the property. The botanist suggested to build either a box culvert or a bridge to allow existing rare species to go from place to place. He said a bridge would be built. Mr. Vance stated that when Ed Breault (DBA Town and Country) purchased the property he decided to build a concrete bridge rather than a wooden bridge, so the purpose of this discussion is to change the plan from a wooden bridge to a concrete bridge using the same concrete footings that were approved at the public hearing for this project. He also asked if the well could be moved to a different location from where it was located on the approved plans. Jeff Houde stated he saw no problems with these changes. Jennifer Carlino suggested that a modification to the plans be requested and also advertised in the local newspaper. She also stated that since it is in the rare habitat area, the Natural Heritage and Endangered Species Program should be notified of the proposed changes to the bridge and that she wanted a letter from them with their opinion. Bob Medeiros suggested that a letter be sent to Natural Heritage as soon as possible to prevent any further delay with this modification of plans.

Jeff Houde made a motion, seconded by Neil Linehan, to adjourn the meeting at 10:25 pm. Approved.

Respectfully Submitted,

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

Jennifer Carlino
Conservation Director

JC/pmb