



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
(508) 285-0275
Fax (508) 285-0277

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2003 JAN 14 PM 3:05
NORTON TOWN CLERK

Monday, September 9, 2002
7:30 pm

Attendance

Bob Medeiros (Chairman), Neil Linehan,
Kathleen Giblin, Earl Willcott, Ron O'Reilly
Jennifer Carlino, Director

Jeff Houde & Julian Kadish (Vice-Chairman) were absent.

Minutes

The members reviewed the Bills Payable Sheet (Misc.). Neil Linehan made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed a letter addressed to Ronald and Janet O'Reilly to be sent with the Commission's decision regarding the complaint filed by Bud and Bette Precourt as to their cutting and clearing within the wetlands. Neil Linehan made a motion, seconded by Earl Willcott, to have Bob Medeiros, Chairman, sign the letter. Approved.

Discussion ensued regarding the trucking of contaminated fill to the Attleboro Landfill over a period of five years by route of Norton roads. Ronald O'Reilly stated that since this is Attleboro's issue, the fill should be brought in through Attleboro roads and streets, not Norton's. Neil Linehan made a motion, seconded by Earl Willcott, to write a letter to have the Town of Attleboro find alternate routes within the Town of Attleboro to have fill brought to the Attleboro Landfill to protect the Chartley Pond Dam and Canoe River. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #776) - W. Anthony Wakim – Parcel 162-18 (assessors map 4) 22 Bryson Drive – (cont. from the August 26, 2002 mtg.)** - for proposed plans to pump water from a pond for irrigation. John Orłowski, an abutter, was present at the public hearing. A letter in response to Mr. Orłowski's letter to his engineer with concerns to his pond, was distributed to the members to read. Mr. Wakim explained to the Commission that the well would be 200 feet deep and have no adverse affects to the existing pond on Mr. Orłowski's property. Jennifer Carlino scheduled an on-site inspection with Mr. Wakim and Mr. Orłowski for

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Wednesday, September 11, 2002 at 4:00 pm. Neil Linehan made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, September 23, 2002 at 8:00 pm to document on the plan where the exact location of the well is and where the exact wetland line is. Approved.

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) – (cont. from the June 24, 2002, July 8, 20002 & August 12, 2002 mtgs.)** - for proposed plans to construct a road, 16-lot subdivision and wetland fill and replication and drainage. Bob Medeiros removed himself from the Public Hearing. Ralph Maloon of RIM Engineering explained the project to the members. He stated that his associates had walked this property for at least three days with Jennifer Carlino. He said that the project had already gone before the Planning Board and they had hired Walter Amory, Engineer, to review the drainage. He further stated that Jennifer Carlino suggested having one driveway rather than two, but he explained that this would require a Special Permit from the Planning Board. Discussion ensued regarding the Conservation Restriction and Angelo Pasqualino, applicant, explained it was unclear at the present as to the amount of land he would need to give to the prospective buyers for some of the lots. Ralph Maloon stated that some of the changes proposed were not on the plans submitted. Angelo Pasqualino stated that lot sizes and conditions or restrictions may be changed in the future and could not be specifically noted at this time. Jennifer Carlino had Mr. Maloon clarify some of the items on the submitted plans. She also stated that she would recommend that the wetland replication be waived upon receipt of the Conservation Restriction. After much discussion, Jennifer Carlino stated that regarding the Operations & Maintenance Plan, she would like the lot lines on lots 9, 10 & 11 changed before this public hearing will be closed. Mr. Maloon and Mr. Pasqualino stated there would only be two lots not three because of the vernal pool. She also asked Mr. Maloon if he would like to have a meeting before the next scheduled public hearing on September 23, 2002. He said that he would. The applicant, Angelo Pasqualino, strongly stated he would rather not have to change the lot lines for his project because he might be able to get three lots from lots 9, 10 & 11 instead of the two he suggested to the Commission. Mr. Richard Bland, Attorney for the applicant stated that a dispute before the applicant and the Planning Board was close to being settled at a meeting tomorrow night. He stated he did not want to complicate the matter any further. Jennifer Carlino mentioned to the applicant that she received a complaint about him dumping and burying stumps on another project of his. There was a tire and other debris on lot 1 on Mill Lane. He said that the debris and stumps had been removed and nothing was buried on this lot. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, September 23, 2002 at 8:00 pm. Approved.

The members reviewed a Notice of Intent – **Biltmore Realty Trust/Viola Homan – (#250-544) - Parcels 116 & 117 (assessors map 36) Mary Joe Road** – 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 represented the applicant at the public hearing and explained the project to the members. He stated that this area had already been cleaned and stated that he submitted a copy of the Immediate Action Response Report. He also stated that the applicant would like to restore the area. Jennifer Carlino stated that the flag numbers in the report did not match the flag numbers in the field and there were no flag numbers on the submitted plans. Jennifer Carlino stated that since there were a couple of mistakes on the first submitted Notice of Intent, she wanted proof that the Natural Heritage and Endangered Species Program was re-notified. She also stated that there were several items not shown on the plans. She also had several questions that Mr. Wang couldn't answer. Commission

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members requested he bring the Consultant who did the IAR to the next meeting. Neil Linehan made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, October 21, 2002 at 7:40 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #777) – Paul Binegar – Parcel 80 (map 24) 148 Pine Street** – for proposed plans to construct a 20' x 22' addition including grading within 100 feet of wetlands. Mr Paul Binegar was present at the public hearing. James Chabot of J & R Enterprises, contractor for this project presented the project to the members. Jennifer mentioned he was cutting wetlands and would meet with him on-site to review the Wetland Protection Act and Regulations. Neil Linehan made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability, number three, as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Russell Mills Development Corp. – Parcels 11 & 78 (assessors map 24) and Parcel 93-08 (assessors map 18) South Washington Street** – for proposed plans to construct 7 buildings, parking areas, drainage structures, access road, retaining walls, retention basins, subsurface sewage, and for site grading and utilities within the 100 foot buffer zone of a bordering vegetated wetland. Mark Casey of South Shore Survey Consultants presented the project to the members. He submitted revised plans showing wetland flag numbers as requested by Jennifer Carlino. Mr. Casey stated that the applicant went back to the Zoning Board of Appeals with a revised plan showing a count of 44 units with 88 bedrooms as opposed to the original 136 bedrooms. He stated that Zoning Board of Appeals waived any fees normally required for a project. Bob Medeiros stated that the Norton Conservation Commission does not waive any fees and, as required by state law, all fees for this Notice of Intent filing would have to be paid by the applicant. Jennifer stated that all the wetland flags were not up and the original filing for this property, which had approved the wetlands line at that time, had expired last January. He said that he would have the areas needed to be flagged re-flagged this coming Thursday and Friday. Jennifer had several questions for Mr. Casey. Robert Kimball, Selectmen, questioned the plan for sewage disposal in the future and stated that more than likely, there would be problems. He said that the owners would more than likely expect the Town to fix the problems. Bob Medeiros stated that the applicant would be posting a bond to pay for any septic system problems in the future. Mr. Kimball asked if the road for this project would be able to handle the proper fire trucks and equipment if there was a fire in one of the units proposed. Mr. Casey said that the road could support such equipment. He also stated that sprinkler systems would be used in all the units. Mr. Kimball brought up questions regarding wells. Bob Medeiros stated that these issues would have to be addressed to the Board of Health. Earl Willcott made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, October 21, 2002 at 8:00 pm. Approved.

Bob Medeiros read a letter from Harry Hart of North Washington Street requesting to purchase a portion of the Johnson Acres property on which his driveway is located. Jennifer Carlino stated that she had gone over this issue with Mrs. Hart and at that time told her that this was the only access to this property and the area where the Town is required to put a parking lot. She further stated that this would be in violation of the Self-Help grant and Article 97. Earl Willcott made a motion, seconded by Neil Linehan, to send a letter to Mr. Hart in response to his letter declining his offer, but thanking him for his concerns. Approved.

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The members reviewed a request for a **Modification – DEP #250-450 – Briarwood Construction Corp./Ray Ferrone - Lot 5, parcel 57 (assessors map 31) 7 Dion's Way**. Jennifer Carlino stated that this would be a minor modification to the erosion control. She stated that the project has gotten too close to the wetland line already. Neil Linehan made a motion, seconded by Ron O'Reilly to deny the request for a modification and to have the applicant follow the original approved conditions and plans. Approved.

Jennifer Carlino stated that the bid packages for the Chartley Pond Dam repairs had been opened. She stated that she received a very long letter from Town Manager Chris McCabe sent by Town Counsel, Kopelman & Paige with concerns regarding the bid documents. Jennifer further stated that the project had already gone out to bid, bids were received and the bid packages were opened by the time Town Counsel reviewed the bid documents and sent their comments and concerns to the Conservation Commission. She said that she had then spoken with Chris McCabe. Jennifer Carlino stated that she scheduled a conference call tomorrow with Town Counsel and the Consulting Engineer for this project.

Jennifer Carlino stated that the Conservation Commission has right of first refusal on Marshall Martin's cranberry bogs, consisting of 23 acres on Taunton Avenue. Earl Willcott stated that for property listed as 61A, in order for the Commission to have right of first refusal, a legitimate offer for the property from another buyer has to be present.

Earl Willcott made a motion, seconded by Neil Linehan, to adjourn the meeting at 9:45 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb