



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

RECEIVED
2003 APR 15 PM 3:17
NORTON TOWN CLERK

Monday, March 24, 2003
7:30 pm

Attendance

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

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

Minutes

Discussion ensued regarding the authorization of signing payroll in the absence of the Chairman and Vice-Chairman. Jennifer Carlino stated the payroll has to be signed by the Chairman or Vice-Chairman. Bob Medeiros made a motion, seconded by Earl Willcott, to re-organize the Conservation Commission at the next regular meeting of Monday, April 14, 2003 at 7:35 pm. Approved.

The members reviewed the draft minutes of **May 20, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **July 8, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **August 12, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **February 24, 2003**. Bob Medeiros made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of the **February 24, 2003 Executive Session**. Bob Medeiros made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable sheet (Pare Engineering). Bob Medeiros made a motion, seconded by Earl Willcott, to pay the bill. Approved.

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The members reviewed a Notice of Intent – (#250-544) - **Biltmore Realty Trust/Viola Homan - Parcels 116 & 117 (assessors map 36) Mary Joe Road – (cont. from the September 9, 2002, October 21, 2002, December 16, 2002, February 24, 2003 & March 10, 2003 mtgs.)** - for proposed plans for restoration work within 100' of a wetland and a rare habitat area as part of expired permit DET. #544. Ed Woods, Attorney for the applicant, was present at the public hearing. Bob Medeiros stated that a condition requiring the applicant to get the fill for the property from a source other than this property or the property to the rear. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Order of Conditions with the addition of a condition which would prohibit the applicant from obtaining loam from the two parcels listed in the condition. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-551) - **Red Mill Realty Trust/Nick Mirrione, Trustee – Parcels 4 & 22 (assessors map 2) Newland Street – (con't. from the December 16, 2002, January 13, 2003, February 24, 2003 & March 10, 2003 mtgs.)** - for verification of Wetland Resource Areas. Earl Willcott removed himself from the meeting. Frank Gallagher, Engineer, Mark Manganello of LEC and Fred Clark of Red Mill Realty Trust were present at the public hearing. Mr. Frank Gallagher showed a revised plan showing several isolated wetland areas that could possibly be called ponds under the Wetland Protection Act because of their volume. However, he stated that he did not think that these areas qualify as ponds because they were newly created by a previous project that permitted cranberry bogs on this property. Jennifer Carlino stated that the Wetland Protection Act regulations stated that in order for areas that were dug out to qualify as ponds, they would have to be unaltered for at least five years. Jennifer Carlino stated that a condition stating this information, which would also include specific dates, would be included in the Order of Conditions. Mr. Gallagher stated that the Mean High Water line had been flagged as well as the isolated wetland areas and are on the revised plan. Jennifer Carlino pointed out that there is a vernal pool on the property. She submitted photos to overcome the presumption that vernal pools don't exist. Bill Humphries, builder, described what he planned to do with this property in regards to building houses and restoring the property areas that were destroyed by the previous owners. He said that he wanted to repair existing ponds and also create new ones. He said that by building a fifty-five and over community instead of single-family houses on this property, there would be enough money to repair the property. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Kathleen Giblin, to accept the Conditions as written and to sign and issue the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **Champion Builders (#250-552) – Parcel 507 & 510 (assessors map 10) North Washington Street – (cont. from the January 27, 2003 & February 24, 2003 mtgs.)** - for proposed plans to construct a 32-lot comprehensive permit residential subdivision, stormwater and wastewater management facilities within 100 feet of wetlands and the Canoe River ACEC. Neil Linehan read a letter sent to the Commission by the representative for the project, Coler and Colantonio, requesting to continue the public hearing until the next regular meeting in order to receive comments from the Zoning Board of Appeals. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until Monday, April 14, 2003 at 8:00 pm. Approved.

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The members reviewed a request for a partial Certificate of Compliance for file #250-480-**TeddyRealty Trust - Irene Estates II - Parcel 527 (map 10) & Parcel 57 (map 17) Talbot Drive (Mill Lane)**. Earl Willcott stated that he checked the site, and according to the existing conditions, it would cost approximately \$4,000 to finish. He also stated that the stormceptor was in the roadway. She also stated that the curb cuts were shown on the As-Built Plan but not actually built. She said she had already requested an accurate As-Built Plan. Earl Willcott made a motion, seconded by Kathleen Giblin, to wait until an accurate As-Built Plan is submitted before signing and issuing a partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-453 – **David A. Gravel Parcel 41 (assessors map 19) 10 Maplewood Avenue**. Jennifer Carlino stated that an As-Built Plan was received, which shows that the project was not done according to the Order of Conditions. She stated that the bottom floor of the addition and the deck were supposed to be above the floodplain, but were actually below the floodplain elevation. She stated that everything else was done on the project. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue the Certificate with a letter to be sent in regards to the floodplain. Approved.

Jennifer Carlino presented a plan from the Planning Board for a proposed subdivision by Easecat, Inc. Kathleen Giblin left the public hearing. Jennifer Carlino stated that the Town Planner, Charles Gabriel asked if the areas for the replication, extra crossings and the stormwater were represented accurately on the plan. Discussion ensued and several concerns were brought up by the members. Bob Medeiros made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino talk to Charles Gabriel regarding several concerns with the plans. Approved.

Discussion ensued regarding the site inspection for Strawberry Fields on April 3, 2003 at 10:45 am. It was decided that anyone who wanted to attend should meet at the site.

Discussion ensued regarding the proposed Conservation by-law and the members reviewed the suggestions made by Jennifer Carlino.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:55 pm.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb