



CONSERVATION COMMISSION
70 EAST MAIN STREET
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RECEIVED
2004 JAN 26 PM 12:07
NORTON TOWN CLERK

Monday, July 14, 2003
7:00 pm

Attendance

Julian Kadish (Chairman), Neil Linehan (Vice-Chairman),
Bob Medeiros, Earl Willcott, Ron O'Reilly, Lisa Carrozza
Jennifer Carlino, Director

Kathleen Giblin was absent.

Minutes

The members voted to re-organize the Conservation Commission. Bob Medeiros made a motion, seconded by Earl Willcott, nominating Neil Linehan for Chairman and Kathleen Giblin for Vice-Chairman. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Bob Medeiros made a motion, seconded by Julian Kadish, to pay the bills. Approved.

The members reviewed a Notice of Intent – **(#250-552) - Champion Builders – Parcel 507 & 510 (assessors map 10) North Washington Street – (cont. from the January 27, 2003, February 24, 2003, March 24, 2003, April 14, 2003, April 28, 2003 & June 9, 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. Present at the public hearing were John Zimmer of Coler & Colantonio, Erik Scadberg, Engineer, and Matthew Dacy of Champion Builders. John Zimmer submitted the Draft Environmental Impact Report. He stated that because the proposed project alters a wetland within an ACEC, the road would have to be redesigned. They will work on this and submit new plans. Also, the Army Corps of Engineers inspected the property for the 404 permit and extended the wetland boundary in one section. Lisa questioned whether there would be access to the open space parcel in the rear. Mr. Dacy stated he would make that available. She also requested a place to park. They would look into it. Julian Kadish made a motion, seconded by Bob Medeiros, to continue the public hearing until the meeting of Monday, August 25, 2003 at 7:10 pm. Approved.

The members reviewed a Notice of Intent – **(#250-560) – William Gagan – Parcel 54-01 (assessors map 26) 355 Old Colony Road – (cont. from the April 14, 2003 mtg.)** - for proposed plans to construct a garage, blacktop, grading and detention pond, etc. within 100 feet of wetlands. No one

Norton Conservation Commission

Monday, July 14, 2003

Minutes, page 2.

was present at the public hearing to describe the project. Bob Medeiros made a motion, seconded by Julian Kadish, to table the project until the end of the meeting. Approved.

At 8:45 pm there was still no one at the public hearing to describe this project. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to deny the project since the public has not been notified of this hearing since April and because the applicant has not submitted any of the stormwater information requested in April. The project is denied for lack of information.. Approved.

The members reviewed a Notice of Intent – **(#250-559) - Brian Duffy – Parcel 288 (assessors map 26) 351 Old Colony Road - (cont. from the April 14, 2003 mtg.)** - for proposed plans to construct a building, sanitary system, blacktop and grading within 100 feet of wetlands. No one was present at the public hearing to describe the project. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the end of the meeting. Approved. At 8:47 pm there was still no one at the public hearing to describe this project. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to deny the project since the public has not been notified of this hearing since April and because the applicant has not submitted any of the stormwater information requested in April. The project is denied for lack of information. Approved.

The members reviewed a Notice of Intent – **Briarwood Construction Corp., Ray Ferrone – Lot 5, Parcel 57 (assessors map 31) 7 Dions Way** – for proposed plans to construct a single family house, subsurface disposal system, driveway, utilities and related grading within the 100 foot discretionary zone. Neil Linehan read a letter received by Ralph I. Maloon of RIM Engineering, Engineer for the applicant, requesting a continuance of the public hearing until the next regular meeting. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until July 28, 2003 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-568) - Virginia E. Teixeira Trust – Lot 1, Parcel 10 (assessors map 10) 85 Elm Street – (cont. from the June 23, 2003 mtg.)** - for proposed plans to construct a house, garage, sewage disposal system with related grading within 100 feet of wetlands. Jennifer stated that a DEP file # had been received for this project. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #801) – Newland Farm, Inc. – Parcel 9 (assessors map 2) 145 Newland Street – (cont. from the June 23, 2003 mtg.)** - for verification of the wetland boundaries. Christopher Yarworth of Yarworth Engineering explained the project to the members. Earl Willcott excused himself from the public hearing. Jennifer Carlino stated she checked the wetland boundary and it was correct as drawn on the revised plans. She also stated that the stumps had been pushed into the wetlands and Mr. Willcott agreed to remove them as time allows. Julian Kadish made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a positive Determination of Applicability (#2). Approved.

Norton Conservation Commission

Monday, July 14, 2003

Minutes, page 3.

The members reviewed a Notice of Intent – **(#250-567) - Donald Roach c/o Gifford Investments, Inc. – Parcel 284 (assessors map 26), Parcel 2 (assessors map 27) & Parcel 1 (assessors map 27) lots 1-4, John Scott Boulevard** – for proposed construction of a 16' wide common driveway over a bordering vegetated wetland to access four houses and construction of a replication area. Chris Yarworth of Yarworth Engineering explained the project to the members. He stated the Planning Board had already approved the project and common driveway with a special permit. He stated that by constructing a common driveway, less wetlands would have to be crossed than if it were a road. Discussion ensued regarding calculations on the submitted plans which Jennifer Carlino questioned as to whether they were incorrect or correct. Jennifer Carlino also questioned the soil types listed on the plans. She also stated that the Mr. Yarworth's wording of the woods, "bad" or "good" in the selection of the CN Value, and the amount of water flow were confusing. Questions were raised in regards to the size of water pipes to be used. Lisa Carrozza asked Chris Yarworth what the location of the replication area was and if trees would have to be removed in order to replicate the wetland areas. Chris Yarworth stated that according to the Wetland Protection Act & Regulations, it is more beneficial to leave large trees in place because of the shade they provide. The members stated that a condition be added to the Order of Conditions requiring that the sideslopes of the driveway be reinforced with boulders and a layer of filter fabric shall be installed beneath the boulders. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to sign and issue the Order of Conditions as amended. Approved.

The members reviewed a Notice of Intent – **Lake Winnecunnet Association/Barbara Brady – King Phillip Road, Bay Road, Maplewood Avenue, Charlotte Avenue and Samoset Road** – for proposed residential and two commercial sewer tie ins within 100 feet of Lake Winnecunnet. Barbara Brady explained the project to the Commission members. Jennifer Carlino asked her if all the homeowners involved with this project signed a paper stating they had received the notice informing them of this project. Ms. Brady said all but two people had signed. Jennifer Carlino explained that the this project was not for the actual sewer lines which was already permitted, but for a permit that would allow all residents connecting to the Town's sewer system to use this permit instead of having to obtain their own permits. She explained that each homeowner would receive and record a one-page copy of this Order of Conditions at the Registry of Deeds to their property and pay an application fee of \$40.00 to the Norton Conservation Commission and a \$15.00 application fee to the DEP in Boston. She further explained that after these requirements were met, she could meet with the individual contractors that would be doing the tie ins for a site inspection. Jennifer Carlino stated that a DEP file number has not been received yet for this project. Julian Kadish asked if each homeowner would eventually apply for a Certificate of Complainece or if only one would be issued. Jennifer Carlino stated that each homeowner would receive a Certificate of Compliance because each homeowner had recorded the one-page Order of Conditions. Julian Kadish asked if there would be more than one contractor for the tie ins and Barbara Brady stated that there were a couple of contractors that showed a good deal of interest in the project even though a list of contractors had been supplied to the homeowners. Julian Kadish made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to have three members sign the Order of Conditions and after a DEP number is received, have a fourth member sign the Order. Approved.

Norton Conservation Commission

Monday, July 14, 2003

Minutes, page 4.

Discussion ensued regarding **Mr. Barstow/Mill Lane**. Len and Lori Barstow were present at the public meeting along with their attorney, Austin Pool. Mr. Barstow addressed the Commission. Mr. Barstow stated that he and his wife purchased a new house on Mill Lane. He claimed P & A Construction had installed a catch basin and additional drainage on one corner of his property that runs through two other lots than into a detention basin were not shown on the approved Conservation plans. Neil Linehan asked if an easement was mentioned in either of the deeds to the other two lots. Attorney Austin Pool said that the easement was mentioned in one of the two deeds. He said it is mentioned in the deed for lot 5 but not in the deed for lot 6. Jennifer Carlino stated that she sent a letter to P & A Construction, but has not received a response to date. Lisa Carrozza asked Jennifer Carlino if the catch basin and additional drainage was shown on the plans submitted to the Planning Board and Jennifer replied that she did not know but the Order of Conditions for this subdivision states that any changes to the submitted approved plans have to be requested by way of a modification to the plans. Mr. Barstow stated that the additional drainage was installed about one month before he purchased the house. He said the builder agreed to fix a water problem and this was the result of that problem. Mr. Barstow claimed the water problems were because of the foundation being installed two feet too low and that the catch basin solved that problem. Jennifer Carlino stated that the issue with Conservation is that one of the conditions of the Order of Conditions for this subdivision is that any changes made have to be presented to the Conservation Commission in the form of a modification to submitted plans. In this case, the applicant did not do this. Julian Kadish stated that this issue does not seem to be within Conservation jurisdiction and that the problem would best be solved by contacting one of the two neighbors involved to figure out what sections of the catch basin are on each lot and who will be responsible for the maintenance of each section. He further stated that, in his opinion, the solution to this issue would be to obtain an easement from a neighbor in order to maintain the catch basin.

The members reviewed a request for a Certificate of Compliance for File **#250-542A – James Vadala, Tr./Slader Realty Trust – Parcels 16, 41 & 42 (assessors map 35) 30 East Hodges Street**. Jennifer Carlino recommended a partial Certificate of Compliance be issued with a bond. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance with the condition the applicant post a \$500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils on these parcels. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-547 – WorldwideDevelopment Corp. – Parcels 43-05 & 46 (assessors map 15) 146 Oak Street**. Jennifer Carlino stated the project was completed as required by the Order of Conditions. Bob Medeiros made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-534 – Creative Edge Builders Corp. – Bldrs. lot 17, Parcel 163 (assessors map 15) 4 Fletcher Way**. Jennifer Carlino stated the project was completed as required by the Order of Conditions. Julian Kadish made a motion, seconded by Bob Medeiros, to issue the Certificate of Compliance. Approved.

Discussion ensued regarding **Kilburn Glass Industries**. It was noted that the Order of Conditions for prior permits had expired. Bob Medeiros made a motion, seconded by Julian Kadish, to send a letter to Kilburn Glass Industries notifying them that their prior permits had expired and for an update on the progress for these projects. Approved.

Norton Conservation Commission

Monday, July 14, 2003

Minutes, page 5.

Jennifer Carlino stated to the members she would prefer that they not inspect project sites without her knowledge prior to the inspection.

Discussion ensued regarding the level of the water in the Chartley Pond Dam. Jennifer Carlino explained that the level had been adjusted during the time work was being done and that the level currently is at the right height.

Bob Medeiros made a motion, seconded by Julian Kadish, to adjourn the meeting at 9:00 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino
Conservation Director

JC/pmb