



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

Monday, September 15, 2003
7:00 pm

RECEIVED
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NORTON TOWN CLERK

Attendance

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

Kathleen Giblin (Vice-Chairman) was absent.

Minutes

(TAPE 1 IS INAUDIBLE)

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

The members reviewed the Bills Payable Sheet (Northern Construction). Julian Kadish made a motion, seconded by Earl Willcott, to pay the bill deducting \$500 to be paid as soon as a new sign is constructed and an as-built plan is submitted. Approved. The Commission requested that Jennifer Carlino send a letter to Northern Construction explaining why \$500 will be held back for this final payment.

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, July 14, 2003 & August 25, 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.

(TAPE 1 IS INAUDIBLE)

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-571) – **Thorndike Development Corporation – Parcels 34, 272 & 273 (assessors map 5) East Main Street and Newland Street (cont. from the August 11, 2003 & August 25, 2003 mtgs.)** - to verify the wetland resource areas adjacent to Canoe River (former White Street pits).

(TAPE 1 IS INAUDIBLE)

Present at the public hearing were Gary Sanford of Sanford Ecological Services, Inc., David Eastridge of Thorndike Development, Nicole Hayes of Sanford Ecological Services, Inc. and Lloyd Geisinger of Thorndike Development. Based on the Conservation Agent's inspection and inspection with the applicant's consultant, the wetland and riverfront boundaries were changed in the field. A revised plan and other information was submitted to the Commission that the Conservation Agent requested at the site inspection. The Conservation Agent provided the applicant with all vernal pool and potential vernal pool documentation. The Commission overcame the presumption that vernal pools are not on-site. She also provided the Spotted turtle documentation and three scientific studies on Spotted turtles. The studies were included in the public record to verify the turtle's habitat requirements and wetland use throughout the seasons. The Commission overcame the presumption that rare species are not on site. The applicant decided that he is ready to begin review again after speaking with his consultant about rare species. The Commission agreed to hire a consultant to review the intermittent stream and proposed isolated wetland area. The meeting was continued until the agent met with the consultant. The applicant asked why we were hiring a consultant. The Conservation Agent stated we wanted addition review because his representative stated the stream was just a "series of points" and that the wetland wasn't connected. The applicant's representative, Gary Sanford, stated that now he agrees it is bordering. The Commission stated they already signed the contract with the Commission's consultant and still requested he review the boundary. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the regular meeting of Monday, September 29, 2003 at 7:05 pm. Approved.

Tom Jenkins and Steve Lecco of Baystate Environmental Consultants, Inc. updated the Commission on the Norton Reservoir Dredging project. Tom Jenkins stated the project is ready to be permitted. They will meet with the Conservation Agent and the Town Planner. Discussion ensued regarding what permits are necessary. Lisa Carrozza questioned the Chapter 91 permit and Tom Jenkins agreed that they will look into it.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-574) - **Mark S. Blanchette – Parcels 20 & 20-02 (assessors map 28) Taunton Avenue** – verification of the wetland resource areas. Don Nielsen of Guerriere & Halnon, Inc., Bob Young and Mark Blanchette, applicant, were present at the public hearing. There are additional wetlands to be flagged. The Conservation Agent will finish her inspection and send a letter regarding any other areas to be reviewed by their botanist. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the regular meeting of Monday, September 29, 2003 at 7:20 pm.

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The members reviewed a Notice of Intent – **(#250-573) - Easecat, Inc. – Parcels 111, 112, 113, 114, 115, 116, 117, 207, 208 & 219 (assessors map 21) – Anna Way and Shelly Road** – for proposed plans to replicate and fill over 5,000 sq. ft. of wetlands in order to construct a subdivision roadway with associated grading and utilities and work within the buffer zone. Mr. John Jacobi, III, of Coogan, Smith, McGahan, Lorincz, Jacobi & Shanley, LLP, Attorneys at Law and Dan Aguiar of Sitec, Inc., were present at the public hearing. Dan Aguiar explained the project to the members. Instead of one large development, there will be two cluster developments that will leave the middle wetland section undisturbed. The applicant received the Agent's letter and provided a response at tonight's meeting. The botanist stated a number of items that are typically submitted with a replication project. The Conservation Agent received a file, and since none of the information the botanist just discussed was included in the filing, she requested that he submit it. They will also submit information regarding shading from the proposed bridge. They stated that each lot will comply with the 25-no build zone but the detention basins could not. The open space land will be donated to the Land Trust and the Conservation Commission will hold the Conservation Restriction with an easement for the detention basins.

(at this point, the tape is back on, but with the background noise it is hard to understand who is talking.)

Gerard Gaskill, Wetland Scientist for Sitec Engineering, presented the revised replication plan to the members. Tenney Lantz of the Plymouth Bay Girl Scout Council addressed the Commission with concerns because the Edith Read Girl Scout Camp abuts this project. She said she had concerns with several issues already approved by the Planning Board. Dan Aguiar stated that many revisions had been made to the submitted plans to accommodate the concerns by the Girl Scout Council. Ms. Lantz introduced Forrest Emery of the Phoenix Environmental Group, consultant for the Girl Scout Council, who had written and submitted a report with his comments to the Commission. He stated that the Department of Environmental Protection does not review filing fees and that his client expects that the correct filing fees will be paid by the applicant for this project. He stated that there was conflicting information relating to the intermittent stream on the property. Earl Willcott made a motion, seconded by Julian Kadish, to continue the project until the regular meeting of Monday, October 20, 2003 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **Paul Irwin, Attorney for Longhouse Trust – Parcel 414 (assessors map 10) – 227 Reservoir Street** – for proposed plans to construct a 4-unit condominium, parking lot, associated grading and landscaping within the bordering vegetated wetland, intermittent stream and the Riverfront Area to the Rumford River. The applicant was present along with his representative, Chris Yarworth of Yarworth Engineering, who explained the project to the members. He stated it was the intention of the applicant to raise the existing laundromat and construct a 4-unit condominium. He stated that the Zoning Board of Appeals denied other proposals but approved this one. He further stated the proposed parking lot is graded away from the wetlands. Jennifer Carlino stated the proposed plans do not meet the performance standards and did not include an economic alternatives analysis. She also stated that she wanted erosion control installed immediately between the grading and the intermittent stream because the work was done without a permit. Jennifer stated that no storm water information was submitted and the mean annual high water mark was incorrect.

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Mr. Irwin stated that his original plans that were submitted to the Zoning Board of Appeals showed the proposed building closer to the wetlands and the parking area further away. He also stated that in order for him to build quality_ condominiums that will sell for a good price, he has no alternatives to locating the building and paved parking where they are shown on the submitted plans. The Commission reminded him that the cost of units in not a wetland issue. Chris Yarworth stated that this project will be an improvement to the property. Lisa Carrozza stated that putting in curbing would help direct stormwater away from the stream. Much discussion ensued regarding alternatives, and Julian Kadish stated that alternative reports are very important and a required part of the application. He further stated that the correct process for this type of project is to submit an alternative report and allow the Commission to decide which process will be the best for the environment. Ron O'Riley made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, September 29, 2003 at 7:30 pm. Approved.

The members signed the two Lake Winnecunnet Sewer Connection Certificates of Compliance that were signed in the wrong section at the last meeting:

#250-570

Silvia Kipnes

11 Charlotte Avenue

#250-570

Chris Maglaras

48 Bay Road (Ann's Place)

The members reviewed a request for a Certificate of Compliance - **#250-529 - Lynn Sicola - parcel 100 (assessors map 31) 3 Parker Street**. Jennifer Carlino stated the project was finished as proposed. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a minor modification to **File #250-568 – Lot 1, Parcel 10 (assessors map 10) 85 Elm Street**. Jennifer Carlino stated the only change was that the pump chamber was moved and the project was still within the limit of work. Julian Kadish made a motion, seconded by Earl Willcott, to approve the minor change. Approved.

The members reviewed a minor modification to **File DET. #797 – Lot 2, Parcel 600 (assessors map 10) 129 Reservoir Street**. Jennifer Carlino stated the only change was a minor change to the house on the submitted plans and the project was still within the limit of work. Julian Kadish made a motion, seconded by Earl Willcott, to approve the minor change. Approved.

Jennifer Carlino stated that the Taunton ACEC Committee would like to schedule time at one of the Conservation meetings to present an ACEC nomination and ask for support. She said this would include the Three-Mile River and portions of the Rumford and Wading Rivers.

Jennifer Carlino stated she would like the Chairman, Bob Medeiros, to sign a letter supporting her nomination to be on the Board of Directors for the Massachusetts Association of Conservation Commissioners. Earl Willcott made a motion, seconded by Lisa Carrozza, to have Bob Medeiros sign the letter. Approved.

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Julian Kadish made a motion, seconded by Ron O'Reilly, to sign the payroll authorization sheet for the Town Accountant authorizing Robert Medeiros or Kathleen Giblin to sign all payroll sheets and time sheets. Approved.

Earl Willcott made a motion, seconded by Julian Kadish, to adjourn the meeting at 9:50 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Jennifer Carlino".

Jennifer Carlino
Conservation Director

JC/pmb