



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, January 12, 2004
7:00 pm

Attendance

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

Eileen King was absent.

Minutes

The members reviewed the draft minutes of **July 14, 2003**. Earl Willcott made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **July 28, 2003**. Earl Willcott made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 11, 2003**. Earl Willcott made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 25, 2003**. Earl Willcott made a motion, seconded by Lisa Carrozza, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (MACC/Conference fees for three members). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultant Services). Kathleen Giblin made a motion, seconded by Earl Willcott, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultants reimbursement fee/Shamrock Realty Trust). Kathleen Giblin made a motion, seconded by Earl Willcott, to pay the bill. Approved.

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

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The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-579) – Shamrock Realty Trust c/o Perry Dimascio – Lot 33, Parcel 33 (assessors map 21) Walker Street – (cont. from the October 20, 2003, November 3, 2003, November 17, 2003 & December 15, 2003 mtgs.)** - for verification of the wetland resource areas. The applicant, Perry Dimascio of Shamrock Realty Trust stated his engineer, after speaking with the Commission's consultant, had submitted revised plans. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Julian Kadish, to accept and sign the Order of Resource Area Delineation as written. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-578) - Angelo Pasqualino – Parcel 104 (assessors map 26) 284 West Main Street – (cont. from the October 20, 2003, November 17, 2003 & December 15, 2003 mtgs.)** Bob Medeiros excused himself from the public hearing. Jessica Vasey of Carr Research represented the applicant at the public hearing. Jennifer Carlino stated she had received the report from the Commission's consultant today. She stated the only disagreement between the two consultants is an area considered to be an isolated wetland by the applicant's consultant and a bordering wetland area by the Commission's consultant. Ms. Vasey stated according to the applicant's consultant, he felt that the Commission's consultant did not provide any evidence proving the isolated area was connected to a wetland. She stated the applicant's consultant had provided evidence that there was upland soils between the isolated area and the wetland therefore it was not connected to the wetland. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 26, 2004 at 7:15 pm in order to allow the agent and the applicant's consultant time to review the report submitted today by the Commission's consultant. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #807) - John DosReis et ux – parcel 4 (assessors map 10) 75 Elm Street – (cont. from the October 20, 2003, November 3, 2003, November 17, 2003 & December 15, 2003 mtgs.)** - for proposed plans to construct a single family house, install a sanitary disposal system and grading and seeding within 100 feet of wetlands. The applicant was present along with his engineer, John F. Vance, Jr.. Mr. Vance stated that, since the agent was unable to inspect the property because of knee surgery, the Commission would hire a consultant to inspect the property and the applicant would be responsible for the fee. Jennifer Carlino stated two estimates were received, one from The Call of the Wild and one from Natural Resource Services, Inc. Earl Willcott made a motion, seconded by Lisa Carrozza, to elect Natural Resource Services, Inc. to do the inspection. Approved. Mr. Vance requested to be notified when the consultant was going to do the inspection. Mr. DosReis requested notification also so he can unlock the gate on the site. Mr. Vance requested a continuance of the public hearing. Kathleen Giblin made a motion, seconded by Julian Kadish to continue the public hearing until the meeting of Monday, February 9, 2004 at 7:05 pm. Approved.

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The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-584) – R & D Development c/o Tom Lombardo & James Washington – Parcels 7, 1, 13 & 7 (assessors maps 6, 7, 7 & 13) Cranberry Lane - (cont. from the November 17, 2003 & December 15, 2003 mtgs.)** - for the verification of the wetland resource areas. Kathleen Giblin read a letter from LEC Consultants, Inc., representative for the applicant, requesting a continuance of the public hearing in order to allow time for the Commission's consultant to complete the review of the wetland resource area. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, January 26, 2004 at 7:20 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #817) – Peter Skelly – Parcel 62 (assessors map 17) 142 East Main Street – (cont. from the December 15, 2003 mtg.)** - for proposed plans for the installation of a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, stated revised plans showing the septic system being moved more than 100 feet from a bordering vegetated wetland were submitted and he was requesting a withdrawal of the application. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#1). Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #818) – Timothy Winiarz – Parcel 64 (assessors map 23) 118 Pine Street – (cont. from the December 15, 2003 mtg.)** - for proposed plans to construct a 12' x 26' addition to an existing dwelling within 100 feet of wetlands. Bob Medeiros excused himself from the public hearing. Jim Chabot represented the applicant at the public hearing. Julian Kadish proceeded to read a letter sent to Mr. Chabot stating flag #W5 should be relocated westward approximately five feet. It also stated leaves that were dumped at flag #W4 will have to be removed and the compost area will have to be at least 50 feet from the bordering vegetated wetlands and a revised plan was requested to show these revisions. Kathleen Giblin stated she inspected the site, and it looked ok except for the pile of leaves. Jim Chabot asked if he could use one of his machines to pull out the leaves. The members agreed this would be acceptable. 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 issue a negative Determination of Applicability (#3). Approved.

The members reviewed a Notice of Intent – **Tower Ventures II, LLC – Parcel 30-01 (assessors map 33) 304 Taunton Avenue – (cont. from the December 15, 2003 mtg.)** - for proposed plans to construct a 50' x 50' wireless communications facility (150' monopole) including a surfaced and fenced equipment compound with overhead utilities within the 200 foot River Front Area to Meadow Brook and partially within the 100 foot buffer zone of a wetland. Bob Medeiros stated the applicant withdrew the application. He said a letter could be sent stating the withdrawal is accepted without prejudice. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to send the letter. Approved.

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The members reviewed a Notice of Intent – **(#250-582) - Mansfield Airport Commission – Parcel 428 (assessors map 3) 265 Fruit Street, Mansfield, MA 02048 – (cont. from the December 15, 2003 mtg.)** - for proposed plans to fill and replicate 3,080 sq.ft. of wetland for improvements to the runway and taxi way within 100 feet of a wetland. Phil Finer, Chairman of the Mansfield Airport Commission introduced Rick Diamond of HNT to the members. Rick explained that at the previous meeting with the Commission he explained why they were doing the project in this way. Paul Davis of Baystate Environmental Consultants, Inc. spoke to the members and stated one of the unresolved issues was the Natural Heritage and Endangered Species Program (NHESP) which were notified because of box turtle & spotted turtle on the property. He stated a response has been received at this time stating there would not be an adverse affect on the turtles as long as three conditions were included in the Order of Conditions. The most important condition would have to do with the time frame for construction within the wetlands. It was requested filling of wetlands and construction be done before April 15th and after October 15th. Mr. Davis stated the NHESP requested that a more thorough investigation be done by turtle experts. Jennifer Carlino stated conditions would be ready for the next regular meeting of Monday, January 26, 2004. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

Mr. Lou Andrews, president of the Natural Resources Trust of Mansfield extended an invitation to the members for a dedication ceremony for Mr. Leonard Flynn of Mansfield.

The members reviewed a Notice of Intent **(#250-585) – Honey Dew Associates, Inc., c/o Ayoub Engineering, Inc. – Parcel 86 (assessors map 22) 61 West Main Street** – for proposed plans to demolish a Honey Dew Donuts and construct a commercial building and stormwater management within 100 feet of wetlands. Michel A. Aoun of Ayoub Engineering represented the applicant at the public hearing and described the project to the members. He stated every precaution was taken to minimize the impact to the wetlands. Bob Medeiros asked Mr. Aoun if he received a letter from the Conservation Commission and, if so, has he responded to this letter. Mr. Aoun said there was not enough time to respond to the letter and said he would address the issues at the public hearing. After discussing stormwater management, he stated there would not be any dry cleaning done at this facility, it was only a drop-off center. Jennifer requested to have plans with the revision date submitted as soon as possible and Mr. Aoun added this information to the submitted plans. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, January 26, 2004 at 7:25 pm in order to allow the Commission members to study the project further. Approved.

The members reviewed a request for a Certificate of Compliance and bond release letter for File **DET. #678 - John Perry -bldrs. lot 6-B, parcel 128 - 17 Gilbert's Way**. Ron O'Reilly stated he inspected the site and the project was completed as proposed. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance and a bond release letter. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **250-450 - Briarwood Const. Corp. - lot 5, parcel 57 (map 31) 7 Dion's Way**. Jennifer Carlino stated the \$1,000 bond was never posted for File **#250-569** which is for the same project. It was the consensus of the board not to issue the partial Certificate of Compliance.

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Kathleen Giblin reported she inspected the project at **118 Pine Street** and flag #5 should be revised. She stated leaves were being dumped at flag #4.

Bob Medeiros stated he and the agent had inspected the **Flatley** site and it looked ok.

Ron O'Reilly reported that he inspected **14 Clapp Street** and the owner would be submitting revised plans for the construction of a building moving it farther away from the stream and will be submitting pictures of the stream being dug up by the state.

Jennifer Carlino stated that the restoration area at **78 Oak Street** needed to be inspected. Bob Medeiros said he would do the inspection.

Jennifer Carlino noted that the Reservoir dam repairs would be on the FY06 budget. She also noted the Reservoir dredging project was progressing and would be carried over on the FY05 budget.

Jennifer Carlino stated the RFQ for the Lake Winnecunnet aquatic plant project will be going out tomorrow and after an estimate is chosen, a Warrant article will be presented for town meeting.

Jennifer Carlino stated a complaint was received by the Board of Health regarding septic odors between two houses on Elm Street but on an inspection, no violations were observed.

Jennifer Carlino stated after an inspection at **75 Freeman Street**, a Cease & Desist letter was sent to the owner regarding leaves being dumped into the Reservoir. She said an inspection would have to be scheduled. Ron O'Reilly said he would inspect the site.

Jennifer Carlino stated the Girl Scouts' representative had filed an appeal for the Order of Conditions for the River Oaks project (File #250-573). She stated she would prepare a response and send it to the members.

Bob Medeiros stated several complaints were made regarding trucks using the Canoe River Greenbelt and Recreation property on East Main Street at Bernie & Phyl's furniture warehouse. He stated he obtained two estimates for the cost of putting up a gate at the entrance to this area. He stated one was for \$450 and one was for \$1,000. Earl Willcott suggested putting boulders at the entrance way. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to have Earl Willcott put boulders at the entrance to the property and to purchase a gate at the cost of \$450. Approved.

The members reviewed a request for an Enforcement Order for **14 North Worcester Street**. Bob Medeiros stated clearing was done right down to the pond. Jennifer Carlino stated two notices were sent and refused. She stated the Enforcement Order will require them to appear before the Commission at the next regular meeting, make a restoration plan for the altered wetland in the buffer zone and submit a construction schedule and time line for the proposed work. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Enforcement Order. Approved.

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The members reviewed the draft letter to be sent to the Water Department regarding tests not being allowed on Conservation land. Earl Willcott made a motion, seconded by Ron O'Reilly, to send the letter as written.

Discussion ensued regarding sending out the Requests for Proposal for the Lake Winnecunnet project. Kathleen Giblin made a motion, seconded by Julian Kadish, to have Jennifer Carlino send out the requests. Approved.

Discussion ensued regarding the violation on Wampum Road at the Warchal property. Jennifer Carlino stated the flags were not correct on the submitted plans and no information has been received on this issue. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to send a letter to the engineer requesting an update of this project. Approved.

Kathleen Giblin made a motion, seconded by Ron O'Reilly to allow discussion regarding the Strawberry Fields project. Deborah Burgess addressed the Commission. She asked the members if they had received a copy of the Superceding Order of Conditions for this project (#250-515) and asked Jennifer Carlino what her interpretation of this Order was. Jennifer Carlino stated this was an affirmation of the original Order of Conditions removing 16 of the original 74 conditions and adding 1 new condition. Jennifer Carlino stated that the Superceding Order of Conditions allows only the road construction, grading and drainage work. The construction of individual houses within the buffer zone would require permits for each house. Deborah Burgess asked if abutters would be notified before permits were issued for the houses. Jennifer Carlino stated that if a Notice of Intent was required for a house, it would be the applicant's responsibility to notify the abutters to that project. If the house was within the 100-foot buffer zone of a wetland but did not require a Notice of Intent a notice would be sent to the abutters only as a matter of courtesy by the Conservation Commission. David Robinson, abutter, asked the Commission why they were not dissagreeing with the Superceding Order of Conditions. Bob Medeiros stated that it was peferable dealing with each house separately rather than as a whole subdivision.

Earl Willcott made a motion, seconded by Ron Oreilly, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb