



CONSERVATION COMMISSION
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NORTON TOWN CLERK

Monday, January 26, 2004
7:00 pm

Attendance

Bob Medeiros (Chairman), Julian Kadish,
Ron O'Reilly, Earl Willcott, Eileen King

Kathleen Giblin (Vice-Chairman) and Lisa Carrozza were absent.

Minutes

The members reviewed the Bills Payable Sheet (Nextel). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultant for 284 West Main Street). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

The members reviewed a Notice of Intent – (File #250-580) - **James Sullivan/Rainbow Kids Daycare – Parcel 19R (assessors map 26) 366 Old Colony Road – (cont. from the November 17, 2003 & December 15, 2003 mtgs.)** - for proposed plans to construct a daycare center with associated driveway, utilities, septic system and site grading within the 100 foot buffer zone. The applicant's engineer, Jack Sullivan, addressed the Commission. Mr. Sullivan stated a drainage system had been designed since the previous meeting and that James Sullivan had received approval from the Planning Board at this time. He further stated Jim Sullivan received the needed permits from the Mass Highway Department for off-site utilities. Mr. Sullivan stated one minor improvement that was made was the paved parking area would now have a berm around the entire site and all the piping will be able to handle a 10-year storm event. He said all the agent's issues have been addressed and added to the plans. Jennifer Carlino stated that since Planning Board did not review the Drainage Report and she did find errors, the Commission will hire, and pay for, an engineer, Walter Amory, to review the Report. Ron O'Reilly made a motion, seconded by Earl Willcott, to hire Walter Amory to review the Drainage Report. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 9, 2004 at 7:05 pm.

Norton Conservation Commission

Monday, January 26, 2004

Minutes, page 2.

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 & January 12, 2004 mtgs.)** Bob Medeiros excused himself from the public hearing. Jessica Vasey of Carr Research Laboratory represented the applicant. She stated revised plans had been submitted for the project. She stated that the Commission's consultant did not agree with Carr Research's conclusion that a certain area was an isolated area but decided it was connected to a wetland. She claimed the Commission's consultant's report was based upon conditions present during a heavy snowfall and rainy season and not the normal conditions. She further claimed there was not enough evidence of the correct soils to indicate that the two areas were connected. It was Carr Research Laboratory's conclusion that the area in question was not in fact a bordering vegetated wetland, but an isolated wetland area. Jennifer Carlino stated she and Chris Yarworth of Yarworth Engineering inspected the property in April and found it to be saturated and altered. Ms. Vasey said that Scott Goddard of Carr Research Engineering had inspected the site with the Commission's consultant and had taken soil samples which did not indicate wetlands. Jennifer Carlino stated that since this area was partially filled at one time, the soils would be mixed and not accurate and that Scott Goddard's report listed fill material at the area in question. She said she would have to agree with the Commission's consultant on this issue. Ms. Vasey stated if the Commission is going to deny the project, the applicant plans to appeal. An abutter, Sheri Valentino, asked if this is near the Chartley Pond dam and Julian Kadish stated it is not. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

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 & January 12, 2004 mtgs.)** - for the verification of the wetland resource areas. Jennifer Carlino stated a letter was received from the Commission's consultant today and she faxed a copy to the applicant's consultant. She stated since the consultant for the applicant has not had a chance to review the letter, a continuance was requested for the public hearing to the next meeting. She said the two consultants were going to discuss the project in the next two weeks. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 9, 2004 at 7:15 pm. Approved.

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 – (cont. from the January 12, 2004 mtg.)** - for proposed plans to demolish a Honey Dew Donuts and construct a commercial building and stormwater management within 100 feet of wetlands. Michel Aoun of Ayoub Engineering submitted a narrative and revised plans showing a new stormwater system and explained the revisions to the members. Jennifer Carlino stated she would review the revised plans and have conditions ready for the next meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, February 9, 2004 at 7:20 pm. Approved.

Norton Conservation Commission
Monday, January 26, 2004
Minutes, page 3.

The members reviewed a Request for a Determination of Applicability – **Sugar Hill Investment, Inc./c/o Ben Keene – bldrs. lot 5, part of parcel 144 (assessors map 31) John Scott Boulevard** – for proposed plans to construct a house, including grading and seeding within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, described the project to the members. He stated at the agent's suggestion, the driveway was moved away from the wetland and actually worked out to the applicant's benefit. Jennifer Carlino stated she had inspected the site and it looked ok. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed the conditions for File **#250-582 – Mansfield Airport Commission**. Earl Willcott made a motion, seconded by Julian Kadish, to sign the Order of Conditions as written. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-498 – Marcia K. Anderson & Victoria L. Bacon – Parcel 118 (assessors map 19) 55 King Phillip Road**. Jennifer Carlino stated the project was completed as proposed. Ron O'Reilly made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-383 – Regina M. Tierney – Lot 49 (assessors map 29) & Lot 24-01 (assessors map 33) 17R Meadowbrook Lane**. It was the consensus of the board to have Earl Willcott inspect the project and continue the request to the next regular meeting.

Old Business

The members reviewed Jennifer Carlino's response to the appeal for **River Oaks** project. Earl Willcott made a motion, seconded by Julian Kadish, to send the letter. Approved.

The members reviewed the appeal for the Adjudicatory Hearing for the **Strawberry Fields** project. Discussion ensued regarding hiring an attorney to represent the Conservation Commission at the hearing. Jennifer Carlino stated she was going to attend a class on being a witness at an Adjudicatory Hearing at the end of February and to hold off on hiring an attorney at this point. Julian Kadish stated he did not feel that the Commission needed an attorney in this matter. It was the consensus of the board not to hire an attorney, but to wait until after Jennifer Carlino's class.

Bob Medeiros stated he inspected the property at **78 Oak Street** and it looked ok. Jennifer Carlino stated she will send a letter stating the violation was corrected, but a permit would be needed for the fill that is in the crossing. Ron O'Reilly made a motion, seconded by Earl Willcott, to have the agent send the letter as discussed. Approved.

Norton Conservation Commission
Monday, January 26, 2004
Minutes, page 4.

Discussion ensued regarding creating a wetlands by-law. It was the consensus of the board not to create a wetlands by-law.

The members reviewed the violation at **75 Freeman Street**. Ron O'Reilly stated he inspected the property at 75 Freeman Street, but the violations at the neighbors house at 69 Freeman Street (the complaintant) seemed to be worse. Ron O'Reilly made a motion, seconded by Julian Kadish, to have the agent send the resident at 69 Freeman Street a violation letter. Approved.

Earl Willcott made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:01 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 "Jennifer" written in a larger, more prominent script than the last name "Carlino".

Jennifer Carlino
Conservation Director

JC/pmb