



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

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AUG 03 2004

NORTON TOWN CLERK

Monday, April 12, 2004
7:00 pm

Attendance

Kathleen Giblin (Vice-Chairman), Julian Kadish,
Ron O'Reilly, Earl Willcott, Eileen King,
Jennifer Carlino, Conservation Agent

Bob Medeiros and Lisa Carrozza were absent.

Minutes

The members reviewed the draft minutes of **December 15, 2003**. It was the consensus of the board to continue the minutes until the next regular meeting of Monday, April 26, 2004.

The members reviewed the Bills Payable Sheet (MACC, Eileen King). Earl Willcott made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Phyllis M. Bernard, Notary Seminar). Earl Willcott made a motion, seconded by Julian Kadish, to pay the bill. 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, January 12, 2004, February 23, 2004 & March 22, 2004 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 and his engineer, John F. Vance, Jr. updated the Commission on the project. He stated he received the final report from the Commission's consultant, Natural Resource Services, Inc. today and did not have time to review it. He said revisions could be made to the submitted plans to comply with the consultant's report. Joseph from Natural Resource Services, Inc. explained the report briefly to the members. Mr. Vance agreed to put up the new flags and rework the plans for the next meeting. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, April 26, 2004. Approved.

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The members reviewed a Request for a Determination of Applicability – (DET. #822) - **Roy Kok – Parcel 36 (assessors map 29) 125 Crane Street** – for proposed plans to clear trees and brush within 100 feet of wetlands. Mr. Roy Kok described the project to the members and stated the reason for the clearing was to enhance the view to the wetlands from the proposed house. Jennifer Carlino stated she inspected the site and there was no problem with the project. An abutter, Daryl Spencer, read a letter to the members stating his opposition to the project. He listed many concerns about the survey work, topography, erosion control, setbacks and a leach field which were responded to by the agent and by Julian Kadish. Jennifer Carlino stated file numbers for Requests for Determination of Applicability are given to the projects by the Conservation Commission. Julian Kadish stated that only activities within Conservation jurisdiction are those that occur within 100 feet of a wetland. Amelia Reilly, an abutter, asked if erosion control would be required and she was told that erosion control would be used. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #823) - **Woodlark Development Corp. – Lot 2, Parcel 294 (assessors map 26) 205 John Scott Boulevard** – for proposed plans to construct a lawn and regrading within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering Co., Inc. explained the project to the members. He stated a permit had already been obtained for the common driveway and this project is for one of the four houses to be built on this site. He said a couple more percolation tests may have to be done, but there should not be a problem with any of them. 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) as long as the work is done according to the submitted plans.

The members reviewed a Request for a Determination of Applicability – (DET. #824) – **Woodlark Development Corp. – Lot 4, Parcel 295 (assessors map 26) 203 John Scott Boulevard** – for proposed plans to construct a lawn and regrading within the 100 foot buffer zone of a bordering vegetated wetland. The applicant was present at the public hearing along with his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. who explained the project to the members. He stated a permit had already been obtained for the common driveway and this project is for one of the four houses to be built on this site. This project minimized alteration in the buffer zone to just a lawn. 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) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – (#250-589) – **Woodlark Development Corp. – Lot 1, Parcel 284 (assessors map 26) 207 John Scott Boulevard** – for proposed plans to construct a deck, lawn and regrading within the 100 foot buffer zone of a bordering vegetated wetland. The applicant was present at the public hearing along with his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. who explained the project to the members. He stated a permit had already been obtained for the common driveway and this project is for one of the four houses to be built on this site. Jennifer

Carlino asked if the backyard could be smaller and Mr. Caponigro stated he would like to keep the backyard as large as possible. Jennifer Carlino requested that a visible barrier be installed at the edge of the property line. Mr. Caponigro said he would install a split rail fence. 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 sign and issue the Order of Conditions with the addition of the requirement for the split rail fence to be installed. Approved.

The members reviewed a Notice of Intent – **(#250-588) – Woodlark Development Corp. – Lot 3, Parcel 286 (assessors map 26) 201 John Scott Boulevard** – for proposed plans to construct a single family house, lawn and well and associated grading partially within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering Co., Inc. who explained the project to the members. He stated a permit had already been obtained for the common driveway and this project is for one of the four houses to be built on this site. 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 sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #825) – Stanley & Karen Walasavage – Parcel 197 (assessors map 16) 81 Freeman Street** – for proposed plans to install a septic system within 100 feet of wetlands. Stanley Walasavage and the contractor, Bruce Hicks were present at the public hearing. Julian asked approximately where the property was and the size of the parcel. Jennifer Carlino stated the property was bordered by water on three sides and there was no other area to put the system. The members reviewed the plans briefly. Mr. Walasavage stated this was a system repair 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 issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed the Amended Order of Conditions for **File #250-580 – James Sullivan/Rainbow Kids Daycare**. It was the consensus of the board to sign the Order.

The members reviewed **INDIVIDUAL LAKE WINNECUNNETT SEWER CONNECTION CERTIFICATES OF COMPLIANCE**

#250-570

Paul Fitzgerald

45 Bay Road

Jennifer Carlino stated this lot was not stabilized and a Certificate of Compliance will not be issued at this time.

#250-570

Julia Larkin

77 Charlotte Avenue

Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

#250-570

David & Terri Palermo

10 Maplewood Avenue

Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

#250-570

Richard & Colleen Tilley 14 Maplewood Avenue

Jennifer Carlino stated that at this time work was being done in the floodplain area. She issued a Cease and Desist and required the homeowners submit a Notice of Intent application. Since there is a violation she did not recommend signing the Certificate of Compliance for the sewer project.

Jennifer Carlino stated that the Department of Environmental Protection favored the opinions of Scott Goddard of Carr Research Laboratory, as opposed to that of the Commission's consultant, at the appeal hearing for **File #250-578 - 284 West Main Street- Angelo Pasqualino.**

Jennifer Carlino stated several complaints were received for **277 Reservoir Street, Russell Werner (the Buy-Rite Oil site).** Jennifer Carlino stated that after she received a call from DEP, she inspected the site and it appeared to her that the owner was cleaning the property. She stated she has been in contact with the owner's attorney who informed her that a company was hired to clean the site as requested by the Immediate Action Response Plan. Jennifer Carlino said she requested a copy of the Immediate Response Action Plan from DEP but has not received it. She said she did not receive a copy of a letter was sent to the Board of Selectmen from the consulting company stating the site was cleaned up.

Jennifer Carlino stated she met with Baystate Environmental Consultants, Inc. and potential bidders regarding the Norton Reservoir dredging project. She said Baystate Environmental Consultants were wondering if they should go ahead with the permitting process and when the consultants submit their Proposals, if they revise their plans then they should get the additional permits. If they don't revise the plan, then they should coincide with Baystate's methods of doing the work. She then stated that the requests for proposals will be sent and after the bids are received, the bidder will be chosen and Baystate and the bidder can tailor the permits to the proposed method of the work to be done. Jennifer Carlino stated that Baystate Environmental Consultants will be at the next meeting to update the Commission on the project.

Discussion ensued the regarding the proposal for the Lake Winnecunnet Study. Jennifer Carlino stated that a meeting was held in hopes of getting the costs of the selected proposal reduced slightly and it was discovered that one of the members of the Lake Winnecunnet Association was communicating with one of the other bidders which is not in accordance with the Uniform Procurement Act. She stated that she spoke with the Inspector General's Office and, because of this communication, the process has to be repeated. Jennifer Carlino presented a draft letter to be sent to the Lake Winnecunnet Association and people who are involved with the warrant articles. She stated the company chosen for the project would have to be notified that the project will have to be bid upon again. Ron O'Reilly

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asked why only one bid cost was opened and the agent stated this was the process that was to be followed according to all the other bid processes described by former Town Manager, Cris McCabe. She stated qualifications were reviewed and a vote was taken to choose the company with the best qualifications, then negotiate the price. Earl Willcott made a motion, seconded by Julian Kadish. Approved.

Ron O'Reilly stated to Jennifer Carlino that he would like to get a couple more boards for the Chartley Pond dam in case any of the boards are lost or damaged. He also requested to give an extra wheel to the local fire department on South Worcester Street in case he is not available in an emergency. Earl Willcott made a motion, seconded by Julian Kadish, to have Ron O'Reilly obtain a cost estimate for these articles. Approved.

Earl Willcott made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:17 pm. Approved.

Ron O'Reilly made a motion, seconded by Earl Willcott, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb