



CONSERVATION COMMISSION  
70 EAST MAIN STREET  
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RECEIVED

NOV 19 2004

NORTON TOWN CLERK

Monday, June 14, 2004  
7:00 pm

Attendance

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

Minutes

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

The members reviewed a Notice of Intent – (#250-611) - **Thomas Calhoun – Parcel 180 (assessors map 4) 159 North Washington Street** – for proposed plans to construct a farm/fire protection pond within 100 feet of a bordering vegetated wetland in the ACEC. Bob Medeiros stated Thomas Calhoun requested a continuance for two weeks for this project. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, June 28, 2004 at 7:05 pm. Approved. An abutter asked if a letter could be sent to the Commission by concerned residents with their comments. Julian Kadish said a letter could be sent to the Commission, but a response could not be given until the next public hearing.

The members reviewed a Request for a Determination of Applicability – (DET. #828) - **Richard Weisman – Parcel 98 (assessors map 21) 12 Cottage Street** – for proposed plans to construct a single family house and driveway with associated grading within 100 feet of wetlands. Christopher Yarworth of Yarworth Engineering explained the project to the members. He stated this was an existing house that was damaged by fire and the owners want to tear it down and rebuild a larger house. He said only one corner of the house touches the buffer zone and there are a few sheds and garages that would be torn down. He further stated that there was an existing septic system that would not be changed and there would be some cleaning up of the yard and some grade work. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #829) - Violet Lemar – Parcel 146 (assessors map 21) 139 North Worcester Street** – for proposed plans to repair a septic system within 100 feet of wetlands and 200 feet of the Wading River. John F. Vance, Jr. represented the applicant at the public hearing. He said this project was an emergency as the sewerage was flowing along the side of the house. He said the new system was already installed. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #830) - Creative Edge Builders Corp. – Lot 19, Parcel 161 (assessors map 15) 4 Foster Drive** – for proposed plans to construct a lawn and portion of a single family house within 100 feet of wetlands. Christopher D. Yarworth of Yarworth Engineering was representing the applicant and stated this was part of Wildwood Estates Subdivision. He stated the closest area to the wetlands was 57 feet away. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-615) – Dylan Ribeiro – Parcel 196 (assessors map 23) 12 Barrows Street** – for proposed plans to construct a single family house, well, septic, driveway and associated grading within 100 feet of wetlands and a vernal pool. John DeLano, Engineer for the applicant and Dylan Ribeiro were present at the public hearing. Mr. DeLano stated a portion of a vernal pool and a certified vernal pool were located on this lot. He said Jennifer Carlino gave permission to do percolation tests before the meeting as long as the work was not within 100 feet of the wetlands. He further stated haybales were used to further protect the wetlands during the testing. He said the septic system was already approved by the Board of Health and designed to be installed at least 100 feet away from the vernal pools and wetlands. Mr. DeLano stated the applicant has agreed to provide the town with an easement restriction which would restrict any activity around the wetlands and vernal pools, and this easement restriction would be recorded. He stated this would allow the town to inspect these resource areas at anytime. Mr. DeLano stated this project was the usual single-family house, septic system, driveway and an on-site well. Lisa Carrozza asked Mr. DeLano why he did not put the certified vernal pool on the plans. He said he was not sure where it was. Jennifer Carlino stated she would show him on the certified vernal pool plan where it is located and he said he would give the Commission a revised plan showing the certified vernal pool and the potential vernal pool. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions with a correction to a typo-error to condition #19 as long as revised plans are submitted showing the vernal pools. Approved.



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The members reviewed a Notice of Intent – (#250-617) – **Andrea Anderson – Parcel 263 (assessors map 27) – 20 Fordham Drive** – for proposed plans to construct a 27' x 27' garage within 100 feet of wetlands. Earl Chartier of RIM Engineering was at the public hearing to explain the project to the members. He said that during the field work on the property he noticed a deck was being framed along side of the pool and asked if this was an issue, and if so, he would add this to the plans. Lisa Carrozza asked if the silt fence would be relocated and Mr. Chartier stated it would not be moved. She then asked about the grading for the project. Mr. Chartier stated the grade would not be changing. Jennifer Carlino requested that revised plans showing the grading, deck and locus be submitted to the Commission before the Order of Conditions would be issued. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to continue the public hearing to the next regular meeting of Monday, June 28, 2004 at 7:15 pm as long as the revised plans were submitted. Approved. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (#250-616) – **Park at Great Woods Corporation/Alice Guiney – Parcels 292 & 301 (assessors map 9) - Route 140, Mansfield Avenue** – for verification of wetland resources. Dick Pickart of Vanasse-Hangen Brustlin, Inc., representative, Alice Guiney and Jim O'Mara, were present at the public hearing. Mr. Pickart stated the applicant has been before the board several times. He stated that over three years ago a Determination of Applicability for the wetland delineation was obtained. He further stated that the applicant was still trying to lease part of the property and needed to verify the wetland boundaries. He submitted revised plans as a result of a site walk with Jennifer Carlino previously. He said basically the applicant is looking for wetland boundaries from the Great Brook to the east. He further stated the applicant wanted verification that the three isolated wetlands are not regulated by the Wetlands Protection Act. He pointed out a certified vernal pool that was located on the property. He then submitted revised plans showing the various changes and additions requested by the Director. Jennifer Carlino stated she had inspected the bordering vegetated wetland boundary but has not had time to look at the other isolated wetlands or vernal pool. The Conservation Commission is not verifying any Riverfront issues at this time. An abutter, John Fandel, 182 Godfrey Drive, had concerns and comments regarding the temporary structures and activities for the golf tournament. Mr. Pickart suggest that he hold his comments until the next project which addresses this issue. Ron O'Reilly made a motion, seconded Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, June 28, 2004 at 7:20 pm. Approved.

The members reviewed a Notice of Intent – (#250-614) – **Jim O'Mara/Tournament Players Club of Boston – Parcel 123 (assessors map 8) & Parcel 292 (assessors map 9) Arnold Palmer Boulevard** – for proposed plans for parking lot expansion, temporary bridge and temporary tents within 100 feet of wetlands. Dick Pickart of Vanasse-Hangen Brustlin, Inc., representative, Alice Guiney and Jim O'Mara, were present at the public hearing. Mr. Pickart explained that the second annual golf championship games were to be held in September. He said the requirements would be the same as last year as far as accomodations for the anticipated crowd and players. Mr. Pickart pointed out four specific area that were highlighted to the members. He said the first request was for approval to erect temporary tents over stormwater management basins similar to the ones used last year. Mr. Pickart stated that at Jennifer Carlino's request, the tents would be resting on a pad which would be distributed on poles elevated above the upper berm in the basins so as to prevent holes in the basins and would be taken down immediately after the tournament. He said this second request was for approval to expand the gravel parking lot located behind the maintenance facility. Julian Kadish asked Mr. Pickart if the



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detention basins would be empty at the time tents would be erected. Mr. Pickart replied that the detention basins were empty last year, but he had no idea if they would be empty this year or not. He stated that, obviously, if they were full of water, the tents could not be erected. Mr. Pickart said the last request is for approval to install another temporary bridge over Great Brook in order to transport spectators back and forth to a parking facility at the Tweeter Center. He stated the bridge would be in place for about two and a half weeks like last year, and after being dismantled, there would be no evidence of it every being there. He said erosion control would be in place. An abutter, John Fandel, stated he had no problem with temporary structures and any other work outside of the wetlands. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Lisa Carozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – (#250-612) – **Thorndike Development Corporation/Lloyd Geisinger – Parcel 34 (assessors map 5) & Parcel 19 (assessors map 11) – White & Newland Street** – for proposed construction of 156 houses, roads and stormwater appurtenances within 100 feet of wetlands in the ACEC. Lloyd Geisinger, President of Thorndike Development Corp., David Eastridge, Project Manager, Don Springhetti, Civil Engineer & Nicole Hayes, Biologist for Sanford Ecological Services were present at the public hearing. Mr. Geisinger stated he wanted to update the Commission on activities since the last meeting with the commission. He said there were approximately twenty minutes of comments to be made to the commission and slides to show. He further stated he had participated at Town Meeting, neighborhood meetings and Planning Board meetings to see if the Town would support this proposed 191-home project. Mr. Geisinger said that as a result of the agent discovering a spotted turtle on the site, correspondence was necessary with the Natural Heritage and Endangered Species Program which resulted in a re-design of the project and reduced the amount of houses from 191 to 156 houses. He said the amount of open space land increased from twelve acres to eighteen acres along the Canoe River. He further stated that a recent study predicted that there would be over 165,000 people fifty-five years or older in the near future. He pointed out the wetland line that was approved by the Commission a year ago and also that there were two small federal wetlands that would be filled. He claimed that an endangered species of fish and mussels were identified in the Canoe River, but explained the project was quite a distance away from the river and that the larger part of the Conservation Restriction was the area of habitat for the yellow-spotted turtle. He further stated that one of the more important issues of concern was the stormwater quality and said Mr. Don Springhetti would explain the process to the members. Mr. Geisinger said that during the Planning Board process, Mr. Walter Amory, the Planning Board Consultant, concentrated on water quality and he submitted the results of the studies and tests that were performed. He proceeded to point out to the members the several detention basins and their main purposes and explained the irrigation process. Finally, he explained that one of the most important issues is the enforcement plan within the Water Management Plan. The first issue is the monitoring of the amount of water being drawn from the well. He said a remote census is proposed to be installed in the building at well #3 so it can be monitored by the Water Department. He stated that Mr. Walter Amory suggested that whatever type of monitoring is used should be connected to the ground water levels. Lisa Carozza asked who would be responsible for obtaining the information and results of the monitoring. Mr. Geisinger replied that a condition would be written into the condominium documents



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that would require the condominium association to hire an irrigation specialist to maintain the well and observe the drought protocol. Mr. Springhetti, Civil Engineer, was asked to further explain the drainage process to the members. He said that he was hired by Thorndike Development Corporation to design the stormwater management system and proceeded to show the members the various segments which would have to conform to state and local rules and regulations. After approximately ten minutes of discussion regarding drainage and irrigation he summarized by stating no state wetland resource areas would be filled. He said that four meetings were held with the Planning Board and their consultant, Mr. Walter Amory in regards to the issues he just explained to the members. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until next Monday, June 21, 2004 at 7:00 pm. Approved.

The members reviewed a request for a Certificate of Compliance for a Lake Winnecunnet sewer connection **File #250-570-Supplement – Paul Martin – 9 King Phillip Road**. Jennifer Carlino stated the project was completed as proposed. Kathleen Giblin 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 #250-540 - Creative Edge Bldrs. Corp. - lot 2, parcel 140 (map 15) 5 Fletcher Way**. Jennifer Carlino stated the project was completed as proposed. Approved. Kathleen Giblin 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 DET. #286 – Richard Niedringhaus - lot 5, parcel 169 (map 23) 43 Clapp Street**. Jennifer Carlino stated the project was completed as proposed. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a minor modification to **File DET. #798 – Virginia E. Teixeira Trust, Parcel 600 (assessors map 10) 129 Reservoir Street**. Jennifer Carlino stated the applicant proposed to add a porch and deck to the approved plans. She stated erosion control and limit of work would not change. Ron O'Reilly made a motion, seconded by Julian Kadish, to allow the modification without a new filing. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-468 - Town of Norton/ Bd. of Water & Sewer Comm. c/o Earth Tech., Inc. - River Rd., Bay Rd., Maplewood Ave, Charlotte Ave., Samoset Rd. & King Phillip Rd**. Jennifer Carlino stated most of the work was completed but a letter from the Town Treasurer was received requesting all departments to not issue any permits because of outstanding accounts with the town. Julian Kadish asked if the Commission had the legal right to withhold permits for this reason. Discussion ensued regarding the legalities of withholding a wetland permit because the applicant owes money to the town. Julian Kadish made a motion, seconded by Earl Willcott, to table this request for a Certificate of Compliance until the Town Manager was consulted on the matter. Approved.

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Jennifer Carlino stated two letters were sent to the owner of 35 John Scott Boulevard regarding the clearing of brush and shrubs within the buffer zone and between two vernal pools. She stated a response was received for only one letter. She suggested sending an Enforcement Order to the owner. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to have the agent send an Enforcement Order to the owner. Approved.

Bob Medeiros read a letter to the members from Keith Silver, Highway Superintendent, requesting permission to dig out silt and remove brush from various ditches on Freeman Street. The letter stated if the ditches weren't maintained, they would back up into the storm ceptors. Pictures were enclosed with the letter. Jennifer Carlino stated the two areas were inspected when the application to reconstruct Freeman Street was filed. She said there will continue to be a problem with these areas within the existing permit. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the Highway Department to clean the ditches on Freeman Street. Approved.

Jennifer Carlino stated she received a complaint regarding the Highway Department filling in wetlands at the Timothy Plain Cemetery on Plain Street and inspected the site. She said she found piles of loam and debris but no filling of wetlands. Kathleen Giblin made a motion, seconded by Julian Kadish, to have the agent send a Cease and Desist letter to Keith Silver. Approved.

The members reviewed the changes to the Wetlands Protection Act Rules and regulations. Jennifer Carlino asked if anyone had comments to submit as they were due by this Wednesday. The members asked Jennifer Carlino for her comments and several were discussed. It was agreed that there was not enough time to have the comments available by Wednesday. Earl Willcott asked the agent what a "Federal" wetland was and she replied it is an isolated wetland that is not bordering a stream, river, brook, an ocean, etc. and does not hold enough water to be isolated land subject to flooding.

Jennifer Carlino noted that David Opaka was interfering with the transfer of approximately 186 acres of land that was taken by Mass Highway originally to build Route 495 that was supposed to be given to the Town of Norton after a vote was taken at Mass Highway yeasrs ago. She stated they changed their minds and decided it would go through the state agencies. She said Fish & Wildlife said they would accept the land transfer but changed their minds and said they wanted all but two parcels. After that she claims David Opaka stated the two parcels could be used for affordable housing and wanted to sell it. He said even if they do give it to the Fish and Wildlife with a care and control agreement, it will not have Article 97 protection and easements can be placed on the property. Jennifer Carlino said this was incorrect and that it would be protected. DCAM was going to hold an auction for the two parcels that should have been given back to the Town. She stated she would attend the public hearing.

Jennifer Carlino stated there was going to be a Shpack meeting next Wednesday, June 23, 2004 to present a proposed clean up plan and any public comments are due by Monday, June 21, 2004.

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Lisa Carozza made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 9:20 pm.  
Approved.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jennifer Carlino". The signature is written in a cursive style with a large initial "J".

Jennifer Carlino  
Conservation Director

JC/pmb