



CONSERVATION COMMISSION  
70 EAST MAIN STREET  
NORTON, MA 02766-2320  
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RECEIVED

NOV 19 2004

NORTON TOWN CLERK

Monday, June 28, 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 (Staples). Earl Willcott made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

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

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

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

The members reviewed the Bills Payable Sheet (Voss Signs). 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 – (cont. from the June 14, 2004 mtg.)** for proposed plans to construct a farm/fire protection pond within 100 feet of a bordering vegetated wetland in the ACEC. Tom Calhoun and his engineer, Mark Whalen of W. T. Whalen Engineering were present at the public hearing. Mr. Whalen stated this was a limited project and 750 sq. ft. of wetlands were proposed to be filled. He said that this area was listed as being in an ACEC area and, normally, the area cannot be disturbed. He further stated there was an exception to this rule. He said one exception was that if the pond is classified as a water dependent use. He said that the Department of Environmental Protection did not have a problem with this classification of the pond. If this is the case, Mr. Whalen said that the project could go under the original standard Performance Standards. Mr. Whalen said that Jennifer Carlino received a letter from ACEC contrary to this disagreeing with DEP's conclusion. He proceeded to describe the project to the members and pointed out the existing conditions. He stated the

pond was approximately 6,100 square feet with a capacity of 267,000 gallons. He said that this project would disturb approximately 730 square feet of wetlands, but in proceeding with this project, a larger amount of wetlands would be created. Mr. Whalen said the pond is proposed to be located 170 feet from the neighbor's property and at least 50 feet from the septic system. He presented an alternate plan which moves the pond to out of the wetlands but still at least 50 feet from the septic system. Julian Kadish asked what the pond was going to be used for. Mr. Whalen replied the pond would be used for fishing, fire protection and ice skating. Julian Kadish stated that he had reservations allowing the disturbance of wetlands within an ACEC. Mr. Whalen replied that according to the standard Performance Standards, there are three exceptions which allow the disturbance of a wetland within the ACEC. The one that would allow this project he says would be that the project is a limited project of a "water dependent use". Julian Kadish stated in his opinion this project is not a water dependent project, but for recreation only and asked what degree of duress the applicant would be under by respecting the wetland boundaries. Tom Calhoun stated the pond would also be used for irrigating the fields. Jennifer Carlino stated the applicant does have an alternative location and this project does not meet the definition of a "water dependent use". Mr. Kadish read the definition of a water dependent use from the regulations. Julian Kadish stated the applicant does have an alternative location for the pond which would remove the project out of the wetlands. Tom Calhoun stated he could move the pond if requested by the Commission. Judith Zacowski, daughter of an abutter to the project, stated that there is a stream next to her father's house and water has built up in the cellar at times. She asked if this water would rise higher if the surrounding area was irrigated by this pond. Mr. Whalen replied this would not happen. Another abutter had concerns with the stream drying up in his yard if a pond was dug on Mr. Calhoun's property. Mr. Whalen replied the table would not change. Jennifer Carlino requested the applicant submit the watershed area on the USGS map and to have the stream shown on the plan as well if the pond is proposed within 100 feet. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, July 12, 2004 at 7:05 pm in order to have the applicant submit the requested information. Approved.

The members reviewed a Notice of Intent – (#250-617) – **Andrea Anderson – Parcel 263 (assessors map 27) – 20 Fordham Drive – (cont. from the June 14, 2004 mtg.)** - for proposed plans to construct a 27' x 27' garage within 100 feet of wetlands. Earl Chartier of RIM Engineering presented a revised plan. The revision to the plan are the locus of the site, existing topography, a proposed contour that wraps around the garage and the siltation control line which will be the limit of work. The existing deck was also added to the plans. Lisa Carrozza had a question regarding the grading of the garage and Mr. Chartier stated the grading would match the existing grade line. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. 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 – (cont. from the June 14, 2004 mtg.)** - for verification of wetland resources. David Pickart of Vanasse-Hangen Brustlin Corp. represented the applicant at the public hearing. He stated the hearing was continued from the last meeting in order to give the agent time to finish inspecting the boundaries which she has done. Jennifer Carlino stated the boundaries were fine and the ORAD was ready to be issued. Lisa Carozza made a motion, seconded by Kathleen Giblin, to close the



public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to sign and issue the Orders of Resource Area Delineation. Approved.

The members reviewed a Notice of Intent – **Michele Bates – Parcel 78 (assessors map 25) 15 King Philip Road** - for proposed plans to construct a garage within the 100-year Floodplain and 100 feet of Lake Winnecunnet. Michelle Bates stated there is an existing deteriorated garage on the property. She stated the proposed project of removing the existing building and the construction of the garage would not increase the pervious surface on the property. She further stated that she has a floating dock that she proposes to extend 10 feet. She said she already had the building permit and should have filed with the Conservation Commission first and has received a Ceast and Desist letter from Jennifer Carlino. Julian Kadish asked if there would be any filling on the property and she replied there would not be any filling. Jennifer Carlino stated no additional clearing or fill is permitted on the site. Julian Kadish stated photographs should be taken periodically. Jennifer Carlino requested the contractor who is extending the dock submit a description of the project as well as pictures. Julian Kadish made a motion, seconded by Kathleen Giblin to continue the public hearing until the next regular meeting of Monday, July 12, 2004 at 7:25 pm in order to obtain the necessary information from the contractor and to receive a DEP File number for the project. Approved.

The members reviewed a Notice of Intent – **Owen Heleen – Parcels 49 & 50 (assessors map 14) 161 North Worcester Street** – for proposed plans to repair a septic system within the 100-year Floodplain, Riverfront Area and 100 feet of wetlands. The applicant was present at the public hearing along with his representative, John F. Vance, Jr., who represented the applicant at the public hearing. He explained the river had been baled out and a pond was created many years ago. He stated at the Director's suggestion, the septic system was relocated to the front of the property so it would be outside the floodplain. He said many trees had to be removed to move the septic system to the front. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to sign and issued the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **Ronald Coolidge – Parcel 1 (assessors map 8) 7 Richardson Avenue** – for proposed plans to repair a sanitary disposal sytem within 100 feet of wetlands. The applicant was present at the public hearing along with his representative, John F. Vance, Jr. who represented the applicant at the public hearing. He stated two cesspools existed on this property and it was the intent of the applicant to replace the cesspools with a leaching trench. Lisa Carrozza asked if the project was within the riverfront area and Mr. Vance replied that this was noted on the revised plans. Ronald Coolidge stated the site was eighteen feet above the river and proceeded uphill. Lisa Carrozza made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, 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 (cont. from the June 14, 2004 mtg.)** – for proposed construction of 156 houses, roads and stormwater appurtences within 100 feet of wetlands in the ACEC. David Eastridge presented the members with replies to concerns from the previous meeting regarding the **Red Mill**



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**Village project.** The concerns were as follows; 1. Soil profiles should be designated to minimize irrigation. He stated a soil scientist, John Swallow, was hired to do this, 2. Dewatering on the site. Mr. Eastridge stated a temporary destilling basin would be installed on the site, but he did not anticipate much dewatering on the site during construction, 3. Wetland flags on site during construction. Mr. Eastridge stated the haybale line will be surveyed and haybales will be replaced as needed during construction. 4. Mr. Eastridge stated the plans were altered to include an exhibit showing the New England Wildlife Seed Mix that will be used to replicate the adjacent wetlands. 5. The site plans were modified to show silt fence as well as haybales along Route 123. 6. Exhibit C was included to show the snow removal process. 7. Seventy-five linear feet of retaining wall was added in order to pull back the limit of work from the wetlands from 10' to 25'. 9. The observation monitoring wells that have been installed will remain on the site, 10. Mr. Thorndike stated that Japanese Barberry has been substituted with Rosa Rugosa, but Jennifer Carlino stated that this plant is not acceptable because it is an invasive as well. Jennifer Carlino stated she included a list from the New England Wildflower Society with the conditions for this project. Dave Eastridge stated rough Blue Grass was eliminated from the erosion control mix. The last concern addressed was the detail for the boardwalk which Mr. Eastridge presented as Exhibit F. Lisa Carrozza asked if the calculations for the irrigation plan were going to be revised because of the possible change in the soil types. Mr. Springhetti stated the calculations were based on a report given by John Swallow, a soil scientist. Mr. Sanford circulated a letter received from Duane Knapp, Water/Sewer Superintendent, with comments on the monitoring plans. Jennifer Carlino asked if a Conservation Permit was received from the Natural Heritage & Endangered Species Program and Mr. Sanford replied a permit would be received shortly. Jennifer Carlino asked about the Conservation Restriction and Mr. Sanford stated he would submit that tomorrow. Mr. Eastridge proceeded to explain the proposed irrigation management plan briefly to the members. Bob Medeiros asked if there were any questions. Jennifer Carlino stated she is waiting for the Conservation Restriction language and would like to speak with Walter Amory. Mr. Sanford stated a decision has not been received from the Planning Board and he was not sure if the next meeting would be the last one. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 12, 2004 at 7:35 pm. Approved.

The members reviewed a request for a Certificate of Compliance for the Lake Winnecunnet sewer connection File #**250-570-Supplement – Paula Driscoll – 44 Bay Road**. Eileen King made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #**250-440 – Mark Hoyle, Sr./c/o Edward Breault/Town & Country Development - Parcel 15 (assessors map 35) Dean/East Hodges Street**. Jennifer Carlino stated the project was completed. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File #**250-462 – Meadowbrook Corporation – Parcel 55 (assessors map 15) 2 Country Club Way**. Jennifer Carlino stated the project was completed as proposed. Kathleen Giblin made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

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The members reviewed a request for a Certificate of Compliance for **File #250-0542A – Slader Realty Trust, c/o James V. Vadala – Parcels 16, 41 & 42 (assessors map 35) 30 East Hodges Street**. Jennifer Carlino stated the project was completed as proposed. Kathleen Giblin made a motion, seconded by Julian Kadish to issue the Certificate of Compliance. Approved.

The members re-signed an Enforcement Order that was issued to the incorrect owner at the previous meeting for **35 John Scott Boulevard**.

Jennifer Carlino stated a complaint had been received regarding the installation of a septic system at 6 Berry Street. She stated she has had correspondence with the complainant several times and advised them that the location of the complaint was not within 100 feet of a wetland. It was the consensus of the Commission to send a letter to the complainant.

**Reorganization:** It was the consensus of the board that Bob Medeiros continue as the Chairman of the Board for at least one more year and Kathleen Giblin to continue as the Vice-chairman of the board.

Lisa Carozza made a motion, seconded by Earl Willcott, to adjourn the public meeting at 9:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb