



CONSERVATION COMMISSION
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RECEIVED

NOV 19 2004

NORTON TOWN CLERK

Monday, August 2, 2004
7:00 pm

Attendance

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

Julian Kadish was absent.

Minutes

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

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

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 draft minutes of **April 12, 2004**. Earl Willcott made a motion, seconded by Kathleen Giblin, to accept the minutes as written. 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, August 23, 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. Jennifer Carlino stated Tom Calhoun called today and requested a continuance for the project until the regular meeting of Monday, August 23, 2004 at 7:05 pm. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until Monday, August 23, 2004 at 7:05 pm. Approved.

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The members reviewed a Notice of Intent – **Michele Bates – (#250-622) - Parcel 78 (assessors map 25) 15 King Philip Road – (cont. from the June 28, 2004 mtg.)** - for proposed plans to construct a garage within the 100-year Floodplain and 100 feet of Lake Winnecunnet. Michelle Bates was present and gave out copies of the dock extension design. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Jennifer Carlino stated conditions would be ready for the next meeting.

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, June 21, 2004 & June 28, 2004 mtgs.)** - for proposed construction of 156 houses, roads and stormwater appurtenances within 100 feet of wetlands in the ACEC. Earl Willcott had concerns regarding the use of fertilizers, herbicides and pesticides. Mr. Geisinger stated a Landscape professional would be hired and he did not have a plan at this time. Jennifer Carlino stated a condition would be added to condition #18 which would require a list of proposed fertilizers, herbicide and pesticides to be submitted to the commission prior to signing the first Occupancy Permit. Mr. Sanford stated that condition #32 should be two separate conditions, one which would condition the infiltration trench only and the other would condition the landscaping procedure. Lisa Carrozza agreed this was a better idea and Jennifer Carlino agreed to do this and reminded Mr. Sanford that copies of the soil profiles will be given to the Commission when finished. Mr. Sanford had a question regarding partial Certificates of Compliance. Jennifer Carlino stated that the Commission does not issue partial Certificates of Compliance for individual house lots or condominiums. Mr. Sanford stated he understood that when all the conditions in the Order of Condition are finished, he will submit an as-built plan and letter to the Commission in order to receive a full Certificate of Compliance for this project. Jennifer replied this was correct. Discussion ensued regarding the sewer project on Newland Street. David Thorndike was concerned with condition 12G and submitting state permits as they are received. Jennifer Carlino stated that 12G pertained to the on-site work for the sewer project, and condition #17 required submission of all state permits for the off-site work as they are received. She continued to say she would like the submittal of all the on-site work permits before the work is started. Mr. Sanford explained that the only permit his client is waiting for is the permit from the Natural Heritage & Endangered Species Program and would like to condition to be amended by adding the words “to date”. Jennifer Carlino stated this could be done, but another condition would be added to state that no fill could be added within the buffer zone until after the permit is received from MEPA and submitted to the Conservation Commission. Earl Willcott made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions, as amended. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #838) – Paul Young - Parcel 145 (assessors map 21) 60 South Worcester Street** – for proposed plans to repair a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr. represented the applicant at the public hearing. He stated this was a standard septic system repair project and submitted revised plans. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly 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.

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The members reviewed a Request for a Determination of Applicability – **(DET. #837) – Fred Foster – Parcel 46 (assessors map 20) 34 Pleasant Street** – for proposed plans to repair a sanitary disposal system within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. John F. Vance, Jr. represented the applicant at the public hearing and stated that the sanitary system was moved at the agent's suggestion and he submitted revised plans. The plan revisions included an accurate wetland boundary and relocation of the system to meet Title V. He stated that because the system was moved it required a different design and a variance from the Board of Health. He said the Board of Health meeting was in two days and was confident they would issue the variance. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly 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 – **(#250-621) - Andrea Ashburn – Parcel 124 (assessors map 28) 9 Eileen Road** - for proposed plans to construct a 14' x 22' sun room, 10' x 12' mudroom and to remove trees within wetlands. Earl Chartier of RIM Engineering represented the applicant at the public hearing and described the project to the members and pointed out the trees to be removed on the submitted plans. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Lisa Carrozza 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. #831) – Teddy Realty Trust – Lot 12, Parcel 234 (assessors map 17) 8 Johnson Road** – for proposed plans to construct a single family house within 100 feet of wetlands. Bob Medeiros and Lisa Carrozza recused themselves from the public hearing. Angelo Pasqualino and his representative, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier explained that a portion of the proposed driveway was approximately eight feet within the buffer zone and a drainage easement would run through the buffer zone into the wetlands. Jennifer Carlino asked Angelo Pasqualino why the sideslopes were not cleaned up as yet. He explained his contractor would be doing this soon and, if not, as soon as his machine was repaired, he would have another contractor do this. Jennifer Carlino asked Mr. Pasqualino about the Conservation Restriction for this subdivision and he stated his attorney has received new information from the state. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott 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. #832) – Paul Martin – Lot 6, Parcel 609 (assessors map 10) 20 Johnson Road** - for proposed plans to construct a single family house within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Kathleen Giblin read a letter received from Donna Linfield, Office Manager for RIM Engineering, requesting to withdraw this application and stating that a Notice of Intent has been filed for this project.

The members reviewed a Request for a Determination of Applicability – **(DET. #833) – Teddy Realty Trust – Lot 5, Parcel 608 (assessors map 10) 22 Johnson Road** - for proposed plans to construct a single family house within 100 feet of wetlands. Bob Medeiros recused himself from the public

hearing. Angelo Pasqualino and his representative, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier briefly described the project to the members and pointed out that the septic system was approximately 360 feet from the vernal pool. He stated all work was outside of the buffer zone and pointed out the area for the conservation restriction. Jennifer Carlino requested the applicant install permanent markers at the area for the conservation restriction in accordance with the original Order of Conditions for the roadwork and drainage. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Earl Willcott 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.

The members reviewed a Request for a Determination of Applicability – **(DET. #834) – Teddy Realty Trust – Lot 4, Parcel 607 (assessors map 10) 24 Johnson Road** - for proposed plans to construct a single family house within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Kathleen Giblin read a letter received from Donna Linfield, Office Manager for RIM Engineering, requesting to withdraw this application and stating that a Notice of Intent has been filed for this project.

The members reviewed a Request for a Determination of Applicability – **(DET. #835) – Teddy Realty Trust – Lot 2, Parcel 605 (assessors map 10) 28 Johnson Road** - for proposed plans to construct a single family house within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Angelo Pasqualino and his representative, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier briefly described the project to the members and pointed out a twenty foot drainage easement on the property. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott 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 plan. Approved.

The members reviewed a Notice of Intent - **(#250-623) – John Flatley/The Norton Future Nominee Trust – Parcel 1 (assessors map 25) – Commerce Way** – for proposed plans to construct a 404,740 sq. ft. warehouse including parking lots, access drives, utilities, landscaping and a stormwater management system within 100 feet of wetlands. David Pickart of Vanasse Hangen Brustlin, Inc. represented the applicant at the public hearing and presented the project to the members. He stated there would be a road for fire truck access that would be gated off and a fire tank for fire protection behind the property. He said that a small portion of the proposed building is within the buffer zone, although most of the work in the buffer zone will be the stormwater features as well as replication of the upland areas adjacent to the wetlands. Mr. Pickart stated all work is out of the twenty-five no disturbance area and will be further away once the area is loamed and seeded. He continued by saying originally all work was proposed to be at least two hundred feet from the stream, but, after a final inspection, a small portion of the replication area would have been within the two hundred foot riverfront area. Mr. Pickart stated that the project was re-designed to stay at least two hundred feet from the stream. He asked if any of the members had any questions and noted that Mr. Kendall Cardwell, Engineer for the applicant was also present at the public hearing. Lisa Carrozza had questions regarding the truck court. Mr. Cardwell explained that the truck court will house approximately thirty to forty trucks per day in and out. Lisa Carrozza noted there was a conservation

restriction on the property. Mr. Pickart said plans would be submitted showing the areas and pointed them out to the members on the plans. Lisa Carrozza asked if an Operations & Maintenance Plan had been submitted and Mr. Pickart stated that it had. Jennifer Carlino asked if there were any changes to

the basin after the meeting with Walter Amory regarding soils last week. Mr. Cardwell stated he would have this information for the Commission tomorrow including the elevation of ground water from the test pits. Jennifer Carlino asked if all information requested would be submitted before the next meeting and Mr. Pickart stated it would be. Earl Willcott made a motion, seconded by Bob Medeiros, to continue the public hearing until the next regular meeting of Monday, August 9, 2004 at 7:45 pm.

The members reviewed a Notice of Intent - (#250-626) – **Tony Sottile/Kensington Development Corp. – Parcel 22-01 (assessors map 22) 209 West Main Street** - for proposed plans for reconstruction, and additions and site work to an existing car wash facility within 100 feet of wetlands and 200 feet of Log Brook. Brian Madden of LEC Consultants represented the applicant at the public hearing and stated that the proposed work was renovating and remodeling of the existing building and re-paving of the existing parking lot, all of which is located within the riverfront area of Log Brook. He continued by saying that currently there is no stormwater management on the site and the applicant is proposing to build an infiltration trench. Mr. Madden stated the applicant had already received a building permit without realizing a wetland permit was needed. He stated that at this point haybales were in place and all activity has ceased. Lisa Carrozza had questions regarding water runoff from the front and sides of the property. Mr. Madden stated all water will go into the proposed infiltration trench. He said all stormwater forms had been filed. Jennifer Carlino stated that since the water is a higher potential load, there will be pre-treatment of the water before it reaches the trench. Lisa Carrozza asked if there were any trash receptacles on the property. Mr. Madden pointed out that the only trash receptacles are two dumpsters. David Sottile, son of the applicant, stated he would be the person maintaining the facility. He said a trash receptacle will be located on the concrete island that the vacuum is attached to. Earl Willcott asked what the existing retaining wall was going to be used for and Mr. Madden stated no work was proposed in this area at this time. Lisa Carrozza requested that the engineer that prepared the submitted plans be at the next hearing to discuss water quality, the settling retention area such as the grading and what it will look like when finished. Earl Willcott had questions regarding the water that would be used to wash the vehicles. Mr. Sottile stated this area is going to be on a closed-loop reclaim system underground and the water will go through several filter systems and be recycled. Jennifer stated work may continue on the building only before a permit is issued. Bob Medeiros requested the applicant to have the engineer who drew the submitted plans at the next meeting. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the project until the next regular meeting of Monday, August 9, 2004 at 7:55 pm. Approved.

The members reviewed a Notice of Intent – (#250-628) – **Angelo Pasqualino/Teddy Realty Trust – Lot 4, Parcel 607 (assessors map 10) 24 Johnson Road** – for proposed plans to construct a single family house, garage, sewage disposal system and related grading within 100 feet of wetlands. Bob Medeiros and Lisa Carrozza recused themselves from the public hearing. Angelo Pasqualino and his representative, Earl Chartier of RIM Engineering, were present at the public hearing. Mr. Chartier briefly described the project and pointed out the various areas of interest to the members. Jennifer

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Carlino requested to have the applicant put permanent markers at the conservation restriction area. Earl Willcott made a motion, seconded by Eileen King, to close the public hearing. Approved. Earl Willcott 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** – (#250-627) – **Paul Martin – Lot 6, Parcel 609 (assessors map 10) 20 Johnson Road** – for proposed plans to construct a single family house, garage, deck, driveway, sewage disposal system and related grading within 100 feet of wetlands. Earl Chartier of RIM Engineering was present at the public hearing and briefly explained the project to the members. Jennifer Carlino requested the conservation restriction be permanently marked on the property. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

Kathleen Giblin left the meeting at 9:00 pm.

The members reviewed a **Notice of Intent** - (#250-625) – Lloyd Geisinger/Thorndike Development Corp. – Newland Street – for proposed plans to extend the sewer main on Newland Street within 100 feet of the bordering vegetated wetlands and 200 feet of Canoe River. Don Springhetti, Civil Engineer with Cubellis Saivetz Associates represented the applicant at the public hearing. He proceeded to explain the project to the members. He showed the members the travel route of the proposed extended sewer main. He stated the project area involved approximately 5800 linear feet. He stated Gary Sanford of Sanford Ecological Services walked the site in order to delineate the wetland resource areas and the only resource areas that were flagged and found were in the area of Canoe River. He described what the colors depicted on the submitted plans and explained why the sewer main will be placed in certain areas. He stated alternate methods of crossing Canoe River were considered, but a survey was done and the alternate route was not feasible. He said the survey showed the figures for the elevation of the road, concrete abutments and the river base and the alternative was not a good idea. He finalized by stating the only evidence of any work would be a patch in the road. Lisa Carrozza asked questions regarding the area where the extension would be attached to the existing main. She asked if the area coming through the ground would be on the roadway. Mr. Springhetti stated that it would be from the roadway and this process was described in the submitted Environmental Impact Report. Lisa Carrozza suggested to move the haybales as shown on the submitted plans and Mr. Springhetti agreed this was an error and the haybales would be relocated. Lisa had questions regarding dewatering. Mr. Springhetti stated that the consultant, Walter Amory, suggested dirt bags be used during construction. She asked where they would be placed. Mr. Springhetti said since the project would be only thirteen feet from the river, they had no intentions of dewatering. Jennifer Carlino asked the members if a detail of the transition zone would be required of the applicant. It was the consensus of the board this would not be a requirement but a revised plan was requested. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as written. Approved.

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The members reviewed a modification to the approved plans for **File #250-618 – John DosReis – Parcel 4 (assessors map 10) 75 Elm Street**. Jennifer Carlino stated that at the pre-construction meeting the applicant decided he wanted to add the construction of a deck to the approved plans. She said it is a minor modification. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to approved the modification. Approved.

The members reviewed a modification to the approved plans for **File #250-585 – Honey Dew Associates, Inc. – Parcel 86 (assessors map 22) 61 West Main Street**. Jennifer Carlino stated the Planning Board requested the applicant install a detention basin which will be located between two wetlands. She stated the modifications are extensive and suggested the applicant present the modification to the members and file for an Amended Order of Conditions. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to have the applicant present the changes to the members. Approved.

Ron O'Reilly stated that during a recent inspection of Chartley Pond Dam, he notices undermining in the wall across at the Sinclair Manufacturing Company and thinks it should be investigated. He stated that at times when the water level is low, he noticed leaking between the concrete structure and the new gate. Bob Medeiros requested the agent contact Northern Construction regarding the leak and to send a letter to the owner of the Sinclair Manufacturing Company. Ron O'Reilly asked the agent if she had gotten prices for a new wheel yet. She stated she would get the prices.

Jennifer Carlino stated the Fall Annual Town Meeting Warrant Articles are due by August 13th. She said she gave the Town Manager another RFP for the Lake Winnecunnet project which he was going to have reviewed.

Ron O'Reilly stated there would be a Shpack meeting on Wednesday, August 4, 2004 at 7-9 pm at the J.C. Solmonese School and the public is invited.

The members reviewed a request for a Certificate of Compliance for **File #250-511 – Michael Choquette – Parcels 203/205 (assessors map 27) 139 South Worcester Street**. Jennifer Carlino stated the project was completed as proposed. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-415 – Pilgrim Cranberry Corp./Standish Realty Trust – Parcel 38 (assessors map 36), Parcel 10-10-01 (assessors map 35) & Parcel 4 (assessors map 2) 129 Newland Street**. Jennifer Carlino stated the project was to build cranberry bogs that were never built and the Order of Conditions has expired. She said an Enforcement Order was issued to clean up the site. Jennifer Carlino stated the property was sold and the bank requested a partial Certificate of Compliance. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to issue the partial Certificate of Compliance. Earl Willcott voted against the partial Certificate of Compliance. Approved.

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Lisa Carozza made a motion, seconded by Ron O'Reilly, to adjourn the public meeting at 9:35 pm.
Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb