



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

Monday, October 18, 2004
7:00 pm

RECEIVED
MAR 21 2005
NORTON TOWN CLERK

Attendance

Bob Medeiros (Chairman), Ron O'Reilly,
Earl Willcott, Eileen King,
Jennifer Carlino, Conservation Agent

Kathleen Giblin (Vice-Chairman), Julian Kadish & Lisa Carrozza were absent.

Minutes

The members reviewed the draft minutes of **May 17, 2004**. Earl Willcott made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (Baystate). Earl Willcott made a motion, seconded by Eileen King, 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, June 28, 2004, August 2, 2004, August 23, 2004 & October 4, 2004 mtgs.)** for proposed plans to construct a farm/fire protection pond within 100 feet of a bordering vegetated wetland in the ACEC. Michael Cridge of Whalen Engineering presented revised plans and proceeded to explain the revisions to the members. He started by reading the letter dated October 8, 2004 sent by Mark Whalen of Whalen Engineering. He said the applicant has agreed to move the pond back to the original location on lot 1 and lot 2A and the name of the applicant was changed back to him. The letter stated that if the pond was to be moved out of the wetlands, this would interfere with the future plans for an orchard on the property. The letter contested the decision by the board that the water dependent usage of the pond is not one that is listed under the ACEC. Mr. Cridge continued to read the letter which stated that approximately 4,000 sq. ft. of wetlands would be altered and 6,100 sq. ft. of new bordering vegetated wetlands would be created by the construction of the pond. In closing, Mr. Cridge read that Mr. Whalen hoped the Commission would issue an Order of Conditions for this project in order to avoid an appeal to DEP and a Superceding Order of Conditions. An abutter asked to review the revised plans. 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 deny the project. Approved.

Norton Conservation Commission

Monday, October 18, 2004

Minutes, page 2.

The members reviewed a Notice of Intent – **(#250-637) – Brian Mulligan/L & M Custom Builders – Parcel 5 (assessors map 1) Newland Street (Westaway Estates/#250-471) – (cont. from the October 4, 2004 mtg.)** for completion of roads, installation of trees, gravel curbing loam and seeding and paving within 100 feet of wetlands. Earl Willcott could not vote on this project therefore a quorum was not obtained and the hearing could not be opened.

The members reviewed a Notice of Intent – **(#250-639) – Lynn Sicola – Parcel 54 (assessors map 31) – 78 Dean Street** – for proposed plans to repair a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr., Engineer for the applicant presented the project to the members. He stated the applicant has sold this house and moved. He stated the limit of work was more than twenty-five feet from the wetlands. Mr. Vance explained the colors on the submitted plans to the members. 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.

The members reviewed a Notice of Intent **(#250-641) – Lawrence & Lori Blye – Parcel 147 (assessors map 18) 202 Plain Street** – for proposed plans to construct a garage and driveway within 100 feet of wetlands and 200 feet of Canoe River. Byron Holmes of Holmes Engineering represented the applicant at the public hearing and submitted revised plans to the Commission. He stated the mean annual high water mark was revised at the suggestion of the agent. He said the project involved the construction of a 26' x 26' garage on a grassed area approximately 107 feet from the mean annual high water mark and 89 feet from the flagged wetlands. 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 **(#250-640) – William Nievera – Parcel 40 (assessors map 20) 15 Noyes Street** – for proposed plans to repair a septic system within 100 feet of wetlands. William Nievera and his wife were present at the public hearing. Mr. Nievera stated it was his intention to remove a cesspool and replace it with a sanitary system. Jennifer Carlino requested Mr. Nievera remove the leaves that were dumped near the wetlands and to cease dumping any more. He agreed to remove the leaves. 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 sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent **(#250-638) – John Parker – Parcel 133 (assessors map 17) 127 East Main Street** – for proposed plans to construct a garage within 100 feet of wetlands. John Parker and his Engineer, John F. Vance, Jr. were present at the public hearing. Mr. Vance stated the applicant was proposing to add a garage, breezeway and a car port with a cement slab. Jennifer Carlino asked if there were going to be any grade changes next to the garage and he stated there were not going to be any grade changes. Jennifer Carlino requested erosion control be used for the project and the applicant agreed to install a silt fence. Jennifer Carlino requested revised plans be submitted showing the erosion control/limit of work line. 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 using standard conditions. Approved.

Norton Conservation Commission
Monday, October 18, 2004
Minutes, page 3.

The members voted to ratify the signing of an Enforcement Order to be sent to the **Norton Water Department** for work done without a permit on North Washington Street. Earl Willcott made a motion, seconded by Eileen King, to ratify the Enforcement Order to be sent to the Norton Water Department. Approved.

Earl Willcott made a motion, seconded by Ron O'Reilly, to allow Duane Knapp, Water and Sewer Superintendent, to be placed on the agenda. Approved. Duane Knapp stated he would accept full responsibility for not obtaining permit for the work being done on North Washington Street. He said problems had arisen as a result of changing residents from an old pipe system to the newer larger pipe system. Mr. Knapp stated this project has changed into an emergency situation. Discussion ensued regarding refusal to obtain wetland permits by the Norton Water Department for various projects. Mr. Knapp stated he had a conversation with an attorney who said that if this project was determined to be an emergency project, a wetlands permit would not be necessary. Jennifer Carlino stated in her opinion this project is not an emergency since she and Duane spoke about it in August and he knew he needed a permit then. Earl Willcott asked when Duane ordered the parts and materials for this project. He stated Duane must have had time to order materials and schedule the job. Earl Willcott made a motion, seconded by Eileen King, to issue an Emergency Certificate to the Water Department to complete installation of the new water main on North Washington Street with the condition that all requirements made by the agent, Jennifer Carlino, are met. Approved. Jennifer Carlino stated a Notice of Intent has to be filed by November 1, 2004.

Jennifer Carlino stated a vote was requested on **Article 12** on the warrant for the Annual Fall Town Meeting of Wednesday, October 20, 2004 by the Selectmen. The Article supported enforcing the prohibiting of companies or contractors withdrawing water from bodies of water in Norton. Earl Willcott was not in favor of this article. It was the consensus of the board not to vote on this issue if a full board wasn't present for the discussion.

Jennifer Carlino stated that EPA chose Option SC-3B for the Shpack clean-up which was favored by the Conservation Commission. She stated this option is the one that cleans the site completely.

Jennifer Carlino stated she received an Administrative Consent Order for 97 Oak St. She said she checked with DEP and was informed the materials were already removed from the buffer zone.

Jennifer Carlino asked the members if they had any comments on the draft Open Space Plan that she had sent each member on a CD. Lisa Carrozza stated the draft Open Space Plan was excellent.

Jennifer Carlino asked the members if they had any comments regarding the Norton Reservoir dredging RFP. No one had comments.

Bob Medeiros asked if everyone received the warrant for the Annual Fall Town Meeting of Wednesday, October 20, 2004.

Jennifer Carlino asked the members to send their comments regarding the appeal for the Maple Street denial.

Norton Conservation Commission
Monday, October 18, 2004
Minutes, page 4.

Earl Willcott made a motion, seconded by Eileen King, to adjourn the public meeting at 8:05 pm.
Approved.

Respectfully Submitted,


Jennifer Carlino
Conservation Director

JC/pmb