



CONSERVATION COMMISSION
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MAR 21 2005

NORTON TOWN CLERK

Monday, February 14, 2005
7:00 pm

Attendance

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

Earl Willcott & Lisa Carrozza were absent.

Minutes

The members reviewed the draft minutes of **October 18, 2004**. The minutes were tabled until the next regular meeting of Monday, February 28, 2005.

The members reviewed the draft minutes of **January 10, 2005**. The minutes were tabled until the next regular meeting of Monday, February 28, 2005.

The members reviewed the draft minutes of **January 24, 2005**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

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

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

The members reviewed a Notice of Intent – (#250-643) - **Scott Frietas – Parcel 112 (assessors map 32) 35 John B. Scott Boulevard – (cont. from the November 15, 2004, December 13, 2004, January 10, 2005 & January 24, 2005 mtgs.)** - for proposed plans to construct an addition, driveway and garage and for replication of wetlands within 100 feet of wetlands. Scott Frietas presented the members with a revised plan and a letter requested at the last meeting. Jennifer Carlino stated that this was the same information submitted at the last meeting. Scott Frietas stated he had talked to his engineer who had spoken to Walter Hewitson, botanist, and he said this plan and letter would be sufficient. Jennifer Carlino stated that the members didn't ask for an editorial, but it can be conditioned. She said she spoke with Walter Hewitson last week and he was supposed to do the

restoration plan. Jennifer Carlino stated she drafted the conditions and included the necessary requests as conditions in order to close the public hearing. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed an Amendment to Order of Conditions - (**#250-520**) - **Massachusetts Golf Association – parcel 139 (assessors map 26) 300 West Main Street – (cont. from the January 10, 2005 & January 24, 2005 mtgs.)** - to remove concrete blocks along Wading River and provide stormwater management. Matt Varrell of Vanasse-Hangen Brustlin updated the Commission on the Amendment. David Farrentino of MGA Links was also present at the public hearing. He stated a revised plan had been submitted. The revisions on the plan showed the stock pile of soil re-located and the proposed detention basin placed where the soil stock pile was located. This would move the detention basin out of the floodplain. He said the only work proposed within the floodplain was the spillway for the detention basin which was redesigned a little smaller in size. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to accept the amendments to the Order of Conditions as revised. Approved. Mr. Varrell asked if the expiration date for the Order of Conditions would remain the same or be three years from the issuance of the Amendment and Jennifer Carlino replied it would remain the same.

The members reviewed a Request for a Determination of Applicability – (**DET. #845**) – **Katherine Conway – lot 5, parcel 89 (assessors map 23) Seminary Way – (cont. from the January 10, 2005 & January 24, 2005 mtgs.)** - for delineation of the wetland boundaries. Paul Jodice, contractor for the applicant and Earl Chartier, engineer, of RIM Engineering were present at the public hearing. Mr. Chartier handed out several pages of calculations to the members. The first issue referenced the two puddles of water shown on the submitted plans in reference to a 100-year storm. Next he pointed out that in regards to the Isolated Land Subject to Flooding, one criteria is that the volume of water is 10,890 cubic feet. He then noted the isolated wetland on the submitted plans was well under that amount. Mr. Chartier stated that several areas were tested for time and concentration flows and noted those results were included in the pages he passed out to the members. Jennifer Carlino stated she received these latest calculations late this afternoon and had not had enough time to review them. She said Lisa Carrozza reviewed them briefly and stated there were several inconsistencies between the information provided by RIM Engineering within his own report. Jennifer Carlino suggested issuing a positive Determination of Applicability. Julian Kadish suggested that the agent have a chance to review the revised calculations before making a decision on this project. Mr. Chartier asked the agent what calculations did not match and she pointed out several areas to include incorrect elevations and she stated there were no topographical maps to support the watershed area. Jennifer Carlino stated that Lisa Carrozza, engineer, and member of the Conservation Commission, had many concerns with the revised calculations submitted. She said she spoke with Ralph Maloon of RIM Engineering, and he was to contact Lisa Carrozza before this meeting but he did not. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, February 28, 2005 at 7:10 pm. Approved.

The members reviewed a Notice of Intent – (#250-648) - **Angelo Pasqualino – Lot 8, Parcel 611 (assessors map 10) 11 Johnson Drive – (cont. from the January 10, 2005 & January 24, 2005 mtgs.)** - for proposed plans to construct a house, porch, deck, garage, driveway & sewage disposal system with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Present at the public hearing were the applicant, Angelo Pasqualino and his engineer, Earl Chartier of RIM Engineering Co., Inc. who stated a letter had been received from the Natural Heritage & Endangered Species Program stating this project would not have any adverse affects to endangered species. Mr. Chartier stated the Conservation Restriction line had been changed on the submitted plans as requested by the board at the previous meeting. Discussion ensued between the applicant and the agent regarding the distance to be left between the vernal pool and the Conservation Restriction. It was decided that a condition would be included with the Order stating revised plans showing the agreed distance between the vernal pool and the Conservation Restriction line would be submitted. The limit of work and conservation restriction should be 45 feet from the vernal pool. Jennifer Carlino stated if the revised plans were submitted tomorrow, the condition would be eliminated. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ron O'Reilly, to sign and issue the Order of Conditions as revised. Approved.

The members reviewed a Notice of Intent – (#250-649) - **Angelo Pasqualino – Lot 7, Parcel 610 (assessors map 10) 13 Johnson Drive – (cont. from the January 10, 2005 & January 24, 2005 mtgs.)** - for proposed plans to construct a house, garage, driveway and sewage disposal system with related grading within 100 feet of a vernal pool and isolated wetlands. Bob Medeiros recused himself from the public hearing. Present at the public hearing were the applicant, Angelo Pasqualino and his engineer, Earl Chartier of RIM Engineering Co., Inc. who stated a letter had been received from the Natural Heritage & Endangered Species Program stating this project would not have any adverse affects to endangered species. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly 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 – (#250-647) – **John Stewart/The Richmond Company, Inc. – Parcel 33 (assessors map 23) 42-46 West Main Street – (cont. from the January 24, 2005 mtg.)** - for proposed plans to construct a commercial building including parking areas, utilities, stormwater management and related grading within 100 feet of wetlands. John Stewart was present along with his engineer, Rich Williams of Hayes Engineering. Mr. Williams stated revisions to the submitted plans were made to comply with requests from the previous meeting. He said the grading for the detention area had been pulled back to increase the distance between the grading and the wetland area. He stated the flow exiting the detention basin was split in order to hydrologically feed both wetland systems. Thirdly he stated snow removal and storage areas had been added outside of the 100 foot buffer zone and he provided stormwater management forms. Mr. Williams submitted a construction sequence along with revised calculations. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Ron O'Reilly 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 – **(#250-650) - Ronald Coolidge – portion of Lot 1 (assessors map 8) 9 Richardson Avenue** – for proposed plans to construct a house, driveway, septic system and shed with associated grading and to remove an existing building within 100 feet of wetlands and Riverfront Area to the Wading River. Ron Coolidge was present at the public hearing with his engineer, John F. Vance, Jr. who explained the project to the members. He said the applicant purchased the property and subdivided it into two house lots, one to sell and this lot to build his own house on. He stated the applicant was going to re-grade, loam and seed the field. Mr. Coolidge stated that in the area where the cottage is proposed to be removed and where the cesspool is going to be filled, he proposes to replant trees that will be removed from the strip of land separating his two house lots. Mr. Vance stated the applicant proposes to plant trees between the two properties. Jennifer Carlino asked for the total Riverfront area for both lots together. Mr. Coolidge stated the total Riverfront area is 92,199 sq.ft. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Kathleen Giblin 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 – **(#250-653) - Thomas Flett – Parcel 7-01 (assessors map 8) 8 Richardson Avenue** – for proposed plans to repair a sanitary system within 100 feet of wetlands and Riverfront Area to the Hodges Brook. John F. Vance, Jr. engineer for the applicant, explained the project to the members. He stated the system was moved out of the 100-foot buffer zone but could not move it out of the 200-foot Riverfront Area without putting it in the front of the house and removing several large trees. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin 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 – **Hideharu Furukawa – Parcel 246 (assessors map 27) 115 Barrows Street** – for proposed plans to construct a garage and grading within 100 feet of wetlands and Riverfront Area to the Wading River. Mr. Chris Charette of Charette Land Surveying explained the project to the members and stated Walter Hewitson, Botanist, flagged the wetlands on the property and provided Field Data Forms. He stated the applicant proposes to construct a breezeway, garage with a workshop and a two-lane driveway. Mr. Charette explained the reason for the filing of this application is because the rear portion of the addition is approximately 34 feet from the wetland line. Jennifer Carlino stated one of the conditions is that the applicant ceases to dump compost onto the steep slope above the wetlands. Ron O'Reilly 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 issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #846) - TEC Associates – CSX Right-of-Way** - for verification of the wetland resource boundaries. Jennifer Carlino stated this is a routine filing for the railway. She suggested that the two certified vernal pools be noted on the submitted USGS plans which showed the spray and no-spray sensitive areas. Julian Kadish made a motion, seconded by Kathleen Giblin, 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 information. Approved.

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Discussion ensued regarding the requirement to require a bond for a Conservation Restriction on all subdivisions. Bob Medeiros stated if a bond was posted to ensure the completion of a Conservation Restriction, the builder would be able to begin the construction of the subdivision before completing the Conservation Restriction. This would enable the houses to be built and sold before the Conservation Restriction is completed. Jennifer Carlino suggested that all Conservation Restrictions

should be completed before the project is started. She stated that almost all the Conservation Restrictions have been completed before the houses are built in the newer projects in town. She said there shouldn't be any problem with completing a Conservation Restriction in a timely manner if the developer takes the proper steps without any delays. Bob Medeiros asked Jennifer Carlino if in any subdivision, one of the houses was not near a wetland, could an occupancy permit be signed even though a Certificate of Compliance has not been received for the subdivision roadwork and drainage project. Jennifer Carlino stated that every houselot presents an impervious surface, and therefore is part of the original subdivision permit.

Ron O'Reilly made a motion, seconded by Kathleen Giblin, to adjourn the public meeting at 8:35 pm. Approved.

Respectfully Submitted,

 Jennifer Carlino

Jennifer Carlino

Conservation Director

JC/pmb