



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

RECEIVED
2005 SEP 30 AM 11:23
NORTON TOWN CLERK

Monday, August 22, 2005
7:00 pm

Attendance

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

Minutes

The draft minutes for **June 13, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The draft minutes for **July 11, 2005** were not available at the meeting and review of the minutes was postponed until the next regular meeting.

The members reviewed the Bills Payable Sheet (Misc). Bob Medeiros made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Office Supplies). Bob Medeiros made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (ESS Group, Inc.). Bob Medeiros made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Registration for Workshop/Jennifer Carlino). Bob Medeiros made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Ad for RFP for Norton Reservoir dredging project). Bob Medeiros made a motion, seconded by Lisa Carrozza, to pay the bill. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #847) - Red Mill Realty Trust – Parcels 4 & 22 (assessors map 2) 129 Newland Street (rear) – (cont. from the June 13, 2005, July 11, 2005 & August 8, 2005 mtgs.)** - for proposed plans to fill a former cranberry bog reservoir within 100 feet of wetlands per 310 CMR 10.04 [pond (c)]. Earl Willcott removed himself from the public hearing. Scott Faria of Gallagher Engineering represented the applicant at the public hearing and updated the members on the project. He stated that a response had been received from Natural Heritage and noted that Jennifer Carlino had requested information regarding the method that was going to be used to pump the water from the pond and also the exact area the pumping would be

Norton Conservation Commission

Monday, August 22, 2005

Minutes, page 2.

taking place. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (#3). Approved.

The members reviewed a Notice of Intent – **(#250-651) – Bill Harris/Robin Norton LLC – Parcels 38, 252 & 253 (assessors map 5) 308 East Main Street – (cont. from the January 10, 2005, January 24, 2005, February 28, 2005, March 28, 2005, May 16, 2005, June 13, 2005 & July 11, 2005 mtgs.)** - for proposed plans to expand a parking lot, with associated grading, landscaping and drainage improvements within 100 feet of wetlands. Anthony Ma of Howe Surveying Associates represented the applicant at the public hearing. He stated the Planning Board had approved the project. Mr. Ma stated the applicant had requested of the Planning Board that they be allowed to construct the detention pond before re-paving the parking lot as there would be no place for the large trucks to park during paving. He noted the revisions were placed on the plan dated July 28, 2005, on sheets 1 & 2. Lisa Carrozza asked if a revised Operations & Maintenance Plan had been submitted and Jennifer Carlino said it had been submitted. Earl Willcott made a motion, seconded by Ron O'Reilly, 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 Notice of Intent – **(#250-676) – Deryl Kenney – Parcel 21 (assessors map 35) – 156 Dean Street – (cont. from the July 25, 2005 & August 8, 2005 mtgs.)** - for proposed plans for septic system repairs within 100 feet of a wetland. Jennifer Carlino stated a DEP file number had been assigned to this project. Earl Willcott made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros 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 – **(#250-674) – Philip Landry – Parcel 158 (assessors map 15) 10 Foster Drive – (cont. from the July 25, 2005 & August 8, 2005 mtgs.)** - for proposed plans to install an in-ground pool and a fence within 100 feet of wetlands. Maura Landry presented the project to the members. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Bob Medeiros, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-675) – Steven Houghton – Parcel 248 (assessors map 10) 23 Cobb Street – (cont. from the July 25, 2005 & August 8, 2005 mtgs.)** - for proposed plans to install a 2" PVC pipe for sewer hookup within 100 feet of wetlands. John F. Vance, engineer and represented for the applicant, stated the project was continued for a DEP file number which had been assigned. James DiMarco of 11 Sachem Road had concerns water flowing onto his property because of construction. Mr. Vance stated there would not be any digging in the wetlands. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written. Approved.

Norton Conservation Commission

Monday, August 22, 2005

Minutes, page 3.

The members reviewed a Notice of Intent – **(#250-681) – Kenneth Perlow – Parcel 267 (assessors map 10) 14 Falls Road – (cont. from the August 8, 2005 mtg.)** - for proposed plans to construct an addition to construct a breezeway within 100 feet of wetlands and within the riverfront area of Rumford River. Mr. & Mrs. Perlow attended the public hearing. Mr. Perlow described the project to the members. He stated the property was purchased with the intent to use the area above the existing garage as an in-law apartment. He was informed by the Building Inspector that this was illegal, but would be legal if the garage was attached to the house. Mr. Perlow stated he had no intentions to do any clearing. The extensive clearing had been done by the previous owner. Bob Medeiros asked why the fee for the Riverfront Area had not been included in the Notice of Intent filing. Jennifer Carlino stated it was omitted in error and the correct fee would be forwarded to the Conservation office. Earl Willcott made a motion, seconded by Bob Medeiros, 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 Notice of Intent – **(#250-680) - Lincoln DeMoura/Norton Public Schools – Parcels 90, 90-01 & 98 (assessors map 22) – 64 West Main Street– (cont. from the August 8, 2005 mtg.)** - for proposed plans to repair and reconstruct existing ballfields and parking areas within 100 feet of bordering vegetated wetlands. Lincoln DeMoura, Superintendent of Schools, described the project to the members. He stated that this project was approved in a previous filing and that the Order of Conditions had expired. Julian Kadish asked if there were any changes to the previously approved plan and Mr. DeMoura replied that there were not. Jennifer Carlino stated actually one of the fields was going to be shifted slightly but not any closer to the wetlands. Lisa Carrozza asked if the plans that were submitted were complete and Jennifer Carlino stated the plans that were submitted with the previous filing could be used for this project as well. Bob Medeiros made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Kathleen Giblin 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 – **(#250-660) - Chuck Cramer/Cramer Levine & Company – Parcel 58B (assessors map 17) – 134 East Main Street – (cont. from the May 16, 2005, June 13, 2005 & July 11, 2005 mtgs.)** - for proposed plans to construct a parking lot and expand an existing sewage disposal system within 100 feet of wetlands. Julian Kadish read a letter that was received from the applicant requesting a continuance of one month for the public hearing for this project. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, September 26, 2005 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-636) - Edward R. Woods, Jr., Trustee, Rapwood Nominee Trust –Parcel 37-1 (assessors map 31) John Scott Boulevard – (cont. from the July 11, 2005 & July 25, 2005 mtgs.)** - for proposed plans to fill and replicate wetlands and bank for a driveway, construct a house, septic system, utilities and grading in a Riverfront Area. Patricia Cassady of Cassady Wetland Consulting was at the public hearing to represent K & J Engineering and the applicant. Ms. Cassady asked Jennifer Carlino if she had a chance to review the latest revised plans. Jennifer Carlino said she reviewed them today. She asked Ms. Cassady if she was the representative for this project or if the applicant planned on sending a different representative for each hearing. Ms. Cassady stated she going to do the replication plan for the client. Jennifer Carlino noted that Carr

Norton Conservation Commission

Monday, August 22, 2005

Minutes, page 4.

Research did the wetland boundary, another company did the wildlife habitat and Cassady Wetland Consulting was going to do the replication plan. Ms. Cassady stated that Mr. Walker at K & J Engineering had requested her to do the replication plan and all correspondence should be sent to Mr. Walker. Ms. Cassady presented a response to a letter sent to Mr. Walker by Jennifer Carlino dated June 20, 2005. Jennifer Carlino stated she had received a copy of the deed which was the first issue. Ms. Cassady stated that before the road was constructed this parcel was connected to the parcel across the street. She said the deed was re-written in 1965 which was prior to the Rivers Act. Jennifer Carlino stated the lot was created after 1996. The seconded issue was that even though this project was exempt from having to do an Economic Alternative Analysis, the applicant would have to present a plan having the least amount of impact to the wetlands. The third issue was to show the mean annual high water mark on the submitted plans. Jennifer Carlino stated the scale on the plan was too small and requested the scale be reduced so all areas could be clearly seen. The fourth issue was to have the plans sent to Natural Heritage which has been done. The fifth issue was to discuss the culvert design and Ms. Cassady pointed the details of the design on the plan. Jennifer Carlino stated the culvert was not wide enough to clear the river banks. The sixth issue was the planting plan which would be changed according to the agent since the wetland boundaries would be changing. The seventh issue was the proposal for a new well when one was already existed. Jennifer Carlino stated the eighth issue was no work within 25 feet of wetlands which would be possible except the driveway through the wetlands. Jennifer Carlino said this includes grading also. Jennifer Carlino noted there is a vernal pool on the property which would bring to question what types of significant or endangered species of wildlife are present. Jennifer Carlino stated she made the wetland flag changes on the submitted plans, and if the applicant or engineer does not agree to the changes, a meeting on-site would be required. Kathleen Giblin made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, September 12, 2005 at 7:05 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #851) – Rocco Bruno – Parcel 125 (assessors map 28) 7 Eileen Road** – for proposed plans to repair a septic system with associated grading within 100 feet of wetlands. The applicant was present with his engineer, John F. Vance, Jr. who presented the project to the members. Mr. Vance stated the proposed project is to remove and replace the existing septic system which has failed after approximately ten years. Earl Willcott made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Kathleen Giblin, 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-) – Edward Breault – Parcel 73-23 (assessors map 25) 23 King Phillip Road** – for proposed plans to remodel an existing house within 100 feet of Lake Winnecunnet. There was no representative at the public hearing. The members proceeded to review the submitted plans. Jennifer Carlino stated the footprint of the foundation was not going to change. The members had a couple of questions that needed to be answered by the applicant. Bob Medeiros made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, September 12, 2005 at 7:15 pm when the applicant can be present and also to get the assigned DEP file number. Approved.

Norton Conservation Commission

Monday, August 22, 2005

Minutes, page 5.

The members reviewed a Notice of Intent – **(#250-679) – Angelo Pasqualino/P & A Construction – Lot 9, Parcel 9 (assessors map 13) Lincoln Street** – for proposed plans to construct a house, driveway, utilities, sewage disposal system with related grading within 100 feet of wetlands. Earl Chartier of RIM Engineering presented the project to the members for the applicant stating the proposed house consists of 1200 sq. ft and a new leach trench and driveway are proposed. He stated the closest point to the wetlands is 33 ½ feet and the revisions were made to the plans today as requested by Jennifer Carlino. Mr. Chartier noted the closest point of the house to the wetlands is 91 feet which was not shown on the plan but written in by him, but the grading is much closer. Lisa Carrozza asked if a response was received back from Natural Heritage and Mr. Chartier said he has not yet received a response. Earl Willcott made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, September 12, 2005 at 7:20 pm in order to receive a response from Natural Heritage. Approved.

Sign Order of Conditions for #250-671 – Joan Scott – Parcels 10 & 158 (assessors map 28) Taunton Avenue. Jennifer Carlino stated the public hearing for this project was closed. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Conditions as written. Bob Medeiros voted against the signing of the Order of Conditions. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-630 – Samuel Butler – parcel 50 (assessors map 33) 28 Eddy Street.** Jennifer Carlino stated the project was completed as proposed. Bob Medeiros 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 #250-516 – Stephen & Barbara Mahoney – parcel 84 (assessors map 10) 16 Ledge Road.** Kathleen Giblin made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-664 – Cramer & Levine & Co. – parcel 58B (assessors map 17) 134 East Main Street.** Jennifer Carlino stated the lawn has been hydroseeded but the grass is not growing yet. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue the partial Certificate of Compliance as long as the applicant posts a \$1,500 bond with the Town Treasurer to ensure final vegetative stabilization of the exposed soils on this lot. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Mary Fenton – 38 Charlotte Avenue** (sewer connection). Bob Medeiros 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 #250-570 – Theresa Smith – 31 King Phillip Road** (sewer connection). Bob Medeiros 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 #250-570 – Deborah Russell – 97 King Phillip Road** (sewer connection). Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

Norton Conservation Commission

Monday, August 22, 2005

Minutes, page 6.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Mabel Silveri – 101 King Phillip Road** (sewer connection). Bob Medeiros 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 #250-666 – William LaValley – Parcel 5 (assessors map 18) 59 Plain Street**. Jennifer Carlino stated the lot has not been stabilized. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to request the applicant to request a partial Certificate of Compliance with a bond. Approved.

The members reviewed a minor modification to **File #250-655 – 115 Barrows Street**. Jennifer Carlino stated the change is that the proposed addition will be smaller than the approved addition. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to approve the minor modification. Approved.

The members reviewed a letter to the Town Account authorizing Julian Kadish, Earl Willcott, or Bob Medeiros to sign all payroll sheets. Kathleen Giblin made a motion, seconded by Eileen King, to sign the letter. Approved.

Jennifer Carlino presented a thank-you letter to Barbara Mahoney for her donation of 25 acres of land on South Washington Street (the former John Hardy Estates). Bob Medeiros made a motion, seconded by Kathleen Giblin, to sign the letter. Approved.

Jennifer Carlino stated that Mr. & Mrs. Powers of 69 Freeman Street have not submitted a Notice of Intent as yet for their violation. Ron O'Reilly made a motion, seconded by Bob Medeiros to request that Mr. & Mrs. Powers appear before the Commission with their Notice of Intent application at the next regular meeting of Monday, September 12, 2005 or an injunction will be issued. Approved.

Jennifer Carlino noted the Norton Reservoir dredging project has gone out to bid.

Jennifer Carlino stated she requested that Carl Neilson of the ESS Group attend the next regular meeting of the Commission on Monday, September 12, 2005 to update the Commission on the Lake Winnecunnet Diagnostic/Feasibility Study. She stated Mr. Neilson said his contract called for two meetings and he has already done one. The members agreed to have Mr. Neilson come in to the next meeting. Since the Commission was not notified of the first meeting that he held with the Lake Winnecunnet Association, the Commission was not counting that as one of the two required meetings and was still required to hold two public meetings.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb