



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, April 10, 2006
7:00 pm

Attendance

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

Lisa Carrozza was absent.

Minutes

The members reviewed a Notice of Intent – (#250-673) – **Angelo Pasqualino/Teddy Realty Trust – Parcels 230 & 231 (assessors map 17) lot 9-A – 14 Johnson Drive – (cont. from the March 13, 2006 & March 27, 2006 mtgs.)** - for proposed plans to construct a house, attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Present at the public hearing were Dick Bland, applicant's attorney, Scott Goddard of Carr Research and Earl Chartier of RIM Engineering who updated the members by describing the revisions to the submitted plans. He stated the erosion control at the corner of the driveway near the garage was pushed out slightly to allow machines to access the property more easily. Mr. Chartier stated notes pertaining to the visual barrier to be used at the limit of work were added to the plans which is a grid iron fence. Jennifer Carlino said a letter had been received from Natural Heritage stating the project would not have adverse affects on the property. She stated that the Cease & Desist placed on this property would be released with the issuance of the Order of Conditions. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

Dick Bland updated the Commission on the status of the Conservation Restriction of the subdivision by stating the Restriction was still being reviewed by Irene DelBono of the Executive Office of Environmental Affairs in Boston.

The members reviewed a Notice of Intent – (#250-677) – **Angelo Pasqualino/Teddy Realty Trust – Parcels 225 & 230 & a portion of 224 (assessors map 17) lot B-1 – 16 Johnson Drive – (cont. from the March 13, 2006 & March 27, 2006 mtgs.)** - for proposed plans to construct a house, attached garage, sewage disposal system, driveway and utilities with related grading within 100 feet of wetlands. Bob Medeiros recused himself from the public hearing. Present at the public hearing were Dick Bland, applicant's attorney, Scott Goddard of Carr Research and Earl Chartier of RIM Engineering who updated the members by describing the revisions to the submitted plans. He stated

Norton Conservation Commission

Monday, April 10, 2006

Minutes, page 2.

the crushed stone area near the driveway was noted on the submitted plans as well as the existing stream, visual barrier, and that the siltation control was moved out a little farther at the back corner of the house to allow for machinery access. Jennifer Carlino said a letter had been received from Natural Heritage stating the project would not have adverse affects on the property. She stated that the Cease & Desist placed on this property would be released with the issuance of the Order of Conditions. Kathleen Giblin made a motion, seconded by Ron O'Reilly to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-710) – Joseph Raffaele/Plantation Products, Inc. – Parcels 6 & 7 (assessors map 25) South Washington Street – (cont. from the March 27, 2006 mtg.)** - for proposed plans to construct an addition to an existing warehouse, parking areas and stormwater drainage system and for site grading and landscaping within 100 feet of wetlands. Julian Kadish read a letter received from the client's engineer requesting to continue the public hearing until the next regular meeting in order to obtain the requested information. Kathleen Giblin made a motion, seconded by Ron O'Reilly to continue the public hearing until Monday, April 24, 2006 ay 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250- 713) – J.E. Case, Inc. – Parcel 101 (assessors map 19) 13 King Phillip Road – (cont. from the March 27, 2006 mtg.)** - for proposed plans for gravel removal and repairs to an existing retaining wall within 100 feet of Lake Winnecunnet. The applicant was present as well as his engineer, Peter Maynard of Hayward-Boynton and Williams, Inc. He said the property is located on Lake Winnecunnet and during the summer months the water may be as far as 10 feet away from the wall and during the winter months the water may be to the top of the wall. Mr. Maynard stated the entire property is located within the 100-year floodplain and is actually 4 feet below the highest level of the Lake. He further stated the property does fall under the jurisdiction of The Natural Heritage and Endangered Species Program. He said all the necessary applications have been filed. Mr. Maynard stated the existing retaining wall was in poor shape with many cracks and shifted blocks which was causing the lawn to erode. The applicant, Mr. Jason Case, who is also the contractor who will be repairing the wall, explained to the Commission members that silt fence and haybales will be in place during re-construction of the wall and he would probably wait until August to do the repairs. He said the second step would be to remove the concrete blocks which are approximately 4' x 4' and place the crushed stone immediately. Mr. Case stated no machinery would be on the shoreline. He showed the members a picture of, and described, the replacement blocks. Jennifer Carlino said she would do another site inspection now that the retaining wall details have been submitted. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, April 24, 2006 at 7:15pm in order to received a response from the Natural Heritage and Endangered Species Program. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-712) – Nicholas Adams/Bay Road Heights LLC – Parcels 29 & 30 (assessors map 12) Bay Road and Lincoln Street – (cont. from the March 27, 2006 mtg.)** - for delineation of the wetland resource areas. Briscoe Lang of Pare Engineering updated the members on the project. He stated he had walked the site with the agent, Jennifer Carlino. Jennifer Carlino stated the wetland boundary is correct, but there was a potential vernal pool on the property which could be inspected at a later date. She stated the ORAD would state that there is a potential vernal pool on the site. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved.

Norton Conservation Commission

Monday, April 10, 2006

Minutes, page 3.

The members reviewed a Request for a Determination of Applicability - **(DET. #862) – Timothy Emerson -Parcels 123 & 124 (assessors map 22) 11 Austin Street** – for proposed plans for repairs to a sewage disposal system within 100 feet of wetlands. The applicant's engineer, Chris Charette of Charette Land Surveying described the project to the members. He stated it was the applicant's proposal to upgrade the existing septic system to meet the Title V standards. He said there are two cesspools in the backyard which have failed. He stated when the house was sold, money was set aside in escrow which was to be used by the new owners to upgrade the existing septic system. Mr. Charette stated silt fence would be placed at the 50-foot limit of work line. He said as soon as the new system was in, the cesspools would be disconnected. He stated only one half of the system would be in the 100-foot buffer zone. Mr. Charette stated the elevation of the tank will be 97 feet and the grade would have to be brought up approximately one to one and a quarter feet in order to install a cover. He said there is one tree that would have to be cut down. Jennifer Carlino asked why the system could not be installed in the field to the left of the house in order to save the only tree on the property. Mr. Charette stated there was an easement in that area with a drain pipe that came from Austin Street and went into the stream. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue a negative (#3) Determination of Applicability as long as the work was done according to the submitted plans. Approved.

The members reviewed a Modification to the Order of Conditions for **File #250-631 – Duane German/Attleboro YMCA – Parcel 292 (assessors map 26) West Main Street**. Jennifer Carlino stated the modification is for an irrigation system to be installed in the field with the water coming from the approved well. She stated the system would still be within the limit of work. Bob Medeiros made a motion, seconded by Earl Willcott, to allow the minor modification. Approved.

The members signed the Order of Conditions for File **(#250-711) – Pasquale Barletta – Parcels 31-34 (assessors map 4) 11 Sylvan Road** which were sent for review with the agenda for this meeting. Ron O'Reilly made a motion, seconded by Earl Willcott, to sign the Order of Conditions as written. Bob Medeiros abstained from voting. Approved.

The members signed the Order of Resource Area Delineation for File **(#250-709) – Fred Bottomley – Parcel 2 (assessors map 6) 1 Fairlee Lane** which were sent for review with the agenda for this meeting. Ron O'Reilly made a motion, seconded by Bob Medeiros, to sign the Order of Resource Area Delineation as written. Approved.

Jennifer Carlino presented a draft Denial Order of Conditions for Notice of Intent – **(#250-701) – Richard Fitzgerald – Parcel 29 (assessors map 19) – 46 Charlotte Avenue**. It was Julian Kadish's opinion that even if this project is denied by the Conservation Commission, the applicant would appeal the decision with the DEP and probably receive a Superceding Order of Conditions. Eileen King stated the applicant had said that he was "Grandfathered" for constructing a house on this parcel and she asked the Commission members to explain this phrase to her. Jennifer Carlino stated that this did not

Norton Conservation Commission

Monday, April 10, 2006

Minutes, page 4.

pertain to wetland protection, but to zoning. She stated that the information submitted to the Commission was not sufficient enough to explain how the wetland resource areas would be protected or not complete. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to deny the project. Bob Medeiros and Eileen King abstained from voting. The vote was 4-0 to deny the project. Approved.

Julian Kadish read to the members an announcement of a celebration to be held for Leo Yelle who would be 100 years old on May 10, 2006. He said the celebration was to be held at the Henri Yelle School on Saturday, May 13, 2006 from 1:00pm to 4:00pm. Jennifer Carlino stated the family would like to direct any donations or money gifts to the Conservation Commission and a vote would be necessary allowing the Commission to accept any donations or gifts in his honor. She stated a particular use for the donations would have to be decided on later. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the donations and create an account for this. Approved.

Jennifer Carlino asked the members if they could think of any tasks for the scouts to do.

Jennifer Carlino stated that Jim Purcell, Town Manager, had left a message with the principal of the ESS Group in regards to the report that has not yet been submitted for the Lake Winnecunnet Study. The principal had related to Mr. Purcell an apology and several reasons for not having the report. He told Mr. Purcell that he would have the report this week or next week.

Jennifer Carlino noted that the Annual Town Meeting was to be held on Monday, May 8, 2006. She said Conservation had three articles on the warrant to transfer tax title property to the Conservation Commission.

Jennifer Carlino noted a Canoe Trip to be held on Saturday, April 29, 2006 on Plain Street.

Jennifer Carlino stated she had met with the owner of 34 Margaret Drive who had a violation of cutting, filling of wetland and altering land within a Conservation Restriction. She said the owner agreed to restore the area.

Jennifer Carlino stated that the building inspector sent her a letter removing Conservation Commission's approval for building permits and occupancy permits and each member should have received a "draft" response letter to be sent to the Building Inspector. She stated the letter was a draft to be reviewed by each member and approved before it would be sent and that she already revised it. She said a copy of the "draft" had been given to the Building Inspector already, but that this matter had already been taken care of. She very clearly explained to the members that draft letters are not for distribution. Bob Medeiros admitted to sending out the letter. She pointed out that "draft" letters are not signed or written on letterhead paper and are not for members to distribute documents, especially drafts.

Norton Conservation Commission

Monday, April 10, 2006

Minutes, page 5.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 7:57 pm.
Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino
Conservation Director

JC/pmb