



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, July 10, 2006
7:00 pm

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NORTON TOWN CLERK

Attendance

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

Julian Kadish (Chairman) & Lisa Carrozza were absent.

Minutes

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

The members decided to re-organize at the next regular meeting of Monday, July 24, 2006.

The members reviewed a Notice of Intent – (#250-730) – **Norton Highway Department/Keith Silver – Dean Street/Goosebrook – (cont. from the June 26, 2006 mtg.)** - for proposed plans to replace a culvert within 100 feet of wetlands and 200 feet of Goose Brook. Jennifer Carlino stated a DEP file number had not been received for this project yet. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 24, 2006 at 7:10 pm. Approved.

The members reviewed a Notice of Intent – (#250-727) – **Catherine Kehoe – Parcel 271 (assessors map 27) 7 Danielle Street – (cont. from the June 26, 2006 mtg.)** - for proposed plans to construct a sunroom, deck and patio within 10 feet of wetlands and within the 100-year floodplain. Earl Chartier of RIM Engineering represented the applicant at the public hearing and described the project to the members. He submitted revised plans showing an existing sump pump-style utility pump used for pumping water from the Wading River to irrigate the lawn. He stated the applicant proposes to remove the pump. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed Request for a Determination of Applicability – (DET. #870) – **Joann Emerald – Parcel 103 (assessors map 19) 39 King Phillip Road – (cont. from the June 26, 2006 mtg.)** - for proposed plans to demolish an existing house and to construct an addition and deck within 100 feet of Lake Winnecunnet and within the 100-year floodplain. No one was present at 7:15 pm to represent the

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applicant. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the end of the meeting. Approved. At 7:36 pm time became available for this project. Leeann Bradley of Outback Engineering updated the members on this project. She stated the applicant was proposing to construct a 321 sq. ft. addition to be built on sona tubes as this lot is entirely within the floodplain. She said she had received a response from Natural Heritage after talking with Jenna Garvey and had faxed that to the Conservation office. Ms. Bradley stated the project did meet one of the exemptions for the MESA filing. She stated Ms. Garvey told her that at the present time the project does not fall within a mapped area, but when the new maps are printed, the pond would be within a mapped area. According to Ms. Bradley, this project did not need to do a MESA filing nor file with Natural Heritage. Jennifer Carlino stated she had received a letter from Natural Heritage stating that per a previous filing, there are rare species such as fresh water mussels in this area and overrules the latest map. Bob Medeiros stated he did not think installing four sona tubes would cause a great deal of impact to the rare species on this site. Bob Medeiros made a motion, seconded by Eileen King, to issue a Determination of Applicability (#2) with the condition the applicant submits an "As-built" Plan showing that the four holes for the pilings are dug by hand, and the bottom of the house is above the 74-ft. floodplain elevation, an Elevation Certificate and a letter from Natural Heritage stating a MESA filing is not necessary for this project. Earl Willcott voted to allow the project as conditioned. Kathleen Giblin and Ron O'Reilly voted against the project. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #874) – Don & Sue Crummett – Parcel 81 (assessors map 24) 142 Pine Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands. Sue Crummett was at the public hearing with her engineer, Anthony Stella of Site Engineering Consultants, Inc. who described the project to the members. He stated the existing septic system was installed approximately 11 years ago, but has failed due to improper construction. Mr. Stella stated soil testing was done and the ground water level was found to be 43 inches below finished grade so an elevated system had to be installed. He stated Walter Hewitson had flagged the wetlands earlier this year and this report was included with the application. He said the system is within the 100-foot bufferzone, but the actual absorption field, leaching field, is approximately 88 feet from the wetlands. He stated the limit of the grading is 65 feet away. Bob Medeiros asked Mr. Stella if a variance was required from the Board of Health and Mr. Stella replied it was not and that the Board of Health has already approved the system. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a negative Determination (#3) of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #875) – Rudolph Lewis – Parcel 146 (assessors map 17) – 24 Cross Street** – for proposed plans to repair/replace a sanitary disposal system within 100 feet of wetlands. Rudolph Lewis was present at the public hearing with his engineer, John F. Vance, Jr., who described the project to the members. Mr. Vance stated that Mr. Lewis was selling the property and the existing sanitary disposal system failed the Title V inspection. He stated the system was 94 feet from the wetlands. Jennifer Carlino asked Mr. Vance why he ended the flag numbers on the plan at wetland flag #4 and he replied that beyond that point the

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project was out of the 100-foot buffer zone. Bob Medeiros made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Kathleen Giblin, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #876) – J & R Enterprises, Inc. – Parcel 110 (assessors map 29) 35 Meadowbrook Lane** – for proposed plans to construct a single family house and septic system within 100 feet of wetlands. James Chabot of J & R Enterprises described the project to the members. He stated a Determination of Applicability had already been issued for this project but was to expire today and he was filing another application because a Determination cannot be extended. He stated under the new application, the house and septic system was moved further away from the wetlands. Mr. Chabot stated the leach field, septic tank and erosion control were already in place and clearing had already been done. Jennifer Carlino asked Mr. Chabot if he had fixed the damaged areas of the erosion control and he said he had. Jennifer Carlino asked Mr. Chabot if the down spouts were going to empty into dry wells and he replied they were not. He said he would check one corner of the house and if it looked like there might be some erosion, he would slope the down spout away from that corner. A MESA filing is at Natural Heritage & Endangered Species. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros 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 – **(#250-716) – Angelo Pasqualino/TDS Construction, Inc. – Parcel 184 (assessors map 18) 143 Plain Street – (cont. from the May 15, 2006, June 12, 2006 & June 26, 2006 mtgs.)** postfacto permit for the removal of trees and the installation of a lawn within 100 feet of a stream and the 100-foot buffer zone of bordering vegetated wetlands. Earl Willcott read a letter sent in by Scott Goddard, representative for the applicant, requesting a continuance of the public hearing until the regular meeting of Monday, August 14, 2006. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of August 14, 2006 at 7:05 pm. Bob Medeiros abstained from voting. Approved.

The members reviewed a Notice of Intent – **(#250-729) – Eric Peach – Parcel 17-02 (assessors map 35) 26 East Hodges Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands. Steve Rumba of Collins Engineering was at the public hearing and explained the project to the members. He stated the applicant proposes to install a 1500-gal. septic tank and a 20' x 40' leaching field at least 50 feet from the wetlands. He said erosion control would be in place around the work area. Since there was no DEP file number issued for this project yet, Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, July 24, 2006 at 7:15 pm for a DEP file number. Approved.

The members reviewed a Notice of Intent – **(#250-728) – Marlene Spilewski – Parcel 128 (assessors map 31) 10 West Hodges Street** – for proposed plans to repair/replace a septic system within 100 feet of wetlands. Steve Rumba of Collins Engineering was at the public hearing and explained the project

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to the members. He stated the existing system is a leaching system but the proposed system is going to be a pump system. He said the applicant proposes to put in a tank and a pump chamber in the front yard and pump to the rear of the house to a 14' x 39' mounded field. Bob Medeiros asked if the tank could be installed at the rear of the house and Mr. Rumba explained it could not because of the location of the existing plumbing and because of the driveway. Bob Medeiros made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday July 24, 2006 a 7:20 pm. Approved.

The members reviewed a modification for **File #250-714 – 21 Woodward Street**. John F. Vance, engineer for the applicant, Nicholas Moelders, stated the fabric fence has been revised and 3-block retaining wall with a 6-foot footing was proposed to be installed. He said the garage was moved back 2 feet and there were some changes to the grading. Bob Medeiros made a motion, seconded by Ron O'Reilly to allow the modifications. Approved.

The members reviewed the Order of Conditions for **File – (#250-726) - George Perry – Parcel 39 (assessors map 17) 13 Cross Street** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly to sign the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for File – (#250-724) - **Jim O'Mara/Tournament Players Club of Boston – Parcel 123 (assessors map 8) 405 Arnold Palmer Boulevard** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion, seconded by Ron O'Reilly to sign the Order of Conditions as written. Approved.

The members reviewed the Order of Conditions for File – (#250-723) – **Mathew Crowe – Parcel 15 (assessors map 28) 167 Taunton Avenue** which was sent for review with the agenda for this meeting. Bob Medeiros made a motion to eliminate condition #18 which requires the applicant to leave a 25-foot undisturbed area between the wetlands and work area. Jennifer Carlino stated this was a policy that was voted on in the year 2001. Bob Medeiros made a motion to discuss this for each project individually and not include it in all Order of Conditions. No one seconded the motion. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to sign the Order of Conditions as written. Bob Medeiros voted no. Approved.

The members reviewed a request for a Certificate of Compliance for File #250-650 – **Ronald Coolidge/c/o James Greene – Parcel {portion of parcel 1} (assessors map 8) – 9 Richardson Avenue**. Jennifer Carlino stated a partial Certificate of Compliance had already been issued for this project. She stated the project was not completed and she prepared a letter to send to Mr. Greene with a list of items that had to be completed. She said she had already spoken with the homeowner. Bob Medeiros made a motion, seconded by Kathleen Giblin, to send the letter and postpone the Certificate until another meeting. Approved.

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The members reviewed a request for a Certificate of Compliance for File #250-647 – **John Stewart/the Richmond Company (Walgreens) – parcel 33 (assessors map 23) 42-46 West Main Street**. Jennifer Carlino stated a partial Certificate of Compliance could be issued and after a few items such as; remove erosion control, replace 5 dead plants of the 10 required in the retention pond, remove trash on the site and submit a letter from LSP and DEP stating all contaminated soil on the property was removed, are completed. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a partial Certificate of Compliance as long as a \$500 bond is posted with the Town Treasurer to ensure completion of the fore-mentioned items. Approved.

Discussion ensued the draft letter written by Jennifer Carlino to Mass Highway thanking them for the letter received stating the Canoe River is important and referring to a Standard Operating Procedure for the maintenance of their building on East Main Street that was enclosed which was not enclosed. Jennifer Carlino stated she requested a copy of that document and suggested to do an on-site meeting in the winter rather than now since it refers to the salting procedures. Bob Medeiros made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino send the letter as written. Approved.

Discussion ensued the draft letter written by Jennifer Carlino to the ESS Group in regards to their Lake Winnecunnet Study Report which was her response to their latest submission. Jennifer Carlino stated the letter was written in a way that all of the issues in question were numbered and could be referred to easily. She said the final decision was she told them to finish the work this July and August or the contract will be awarded to someone else. The members then proceeded to read the letter. Bob Medeiros made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino send the letter with a few minor changes. Approved.

Bob Medeiros made a motion, seconded by , to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb