



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, September 11, 2006  
7:00 pm

### Attendance

Earl Willcott (Chairman), Lisa Carrozza, Ron O'Reilly,  
Kathleen Giblin, Jennifer Carlino, Conservation Agent

Bob Medeiros (Vice-Chairman), Julian Kadish & Eileen King 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 reviewed a **Notice of Intent – (#250-725) - Thomas Landry/Massachusetts Golf Association – Parcel 139 (assessors map 26) 300 West Main Street – (cont. from the June 12, 2006, June 26, 2006, July 24, 2006, August 14, 2006 & August 28, 2006 mtgs.)** - for proposed plans to install an irrigation system withdrawal mechanism with associated piping within 100 feet of wetlands. Earl Willcott stated a request was received to continue the public hearing until the next regular meeting. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:20 pm. Approved.

The members reviewed a **Notice of Intent – (#250-741) – Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road** – for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Jacqueline Gill addressed the Commission and stated that her retaining wall was severely damaged by a storm last year and she would like to replace the wall. Ms. Gill stated she had a small child and would also like to install a fence on top of the wall. She said the wall would consist of poured concrete. Jennifer Carlino stated the entire property is entirely within the 100-floodplain, but she said Natural Heritage did approve of the project regarding rare species provided certain conditions are added to the Order of Conditions. Jennifer Carlino stated that replacing the wall and putting a fence on top of the wall would not be a problem, but if the wall is raised, fill would have to be placed under the wall and this would not meet the rules and regulations of the Wetland Protection Act. Discussion ensued regarding raising the existing wall by filling. Jennifer Carlino stated the proposed retaining wall would have to be placed exactly where the old wall was and not raised by filling in. Ms. Gill stated she had no alternatives and Jennifer Carlino stated she could seek the advice of a Wetlands Scientist. The Commission explained that Mrs. Gill would be doing to her neighbors what she is complaining about now. Jennifer Carlino explained that she cannot alter the floodplain without compensation or she will be flooding her neighbors. Carol Bratt, an abutter, 67 King Phillip

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Road, approached the Commission in support of Ms. Gill's request and stated that there are many children on King Phillip Road and she suggested to allow Ms. Gill to construct a six-foot retaining wall like hers. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:30 pm. Approved.

The members reviewed a Request for a Determination of **Applicability – (DET. #879) – John Corrway -Parcel 227 (assessors map 27) 14 Barrows Court – (cont. from the August 28, 2006 mtg.)** - for proposed plans to install a sanitary disposal system within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, described the project to the members. He stated Mr. Corrway purchased the 25-year old house and proposes to rehabilitate it. Mr. Vance stated Mr. Corrway proposes to construct a fourth bedroom which would require a larger septic system. He said there is a small ditch behind the house and occasionally overflows. Jennifer Carlino stated the ditch is a stream and she asked Mr. Vance to change the word "ditch" to "stream" on the submitted plans and submit the revised plans. An abutter, Philip Wilson, 12 Barrows Court, asked to review the plans. Kathleen Giblin 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 (#3) Determination of Applicability as long as the project is done according to the submitted plans with the revision of the rewording the word ditch to stream. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-734) - Maurice & Elizabeth Roberts – Parcel 16 (assessors map 26) 376 Old Colony Road – (cont. from the August 14, 2006 & August 28, 2006 mtgs.)** - for verification of the wetland boundaries. Dana Clow of Advanced Concepts Engineering and Judith Schmitz, Wetland Scientist were present at the public hearing. Mr. Clow stated a DEP file number had been received for this project and that Jennifer Carlino had inspected the site. He stated he had responded to comments by Jennifer Carlino. Mr. Clow presented revised plans showing revisions to the location of a few wetland flags and stated that soil borings had been done in several locations on the property. He submitted a more detailed topography map. Mr. Clow pointed out an area that he stated he still maintains is an Isolated Wetland and not Isolated Land Subject to Flooding. He said Jennifer Carlino requested the possible vernal pool be shown on the submitted plans which he stated, in his opinion, was not a vernal pool, but he did not investigate it. Mr. Clow stated all the stream channels on the site were within the wetland resource area and did not think they had to be labeled separately. He said that at this point he sees no purpose in delineating the streams separately, but in any future filings, they would be included on the plans. Judy Schmitz described the different areas she did borings at and also described the different types of soils found on the site. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:35 pm. Approved.

The members reviewed a Notice of Intent – **(#250-739) – Angelo Pasqualino, Tr./Teddy Realty Trust – (assessors maps 10 & 17) Johnson Road – (cont. from the August 14, 2006 & August 28, 2006 mtgs.)** - for proposed to complete outstanding road related tasks within 100 feet of wetlands. Earl Willcott stated a continuance had been requested for the public hearing. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:40 pm. Approved.



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The members reviewed a Notice of Intent – (#250-742) – **Perry DiMascio/Perry & Feck LLC – Parcel 150 (assessors map 4) Essex Street (Autumn Park) – (cont. from the August 28, 2006 mtg.)** - for proposed plans to construct a road with associated utilities for a 4-lot subdivision within 100 feet of wetlands. Earl Chartier of RIM Engineering, engineer for the applicant, stated he had the information requested at the last hearing. He submitted revised plans to include the BVW, vernal pool areas and the 25-foot limit of work and the area to be conveyed to the Mansfield Conservation Commission. Mr. Chartier stated the major change was that the detention pond was omitted and replaced by the Stormceptor 900 series in order to treat runoff waters to a swale and away from the vernal pool area into the wetlands. He said that he had drawn three new ground water recharge areas on the revised plans but the exact locations were not shown on the plans as yet because on-site testing would have to be done first. Mr. Chartier stated minor changes were made to the plans as requested by the board to include; 1. the sheet flows have been reduced to 50 feet maximum from 75 feet, 2. the street trees would consist of Cedar Oak or Maple trees, 3. slope curbing would be used as shown in detail, as well as the catch basin details, on the revised plans. Mr. Chartier stated there would not be a Conservation Restriction on-site as this would be costly to the applicant. He said the area that consists of vernal pools will be conveyed to Mansfield. Mr. Chartier stated as far as the bordering vegetated wetland impact in Mansfield goes, this was discussed with the Mansfield Conservation Agent and he felt it was not necessary to put this information on this plan. Jennifer Carlino asked Mr. Chartier if he had gotten a response from MEPA as yet and he replied MEPA was going to fax to him a response tomorrow. She asked how wide the water quality swale would be and he replied 3 feet with slopes at 3 to 1 and a 30-foot easement. Jennifer Carlino asked Mr. Chartier if the swale has to be that wide and he replied for grading purposes it does. Lisa Carrozza asked for the swale details and Mr. Chartier stated it would be grassed without rip rap. Jennifer Carlino requested information be submitted as to who would be maintaining the detention basins and swales, etc., Mansfield or Norton. Mr. Feck stated that Mansfield would be responsible for the retention basins and swales. Lisa Carrozza had a question regarding one of the proposed houses and it was stated that each lot would have a separate filing and this project permits the road and drainage only. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:45. Approved.

The members reviewed a Notice of Intent – (#250-744) - **Michael Allen – Parcel 139 (assessors map 20) 21 Eisenhower Drive** – for proposed plans to replace a septic system within 100 feet of wetlands. Michael Allen and his engineer, Robert Moitoso of R.E.M. Land Surveying, were at the public hearing. Mr. Moitoso described the project to the members. He stated the septic system will be outside of the 50-foot buffer zone of a wetland, but the pump chamber will be within 50 feet of the buffer zone of a wetland. He stated the existing septic tank will not be replaced as long as it meets Board of Health requirements. He stated there would be haybale siltation control installed. Jennifer Carlino stated she had inspected the site and revised a couple of the wetland flags. Jennifer Carlino requested a visual barrier be installed in order to inform the new owners of the property where the wetlands begin and would like this barrier to be shown on the approved plans. Lisa Carrozza asked if any materials would be stockpiled on the property and Mike Allen stated the engineer would be taking away any excess material. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.



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The members reviewed a Notice of Intent – **(#250- ) – Robert Lee Parcels 28, 36 & 297 (assessors map 26) – South Worcester Street/Sturdy Street** – for proposed plans to install a well, construct a driveway and a single family house with associated grading and to clear trees for construction within 100 feet of wetlands. Darren Michaelis of Foresight Engineering described the project to the members. He stated the only work within the buffer zone of a wetland is the driveway which is 18 feet from the wetlands which is Chartley Pond. He said the driveway would follow the natural grading to the house. Jennifer Carlino asked what type of well was proposed and he replied it would be a deep well. Jennifer Carlino requested a visual barrier be placed at the wetland line since there has already been a violation at Mr. Lee's house. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:50 pm in order to receive a DEP file number. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-740) – Riley Lamson /LL Investments – parcel 6 (assessors map 36) East Hodges Street** – for verification of the wetland resource areas. Mark and Riley Lamson and their engineer, Byron Holmes of Holmes Engineering were present at the public hearing. Mr. Holmes stated that practically the whole front of the property which is on East Hodges Street is wetlands. He stated that after inspecting the site, the agent requested flagging of the mean annual high water mark at the stream bank which he said he had no objection in doing. Jennifer Carlino stated there is a possible vernal pool on the property in the area of the isolated wetland. She stated there are several very big Atlantic White cedar trees on this property and requested that they be careful with any plans for the property as not to disturb them. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, September 25, 2006 at 7:55 pm in order to submit revised plans. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-743) – Nick Mirrione/Red Mill Realty Trust – parcel 4 (assessors map 2) Newland Street** – for verification of the wetland resource areas. Earl Willcott stated he would have to recuse himself from the meeting. He stated that at this time there would not be a quorum and the public hearing would have to be continued. Jennifer Carlino stated the public hearing would be continued to the next regular meeting of Monday, September 25, 2006 at 8:00 pm.

The members reviewed a Request for a Determination of Applicability – **(DET. #880) – Charles McCaffree – parcel 5-01 (assessors map 14) 101 Richardson Avenue** – for proposed plans to install a septic system within 100 feet of wetlands. Charles McCaffree and his engineer, John F. Vance, Jr., were present at the public hearing. Mr. Vance described the project to the members. He stated the applicant proposes to upgrade an existing cesspool to meet Title V regulations. Mr. Vance stated there were old gravel pits in the rear of the property. He said the system would be a mounded system and was moved in order to avoid a possible vernal pool. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.

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The members signed the Order of Resource Area Delineation for the Abbreviated Notice of Resource Area Delineation – **(#250-733) – The Flatley Company – Lot 1, parcel 115 (assessors map 24) South Washington Street** which was sent to the members with the agenda for review. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Resource Area Delineation. Approved

The members signed the Order of Resource Area Delineation for the Abbreviated Notice of Resource Area Delineation – **(#250-732) – The Flatley Company – Lot 2, parcel 8-12 (assessors map 25) South Washington Street** which was sent to the members with the agenda for review. Lisa Carrozza suggested a revision to the conditions stating the two swales are joined. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to accept the conditions, with the revision, and to sign the Order of Resource Area Delineation. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-737) – Mark Lincoln – Parcel 100 (assessors map 19) – King Phillip Road** which was sent to the members with the agenda for review. Jennifer Carlino stated the project is completed but would like to add the tracking number assigned by Natural Heritage in the conditions. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to accept the conditions, with the addition of the Natural Heritage review tracking number, and to sign the Order of Conditions.

Jennifer Carlino stated she had received an estimate to do the repair work at **241 Old Taunton Avenue** using the bond money put up by the builder. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to accept the estimate. Approved.

The members reviewed a request for a modification to the Order of Conditions for file **#250-724 – Jim O'Mara – Tournament Players Club of Boston**. Jim O'Mara described the changes to the Commission members. He stated it was his goal to upgrade the course making it more attractive to attract better players. He said most of the changes were to the sand traps and bunkers. He said most of the changes would be in the shape of the greens and two new greens were being made at the 4<sup>th</sup> and 16<sup>th</sup> holes rerouting the holes. Jennifer Carlino stated she had already discussed erosion control with Mr. O'Mara. She said all the minor changes were within the buffer zone but within the limit of work. Lisa Carrozza asked if there was a stockpile provision in place. Jennifer Carlino stated there was not. Mr. O'Mara stated any materials would be kept on the paved areas. Jennifer Carlino requested that erosion control be placed wherever the materials were stockpiled on the paved areas. Mr. O'Mara agreed that would be done. Lisa Carrozza suggested all modifications be added to the approved plans. Jennifer stated she would send a letter requesting an as-built plan be submitted showing all changes. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to allow the modifications without an amended Order of Conditions as long as an as-built plan is submitted showing all the changes. Approved.



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The members reviewed a request for a minor modification filed by **QBI Homes, Inc.** for a revision to a septic system on the Shelly Road side of the **River Oaks** subdivision. Lisa Carrozza made a motion, seconded by Kathleen Giblin to have Jennifer Carlino send a letter to QBI Homes, Inc. allowing the revision as a minor change. Approved.

Jennifer Carlino noted Mass Highway is doing a draft EIR for snow/ice removal to be reviewed by MEPA. Jennifer stated she is waiting for a copy in order to send her comments to MEPA.

Lisa Carrozza made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:23 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb