



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, October 16, 2006

7:00 pm

### Attendance

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

Eileen King was absent.

### Minutes

The members reviewed the Bills Payable Sheet (Registry of Deeds). Lisa Carrozza made a motion, seconded by Ron O'Reilly, to pay the bill. Approved.

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

The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Lisa Carrozza, to pay the bills. 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, July 10, 2006 & August 14, 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. Bob Medeiros recused himself from the public hearing. Scott Goddard of Carr Research Laboratory, Inc. presented the project to the members. He stated a Notice of Intent had been filed previously for this project by the developer. Since then the applicant had cleared land at the rear of the property which is not only within 100 feet of wetlands, but also within 200 feet of a river. Mr. Goddard stated that the applicant would like to withdraw this Notice of Intent application and feels that the homeowner should be responsible for restoring the disturbed wetlands. Jennifer Carlino stated Mr. Pasqualino should be responsible for the restoring of the wetlands because he was the owner at the time the violation was noted. She said the original filing was only for a common driveway and not for any alteration of a buffer zone or resource area. Angelo Pasqualino stated that the clearing of the property within wetlands was already done before he purchased the property. Jennifer Carlino reminded Mr. Pasqualino that they did the site inspections together and he was the one who cleared the lot. She told him to restore it and get a new plan. He didn't do this for over a year despite being constantly

**Norton Conservation Commission**  
**Monday, October 16, 2006**  
**Minutes, page 2.**

reminded of his violation. He says he was requested by Jennifer Carlino to have a plan drawn up for a restoration project which he says he has done. He stated it is now an issue for the homeowner to correct. Mr. Goddard stated approximately 10,000 sq.ft. of wetlands have been altered. Lisa Carrozza asked Angelo Pasqualino if he planned to split the cost of restoration with the homeowner and he said he did not want to be involved. Jennifer Calino stated she had no choice but to issue an Enforcement Order to the new homeowner and if they sued Angelo Pasqualino to re-coop the cost, it was his own doing. Julian Kadish made a motion, seconded by Kathleen Giblin, to allow the applicant to close the public hearing and allow the applicant to withdraw the application. 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, September 11, 2006 & September 25, 2006 mtgs.)** - for proposed plans to install an irrigation system withdrawal mechanism with associated piping within 100 feet of wetlands. Earl Willcott stated a letter was received from the applicant requesting a continuance of the public hearing until the next regular meeting. Julian Kadish made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, October 30, 2006. 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, September 11, 2006 & September 25, 2006 mtgs.)** - for proposed plans to complete outstanding road related tasks within 100 feet of wetlands. Bob Medeiros recused himself from the meeting. The applicant and his engineer, Scott Goddard of Carr Research Laboratory, Inc. were present at the public hearing and Mr. Goddard described the project to the members. He said that some of the house lots were completed and portions of the road were completed, but the Order of Conditions had expired in December of 2005. Mr. Goddard said this filing would permit the completion of the road work and drainage for the property which includes, detention ponds, entrance walls, guardrails on the bridge, catch basins, sidewalks, curbs, plantings, topcoating the pavement and landscaping. He submitted the two items requested at the last hearing which was a construction sequence and confirmation of the approved Conservation Restriction from the Environmental Affairs office in Boston. Mr. Goddard read the construction sequence to the members. Lisa Carrozza asked if the catch basins were open and Angelo Pasqualino stated they would be open by November 20, 2006. She asked what the ground cover was on the side slopes and Mr. Pasqualino stated that it was grass but all the slopes were not seeded at this time. Lisa Carrozza stated the slopes would have to be seeded temporarily if not permanently before the winter and Mr. Pasqualino stated he would seed the unseeded slopes this week. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. 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 – (cont. from the September 11, 2006 & September 25, 2006 mtgs.)** - for verification of the wetland resource areas. Riley Lamson and Mark Lamson were present at the public hearing along with Byron Holmes of Holmes Engineering who updated the members on the project. He stated he had made several



## **Norton Conservation Commission**

**Monday, October 16, 2006**

**Minutes, page 3.**

revisions to the original submitted plans by flagging the stream and adding the mean annual high water mark. Jennifer Carlino stated during the inspection of the site, she added flags to certain areas of the bank of the stream. She said she had done only one side and requested the wetland consultant flag the second side according to the regulations this time. Jennifer Carlino gave Mr. Holmes a map showing flags that were ok and flags that she added. She stated that she placed a flag at the silt line on a couple of trees which she marked with a letter "E" on the map. She requested the applicant's wetland consultant take the elevation from the bottom of the flag and write the elevation of these points and mark it on the flags. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, October 30, 2006 at 7:15 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-743) – Nick Mirrione/Red Mill Realty Trust – parcel 4 (assessors map 2) Newland Street – (cont. from the September 11, 2006 & September 25, 2006 mtgs.)** - for verification of the wetland resource areas. Earl Willcott recused himself from the meeting. Fred Clark of Red Mill Realty Trust, Brian Madden of LEC Consultants, and Scott Faria of Gallagher Engineering were present at the public hearing. Scott Faria updated the members on the progress of the project. He stated this was the same site that received permission to fill in a couple of non-jurisdictional ponds. He said this work was completed last fall and LEC was contracted to delineate the new wetland boundaries. Mr. Faria stated there were a couple of areas that appeared to be Isolated Land Subject to Flooding, but after doing calculations, concluded they were not. He said they would be filing a Request for a Determination with the Army Corp. of Engineers to determine if these areas are jurisdictioned by the Army Corp. of Engineers. Jennifer Carlino stated there were two large areas that were filled in and now are growing wetland vegetation and holding a large amount of water. She requested to have these areas flagged. Mr. Brian Madden stated a Request for Determination has been filed with the Army Corp. of Engineers to determine to; 1. confirm the demarcated wetland resource areas as depicted on the site plan and ; 2. to seek jurisdictional determination on the areas as well as some areas on the Eastern portion of the site. He said these areas are clearly not protected under the Wetlands Protection Act. Jennifer Carlino asked if an As-Built plan had been done for the filling of the ponds project and Mr. Faria said one was done. Discussion ensued as to whether or not flagging should be done in these areas. Lisa Carrozza stated calculations be figured from the amount of water being contained in these areas. Scott Faria stated he would flag the areas in question and Jennifer stated she would inspect these areas after they are flagged. Julian Kadish made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, October 30, 2006 at 7:20 pm. Approved.

The members reviewed a **Notice of Intent – (#250-752) – Alison Stapleton – Parcel 163 (assessors map 15) 4 Fletcher Way – (cont. from the September 25, 2006 mtg.)** for proposed plans to install an 18' x 36' in-ground pool and a concrete deck with fencing within 100 feet of wetlands. Jennifer Carlino stated a file number was issued for this project. Discussion ensued regarding whether or not the applicant shall be conditioned to putting up a visual barrier at the edge of the wetlands and it was decided by the board she would not have to put up a visual barrier. Julian Kadish made a motion, seconded by Bob Medeiros, to close the public hearing. Lisa Carrozza abstained from voting. Approved.



**Norton Conservation Commission**

**Monday, October 16, 2006**

**Minutes, page 4.**

The members reviewed a Request for a Determination of Applicability – **(DET. #882) – Richmond Realty Trust of 1986/Richard Lincoln – Parcel 11 (assessors map 27) 121 South Worcester Street** – for proposed plans to repair a septic system within 100 feet of wetlands. Michael Trowbridge Hutchins-Trowbridge Associates presented the project to the members. He stated the applicant proposes to install a septic system at the rear of the house. Jennifer Carlino stated she had a discussion with the homeowner not to compost any closer to the wetlands than they are at present. She stated there is a potential vernal pool on the property, but the proposed septic system is more than 100 feet away. Julian Kadish made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, 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. #883) – Sinclair Mfg. Co., Inc./David M. LeMieux, Pres. – Parcels 124-01, 126, 127 & 127-01 (assessors map 26) 12 South Worcester Street** – for proposed plans to collect water/soil samples from Chartley Brook and install monitoring wells within 100 feet of wetlands. David LeMieux was present at the public hearing along with his representative, John Ankiewicz of Ankiewicz Environmental Services, who presented the project to the members. He stated approximately three years ago there was some chloradated solvent TCE release which they are now trying to find out the extent of contamination by doing additional borings on the site. Mr. Ankiewicz stated it was the applicant's goal to find the exact extent to which the contamination has spread toward the brook. Julian Kadish asked if the contamination had been a result of prior operations in the company or present operations in the company. David LeMieux stated the contamination could have occurred forty or fifty years ago. Mr. Ankiewicz stated the contamination was a result of an old septic system which as since been replaced. He said that as a result of the septic system being replaced, DEP had discovered the contamination had spread. He stated the contamination could have come from an old drum storage tank. Lisa Carrozza asked how the samples would be collected. Mr. Ankiewicz stated there are several methods to obtain samples; 1. have a platform on the bank and back up to take samples of the water; 2. to span the channel with steel I beams and drop the rig over into the water & 3. drop a rig right into the water. Julian Kadish asked how much sediment is ejected each time a sample is taken. David LeMieux stated silt fence would be in place when the samples were being extracted. Lisa Carrozza asked if a drilling contractor had been secured yet and Mr. Ankiewicz stated one had been but a method of drilling has not been agreed upon as yet. Lisa Carrozza stated it would be difficult to condition the project without knowing the method that was going to be used. Mr. LeMieux stated he favored putting I beams or staging across the brook. Lisa Carrozza asked if there was any vegetation along the bank of the brook that could be affected by the installation of staging or I beams across the brook. Mr. LeMieux stated there was a bridge at one time on the brook but is now gone. He said the abutments on each side of the brook were still there and could be used to place staging or I beams across the brook. Julian Kadish stated that since the work will be within several resource areas, a Notice of Intent will be required and Jennifer Carlino agreed. Lisa Carrozza suggested doing the work on the two upland areas under an (RDA) and file a Notice of Intent for the in-water work. Kathleen Giblin asked if there was a reason for wanting the



**Norton Conservation Commission**

**Monday, October 16, 2006**

**Minutes, page 5.**

project done quickly such as a health hazard and Mr. Ankiewicz stated there were no health issues involved. He did say that DEP would like Sinclair Mfg. Company to speed up the process of several issues with them. Discussion ensued regarding the buildings next to the Sinclair Mfg. Co. Mr. Ankiewicz stated that these companies may also have been using TCE in their business. It was agreed by everyone that a Notice of Intent would have to be filed to do the testing within the resource areas. Jennifer Carlino suggested to Mr. Ankiewicz and David LeMieux that they discuss what steps they will take. Julian Kadish stated that this Request for a Determination of Applicability be withdrawn if a Notice of Intent is filed. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, October 30, 2006 at 7:25 pm. Approved.

The members reviewed a Notice of Intent – **(#250-750) – Richard Ellis/The Flatley Company – Lot 1, Parcel 8-12 (map 25) South Washington Street** – for proposed plans to construct a 20,000 sq.ft. building with associated grading, pavement and utilities within 100 feet of wetlands and the Riverfront area. Jennifer Carlino stated the applicant requested to continue the public hearing for one month. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, November 13, 2006 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(#250-751) – Richard Ellis/The Flatley Company – Lot 2, Parcel 115 (map 24) South Washington Street** – for proposed plans to construct a 24,000 sq.ft. building with associated grading, pavement and utilities within 100 feet of wetlands. Jennifer Carlino stated the applicant requested to continue the public hearing for one month. Kathleen Giblin made a motion, seconded by Bob Medeiros, to continue the public hearing until the regular meeting of Monday, November 13, 2006 at 7:10 pm. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-686 – John Freeman/PMF Realty Trust - Parcel 198 (map 31) 59 Harvey Street**. Jennifer Carlino stated the project was completed according to the submitted plans. Bob Medeiros made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-706 - Paul O'Brien - Parcel 175 (map 17) - 11 Talbot Drive**. Jennifer Carlino stated an As-Built plan was not submitted, did not revise wetland on plans per the Order of Conditions, did not remove fill and there is a new compost pile behind the shed. Bob Medeiros made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send a letter to the applicant denying this request until all conditions are met. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-394 - Epoch Senior Living - Parcels 270 & 272 (map ) 184 & 190 Mansfield Ave**. Jennifer Carlino stated the project was completed as proposed, but there a couple of issues of concern. She stated they are now in the new point source discharge which has not been approved, such as a couple of catch basins in the parking lot emptying into the wetlands. Bob Medeiros made a motion, seconded by Ron O'Rielly, to have Jennifer Carlino send a letter to the applicant requesting them to place rip rap at the area where the pipes are emptying into the wetlands. Approved.

**Norton Conservation Commission**

**Monday, October 16, 2006**

**Minutes, page 6.**

The members reviewed a request for a Certificate of Compliance for File **#250-663 - Kenneth & Ellen Munger - Lot1 14, Parcel 173 (map 22) 11 Erin Lane**. Jennifer Carlino stated the side slopes are not stabilized at this time and the compost has not been removed as required in the Order of Conditions. She said the submitted letter does not describe the changes made on the As-Built plan submitted. Bob Medeiros made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send a letter to the applicant requesting to stabilize the side slopes before a Certificate is issued. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-589 - Bassy & Nick Gianiotis - Parcel 284 (assessors map 26) 207 John Scott Boulevard**. Jennifer Carlino stated the project was completed according to the submitted plans. She stated a revised As-Built plan has been submitted. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a Certificate of Compliance. Approved.

The members reviewed a request to sign a Duplicate Enforcement Order for **31 Arrow Road**. Jennifer Carlino stated an Enforcement Order had been issued approximately a year ago. She said the owner has been working with a consultant on restoring approximately 17,000 sq.ft of wetland alteration, but the owner has died and she would like to have a copy of the Enforcement Order to record at the registry of deeds for any future owners or trustees. Bob Medeiros made a motion, seconded by Kathleen Giblin to re-issue and sign the duplicate Enforcement Order. Approved.

The members signed the Order of Resource Area Delineation for Abbreviated Notice of Resource Area Delineation - **#250-734 – Maurice & Elizabeth Roberts – Parcel 16 (assessors map 26) 376 Old Colony Road** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Julian Kadish, to accept the conditions as written and to sign the Order of Resource Area Delineation. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-742) – Perry DeMascio/Perry & Feck LLC – Parcel 150 (assessors map 4) Essex Street (Autumn Park)** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Kathleen Giblin, to accept the conditions, as amended by removing a word typed twice in condition #34, and to sign the Order of Conditions. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-745) – Robert Lee – Parcels 28, 36 & 297 (assessors map 26) South Worcester Street/Sturdy Street** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-746) – QBI Homes, Inc. – Lot 36, Parcel 290 (assessors map 21) 6 Goff Road** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.



**Norton Conservation Commission**

**Monday, October 16, 2006**

**Minutes, page 7.**

The members signed the Order of Conditions for Notice of Intent – **(#250-747) – QBI Homes, Inc. – Lot 35, Parcel 289 (assessors map 21) 8 Goff Road** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-748) – QBI Homes, Inc. – Lot 34, Parcel 288 (assessors map 21) 10 Goff Road** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members signed the Order of Conditions for Notice of Intent – **(#250-749) – QBI Homes, Inc. – Lot 33, Parcel 287 (assessors map 21) 12 Goff Road** which were sent to the members with the agenda for review. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

Jennifer Carlino stated she has already inspected a complaint on Park Street and discussed the wetland issues with one of the homeowners involved. She said there were two other homeowners that were bickering back and forth and feels she does not have to return to this site again.

Bob Medeiros made a motion, seconded by Ron O'reilly, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pm