



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

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NORTON TOWN CLERK

Monday, November 13, 2006  
7:00 pm

### Attendance

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

Earl Willcott (Chairman) was absent.

### Minutes

The members reviewed the draft minutes of **June 12, 2006**. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **June 26, 2006**. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **July 10, 2006**. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **July 24, 2006**. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

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 – (#250-736) – **Mark Lincoln – Parcels 97 & 98 (assessors map 19) 5 King Phillip Road – (cont. from the August 14, 2006, August 28, 2006, September 25, 2006 & October 30, 2006 mtgs.)** - for proposed plans to construct a single family house within 100 feet of Lake Winnecunnet. Jennifer Carlino stated that before the last meeting abutters had called and were told that Mr. Lincoln withdrew his request to construct a house on this property, but since Mr. Lincoln had shown up at the last meeting, the project was continued until this meeting to hear abutter input. She stated she already spoke to the abutters. Jennifer Carlino stated this permit would be for the clearing and cutting already done on the property and she has already received the revised plan. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

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The members reviewed a Notice of Intent – (#250-750) – **Richard Ellis/The Flatley Company – Lot 1, Parcel 115 (map 24) South Washington Street – (cont. from the October 16, 2006 mtg.)** - 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. Bob Medeiros read a letter requesting to continue the public hearing to a future date in December. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, December 18, 2006 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – (#250-751) – **Richard Ellis/The Flatley Company – Lot 2, Parcel 8-12 (map 25) South Washington Street – (cont. from the October 16, 2006 mtg.)** - 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 she received revised plans from Bob Rego of Prime Engineering. Bob Rego of Prime Engineering updated the Commission on the project. He stated an Order of Resource Area Delineation had already been issued for this site. He briefly explained the conditions of the property to the members. He pointed out that the existing drainage on South Washington Street was already updated. He said a two-story office building was proposed to be constructed in the central portion of the site with room for parking on three sides of the building. He said water runoff would drain from this area toward the western part of the site into a drainage pond and to the east storm water would drain into a smaller drainage pond. Jennifer Carlino pointed out to Mr. Rego that he was speaking of infiltration ponds but labeling them as retention ponds on his plans and that he did not respond to her letter. He said he would make the corrections to the plans. Mr. Rego stated he had been before the Planning Board twice and has been responding to the Planning Board's consultant, Walter Amory. He said he wanted to incorporate the results with the Conservation Commission's requests. Lisa Carrozza asked about erosion control and Mr. Rego provided a final plan showing the details of the erosion control. She asked about the TSS removal and he stated this would be provided in his final plans. Mr. Rego requested a continuance of the project in order to submit the required information. Jennifer Carlino stated the other project for this applicant was continued until December 18<sup>th</sup> and did he want to wait until then for this project. Mr. Rego requested a continuance until the next regular meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, November 27, 2006 at 7:15 pm. Approved.

The members reviewed a 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, October 16, 2006 & October 30, 2006 mtgs.)** - for verification of the wetland resource areas. Byron Holmes of Holmes Engineering updated the members on this project from the last meeting. He said that the BVW was agreed on and Jennifer Carlino had re-flagged one side of the stream to obtain the mean annual high water mark and requested the applicant do the flagging in the same manner, per the regulations, for the other side of the stream. Mr. Holmes stated wetland specialist David Durrand had gone out to the site and agreed with Jennifer Carlino's flags and flagged the other side of the stream. He said he submitted a revised plan to Jennifer Carlino and she responded with a couple of minor revisions which he, in turn, is submitted this evening. Jennifer Carlino reviewed the new plan and said it was fine. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.



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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 – (cont. from the October 16, 2006 & October 30, 2006 mtgs.)** - for proposed plans to collect water/soil samples from Chartley Brook and install monitoring wells within 100 feet of wetlands. Bob Medeiros read a letter requesting to withdraw this request in anticipation of submitting a Notice of Intent for the next public meeting.

The members reviewed a Notice of Intent – **(#250-753) – Meere Chakrar – Parcels 140-149 (assessors map 3) Holly Road – (cont. from the October 30, 2006 mtg.)** - for proposed plans to construct a single family house with associated driveway and utilities within 100 feet of wetlands. The applicant, her attorney, Henry Sousa, and her engineer, George Collins of Collins Engineering were present at the public hearing. Mr. Collins stated there were a few comments to be addressed from the last meeting. He said a visual barrier consisting of a three-foot pvc fence was proposed and that the house was reduced in size to a thirty-eight foot structure from a forty-eight foot structure keeping it now twenty feet away from the bordering vegetated wetlands (bvww) instead of ten feet. Mr. Collins stated the slab for the dwelling was raised from one hundred and five feet to one hundred and six feet as suggested by the board. He said he has shown on the revised plan the headwall and catch basin. Lisa Carrozza had a question regarding the erosion control. Mr. Collins stated the erosion control was proposed approximately two to five from the bvww. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Request for a Determination of **Applicability – (DET. #886) – Scott Goddard – Parcel 37-01 (assessors map 31) John Scott Boulevard** – for proposed plans to cross a wetland resource area for perc tests. Scott Goddard explained the project to the members. He stated a proposal to build a single family house on this site was denied in 2005. He pointed out the areas flagged by himself to the members including all areas containing the pond. He stated the stream noted on the plan turns into a trickle and becomes a pond of stagnate material. Mr. Goddard stated he is asking for two things from the Commission. The first request, he stated, is to confirm the wetland delineation as presented and revised from 2005 in order to meet Jennifer Carlino's suggestions from 2005 under this Determination. The second request is to get permission to temporarily cross wetlands with heavy machinery in order to do perc tests for a future septic system. He proceeded to show the members a route that a specific machine could take in order to do the testing. He said that, under the MA Wetlands Protection Act, temporary testing of this nature is exempt. Jennifer Carlino stated that this is not a minor project and is not exempt from the MA Wetlands Protection Act and that wetland delineation requests are filed by a Abbreviated Notice of Resource Area Delineation (ANRAD). She stated, in her opinion, Mr. Goddard's requests should be a Notice of Intent filing. In reply, Mr. Goddard stated that since the wetlands have already been delineated in a past filing and revised, it should be allowed under a RDA. Jennifer Carlino stated the plans from 2005 and the plans submitted now by Mr. Goddard are totally different and numbered totally different making it very difficult to compare. Lisa Carrozza stated that even though there is not a tree layer, there probably is a shrub or plant layer and she believes there will be an impact. She stated that Mr. Goddard that he had not quantified the amount of plants and shrubs to be disturbed. Julian Kadish stated that it is standard



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procedure to file a Notice of Intent for a project such as this instead of trying to obtain a negative and a positive Determination in one permit. Mr. Goddard withdrew his Request for a Determination of Applicability and agreed to file an (ANRAD). He asked the members if they had any specific issues they wanted him to address in the (ANRAD) and Lisa Carrozza stated he should specify the amount of shrubbery and plants to be temporarily impacted, restoration plans and crossing techniques in his filing. Jennifer Carlino requested the vernal pool be shown on any submitted plans and Mr. Goddard disputed the fact of a vernal pool being present on this site. Jennifer Carlino stated she did certify the vernal pool and was only awaiting the letter from NHESP. Robert Shaw, an abutter, stated he has lived next to this property since 1986. He said the river on this site flows all year long and sometimes the water is ten to fifteen feet over the bank's edge. Mr. Shaw stated the island to be crossed is under water everytime it rains and should not be categorized as an island. He further stated the whole front of this property is wetland and the area from the street to the water is a seven to eight foot drop. Mr. Goddard wanted it on record that the only upland that is available to allow access to this site without crossing a wetland is on Mr. Shaw's property and Mr. Shaw has refused to allow Mr. Goddard to use his property for this purpose.

The members reviewed a Notice of Intent – **(#250-755) – Steven Giblin – Parcel 4 (assessors map 24) 170 Pine Street** – for proposed plans to construct a single family house & sanitary disposal system with associated grading within 100 feet of wetlands. Nick Dufresne of Hayward-Boynton & Williams represented the applicant at the public hearing and explained the project to the members. He stated Mr. Giblin had taken a 3+ acre parcel from a 52-acre parcel and had it "Form-A'd". Mr. Dufresne stated that because of the rolling hills and uneven topography of this site, the project is within the bordering vegetated wetlands. He stated the closest point of grading to the wetlands is 52 feet and the closest point of the house itself is 67 feet. Bob Medeiros stated Jennifer Carlino had sent Mr. Dufresne a letter requesting a project narrative. Mr. Dufresne read this narrative to the members and submitted a copy for the files. Jennifer Carlino stated a major concern with this project is a large slope on the site behind the house right where the walkout cellar is proposed as well as the erosion control. Lisa Carrozza stated by moving the house forward, extensive grading could be avoided as well as eight feet of filling and construction of two retaining walls. She asked Mr. Dufresne why the house could not be moved. Mr. Dufresne stated the house was designed around the slope. Chris Baker of Bakers Landscaping stated the house and walk-out basement was designed to fit the sloping landscape. Discussion ensued regarding disturbing the steep bank on the edge of the slope. Chris Baker stated there would be no disturbance of the land that abuts the slope behind the house. Bob Medeiros recommended the applicant place markers at the four corners of the foundation so the Commission members could inspect the site to see exactly how far the house will be from the slope of the bank behind the house. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, November 27, 2006 at 7:20 pm. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-706 – Paul O'Brien – Parcel 175 (assessors map 17) 11 Talbot Drive**. Jennifer Carlino stated the project was completed according to the approved plans. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.



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The members reviewed a request for a Certificate of Compliance for File **#250-454 – John Scott Blvd. LLC/c/o Eric Quan – Parcels 126, 176 & 177 (assessors map 32) 8 Myra's Way**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-415 (Amended) – Pilgrim Cranberry Corp. & Standish Realty Trust c/o Red Mill Realty Trust – Parcel 4 (assessors map 2), Parcel 38 (assessors map 36) & Parcel 10-01 (assessors map 35) 127/129 Newland Street**. Jennifer Carlino stated this was an old project that was never started. She said that an Order of Resource Area Delineation had been since issued for this site. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-437 – Maplewoods LLC/Fred Bottomley/c/o Barry Shore – Parcels 67, 78, 79, 80 & 81 (assessors map 30) Bullock Drive**. Jennifer Carlino stated the project was completed according to the submitted plans. She stated a revised plan showing a minor modification that was permitted approximately a year ago would have to be submitted before the Certificate of Compliance would be issued. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance after the revised plan is submitted. Approved.

The members reviewed a request for a duplicate Certificate of Compliance with a minor address change for File **#250-417**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a minor modification to File **#250-745 – Robert Lee – Lots 1 & 2 Sturdy Street**. Jennifer Carlino stated the only changes to the plan are the notes regarding the septic system. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to allow the minor modification to the Order of Conditions. Approved.

The members reviewed the Abbreviated Notice of Resource Area Delineation – **(#250-743) – Nick Mirrione/Red Mill Realty Trust – parcel 4 (assessors map 2) Newland 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 Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-754) – Ryan Sheehan/Sheehan Construction – Parcel 98 (assessors map 32) 14 John Scott Boulevard** which was sent to the members with the agenda for review. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-725) – Thomas Landry/Massachusetts Gold Association – Parcel 139 (assessors map 26) 300 West Main Street** which was sent to the members with the agenda for review. Ron O'Reilly made a motion, seconded by Eileen King, to accept the conditions as written and to sign the Order of Conditions. Approved.

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Bob Medeiros noted there will be a **Shpack** meeting on November 14, 2006 at 7:00 pm at the J.C. Somonese School.

Discussion ensued the **Three-Mile River ACEC** nomination. Jennifer Carlino stated the members had already signed a letter supporting the project. She stated SRPEDD is looking for people to co-sponsor the nomination. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to keep the letter as is and not to sponsor the nomination. Approved.

The members reviewed the draft Town Report for 2005. Jennifer Carlino stated there were a couple of minor typographical errors that would be corrected before sending it to the Assistant to the Town Manager.

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb