



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, January 8, 2007
7:00 pm

Attendance

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

Minutes

The members reviewed the draft minutes of **August 14, 2006**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (Pare Corporation). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

David Eastridge of Thorndike Development updated the Commission on the **Red Mill Village** project. David Eastridge presented a plan of Red Mill Village and stated that out of the 156 total units, constructed and to be constructed, 51 units were conveyed and 60 units were sold. He pointed out on the plan the areas that were already stabilized and landscaped. He showed the members the locations of the temporary sedimentation barriers in the construction areas catching the storm water runoff from undeveloped areas and distributing the water all over the site. Mr. Eastridge pointed out the various foundations that will be built in the near future and pointed out a site which will be sold soon and stated that after the closing, construction will begin. He noted there is a mixed use building to be used the post office for this community, a retail store and an inside dumpster and recycling area for the residents of this community. Mr. Eastridge stated that installation of the pool normally begins after the frost leaves the ground, but there hasn't been much frost this year, so he contemplates the pool will be built in time to open by July 4, 2007. He pointed out to the members the various drainage areas in respect to maintenance and repairs and stated a lot of work has been done on the irrigation system and that 50% of the site has been landscaped to date. Mr. Eastridge stated a management company, Lorell Management of Norton, has been hired for the site and he will have the contact information for the Commission as soon as they have had their meeting. He said the Order of Conditions for this project will expire this August and he will be applying for an extension in the spring. Ron O'Reilly asked when it was expected that the community would be entirely finished and Mr. Eastridge replied it is market driven. He stated 2006 was a slow year, but this year seems to be a lot better already.

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The members reviewed a Notice of Intent – **(#250-760) – Fred Bottomley – Parcel 29** (assessors map 25) 21 Samoset Street – (cont. from the December 18, 2006 mtg.) - for proposed plans to construct a house, driveway and utilities with associated grading within the 100-year floodplain. Earl Willcott stated the applicant has requested a continuance of the public hearing. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 22, 2007 at 7:30 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-759) - David Azanow/Bennett Mortgage & Investment Co., Inc. - Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street – (cont. from the December 18, 2006 mtg.)** - for verification of the wetland resource areas. Jennifer Carlino stated a letter was received requesting a continuance of the public hearing until the January 22, 2007 mtg. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 22, 2007 at 7:35 pm. Approved.

The members reviewed a Request for a Determination of Applicability - **(DET. #891) – Jerry Leggs – Parcel 194 (assessors map 27) 173 South Worcester Street** – for proposed plans to replace/repair a sanitary disposal system within 100 feet of wetlands. Jerry Leggs and his engineer, John F. Vance, Jr., were present at the public hearing. Mr. Vance explained that Mr. Leggs is living in this house and would like to purchase it. He explained in order to finance the property, the bank insists on replacing the existing septic system with a new one. Mr. Vance stated a new tank will be installed and the plumbing in the house will be raised to meet the requirement of the water table. He said fabric fence will be used for erosion control. Mr. Vance stated the old tank is approximately 50 feet from the wetlands. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish 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 approved plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #892) – Sharon Conceicao – Parcels 25 & 25-01 (assessors map 37) – 248 Dean Street** – for proposed plans to repair a septic system within 100 feet of wetland. The applicant was present and his engineer Stephen Gilbert of Senna Fitzgerald Gilbert Associates described the project to the members. Mr. Gilbert explained the existing septic system is in need of repair. He stated the proposed leach field will be 101 feet from the wetlands and the existing tank is 50 feet from the wetlands. The proposed work will be the repiping from the septic tank to the leach field. He said the existing septic tank will be inspected and hopefully the owner will be able to use the existing tank. Lisa Carrozza asked to see a detail of the siltation barrier. Jennifer Carlino requested a revised plan be submitted showing a detail of the siltation barrier. Jennifer Carlino asked Ms. Conceicao if she has had a problem with the septic system lately or has she had the system pumped and Ms. Conceicao replied the system probably is full but she has not had it pumped since a couple of months ago. Jennifer Carlino noted the sump pump had been pumping raw sewage into the wetlands previously and asked if any pumping had been done since her site visit and Ms. Conceicao replied that it has not. Mr. Conceicao stated he is on the Board of Health's agenda for Thursday evening. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public

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hearing. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to issue a negative (#3) Determination of Applicability as long as the work is done according to the approved plans and after a revised plan is submitted. Approved.

The members reviewed a Notice of Intent - **(#250-762) – Linda Cannata – Parcel 136 (assessors map 12) 104 Burt Street** – for proposed plans for repairs to a sanitary disposal system within 100 feet of wetlands. Mr. & Mrs. Cannata were present at the public hearing with their engineer, John DeLano, who described the project to the members. Bob Medeiros recused himself from the public hearing. Mr. DeLano stated the owners had originally hired David Oberlander to do a perc test and design a septic system. He stated he was hired by Mr. & Mrs. Cannata to do the wetland flagging and file the Notice of Intent application and he will be using Mr. Oberlander's septic system design. Mr. DeLano stated this is the third septic system for this site. Julian Kadish asked if all the systems were located in the same place. Mr. DeLano stated the first two were located on the northerly side of this lot and the proposed system will be located on the southerly side of the lot. He said he did receive a copy of the letter sent to Mr. & Mrs. Cannata requesting the compost and rubbish be removed from the wetlands. He stated that they did remove the rubbish and would like to leave the compost and yard debris in place in order to prevent any damage to the area. He said he was told by the owners that there were no pesticides or sprays used on the lawn. Julian asked where the yard debris was located and Mr. DeLano showed him on the plans. Jennifer Carlino asked that the mounds of compost in the wetlands be removed and the debris on the slopes could remain. Jennifer Carlino agreed to meet with Ms. Cannata onsite and show her what to remove and what can be left alone. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved.

The members reviewed a Notice of Intent - **(#250-763) Robert Downey – Parcel 282 (assessors map 9) 154 Mansfield Avenue** – for proposed plans to construct a gravel access driveway and parking lot within 100 feet of vegetated wetlands. Robert Downey was present with his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. who described the project to the members. Mr. Yarworth stated Mr. Downey is planning to buy this property which consists of a large commercial building, house, gravel driveway and paved parking lot. He said Mr. Downey would like to own a larger commercial building and construct a gravel driveway that would continue out back to Smith Street to enable customers to drive through from Mansfield Avenue to Smith Street in order to be able to just "drop off" students for his karate business. He said he proposes additional parking spaces at the rear of the building. Julian Kadish asked how many students approximately would be dropped off at one time and Mr. Downey replied that 15 to 20 students would be dropped off at a time while their parents leave and return later. Bob Medeiros asked if the grade of the driveway would be different than Smith Street and Mr. Yarworth replied it would not be. Jennifer Carlino stated storm water management has to be submitted. Chris Yarworth argued that since there is no storm water discharge, a storm water management program would not be needed. Jennifer Carlino told him he is required to follow the DEP Storm Water Management Policy because he is altering the land which alters the hydrology regardless of paving or gravel surface. Lisa Carrozza suggested that Mr. Yarworth note any minor grading changes with the gravel driveway and to install a swale to treat any minor runoff water from the newly-graveled driveway before it enters the wetlands. Mr. Yarworth agreed to submit revised plans as

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suggested. Jennifer Carlino asked Mr. Yarworth to include the locus and a detail of the silt fence. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, January 22, 2007 at 7:40 pm. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-575 – Andre Reikst – Parcel 414 (map 10) 227 Reservoir Street**. Jennifer Carlino stated a \$500 bond was already posted with the Town Treasurer to ensure final stabilization of exposed soils and also to ensure installation of curb stops. Bob Medeiros made a motion, seconded by Julian Kadish, to issue the partial Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-679 – Angelo Pasqualino/P & A Construction – Parcel 9 (map 13) 134 Lincoln Street**. Jennifer Carlino stated she sent a letter to Mr. Pasqualino stating the project was not in compliance to include removing the junk off the site and that a deck had been added without a permit. The members agreed to continue the request until the next regular meeting of Monday, January 22, 2007.

The members reviewed a request for a Certificate Compliance for File **#250-570 – Douglas MacDonald – 33 Charlotte Avenue (sewer connection)**. Jennifer Carlino stated the project was completed as proposed. Julian Kadish made a motion, seconded by Bob Medeiros, to issue the Certificate of Compliance. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-751) – Richard Ellis/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. Bob Medeiros made a motion, seconded by Julian Kadish, 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 – **(#250-757) – Nick Mirrione/Red Mill Realty Trust – Parcel 4 (assessors map 2) Newland Street** which was sent to the members with the agenda for review. Earl Willcott recused himself from the meeting. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to sign the Order of Conditions. Approved.

Jennifer Carlino stated she received a letter from Nick Dufresne of Hayward-Boynton & Williams, Inc., Mr. Steven Giblin's engineer regarding the Order of Conditions for File #250-755, 170 Pine Street, map 24, parcel 4. In his letter Mr. Dufresne argued that an area at the front of the lot is not Isolated Land Subject to Flooding. Jennifer Carlino enclosed a copy of this letter, copies of his calculations, a copy of the regulations and a copy of her draft response letter with the agenda for this meeting for the members to review. Jennifer Carlino pointed out to the members that this area is clearly Isolated Land Subject to Flooding by his calculations and would like to send her response letter stating this. Julian Kadish asked if the applicant has any plans for this area and Jennifer Carlino replied that he does have a permit for house construction in the rear but the front is not impacted. They voted to ignore Mr. Dufresne's letter and not respond.

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The members reviewed a draft comment letter written by Jennifer Carlino to MEPA regarding the proposed Turtle Crossing project on Newland Street (40B). Discussion ensued regarding a request to regulate pets on leashes. Lisa Carrozza stated animals at times will eat other small animals and unleashed pets can harass wildlife. Bob Medeiros stated there should be a bylaw where everyone is required to pick up after their dog. Jennifer Carlino stated she would comment on the subject of pets in her letter. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send the letter as drafted. Approved. Jennifer Carlino stated the MEPA hearing is to be held on Tuesday, January 9, 2007 at 10:00 am.

Jennifer Carlino stated she expects to receive a request for an Emergency Certificate for a portion of the retaining wall near the dam on Cross Street behind the Eureka Manufacturing plant. She stated George Perry will be doing the work and claims the permitting could possibly take up to nine months and wants an Emergency Certificate. Jennifer Carlino stated approximately 3 weeks ago she suggested to the owner to temporarily stabilize the area and file a Notice of Intent. She said two weeks ago she emailed the owner with suggestions for temporary stabilization and the owner stated he still wanted to start the repairs without a permit. Jennifer Carlino said in order to file for an Emergency Certificate you must have a local board or state agency requiring it to be done immediately. She said about a week ago she spoke with the owner's wetland consultant and asked if any temporary stabilization had been done and he replied that it had not. Jennifer Carlino stated she had a letter written by the Fire Dept. in favor of expediting the work. She asked the Commission members what action they want her to take if and when an Emergency Certificate is requested. The members looked at the photos and decided this is a matter of neglect. There clearly is a vegetated area near the retaining wall showing the erosion is not new and not coming from the river but from the parking lot. The members agreed with Jennifer Carlino that this is not an Emergency and to have the owner of Eureka Manufacturing Company file a Notice of Intent.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:30 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino", written in a cursive style.

Jennifer Carlino
Conservation Director

JC/pmb