



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

Monday, June 11, 2007
7:00 pm

Attendance

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

Lisa Carrozza, Kathleen Giblin, was absent.

Minutes

The members reviewed the draft minutes of **May 21, 2007**. Ron O'Reilly made a motion, seconded by Bob Medeiros, to accept the minutes as written. Approved.

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

The members reviewed the Bills Payable Sheet (field supplies). Robert Medeiros made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

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

The members reviewed a Notice of Intent – (#250-772) – **David Azanow/Bennett Mortgage & Investment Co., Inc. – Parcels 182, 185, 191 & 311 (assessors map 27) South Worcester Street (Harvest Meadow Estates) – (cont. from the April 9, 2007 & May 21, 2007 mtgs.)** - for proposed plans to construct a 26-unit development, access roadway with BVW crossing and storm water structures within 100 feet of wetlands. Jennifer Carlino presented an Enforcement Order to be sent to David Azanow for activities being conducted on this project before a valid permit is issued. Bob Medeiros made a motion, seconded by Ron O'Reilly, to sign the Enforcement Order. Approved. Scott Goddard of Carr Research Laboratories and David Azanow were present at the public hearing. Mr. Goddard addressed the Enforcement Order and stated fill had been trucked onto the property within the buffer zone without a valid permit. He asked the members what they would suggest Mr. Azanow do to resolve the Enforcement issue. Ron O'Reilly asked Mr. Azanow where the fill came from and he stated it came from a site in Revere where excavating took place in order to construct a housing

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project. Bob Medeiros asked if the fill had been tested and Mr. Azanow stated it had been and would make sure the Commission received a copy of the test results. Jennifer Carlino stated this was requested in the Enforcement Order and she requested erosion control be placed around the fill as well as a tarp over the fill. She asked Mr. Azanow why his project manager, Tom Marrin, stated he had been speaking with her right along and she gave her permission for the dumping of this fill. Mr. Azanow replied it was the building department Mr. Marrin was speaking with. Jennifer Carlino stated a site inspection was scheduled for Wednesday and Scott Goddard stated he would call to reschedule this inspection because the Engineer, Chris Yarworth would not be able to attend.

Scott Goddard stated Chris Yarworth has been meeting with the Planning Board regarding this project and would like to incorporate their requests with Jennifer Carlino's requests before addressing the Conservation Commission again. Scott Goddard requested a continuance of the public hearing until the second meeting in July. Bob Medeiros made a motion, seconded by Julian Kadish, to continue the public hearing until the regular meeting of Monday, July 23, 2007. Approved. Mr. Richard Allard of 96 Barrows Street addressed the Commission. He stated his mother lived next door to this site. He said several loads of fill were dumped on this site starting at 5:45 am. He reported his mother saying she had to keep her windows shut for two days because of the bad odor coming from this fill. Earl Willcott assured Mr. Allard results of the testing of the fill would be obtained by the Commission.

The members reviewed a Notice of Intent – **(#250-741) – Jacqueline Gill – Parcel 133 (assessors map 19) 65 King Philip Road – (cont. from the August 28, 2006 , September 11, 2006, September 25, 2006, October 30, 2006, November 27, 2006, December 18, 2006, January 22, 2007, March 12, 2007, April 9, 2007, April 23, 2007 & May 21, 2007 mtgs.)** - for proposed plans to replace an existing retaining wall within 100 feet of Lake Winnecunnet. Ms. Gill submitted plans obtained from the manufacturer of the proposed retaining wall. Dave Christie, Engineer, and George Comeau, Attorney, were also present at the public hearing. Mr. Christie stated previous plans referred to "rip rap" placed in front of the wall toward the lake. He stated the revised plans demonstrate an extra row of blocks with footings instead of rip rap. Ms. Gill stated two options were suggested for the construction of the wall, one with a straight front and one with a 45 degree angle. Bob Medeiros stated the straight wall would be more desirable but Ms. Gill suggested that since the neighbor's wall was leaning forward at an angle onto her property, the 45 degree angle wall might help support her neighbor's wall and also prevent debris from getting caught between the two walls. Ms. Gill stated the geotech fabric will not be placed into the lake but actually be tied to the first block. Julian Kadish suggested going with Option A to prevent debris from collecting between the two walls. Bob Medeiros made a motion, seconded by Ron O'Reilly, to have the applicant construct the retaining wall according to Option A on the revised plans. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #901) – River Oaks Reserve, LLC – Lot 10, Parcel 264 (assessors map 21) – 9 Pratt Drive** – for proposed plans for clearing and grading within 100 feet of wetlands. Mike Jones of Canfour Corporation described the project to the members. He stated the house was kept toward the street as far as possible and only a small portion of the deck, bulkhead and foundation were going to be within the 100-ft. buffer zone.

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Mr. Jones stated the purpose of this filing is to make a larger yard for the homeowner. Jennifer Carlino asked Mr. Jones when he would have the boulders in place and he said after the trees are planted the boulders would be in place. Bob Medeiros made a motion, seconded by Julian Kadish, 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 Certificate of Compliance for **File #250-535 – Alec Rich, III – Parcels 18-01 & 18-02 (map 11) 246 East Main Street**. Jennifer Carlino stated all prohibited plants have been removed from the property and the project was completed according to the approved 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 #250-719 – Richard & Vivian Demers – Parcels 711, 712 & 713 (map 3) 388 Reservoir Street**. Jennifer Carlino stated the project was completed according to the approved plans. She stated, however, Mr. Demers had started removing plants from the pond and advised him he would need separate permit for this. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a modification to File **#250-727 – 7 Danielle Street**. Jennifer Carlino explained that the modification is for a 4' x 16' addition to a patio already permitted. She stated this was in the floodplain but they would be providing floodplain compensation. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minor modification as presented without any further applications. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-773) – Edmund Weldon – Parcel 39-01 (assessors map 31) 45 John Scott Boulevard** which was sent to the members with the agenda for review. Ron O'Reilly noted that condition #26 & #28 were duplicates. He recommended omitting #28. Ron O'Reilly made a motion, seconded by Bob Medeiros, to accept the conditions, as amended, and to sign the Order of Conditions. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-774) – Eric Murphy – Parcels 148-01 & 150-01 (assessors map 4) 18 Essex Street** which was sent to the members with the agenda for review. Ron O'Reilly noted that condition #29 was a duplicate and recommended removing it. Ron O'Reilly made a motion, seconded by Bob Medeiros, to accept the conditions, as amended, and to sign the Order of Conditions. Approved.

Jennifer Carlino stated a letter regarding the Conservation Restriction for Kingsbury Hill Estates had been sent to Kopelman & Paige by the condo association's attorney. She said she sent a letter to the condo association's attorney stating that the Conservation Commission should have been copied on the letter and would respond by sending a letter to Town Counsel copying Town Manager, Planning Board and the condo association. Jennifer Carlino said she received a letter back from the condo association's attorney stating a copy of the letter he sent to Town Counsel was attached and it was not.

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A copy of the letter was requested and sent to the Conservation Commission. Earl Willcott stated Bill Houghton was mowing the grass within the Kingsbury Condo Conservation Restriction but was instructed by the Condo Association to discontinue cutting the grass. Jennifer Carlino stated the condo association does own the property and there are listed restrictions on the property.

Jennifer Carlino stated Lisa Carrozza had a few questions for the two bidders of the Lake Winnecunnet project. She said that if no one else had any questions she would email the bidders with her questions. Bob Medeiros suggested both bidders address the board for approximately 15 minutes each before any projects are heard at the next regular meeting to answer any questions.

Jennifer Carlino presented an Enforcement Order against the company that owns the advertising billboard on West Main Street in Norton and asked the members to sign it. She said the company who changes the billboard scrapes off the paper and lets it drop into the wetlands.

Jennifer Carlino stated a letter was received back unclaimed from the owners at 94 Bay Road. She said the letter requested the Cease & Desist of driving vehicles through King Philips cave. She suggested resending the letter by way of Constible and the members agreed.

Jennifer Carlino stated her new Union contract requires a performance review of her work by the members. She stated the members should be setting goals for her. She passed out a form to each member and asked them to please return it to her shortly as she would be meeting with the Town Manager before July 1, 2007. Jennifer Carlino stated to Earl Willcott that his presence at the meeting with the Town Manager was requested. He agreed to be there.

Bob Medeiros made a motion, seconded by Eileen King, to adjourn the meeting at 7:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb