



Norton Conservation Commission

70 East Main Street
Norton, MA 02766

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NORTON TOWN CLERK

Monday, July 23, 2007
7:00 pm

Attendance

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

Julian Kadish and Lisa Carrozza were absent.

Minutes

The members reviewed the draft minutes of **June 11, 2007**. Kathleen Giblin noted an error was made stating she made the motion to adjourn the meeting, but she was not present at the June 11th meeting. Ron O'Reilly pointed out a "typo". Kathleen Giblin abstained from voting. Ron O'Reilly made a motion, seconded by Eileen King, to accept the minutes, as amended. Approved.

The members reviewed the draft minutes of **June 25, 2007**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, 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 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 a Request for a Determination of Applicability – **(DET. #905) – John Sullivan/Norton Mobile Homes Estate Realty Trust – Parcel 264 (assessors map 9) Unit 2, 157 Mansfield Avenue** – for plans to install a mobile home and construct a deck within 100 feet of the Reservoir and floodplain. John Sullivan and his engineer, Chris Yarworth of Yarworth Engineering Co., Inc. were present at the public hearing. Mr. Yarworth described the project to the members. He stated the mobile home was replaced without a permit and said he noted the previous home on the plans. Mr. Yarworth stated the applicant would like to install a 4-ft. walkway and deck to the mobile home. Mr. Sullivan stated the walkway will be at the existing grade and the deck will be on sonatubes. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Eileen King, to issue a negative (#3) Determination of Applicability. Approved.

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The members reviewed a Notice of Intent – **(#250-778) – Michael Riha/RIHA Construction – parcels 686 & 687 (assessors map 3) – 40 South Lakeview Road** – for proposed plans to demolish and existing building and to construct a house, patio, enclosed porch, deck and driveway with utilities and related grading within 100 feet of wetlands. Michael Riha stated he proposes to tear down the existing house and build a new one along with a shed and driveway, all activities to be at least 25 feet from the Norton Reservoir. He stated that none of the work is within the easement on the property. Jennifer Carlino stated a DEP file number has not been received for this project yet and therefore the public hearing cannot be closed. Bob Medeiros made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next regular meeting of Monday, August 13, 2007. 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 & June 11, 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. David Azanow was present at the public hearing. He was represented by his engineer, Christopher Yarworth of Yarworth Engineering Co., Inc. Mr. Azanow asked if the silt fence was ok and if he had to cover the dirt pile with a tarp. Jennifer Carlino stated the silt fence was fine and he did not need to cover the dirt pile with a tarp. She stated the soil sample tests report was received and the members were given a copy. Mr. Azanow stated the samples were taken in 2006 at the site where the soil was excavated. Earl Willcott stated the members wanted samples taken from the site and tested. Mr. Azanow asked what the soil samples should be tested for. Ron O'Reilly suggested testing the soils for chemicals, pcb's, biological, etc. and Mr. Azanow stated he would have the soil testing done as requested. The members requested that Jennifer Carlino and the person doing the testing confer as to what type of testing will be performed. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, September 10, 2007. Approved.

The members reviewed a Notice of Intent – **(#250-767) – Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road – (cont. from the January 22, 2007, February 12, 2007, February 26, 2007, March 12, 2007, March 26, 2007, April 9, 2007 & April 23, 2007, May 21, 2007 & July 9, 2007 mtgs.)** - for proposed plans to construct a building and driveway extension with utilities and related grading within 100 feet of wetlands. Jennifer Carlino stated the applicant has requested a continuance of the public hearing until the next meeting. She stated the applicant said he has been working on removing trash from the wetlands at the site. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, August 13, 2007. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-738 -Warren Cummins - parcel 28 (assessors map 25) 32 Samoset Street**. Jennifer Carlino stated an As-Built plan has been received. She stated the floodplain compensation area had been partially filled to build an outdoor fireplace which was not included on the plan. She suggested sending a letter to Mr. Cummins to clarify what has been done. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send the letter. Approved.

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The members reviewed a request for a Certificate of Compliance for **File #250-683 - Angelo Pasqualino - Teddy Realty Trust - Lot 11, Parcel 233 (map 17) 10 Johnson Drive**. Jennifer Carlino stated Angelo Pasqualino requested a partial Certificate of Compliance for this lot approximately one and a half years ago but, since he did not post the bond, the partial Certificate of Compliance was never issued. She stated this is why he is now requesting a full Certificate stating the project is complete. She said there is some stabilization to be done on the side slopes and it is not quite sure all the Conservation Restriction boundary markers are in place. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to deny issuing the Certificate of Compliance and to send a letter to Mr. Pasqualino stating the reasons for the denial. Approved.

Jennifer Carlino stated Dick Bland, Attorney for Angelo Pasqualino, contacted her and said that DEP advised him that Mr. Pasqualino should file a new Notices of Intent for 14 & 16 Johnson Drive because the modifications requested for these two lots are not considered minor. She stated the two applications were submitted today. Jennifer Carlino explained to the members that when a Superceding Order of Conditions is issued for a project, any modifications have to be approved by DEP.

Jennifer Carlino stated that Mr. Pasqualino has not posted the bond for **File #250-691 – Lot 3, Parcel 606 (assessors map 10) 26 Johnson Drive**.

The members reviewed a request to sign an Estoppel Certificate for the Flatley Company Conservation Restriction for South Washington Street. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to sign the Estoppel Certificate. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-570 – Tobin Felter – 43 King Phillip Road (sewer connection)**. Jennifer Carlino stated the project was completed. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Order of Conditions for **File #250-424 – Polillio Norton Trust – parcels 23 & 23-01 (map 12) Fuller Drive**. (requested by Christopher Yarworth). Kathleen Giblin made a motion, seconded by Ron O'Reilly, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed the Order of Conditions for Notice of Intent – **(#250-776) – Benton Keene/Sugar Hill Home Investments, Inc. – Lot 2, Parcel 7 (assessors map 27) South Worcester Street** which was sent to the members with the agenda for review. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to sign the Order of Conditions. Approved.

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The members reviewed the Order of Conditions for Notice of Intent – (#250-777) – **Benton Keene/Sugar Hill Home Investments, Inc. – Lot 1, Parcel 7 (assessors map 27) South Worcester Street** which was sent to the members with the agenda for review. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the conditions as written and to sign the Order of Conditions. Approved.

Regarding the Lake Winnecunnet project, Jennifer Carlino stated that she had spoken with the Town Manager to ensure the funding would be available by transferring funds from the Norton Reservoir dredging project to this project at the next Town Meeting. She stated she wanted to do this before awarding the contract to the company who would be handling the treatment process on Lake Winnecunnet. Bob Medeiros made a motion, seconded by Ron O'Reilly, to put an article on the next Town Meeting Warrant to transfer the balance of the funds available for the Norton Reservoir dredging project to the Lake Winnecunnet treatment project. Approved. Jennifer Carlino stated the Town Manager suggested when ENSR is notified they are awarded the contract for the Lake Winnecunnet project, request that they meet at the Town Hall and "fine tune" the contract.

Jennifer Carlino stated the Town is planning a "Tri-Centennial" celebration to take place in four years and recommended that a representative from each committee to appear at a meeting this Wednesday.

Jennifer Carlino stated that Mr. John Hayes has been calling the office with a complaint of his neighbor dumping debris into the wetlands at Berry Street. She said she told Mr. Hayes she cannot accuse anyone without actual proof and requested he take pictures. She suggested sending a letter to all the neighbors to request that, if they are dumping, to stop and if they are not dumping, to please disregard the letter. Bob Medeiros suggested not to send the letter and to wait until Mr. Hayes collects some evidence as to who is dumping.

Discussion ensued regarding the installation of a boat ramp off Mansfield Avenue. The members discussed what by-laws should be in place to control boating on the Reservoir and how the bylaws would be enforced. Jennifer Carlino stated the Board of Selectmen were already beginning the first stages of the installation.

Jennifer Carlino stated the Norton Chateau Restaurant sent a letter stating they would be cleaning the exterior windows of the restaurant from a boat using spring water and a squeegee. She explained that a violation notice had been sent to the owner for washing the windows and letting the chlorinated water run into Lake Winnecunnet over the rare mussel beds.

Bob Medeiros made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:16 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director