



## Norton Conservation Commission

70 East Main Street  
Norton, MA 02766

RECEIVED  
2007 DEC 19 MID:05  
NORTON TOWN CLERK

Monday, October 22, 2007  
7:00 pm

### Attendance

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

Kathleen Giblin was absent.

### Minutes

The members reviewed **The Mullins Rule** which was adopted by the Town in February, 2007. Jennifer Carlino explained that the rule is that if any member has missed only one meeting for a project but has reviewed the submitted information, he/she may vote on the project as long as he/she signs a letter that he/she has reviewed the submitted information and the letter becomes part of the file. Ron O'Reilly made a motion, seconded by Earl Willcott, to adopt the rule. Approved.

The members reviewed the draft minutes of **July 23, 2007**. Ron O'Reilly made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 13, 2007**. Ron O'Reilly made a motion, seconded by Earl Willcott, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 27, 2007**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 10, 2007**. Julian Kadish made a motion, seconded by Eileen King, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 24, 2007**. Ron O'Reilly made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

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The members reviewed the Bills Payable Sheet (Amory Eng.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Herb Church). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Pare Eng.). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

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

The members reviewed the Bills Payable Sheet (Turner Steel). Earl Willcott made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

The members reviewed a **Notice of Intent – (#250-788) – George Manton – Parcel 143 (assessors map 17) 23 Elm Street** – for proposed plans to construct an addition with related grading within 100 feet of wetlands. The applicant and his engineer, Ralph Maloon of RIM Engineering Co., Inc. were present at the public hearing. Mr. Maloon described the project to the members. He stated the applicant was proposing an addition. Lisa Carrozza asked if the proposed foundation is a slab or a full foundation and Mr. Maloon stated it would be a full foundation. She requested that any materials removed should be brought to the front of the house. Jennifer stated to Mr. Manton that the public hearing could be closed tonight as long as he signed an agreement to waive the 21-day issuance of the Order of Conditions because the next regular Conservation Commission meeting will be held on Monday, November 19<sup>th</sup> and he agreed to do so. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-789) – Phyllis Nash/Park at Great Woods Corporation – Parcels 292 & 301 (assessors map 9) Mansfield Avenue/Route 140** – for verification of the wetland resource areas. David Pickart of Vanasse-Hangen Brustlin, Inc. presented the plan to the members. He stated this was the third time the wetland delineation of the property has been before the Commission in the last nine years. He said the owners of this property are in the process of selling the land and this is why the boundaries are being delineated at this time. Mr. Pickart stated he received a letter from Jennifer Carlino with several boundary revisions and agreed to the revisions and made the appropriate revisions on the submitted plans. Lisa Carrozza asked why the riverfront area was not shown on the plans. Mr. Pickart stated that originally when the Park at Great Woods was first created, Great Brook was designated as an intermittent stream by the Norton Conservation Commission as well as by DEP. He stated the designation was appealed and the court hearing lasted a long time. Mr. Pickart said that the parties involved eventually settled, and it was agreed that Great Brook would be treated as a perennial stream and any work near the brook would be treated as Riverfront property. Jennifer Carlino stated that all resource areas will be listed within this ANRAD. Mr. Pickart stated the buyer of the property, Campanelli Companies



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had requested the following language be written into the findings: "All bordering vegetated wetlands which are resource areas subject to protection under the Wetlands Protection Act on the property shown on the Site Plan by VHB with the latest revision date are identified and confirmed by the Conservation Commission." Jennifer Carlino stated that this is the general language written on all the Orads. Mr. Kelly of Kelly Engineering Group stated the buyer, Campanelli Group, would like this specific language written into the Orad. Jennifer Carlino stated it would be considered. Jennifer stated that the public hearing could be closed tonight as long as the applicant signs an agreement to waive the 21-day issuance of the Order of Resource Area Delineation because the next regular Conservation Commission meeting will be held on Monday, November 19<sup>th</sup> and he agreed to do so. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **(#250-790) – Edward Fontneau – Parcel 9 (assessors map 26) 380 Old Colony Road** – for proposed plans to construct a 60' x 40' building, driveway extension, utilities and related grading within 100 feet of wetlands. The applicant and his engineer, Ralph I. Maloon, of RIM Engineering Co., Inc. were present at the public hearing. Mr. Maloon stated there were no plan revisions from the previous filing and asked if any of the members would like a copy. He proceeded to point out the existing building, the proposed building and a detention area with a forebay that overflows into the wetlands. He stated the paved parking area and the roof runoff will flow into the forebay and then into the detention area. Mr. Maloon stated there were two isolated wetlands to the front of the property, one which is partially on this lot and one that is not part of this lot. Jennifer Carlino asked if the trash was removed from the property and Mr. Fontneau stated that it was and presented her pictures from the last hearing back to her. He asked if he could leave a few metal panels in place that are to be used on the proposed building. She said the panels were on the upland slope and they could remain there for the building. Jennifer Carlino asked Mr. Maloon if he had drainage calculations and an Operations & Maintenance Plan. He handed Jennifer Carlino this information which he stated was included with the previous filing and had not been revised. Jennifer Carlino asked if this project had to be reviewed by the Planning Board and Ralph Maloon stated it does not have to. She asked Mr. Fontneau if he had taken care of the Enforcement issue at 378 Old Colony Road and he stated he hired Carr Research Laboratories to resolve this issue. Jennifer Carlino reminded him that her last letter has gone unanswered, and that as the owner, he is still responsible to address the violation. Ron O'Reilly made a motion, seconded by Julian Kadish, to continue the public hearing until the next regular meeting of Monday, November 19, 2007. Approved.

The members reviewed a Notice of Intent – **(#250- 775) – Riley Lamson, LL Investments – Parcel 6 (assessors map 36) East Hodges Street – (cont. from the May 21, 2007, June 25, 2007, Aug. 13, 2007, September 10, 2007 & September 24, 2007 mtgs.)** - for proposed plans to construct 2 houses within 100 feet of wetlands and to cross an intermittent stream. Jennifer Carlino stated the applicant had requested a continuance of the public hearing in order to obtain the necessary information. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 19, 2007. Approved.



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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, July 23, 2007, September 10, 2007 & September 24, 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 stated she had received the report on the soil samples requested by the board from the applicant and sent them to our consultant for an estimate to review them. She stated they requested a continuance of the public hearing in order to obtain the estimate and finally the results of the review. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 19, 2007. Approved.

The members reviewed a Notice of Intent – (#250-779) – **Joseph Raffaele/Plantation Products, Inc. – Parcel 7 (assessors map 25) South Washington Street – (cont. from the Aug. 13, 2007, August 27, 2007, September 10, 2007 & September 24, 2007 mtgs.)** - for proposed plans to construct an office/warehouse, parking spaces and drive aisles, to landscape and to install a stormwater management system with associated utilities and grading within 100 feet of wetlands. Jennifer Carlino stated she had received the wetland replication plan and the final revised plan and the applicant had requested a continuance of the public hearing because his engineer is on vacation this week. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 19, 2007. Approved.

The members reviewed a Notice of Intent – (#250-758) – **Perry DiMascio/Shamrock Realty Trust – Parcel 33 (assessors map 21) – Walker Street – (cont. from the December 18, 2006, January 22, 2007, March 26, 2007, April 23, 2007, May 21, 2007 & Aug. 13, 2007 mtgs.)** - for proposed plans to construct a dwelling, garage, deck, room and driveway with related grading within 100 feet of wetlands and within the floodplain. Jennifer Carlino stated the applicant has withdrawn this application and is working on a land donation.

The members reviewed a Notice of Intent – (#250-787) – **Scott Goddard – Parcel 37-01 (assessors map 31) John Scott Boulevard** – for proposed plans for construction of a house, limited project driveway crossing and a pedestrian elevated walkway within 100 feet of wetlands. Scott Goddard presented the project to the members.

Bob Medeiros asked Mr. Goddard if he intended to address a letter sent to him by Jennifer Carlino regarding the submitted fee and Mr. Goddard stated that he wanted the Commission to make a decision on this matter. He stated he had submitted a fee of \$500.00 which he stated was the normal fee for a single-family house to include a driveway crossing. He said the only time the fee for a limited project would be higher would be if the filling in of the driveway crossing was greater than 5,000 sq. ft. or if the performance standards are not met. Jennifer Carlino stated reminded Mr. Goddard that he filled out the application as a "limited project" and needs to file the correct fee or revise his application. Mr. Goddard stated he would like to remove the words "limited project" and initial the application, but Jennifer Carlino requested that he re-file a new application. Mr. Goddard stated he had spoken to someone at DEP who informed him that the \$500.00 fee was correct but neglected to clarify it wasn't a



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limited project or that it didn't contain the riverfront fee. Jennifer Carlino stated Christine Odiaga had called and spoke to the Conservation secretary with conflicting information. According to the secretary, Ms. Odiaga stated she was under the impression this was an old filing, but when she found out this was a filing that has not been reviewed by the Commission yet, she stated the applicant has the right to file a Request for a Determination to obtain the correct filing fee. Mr. Goddard asked the Commission if the \$500.00 fee would be acceptable for a single-family house to include the driveway or if additional fees should be submitted. Jennifer Carlino stated he should revise the application and that the riverfront fee applied since it is clearly part of what the Commission is reviewing and two other applications didn't overcome the presumption of the perennial stream. Mr. Goddard requested to revise his application and initial the revision at this meeting and Jennifer Carlino told Mr. Goddard this is not acceptable and to re-file the corrected pages.

He stated there was no work proposed within the Riverfront area. Jennifer Carlino stated all the work is proposed within the Riverfront area. Mr. Goddard stated he submitted documentation proving the stream on this property is intermittent and not perennial, and therefore, there is no Riverfront area on this property. Julian Kadish requested an explanation of the project in order to come to some conclusion regarding the filing fee. Mr. Goddard stated that an Order of Resource Area Delineation had been issued for this site on February 14, 2007 delineating the wetlands on this property which also included a perennial determination on the stream. He stated the stream on this property was dry this summer and submitted pictures.

Mr. Goddard proceeded to explain the project to the members. He stated the project involves the construction of a single-family house and pointed out where a swimming pool was proposed and a 20' long elevated board walk with hand-dug piers which goes from the uplands slightly into the bordering vegetated wetlands. Mr. Goddard stated that since the crossing of the wetlands was less 5,000 sq. ft., it would not qualify as a limited crossing. He stated there is no riverfront crossing with the project and the fee submitted with this Notice of Intent is correct. Mr. Goddard proceeded to read application fee submittals to the members. Bob Medeiros asked Mr. Goddard to read aloud "af" of the fee application schedule. Jennifer Carlino stated to Mr. Goddard that it was requested he revise his application before the board reviews it. Julian Kadish wanted the information contained in "a" and the information contained in "f" clarified. Mr. Goddard explained that "a" pertained to all associated work with the construction of a single-family house and that "f" pertained only to a limited project crossing. Jennifer Carlino again suggested to revise the application to show that this project is for a single-family house with associated driveway crossing, etc. and not a limited project.

Lisa Carrozza stated that three permits were issued for this property previously, including an ORAD, stating there was riverfront on this parcel of land. Scott Goddard stated the approved plans were drawn according the condition of the property at a certain time of year which would show a possible riverfront area. Lisa Carrozza stated that just because the pictures, which were taken last August, submitted with this application showing the river as "dried up", she was not going to change her decision for the last three applications. Jennifer Carlino stated that it was contradictory of Mr. Goddard to file three previous applications for this property with approved plans showing the stream as perennial and on this application stating it is intermittent.



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Robert Shaw, an abutter, submitted pictures of the river flowing two days after Mr. Goddard had taken his pictures of the river in August and he stated it had rained. Mr. Shaw stated the river is controlled by a dam on a neighboring farm. After much discussion regarding whether or not the stream on this property is "intermittent" or "perennial", Bob Medeiros requested Mr. Goddard revise his application and meet with Jennifer Carlino. Mr. Goddard stated he would meet with Jennifer Carlino to discuss this issue. Mr. Shaw, an abutter, asked if pictures of the stream and isolated island under water that were submitted in an old previous file could be reviewed at this point and the commission said this would not be necessary. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 19, 2007. Approved.

The members reviewed a request for a minor modification to the Order of Conditions **#250-723 – Matthew Crowe – parcel 15 (map 28) 167 Taunton Avenue**. Jennifer Carlino stated that the Zoning Board of Appeals had requested that the house be moved 4 feet further away from the wetlands. Ron O'Reilly made a motion, seconded by Julian Kadish, to allow the modification without a new application. Approved.

The members reviewed a request for a minor modification to the Order of Conditions - **#250-552 – Arrowhead Village**. Jennifer Carlino stated that the applicant would like to extend the pipe between lots 30 & 31 further into the wetlands to obtain better grading. Lisa Carrozza made a motion, seconded by Julian Kadish, to allow the modification without a new application. Approved.

The members reviewed a request for a minor modification to the Order of Conditions - **#250-785- Joao DosReis – 199 West Main St**. Jennifer Carlino stated the applicant would like to move the visual barrier closer to the wetlands right at the edge of the lawn. She stated this would be allowed as long as some type of fence is used for the visual barrier and not just pipes to enforce the limit of work barrier permanently. Lisa Carrozza made a motion, seconded by Julian Kadish, to allow the modification without a new application as long as a permanent visual barrier is installed at the limit of work. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-520 (#250-520A) - John Peck c/o Massachusetts Golf Assoc. - Parcel 139 (map 26) 300 West Main Street**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly 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 **#250-725 - Thomas Landry/ Massachusetts Golf Association - Parcel 139 (map 26) 300 West Main Street**. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-394 – Country Haven/c/o Epoch Senior Living – Parcels 270 & 272 (map 9) 184 & 190 Mansfield Avenue**. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish 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 **#250-580 – James Sullivan/Rainbow Kids Daycare – Parcel 19R (map 26) 366 Old Colony Road**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **#250-774 - Eric Murphy - parcels 148-01 & 150-01 (map 4) 18 Essex Street**. Jennifer Carlino recommended that the applicant post a bond for restoration of wetland work that was done for a violation before a partial Certificate of

Compliance is issued. Ron O'Reilly made a motion, seconded by Julian Kadish, to require the applicant post a \$500 bond to ensure final restoration of disturbed wetlands if a partial Certificate of Compliance is to be issued. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-713 - J.E. Case, Inc. Parcel 101 (map 19) 13 King Phillip Rd**. Jennifer Carlino stated the project was completed according to the approved plans. Ron O'Reilly made a motion, seconded by Lisa Carrozza, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-773 – Edmund Weldon – Parcel 39-01 (map 31) 45 John Scott Boulevard**. Jennifer Carlino stated the project was completed according to the approved plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **#250-763 – Robert Downey – Parcel 282 (map 9) 154 Mansfield Avenue**. Jennifer Carlino stated the grass is not stabilized and recommended that the applicant post a bond to ensure final vegetated stabilization of exposed soils before a partial Certificate of Compliance is issued. Julian Kadish made a motion, seconded by Ron O'Reilly, stating that, since the area to be stabilized is very small, a full Certificate of Compliance can be issued with a reminder to finish the stabilization. Approved.

Jennifer Carlino explained, that because there was no quorum at the last meeting, three members signed the Orders for Order of Resource Area - **#250-783 – Kevin Johnson – Meadowbrook Ln.** & Order of Conditions - **#250-785 – Joao DosReis – 199 West Main St**. She stated a fourth member signed the Orders after that time and the signatures would have to be ratified at the next meeting. Ron O'Reilly made a motion, seconded by Julian Kadish, to ratify the signatures for:

Order of Resource Area - **#250-783 – Kevin Johnson – Meadowbrook Ln.**

Order of Conditions - **#250-785 – Joao DosReis – 199 West Main St**. Approved.



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The members reviewed the Order of Conditions for Notice of Intent – (#250-786) – **William Delsignore – Parcel 73 (assessors map 28) 10 Woodward Street** which was sent to the members with the agenda for review. Lisa Carrozza requested to revise condition #33 by removing the first sentence requiring the applicant to restore the wetland areas that were filled. Earl Willcott stated that condition #32 was in conflict with condition #33. Jennifer Carlino stated she would remove condition #32. Lisa Carrozza made a motion, seconded by Julian Kadish, to accept the conditions, as amended, and to sign the Order of Conditions. Approved.

Violations/Enforcement:

**143 Plain Street** – Jennifer Carlino stated the owners of the property have submitted a restoration plan for the disturbed wetlands.

**139 North Worcester Street** – Jennifer Carlino stated the owner, George Hill, has neglected to comply with the enforcement order to restore the wetland areas that he has disturbed. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino send a letter to Mr. Hill requiring him to attend the next regular meeting of Monday, November 19, 2007. Approved.

**60 Plain Street** – Jennifer Carlino stated the owner, Anthony Virga, had dredged the stream on his property and agreed to hire a consultant to devise a restoration plan, but has not been in contact with the Conservation office within the past six months. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to have Jennifer Carlino send a letter to Mr. Virga requiring him to attend the next regular meeting of Monday, November 19, 2007. Approved.

**15 Richmond Drive** - Jennifer Carlino stated that neighbors of the owners of 15 Richmond Drive have been petitioning the Planning Board to prevent the owners from having a farm at this address to include a horse and barn. She stated they have been requesting copies of the Cease & Desist and have not asked for any information showing their compliance with the Cease & Desist.

Jennifer Carlino stated that the Water Department has already starting construction of a water tower at 63 West Main Street, and it is approximately 80% finished even though they were advised a year ago they would need to file for a wetland permit before any work was started.

Jennifer Carlino stated she received a letter from the attorney for the owners of 63 King Phillip Rd (Sandra & Carol Shiere) stating the owners of 65 King Phillip Rd (Jacqueline Gill) are altering their property by the construction of their retaining wall. She said the complaint was that the grade has been altered. She stated she would need an As-Built plan before she could address this issue. Jennifer Carlino stated she received 5 other complaint forms by the owners of 63 King Phillip Rd with complaints for the owners of 65 King Phillip Road. She stated the second complaint is a trespassing issue and she said if Ms. Shiere wants to remove the sod and stabilize the area herself, she may do so. She said the third complaint is the location of a shed which is an issue for the Building Inspector. Jennifer Carlino stated the fourth complaint is that Ms. Shiere states that she has not been able to



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contact anyone in the Conservation office to advise her of the name and address of the contractor constructing the retaining wall. She stated that on at least two occasions Ms. Shiere spent two to three hours going through the files in the office and that she had contacted Bob Medeiros on his cell phone a couple of times and he had gone to the property to inspect her concerns, one time with her. Jennifer Carlino said she would draft a response letter to address each of these complaints.

Bob Medeiros noted there would be a Stormwater Management Low Impact Developmnet Free Training class on Thursday, October 25, 2007 in the event that any member would like to attend.

Lisa Carrozza made a motion, seconded by Eileen King, to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb