



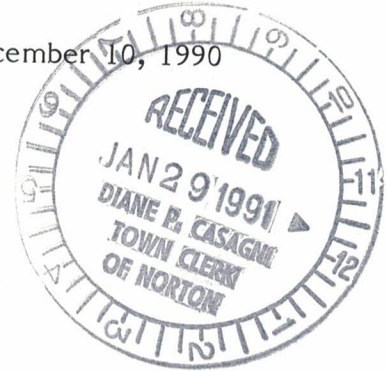
# CONSERVATION COMMISSION

## NORTON, MASSACHUSETTS

Norton Conservation Commission

Monday, December 10, 1990  
7:30 p.m.

### MINUTES



Attendance: Leo Yelle  
Julian Kadish  
Robert Medeiros  
Earl Willcott  
Wells Whooten  
Peter MacLean  
Robert Devlin

7:30 p.m. Meeting opened.

7:31 p.m. The Norton Reservoir diagnostic/feasibility study bid opening commenced. The contents of seven bid packages were acknowledged and recorded. The apparent low bidder was BayState Environmental Consultants, Inc./Rumford River Labs at \$92,210.00. Members will review the submitted materials and select the lowest, qualified, responsive bidder.

### Discussion - John Sullivan

Mr. Sullivan stated that he had submitted a Request for Determination of Applicability to the Commission and that he was looking for a waiver from any fees involved in that process. Mr. Sullivan stated that he believed that there is contaminated ground water flowing into Norton from the Attleboro landfill. Discussion followed regarding the Commission's lack of jurisdiction concerning contaminated ground water if a resource area outlined in the Mass. Wetlands Protection Act is not present also. Mr. Sullivan was advised that the Commission cannot waive fees and that if he can document a problem within the Commission's jurisdiction, he should submit a written complaint.

### Continued Request for Determination - P & A Const., Lot 18, Fordham Dr.

The applicant was not present, and revised plans (regarding the 100-year floodplain) were not submitted to the Commission. Wells Whooten made a motion, seconded by Bob Devlin, to continue review of this project until Monday, January 14, 1991 at 8:20 p.m. Approved. Bob Medeiros abstained from voting.

### Continued Request for Determination - H. Brouwer, 2 Walker St.

Mr. Brouwer reviewed with the Commission the 100-year floodplain in relation to his proposed project. Wells Whooten made a motion, seconded by Bob Medeiros, to close the Public Meeting. Approved. Wells Whooten made a motion, seconded by Bob Devlin, to issue a negative determination for this project.

Draft Order of Conditions - Laimonis Rieksts, Arrow Road

Wells Whooten made a motion, seconded by Julian Kadish, to approve the Order of Conditions as submitted. Approved.

Change of Plan - Necco Realty Corp., West Hodges St. - lot 4

Members reviewed a revised plan which proposed moving regulable activities further away from wetland resource areas. Julian Kadish made a motion, seconded by Wells Whooten, to approve the revised plan. Approved.

Adjudicatory Hearing Mediation Process

The Conservation Director reported that Robert Junior is willing to participate in D.E.P.'s new mediation process to resolve the Commission's appeal of D.E.P.'s Superceding Order of Conditions for Mulberry Brook Meadows, Burt St. Julian Kadish made a motion, seconded by Earl Willcott, to authorize the Director to represent the Commission at mediation meetings. Approved.

Precourt Cluster Development Land

Members continued their discussion from the previous meeting regarding the Precourt's request to donate their cluster open space (Noyes St.) to the Town rather than go through the Conservation Restriction process. Comments were made that the open space should remain under the ownership of the members of the condominium association; and that this property has no known unique natural resource features. Bob Medeiros made a motion, seconded by Julian Kadish, to recommend that the Selectmen not accept this proposed land gift for the Town. Approved. Bob Devlin abstained, as he is a neighbor to the project.

Proposed Land Gift -Norton Reservoir

Leonard Silvia asked what the Commission would recommend if he decided to donate land under a Norton Reservoir sub-basin and part of an island, to the Town. Julian Kadish made a motion, seconded by Bob Medeiros, to recommend accepting the land, if Mr. Silvia decides to donate it. Approved.

Members discussed "unknown owner" parcels under Norton Reservoir. Wells Whooten made a motion, seconded by Julian Kadish, to pursue obtaining these parcels for town ownership. Approved.

Chartley Pond Dam

Members reviewed a letter from the State Office of Dam Safety regarding deficiencies which must be corrected at Chartley Pond dam. Members will meet with Carl Jacobs to discuss possible "in-house" repairs. It was also noted that inspection/maintenance and emergency preparedness documents were prepared and submitted to that office over two years ago.

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Election

Members discussed the election of officers. Wells Whooten made a motion, seconded by Bob Devlin, to close the nominations for Chairman. Julian Kadish was unanimously elected to that position. Earl Willcott made a motion, seconded by Bob Devlin, to close the nominations for Vice-Chairman. Bob Medeiros was unanimously elected to that position.

Vacation

The Conservation Director requested to take off vacation time from January 22-25. Approved.

Request for Certificate of Compliance - Det. #96

The Taylors, Burt St., requested that a Certificate of Compliance be issued for a stream crossing on Robert Junior's Mulberry Brook Meadows. The crossing, completed two years ago, was a one-day, temporary crossing to conduct a percolation test on an upland lot. Julian Kadish made a motion, seconded by Wells Whooten, to issue a Certificate of Compliance for this project. Approved.

Penney Project - Plain St.

The Conservation Director reported that D.E.P. personnel have upheld the Commission's decision that the waterway at 29 Plain St. is an intermittent stream.

Meeting adjourned at 9:20 p.m.