



CONSERVATION COMMISSION  
70 EAST MAIN STREET  
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RECEIVED  
SEP 15 1999  
NORTON TOWN CLERK

Monday, August 9, 1999  
7:30 pm

Attendance

Patrick Corcoran (Vice-Chairman), Leonard Silvia,  
Julian Kadish, Jeff Houde, Bob Medeiros,  
Jennifer Carlino, Director

Dana Rappaneau and Edward Breault, Chairman were absent

Minutes

**Reorganization** of Conservation Board/Re-appointed Members. Jeff Houde made a motion, seconded by Julian Kadish to appoint Patrick Corcoran as Chairman. Approved. Bob Medeiros made a motion, seconded by Julian Kadish to appoint Jeff Houde as Vice-Chairman for one year. Approved. Jeff Houde made a motion, seconded by Julian Kadish, that at the next regular meeting a letter would be signed by all board members stating that Patrick Corcoran or Jeff Houde will be authorized to sign all payroll sheets and time sheets and this letter would be given to the Town Accountant to have on file. Approved.

The members reviewed the draft minutes of **July 12, 1999** and **July 26, 1999**. Jeff Houde made a motion, seconded by Bob Medeiros, to table the minutes until the next meeting of August 23, 1999. Approved.

The members reviewed the Bills Payable Sheet. Bob Medeiros made a motion, seconded by Jeff Houde, to pay the bill. Approved.

The members reviewed a Notice of Intent – **Poquoy Development – parcel 31 (assessors map 30) Maple Street – (continued from the 6/15/99, 6/28/99 & 7/12/99 meetings)** for proposed plans to construct stormwater facilities within the 100 ft. buffer zone of a bordering vegetated wetland and a site grading for a shared septic system within an isolated land subject to flooding. Pat Corcoran read a letter sent to the Commission from Hayward-Boynton & Williams, Inc. requesting a continuance of this project until Monday, September 13, 1999 because Poquoy Development is going to go before the Planning Board on August 31, 1999. At the time, there will be plan changes regarding the drainage system. Discussion ensued whether to allow the project to be continued until the September 13, 1999 meeting or indefinitely with the condition that the applicant, after submitting all the necessary information to the Conservation Commission, shall readvertise the project and notify abutters. Julian Kadish made a motion, seconded by Bob Medeiros, to deny the request to continue the public hearing until September 13, 1999, but to continue the the public hearing until such time that all the necessary information is submitted to the Conservation Commission, at which time the project will be re-advertised and abutters will be re-notified. Approved. Discussion ensued regarding what is the procedure if Planning Board approves drainage systems that do not meet Conservation requirements. The Director stated that she will make recommendations upon receiving the preliminary plans before the applicant goes before the Planning Board meeting.



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The members reviewed a Request for a Determination of Applicability – **DKL Realty Trust – lot 125 (assessors map 27) Barrows Street – (continued from the 6/28/99 & 7/12/99 meetings)** for verification of wetland boundaries as shown on plan “Wetlands Sketch Plan of Land, Norton, MA” entitled Fontianna Estates, dated May 20, 1999. Patrick Corcoran read a letter sent to the Commission from Hayward-Boynton & Williams, Inc. requesting a continuance of the project until Monday, September 13, 1999 at which time the proper wetland flag changes may be made and revised plans submitted to the Conservation Commission. Julian Kadish made a motion, seconded by Leonard Silvia, to close the public hearing and issue a positive Determination of Applicability with the condition that when the Notice of Intent is filed, all the revisions requested by the Director, will be on the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **Teddy Realty Trust – bldrs. lot 9, parcel 13 (assessors map 6) 207 Bay Road** – for proposed plans to construct a single family dwelling, garage, driveway, well, sewage disposal system and related grading within the 100 foot discretionary zone. Jeff Houde represented the applicant at the public meeting. Leonard Silvia stated that he thought it is a conflict of interest for a board member to represent a project under review at the Conservation Commission meeting. Discussion ensued and Julian Kadish stated that he felt that it was not a conflict of interest for a board member to represent a project under review and that public discussions on this subject were greatly exaggerated. Jennifer Carlino stated that she had added a couple of conditions to this determination. Project representative, Jeff Houde, agreed to the additional conditions. Julian Kadish made a motion, seconded by Leonard Silvia, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Leonard Silvia, to issue a negative Determination of Applicability as long as the work was done according to the submitted plans. Bob Medeiros abstained from voting. Approved.

The members reviewed a Request for a Determination of Applicability – **Robert & Kimberly McLeod – bldrs. lot 6, parcel 128 (assessors map 32) Gilbert’s Way** – for proposed plans to construct a single family house, septic system, well, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Fred Bottomley was present at the public meeting and requested that the Enforcement Order that he received pertaining to the the original Order of Conditions for the roadwork and drainage for this lot not have any impact on the discussion of this project. Mr. Medeiros stated that the agreement between the Commission/Director and Mr. Bottomley was that there were to be new wetland flags to replace the old or missing wetland flags on this lot and the other house lots in this subdivision along with the filing of a new Notice of Intent for this subdivision prior to the issuance of any wetland permits. The Director had informed him that the last time she checked the lots, there were no new wetland flags present on these lots to verify with wetland flags noted on the submitted plans to date. Mr. Medeiros continued to explain that the filings for any house lots in this subdivision would be continued until all conditions in the Enforcement Order were met. After discussions regarding options for this project and the next three projects on the agenda, Mr. Fred Bottomley requested a continuance of these projects which include **lot 6, parcel 128 (map 32) Gilbert’s Way, lot 4, parcel 196 (map 31) Myra’s Way, lot 9, parcel 132 (map 32) 1 Gilbert’s Way and lot 5, parcel 127 (map 32) 10 Myra’s Way** until the wetland flags on these lots are verified by the Director. Julian Kadish made a motion, seconded by Leonard Silvia, to continue the public hearing until the next meeting of August 23, 1999 at 8:00 pm. Approved.

Julian Kadish made a motion, seconded by Bob Medeiros, to waive the reading of the legal notice for a Request for a Determination of Applicability - **Michael Chisholm - lot 4, parcel 196 (map 31) Myra’s Way**. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, and continue the public



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meeting until the next meeting of August 23, 1999 at 8:05 pm with the conditions that the legal notice be read and plans showing the new wetland flags be submitted for review. Approved.

Julian Kadish made a motion, seconded by Bob Medeiros, to waive the reading of the legal notice for a Request for a Determination of Applicability – **Meadowbrook Corp., Robert Rodericks, Pres - lot 9, parcel 132 (map 32) 1 Gilbert's Way**. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, and continue the public meeting until the next meeting of August 23, 1999 at 8:10 pm with the conditions that the legal notice be read and plans showing the new wetland flags be submitted for review. Approved.

Julian Kadish made a motion, seconded by Bob Medeiros, to waive the reading of the legal notice for a Request for a Determination of Applicability – **Meadowbrook Corp., Robert Rodericks, Pres. - lot 5, parcel 127 (map 32) 10 Myra's Way**. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, and continue the public meeting until the next meeting of August 23, 1999 at 8:15 pm with the conditions that the legal notice be read and plans showing the new wetland flags be submitted for review. Approved.

The members reviewed a Request for a Determination of Applicability – **O'Brien & Meeks Construction Co., Inc. – bldrs. lot 3, parcel 111 (assessors map 15) 4 Country Club Way** – for proposed plans to construct a single family house, septic system, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering represented the applicant. The Director pointed out a couple of conditions that were added to the standard conditions. Discussion ensued regarding the maintenance of the detention basin at the rear of the house lot. The Director stated that the Town does not have the resources or manpower to maintain the detention basin. The Commission decided that the Town should maintain the basin. Jeff Houde made a motion, seconded by Bob Medeiros to close the public meeting. Approved. Bob Medeiros made a motion, seconded by Jeff Houde, to delete Condition #11 which would require the new homeowner to maintain the detention basin. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **O'Brien & Meeks Construction Co., Inc. – bldrs. lot 12, parcel 120 (assessors map 15) 22 Country Club Way** – for proposed plans to construct a single family house, septic system, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering represented the applicant. Jeff Houde made a motion, seconded by Julian Kadish, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative Determination of Applicability with the deletion of condition #15, regarding lawn care and water conservation, and as long as the work is done according the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **O'Brien & Meeks Construction Co., Inc. – bldrs. lot 5, parcel 113 (assessors map 15) 8 Country Club Way** – for proposed plans to construct a single family house, septic system, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering represented the applicant. Bob Medeiros made a motion, seconded by Jeff Houde, to waive the reading of the legal notice for this project. Approved. Bob Medeiros made a motion, seconded by Leonard Silvia, to close the public meeting. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability with the deletion of



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condition #15, regarding lawn care and water conservation, as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **Creative Homes, Inc. – bldrs. lot 14, parcel 88 (assessors map 11) 14 Downing Drive** – for proposed plans to construct a portion of a single family house and lawn within the 100 ft. buffer zone of a bordering vegetated wetland. Bill Humphrey of Creative Homes, Inc. represented himself at the public meeting. Jeff Houde made a motion, seconded by Bob Medeiros, to waive the reading of the legal notice for this project. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative Determination of Applicability with the deletion of condition #15, regarding lawn care and water conservation, as long as the work is done according to the submitted plans. Approved.

The members reviewed a request for a full Certificate of Compliance filed by **Hudson Park Associate Nominee Trust for parcels 4B & 4E (assessors map 2) 133 Newland Street**. The Director stated that she had noticed that the homeowner was placing compost in an area that might flood or have a stream through it, and spoke to her. The Director also stated that she discussed the matter with the homeowner so that a mosquito problem could be avoided. She would also be sending a reminder letter to the homeowner in regards to this matter. Jeff Houde made a motion, seconded by Leonard Silvia to issue the Certificate of Compliance. Approved.

The members reviewed a request for a full Certificate of Compliance filed by **Worldwide Dev. Corp. for bldrs. lot 2, parcel 43 (assessors map 15) 128 Oak Street (DET. #624)**. Jennifer Carlino stated that after inspecting the property, she noticed a small area at Wetlands flag #30 that should be re-seeded and that she would hold the Certificate until this had been done. The Director also stated that she wanted the applicant to submit the new homeowner's name and the house number before issuing the Certificate. Bob Medeiros made a motion, seconded by Leonard Silvia, to sign the Certificate of Compliance and bond release letter, but not to issue them until the re-seeding was completed and all information requested by the Director was received. Approved.

Set conditions for **#250-426 – Ray Ferrone, Briarwood Construction – parcels 57, 67 & 177 (assessors map 31) East Hodges Street (Fieldcrest Estates)**. Jeff Houde made a motion, seconded by Leonard Silvia, to set the conditions as written. Approved.

Discussion ensued regarding Reservoir dredging project permits. Bob Medeiros updated the Commission members on the last discussion regarding this issue. He also stated that a newspaper article had been printed implying that the Norton Conservation Commission was responsible for this project coming to a stand still. Bob Medeiros asked Jennifer Carlino to contact the newspaper and to have a rebuttal printed stating that things had been started by the Conservation Commission and the former Director, but at his leaving, left it up to the Town Manger to check into the Capital Improvement part of the project. Discussion ensued regarding the amount of money and time that it would probably take to complete the Reservoir dredging project and whether or not there was a contractor anywhere that would be willing to take on this responsibility once all permits were obtained. It was the consensus of the Commission that all necessary steps would be taken by the Norton Commission to obtain all the necessary permits to help this project get started. Jennifer Carlino stated that she would speak with the Town Manager, Chris McCabe, regarding the permit applications because she felt she could not apply for, and represent the Commission for permits that the



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Conservation Commission would issue. Julian Kadish stated that a bill put before legislature in Boston allowing the reclassification of land along the Reservoir to accommodate the dredging process received a favorable response and would be passed in the near future. He also stated that he did not think that a response to the adverse newspaper article was

necessary. Leonard Silvia suggested that in the future if any newspaper reporters want information from the Conservation Commission, they should attend one of the meetings.

**Soil Evaluator** class. Discussion ensued regarding the time, date and cost of the Soil Evaluator Class that the Director, Jennifer Carlino would be attending. Bob Medeiros made a motion, seconded by Jeff Houde, to allow the Director to attend this class. Approved.

Jeff Houde made a motion, seconded by Julian Kadish, to authorize Patrick Corcoran or Jeff Houde to sign all payroll time sheets and payroll sheets. Approved.

Ratification of Enforcement Orders - **Myra's Way/Gilbert's Way, Wheaton**. Discussion ensued regarding Myra's Way and Gilbert's Way. The Director stated that the Order of Conditions for the roadwork and drainage for this subdivision had expired approximately two years ago and that she notified, in the form of an enforcement order, the present developer, Fred Bottomley, of several requirements necessary to avoid a complete new filing for his projects on Myra's Way and Gilbert's Way. She told him that he should file a new Notice of Intent within four weeks, reflag the wetlands within four weeks, finish the road within three weeks and complete all other work within three weeks or he would have to start from scratch on the whole project. Mr. Fred Bottlomley was present at the meeting and stated that this project was at a standstill for two years because of a Planning Board issue with utility poles and that he was in the process of meeting these requirements. Jeff Houde made a motion, seconded by Bob Medeiros, to ratify the enforcement order sent to Mr. Bottomley by the Director. Approved. The Director stated that **Wheaton College** did not receive an Enforcement Order for work being done because after within one hour of speaking with a representative of the college, a permit was filed and silt fence was constructed.

**Fernandes Land** Consultant. Discussion ensued who is listed as the owner of this property which is located on East Main Street. It was decided that the Town of Norton is listed as the owner of this property which is in the process of becoming a park. The Director stated that a consultant has already been hired for this project. It was the consensus of the Commission that if and when the park was started, a wetland permit would be necessary.

Patrick Corcoran made a motion, seconded by Dana Rappaneau, to adjourn the meeting at 8:30 pm.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb