



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
(508) 285-0275
Fax (508) 285-3300

RECEIVED
2001 JAN 24 AM 8:48
NORTON TOWN CLERK

Monday, August 28, 2000
7:30 pm

Attendance

Jeff Houde (Chairman), arrived at 7:40 pm, Bob Medeiros (Vice-Chairman),
Patrick Corcoran, Julian Kadish, Leonard Silvia and Jennifer Carlino, Director

Ed Breault and Dana Rappaneau and were absent.

Minutes

The members reviewed the draft minutes of March 27, 2000. Patrick Corcoran made a motion, seconded by Leonard Silvia, to table the minutes until the next regular meeting of September 11, 2000. Approved.

The members reviewed the draft minutes of April 25, 2000. Patrick Corcoran made a motion, seconded by Leonard Silvia, to table the minutes until the next regular meeting of September 11, 2000. Approved.

The members reviewed the Bills Payable Sheet. Patrick Corcoran made a motion, seconded by Julian Kadish, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **Elizabeth G. Dost – bldrs. lot 5, parcel 113 (assessors map 24) 7 Morse Drive – (DET. #723)** - for proposed plans to create a rock wall on either side of the detention basin outlet within 100 feet of wetlands. Elizabeth Dost was present at the public hearing and was asked to explain the project to the Commission. Ms. Dost stated that her property contained a detention basin with a swale at the end to filter and direct water into the wetlands. She claims that she would like to build a rock wall on each side of the swale because the developer of this property was supposed to plant grass in this swale, but never did. She mentioned that the Town Planner had ordered the developer to put rip rap along the bottom of the swale and this was causing problems in her yard. A muddy area exists which is, in her opinion, is dangerous with her children playing in the swale. Jeff Houde asked her if the Planning Board had any concerns with this plan. She stated that she had not presented this to the Planning Board. Jennifer Carlino was asked if she had any problems with this idea and she said that she did not. Bob Medeiros made a motion, seconded by Patrick Corcoran to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability as long as the work was done according to the submitted plans.

The members reviewed a Request for Determination of Applicability – **John & Karen Forde – bldrs. lot 3, parcel 183 (assessors map 17) 58 Elm Street – (DET. #724)** - for proposed plans to clear brush and trees within the 100 foot buffer zone of a wetland. Bob Medeiros abstained from the public hearing and left the room. Karen Forde was at the public hearing and explained where she wanted to clear the property. Jennifer Carlino explained that 40 feet of yard would be gained by this project and that a reasonable distance would be left untouched within the buffer zone. Patrick Corcoran made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Patrick Corcoran made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Chris & Lori Baker – Parcel 679 (assessors map 3) 26 So. Lakeview Road** – for proposed plans to construct a single family house within the 100 foot buffer zone of a wetland. Lori Baker was present at the public hearing. She was asked if an existing house was on the property. She said there was not. Jennifer Carlino stated that the floodplain was closer to the house than shown on the plan. She asked Ms. Baker if the house could be moved a little. She answered that it could be moved out of the floodplain. Several abutters, Brant Henderson, Bonnie Sylvester, Jane Ellison and Herb Ellison, were present at the public hearing and had concerns with building within a wetland. The Director explained to them that this house was being built on an upland within the buffer zone of a wetland, but not in wetlands. Other concerns were the size of the lot. Jeff Houde told the abutters that this was an issue for the Building Inspector and not the Conservation Commission. Bonnie Sylvester asked Ms. Baker if she had presented this project to the Planning Board. It was noted by Jeff Houde that this lot was “Grandfathered”, therefore there was no need to go before the Planning Board. Again the abutters were questioning the authority of the Conservation Commission and Jennifer Carlino stated that only issues dealing with the Wetland Protection Act were reviewed by the Conservation Commission and that other issues would be reviewed by their respective departments. The Director asked Ms. Baker if she had received a file number from the Department of Environmental Protection yet. She stated that she had not. Patrick Corcoran made a motion, seconded by Julian Kadish, to continue the public hearing until the next meeting of September 11, 2000 at 7:50 pm. Approved. The members requested that a revised plan showing the location of the house on the lot be submitted at the next public hearing.

The members reviewed a Notice of Intent – **Wheaton College – Parcels 93 & 100 (assessors map 17) East Main Street** – for proposed plans to construct a 203 space parking lot, 895’ pedestrian walk and a 10’ wide bridge within wetlands. Attorney David Manoogian from Attleboro represented the applicant at the public hearing. Also present were Bob Campbell from Wheaton College and Bob Mainones of Toomey-Munson and Associates, the Engineer for the project. Mr. Mainones was asked to explain the project to the Commission. Jeff Houde stated that DEP would not issue a file # yet. DEP has concerns of the wetland fill at the bridge location and asked if the fill was necessary. The Commission asked if the 10 foot wide channel could be spanned. The applicant will investigate this. The Commission discussed the Stormwater Management Policy and maintaining a 25 foot buffer. Abutters, Jim McFee and Bob Kimball, discussed a buffer to their properties. Wheaton is willing to plant trees or install a fence. The abutters would rather eliminate parking spaces. They will discuss this privately due to the location well out of the buffer zone. Bob Medeiros made a motion, seconded by Patrick Corcoran, to continue the project until September 11, 2000 at 8:00 pm. Approved.

Norton Conservation Commission

Monday, August 28, 2000

Minutes, page 3.

The members reviewed a Notice of Intent – **K.G.M. Custom Homes, Inc. – lot 3, parcel 170 (assessors map 4) 7 Wetherell Way** – for proposed plans to construct a single family dwelling with associated Title V septic system, driveway, private well, site grading and appurtenances within the buffer zone of a wetland. Amy Ball represented the applicant at the public hearing. Only the driveway is within Conservation Commission jurisdiction. She stated that siltation barriers would be placed all around the wetland areas. She further stated that there were two cartpaths on this lot and a vernal pool and that the driveway would be paved. She stated that she had not heard from the Natural Heritage and Endangered Species Program (NHESP) as yet, but she did speak with Amy Maher today who mentioned to her that it seemed to her that no wetlands would be altered and she would be sending along a letter to that effect and to advise the applicant to be cautious at all times being careful not to cause any impacts to migrating amphibians, etc. Patrick Corcoran asked Jennifer Carlino if she had any comments and she stated that she would issue conditions as soon as she heard from NHESP. Patrick Corcoran made a motion, seconded by Leonard Silvia, to continue the public hearing until the next meeting of September 11, 2000 at 8:10 pm. Approved.

The members reviewed a Notice of Intent – **Lorbridge Construction/Dennis Pasqualino – bldrs. lot 2, parcel 13 (assessors map 6) 193 Bay Road** – for proposed plans to construct a single family dwelling, garage, driveway, and related grading partially within the 100 ft. discretionary zone. Patrick Corcoran made a motion, seconded by Leonard Silvia, to waive the reading of the Legal Notice. Approved. Ralph Maloon of RIM Engineering represented the applicant at the public hearing. Jeff Houde mentioned that Jan Lamaire of the Highway Department had been in to see Jennifer Carlino regarding a pond on this lot that he claims was dug for fire protection reasons. He wanted to know if there would be a paved access to this pond to be used by the fire department. Ralph Maloon stated that according to the Fire Chief, George Burgess, Angelo Pasqualino agreed to this, but Angelo Pasqualino was not the present owner, but Dennis Pasqualino was. Jennifer Carlino stated that this pond was a rare habitat area and that the applicant would have to include this in his filing and ask permission from the Natural Heritage and Endangered Species Program (NHESP) to use this pond for fire protection purposes. Patrick Corcoran made a motion, seconded by Bob Medeiros, to continue the public hearing until the next meeting of September 11, 2000 at 8:20 pm in order to receive a response from NHESP. Approved.

The members reviewed a request for a Certificate of Compliance filed by **Creative Homes, Inc.** for **Builders lot 16, parcel 87 (map 11) 16 Downing Drive (File #250-442)**. Bob Medeiros asked the Director if the project was complete and if she had any problems with the project. She responded that she did not have any problems with the project and that it was completed. Bob Medeiros made a motion, seconded by Patrick Corcoran, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance filed by **Whispering Pines, Ltd. Partnership, c/o Daniel Becker** for **bldrs. lot 20, lot 240, parcels 91 & 92 (assessors map 21) 3 Ulmer's Farm Road (File DET. #655)**. Bob Medeiros asked the Director if the project was complete and if she had any problems with the project. She responded that she did not have any problems with the project and that it was completed. Bob Medeiros made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

Norton Conservation Commission
Monday, August 28, 2000
Minutes, page 4.

Discussion ensued regarding the **Rose Farm** property. The Commission received a call from Mike Galloway of Galloway Farms requesting an opportunity to mow and maintain the fields around and on the Rose Farm property. Bob Medeiros suggested that a letter be sent to Mr. James Fitzgibbons, owner of Goosebrook Garage on Dean Street and a Norton Resident, advising him of Mr. Galloway's request as he has been cutting hay on this property already. The consensus of the Commission was to compare the two proposals if received and to go with the best deal for the Town.

Discussion re: Cell Phone for the Director

Jennifer Carlino stated that she would like to get rid of her pager and get a reliable cell phone. The Commission agreed that a cell phone and a good monthly plan would be advisable as the Director has a lot of territory to cover for a lot of projects and is generally by herself.

Jennifer Carlino had the members sign the Johnson Acres Urban Self-Help and Self-Help grant applications.

The Director asked the Commission members if they wanted to interview applicants responding to the RFP for the dam projects. It was the consensus of the Commission that they did not want to interview the applicants.

Jennifer Carlino noted that she was planning to have a "thank you" celebration for everyone involved with the acquiring of the Johnson Acres property to be held at Johnson Acres on Saturday, September 16, 2000. She proposed to use money from the Maintenance of Conservation Land Account to pay for a light brunch to be catered for the function. It was the consensus of the Commission to pay for the brunch.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb