



CONSERVATION COMMISSION  
70 EAST MAIN STREET  
NORTON, MASSACHUSETTS 02766-2320  
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RECEIVED  
2001 MAY 18 AM 8:56  
NORTON TOWN CLERK

Monday, January 22, 2001  
7:30 pm

**Attendance**

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

Dana Rappaneau, Leonard Silvia and Ed Breault were absent.

**Minutes**

The members reviewed the draft minutes of **April 25, 2000**. Patrick Corcoran made a motion, seconded by Julian Kadish, to continue the minutes until the next regular meeting of Monday, February 12, 2000. Approved.

The members reviewed the draft minutes of **June 27, 2000**. Patrick Corcoran made a motion, seconded by Julian Kadish, to continue the minutes until the next regular meeting of Monday, February 12, 2000. Approved.

The members reviewed the draft minutes of **August 14, 2000**. Patrick Corcoran made a motion, seconded by Julian Kadish, to continue the minutes until the next regular meeting of Monday, February 12, 2000. Approved.

The members reviewed the draft minutes of **August 28, 2000**. Patrick Corcoran made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

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

The members reviewed a Notice of Intent – **John Scott Boulevard, LLC – (File #250-454) - parcel A, parcel (portion of) 196 (assessors map 31) and Lot 1, parcel 126 (assessors map 32) – Myra's Way– (continued from the May 9, 2000, May 22, 2000, June 27, 2000, July 24, 2000, August 14, 2000, September 11, 2000, October 23, 2000, November 13, 2000, December 11, 2000 & January 8, 2001 meetings.)** for proposed plans to construct a driveway, single family house and septic system within the 100 foot buffer zone of a bordering vegetated wetland. Approximately 4,320 sq. ft. will be filled and 5,014 sq. ft. will be replicated. Fred Bottomley represented the applicant at the public hearing. He stated that he had gone before the Planning Board because he had re-acquired a piece of property (lot 6) in order to access the back upgradient land. Common driveways prohibited in Norton. He further stated that a letter had been received from the Natural Heritage and Species Program saying

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that there would not be any adverse impact to the wetlands on this property because he is no longer impacting the wetland. Jennifer Carlino stated that according to the letter from the Natural Heritage and Endangered Species, the cutting that had been done on the property would have an adverse effect on spotted turtle habitat and it would have to grow back within two years, suggesting that the owner of the property make plans to re-vegetate the area if it doesn't grow back. Bob Medeiros made a motion, seconded by Patrick Corcoran, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Patrick Corcoran, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(File #250- ) - Town of Norton – Norton Reservoir and Chartley Pond (con't. from the December 11, 2000 & January 8, 2001 meetings)** – for proposed plans to conduct soil borings at Chartley Pond and Norton Reservoir for the Hydrologic and Hydraulic Studies and to obtain permits for the dredging project. The Director stated that a DEP file number had not been received for this project. Bob Medeiros made a motion, seconded by Patrick Corcoran, to continue the public hearing until the next regular meeting on Monday, February 12, 2001 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **L & M Custom Builders/Brian Mulligan – parcel 5 (assessors map 1 – Newland Street (con't. from the January 8, 2001 meeting))** – for proposed plans to install a stormwater management system for a 9-lot subdivision. Treated stormwater is proposed to be discharged to an existing pond through parcels 8 & 9 of Assessor's Map 2, and then discharged to a wetland. Bob Medeiros asked the Director if anyone from the Natural Heritage and Endangered Species Program (NHESP) had been out to the site. She said that someone from NHESP had spoken with her and the applicant. Jeff Houde had a letter from the applicant requesting a continuance to provide the NHESP with the requested information until the next regular meeting of Monday, February 12, 2001. Bob Medeiros made a motion, seconded by Patrick Corcoran, to continue the public hearing until Monday, February 12, 2001 at 7:42 pm. Approved.

The members reviewed a **Request for a Determination of Applicability – (DET. #735) - Ribeiro Enterprises, Inc. – lot 1, parcel 2 (assessors map 23) Barrows Street** – for proposed grading associated with the installation of a septic system within the 100 foot buffer zone of a bordering vegetated wetland. John DeLano of John W. DeLano & Associates, Inc. represented the applicant at the public hearing. He explained that the septic system would not be moved. Mr. Ribeiro wanted the house set back from the street and the septic system to the rear of the house. He also mentioned that there are two depressions on this lot noted on the plans as #1 and #2.. Jennifer Carlino stated that she had inspected the two depressions and verified the wetland boundary. Julian Kadish made a motion, seconded by Patrick Corcoran, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Patrick Corcoran, to issue a negative Determination of Applicability (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #736) - Ribeiro Enterprises, Inc. – lot 2, parcel 2 (assessors map 23) Barrows Street** – for proposed installation of a portion of a septic system and driveway within the 100 foot buffer zone of a bordering vegetated wetland. An isolated wetland is to be partially filled. John DeLano of John W. DeLano & Associates, Inc. represented the applicant at the public hearing. The Director asked Mr. DeLano to move the project further back so it would not impact the isolated wetlands. He stated that haybales would be put along the driveway which would lead out onto Barrows Street to prevent additional fill. The Director



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reminded him that the depression in front is listed as a potential vernal pool by NHESP. This is the reason for requesting the relocation of the septic out of the depression. Mr. DeLano would not relocate the project because it was not within Conservation Commission jurisdiction. Jennifer informed Mr. DeLano that an Army Corp permit may be required because of the changes to the PGP regarding potential vernal pools. Julian Kadish made a motion, seconded by Patrick Corcoran, to waive the reading of the Legal Notice. The Director stated that she had started inspecting the depression noted as #2 on the plans, however she stopped since she was walking through metal paint cans and other debris that could slice through her boots. She would not continue the inspection until the trash was removed. Bob Medeiros made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **K.G.M. Custom Homes, Inc. – parcel 170 (assessors map 4) 8 Wetherell Way** – for proposed plans to construct an access driveway for a single family dwelling with associated septic system, private well site grading and landscaping, portions of which will occur within the 100 foot buffer zone of a bordering vegetated wetland and certified vernal pool. Bob Medeiros made a motion, seconded by Patrick Corcoran, to waive the reading of the legal notice. Approved. Amy Ball of LEC Environmental Consultants represented the applicant at the public hearing. Also present was Gregory Mills. Ms. Ball stated that there would be 20 square feet of altered bordering vegetated wetland and that the amount of replication would be of equal volume or more. Bob Medeiros stated that he would like the replication area to be equal to the alteration. Julian Kadish noted that there was an old truck body on this lot and if it had been removed. Mr. Mills stated that it had been removed. Jennifer Carlino noted that a DEP file number had not been received yet. Bob Medeiros made a motion, seconded by Patrick Corcoran, to continue the public hearing until the next regular meeting of Monday, February 12, 2001 at 7:45 pm in order to obtain a DEP file number. Approved.

The members reviewed a Modification to Plans filed by Tom Godfrey for **File #250-398 (amended) – Leggat McCall Retirement Properties – lot 271 (assessors map 9) Smith Street**. Tom Godfrey, Tom French and Dave Estrich were present at the public hearing. Mr. Estrich pointed out that only lot 2 is affected by the modification. Lot 1 is owned by Klondike Development and lot 2 is owned by Tom Godfrey of Atlantic Development. He stated that Tom Godfrey would be obtaining the necessary permits from the Planning Board and Conservation Commission. The proposal is to remove the assisted living development building and replace it with other condo-style buildings. He further stated that the changes to landscaping and parking are very minor changes and would not have any adverse affects within the existing limit of work listed in the current Order of Conditions. Mr. French explained that the Planning Board was concerned over not having enough parking spaces so they decreased the amount of units to be built. He explained that the drainage calculations that were done on the plans reflected additional units, but would still be a feasible working drainage system. Patrick Corcoran made a motion, seconded by Bob Medeiros, to not require a new Notice of Intent. Approved. Jeff Houde requested they not approve the modification to the parking lot until the Planning Board consulting engineer approves it. Approved.



David Cabral – reconstruction & drainage improvements to Freeman Street.

Before Mr. Cabral explained the project to the Commission, Jeff Houde explained to Mr. Cabral that for future reference, it would be a better idea, and save time, to sit down and talk with the Director before coming before the Commission.

David Cabral explained that the project involves reconstructing Freeman Street and adding sidewalks from Route 123 to Route 140. Mr. Cabral explained that all the work would be done within an existing right-of-way. Jeff Houde asked about drainage and he said a 26 foot typical roadway section would be maintained. Julian Kadish told Mr. Cabral that the Board does not design plans for applicants and that he would have to confer with Jennifer Carlino and his own engineers and put together a working plan and present it to the Conservation Commission for approval if there are any wetland issues. Mr. Cabral stated he only came before the board in the early stages to help identify problems. He will meet with Jennifer Carlino during the week.

The members reviewed a request for a Duplicate Certificate of Compliance for file **DET. #139 – Richard Bodio, c/o Greece & Assoc., Atty. for bldrs. ot 4, parcel 108 (assessors map 15) 3 McTee Drive**. Bob Medeiros made a motion, seconded by Patrick Corcoran, to issue the duplicate Certificate of Compliance. Approved.

The members reviewed a request for a Duplicate Certificate of Compliance for file **DET. #474 – Paul & Kelly Martin, c/o Henry J. Sousa, Atty. for lot 15, parcel 143 (assessors map 16) 112 Mansfield Avenue**. Bob Medeiros made a motion, seconded by Patrick Corcoran, to issue the duplicate Certificate of Compliance. Approved.

Regarding the permitting process for the **Norton Reservoir Dredging Project**, Bob Medeiros mentioned that he had spoken with Selectman Jim Brown to ask why the Selectmen still have not awarded the contract. Jim Brown stated the Selectmen discussed this at their last meeting. Since Chris McCabe told Jennifer and Bob they didn't have to attend the Selectmen's meeting, no one represented the Commission and the Selectmen's questions were not answered. The Selectmen decided the estimate was too high and would like Baystate Environmental Consultants, Inc. to give more description for the work to be done. (This is told from someone watching the Selectmen's meeting and informing the Conservation Commission). Jennifer Carlino has not received a letter or call requesting this from the Selectmen. Bob Medeiros made a motion, seconded by Julian Kadish, to send a letter to the Town Manager, Chris McCabe, requesting a status report on awarding the contract for the permitting process for the Norton Reservoir to Baystate Environmental Consultants, Inc. Approved.

Jeff Houde mentioned that there were several workshops to be held within the next couple of months and if anyone would be interested in going to get the information from Jennifer Carlino who would be attending most of them.

Jennifer Carlino mentioned to the Commission that she would be interested in taking a biology course to be billed to the Conservation Commission budget and they thought this would be a good idea. Bob Medeiros made a motion, seconded by Patrick Corcoran to have Jennifer Carlino take a biology course. Approved.

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Jennifer Carlino informed the Commission members that she had met with Mr. Sanderson of the Pilgrim Cranberry Corp. since issuing an enforcement order for the cranberry bogs at 129 Newland Street, file #250-415. No work will be permitted until her addresses the Enforcement Order.

Patrick Corcoran made a motion, seconded by Julian Kadish, to adjourn the meeting at 8:35 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb