



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
**NORTON, MASSACHUSETTS 02766-2320**  
**(508) 285-0275**  
**Fax (508) 285-0277**

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**NORTON TOWN CLERK**

Monday, July 23, 2001  
7:30 pm

**Attendance**

Bob Medeiros (Chairman), Julian Kadish (Vice-Chairman)  
Jeff Houde, Kathleen Giblin, Ed Breault, Neil Linehan  
Jennifer Carlino, Director

Dana Rappaneau was absent.

**Minutes**

**REORGANIZATION OF CONSERVATION COMMISSION**

Julian Kadish made a motion, seconded by Neil Linehan, to appoint Bob Medeiros Chairman of the Conservation Commission. Approved.

Jeff Houde made a motion, seconded by Ed Breault, to appoint Julian Kadish Vice-Chairman of the Conservation Commission. Approved.

The members reviewed the draft minutes of **April 25, 2000**. Jeff Houde made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **June 27, 2000**. Jeff Houde made a motion, seconded by Bob Medeiros, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **August 14, 2000**. Jeff Houde made a motion, seconded by Ed Breault, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 11, 2000**. Ed Breault made a motion, seconded by Bob Medeiros, to accept the minutes as written. Approved.

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

The members reviewed a Notice of Intent – (#250-485) – **Mark & Carolyn Pelletier – Parcel 102 (assessors map 35) 41 East Hodges Street – (con't. from the June 25, 2001 & July 9, 2001 mtgs.)** – for proposed plans to construct a mud room and a 26' x 26' garage within 100 feet of wetlands. The Director stated that the applicant was not present at this meeting because they were working with the Natural Heritage and Endangered Species Program and have not received a response yet. Ed Breault made a motion, seconded by Julian Kadish, to continue the project until the next regular meeting of August 13, 2001 at 7:40 pm. Approved.

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2002 MAR 12 PM 2:12

The members reviewed a Notice of Intent – **Robert Foster – (#250-481) - Parcel 247 (assessors map 10) 6 Rumford Road – (con't. from the June 25, 2001 & July 9, 2001 mtgs.)** - for proposed plans to construct a single family house with a gravel driveway within 100 feet of a bordering vegetated wetland and within 100 feet of a riverfront area, Rumford River. Bob Medeiros read a letter received from the applicant's representative requesting to continue the project in order to supply the necessary information requested by Jennifer Carlino pertaining to the flood elevation of the Rumford River. Neil Linehan made a motion, seconded by Jeff Houde, to continue the project as requested until the next regular meeting in September at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **John Tyler – (#250-488) – Parcel 104 (assessors map 26) 284 West Main Street** – for proposed plans to repair a septic system within 100 feet of wetlands. Jack Vance represented the applicant at the public hearing. John F. Vance, Jr. represented the applicant at the public hearing and described the project to the members. Jeff Houde asked Mr. Vance how far away the septic system was from the wetland line. He replied that the system was 50 feet away with the edge of the dugout area being approximately 25 feet. He pointed out the catch basin and swale off of the road which would be catching approximately 500 feet of water that runs along the property. He also pointed out a brook on the property that has been cleaned out by the state at one time. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #745) – Survey and Mapping Consultants, Inc. – Parcel 83 (assessors map 25) 10 Commerce Way** – for proposed plans to install fiber optic cables within 100 feet of wetlands. Jeff Houde made a motion, seconded by Ed Breault, to waive the reading of the legal notice for this project. Approved. Michael Marcus, Senior Scientist for New England Environmental, Inc. represented the applicant at the public hearing and explained the project to the members. Ed Breault asked Mr. Marcus if trenches were dug to install the cable or if it is pulled. Mr. Marcus explained that a small backhoe would be used to dig the trenches and then 4" pvc conduits would be placed in the trenches. Small manholes would be placed at different intervals in order to shoot in the cable through the conduits and would be where the cables connect. The project work is basically going to take place in the buffer zone of an old drainage ditch, an old pond and on an existing road shoulder. Mr. Marcus explained that haybales will be placed along the edge of the work area and the project would take approximately two to three days. The only excavation, he stated, would be the manholes. Jeff Houde asked Jennifer Carlino if she had already inspected this site and she stated that she had. Ed Breault asked how deep the trenches were going to be dug. Mr. Marcus said about 4'. He also stated that most of this work will be at the edge of old parking lots and away from the wetlands. Julian Kadish made a motion, seconded by Ed Breault, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Ed Breault, to issued a negative (#3) Determination of Applicability as long as the work is done according to the submitted plans. Approved.



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2002 MAR 12 PM 2:12

NORTON TOWN CLERK

The members reviewed a Notice of Intent – (#250-487) - **Thorndike Development – Parcels 247 & 248 (assessors map 9) Smith Street** – for proposed plans to construct a walking trail and restore a bridge over Great Brook with 740 sq. ft. of bordering vegetated wetland alteration and 174 sq. ft. of Land Under Waterbody alteration. Bob Medeiros asked Dave Eastridge of Thorndike Development if he had read the comments from DEP yet and he said that he had. Dave Eastridge introduced Ruth Gould of the Norton Historical Society and a representative for Thorndike Development to the board. He stated that Bob Ingrahms of Daylor Consulting had talked to Dorothy Blickens of the Southeast Region DEP. She had stated to Mr. Ingrahms that her main concern was that no replication or restoration was proposed for the 174 sq. ft. of currently disturbed wetlands in the area of the proposed concrete piers. Also, she stated that the restoration for the bridge was not clear in the Notice of Intent, but the removal of the old bridge would be sufficient enough for restoring the 60+ sq. feet of wetlands beneath the bridge. According to Mr. Eastridge, Dorothy Blickens thought that this would satisfy DEP and Thorndike Development would not have to go to the Army Corp of Engineers for a jurisdictional determination. Jeff Houde asked Mr. Eastridge when he would be starting the construction of the bridge and he replied that he would like to start as soon as possible to take advantage of the dry season and hopefully finish it by August. Jeff Houde asked Jennifer Carlino if she had any problems with this project and she replied that she thought the bordering vegetated wetlands should be replicated. The project would be continued until the next regular meeting. She said that she did not draft conditions because she was waiting for the reply letter to DEP by Daylor Consulting. Julian Kadish asked Mr. Eastridge how many piers he expected to put in for the bridge. He replied they would be using 1 pair every twelve feet. He further explained that the diameter of each pier would not be more than 12 inches and the piers would be deeper than 4 feet in order to avoid any frost. Mr. Eastridge expressed a desire to start this project about the third week of August. Julian Kadish stated to Mr. Eastridge that he could see no problem in starting this project before the Order of Conditions were signed and issued and if any of the contractors had any questions they could call Jennifer Carlino. Ed Breault agreed and stated that as long as the work was done according to the submitted plans, he could see no reason not to begin this project. Jeff Houde made a motion, seconded by Ed Breault, to continue the project until the next regular meeting of August 14, 2002 at 7:45 pm at which time the Order of Conditions would be signed and issued. Approved.

Bob Medeiros read a letter received from Otis Dyer, representative for the Estate of Annette Schaeffer, file #250-478, requesting to make modifications to the plans that were already approved by the Commission. Jennifer Carlino explained that she did not think that the modifications were significant enough to re-advertise the project or to have Mr. Dyer present at the public hearing. She explained to the members that the changes, in her opinion, were minor which involved moving the house and driveway forward toward the street and that the work would still be 25 feet away from all wetlands. Julian Kadish made a motion, seconded by Ed Breault, to accept the minor modifications as requested. Approved.

#### Other Business

Jennifer Carlino stated that she had gone to 58 and 60 Reservoir Street to investigate vernal pools. She said that they contained fish so she could not certify them, but sent the homeowners a list of species found in the pools along with a field guide.



**Norton Conservation Commission**

**Monday, July 23, 2001**

**Minutes, page 4.**

RECEIVED

2002 MAR 12 PM 2:13

NORTON TOWN CLERK

The Director stated that she gave a Cease & Desist Order this morning for Irene Estates II, Talbot Drive, File #250-480. She said that none of the pre-construction conditions were completed. The Order of Conditions have not been recorded, the bond had not been posted, none of the silt fence has been put up and she was not notified that work was going to commence. She further stated that work had been started including the cutting of trees. Jeff Houde stated that he had spoken with Angelo Pasqualino prior to the cutting of trees and notified him of the equipment being present on the job site. Ed Breault made a motion, seconded by Julian Kadish, to enforce the Cease & Desist until all requirements are met. Approved. The Director stated that she had a modification to the Order of Conditions for #15. Condition number 15 states that no work shall be started on Irene Estates II until the Certificate of Compliance has been recorded for Irene Estates I (Talbot Drive) and also, there is a correction to a the file number in that condition. Julian Kadish made a motion, seconded by Ed Breault, to sign the modification. Approved.

Jeff Houde announced that the Land Acquisition Committee needed a member from the Conservation Commission because he had resigned two weeks ago. Bob Medeiros stated that he would serve on the Committee. Jennifer Carlino told Jeff Houde to send in a letter of resignation and told Bob Medeiros to send in a letter requesting to be on the Committee.

Jennifer Carlino stated that Garth Patterson from Congressman Barney Frank's office had called regarding the Shpack site and stated that the Army Corp of Engineers (ACOE) hired a consultant to go through all the documents that they had regarding this site. A letter was sent to Congressman Barney Frank's office stating that the Army Corp of Engineers are not liable for any radiological materials on the site, ACOE will not be doing any more work there, and there will not be any more funds available for this site. As a result of this action, Congressman Barney Frank will be calling for a meeting in Washington for EPA, Army Corp of Engineers and everyone involved with this project to find out exactly what has happened, what is going on and what should be done. Jennifer Carlino stated that she told Mr. Patterson that the Shpack records are kept locked in the Conservation office and if he needed any assistance or documents, do no hesitate to call. Julian Kadish stated that no evidence has been presented showing that there are dangerous levels of hazardous materials found at the Shpack site. Jennifer Carlino said that the levels of radiological materials are elevated. Julian Kadish then said obviously if you slept at the site, you might get some exposure, but normally speaking there is no public health hazard.

Jennifer Carlino mentioned that a letter was received from the resident who lives at the Johnson Acre Conservation site on Newcomb street and has the driveway that is used to access the area and also for the parking lot. She said that she had met with this resident for approximately an hour before he sent this letter and explained to him various ways to keep his property private from the public site. She further stated that a letter had been sent by this resident saying that he had contacted an attorney who specializes in real estate law and would like to get more information. She did reply to him that she could give him a little more information, but the parking lot area would have to remain. Jennifer Carlino explained that the letter referred to "Attorney" more than once, she would like to refer any further letters or discussions with this resident to Town Counsel. Julian Kadish asked what was the person's grievance. Jennifer Carlino said that from what she learned from this resident his family had

**Norton Conservation Commission**  
**Monday, July 23, 2001**  
**Minutes, page 5.**

RECEIVED

2002 MAR 12 PM 2:13  
NORTON TOWN CLERK

moved here from New Jersey and purchased this home abutting Conservation land but did not want the parking lot near their property. The resident was under the impression that he had a right of way to use as his driveway, not that it had to be separate from the Johnson Acres property access. Julian Kadish stated that this did not seem to be such a big problem for the homeowner. Neil Linehan made a motion, seconded by Julian Kadish, to have Jennifer Carlino send a letter to Town Counsel, by way of the Town Manager requesting legal opinions on any future discussions regarding this matter. Approved. Jennifer Carlino read a letter she had drafted to the homeowner explaining the actions of the Conservation Commission regarding this matter. Julian Kadish made a motion, seconded by Ed Breault, to send the letter. Approved.

Jeff Houde made a motion, seconded by Neil Linehan, to authorize Bob Medieros, Chairman or Julian Kadish, Vice-Chariman, to sign any payroll sheets. Approved.

Jennifer Carlino stated that regarding the Whispering Pine Comprehensive permit, there was a change from 100 Units to 44 town houses. She stated that this project has not come before this Commission.

Jennifer Carlino asked that the 4-month review and evaluation of her job be done with the Town Manager. Bob Medeiros asked her to make the appoint with the Town Manager and she replied that he should make the appointment with the union representative per the contract.

Ed Breault mentioned that a conveyor belt would have to be ordered for the weed harvester and he wanted to know what the reimbursement procedure was for this.

Jennifer Carlino stated that the Board of Selectmen are continuing to add projects to her agenda. Bob Medeiros recommended that the Conservation Commission send a letter stating that she needs assistance for these extra projects. Jennifer Carlino stated that having a Wheaton College student do a work study might be the answer where the state would pay 75% and the Conservation Commission would pay the other 25% of hers/his pay out of the Wetland Protection filing fee fund. Bob Medeiros made a recommendation to have Jennifer Carlino draft a letter to the Board of Selectmen to request permission to hire part-time assistance for various extra projects. He further stated that maybe the part-time assistant in the Board of Health office might be a possible assistant.

Jeff Houde made a motion, seconded by Ed Breault, to adjourn the public hearing at 8:35 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb