



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
**NORTON, MASSACHUSETTS 02766-2320**  
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RECEIVED  
2002 AUG 13 PM 3:05  
NORTON TOWN CLERK

Monday, August 13, 2001  
7:30 pm

**Attendance**

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

**Minutes**

The members reviewed the Bills Payable Sheet. Dana Rappaneau made a motion, seconded by Neil Linehan, 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 & July 23, 2001 mtgs.)** - for proposed plans to construct a mud room and a 26' x 26' garage within 100 feet of wetlands. Jennifer Carlino said that a letter was received from the Natural Heritage and Endangered Species Program stating that there would not be any adverse impacts to the wetlands by this project. Ed Breault made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Ed Breault made a motion, seconded by Dana Rappaneau, to sign and accept the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-487) - Thorndike Development – Parcels 247 & 248 (assessors map 9) Smith Street – (con't. from the July 23, 2001 mtg.)** - 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. Dave Eastridge of Thorndike Development was present at the public hearing. He stated that he had sent a letter to DEP stating that they would be 1700 sq. ft. of wetlands by removing the old damaged bridge and 740 sq. ft. Discussion ensued regarding how much vegetation would be destroyed and how much replication would be done. Bob Medeiros stated to Mr. Eastridge that he would have to submit plans showing the exact figures for disturbing and replicating wetlands. Ed Breault made a motion, seconded by Dana Rappaneau, to continue the public hearing, in order to allow the applicant to submit the revised plans, until the next regular meeting of Monday, September 10, 2001 at 7:50 pm. Approved.

The members reviewed Request for a Determination of Applicability – **(DET. #746) - Charles Donovan – Parcel 284 (assessors map 27) 8 Margaret Drive** – for proposed plans to install a well within 100 feet of a wetland. Charles Donovan was present to explain the project to the members. He explained that most of the work would be done by hand and that the type of well is a point well. Neil Linehan made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Ed

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Breault made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability (#3) as long as the project is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #747) - Paul F. Kearns, Jr. – Parcel 95 (assessors map 15) 4 Larson Farm Drive** – for proposed plans to install a well within within 100 feet of a wetland. Paul Kearns was present at the public hearing to explain the project to the members. He explained that most of the work would be done by hand and the type of well is a point well. Dana Rappaneau made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Dana Rappaneau made a motion, seconded by Julian Kadish, to issue a negative Determination of Application (#3) as long as the project is done according to the submitted plans. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-489) - Norton Realty Trust - Parcels 507 & 510 (assessors map 10) North Washington Street** – for verification of all resource areas. John Zimmer of Coler & Colantonio was present at the public hearing to explain the project to the members for the applicant. He submitted revised plans to the Commission and Bob Medeiros asked Jennifer Carlino if she had reviewed them. She replied that she had not but had already walked the site with Mr. Zimmer. Mr. Zimmer stated that the plans were for the wetland boundary only. Bob Medeiros advised Mr. Zimmer that the public hearing would be continued to give the agent a chance to review the newly revised plans and calculations. Mr. Zimmer agreed and continued to explain the project. He explained that the resource areas on the site had already been delineated in the summer of 1999. The resources areas that were found were bordering vegetated wetlands, bordering land subject to flooding and one isolated land subject to flooding, which he explained, did not hold a ¼/ of an acre foot of water. He pointed out the Town of Mansfield water line and also the right-of-way off of North Washington Street, which is used to access the property, on the plans. He further pointed out the areas to the back that were impacted from the gravel removal operations that had taken place in the past. These areas abut the Canoe River to the rear of the property. He continued to point out the various resource areas on the revised plans like the Riverfront areas to Tucker Brook and Canoe River and stated that the main purpose of this filing is to verify the various wetland areas. Bob Medeiros asked Jennifer Carlino if she had any questions. Will Laprise of No. Washington Street had concerns regarding the sewerage. Bob Medeiros stated that this filing was only for verification of the wetlands at this time and no other issues. Ed Breault made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next regular meeting of September 10, 2001 at 7:55 pm in order to give the agent time to review the revised plans and calculations. Approved.

The members reviewed two Notices of Intent – **(#250-490) - NEON Communication – Hill Street – & (#250-491) – South Washington Street** - for proposed plans for conduit replacement within 100 feet of wetlands. Diana Walden of the BCS Group represented the applicant at the public hearing. She explained to the members that she had filed for permits from the Conservation Commission approximately a month ago for placement of poles and above-ground wiring and the Commission had approved the plans. The Board of Selectmen did not approve the above-ground poles and wiring and is requiring underground wiring and this is why she is filing again for permits. She stated that approximately 1100 linear feet of cable would be installed underground and the trench would be 1 foot



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wide and 4 feet deep. Ed Breault asked if they would be pulling or trenching the cable and Ms. Walden replied that they would be trenching the cable. He asked why since there would be less wetland disturbance if the cable was pulled. John Burkley of Neon Communications stated that he would be trenching the conduit and pulling the cable through it. Ms. Walden stated that the work would be 70 feet from the wetlands at all times on Hill Street and work would be within 30 feet of the buffer zone of a wetland on South Washington Street. She further explained that silt fence would not be installed for the Hill Street project because it would have to be placed across the street creating more disturbance, but would be using it for the South Washington Street project. Bob Medeiros asked Mr. Burkley if he had planned on using a backhoe and he said that he will be. Ed Breault made a motion, seconded by Dana Rappaneau to close the public hearing for the Hill Street location (#250-490) and the South Washington Street location (#250-491). Approved. Ed Breault made a motion, seconded by Dana Rappaneau, to accept and sign the Order of Conditions for the Hill Street project (#250-490) as long as the work is done according to the submitted plans. Approved. Dana Rappaneau made a motion, seconded by Ed Breault, to accept and sign the Order of Conditions for the South Washington Street project (#250-491) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #748) - Fred Bottomley & Allen G. Riley – bldrs. lot 2, parcel 84 (assessors map 30) 49 Maple Street** – for proposed plans to construct a portion of a side and rear yard for a single family house and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Fred Bottomley was present at the public hearing to explain the project to the members. Mr. Bottomley stated that this lot consists of 4 + acres. He further stated that all construction work for the house and septic system is outside of the 100 foot buffer zone of the wetlands, and the grading for the side and rear yard is more than 50 feet from the buffer zone of the wetlands. Ed Breault asked Mr. Bottomley why the lot was listed as 2A on the plans and Lot 2 on the Request for a Determination of Applicability. Mr. Bottomley replied that because the lot went from 1 ½ acres to 4 acres, Planning Board regulations required a new lot #, therefore it became lot 2A. Bob Medeiros asked Fred Bottomley about the “Dump” site across from the 40B housing. Mr. Bottomley explained that Norton’s regulations supercede Title V regulations with the Board of Health. Public water vs. wells have to be, according to the state 500 feet and according to the Town of Norton 1000 feet. He further explained that this lot will have municipal water. Fred Bottomley presented a Form A plan showing the extent of the property. The only prior plan of the property dates back to 1917. He pointed out the various lots for his projects on this plan. He also explained that the “Dump Site” started in the 1940s and was owned by Mr. Lapoint and, from evidence found at the dump site, continued through 1969. He stated that he had met with Jennifer Carlino last Friday and reported to her. He pointed out to her a dotted line drawn of the submitted plans, that he had commissioned a backhoe at the “Dump Site” and went around and dug holes and labeled each location as to where natural ground was and where trash was found and flagged, labeled and staked each area, adding on 10 extra feet. He further stated that he hired Mr. Ralph Penny, a licensed LSP in Massachusetts, to dig several observation holes on site and do some preliminary testing; the data is in draft form only. This was done prior to purchasing this property. Mr. Bottomley stated that he called Lee Rich from the solid waste department of DEP and gave them the information in draft only. DEP at this time stopped all work on the property and notified the Norton Board of Health at that time. Skip Odette, Assistant Board of Health Agent, was on-site part of the time and witnessed some of the digging. Mr. Bottomley stated that Bob Curry, the Norton Health Agent, came out to the site later.



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Various debris was found on the property. Bob Medeiros asked Mr. Bottomley what plans were being made for this property. Mr. Bottomley told Bob Medeiros that the lot has perked. The members reminded the abutters this discussion is for Lot 2, not Lot 1, where the dump is located. The majority of work is outside the buffer zone, and the work within the buffer is minor. Members requested Mr. Bottomley allow the Agent to review the data from the dump. Mr. Bottomley agreed. Ed Breault made a motion, seconded by Dana Rappaneau, to continue the meeting to the next regular meeting of September 10, 2001 at 8:00 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #749) – Fred Bottomley & Allen G. Riley – bldrs. lot 3, parcel 85 (assessors map 30) 47 Maple Street** – for proposed plans to construct a portion of a single family house and its rear yard and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Mr. Bottomley presented the plans to the Commission. Greg Carroll notified the Conservation Commission he wasn't notified of the hearing and to please notify him next time. He also raised concerns of water coming from this lot across the street to his driveway. Mr. & Mrs. Roy presented photos of water on the Street. Dana Rappaneau made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Dana Rappaneau 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 – **David J. Klenert (#250-486) – Parcel 216 (assessors map 19) King Philip Road** – for proposed plans to construct a 290-foot driveway within the 100 foot buffer zone of a bordering vegetated wetland and bordering land subject to flooding. Megan Raymond of LEC presented the project to the Commission. The driveway alters 3,600 sq. ft. of floodplain but will remain pervious and the house, garage and septic system are out of the floodplain and buffer zone to wetlands. Dana Rappaneau made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Ed Breault made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **Fred C. Bottomley & Allen G. Riley – Lot 4, Parcel 26 (part of assessors map 30) Maple Street** – for proposed plans to construct a single family house, yard, utilities and associated grading within the 100 foot buffer zone of a bordering vegetated wetland. Fred Bottomley presented the project to the members. All work is within the buffer zone. Mr. Bottomley agreed to continue the public hearing to allow the agent to have a chance to review the dump report. Several abutters brought up concerns about water and pollutants from the dump traveling through the groundwater. Ed Breault made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next regular meeting of September 10, 2001 at 8:05 pm. Approved.

The members reviewed a Notice of Intent – **Todd Bramwell – Parcel 44 (assessors map 21) 97 North Worcester Street** – for proposed plans to construct a garage and to upgrade a sewage disposal system within 100 feet of wetlands and 200 feet of a stream. Ralph Maloon of RIM Engineering presented the project to the members. The is within the Riverfront Area but meets the Performance Standards. Ed Breault made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Dana Rappaneau made a motion, seconded by Ed Breault to sign and issue the Order of Conditions. Approved.

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The members reviewed a request for a partial Certificate of Compliance – **DET. #635 – Timothy Gariepy – lot 33 (map 28) rear, Old Taunton Avenue.** Jennifer Carlino stated that everything was done for this project except for the seeding and recommended issuing the partial Certificate of Compliance with a bond. Ed Breault made a motion, seconded by Dana Rappaneau, to issue a partial Certificate of Compliance with the condition that the applicant post a \$500.00 bond with the Norton Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

The members reviewed a request for a partial Certificate of Compliance - **#250-488 – John Tyler – Parcel 104 (map 26) 284 West Main Street.** Jennifer Carlino stated that everything was done for this project except for the seeding and recommended issuing the partial Certificate of Compliance with a bond. Ed Breault made a motion, seconded by Dana Rappaneau, to issue the partial Certificate of Compliance with the condition that the applicant post a \$500.00 bond with the Norton Town Treasurer to ensure final vegetative stabilization of exposed soils on this lot. Approved.

The members reviewed a request for a Certificate of Compliance – **File #250-377 – Teddy Realty Trust – Parcel 138 (assessors map 17) Cross Street (now Talbot Drive).** Jennifer Carlino stated that everything has been done for this project. Dana Rappaneau made a motion, seconded by Ed Breault, to issue the Certificate of Compliance. Approved.

Other Business

Ed Breault made a motion, seconded by Dana Rappaneau, to sign a letter to the Town Accountant stating that Bob Medeiros, Chairman, or Julian Kadish, Vice-Chairman, is authorized to sign any and all payroll sheets. Approved.

Dana Rappaneau made a motion, seconded by Ed Breault, to sign the Conservation Restriction for **Longwood Estates.** Ed Breault abstained from voting. Approved.

Jennifer Carlino stated that she had submitted three articles for Town Meeting; 1. Lincoln Woods, pending a self-help grant re-imbursement, 2. Tax title land on Dean Street (already accepted over a year ago) and 3. Revisions to the Capital Improvements Budget to fund improvements to the Chartley Pond and Norton Reservoir dams.

Bob Medeiros asked Jennifer Carlino if Dick Kelly had requested an extension for his project for **File #250-376 – Parcel 59 (assessors map 15) Oak Street (Topflight Drive)** which expires on August 15, 2002. Jennifer Carlino stated that the project was done and, if a letter from the engineer stating this along with an as-built plan is submitted, he could request a Certificate of Compliance. Ed Breault made a motion, seconded by Neil Linehan, that a letter be sent to Dick Kelly requesting that he appear at the next regular meeting of Monday, September 10, 2001 at 8:00 pm.



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Ed Breault made a motion, seconded by Dana Rappaneau, to adjourn the public hearing at 9:33 pm.  
Approved.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Jennifer Carlino".

Jennifer Carlino  
Conservation Director

JC/pmb