



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
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NORTON TOWN CLERK

Monday, November 26, 2001  
7:30 pm

**Attendance**

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

Dana Rappaneau & Kathleen Giblin were absent.

**Minutes**

The draft minutes of **June 11, 2001** were not in the meeting folder.

The members reviewed the draft minutes of **July 9, 2001**. Bob Medeiros made a motion, seconded by Jeff Houde, to continue the draft minutes until the next regular meeting of December 10, 2001. Approved.

The members reviewed the draft minutes of **September 10, 2001**. Jeff Houde made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

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

The members reviewed a Notice of Intent – **(File #250-499) - Massachusetts Golf Association, Thomas Landry – Parcel 3-A (assessors maps 8, 9 & 15) Arnold Palmer Boulevard – (con't. from the October 15, 2001 & October 29, 2001 mtgs.)** - for proposed plans to construct a 2-story office building with associated parking, stormwater management system, landscaping and appurtenances within 100 feet of wetlands. Steve Blais and Rebecca Weissman were at the public hearing representing the Massachusetts Golf Association. He submitted the latest revised site plan which included comments by Consulting Engineer Walter Amory and was Ok. He stated that the latest plans included changes requested in a letter received by the Director to include pulling the limit of work further away from the wetlands and to add rip rap in the berm to separate the detention basin from the forebay. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan to accept the Conditions as written and to sign the Order of Conditions. Approved.

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The members reviewed a Request for a Determination of Applicability – **(DET. #754) - Irene D. Bartley – Parcel 12 (assessors map 13) 137 Lincoln Street – (con't. from the October 29, 2001 mtg.)** -for proposed plans to construct a single family house within 100 feet of wetlands. Irene Bartley was present at the public hearing and described the proposed house location adjacent to her cranberry bogs. 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 issue a negative Determination (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **(#250-500) - Kim Arena – Parcel 292 (assessors map 27) - 8 Fordham Drive – (con't. from the October 29, 2001 mtg.)** - for proposed plans to construct a 24' x 24' garage addition to a single family house and driveway within 100 feet of wetlands. Kim Arena was present at the public hearing and described the project to the members. Jennifer Carlino pointed out to the members that Kim Arena had a revised plan with the alterations being further away from the wetlands. 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 accept the Conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **George & Michelle Russo – (#250-501) - Parcel 283 (assessors map 27) – 10 Margaret Drive – (con't. from the October 29, 2001 mtg.)** - for proposed plans to construct a 24' x 24' garage addition to a single family house within 100 feet of wetlands. Jeff Houde made a motion, seconded by Julian Kadish, to waive the reading of the legal notice. Approved. Michelle Russo was present at the public hearing and described the proposed garage to the members. The garage will be on the opposite side of the house to the wetlands. Jeff Houde asked the Director if she had any concerns or problems with the project and she replied that she did not. 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 accept the Conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **Creative Edge Builders Corp. – (#250-503) - Parcels 45 & 48 (map 15) – Fletcher Way (Longwood Estates) – (con't. from the October 29, 2001 mtg.)** - for a proposed plans to install an 8" water main from Fletcher Way to Walker Street including a limited project crossing of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering was present at the public hearing and stated that there was no alternative to going through the wetlands. Bob Medeiros asked Chris Yarworth how wide the path was on the site. He replied that the easement was 20 feet. Jeff Houde asked Mr. Yarworth if permission was needed from the Water Department to put the water line in and if so, did he already get the permission. He replied that the Water Department prompted the project. Bob Medeiros suggested that it would be better to put in 12" water mains rather than 8" water mains because the existing mains on Walker Street are 12". Jeff Houde stated that according to the submitted plans, 1100 feet of pipe would be installed through 1500 feet of bordering vegetated wetlands. Jennifer Carlino suggested that a better way to describe the project would be to use the word "disturbing" rather than "going through" and describe the correct footage. Jeff Houde stated that he thought within 2 years, 100% of the disturbed vegetation should be restored rather than the 75% that was required. Jennifer Carlino stated that the regulations only required 75% of the vegetation to be restored. Neil Linehan suggested that the grade line be brought back to the existing line after the project is finished. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing.



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Approved. Jeff Houde made a motion, seconded by Julian Kadish, to accept the Conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **Guy & Diana Salvo – (#250-502) – (con't. from the October 29, 2001 mtg.) - Parcel 24 (map 18) 65 South Washington Street** – for proposed plans to construct a detached 26' x 30' two-car garage within the 100 foot buffer of a bordering vegetated wetland and a certified vernal pool. Jeff Houde made a motion, seconded by Ed Breault, to waive the reading of the legal notice for this project. Approved. Guy Salvo was present at the public hearing and described the addition to the members. He explained that the Building Inspector was requiring that he move the garage 8 feet further back from the house to meet the code. The Director previously asked that the limit of work be as far from the wetland as possible and maintain the integrity of the certified vernal pool. She also explained as much vegetation on the property should be left in tact to provide necessary habitat. Bob Medeiros requested that Mr. Salvo submit a revised plan. Jeff Houde made motion, seconded by Ed Breault, to close the public hearing with the condition that a revised plan would be submitted to the Conservation Office. Approved. Jeff Houde made a motion, seconded by Ed Breault, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #755) - Steven Atherton – Parcel 173 (assessors map 14) 35 Laura Lane** – for proposed plans to install a point well within 100 feet of wetlands. Jeff Houde made a motion, seconded by Neil Linehan, to waive the reading of the legal notice for this project. Approved. Steve Atherton was present at public meeting and described the location of the well to the members. Neil Linehan made a motion, seconded by Ed Breault, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Ed Breault, 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 Request for a Determination of Applicability – **(DET. #756) - Marilyn Realty Trust, Sheila Medeiros, Trustee – Lot 3, Parcel 366 (map 4) 6 Horton Drive** – for proposed plans to construct a 26' x 36' house with a 24' x 24' attached garage, driveway and sewage disposal system within 100 feet of wetlands. Bob Medeiros left the public meeting. Kevin Medeiros was present at the public meeting and described the project to the members. Kevin Medeiros stated that all the work proposed was outside of the 100-foot buffer zone and that all siltation barriers were in place. He also mentioned that he would be doing landscaping in the future that would fall within the 100-foot buffer zone. Jeff Houde questioned the location of the house. Jennifer Carlino stated that if the house is built as shown on the plans, the backyard would then become the swale. Julian Kadish read a letter that was sent to the applicant by Jennifer Carlino stating that if the house is built according to the submitted plans, he would not be able to put in a pool, shed, swing, etc. and advised the applicant to re-locate the house. Mr. Medeiros said that the building inspector was under a different impression as to where the front yard would be. Jeff Houde again mentioned the fact that it is the goal of the Conservation Commission to prevent any problems for the future homeowners. Jennifer Carlino requested that a revised plan be shown to the Commission prior to the sale of the home. An abutter to the project, Margaret Bingel of 8 Middlesex Avenue, had concerns with any plans for the left side of the house. The Commission assured her that no building would take place in that area according to these plans. Jeff Houde made a motion, seconded by Neil Linehan, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Neil Linehan, 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 request for a Notice of Intent – **Marilynn Realty Trust, Sheila Medeiros, Trustee – Lot 2, Parcel 365 (map 4) 4 Horton Drive** – for proposed plans to construct a 26' x 36' house with a 24' x 24' attached garage, driveway and sewage disposal system within 100 feet of wetlands. Bob Medeiros left the public hearing. Kevin Medeiros was present at the public hearing and described the project to the members. He stated that he was maintaining the original location of the haybales and siltation fence that were on the original Order of Conditions for the roadwork. The Director stated that she had no questions or concerns with the revised plans for the project. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Margaret Bingel, an abutter to the project, asked Kevin Medeiros when construction would be taking place on one of the lots near her home. He said it would be one of the last houses to be built. She asked about a chain fence across the property and he replied that someone was dumping trash onto the lot. Jeff Houde made a motion, seconded by Ed Breault, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Notice of Intent – **Massachusetts Highway Department/c/o Michael Clements – Parcel 17 (assessors map 11) East Main Street (Route 123)** – for proposed plans to construct a waste disposal system including leaching trenches, 1000-gallon dosing chamber, 1500-gallon septic tank, septic manhole, and site grading within 100 feet of wetlands. Paul Hunt of Prism Environmental and Mike Kleiner of Mass Highway were present at the public hearing to describe the project to the members. He said that no matter where the septic system was proposed to be located, it would be within the 100-foot buffer zone and that the septic system would be raised as the water table is high in this area. Jeff Houde asked Jennifer Carlino if she had any concerns or comments. She stated that she noticed some trash within the wetlands that she would like to have removed and to re-locate the compost pile and tires. The agreed. Neil Linehan had concerns with trash containment areas that were usually located on Mass Highway Department sites. Mr. Kleiner stated that this particular site did not contain one. He further stated that his Department was cleaning up their own trash and would make sure any debris was removed. Jeff Houde made a motion, seconded by Ed Breault, to continue the public hearing until the next meeting of December 10, 2001 at 7:40 pm in order to allow DEP to comment on this project if they want to. Approved.

The members reviewed a Notice of Intent – **Sysco Corp./Russell Spearin – (File #250-504) - Parcel 18 (assessors map 32) 380 South Worcester Street** – for proposed plans to remove an existing septic system and install a new septic system within 100 feet of wetlands. Byron Holmes of Holmes Engineering and Bob Reynolds and Russell Spearin of Sysco Corp. were present at the public hearing to describe the project to the members. Mr. Holmes stated that Sysco Corp. has been in the process of upgrading all the septic systems and just completed the large system for the overall plant on South Worcester Street of which there were no wetlands involved. He further stated that this project was for a free standing building on the western side of the site. He explained that the existing septic system does not meet Title Five standards and is close to the water table and they are proposing to install a larger septic system. Mr. Holmes stated that at the time of the filing for this project with Conservation, Board of Health approval had not been obtained, but it has been approved with Board of Health since. He further stated that after receiving a letter from the Director, he revised the plans to reflect a 25-foot no-cut zone. He stated that the septic system was 53 feet from the wetlands at the closest point, with most of it being approximately 70 feet and that it is a pump system. He further stated that the existing tank would be removed. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing.



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Approved. Jeff Houde made a motion, seconded by Julian Kadish, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a Modification to plans – **File #250-459 – Wheaton College** – for a Bridge between the Pine Street parking lot and the school. Jeff Houde made a motion, seconded by Julian Kadish, to waive the reading of the legal notice for this project. Approved. Bob Mainones was present at the public hearing to explain the modifications to the members. He stated that the stone has slipped into the trench. He also explained to the members that renovations would be made in order to allow an emergency vehicle over the bridge if needed. He said that Jennifer Carlino had some questions regarding the construction schedule and he submitted a schedule along with a sketch of the old bridge. He explained to the members that the bridge would span the entire wetland area. Bob Medeiros asked the Director if she had any problems or concerns with the project and she said that she had gone over the project over the phone with Bob Mainones. Jennifer Carlino asked Mr. Mainones when work would begin and he replied not for awhile. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. It was the consensus of the board to sign the conditions at the next regular meeting of December 10, 2001.

The members reviewed a Request for a Determination of Applicability – **(DET. #757) - Norton Public Schools – Parcels 22 & 180 (assessors map 22) 217 West Main Street** – for proposed plans to construct a 4-ft. wide handicap-accessible walkway within 100 feet of wetlands and Log Brook. Jeff Houde made a motion, seconded by Neil Linehan, to waive the reading of the legal notice. Approved. Brian Lawlor, Civil Engineer for SMMA represented the applicant at the public meeting to describe the project to the Commission. He stated that his company was the Architect and Engineer firm for the building of the Middle School in 1996. He further stated that Jennifer Carlino had pointed out the fact that there was no Certificate of Compliance for the Middle School project yet and he would start the process for this. Mr. Lawlor proceeded to describe the project to the members. He stated that the school needs to provide a walkway from the school to existing fields through a gravel pathway. It is the intention to have the grading slope of the gravel parkway to the pavement at less than 5%. Jeff Houde asked if the walkway would be separate from the driveway in case a person is in a wheelchair and a car comes through. Mr. Lawlor replied that it would not be separate and the roadway would be gated. It would only be open for maintenance or an emergency reasons. Jeff Houde then suggested that people might start parking in this gravel area someday if all the other parking areas are full. Mr. Lawlor said he had received a letter late this summer from the Access Board stating that they did not want to see a pathway through a roadway. Mr. Lawlor then said that he explained to the Access Board at that time that this would not be an active roadway, only in an emergency situation. He then stated that the only other alternative would be to re-construct the driveway which would then involve having retaining walls. An abutter to the project, Richard Flippin, said that the last he heard from the Access Board was that they did not want to see a walkway through a roadway. He then stated that this roadway is now a firelane and asked how could a walkway be built through a road of which 18 feet would be needed for a firelane. Jeff Houde stated that this was not a conservation issue and the roadway would be locked except when it needed to be open for emergencies when a game was being played. He stated that the fire department would have keys to open this gate. Mr. Flippin asked the members how could someone using a walker on this walkway get out of the roadway quick enough if a vehicle did happen to come by. Jeff Houde commended the Access Board for wanting to help the elderly or handicapped to be able to attend extracurricular activities at the school. He also said that only wetland issues are Conservation



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jurisdiction, and not the regulations of the Architectural Access Board. Mr. Flippen asked what if the Building Department required a larger roadway. Julian Kadish responded by saying that, again, Conservation would only be contacted if it were a wetland issue. Jeff Houde made a motion, seconded by Neil Linehan, to close the public meeting. Approved. Jeff Houde 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 request for a Certificate of Compliance for **File #250-153 – Norton Golf Course, Inc. – Oak Street** filed by Dick Kelly. Bob Medeiros asked the Director if this project was finished and she said that it was. Jeff Houde made a motion, seconded by Julian Kadish, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-479 – John F. Pino – Parcel 235-01 (map 9) – 10 Robinson Lane** filed by John F. Pino. The Director stated that the project was finished. Jeff Houde made a motion, seconded by Neil Linehan, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a Certificate of Compliance for **File #250-488 – John Tyler – Parcel 104 (map 26) 284 West Main Street** – filed by John Tyler. The Director stated that the project was finished. Jeff Houde made a motion, seconded by Ed Breault, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **File #250-474 – K.G.M. Custom Homes, Inc. – Lot 2, Parcel 170 (map ) 8 Wetherell Way** – filed by Greg Mills. Jeff Houde made a motion, seconded by Neil Linehan, to issue a partial Certificate of Compliance with the condition that the applicant posts a \$1,000 bond with the Norton Town Treasurer for wetlands replication. Approved.

Other Business

The Director stated that someone wanted to donate a parcel of land (approximately 7.8 acres) off of King Philip Road. She stated that many people have been dumping leaves at the corner of Samoset Street and King Philip Road. She continued to say that it is mostly wetlands in the back and 100% floodplain. Neil Linehan asked Jennifer how much frontage there was. Ed Breault stated approximately 750'. Jennifer Carlino stated that the Conservation Department has land adjacent to this land. Jeff Houde asked who was donating the parcel and the Director stated it was Marc Lincoln. Jeff Neil Linehan made a motion, seconded by Ed Breault, to accept the land. Jennifer will send a letter describing the process and a copy of a model deed. Approved.

The Director mentioned that she had received another draft copy of the Norton Reservoir Dredging Permitting Process contract that had been sent to Baystate Environmental Consultants, Inc., but it was not signed by the Board of Selectmen.

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Jennifer Carlino stated that Pare Engineering submitted an addendum to their current contract for the H & H Study to finish the final design of the spillway repairs for Chartley Pond and do the permitting to allow the project. She pointed out several issues as follows; 1. only three permits would be necessary and if any more permits were needed, they would be additional services; therefore she thought it would be a good idea to obtain an estimate of cost for this beforehand. 2. an Engineer be present at all time during construction in case of an emergency. She said Pare Engineering said they had not figured in a fee for this at this time, but this could be negotiated at a later time. Again, the Director stated she would like to get an estimate for this fee beforehand. 3. they would be attending only one Conservation Commission meeting. Jennifer Carlino stated that she thought they should attend one Finance Committee meeting and one Capital Improvements Budget meeting as well. The total so far for the studies is \$18,500. Jennifer Carlino stated this was well within the budget as this money was already approved at the last Town Meeting for this phase of the project. She suggested to obtain a little more information from Pare Engineering and then present it to the Board of Selectmen.

Neil Linehan made a motion, seconded by Jeff Houde, to clean up the mess on Bay Road at Lake Winnecunnet as a result of the sewer project before December 15, 2001 and to also send a letter to the engineer explaining specifically what should be done to clean up the mess. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb