



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

Monday, January 28, 2002  
7:30 pm

**Attendance**

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

Dana Rappaneau was absent.

**Minutes**

The members reviewed the draft minutes of November 26, 2001. Julian Kadish made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the draft minutes of December 10, 2001. Neil Linehan made a motion, seconded by Jeff Houde, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Jeff Houde made a motion, seconded by Ed Breault, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc.). Jeff Houde made a motion, seconded by Ed Breault, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering). Jeff Houde made a motion, seconded by Ed Breault, to accept the minutes as written. Approved.

The members reviewed a Notice of Intent – (#250-511) - **Michael Choquette – Parcels 203/205 (assessors map 27) 139 South Worcester Street** – for proposed plans for construction of an 1800 sq. ft. wetland replication area within 100 feet of wetlands. Michael Choquette presented his project to the Commission members explaining that this was part of a previous filing which he let expire. He stated that some of the replication was done and this filing was just to finish it. Bob Medeiros stated that the replication should be finished by spring. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Ed Breault, to sign and issue the Order of Conditions with the condition that the replication area is dug and re-seeded by May 31, 2002. Approved.

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**Minutes, page 2.**

The members reviewed a Request for a Determination of Applicability – **(DET. #762) - Slader Realty Trust – Parcels 16, 41 & 42 (assessors map 35) 30 East Hodges Street** – for proposed plans to construct a single family house within 100 feet of a wetland resource area. Ed Woods represented the applicant at the public hearing along with Karl Drown, Engineer, who would present the project to the Commission members. Bob Medeiros stated that he had been to this site prior to the hearing and it appeared that water was flowing toward the back of the property. Jennifer Carlino stated that if you have a hydrologic connection between two bordering vegetated wetlands it then makes everything within the connection a bordering vegetated wetland. Mr. Drown stated that the vegetation was not present and also the soils looked sandy. He further stated he was not asked to do soil evaluations. Bob Medeiros stated that there were several questions and information asked of the applicant that were still unanswered. Jennifer Carlino stated she wanted soil evaluations submitted. Ed Woods stated that he had met with Jennifer Carlino and Chris Yarworth on one occasion to clarify the calculations for the Isolated Land Subject to Flooding. He said that when the meeting was over Chris Yarworth agreed with the calculations and Jennifer Carlino disagreed and went out to walk the site to see if there was a hydrologic connection between the vernal pool and the bordering vegetated wetland. Mr. Woods demanded to know what information was necessary to get this project approved by the Commission. Jennifer Carlino stated that incorrect information was being submitted repeatedly. Mr. Woods said that according to the Building Department, a wetland permit was not necessary. Jennifer Carlino stated that she had received a complaint in May of 2002 that work was being done in a wetland without a permit. She said she had gone out to inspect the site and stated that no work should be done without a wetland permit. Jennifer Carlino said she had met with the applicant who was insisting this area was not within Conservation jurisdiction. Jennifer Carlino stated this could not be determined until the wetland line was correctly delineated. She said that she had not signed off on any forms with the Building Department as this was not present in her log book. She stated that finally on September 7, 2001 information was received, but since the calculations were photocopied and nothing was signed or stamped by an engineer, she would not accept it. She said she gave the calculations to Chris Yarworth to review because she thought they were not done according to the Wetland Protection Act. After reviewing the calculations, Mr. Yarworth wrote a two-page letter stating that the calculations were not done correctly along with a list consisting of five items to be addressed. She further stated that another meeting took place between the Engineer, Mr. Gottwald, Mr. Woods and Chris Yarworth and herself at which time she received another plan which did not match already submitted plans. She stated that Mr. Gottwald agreed that there was a culvert at the vernal pool which would then indicate that there was a hydrologic connection between the two bordering vegetated wetlands, after which she contacted Mr. Woods stating that a Notice of Intent would have to be filed for this project. She said Mr. Woods agreed but then filed a complaint with the Assistant to the Town Manager. Discussion ensued by the members regarding the issue that all information should be on submitted plans. Jeff Houde made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish to issue a positive Determination of Applicability to require that all information including wetland boundaries and all resource areas be shown on submitted plans. Approved.



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**Minutes, page 3.**

The members reviewed a request for a partial Certificate of Compliance for File #250-455 – **Bruce Levy, lot Z, parcel 111 (map 36) 5 Gilbert's Way**. Jeff Houde made a motion, seconded by Julian Kadish, to issue a partial Certificate of Compliance with the condition that the applicant post a \$500 bond with the Norton Town Treasurer to ensure final vegetative stabilization of soils on this lot. Approved.

Other Business

Bob Medeiros read a letter sent to Jennifer Carlino by Joseph Fernandes of Fernandes Circle requesting to clean out his retention pond. Mr. Fernandes wrote, at the suggestion of the Director, a short history of the retention pond. Jeff Houde made a motion, seconded Kathleen Giblin, to send Mr. Fernandes a letter allowing him to clean out the retention pond as long as he uses erosion control. Approved.

Jennifer Carlino stated that she called DEP to inform them that Mass Highway was working in Norton, which is still during their appeal period, without erosion control and silty water was flowing in the brook at Old Colony Road. DEP said they would call Mass Highway and tell them to cease any activity in the Town of Norton until they have a valid Order of Conditions.

Jennifer Carlino stated that there was a violation on Lot 3, Dion's Way because the property was cleared up to the wetland boundaries. She suggested replanting as there is a certified vernal pool on the property. Ed Breault made a motion, seconded by Jeff Houde, to send a letter to Briarwood Construction requesting that some replanting be done. Approved.

Jennifer Carlino stated that there was a violation on West Main Street at the Wading River Golf Course at the Wading River. A trench was dug and large concrete blocks were placed at the top of the bank of the river. She said she left a note to cease work immediately. She said Jack Vance was going to be bringing in a revised plan for this project. She further stated that she advised the owner to file a Notice of Intent for the work that was proposed for this site.

Jennifer Carlino stated that the replication area for the driveway on lot 1, Hampshire Court (File #250-322), had never been done. A performance bond of \$5,500 had been posted for this work. Jennifer Carlino asked the board if they wanted to hire someone to do this work or send a letter to Arthur Amaral and mention to him that if he does not do this replication, someone else will be hired and he will not get his bond money back.

Jennifer Carlino stated that regarding 208 Bay Road, grading had been done within 100 feet of the cranberry bogs. According to her plans, no grading was supposed to be done within 100 feet of the cranberry bogs. Jennifer Carlino stated that the owner was looking for a Certificate of Compliance on this lot, but there was no file for it on record. She said she will check the site further.

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Jennifer Carlino said that she had reviewed the project for the cranberry bog on East Hodges Street. She said a letter was sent to the applicant for this project in December of 2000 stating that the Order of Conditions had expired and that a sequency plan and notification of the progress of the project was supposed to be submitted to the Conservation Commission. She further stated that the applicant's attorney, Ed Woods, had called to request a modification for this project. She has had no response from Mr. Woods or the applicant.

Jennifer Carlino stated that she had received an appeal letter from DEP for File #250-481 – Robert Foster – Parcel 247 (assessors map 10) Rumford Road.

Ed Breault made a motion, seconded by Neil Linehan, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino  
Conservation Director

JC/pmb