



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

RECEIVED

2002 AUG 13 PM 3:05  
NORTON TOWN CLERK

**TWO CASSETTE TAPES WERE USED AT THIS PUBLIC HEARING. THE FIRST TAPE IS BLANK AND THE SECONDED TAPE RECORDED ONLY SIDE B.**

Monday, April 8, 2002  
7:30 pm

**Attendance**

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

Julian Kadish was absent.

**Minutes**

The members reviewed the draft minutes of June 11, 2001. Jeff Houde made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

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

The members reviewed a Notice of Intent – **John Peck – Parcel 139 (assessors map 26) 300 West Main Street – (cont. from the March 25, 2002 mtg.)** - for proposed plans to install a 4-foot high concrete block wall along Wading River. John F. Vance, Jr. represented the applicant at the public hearing and presented the project to the members. He submitted some of the requested information today. Jennifer Carlino said she has not had time to review it yet. She also stated no one called her for the site inspection. Deborah Burgess questioned pesticide use. The members explained this hearing was to discuss the proposed project, not course operations. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the public hearing until the regular meeting of April 22, 2002 at 7:45 pm for revised plans (detention basin) and the site inspection. Approved.

The members reviewed a Notice of Intent – **Shamrock Realty Trust – (#250-510) - parcel 33 (assessors map 21) Walker Street – (cont. from the January 14, 2002, February 11, 2002 & March 11, 2002 mtgs.)** - for proposed plans to fill wetlands and floodplain for a driveway and for construction of a dwelling, septic system and grading within the 100 foot buffer of a bordering vegetated wetland, 100-year floodplain and riverfront area. Perry Dimascio was present and submitted new information as requested in the December 17<sup>th</sup> letter. Mr. Trowbridge explained that the wetland has been changed. Jerome Carr re-flagged it. Instead of 3,400 sq. ft. of wetland fill, only 200 sq. ft.

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would be filled. Members expressed considerable concern over the 3 culverts and bordering land subject to flooding alteration. No alternatives have been presented to the board and the intermittent stream carries a significant amount of water. Fire Department reports were sent to the Conservation Commission showing the neighbor's constant flooding problems. Members reiterated that the proposed driveway may cause more flooding and the alternatives had to be investigated. Jennifer Carlino produced the aerial photo which shows the bordering vegetated wetland/stream is a stream cut-off and reconnected to the Wading River. The house area is an upland island in between. Abutters expressed their flooding concerns as well. Ed Breault made a motion, seconded by Neil Linehan, to continue the public hearing until the next regular meeting of April 22, 2002 at 7:50 pm to review submitted information and re-inspect a new wetland boundary.

The members reviewed a Request for a Determination of Applicability – **(DET. #767) - Norton Conservation Commission – Parcels 276 & 277 (map 9) Rt. 140 Mansfield Avenue** – for verification of Resource Areas at North Shore Dr. and South Shore Dr. (staging area). Steve Riberdy presented the wetland boundary to the Conservation Commission. Jennifer said she inspected the boundary and there were several areas that had to be changed. Ed Breault made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of April 22, 2002 at 8:10 pm to conduct a site inspection with the botanist and receive revised plans.

The members reviewed a Notice of Intent – **K.G.M. Custom Homes, Inc. – (#250-515) - Parcels 103 & 103-02 (assessors map 26) South Worcester Street – (cont. from the March 11, 2002 mtg.)** - for proposed comprehensive permit plans to construct a residential subdivision, roadway, grading and stormwater management areas, portions of which occur within Bordering Land Subject to Flooding, Wading River riverfront area and the 100-foot buffer zone of a bordering vegetated wetland. Megan Raymond of LEC Consultants was present at the public hearing and submitted revised plans with a letter regarding the floodplain compensation location. Jennifer Carlino questioned whether all floodplain alteration was counted and she proposed an area that would be enhanced as turtle nesting habitat. The flags were revised per the site inspection. Meg Raymond also reviewed why the basin couldn't be located further to the west. The grades would not work. Gail Robinson presented a video tape stating there was a perennial stream on the property. The Commission stated they would inspect the area. Deborah Burgess read a lengthy letter and submitted it to the Conservation Commission. Bob Davis of The Taunton River Watershed Awareness Program questioned the Wildlife Habitat Evaluation. Megan Raymond explained that the thresholds for the habitat review were not triggered; therefore, the evaluation is not required. Susan Hallahan, an abutter, raised concerns about getting water on her property. Kathleen Giblin made a motion, seconded by Dana Rappaneau, to continue the public hearing until the next regular meeting of April 22, 2002 at 8:20 pm for the stream inspection. Approved.

The members reviewed a Notice of Intent – **Teddy Realty Trust – Lot 2, Parcel 527 (assessors map 10) 4 Mill Lane** – for proposed plans to construct a house, attached garage, driveway and sewage disposal system within the buffer zone of a wetland. Ralph Maloon of RIM Engineering was at the public hearing to present the project to the Commission. He stated that according to the revised plans the house is 59 feet from the wetlands and the siltation control is 47 feet from the wetlands. Jeff Houde asked Mr. Maloon if he could mark the area where the silt fence would be going with stakes



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because it is very close to the 50-foot buffer zone line. He agreed to do this. Jennifer Carlino stated that on the original plans the erosion control was shown closer than 25 feet. Jeff Houde made a motion, seconded by Ed Breault, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Dana Rappaneau, to accept the Conditions as written and to sign the Order of Conditions. Approved. Bob Medeiros abstained from voting and removed himself from the public hearing.

The members reviewed a Notice of Intent – **Timberstone Builders, Inc. – Lot 2, Parcel 190 (assessors map 12) Bay Road** – for proposed plans to construct a single family house and septic system within the buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering was at the public hearing to present the project to the Commission and submitted revised plans showing that the majority of the project will not be in the buffer zone. Jennifer Carlino stated that there was a vernal pool within the bordering vegetated wetlands on this lot which connected with lot 3 and had asked the applicant to move the project out of the buffer zone. She further stated that a small portion will still be in the buffer zone. Dana Rappaneau made a motion, seconded by Ed Breault, to close the public hearing. Approved. After learning that there were a couple of abutters who wanted to address the Commission, Dana Rappaneau and Ed Breault took back their motion to close the public hearing. An abutter, Mr. John Francis of 125 Bay Road had concerns with consideration and evaluation of various species of wildlife that was present on this lot. Jennifer Carlino stated that the wetland boundaries were evaluated correctly and that Conservation jurisdiction lies only within 100 feet of the wetland boundaries. She then stated that the project is not within the rare species habitat and that no rare species were found within the vernal pool. Chris Yarworth explained to Mr. Francis that out of the four houses being built, only two are within Conservation jurisdiction. Mr. Francis expressed concerns with water pressure and location of driveways. Ed Breault stated that these concerns would have to be addressed to the Water/Sewer Department, Board of Health and Planning Board. Bob Medeiros asked Chris Yarworth to show him where the driveway was going on the plans. Barbara Medas, an abutter of 134 Bay Road, stated that according to her notice the applicant had plans to remove, dredge, fill and alter the area. Jennifer Carlino stated that what she had was a standard form for abutter notification and that none of these things were going to be done for this project. Ms. Medas stated that she, like Mr. Francis, had an artesian well and had concerns with water problems. Ed Breault stated that the water concerns are not within Conservation jurisdiction and would have to be addressed by the Board of Health or Water/Sewer Department. Dana Rappaneau made a motion, seconded by Ed Breault, to close the public hearing. Approved. Dana Rappaneau made a motion, seconded by Ed Breault, to accept the conditions as written and to sign the Order of Conditions. Approved. Jeff Houde abstained from voting and removed himself from the public hearing. Approved.

The members reviewed a Notice of Intent – **Timberstone Builders, Inc. – Lot 3, Parcel 191 (assessors map 12) Bay Road** – for proposed plans to construct a single family house within the buffer zone of a bordering vegetated wetland. Dana Rappaneau made a motion, seconded by Ed Breault, to waive the reading of the legal notice. Approved. Chris Yarworth of Yarworth Engineering was at the public hearing to present the project to the Commission. He presented revised plans with revisions to the silt fence. John Francis, an abutter, of 125 Bay Road asked if the access road would remain in the same location after revisions to the location of the silt fence. Jennifer Carlino stated that there was a twenty-foot right of way in that area on the plan. Ed Breault made a motion, seconded by



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Dana Rappaneau, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Dana Rappaneau, to accept the conditions as written and to sign the Order of Conditions. Approved.

The members reviewed a request for a Certificate of Compliance for **#250-315 – Carolyn J. Lincoln, c/o Henry J. Sousa, Jr. – parcel 51 (map 29) – 40 Meadowbrook Lane**. Jennifer Carlino stated that she inspected the property with Ms. Lincoln today and said that a pasture had been created behind an existing horse barn and everything had been done according to plan. Ed Breault made a motion, seconded by Jeff Houde, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a partial Certificate of Compliance for **DET. #678 – John Scott Blvd., LLC c/o John Perry – lot 6, parcel 128 (map 32) Gilbert's Way**. Jennifer Carlino stated that the conditions were not followed correctly. She said that the applicant was supposed to leave a 15-foot buffer to the abutting property on Brahman Drive and did not, but it could be replanted, and that the rest of the site was rough graded, but not loamed and seeded. She recommended a partial Certificate of Compliance with a bond. Jeff Houde suggested that the bond amount would be \$1,000. The members agreed. Dana made a motion, seconded by Jeff Houde, to issue a partial Certificate with a \$1,000 bond. Approved.

The members reviewed a request for **#250-462 – Robert Rodericks, Meadowbrook Corp. – parcel 55 (map 15) 2 Country Club Way**. Jennifer Carlino stated that the replication area had been dug but not seeded and recommended a partial Certificate of Compliance with a bond. Dana Rappaneau made a motion, seconded by Jeff Houde, to issue a partial Certificate with a \$1,000 bond. Approved.

Jennifer Carlino stated that the Order of Conditions for **#250-514** had to be signed because the 21 day limit had arrived. She said that the signing of the Order would have to be ratified. Jeff Houde made a motion, seconded by Kathleen Giblin, to ratify the signing of the Order of Conditions for file #250-514. Approved.

Jennifer Carlino stated that there was a violation at **146 West Main Street, Let's Party**. She said that the owner had brought in 10 to 12 loads of fill and leveled it. She further explained that she issued a Cease and Desist Order and told the owner that he would have to set up an inspection with her and dig a ditch so that she could see if wetlands were being filled. Jennifer Carlino stated that the owner of this property would be at the next meeting at 7:40 pm to explain what he is doing on this property.

Jennifer Carlino stated that she had received a phone call stating that cutting, clearing and some bulldozing work was going on at 20 West Hodges Street. She said that she had gone out to inspect this site and that it looked like a violation was present. She said that she would send a Cease and Desist letter to the owner of this property and request a site inspection.

Jennifer Carlino stated that a complaint had been received regarding a barn being constructed at 29 Union Road. She said that the barn is not within Conservation jurisdiction. She further stated that the complaint also included allocations of wetland vegetation being cut. She said that the cutting looked to have been done a long time ago. An abutter, Elizabeth Precourt of 27 Union Road was present at the meeting and complained about cutting of trees at the Chartley Pond by the O'Reilly's at 20 Union

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Road. Ms. Precourt asked the Commission if the trees could be replanted and cutting of trees be forbidden. She further explained that the owners of 29 Union Road were burying the stumps. Dana Rappaneau stated that nothing could be done unless proof was received showing the person doing the cutting and clearing. Mr. Bud Precourt stated that Janet O'Reilly had cut trees at the Chartley Pond. Neil Linehan stated that a letter would be sent to Janet O'Reilly requesting her to come in on June 10, 2002 at 7:35 pm to explain what she is doing on her property.

A motion was made by Dana Rappaneau, and seconded by Jeff Houde, to adjourn the meeting at 9:32 pm. Approved.

Respectfully Submitted,

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

Jennifer Carlino  
Conservation Director

JC/pmb