



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

RECEIVED  
2003 JAN 28 PM 3:29  
NORTON TOWN CLERK

Monday, April 22, 2002  
7:30 pm

**Attendance**

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

Ed Breault was absent.

**Minutes**

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc.). Jeff Houde made a motion, seconded by Neil Linehan, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering). Jeff Houde made a motion, seconded by Dana Rappaneau, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Wheaton College Intern). Jeff Houde made a motion, seconded by Dana Rappaneau, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Julian Kadish made a motion, seconded by Jeff Houde, to pay the bills. 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 & April 8, 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. Jennifer Carlino stated that since she had not had time to review the information submitted at the last meeting, the applicant was requesting a continuance for this project. Dana Rappaneau made a motion, seconded by Julian Kadish, to continue the public hearing until the next meeting of Monday, May 20, 2002 at 7:45 pm. Approved.

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**Minutes, page 2.**

The members reviewed a Notice of Intent – **John Peck – Parcel 139 (assessors map 26) 300 West Main Street – (cont. from the March 25, 2002 & April 8, 2002 mtgs.)** - for proposed plans to install a 4-foot high concrete block wall along Wading River. No one was present at the public hearing for this project. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the public hearing until the meeting of Monday, May 20, 2002 at 8:00 pm. Approved.

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 & April 8, 2002 mtgs.)** - 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, an Ecologist for LEC was present at the public hearing and explained that a number of changes have been made to the plans, one of which was the addition of the location of the six vernal pools and an intermittent stream. The 100-year floodplain line was revised to lie within the 94 and 93 contour on the western portion of the property. A Riverfront Area Alternative Analysis was submitted to show that there were no alternatives to the submitted proposed plans for the drainage system within the Notice of Intent. The part of the water quality swale that extended into the wetlands on the western portion of the property was eliminated. On lot 15 the house and driveway were reversed to avoid alterations to the buffer zone in that area. The location of the compensatory storage area on the eastern portion of the property was altered. The detention basin was reconfigured to incorporate compensatory storage. Ms. Raymond asked if the board members had any questions. Dana Rappaneau asked Jennifer Carlino if she had reviewed the revisions on the plans. She stated that she had, but still had a question with one of the basins in regards to floodplain. Ms. Raymond replied that everything below the 93 elevation would be considered as a loss. Jennifer Carlino stated that a planting plan had not been discussed but it could be added to the conditions as well as the construction sequence. She further stated that only three of the vernal pools were certifiable. Jennifer Carlino said that she requested a conservation restriction and the applicant agreed to consider it. Gail Robinson of 112 South Worcester Street, an abutter, had questions regarding the stream on the property and whether or not it was an intermittent or perennial stream. Ms. Raymond replied that it was considered to be an intermittent stream. She then asked to be shown the locations of the three certified vernal pools. Jennifer Carlino wanted to inform anyone who was going to attempt to verify a vernal pool to do it correctly and be extremely cautious when examining egg masses and not to lift them up too high and cause them to detach from whatever they were attached to. This would cause them to die. Deborah Burgess of 102 South Worcester Street, an abutter to the project, had questions for the applicant. She proceeded to read a letter to the Commission from NCAFT (Norton Conservation Action Focus Team) announcing that she wanted to declare the Wading River (Three-Mile River Corridor) an ACEC (Area of Critical Environmental Concern). She also stated that she was waiting for information on designating this a Rare Habitat area and has received no answers from LEC or Conservation. No rare species were presented to the Commission by Mrs. Burgess at this time. She stated that LEC had revised their submitted plans several times and information shown on the plans is incorrect and also the plans were submitted last minute. She asked the Conservation Commission members not to close the hearing tonight, but to give her and the abutters a chance to review the newly submitted revised plans first. Ms. Burgess urged the board not to accept future project filings unless they are complete. She further stated that houses in this area on South Worcester Street are in the floodplain despite information on the FEMA maps, which she claimed they believed to be outdated and incorrect.



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that Jennifer Carlino received a grant in which it was stated that the whole Wading River should be saved. Jennifer Carlino stated that this is not what was stated in the grant. Jennifer Carlino stated to Deborah Burgess that she was in violation of the Open Meeting Law because she started discussing the job performance of the Conservation Agent and had not posted the meeting or informed her. Deborah Burgess asked why a timeline schedule of events was being kept by the Conservation Office. Jennifer Carlino stated this was because of the statement made by Deborah Burgess that this project was going to be appealed even before the application was filed. Jennifer Carlino also stated that Deborah Burgess said the Town and the Conservation Commission were going to be sued if this project was approved. Ms. Burgess continued making complaints regarding the service received of the Conservation Office, other Town Boards and of LEC Environmental. Deborah Burgess stated that the location of the detention basin was not satisfactory to her organization. She further stated to the Conservation Agent that the Cease and Desist Order issued to the owner of this property regarding replication and mitigation would be discussed at the April 8, 2002 meeting, but never was. Deborah Burgess questioned the fact the future homeowners in this subdivision would get together with a plan to keep the detention basin clean. An abutter asked if a list of questions submitted to the Conservation Commission had ever been reviewed. Dana Rappaneau said that a lot of these questions were actually answered when the submitted plans had been revised by LEC. Discussion ensued regarding the presence of vernal pools on the property. Deborah Burgess claimed that the presence of vernal pools on this property had been denied. Bob Medeiros stated that he in fact had been to this site with Jennifer Carlino and did in fact make note of several vernal pools at that time. Jeff Houde made a motion, seconded by Kathleen Giblin, to continue the public hearing until Monday, May 6, 2002 at 7:30 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #767) - Norton Conservation Commission – Parcels 276 & 277 (map 9) Rt. 140 Mansfield Avenue – (cont. from the April 8, 2002 mtg.)** - for verification of Resource Areas at North Shore Dr. and South Shore Dr. (staging area). Steve Riberty of Baystate Environmental Consultants, Inc. represented the applicant at the public hearing and presented the project to the Commission. He stated that he had been on a field walk with Jennifer Carlino and made several corrections to the flag locations in the field and also on the revised plans which he submitted. Jennifer Carlino stated that she walked the site with Kathleen Giblin and noted that a couple of flags were not moved on the revised plans. She further stated that there were no flag numbers on the isolated wetland. Mr. Riberty stated that it is so far away that the isolated wetland would have to be surveyed and probably not considered bordering vegetated wetlands. Jennifer Carlino stated that drainage calculations would have to be submitted to make any determinations. She suggested to continue the public hearing in order to flag this island. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the public hearing until Monday, May 20, 2002 at 8:10 pm. Approved.

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The members reviewed a A Notice of Intent – **The Land Collaborative, Inc. - (#250-524) – Lots 1 through 5, Parcel 74 (assessors map 18) Plain Street** – for proposed plans to construct a common driveway to access five lots within 100 feet of wetlands and 200 feet of a perennial stream. Chris Yarworth of Yarworth Engineering presented the project to the Commission. Jennifer Carlino stated that she had been out to the site and said that the wetland boundary was correct, but there were no flag numbers on the submitted plans. Chris Yarworth stated that he would revise the plans to show the wetland flags. Julian Kadish asked if common driveways were now permitted, and Chris Yarworth replied that there was a Town By-Law that did permit common driveways. Chris Yarworth stated that if the Zoning Board of Appeals does not approve this project as is, he would be back with newly revised plans. It was the consensus of the board that this common driveway for the five houses would be better than having five separate driveways through wetlands, a perennial stream and floodplain. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Dana Rappaneau, to accept and sign the Order of Conditions as written to include the notification form to the homeowners providing them with a copy of the Order of Conditions and site plan for their house. Approved.

The members reviewed a A Notice of Intent – **Park at Great Woods Corporation, Alice Guiney – Route 140 (Mansfield Avenue)** – proposed plans to improve Route 140 by adding a turning lane, guardrails and sidewalks within 100 feet of wetlands. David Pickart of Vanasse-Hangen Brustlin, Inc. (VHB) presented the project to the Commission. He stated that this is the first phase of roadway improvements that are required and will be temporary solution until the office park is built, at which time the applicant will file another application. He explained the location of the project and also that the entrance to the park would look similar to the Polaroid entrance. Jennifer Carlino asked Mr. Pickart if he had the calculations of the additional runoff and he said he would get the figures for her. She stated that instead of using 3 foot sumps in the catch basins, she would like them to use 4 foot sumps. Jennifer Carlino asked Mr. Pickart, even though erosion control was required to be used only in the areas within Conservation jurisdiction, could it be installed along the right-of-way on Route 140 in front of the houses nearby. He agreed to do this. She also asked if Mass Highway has given their written permission to do this work and understood that it would be their responsibility to maintain the drainage system and he stated that they would. 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 and sign the Order of Conditions with the minor changes suggested by the Director. Approved.

### Other Business

Bob Medeiros read a letter that was sent to Jennifer Carlino from Frances Shirley of the Norton Land Preservation Society informing her of their selection to present her with a special recommendation award for her outstanding performance in the Town of Norton. There will be an award ceremony at the Norton Public Library on April 24, 2002 at 7:30 pm.



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Bob Medeiros read the report card for the Town of Norton issued by the Norton Land Preservation Society.

Jennifer Carlino stated that discussion of the violation at 142 West Main Street was postponed until the meeting of Monday, May 20, 2002 at 7:40 pm.

Jeff Houde made a motion, seconded by Dana Rappaneau, to adjourn the meeting at 9:18 pm. Approved.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennifer Carlino".

Jennifer Carlino  
Conservation Director

JC/pmb