



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
**NORTON, MASSACHUSETTS 02766-2320**  
**(508) 285-0275**  
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RECEIVED  
2003 APR 15 PM 3:17  
NORTON TOWN CLERK

Monday, May 20, 2002  
7:30 pm

**Attendance**

Robert Medeiros (Chairman), Neil Linehan, Jeff Houde  
Dana Rappaneau, Jennifer Carlino, Director

Julian Kadish (Vice-Chairman), Ed Breault & Kathleen Giblin  
were absent.

**Minutes**

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

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

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc. {BEC}). Jeff Houde suggested not to sign the Bills Payable Sheet until after Tom Jenkins of BEC comes in and updates the Commission on the progress at Norton Reservoir. All the members agreed.

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

The members reviewed a violation – **Joe Palermo – 142 West Main Street**. Jennifer Carlino stated that Mr. Palermo's attorney had phoned today and said that Outback Engineering was investigating the violation and he would get this information to the Conservation Commission as soon as possible. Mr. Palermo's attorney was requesting that this violation be continued until June 10, 2002. Jeff Houde asked what the violation was. Jennifer Carlino stated it was a possible wetland filling. It was the consensus of the board to continue the violation until Monday, June 10, 2002 at 7:45 pm.

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The members reviewed a Notice of Intent – **ESA Management, Inc., c/o Bohler Engineering, P.C. – Parcel 8-12 (assessors map 25) 271 South Washington Street – (cont. from the March 25, 2002 mtg.)** - for proposed plans to construct a 101 room, 14,500 sq. ft. hotel with associated parking and other improvements within 100 feet of wetlands. Jennifer Carlino stated that this project was continued from the March 25<sup>th</sup> meeting because it was going to go before the Planning Board, but they still have not gone before the Planning Board. Dana Rappaneau made a motion, seconded by Jeff Houde, to continue the public hearing until Monday, July 8, 2002 at 7:40 pm. 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. Mr. Perry Dimascio of Shamrock Realty Trust was present at the public hearing. Bob Medeiros asked Mr. Dimascio if Mike Trowbridge of Hutchins-Trowbridge Engineering was present and he said that he was not. Bob Medeiros stated that a letter was sent to Mike Trowbridge on May 8, 2002 and asked Mr. Dimascio if a response letter had been sent to the Commission. Mr. Dimascio stated that Dr. Carr of Carr Research had sent a letter on May 18, 2002. Jennifer Carlino stated that she had received this letter today, but none of the engineering questions were addressed. She further stated that she was not aware that Mike Trowbridge was not going to be at the public hearing. Bob Medeiros suggested to continue the public hearing for more information. Mr. Dimascio agreed. Bob Medeiros read a letter submitted by Dawn Marie Ivanoski and signed by several abutters to the property opposing this project because of many past flooding issues. Bob Medeiros then read a letter written by the Fire Chief, George Burgess opposing any building on this site because of past flooding issues. Bob Medeiros asked Mr. Dimascio if his engineer would be ready to answer questions at the next hearing. He said after a site walk with the Conservation Agent, he would be ready. Dana Rappaneau made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, June 10, 2002 at 7:55 pm. 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, April 8, 2002 & April 22, 2002 mtgs.)** - for proposed plans to install a 4-foot high concrete block wall along Wading River. Jeff Houde asked Jennifer Carlino if she had checked this site out recently. She stated that she had and discussed final plans with Jack Vance and Mr. Peck. 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 sign and issued the Order of Conditions as written. 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 & April 22, 2002 mtgs.)** - for verification of Resource Areas at North Shore Dr. and South Shore Dr. (staging area). Steve Riberty of Baystate Environmental was present at the public hearing and explained the revisions to the members. Dana Rappaneau made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Neil



Linehan, to issue a possitive Determination of Applicability checking #2 confirming that the wetland boundaries are correct. Approved.

The members reviewed a Notice of Intent – **Lynn Sicola – Lot 100 (assessors map 31) Parker Street – (#250-529)** - for proposed plans to construct a house, garage and sanitary system, including grading and seeding, within 100 feet of wetlands. John F. Vance, Jr., Engineer, presented the project to the Commission members. 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 sign and issue the Order of Conditions as written to include a condition which states that a path into the wetland area shall be blocked to prevent dumping of leaves and grass clippings into the buffer zone of a wetland. Approved.

The members reviewed a Notice of Intent – **Mark Bowditch – Parcel 114 (assessors map 14) 6 Holly Street – (#250-528)** - for proposed plans to construct a 14' x 24' addition, breezeway and a 30' x 30' attached garage within 100 feet of wetlands. No one was present at the public hearing to represent the applicant. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the public hearing until Monday, June 10, 2002 at 8:15 pm. Aproved.

The members reviewed a Request for a Determination of Applicability (**DET #786**) – **Wheaton College – Parcel 14 (map 17) East Main Street** – for proposed plans to install new water lines and hydrants to Young, Clark & McIntyre dorms within 100 feet of Peacock Pond. Bob Campbell, Diretor of Physical Planning at Wheaton College and Henry White, project manager were present at the public hearing. Mr. Campbell proceeded to explain the project to the Commission members. He stated that there are three phases to this project. One is the new installation of water lines for the sprinkler systems, one is the steam line, for heat and hot water and the last is for the natural gas line which Baystate Gas Company requested to be obtained. Jeff Houde made a motion, seconded Neil Linehan, to close the pubic hearing. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to issue a negative Determination of Applicability as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Brian & Lisa Murphy – Parcel 106 (assessors map 36) 9 Birch Brook Lane** – for proposed plans to construct a 16' x 16' addition, 24' x 30' garage, a 16' x 26' deck within the buffer zone of a wetland, and resource area improvements within the bordering vegetated wetlands. Brian Murphy was present at the public hearing and explained that he'd like to add wetland plants to the wetlands for wildlife habitat improvements and aesthetics. Neil Linehan made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Dana Rappaneau, to add a condition to the Orders requiring the applicant to submit a revised plan showing the distance of work from the wetlands. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to sign and accept the Order of Conditions as written including the newly added condition. Approved.



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The members reviewed a Notice of Intent – **Robert Charboneau – Parcels 33, 164 & 174 (assessors map 20) 27 Noyes Street (#250-526)** – for proposed plans to construct a single family house, septic system, utilities and associated grading within the 100 ft. buffer zone of a bordering vegetated wetland and intermittent stream. Robert Charboneau and his engineer, Chris Yarworth of Yarworth Engineering were present at the hearing and Chris Yarworth presented the project to the members. He stated that this was a revision to a previous file. He proposes to move the house and septic system due to the fact that the applicant was able to purchase more land behind the property. Mr. Charboneau stated that he found out who was dumping concrete and boulders on this property and had them remove the concrete. Jennifer Carlino asked where the boulders would be going when the house is built and the landscaping is done. Chris Yarworth said some of them would be used in the landscaping. An abutter had concerns with the flow of water onto her property. Chris Yarworth explained to her that there would be no more water flowing onto her property because of this project. 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 sign and issue the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **DET. #769 – Polillio Norton Trust – Parcel 187 (map 12) 5 Fuller Drive** – to construct a portion of a driveway within the 100 foot buffer zone of a wetland. Jeff Houde removed himself from the public hearing because he is an abutter to this project. Dana Rappaneau made a motion, seconded by Neil Linehan to continue the public hearing until Monday, June 10, 2002 at 8:20 pm because of a lack of quorum. Approved.

The members reviewed a Notice of Intent – **Joseph S. Mozzone, Tr. of St. George Realty Trust – Parcel 36-01 (assessors map 17) Cross Street – (#250-527)** - for proposed plans to construct a driveway crossing of bordering vegetated wetlands and construction of a replication area. Bob Medeiros removed himself from the public hearing. Dana Rappaneau made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, June 10, 2002 at 8:25 pm because of a lack of quorum. Approved.

The members reviewed a Request for a Determination of Applicability – **DET. #770 – LorBridge Construction, Inc. – Parcel 600 (map 10) 129 Reservoir Street** – for proposed plans to construct a house, garage, driveway and sewage disposal system within 100 feet of wetlands to the Norton Reservoir. Dennis Pasqualino of LorBridge Construction, Inc. and Ralph Maloon of RIM Engineering were present at the public hearing and Mr. Maloon presented the project to the members. He stated that this house could not connect to existing sewer lines. The septic system is proposed 650 ft. from the house. Neil Linehan asked the applicant if he had contacted the Water/Sewer Department in order to have them waive the rules to allow the house to connect to the sewer line and he said he had but they said he could not. Jennifer Carlino requested to the applicant that he not go through the wetlands while they were wet, but to start work when they are dry. Wanda Hanson, an abutter, had questions regarding the high water mark, when the last percolation test was done and also on how far away from the Rumford River this project is. Ralph Maloon stated that this high water mark is determined by the stain lines on the bank of the river. Neil Linehan made a motion, seconded by Dana Rappaneau, to



send a letter to the Water/Sewer Department to request that this septic system be allowed to tie in with the sewer system and to also support the letter that was sent in support of the hook-up by the Board of Health last year. Also, the applicant agreed to pay for a grinder pump if necessary. Approved. Neil Linehan made a motion, seconded by Jeff Houde, to continue the public hearing until Monday, June 10, 2002 at 8:30 pm. Approved.

The members reviewed a Notice of Intent – **LorBridge Construction, Inc. – Lot 1, Parcel 10 (map 10) 85 Elm Street** – for proposed plans to construct a house, garage, driveway and sewage disposal system within 100 feet of wetlands and within 200 feet of the Rumford River. Dennis Pasqualino of LorBridge Construction, Inc. and Ralph Maloon of RIM Engineering were present at the public hearing and Mr. Maloon presented the project to the members. Bob Medeiros read a letter that was sent to Mr. Maloon by the Conservation Agent. He then read Mr. Maloon's response letter. An abutter to the property, Wanda Hanson asked that since this property pitches down toward her property, which is a playground, what effect is this project going to have on her playground. Jennifer Carlino asked the applicant if he could put erosion control at the limit of work and it was agreed that he would. Jennifer Carlino stated also to Mr. Maloon that she wanted the Alternative Analysis done as required in the performance standards of the Riverfront Area. Ms. Sue Hindersmann of 76 Elm Street stated that by allowing this project, which is within 100 feet of wetlands and 200 feet of the Rumford River, over 4,650 sq. ft. of riverfront area will be disturbed. She further stated that this is an unacceptable intrusion of the wetlands. She stated that she already has water in her cellar and fears this will increase by construction on this property. Jeff Houde stated that the submitted plans were not complete enough to make a decision. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the project until Monday, June 10, 2002 at 8:35 pm. Approved.

The members reviewed a Notice of Intent – **Town of Norton/Highway Department – Freeman Street** – for proposed plans to reconstruct portions of Freeman Street to include vertical curbing and sidewalks and a new drainage system within 100 feet of wetlands and Norton Reservoir. Jennifer Carlino suggested that the project be presented and that several of her previously asked questions be answered at this time. Dana Rappaneau made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, June 10, 2002 at 8:40 pm because of a lack of a quorum. Approved.

The members reviewed a request for a Certificate of Compliance for file **DET. #436 – Jeffrey P. Cross & Jodi H. Cross – lot 4, parcel 173-04 (assessors map 35) 49 West Hodges Street**. Jennifer Carlino stated that she inspected the property and everything was finished. Jeff Houde made a motion, seconded by Neil Linehan, to issue the Certificate of Compliance. Approved.

The members reviewed a request for an Extension Permit for file **#250-0173 & #250-173A – Douglas A. King Builders, Inc. – 230 West Main Street, River Crossing**. Neil Linehan made a motion, seconded by Dana Rappaneau, to issue an Extension Permit to expire on September 1, 2002. Approved.

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The members reviewed a modification to file #250-465 – **Chris & Lori Baker – Parcel 679 (assessors map 3) 26 South Lakeview Road**. Jennifer Carlino stated that the only modification to the plans was that the property line was increased at the front lot line. Dana Rappaneau made a motion, seconded by Neil Linehan, to accept the modification. Approved.


Jennifer stated that the deed for Lincoln Woods had to be signed. Dana Rappaneau made a motion, seconded by Neil Linehan to sign the deed. Approved.

The members reviewed **Chapter 61B property off of Plain Street (map 17, parcel 137)** of approximately 9 acres. Jennifer Carlino stated that the land was being sold and the Town has the right of first refusal. Neil Linehan made a motion, seconded by Jeff Houde, to re-negotiate the price of the property before making a decision. Approved.

Jennifer Carlino stated that the Order of Conditions for **Strawberry Fields** has to be signed. Jeff Houde made a motion, seconded by Dana Rappaneau, to sign and issue the Order of Conditions with the changes discussed to include a condition to notify the Norton Conservation Focus Action Team (NCAFT) of any changes or modifications to the submitted plans, whether minor or major. Approved.

Jeff Houde made a motion, seconded by Neil Linehan, to adjourn the meeting at 10:10 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino", with a stylized, cursive script.

Jennifer Carlino  
Conservation Director

JC/pmb