



CONSERVATION COMMISSION
70 EAST MAIN STREET
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2003 APR 15 PM 3:17
NORTON TOWN CLERK

Monday, July 8, 2002
7:30 pm

Attendance

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

Bob Medeiros (Chairman) was absent

Minutes

The members reviewed the Bills Payable Sheet (misc.) Jeff Houde made a motion, seconded by Neil Linehan, to pay the bills. Approved.

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 meeting)** - for proposed plans to construct a 101 room, 14,500 sq. ft. hotel with associated parking and other improvements within 100 feet of wetlands. Matthew Smith of Bohler Engineering presented the project to the members. Mr. Smith reminded the members that it was suggested to him that the Conservation Commission would not make a decision on this project until Planning Board had approved it. He continued to say that the plans did change, but the changes were minor. One change was for raising site grades and additional ground water separation. Jennifer Carlino said she did not find anything wrong with the project as is. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions with the slight modification to the plants that will be used for replication. Approved.

Discussion ensued regarding the continued issue with Ronald and Janet O'Reilly and their possible violation of clearing of wetlands which was being pursued by Bette and Bud Precourt. Jennifer Carlino stated she and Kathleen Giblin had gone out to the O'Reilly property to check for the wetland boundaries. She said that from soils and vegetation, the edge of the wetlands seemed to be

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approximately 20 to 25 feet from the edge of the water. She agreed that cutting within the wetlands has occurred and has been occurring for many years, but also stated that it was hard to establish that certain areas were the same areas shown in the photos. Julian Kadish stated that he would like to make a decision that would not only be beneficial to the preservation and protection of the wetlands, but also agreeable to both parties involved. Mr. Precourt stated that work had been done on this property that should have required a wetland permit. Julian Kadish stated that the Wetland Protection Act does not prohibit clearing within wetlands but regulates the process. He suggested that some of the wetlands may have to be allowed to grow back. Jennifer Carlino suggested to require a wetlands permit for any new cutting or clearing within wetlands and to allow the maintenance to continue that has been going on for many years (in keeping with the Commission's standard operating procedures). Julian Kadish stated that if it can be established that the cutting within the wetlands happened within two years, replication would be necessary. Jeff Houde made a motion, seconded by Kathleen Giblin, to continue this discussion in order to allow the Department of Environmental Protection to review this situation and to obtain pictures that will show the way this area looked before cutting of this vegetation until the meeting of Monday, August 12, 2002 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **Slader Realty Trust – Parcels 41, 42 & 16 (assessors map 35) 30 East Hodges Street – (cont. from the June 10, 2002 & June 24, 2002 mtgs.)** - for proposed plans to construct a house with associated driveway, septic system and landscaping within 100 feet of wetlands, a rare habitat area, and within 100 feet of a vernal pool. Deshang Wang of Carr Research Laboratories presented the project to the members. Also present was Ed Wood, Attorney for the applicant. Mr. Wang stated that a joint meeting on site took place with Jennifer Carlino and himself, and he is submitting the revised plans as a result of that meeting. Jeff Houde asked her if she was satisfied with the changes that were made to the plans and she said she was and the only thing left to do before signing the Order of Conditions would be to add a couple of new conditions and then review the draft conditions. Jeff Houde made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a Notice of Intent – **Teddy Realty Trust – (#250-536) - Parcels 499 & 527 (assessors map 10) Cross and North Washington Street (Todd Estates) – (cont. from the June 24, 2002 meeting.)** - for proposed plans to construct a road, 16-lot subdivision and wetland fill and replication and drainage. Julian Kadish proceeded to read a letter requesting a continuance of the public hearing by Ralph Maloon of RIM Engineering until the next meeting in order to determine the correct wetland boundaries and also because details of the proposed bridge have not been received for his review. Neil Linehan made a motion, seconded by Kathleen Giblin, to continue the public hearing until the meeting of Monday, August 12, 2002. Approved.

The members reviewed a Notice of Intent – **(#250-) - Creative Edge Builders Corp. – Builders lot 16 - Parcel 164 (assessors map 15) 2 Fletcher Way** – for proposed plans to construct a single family house, garage, driveway and septic system within 100 feet of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering presented the project to the members. He mentioned that this lot had not perced yet, but if the plans change in any way he would present the plans again to the

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Conservation Commission for review. Jeff Houde suggested to add that as a condition on the Order of Conditions and Jennifer agreed to do this. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Since the DEP file number had not been received at this time, Jeff Houde made a motion, seconded by Neil Linehan to have three members sign the Order of Conditions and after a DEP number is received, another member would sign it, after which the Order of Conditions can be issued. Approved.

The members reviewed a Notice of Intent – **(#250-534) – Creative Edge Builders Corp. – Builders lot 17 – Parcel 163 (assessors map 15) 4 Fletcher Way** – for proposed plans to construct a single family house, garage, driveway and septic system within 100 feet of a bordering vegetated wetland. Jeff Houde made a motion, seconded by Kathleen Giblin to waive the reading of the legal notice. Approved. Chris Yarworth of Yarworth Engineering presented the project to the members. Jeff Houde made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-) – Creative Edge Builders Corp. – Builders lot 2 – Parcel 140 (assessors map 15) 5 Fletcher Way** – for proposed plans to construct a single family house, garage, driveway and septic system within 100 feet of a bordering vegetated wetland. Jeff Houde made a motion, seconded by Neil Linehan, to waive the reading of the legal notice. Approved. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to have three members sign the Order of Conditions and after a DEP file number is received, another member would sign it, after which the Order of Conditions can be issued. Approved.

The members reviewed a Notice of Intent – **(#250-) – Creative Edge Builders Corp. – Builders lot 25 – Parcel 155 (assessors map 15) 18 Fletcher Way** – for proposed plans to construct a single family house, garage, driveway and septic system ly within 100 feet of a bordering vegetated wetland. Jeff Houde made a motion, seconded by Neil Linehan, to waive the reading of the legal notice. Approved. Chris Yarworth stated that this lot has not been perced yet and if there are any changes to the plans, the Commission would review them before issuing the Order of Conditions. Jennifer Carlino stated that this would be an added condition to the Order of Conditions. Neil Linehan made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Jeff Houde, to have three members sign the Order of Conditions, and after a DEP file number is received, another member would sign it, after which the Order of Conditions can be issued. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-) – Easecat Ltd. Partnership – Parcels 111, 112, 113, 114, 115, 116, 117, 207, 208 & 219 (assessors map 21) Anna Way/Shelly Road** – for verification of Wetland Resource Areas. Jennifer Carlino stated that the applicant did not notify the abutters to this project and would be doing so today, therefore, the

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The members reviewed a request for a Certificate of Compliance for **File #250-470 – Brian M. Clark & Elizabeth A. Brown – Parcel 90 (map 28) 26 Margaret Drive**. Jeff Houde made a motion, seconded by Neil Linehan, to issue the Certificate of Compliance. Approved.

The members reviewed a request for a duplicate Certificate of Compliance for **File #250-434** filed by James Chabot. The board members signed the duplicate Certificate.

Jennifer Carlino asked the members if they wanted to re-organize at this time or wait until the two members are appointed to the Commission. The consensus of the board was to wait until two members are appointed.

Discussion ensued regarding the mailing of draft minutes to the members before a meeting. Jennifer asked the board members if they wanted the draft minutes mailed to them before a meeting and it was the consensus of the board to not mail them out only to have them available the night of the meeting. Jeff Houde made a motion, seconded by Kathleen Giblin, to make it a policy that any documents that have to be approved by the Conservation Commission shall not be given out to the public until after approved by the Conservation Commission. Approved.

Jennifer Carlino asked the members if they had a chance to review the draft Denial for Notice of Intent **File #250-510– Shamrock Realty Trust — parcel 33 (assessors map 21) Walker Street**. Jeff Houde made a motion, seconded by Neil Linehan, to approved the Denial. Approved.

Jennifer Carlino noted that the DEP appeal hearing for the Stawberry Fields project was tomorrow.

Jeff Houde made a motion, seconded by Neil Linehan, to adjourn the meeting at 9:50 pm.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb