



CONSERVATION COMMISSION
70 EAST MAIN STREET
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NORTON TOWN CLERK

Monday, August 26, 2002
7:30 pm

Attendance

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

Jeff Houde was absent.

Minutes

The members reviewed the Bills Payable Sheet (Misc.). Julian Kadish made a motion, seconded by Kathleen Giblin, to pay the bills. Approved.

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

The members started the discussion regarding the complaint against Ronald & Janet O'Reilly. Julian Kadish stated that in this particular situation, the Wetland Protection Act could not be followed to the letter. He further stated that by enforcing the replication of areas that have been cleared for the past several years, in his opinion, the Department of Environmental Protection (DEP) would not back the Commission. The consensus of the Commission was to agree with Julian Kadish. Bud Precourt, abutter to the O'Reilly property, stated that DEP had already insisted on a restoration of cleared wetland and questioned why the Commission was assuming that they would not want this area restored. He asked if the Commission was allowing the O'Reillys to keep on cutting and clearing any areas they chose. Julian Kadish said that the Commission was allowing the O'Reillys to continue to maintain the areas they have been maintaining for the past several years, but they were not allowing the O'Reillys to cut and clear any new areas. He assured Mr. Precourt that if the O'Reillys choose to ignore the Commission's conditions, they would certainly take action. Kathleen Giblin stated that she was being very objective in her decision to agree with the other Commission members in allowing the O'Reillys to continue to maintain the same areas that they have been maintaining for the past several years and was basing her decision on other areas in town that have similar situations present.

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The members reviewed a Abbreviated Notice of Resource Area Delineation – (#250-542) – **Easecat Ltd. Partnership – Parcels 111, 112, 113, 114, 115, 116, 117, 207, 208 & 219 (assessors map 21) Anna Way/Shelly Road – (cont. from the July 8, 2002, July 22, 2002 & August 12, 2002 mtgs.)** - for verification of Wetland Resource Areas. Jennifer Carlino stated that she had received a revised plan and that the wetlands boundaries were corrected. Julian Kadish made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Neil Linehan to accept the Wetland Resource Areas as being accurate, but not to mail the decision until the revised plans showing the culvert that is listed on the plans is received. Approved.

The members reviewed a Request for a Determination of Applicability – (DET. #776) - **W. Anthony Wakim – Parcel 162-18 (assessors map 4) 22 Bryson Drive** – for proposed plans to pump water from a pond for irrigation. W. Anthony Wakim was present at the public hearing and presented the project to the members. Mr. Wakim stated that his neighbor, John Orlowski was objecting to his proposal to pump water from his pond so he decided the best thing to do would be to install a well. He said he would have a company drill the well. The members asked Mr. Wakim to show them the proposed location of the well. An abutter, John Orlowski stated that an environmental engineer had advised him that putting in a well would adversely impact his pond and requested that Mr. Wakim have tests done to show this would or would not happen. Julian Kadish made a motion, seconded by Neil Linehan, to continue the public hearing until the next meeting on September 9, 2002 at 7:35 pm in order to allow the Conservation Agent to receive and review a letter from Mr. Orlowski's Environmental Engineer in regards to the impacts on his pond. Approved.

The members reviewed a Notice of Intent – **Bradford Bramwell – Parcel 27 (assessors map 21) 94 North Worcester Street** – for proposed plans to install/repair a sanitary system including seeding and grading within 100 feet of wetlands. Bradford Bramwell was present at the public hearing along with John F. Vance, Jr., Engineer, who presented the project to the Commission. Neil Linehan made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Julian Kadish, to accept and sign the Order of Conditions as written. Approved.

The members reviewed a request for a partial Certificate of Compliance for File #250-465 – **Chris & Lori Baker, – parcel 679 (assessors map 3) 26 South Lakeview Road** filed by Thomas Calhoun. Jennifer Carlino stated that a deck was added to the dwelling that was not proposed. She further stated that additional areas had been filled and she had them remove the fill today. Neil Linehan made a motion, seconded by Julian Kadish, to issue the partial Certificate of Compliance with the condition that the applicant post a \$2,500 bond with the Town Treasurer to ensure final vegetative stabilization of exposed soils and to restore alterations in the floodplain. Approved.

The members reviewed a request for a minor modification to File #250-493 – **Carlo & Diana Giarrusso – parcel 170 (assessors map 31) 174 John B. Scott Boulevard** filed by Carlo Giarrusso. Jennifer Carlino explained that the modification was that because of a problem with water flowing onto their property from Dearborn Drive, the applicant wanted to install a reinforced concrete pipe, which would go through rip rap first, for this water to flow through and then into the wetlands/vernal pool. Julian Kadish made a motion, seconded by Neil Linehan, to accept the modification as presented. Approved.

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Jennifer Carlino stated that there were two appeals last week. One was for Walker Street, which was denied because of lack of information. She stated that a meeting was held with DEP, herself and the applicant. DEP made no comments at this time but stated that the applicant could submit a new Notice of Intent to include the information that should have been submitted the first time. She stated that the second one was the South Worcester Street second site inspection (Strawberry Fields). Jennifer Carlino stated that the Department of Environmental Protection (DEP) was present at the site inspection but no one was there to represent the appellant. The DEP stated they made several calls to the appellant to which they received no response. Jennifer Carlino stated that the purpose of the second site walk was for the appellant's consultant to walk the wetland boundary with DEP. She said that DEP would have a decision approximately within a month.

The members asked the Agent to send a letter to the Town Manager asking for the appointment of two more members to the Conservation Commission as soon as possible as it is getting more difficult to obtain a quorum for each meeting.

Neil Linehan made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:35 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jennifer Carlino
Conservation Director

JC/pmb