



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
**NORTON, MASSACHUSETTS 02766-2320**  
**(508) 285-0275**  
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RECEIVED  
2003 MAR -4 AM 9:12  
NORTON TOWN CLERK

Monday, December 16, 2002  
7:30 pm

**Attendance**

Julian Kadish (Chairman), Neil Linehan,  
Kathleen Giblin, Ron O'Reilly, Earl Willcott,  
Jennifer Carlino, Director

Jeff Houde (Vice-Chairman) & Bob Medeiros were absent.

**Minutes**

The members reviewed the draft minutes of **April 22, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the draft minutes of **May 6, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the draft minutes of **May 20, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the draft minutes of **June 24, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the draft minutes of **July 8, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the draft minutes of **July 22, 2002**. It was the consensus of the board to continue the minutes until the meeting of January 13, 2003.

The members reviewed the Bills Payable Sheet (Misc.). Neil Linehan made a motion, seconded by Earl Willcott, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering). Earl Willcott made a motion, seconded by Earl Willcott, to pay the bill. Approved.

**Norton Conservation Commission**

**Monday, December 16, 2002**

**Minutes, page 2.**

The members reviewed a Notice of Intent – **Biltmore Realty Trust/Viola Homan – (#250-544) - Parcels 116 & 117 (assessors map 36) Mary Joe Road – (cont. from the September 9, 2002 & October 21, 2002 mtgs.)** - for proposed plans for restoration work within 100' of a wetland and a rare habitat area as part of expired permit DET. #544. Julian Kadish read a letter received from the applicant's Attorney, Ed Woods, requesting a continuance of this project until the second week in February, 2003 which would be the meeting of Monday, February 10, 2003 at 7:40 pm. Approved.

The members reviewed a Notice of Intent – **Russell Mills Development Corp. – (#250-546) - Parcels 11 & 78 (assessors map 24) and Parcel 93-08 (assessors map 18) South Washington Street – (cont. from the September 9, 2002, October 21, 2002 & November 18, 2002 mtgs.)** - for proposed plans to construct 7 buildings, parking areas, drainage structures, access road, retaining walls, retention basins, subsurface sewage, and for site grading and utilities within the 100 foot buffer zone of a bordering vegetated wetland. Gary Russell and Mark Casey of South Shore Survey Consultants, Inc. were present at the public hearing to point out revisions on revised plans that were submitted on December 10, 2002. The Operation and Maintenance Plan was not submitted to date. Neil Linehan asked if there was anyway the wetland could be cut (per condition #6) on South Washington Street before construction starts because of the limited sight of the curve. He said yes. Earl Willcott made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Earl Willcott to accept and sign the Order of Conditions as written amending #6 as discussed. Approved.

The members reviewed a Notice of Intent – **Fred C. Bottomley & Allen G. Riley – (#250-548) - Parcel 26 (assessors map 30) Maple Street – (con't. from the October 21, 2002 mtg.)** - proposed plans to fill over 11,000 sq.ft. of wetlands to construct two driveways. Julian Kadish read a letter that was received from the applicant requesting that the project be continued until the Monday, January 13, 2003 meeting because they were going before the Planning Board on December 17, 2002 for discussion of a common driveway proposal for this project. Earl Willcott made a motion, seconded by Ron O'Reilly, to continue the project until Monday, January 13, 2003 at 7:40 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #786) - Robert Martini – parcels 475, 476, 477 & 779 (map 3) Buttonwood Road** – for proposed plans to construct a driveway within the 100-foot buffer zone of a bordering vegetated wetland. Robert Martini presented the project to the members. Jennifer Carlino stated that she sent a letter to Chris Yarworth, the Engineer for this project, asking him to put in a barrier along the wetlands to avoid the collection of neighbors trash at that area. She further stated that according to the submitted plan, the neighbor's driveway appeared to be on this property. Mr. Martini stated that in fact this was the roadway. Fred Bottomley stated that when the roadway was accepted by the Town, it did not have a distance to it. He stated that it was contemplated that instead of an easement there would be a license to use the roadway for a driveway. Dennis Lynch of Tamarack Road had concerns with drainage problems occurring as a result of this project. Mr. Martini explained that the grade on the lot would not be changing. Earl Willcott made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Kathleen Giblin, to issue a negative Determination (number 3) as long as the work is done according to the submitted plans. Approved.



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**Minutes, page 3.**

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-551) - Red Mill Realty Trust/Nick Mirrione, Trustee – Parcels 4 & 22 (assessors map 2) Newland Street** – for verification of Wetland Resource Areas. Earl Willcott left the public hearing. Fred Clark and Scott Faria of Gallagher Engineering presented to project to the members. Jennifer Carlino stated that she had inspected the site and was going to go back to inspect an isolated area that was not flagged, but it had filled up with snow in the meantime and the flags were missing. She stated she would like to inspect the site again before an ANRAD is issued. Neil Linehan made a motion, seconded by Kathleen Giblin, to continue the public hearing until the next meeting on Monday, January 13, 2003 at 8:00 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #787) - Bristol County Community Residence, Inc., c/o Martha Murphy – Parcel 68 (assessors map 28) 121 Taunton Avenue** – for proposed plans for a septic system repair including grading and seeding within 100 feet of wetlands. John F. Vance, Jr. presented the project to the members. Jennifer Carlino stated that leaves and debris was being dumped over the fence into the wetlands by the residents of this building and she would like this to end. She said a letter would have to be sent. Earl Willcott made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Neil Linehan made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #788) – Ron Almeida, et ux – Parcel 89 (assessors map 35) 129 Dean Street** – for proposed plans to install a septic system including grading and seeding and repairs to a driveway within 100 feet of wetlands. John F. Vance, Jr. presented the project to the members. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Ron O'Reilly, to issue a negative Determination of Applicability (number 3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-440 – Mark Hoyle, Sr., c/o Ed Breault for lot 15 (assessors map 35) Dean Street**. Jennifer Carlino stated that the area is rough graded and the replication area is rough graded. She said the area is not seeded yet. Neil Linehan made a motion, seconded by Earl Willcott, to issue a partial Certificate of Compliance with the condition that the applicant post a \$1,500 bond with the Town Treasurer to ensure final vegetative stabilization and planting of the replication area on this lot. Approved.

The members reviewed a request for a minor modification to file **DET. #769 – Polillio Norton Trust, Bldrs. lot 6, parcel 187 (assessors map 12) 5 Fuller Drive**. Jennifer Carlino stated that the change was that the house and garage locations were being switched. The project will be 12 feet closer to the wetlands but will still be at least 75 feet away. Neil Linehan made a motion, seconded by Ron O'Reilly, to accept the minor modification. Approved.

The members reviewed a request for Request for an Extension Permit/minor modification to File #250-437 – **Maplewoods LLC/c/o Fred Bottomley – Parcel 67 (assessors map 30) Bullock Drive (Wildwood Estates)**. Jennifer Carlino stated that the new owner of this property is Barry Shore. She stated the only change is that Town water would be used instead of a well. It was the consensus of the Agent and the board that an Amended Order of Conditions would not be needed for the change. She said Mr. Shore is requesting a three-year extension. Julian Kadish asked Jennifer Carlino what was done on this project so far. She stated that most of the road was done with the exception of minor details and that lots 2 & 3 were included in the original filings. Neil Linehan made a motion, seconded by Earl Willcott, to issue a 1-year renewable Extension Permit. Approved.

Discussion of appeal and request for modification to **File #250-536 – Teddy Realty Trust – Parcels 499 & 527 (assessors map 10) Cross and North Washington Street (Todd Estates)**.

Jennifer Carlino stated she had received draft conditions from Attorney Richard Bland by fax that day. She stated the latest draft conditions received were acceptable with minor modifications to conditions 58 through 62 and adding a number 68, and that the applicant will withdraw his appeal to the Department of Environmental Protection prior to the issuance of the Amended Order of Conditions. Neil Linehan made a motion, seconded by Kathleen Giblin to accept the draft conditions with minor modifications by the Agent, Jennifer Carlino.

Enforcement Order - **(DET. #670) - Frank Cosgrove, lot 682 (assessors map 3) 32 South Lakeview Road.**

Jennifer Carlino stated that Mr. Cosgrove filed for, and received, a wetland permit to add to the existing house by going upwards. He went upwards but also decided to extend the house outwards by changing the footprint of his house without a permit. She said she sent him a **Cease & Desist** letter and he came into the office where he was handed a Notice of Intent form to fill out and return. She stated that he has not returned the Notice of Intent application to date and asked the members if they wanted to issue an Enforcement Order or have her send a reminder letter. Neil Linehan made a motion, seconded by Earl Willcott, to send a letter to Mr. Cosgrove requesting him to appear at the January 13, 2003 Conservation Commission meeting. Approved.

Discussion ensued regarding a request received for the Conservation Commission to purchase land on Essex Street. Jennifer Carlino stated that the owners claim there are four lots and want \$175,000 for each lot. The Commission decided they weren't interested but would review it again when the Chapter 61 letter is sent.

Jennifer Carlino stated that the gate at the Norton Reservoir dam needed to be checked. She said she could not get the door open one day when she was there with the engineers. It seemed to be stuck in her opinion. Julian Kadish said he would check the gate in the near future.



**Norton Conservation Commission**

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**Minutes, page 5.**

Neil Linehan asked Jennifer Carlino if she had an update on the Mass Highway septic system project at the pit on East Main Street (Route 123). She stated she had not heard anything from them. Neil Linehan requested that she find out what their intentions were.

Neil Linehan made a motion, seconded by Earl Willcott to adjourn the meeting at 8:45 pm. Approved.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jennifer Carlino", written over the printed name.

Jennifer Carlino

Conservation Director

JC/pmb