



**CONSERVATION COMMISSION**  
**70 EAST MAIN STREET**  
**NORTON, MASSACHUSETTS 02766-2320**  
**(508) 285-0275**  
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RECEIVED  
2003 MAR 25 AM 9:56  
NORTON TOWN CLERK

Monday, February 24, 2003  
7:30 pm

**Attendance**

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

Jeff Houde (Vice-Chairman) was absent.

**Minutes**

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

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

The members reviewed the draft minutes of **August 12, 2002**. It was the consensus of the board to continue the minutes until the next meeting.

The members reviewed the draft minutes of **December 16, 2003**. Neil Linehan made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 13, 2003**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **January 27, 2003**. Bob Medeiros made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Pare Engineering.). Bob Medeiros made a motion, seconded by Ron O'Reilly, to pay the bills. Approved.

The members reviewed a Request for a Determination of Applicability – **Massachusetts Electric Company/Joanne Lupa – 2276/2278 Distribution Line, Right-of-Way** – for proposed plans for the replacement of deteriorated poles, installation of anchors and one new pole within the 100 ft. buffer zone of a bordering vegetated wetland. Steve Damiano of TRC Environmental Corporation explained the project to the members. He stated that the work would be done during the periods of time that the trains were not running through Norton and that the work areas would be accessed by the train tracks and they would not be driving through resource areas. He said that the installation of the poles would not take too much time, probably two or three per day. Bob Medeiros made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Earl Willcott, to issue the Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

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 & December 16, 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 note stating that Ed Woods, Attorney, had requested a continuance of this public hearing because he nor the applicant would not be able to be present. Jennifer Carlino stated a letter was received from Mr. Woods requesting a continuance of two weeks or until the meeting of Monday, March 10, 2003. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, March 10, 2003 at 7:50 pm. 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, January 13, 2003 & January 27, 2003 mtgs.)** - proposed plans to fill over 11,000 sq.ft. of wetlands to construct two driveways. Jennifer Carlino stated that Mr. Bottomley called requesting a continuance of this project until Monday, April 14, 2003. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, April 14, 2003 at 7:40 pm. Bob Medeiros made a motion, seconded by Neil Linehan, to have Jennifer Carlino send a letter to Fred Bottomley requesting that all information previously requested concerning this project be submitted to the Conservation Office at least one week before the public hearing. Approved.

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 – (con't. from the December 16, 2002 & January 13, 2003 mtgs.)** - for verification of Wetland Resource Areas. Julian Kadish read a letter received from Otis Dyer, Jr., representative for the applicant, requesting to continue the public hearing in order to give the botanist time to complete his report. Neil Linehan made a motion, seconded by Ron O'Reilly, to continue the public hearing until Monday, March 10, 2003 at 7:55 pm. Earl Willcott abstained from voting. Approved.



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The members reviewed a Notice of Intent – **Edward L. Plausse – (#250-553) - Parcel 3 (assessors map 7) Lincoln Street (opposite utility pole #1728)** – for proposed plans to construct a driveway and install a utility pole within 100 feet of wetlands. Ed Plausse was at the public hearing along with his Engineer, Otis Dyer, Jr., who explained the project to the members. He stated the only work within wetlands was part of the driveway and a utility pole. He said the house would be very far to the rear of the property which is approximately 10 acres and away from any wetlands. He then submitted a surveyed plan of the property. Neil Linehan made a motion, seconded by Bob Medeiros, to close the public hearing. Approved. Jennifer Carlino stated that she had drafted a new set of standard Order of Conditions and would like the members to have a chance to review them before signing them. She said the conditions would be signed at the next meeting.

The members reviewed a Request for a Determination of Applicability – **(DET. #789) - Keith Nason – Parcel 44 (assessors map 18) 28 South Washington Street** – for proposed plans to construct a house, and yard grading and seeding within the 100 ft. buffer zone of a bordering vegetated wetland. Keith Nason was at the public hearing along with his Engineer, John F. Vance, Jr., who explained the project to the members. He stated that the only work within the wetlands would be a small corner of the house. Jennifer Carlino stated the isolated wetland is not correctly delineated but work is not near it so a revised plan is not necessary. Bob Medeiros made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Bob Medeiros made a motion, seconded by Neil Linehan, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **Champion Builders (#250-552) – Parcel 507 & 510 (assessors map 10) North Washington Street – (cont. from the January 27, 2003 mtg.)** - for proposed plans to construct a 32-lot comprehensive permit residential subdivision, stormwater and wastewater management facilities within 100 feet of wetlands and the Canoe River ACEC. Matt Dacey of Champion Builders and John Zimmer, Wetland Scientist, and Jim Burke, Civil Engineer for Coler and Colantonio were present at the public hearing. Mr. Burke explained the project to the members. He said it is a 40B subdivision project on approximately 36 acres of land. Mr. Zimmer explained the wetland issues and pointed out to the members areas on the submitted plans that were already disturbed by cutting trees and removing gravel. He pointed out wetland resource areas as well as riverfront areas and bordering vegetated wetland areas. He pointed out some low areas that were probably created when gravel was removed and dug too deep. He further stated that after the areas were abandoned, plants had started to grow back in these areas, and in his opinion, the newly replicated areas would actually be better than what was there now. He said that they were crossing the wetlands at a particular area in order to create a looped-access for emergency vehicles which would be much better than having a cul-de-sac for safety reasons. Mr. Zimmer pointed out an isolated wetland area not under Conservation jurisdiction but Army Corp of Engineers and the DEP 401 policy. He said that the wetlands have already been verified by the Conservation Commission. Jennifer Carlino asked Mr. Zimmer if a MEPA Certificate has been obtained yet. He said that it had. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until the meeting on Monday, March 24, 2003 at 8:00 pm. Approved.



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The members reviewed a request for a Certificate of Compliance for File **#250-41 – Norman Champagne – 269 South Worcester Street**. Jennifer Carlino stated she checked the site and it was done according to plan. Neil Linehan made a motion, seconded by Ron O'Reilly, to issue the Certificate. Approved.

The members reviewed a request for a Certificate of Compliance for File **#250-501 – Michelle Russo – Parcel 283 (assessors map 27) – 10 Margaret Drive**. Jennifer Carlino stated the project was done according to conditions. Neil Linehan made a motion, seconded by Kathleen Giblin, to issue the Certificate. Approved.

The members reviewed a request for a partial Certificate of Compliance – **File #250-527 – P & A Construction – parcel 36-01 (assessors map 17) 34 Cross Street**. Jennifer Carlino stated that the area was not stabilized yet, the driveway has to be redone and the replication area is not complete, therefore requiring a bond to be posted. Neil Linehan made a motion, seconded by Kathleen Giblin, to issue a partial Certificate of Compliance, with the condition that the applicant post a \$7,500 bond with the Town Treasurer to ensure that all stabilization and any other unfinished work would be done by May 1, 2003, subject to the weather. Bob Medeiros abstained from voting. Approved.

The members reviewed a request for a partial Certificate of Compliance for File **#250-425 – The Park at Great Woods/Alice Guiney – Office Park – Rt. 140, Mansfield Avenue**. Jennifer Carlino stated that two growing seasons would have to pass before a full Certificate of Compliance could be issued and she was still waiting for an As-Built Plan for the replication area. She further stated that the Order of Conditions had expired and if there is a problem with the replication area, a new Notice of Intent would have to be filed. She also said that a copy of the recorded Conservation Restriction has not yet been provided to the Conservation Commission as requested. The members asked if a partial Certificate of Compliance could be issued. Neil Linehan made a motion, seconded by Bob Medeiros, to issue the partial Certificate of Compliance with the condition that a \$2,000 bond is posted with the Town Treasurer to ensure replication of the disturbed wetlands.

The members reviewed a minor modification to File **#250-532 – Freeman Street Reconstruction project**. Jennifer Carlino stated the modification is for the enlargement of a pipe at 9 Pond Street. Neil Linehan made a motion, seconded by Bob Medeiros, to approved the modification without a re-filing of another Notice of Intent. Approved.

Julian Kadish noted that Spring Town Meeting Articles were due by February 28, 2003.

Julian Kadish noted that the Chatley Pond dam repairs would not be done until April when the road would be opened. Bob Medeiros made a motion, seconded by Ron O'Reilly, to extend the contract. Approved.

Jennifer Carlino stated a letter had been received regarding a work plan for the Shpack site. She sent a response letter stating that this plan was not adequate.

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Julian Kadish noted that Jennifer Carlino was having a Frogwatch workshop in the Conservation area on March 3, 2003 at 6:30 pm.

Jennifer Carlino stated that Mass Highway was giving back approximately 186 acres of property along Rt. 495 and the Canoe River but would have to go before state agencies first. She said that the Division of Fisheries and Wildlife were interested in obtaining the property and then the land would always be protected. Jennifer said that Mass Highway had asked the Board of Selectmen to sign a form that would change the notification period from 120 days to 60 days. Mass Highway asked if the Commission would have a problem with this. Jennifer stated that she drafted a letter of recommendation to change the time period because this land was part of the Greenbelt project. Bob Medeiros made a motion, seconded by Neil Linehan, to send the letter. Approved.

The meeting went into Executive Session at 7:45 pm.

Neil Linehan made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:00 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb