



CONSERVATION COMMISSION  
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2003 AUG 13 AM 10:45  
NORTON TOWN CLERK

Monday, June 23, 2003  
7:00 pm

**Attendance**

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

Kathleen Giblin and Lisa Carozza were absent.

**Minutes**

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

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

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

The members reviewed a Request for a Determination of Applicability – **(DET. #796) – Cheryl & Ernest Klawitter – Parcels 25 & 26 (assessors map 20) 24 Noyes Street** – for proposed plans for repairs of a sanitary disposal system within 100 feet of wetlands. Cheryl & Ernest Klawitter were at the public hearing with John F. Vance, Jr., their engineer, who explained the project to the members and stated that he had re-flagged the property and then submitted revised plans. Bob asked Mr. Vance how far the system was from the wetlands. Mr. Vance stated that the system was fifty feet from the wetlands and that this was a septic repair. 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 Request for a Determination of Applicability – **(DET. #800) - William & Margaret Ware – Parcel 51 (assessors map 33) 26 Eddy Street** – for proposed plans to construct a breezeway and a 26' x 30' garage within 100 feet of a wetland. Margaret and William Ware described the project to the members. Jennifer Carlino stated that the original permit was for the house only and

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has expired and the garage was built without a permit. She also stated that the retaining wall and regrading at the front of the house was not on the submitted plans. An abutter, Johanna McDonald, asked if the applicant intended on conducting a business at this address and Mr. Ware said that he was not. 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). Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #799) – Ronald Coolidge – Parcel 5 (assessors map 10) 77 Elm Street** – for proposed plans to construct a house, driveway and retaining wall with associated grading within 100 feet of wetlands. Ronald Coolidge and his engineer, John F. Vance, Jr. were present at the public hearing and Mr. Coolidge described the project to the members. He pointed out an area of the property that appeared lower than it actually is because of a retaining wall that was built by the Town years ago near the road. He showed the members where the septic system was going to be built. 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 as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #797) – Jerry Lynch et ux – Portion of Parcel 49 (assessors map 29) – Meadowbrook Lane** – for proposed plans to construct a house, sanitary system and driveway with associated grading and seeding within 100 feet of wetlands. Jerry Lynch and his engineer, John F. Vance, Jr., were present at the public hearing. Mr. Vance described the project to the members. He stated that the agent, Jennifer Carlino, inspected the site and a vernal pool exists on the property as well as spotted turtles. He said that the septic system was moved out of the 100 foot buffer zone of the vernal pool and a couple of wells located across the street. Julian Kadish stated that the main issue here is erosion control. Peter McKeen, an abutter, asked how the borders of the vernal pool were going to be delineated. He also asked about the lot shape factor of this lot. Jennifer Carlino offered to meet with Mr. Lynch and Mr. McKeen at the vernal pool to discuss it further. Another abutter, June Lawlor, stated her well was not noted on the submitted plans. Julian Kadish stated that this was an issue for the Board of Health. 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 Request for a Determination of Applicability – **(DET. #798) - Virginia E. Teixeira Trust – Parcel 600 (assessors map 10) 129 Reservoir Street** – for proposed plans to construct a house, garage and connection to sewer with associated grading within 100 feet of wetlands. Ralph Maloon of RIM Engineering described the project to the members. He stated that this house will be tied in to Town sewers and that there is an isolated wetland in the backyard. He said erosion control was proposed to be used between construction and the wetlands. Also, a graded swale would be used at the rear of the property. Mr. Maloon stated that this project had been filed with the Commission approximately one and a half years ago, but because of a disagreement between the owner and the applicant, it had been withdrawn. Wanda Hanson who ran the daycare center on the corner of Elm Street and Reservoir Street stated that she was interested at one time in purchasing part of this property.



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Julian Kadish stated this was not an issue for the Conservation Commission. Bob Medeiros made a motion, seconded by Neil Linehan, 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.

The member reviewed a Notice of Intent – **(#250-568) - Virginia E. Teixeira Trust – Lot 1, Parcel 10 (assessors map 10) 85 Elm Street** – for proposed plans to construct a house, garage, sewage disposal system with related grading within 100 feet of wetlands. Ralph Maloon of RIM Engineering described the project to the members and stated that this project had been filed with the Commission approximately one and a half years ago. He said that the septic system at that time was proposed within the 200 foot riverfront area, but, since then, has been moved out of the riverfront area. Alice Baker, realtor, stated that she had checked with the water department and this house cannot be tied into the sewer system at this time. Julian Kadish stated that a great deal of erosion control would have to be installed because of the type of septic system needed for this project. An abutter, Wanda Hanson, had concerns regarding more houses being built and fire issues. Bob Medeiros stated to her that these were issues for the Fire Department. Ms. Hanson asked to see the revised plans for this property. Bob Medeiros made a motion, seconded by Neil Linehan, to continue the public hearing until Monday, July 14, 2003 at 7:35 pm in order to obtain a DEP File number. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #801) – Newland Farm, Inc. – Parcel 9 (assessors map 2) 145 Newland Street** – for verification of the wetland boundaries. Earl Willcott left the public hearing. Neil Linehan read a letter from the applicant's engineer, Christopher D. Yarworth of Yarworth Engineering, requesting to continue the public hearing until Monday, July 14, 2003. Neil Linehan, made a motion, seconded by Bob Medeiros to continue the public hearing until Monday, July 14, 2003 at 7:40 pm. Approved.

David Pickart of VHB and representing The Tournament Players Club of Boston, spoke to the members. He stated that his applicant had been instructed to amend one of the conditions of the latest Order of Conditions, File #250-554. He stated this Order of Conditions permitted the construction of a temporary bridge over Great Brook to allow pedestrians to access the golf course without being bussed to the site and it permitted a bus queue. The Commission wanted a revision stating that only one of these two projects would be done. Mr. Pickart stated that both temporary projects were requested in the event that the Polaroid Company does not allow temporary access from their property. He said that it was not the applicant's intention to do both because of financial issues and this is why he wanted both projects to remain in the Order of Conditions. It was the consensus of the board to have the applicant send a letter to the Polaroid Company and receive a decision as soon as possible to avoid last minutes problems.

The members reviewed revisions to the **Freeman Street** project which included the replacement of an existing drainage culvert that crosses Route 140 to the Norton Reservoir. Revised plans showing the proposed revisions and a copy of the response letter to the application for a permit to access a state highway from Mass Highway had been submitted. Bob Medeiros made a motion, seconded by Neil Linehan, to accept the modifications as minor modifications and not require an amendment to the Order of Conditions. Approved.

The members reviewed a letter addressed to the Town Accountant allowing the use of funds from the Wetland Filing Fee Account to supplement the agent's and the secretary's payroll for the remainder of the Fiscal Year due to an error in calculations by the former Town Manager. Neil Linehan made a motion, seconded by Bob Medeiros, to allow the use of the Wetland Filing Fee Account. Approved.

Discussion ensued regarding complaints that were being made in regards to the Chartley Pond Dam water level. Ron O'Reilly stated that the water level was much lower than normal. Jennifer Carlino stated the water level was at the correct height according to the Hydrologic & Hydraulic Study. Bob Medeiros made a motion, seconded by Neil Linehan, to turn the responsibility of the dam level over to Mr. Reilly which includes keeping the wheel which would raise or lower the water level. Approved. Jennifer Carlino submitted cost information to the members for an additional wheel and stated that she requested a staff guage be made to show the correct water level for the four seasons of the year. Bob Medeiros agreed an additional wheel to the dam should be kept at the Chartley area fire station.

Neil Linehan noted that a fence was installed on a property on the Sturdy Street Extension almost to the wetlands. He requested the agent to speak to the residents of this property. Ron O'Reilly stated the house had been sold and he thought a small child was present at this address and this might be the reason for the fence.

The members reviewed a request for a Certificate of Compliance filed by **Wayne Hallgren** for **parcel 53-03 (assessors map 15) 48 Walker Street (DET. #352)**. Jennifer Carlino stated that the property was stabilized. She stated that clearing was being done within the wetlands and she had sent Mr. Hallgren a Cease & Desist letter stating that any clearing within the wetlands would require a permit. Bob Medeiros made a motion, seconded by Ron O'Reilly, to issue a Certificate of Compliance. Approved.

Jennifer Carlino stated that a resident had requested she mention to the Commission she was interested in writing a wetlands bylaw.

Jennifer Carlino stated that the Water Department had stockpiled fill on the Lincoln Woods property as they installed the sewer lines in that area. Mr. Mark Lincoln asked if his nephew, who has a house next to this property, could use the fill. It was the consensus of the board to allow him to use the fill.

Jennifer Carlino noted that, if anyone was interested, a meeting of the **Three-Mile River ACEC** would be held in Taunton on Wednesday evening, July 23, 2003 at 7:00 pm.



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Jennifer Carlino stated that the Lake Winnecunnet Association was having trouble notifying everyone involved with the sewer installation in that area of the public hearing. If anyone refused to allow Barbara Brady to give them the notice, they would file a separate Notice of Intent for the connection.

Neil Linehan made a motion, seconded by Bob Medeiros, to adjourn the meeting at 8:30 pm.  
Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb