



CONSERVATION COMMISSION  
70 EAST MAIN STREET  
NORTON, MA 02766-2320  
(508) 285-0275  
Fax (508) 285-0277

RECEIVED  
2004 FEB 26 PM 2:35  
NORTON TOWN CLERK

Monday, October 20, 2003  
7:00 pm

Attendance

Bob Medeiros, (Chairman), Julian Kadish,  
Ron O'Reilly, Lisa Carrozza, Earl Willcott,  
Kathleen Giblin (Vice-Chairman), Jennifer Carlino, Director

Minutes

The members reviewed the Bills Payable Sheet (Consultant.). Lisa Carrozza made a motion, seconded by Kathleen Giblin, to pay the bill. Approved.

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

Discussion ensued regarding Adopting rules for hiring consultants under G.L. Ch. 44, Sec. 53G. Kathleen Giblin read to the members the Chapter from the MACC Newsletter which states that the Conservation Commission can hire consultants to review projects and require the applicant to pay for their services under certain circumstances. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to adopt the rule for hiring consultants under G.L. Ch. 44, Sec. 53G. Approved.

The members reviewed a Notice of Intent – (#250-573) - **Easecat, Inc. – Parcels 111, 112, 113, 114, 115, 116, 117, 207, 208 & 219 (assessors map 21) – Anna Way and Shelly Road – (cont. from the September 15, 2003 mtg.)** - for proposed plans to replicate and fill over 5,000 sq. ft. of wetlands in order to construct a subdivision roadway with associated grading and utilities and work within the buffer zone. Jack Jacobi, Attorney for the applicant, and Dan Aguiar of Sitec Engineer for the applicant, were present at the public hearing to address issues raised at the last public hearing on September 15, 2003. Mr. Aguiar submitted a revised plan and letter relative to concerns regarding wetlands replication, bridging, etc. by abutters' consultant and Conservation Commission letter. He stated that Jennifer Carlino had not had time to review these revisions, but wanted to, at least, explain them to the Commission briefly. He set up a board with blown up copies of the Roadway Plan and Profile plans that were submitted to the members in the area of the wetland alterations, fillings and replications. Also presented was the detailed wetland replication plan. Gerard Gaskill, Wetland Scientist for Sitec Engineering addressed the Commission to explain the revisions. Mr. Gaskill stated there were three main concerns brought up at the last meeting; 1. Absence of any information to meet the new DEP guidelines for replication; 2. If enough bank was going to be altered to

**Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 2.**

trigger the regulatory need for a Wildlife Study and; 3. Was enough wetland delineation done off the site to show the buffer zone. He stated everything was being done to minimize disturbance of the wetland areas. One such issue would be a bridge constructed with two 29' wide by 45' long spans. Mr. Gaskell stated a figure should be established between the Commission and the developer as to exactly how much replication was to be done. Lisa Carrozza had questions regarding the placement of the retaining wall. Julian Kadish had concerns to the amount of replication that was determined to be done by the applicant stating that replicated areas do not always prove to function as a wetland. The Conservation Agent stated it is their burden of proof to show they can replicate properly. Mr. Gaskell stated he was very confident that the any wooded edges would positively function correctly. Mr. Aguiar requested to be informed of any changes requested by the Commission or Agent before the public hearing so he could get them to the Conservation Agent in time to review. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the regular meeting of Monday, November 17, 2003 at 7:05 pm.

The members reviewed an Abbreviated Notice of Resource Area Delineation – (**#250-574**) - **Mark S. Blanchette – Parcels 20 & 20-02 (assessors map 28) Taunton Avenue – (cont. from the September 15, 2003 & September 29, 2003 mtgs.)** - verification of the wetland resource areas. Mark Blanchette, applicant, Steve Young, owner, and the representative, Donald Nielsen of Guerriere & Hanlon, Inc. were present at the public hearing. Mr. Nielsen stated he had given information pertaining to the stream to the agent. Jennifer Carlino stated Stream Stats cannot be used in the Taunton Basin because the centerline data is not available. She further stated that the watershed size has to be reviewed. Mr. Nielsen explained to the agent that the watershed size was approximately one square mile. Jennifer Carlino stated that the stream at this time will be left as intermittent and was not even shown on the USGS map originally. She stated all requested information to this point has been submitted. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Bob Medeiros stated that the Order of Conditions would be ready for the next public meeting of Monday, November 17, 2003.

The members reviewed a Notice of Intent – (**#250-576**) - **Dennis & Michelle Freeman – Parcel 37 (assessors map 31) – 66 Dean Street – (cont. from the September 30, 2003 mtg.)** - for proposed plans to construct a single family house, driveway, utilities and septic system within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering described the project to the members and submitted revised plans which moved the left the silt fence in the original location, moved the driveway further from the wetlands by a couple of feet and also moved the location of the leach field away from the vernal pool. Ron O'Reilly made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Lisa Carrozza made a motion, seconded by Julian Kadish, to sign and issue the Order of Conditions. Approved.

The members reviewed a Request for a Determination of Applicability – (**DET. #809**) – **John C. Yowell, Executive Director of Athletics** - for proposed plans to reconstruct a path between Haas Athletic Center and Mirrione Field at Wheaton College. John Yowell of Wheaton College presented the project to the members. Mr. Yowell explained that the path would be a 5 foot wide stone dust path up to the bridge and then again after the bridge to the soccer fields.



**Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 3.**

Jennifer Carlino stated she had met onsite with the applicant to inspect the project and said it was fine. Julian Kadish made a motion, seconded by Kathleen Giblin to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to issue a negative Determination (#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. #810) – Michael Salvaggio – parcel 133 (assessors map 32) 3 Gilbert's Way (lot Y-A)** – for proposed plans to pave an existing driveway within the buffer zone of a bordering vegetated wetland. Jeff Willard of Custom Paving explained the project to the members. Jennifer Carlino explained that there are three driveways together and the one in the middle was already paved. She also stated that having a grass strip between each driveway had been previously discussed. Lisa Carozza asked who would be responsible for maintaining the grass strip between the driveways. Jennifer Carlino stated each homeowner would be responsible for one and a half feet on each side of their driveway. Julian Kadish made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans to include leaving a one and a half pervious strip on each side of the driveways. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #811) – Jim Hendrickson – parcels 140 & 142 (assessors map 36) 7 Gilbert's Way (Lot X)** – for proposed plans to pave an existing driveway within the buffer zone of a bordering vegetated wetland. Jeff Willard of Custom Paving explained the project to the members. Jennifer Carlino explained that this was the third driveway that was proposed to be paved and the same conditions would apply to this project as the other two driveways. Julian Kadish made a motion, seconded by Ron O'Reilly, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to issue a negative Determination of Applicability (#3) as long as the work is done according to the submitted plans to include leaving a one and a half pervious strip on each side of the driveways. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #812) – Creative Edge Builders Corp. – parcel 158 (assessors map 15) 10 Foster Drive** – for proposed plans to construct a lawn, single family house and septic system, including grading, within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering described the project to the members. A minimum 25 feet was left undisturbed from the wetland boundary. Earl Willcott made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #813) – Ray Marceau – parcels 13 & 57 (assessors map 33) Lot #4, Taunton Avenue** – for proposed plans to construct a lawn, single family house, driveway, with associated grading and utilities, and a well within the 100 foot buffer zone of a bordering vegetated wetland. Chris Yarworth of Yarworth Engineering described the project to the members. He explained to the members that this project is on the corner of a common driveway that was previously approved by the Commission. Kathleen Giblin made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a



**Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 4.**

motion, seconded by Earl Willcott, to issue a negative Determination of Applicability (#3) as long as the work was done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #806) - Robert & Dena Irwin – Parcel 117 (assessors map 32) 21 Woodward Street** – for proposed plans to install a leaching field and septic tank within 100 feet of wetlands. John F. Vance, Jr., Engineer for the applicant, presented the project to the members and stated that this project was a result of a failed Title V inspection that had been done in order to sell the property. Jennifer Carlino stated that she had allowed construction to begin prior to this meeting but had a meeting with the installer before he started work. She allowed the construction because the applicant had sold the property and had already had plans to move to Plymouth. She stated the Irwin children were already in the Plymouth school system. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Earl Willcott made a motion, seconded by Julian Kadish, 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. #808) – Estate of Carl Bottomley – parcel 52 (assessors map 16) 33 Young Avenue** – for proposed plans for a sanitary system repair and grading and seeding within 100 feet of wetlands. John F. Vance, Jr., Engineer for the applicant, presented the project to the members and stated that the sanitary system was installed to the side of the house rather than where the existing cesspool is in order to keep it 50 feet from the reservoir. Kathleen Giblin made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Ron O'Reilly made a motion, seconded by Julian Kadish, 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 – **(#250-577) - Rob Picchione et ux – parcel 96 (assessors map 29) 20 Meadowbrook Lane** – for proposed plans to construct a 12' x 24' garage within 100 feet of wetlands and a rare habitat area. John F. Vance, Jr., Engineer for the applicant, presented the project to the members and submitted revised plans showing contours per Jennifer Carlino's request. He stated that a botanist re-flagged the wetlands also per her request. Discussion ensued regarding the cutting of pepperbush plants. Mr. Vance stated that the botanist said that it would be alright to cut pepperbush plants. Mr. Picchione stated that the plants were cleared because he had bought the property. Jennifer Carlino stated that any plant that is growing in a wetland is under Conservation jurisdiction and required them to let the plants grow back. Jennifer Carlino stated that a response from the Natural Heritage & Endangered Species Program would have to be received before issuing an Order of Conditions for this project. Kathleen Giblin made a motion, seconded by Julian Kadish, to continue the public hearing until the November 3, 2003 meeting at 7:05 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #807) - John DosReis et ux – parcel 4 (assessors map 10) 75 Elm Street** – for proposed plans to construct a single family house, install a sanitary disposal system and grading and seeding within 100 feet of wetlands. John F. Vance, Jr., Engineer for the applicant presented the project to the members. The grading will come off of the street to the house. He further stated that a botanist had already flagged the property. Jennifer Carlino stated that the entire property is covered with purple loosestrife and asked if the botanist had



## **Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 5.**

done soil tests. John Vance stated he had and Jennifer Carlino requested that he obtain the soil data forms from the botanist. During an inspection of the property, she stated the soils appeared to be different than his report. Jennifer Carlino stated that if the flags need to be changed, the applicant would have to pay the fee for a consultant hired by the Commission to inspect the property since she will have knee surgery and would not be able to do it. Lisa Carrozza had a question for Mr. Vance regarding the notation on the submitted plans showing the 500 year flood plain with an elevation of 89. She stated that this should state the area as the 100 year flood plain. She also asked how far away the river was because it was not shown on the plans. He stated the river was over 200 feet away but the mean annual high water mark was not on the plans. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the regular meeting of Monday, November 3, 2004 at 7:10 pm. Approved. Discussion resumed regarding the hiring of a consultant for this project. It was the consensus of the Commission to have the applicant make a decision whether he would pay for a consultant hired by the Conservation Commission or wait until the agent, Jennifer Carlino can inspect the property.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **(#250-579) – Shamrock Realty Trust c/o Perry Dimascio – Lot 33, Parcel 33 (assessors map 21) Walker Street** – for verification of the wetland resource areas. Perry Dimascio explained that his consultant spoke with Jennifer Carlino today because the mean annual water line submitted previously was not acceptable. He stated a second consultant, Walter Hewitson, inspected the property today, but had not finished. Mr. Dimascio requested a continuance of the public hearing. Jennifer Carlino stated that after Mr. Hewitson finishes his inspection, the applicant would have to pay for a consultant hired by the Conservation Commission to inspect the property since she would be having knee surgery. She said she will be sending out Requests for Proposals in order to get several estimates to inspect the property. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to have Jennifer Carlino send out the requests. Approved. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of Monday, November 3, 2003 at 7:15 pm. Approved.

The members reviewed a Abbreviated Notice of Resource Area Delineation – **Angelo Pasqualino – Parcel 104 (assessors map 26) 284 West Main Street** – for the verification of the wetland resource areas. Bob Medeiros left the public hearing. Jessica Massey of Carr Research presented the project to the members. Julian Kadish asked Ms. Massey to show him on the plans where in town this proposed project is and she did. She further stated that there were three wetland resource areas on this site to be confirmed by the Commission, all of which are associated with the Wading River. One is the river front area of the Wading River and the second is bordering land subject to flooding associated with the river and the third is bordering vegetated wetlands associated with the river. She stated that auger soil tests were done on the isolated wetland area and Jennifer Carlino had questions regarding whether or not the isolated area was connected to the bordering areas. Jennifer Carlino further explained that a consultant would be hired to review this property and to compare his report to that of Carr Research's report of the wetland areas. Ms. Massey also stated Jennifer Carlino had several questions regarding other areas of the flagged wetland boundaries. She said that Scott Goddard of Carr Research had flagged the property and made several changes to the flags earlier today. Jennifer Carlino stated that a consultant would have to be hired because she would not be able to do field work herself for a several months. Ms. Massey said the applicant would agree to pay for a consultant. Jennifer Carlino

**Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 6.**

suggested to continue the project for two weeks in order to have time to receive the estimates from the consultants. Julian Kadish made a motion, seconded by Ron O'Reilly, to continue the public hearing until the next regular meeting of

November 3, 2003 at 7:25 pm. Approved. Julian Kadish made a motion, seconded by Lisa Carrozza, to have Jennifer Carlino send out Requests for Proposals for a consultant. Approved.

The members reviewed a request for a Certificate of Compliance - **#250-535 - Alec Rich, II - Parcels 18-01 & 18-02 (map 11) 146 East Main Street**. Jennifer Carlino stated she sent a letter to Mr. Rich requesting several changes to be made or to modify the approved plans. She said she has not had a response to the letter. It was agreed by all members to postpone the issuance of a Certificate of Compliance until the applicant makes the necessary changes.

The members reviewed **INDIVIDUAL LAKE WINNECUNNETT SEWER CONNECTION CERTIFICATES OF COMPLIANCE**

<b>#250-570</b>	<b>Jim Heida</b>	<b>39 King Philip Road</b>
<b>#250-570</b>	<b>Jim Heida</b>	<b>41 King Philip Road</b>
<b>#250-570</b>	<b>Victoria Bacon</b>	<b>55 King Philip Road</b>
<b>#250-570</b>	<b>Kathleen Vitiello</b>	<b>60 King Philip Road</b>
<b>#250-570</b>	<b>Francis Boudreault</b>	<b>71 King Philip Road</b>
<b>#250-570</b>	<b>Brian Brady</b>	<b>82 King Philip Road</b>
<b>#250-570</b>	<b>William Wilson</b>	<b>83 King Philip Road</b>
<b>#250-570</b>	<b>Lorraine DiCarlo</b>	<b>88 King Philip Road</b>
<b>#250-570</b>	<b>Barbara Brady</b>	<b>93 King Philip Road</b>
<b>#250-570</b>	<b>Joanne Murphy</b>	<b>110 King Philip Road</b>
<b>#250-570</b>	<b>Warren Cummins</b>	<b>32 Samoset Street</b>

Earl Willcott made a motion, seconded by Julian Kadish, to issue the Certificates of Compliance. Approved.

Jennifer Carlino stated she received a copy of a letter sent to Joe Clancy, Building Inspector, by Ken Zandoni stating that work was being done recently at 30 East Hodges Street causing the addition of water in his yard. She stated a partial Certificate of Compliance was already issued for this property. Jennifer Carlino said she went out and inspected the site and it looked the same as when the As-Built



**Norton Conservation Commission**

**Monday, October 20, 2003**

**Minutes, page 7.**

plan was submitted and it looked as though the work was being done according to the submitted plans. Kathleen Giblin read the letter to the members. A letter would be sent to Mr. Zaroni.

Bob Medeiros stated that a letter was drafted by Jennifer Carlino to be sent to Jan Lemaire of the Highway Department in response to his letter to the Conservation Commission. Mr. Lemaire stated in his letter that all the fill that was dug out for the sewer project on King Phillip Road and stockpiled was used by Mark Lincoln of King Philip Road. Jennifer Carlino said permission was given to Mr. Lincoln to use some of the fill, but not all of the fill. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to have Lisa Carrozza write and sign the response letter to Jan Lemaire. Approved.

Jennifer Carlino presented a letter received from Mr. & Mrs. Winslow offering property to the Conservation Commission for a price of one and a half million dollars stating that the Commission has the Right of First Refusal. It was the consensus of the board not to buy the property. Jennifer Carlino read a draft letter to the members. Kathleen Giblin made a motion, seconded by Julian Kadish, to send the letter. Approved.

Jennifer Carlino presented a letter she drafted to the Planning Board regarding a proposed condominium project at **252 West Main Street (Woodlark Park)**. She stated all the stormwater in the center would be infiltrated and would have nothing within the 200 foot Riverfront Area of the Wading River. Lisa Carrozza stated the letter should request that discharged stormwater should be pre-treated according to the stormwater policy. Kathleen Giblin made a motion, seconded by Julian Kadish, to write and send the letter to the Planning Board with the discussed amendment. Approved.

Bob Medeiros read a letter written by Jack Riccio stating that, according to a well-known landscaper, the planting of sedges and rushes at the Todd Estates detention pond would be a mistake and would not survive being destroyed and eaten by area animals. He suggested to plant a well-mixed hydro seed mixture instead. Earl Willcott made a motion, seconded by Kathleen Giblin, to allow a change to the conditions for Todd Estates by the planting of hydro seed instead of sedges and rushes. Approved.

Jennifer Carlino stated that a letter was sent to the Norton Board of Selectmen from the Sharon Board of Selectmen asking for a letter of support to be sent to Governor Romney in support of the purchase of Rattlesnake Hill. The Town of Sharon is trying to purchase the property and is looking for funding from the state. Kathleen Giblin made a motion, seconded by Julian Kadish, to have Bob Medeiros sign a letter of support to be sent to the Governor. Approved. Kathleen Giblin made a motion, seconded by Julian Kadish, to send a letter to the Board of Selectmen asking them to send a letter of support to Governor Romney also. Approved.

Jennifer Carlino stated that a letter was sent to a resident on Plain Street, Mr. Diminico, stating he was in violation by installing a culvert beneath his driveway. After further investigation, she determined that the culvert was not within the buffer zone of a wetland. Therefore Mr. Diminico was not in violation and she drafted a letter to be sent to him. Earl Willcott made a motion, seconded by Julian Kadish, to send the letter. Approved.

**Norton Conservation Commission**  
**Monday, October 20, 2003**  
**Minutes, page 8.**

Kathleen Giblin made a motion, seconded by Ron O'Reilly, to adjourn the meeting at 9:50 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 "Jennifer" written in a more stylized, connected manner to the last name "Carlino".

Jennifer Carlino  
Conservation Director

JC/pmb