



CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766-2320
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RECEIVED
OCT 18 1999
NORTON TOWN CLERK

Monday, September 13, 1999
7:30 pm

Attendance

Patrick Corcoran (Chairman), Jeff Houde (Vice-Chairman)
Bob Medeiros, Julian Kadish, Dana Rappaneau,
Jennifer Carlino, Director

Ed Breault, and Leonard Silvia were absent.

Minutes

Review draft minutes of **July 12, 1999 and July 26, 1999 (continued from the 8/9/99 & 8/23/99 meetings) and August 9, 1999 (con't. from the 8/23/99 meeting) and August 23, 1999.** Jeff Houde made a motion, seconded by Julian Kadish, to accept the minutes of July 26, 1999. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to accept the minutes of August 9, 1999. Approved. Jeff Houde made a motion, seconded by Bob Medeiros, to accept the minutes of August 23, 1999. Approved. It was the consensus of the Commission to table the minutes of July 12, 1999 until the next regular meeting of September 28, 1999.

The members reviewed a Request for a Determination of Applicability – **Richard E. Frechette – parcel 1 (assessors map 3) 448 Reservoir Street** – for proposed plans to repair and resurface an existing patio and stairs and to install a Rip-Rap buffer within 100 feet of Norton Reservoir. Mr. Frechette was unable to attend. The Director explained the violation and this project. Bob Medeiros made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Bob Medeiros made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans and also with the condition that, as recommended by the Director, the Rip Rap will only be allowed to go out to 3 feet. Approved.

The members reviewed a Request for a Determination of Applicability – **Paula & Robert Smith – parcel 146 (assessors map 26) 62 So. Worcester Street** – for proposed plans to install an “L” shaped 18’ x 36’ x 26’ in ground swimming pool within the 100 foot buffer zone of a wetland. Robert Smith represented himself at the meeting and explained his project to the Commission. This project was a result of a violation. An abutter, Shannon Callahan had concerns fill and loam running into the wetlands or drainage ditch after a heavy rain fall and presented photographs of the area involved with this project. Bob Medeiros stated that he had checked out this site before the meeting and was mainly concerned with keeping the drainage ditch clean and clear at all times. Discussion ensued regarding the drainage from this property. Bob Medeiros made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Dana Rappaneau made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability with conditions, as long as the work is done according the submitted plans. Jeff Houde was opposed to the project as submitted. Approved.

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The members reviewed a Request for a Determination of Applicability – **Hallsmith-Sysco Food Services – parcels 18, 18-1, 18-2, 24 & 25 (assessors map 32) 380 So. Worcester Street** – for proposed plans to install a pipe system within an existing drainage ditch and then to place fill over this pipe. Catch basins would be added to pre-treat the runoff that currently flows directly into the ditch. Byran Holmes represented the applicant at the public meeting and explained the project to the Commission. Discussion ensued regarding the existing conditions. The Director questioned Mr. Holmes and the Commission regarding the past filings and whether or not the ditch was a stream. The Commission stated they felt it was a ditch dug years ago. An abutter, Marilyn Bernabei, had a few questions for the Commission regarding parking. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability which states that the drainage ditch does not fall under the jurisdiction of the Conservation Commission and that no work is permitted by this Determination. Approved.

The members reviewed a Request for a Determination of Applicability – **John Scott Blvd. LLC – bldrs. lot 6, parcel 128 (assessors map 32) Gilbert's Way (continued from the 8/9/99 & 8/23/99 meetings)** – for proposed plans to construct a single family house, septic system, well, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Fred Bottomley represented himself at the public meeting and stated that the property had been reflagged. The Director inspected the flagging. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Bob Medeiros, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **Michael Chisholm – bldrs. lot 4, parcel 196 (assessors map 31) Myra's Way (continued from the 8/9/99 & 8/23/99 meetings)** – for proposed plans to construct a single family house, septic system, well, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Fred Bottomley represented the applicant at the public meeting and asked if it would be ok to dig out an isolated depression and use it for a skating pond for his family. The Director stated Mr. Yarworth had done the drainage calcs and that it was not Isolated Land Subject to Flooding (ILSF) or Federal wetland. Jeff Houde made a motion, seconded by Julian Kadish, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **Meadowbrook Corp., Robert Rodericks, Pres. – bldrs. lot 9, parcel 132 (assessors map 32) 1 Gilbert's Way (continued from the 8/9/99 & 8/23/99 meetings)** – for proposed plans to construct a single family house, septic system, well, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Fred Bottomley represented the applicant at the public meeting and stated that the property had been reflagged. The Director verified the flagging in the field. Julian Kadish made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Julian Kadish made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans. Approved.

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The members reviewed a Request for a Determination of Applicability – **Meadowbrook Corp., Robert Rodericks, Pres. – bldrs. lot 5, parcel 127 (assessors map 32) 10 Myra's Way (continued from the 8/9/99 & 8/23/99 meetings)** – for proposed plans to construct a single family house, septic system, well, driveway and associated utilities within the 100 ft. buffer zone of a bordering vegetated wetland. Fred Bottomley represented the applicant at the public meeting and stated that the property had been reflagged and revised plans were submitted showing the new wetland flags. The Director verified the wetland boundary. Dana Rappaneau made a motion, seconded by Julian Kadish, to close the public meeting. Approved. Dana Rappaneau made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Notice of Intent – **John Scott Boulevard LLC – parcel 196 (assessors map 31) and parcels 126, 127, 128, 130, 131, 129, 134, 132 & 133 (assessors map 32) Myra's Way & Gilbert's Way – (original filing #250-352)** – for the completion of the road work, drainage work and replication areas under an Enforcement Order. The previous Order of Conditions under which all proposed work was permitted has expired. All work will comply with the previous permit. No new work is proposed. Fred Bottomley represented himself at the public hearing and stated that the property had been reflagged, revised plans had been submitted and all activity requirements made by the Director were met. Mr. Bottomley submitted a letter sent to him from the Planning Board stating that the deadline for him to finish the roadway is June 1, 2000. This letter was stamped in by the Director. Jeff Houde made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to accept the Order of Conditions as written. Approved.

The members reviewed a Request for a Determination of Applicability – **Robert Charboneau – parcels 33, 164 & 165 (assessors map 20) Noyes Street** – for proposed plans for construction of a single family house, driveway, well, portions of the septic system and associated utilities within the 100 foot buffer zone of a bordering vegetated wetland. Christopher Yarworth of Yarworth Engineering represented the applicant at the public meeting. An abutter stated the condition of the wetlands during a rain fall and had concerns about having his cellar getting flooded if this house is built. Mr. Yarworth explained the property was not in the floodplain. He also submitted information with his application regarding the intermittent stream. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Dana Rappaneau, to issue a negative Determination of Applicability with conditions, as long as the work is done according to the submitted plans. Approved.

The members reviewed a Request for a Determination of Applicability – **Diane Capulli – parcel 138 (assessors map 19) 69 King Phillip Road** – for proposed plans installation of a tight septic tank within the 100 foot buffer zone of a bordering vegetated wetland. Jeff Houde made a motion, seconded by Dana Rappaneau, to waive the reading of the legal notice for this project. Approved. John F. Vance, Jr. represented the applicant at the public meeting. The property was inspected. Jeff Houde made a motion, seconded by Bob Medeiros, to close the public meeting. Approved. Jeff Houde made a motion, seconded by Julian Kadish, to issue a negative Determination of Applicability with

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conditions, as long as the work is done according to the submitted plans. Bob Medeiros abstained from voting. Approved.

The members reviewed a Modification of Plans – **Teddy Realty Trust – bldrs. lot 9, parcel 13 (assessors map 6) 207 Bay Road (DET. #680)**. Dana Rappaneau signed the permit as there was one signature missing.

The members reviewed a request for a full Certificate of Compliance filed by **Eileen King** for **parcel 174 (assessors map 19) 115 King Phillip Road (DET. #518)**. The Director inspected the property and did not find any problems. Jeff Houde made a motion, seconded by Dana Rappaneau, to issue the full Certificate of Compliance. Approved.

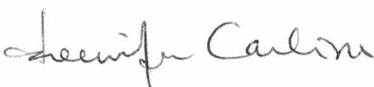
The members reviewed a request to resign a Determination of Applicability permit for - **DKL Realty Trust – lot 125 (assessors map 27) Barrows Street – (continued from the 6/28/99 & 7/12/99 meetings)** for verification of wetland boundaries as shown on plan “Wetlands Sketch Plan of Land, Norton, MA” entitled Fotianna Estates, dated May 20, 1999. Jeff Houde made a motion, seconded by Dana Rappaneau, to resign the permit. Approved.

Discussion of the Annual Town Meeting Articles – September 27, 1999.

The members discussed the Warrant Article to transfer land from the School Department to the Conservation Commission and for the Conservation Commission to grant the Department of Agriculture an Agricultural Preservation Restriction to the land on Barrows Street. Mr. Kadish questioned if the Conservation Commission has the authority to grant the Agricultural Preservation Restriction. The members supported the Article provided it was legal. The Director stated that she spoke with Mr. McCabe, Town Manager. Mr. McCabe stated that Town Counsel wrote the Article so he assumes it is legal.

Jeff Houde made a motion, seconded by Bob Medeiros, to adjourn the meeting at 9:25 pm. Approved.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb