



CONSERVATION COMMISSION  
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NORTON TOWN CLERK

Monday, February 23, 2004  
7:00 pm

**Attendance**

Bob Medeiros (Chairman), Kathleen Giblin (Vice-Chairman)  
Julian Kadish, Ron O'Reilly, Earl Willcott, Lisa Carrozza,  
Eileen King and Jennifer Carlino, Conservation Agent

**Minutes**

The members reviewed the draft minutes of **September 15, 2003**. Earl Willcott made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **September 29, 2003**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **October 20, 2003**. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to accept the minutes as written. Approved.

The members reviewed the draft minutes of **November 3, 2003**. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bills. Approved.

The members reviewed the Bills Payable Sheet (Weston Graphics). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultant for project at 366 Old Colony Road). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultant for project at Cranberry Lane - Easton/Norton project). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

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The members reviewed the Bills Payable Sheet (Misc.). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (NHESP.). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Consultant for project at 366 Old Colony Road). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Baystate Environmental Consultants, Inc./Norton Reservoir dredging project). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. Approved.

The members reviewed the Bills Payable Sheet (Northern Construction Services, Inc./Chartley Pond dam repairs). Ron O'Reilly made a motion, seconded by Julian Kadish, to pay the bill. 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 – (cont. from the October 20, 2003, November 3, 2003, November 17, 2003, December 15, 2003, & January 12, 2004 mtgs.)** - for proposed plans to construct a single family house, install a sanitary disposal system and grading and seeding within 100 feet of wetlands. The applicant and his engineer, John F. Vance, Jr., were present at the public hearing. Mr. Vance stated he received the report today from the Commission's consultant and said the consultant would have to go back to the site when the ground has thawed. He stated that one possibility at this point would be to build a smaller house and move the barn, but would need to review the situation further. Mr. Vance requested to continue the public hearing for at least one month. Ron O'Reilly made a motion, seconded by Kathleen Giblin, to continue the public hearing until the regular meeting of Monday, March 22, 2004 at 7:05 pm. Approved.

The members reviewed a Notice of Intent – **(File #250-580) - James Sullivan/Rainbow Kids Daycare – Parcel 19R (assessors map 26) 366 Old Colony Road – (cont. from the November 17, 2003, December 15, 2003 & January 26, 2004 mtgs.)** - for proposed plans to construct a daycare center with associated driveway, utilities, septic system and site grading within the 100 foot buffer zone. Jack Sullivan, engineer for the project, updated the Commission on the correspondence between himself and the Commission's consultant. He stated the project had been approved by the Planning Board but the Planning Board would not endorse the plans until approval from the Conservation Commission. He said Board of Health had no problems with the project and was waiting approval from the Conservation Commission. Jennifer Carlino stated perc tests should be done before the project is started. Mr. Sullivan stated due to the weather conditions and the high ground water table, perc tests would not be possible. He stated that according to soil samples taken from similar areas, perc tests later should be favorable. He also stated he had discussed this matter with Walter Amory, the Commission's consultant. Jennifer Carlino stated she and Mr. Amory had requested, at least two times, that perc tests be done immediately. Mr. Sullivan stated perc tests had been done in the septic area but not the infiltration areas. Lisa Carrozza made a motion, seconded by Julian Kadish, to close the public hearing. Approved. Jennifer Carlino stated the Order of Conditions would be ready in two weeks.



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The members reviewed an Abbreviated Notice of Resource Area Delineation – **(#250-584) – R & D Development c/o Tom Lombardo & James Washington – Parcels 7, 1, 13 & 7 (assessors maps 6, 7, 7 & 13) Cranberry Lane - (cont. from the November 17, 2003, December 15, 2003, January 12, 2004 & January 26, 2004 mtgs.)** - for the verification of the wetland resource areas. Tom Lovett, Wetlands Specialist for Lec, updated the Commission on the project. He stated after correspondence with the Commission's consultant, Natural Resource Services, revisions were made to the originally submitted plans and copies were given to the agent. An abutter, Carol Carris, 115 Lincoln Street, Norton, stated water was already flowing into her basement and assumed it was from construction drainage. She stated more construction would cause more water to flow into her basement. Jennifer Carlino explained to her that this filing was only for delineation of the wetlands. Another abutter from 5 Cranberry Lane, Easton had a question regarding the location of the property on the map. Earl Willcott made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to sign and issue the Order of Resource Area Delineation. Approved.

The members reviewed a Notice of Intent **(#250-585) – Honey Dew Associates, Inc., c/o Ayoub Engineering, Inc. – Parcel 86 (assessors map 22) 61 West Main Street – (cont. from the January 12, 2004 & January 26, 2004 mtgs.)** - for proposed plans to demolish a Honey Dew Donuts and construct a commercial building and stormwater management within 100 feet of wetlands. Michel Aoun of Ayoub Engineering updated the Commission on the project. Jennifer Carlino stated that according to the Town Treasurer, taxes were outstanding and a condition will be added to the conditions that all taxes will be paid before the work is started on this project. Earl Willcott made a motion, seconded by Julian Kadish, to eliminate condition #49. Approved. 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 and sign the Order of Conditions as amended. Approved.

The members reviewed a request for a Request for a Determination of Applicability – **(DET. #820) – Angelo Pasqualino, Teddy Realty Trust – Lot 9, Parcel 499 (assessors map 10) Johnson Road (Todd Estates)** – to verify the wetlands. Julian Kadish made a motion, seconded by Kathleen Giblin, to postpone the public hearing until the end of the meeting. Approved. Bob Medeiros excused himself from the public hearing. The public hearing resumed and Angelo Pasqualino was present with his engineer, Scott Goddard from Carr Research Laboratory who proceeded to described the project to the members. He stated is a certified vernal pool exists on this lot and stated he submitted the certification from the Natural Heritage & Endangered Species Program. He further stated the reason for this filing is that there is an area on this lot which may or may not be determined as An Isolated Area Subject to Flooding. Mr. Goddard submitted information regarding the Watershed on this lot. Kathleen Giblin stated to Mr. Goddard that a Conservation Restriction is required for this project. She said that before any work begins for this project, the Conservation Restriction must be in place. Jennifer Carlino reminded Mr. Goddard that according to the original Order of Conditions, one of the conditions stated the Conservation Restriction would have to be finished and recorded before any work was done on this particular lot and a couple of other lots. She further stated an amendment to the Order was granted to give the applicant time to produce the Conservation Restriction, but almost two years have gone by and no work has been done on it yet. Jennifer Carlino suggested to continue the public hearing until a Conservation Restriction had been done. Scott Goddard stated he would like to at least get a



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determination for this lot and he thought this particular filing has nothing to do with the original subdivision filing. Jennifer Carlino stated there was a lot of missing information for this filing. Mr. Goddard requested that if the public hearing was to be continued, to continue it to the second next meeting and then the draft Conservation could be discussed as well. Jennifer Carlino stated she would like to receive the draft Conservation Restriction by March 8, 2004. Mr. Pasqualino agreed to provide it by that date. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the regular meeting of Monday, March 22, 2004 at 7:15 pm. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #821) – Dennis & Dena Warchal – Parcel 203 (assessors map 10) 30 Wampum Road** – for proposed plans to install a retaining wall, regrade and plant grass within 100 feet of wetlands. Dena Warchal and her engineer, John F. Vance, Jr., were at the public hearing. Mr. Vance explained the project to the members. He stated due to weather conditions and the condition of the ground, it was very difficult to determine the mean annual high water mark. He stated water extended far into the wetlands but only a couple of times per year. Bob Medeiros stated he had inspected the site and Jennifer Carlino stated she would like to do an inspection. Lisa Carrozza asked if there was floodzone information included in the filing and asked if there was proposed grading. The floodzone information was found in the file and Mr. Vance stated no grading was proposed. Lisa questioned the retaining wall and asked that the grading be shown on the plans with the erosion control on Warchal's own lot. Lisa Carrozza made a motion, seconded by Kathleen Giblin, to continue the public hearing in order to allow the agent to inspect the project until the next regular meeting of Monday, March 8, 2004 at 7:05 pm. Approved.

The members reviewed a Notice of Intent filing – **Woodlark Development Corp. – Parcels 102 & 102-1 (assessors map 26) 252 West Main Street** – for proposed plans to construct a 15-unit condominium including a stormwater management facility within the outer riparian zone of the Wading River. Tim Capranigro, applicant, was present and his engineer, Chris Yarworth of Yarworth Engineering described the project to the members. Lisa Carrozza asked Mr. Yarworth if he had considered all the alternative locations for drainage and he said Planning Board had denied all the alternative locations. An abutter, Kathleen Flaherty of 11 Spring Lane, had concerns with leaving a couple of large older trees. Mr. Yarworth explained that any trees on the property line would be left, but any trees within the building area would have to be cut. Kathleen Giblin made a motion, seconded by Lisa Carrozza, to continue the public hearing until the next regular meeting of Monday, March 8, 2004 at 7:15 pm. Approved.

The members reviewed a request for a partial Certificate of Compliance or File **#250-383 – Regina M. Tierney, Lot 49 (map 29) & Lot 24-01 (map 33) 17R Meadowbrook Lane**. Earl Willcott stated he inspected the property and a lot of work was still to be completed. He stated sideslopes were not stabilized and the road near the Reservoir was particularly eroded. Lisa Carrozza made a motion, seconded by Ron O'Reilly, to deny the partial Certificate of Compliance. Kathleen Giblin made a motion, seconded by Ron O'Reilly, to have the agent send a letter to the applicant to explain why the request for a partial Certificate of Compliance was denied. Approved.

The members reviewed a request for a Certificate of Compliance for File **(#250-538) – Town of Norton – Parcel 8 (assessors map 26) Chartley Pond Dam/South Worcester Street**. Julian Kadish made a motion, seconded by Earl Willcott, to issue the Certificate of Compliance. Approved.

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The members reviewed the Order of Resource Area Delineation –(#250-578) – **Angelo Pasqualino**. Ron O'Reilly made a motion, seconded by Julian Kadish, to sign the Delineation. Approved.

Jennifer Carlino stated she would be reviewing the Request for Proposals for Lake Winnecunnet with the Lake Winnecunnet Association members at 5:30 pm tomorrow and asked if anyone would like to participate.

Jennifer Carlino noted she had a discussion with Forest Emory regarding the River Oaks project hearing. She said the applicant would have to file an ENF with the state.

Jennifer Carlino stated there are ongoing violations at both 69 & 75 Freeman Street. She said they were both sent Cease & Desist letters. She stated she inspected 69 Freeman Street and Ron O'Reilly inspected 75 Freeman Street.

The members reviewed re-affirming the vote not to exercise the right-of-first refusal for the property on Taunton Avenue for Martin Marshall III. Julian Kadish made a motion, seconded by Earl Willcott to have the agent send a letter to the Selectmen stating the Commission does not recommend exercising the right-of-first refusal for this land. Approved.

Earl Willcott made a motion, seconded by Kathleen Giblin, to adjourn the meeting at 8:50 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb