



CONSERVATION COMMISSION  
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Monday, March 22, 2004  
7:00 pm

**Attendance**

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

Lisa Carrozza was absent.

**Minutes**

The members reviewed the draft minutes of **November 17, 2003**. Earl Willcott made a motion, seconded by Julian Kadish, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet (Nextel). Kathleen Giblin made a motion, seconded by Ron O'Reilly, 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 & February 23, 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 was present at the public hearing along with his engineer, John F. Vance, Jr. who stated the Commission's consultant has not completed his inspection or report. Jennifer Carlino stated he would be finishing his inspection the week of the twenty-ninth. Mr. Vance requested a continuance of the public hearing. Julian Kadish made a motion, seconded by Earl Willcott, to continue the public hearing until the next regular meeting of Monday, April 12, 2004 at 7:05 pm. Approved.

Discussion ensued regarding problems at **34 Cross Street (File #250-527)**. Bob Medeiros excused himself from the meeting. Present at the public hearing was the applicant, Angelo Pasqualino and his attorney, Dick Bland. Scott Goddard of Carr Research was retained by Angelo Pasqualino to assist in the implementation of the restoration and replication for 34 Cross Street (File #250-527). Mr. Goddard said that he, Angelo Pasqualino and Jennifer Carlino met on-site and he was now presenting the Commission with an update on the progress with the restoration and replication plan. He stated the Commission would be receiving a monthly update on the progress starting in April and if the work at 34 Cross Street was not finished by June 30, 2004, the Commission would draw the necessary funds to have the work finished from the bond that was currently being held for this site. Julian Kadish stated

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he was unfamiliar with the problems at 34 Cross Street and asked Mr. Carr for a brief summary of the project. Mr. Carr asked Jennifer Carlino to explain to Julian Kadish what exactly the problems were at 34 Cross Street. She explained that Angelo Pasqualino is now in violation of his Order of Conditions because the wetland fill is greater than that approved. The replication area was not done yet and the wetlands were altered next to the replication area. Angelo Pasqualino stated that the driveway was functional as is and the agent stated the sides were not stabilized and spilling into the wetlands. Julian Kadish stated that he had learned that in some instances, four-drive vehicles were needed to use the driveway. Mr. Goddard suggested that a meeting take place between himself, Chris Yarworth and Angelo Pasqualino to evaluate the integrity of the driveway. Jennifer Carlino suggested that the owner be present at the meeting.

The members reviewed 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) – (cont. from the February 23, 2004 mtg.)** - to verify the wetlands. Present at the public hearing was the applicant, Angelo Pasqualino, his attorney, Dick Bland and Scott Goddard of Carr Research. Mr. Goddard updated the members on this project. He stated the old plans delineated the Isolated Land Subject to Flooding incorrectly and that Jennifer Carlino met with Jessica Vasey of Carr Research and re-delineated this area as shown on the submitted revised plans. He concluded that he had done several calculations and the areas thought to be Isolated Land Subject to Flooding were not. Jennifer Carlino asked that all submitted calculations be stamped by a Professional Engineer. Julian Kadish 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 (#1). Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #821) – Dennis & Dena Warchal – Parcel 203 (assessors map 10) 30 Wampum Road – (cont. from the February 23, 2004 & March 8, 2004 mtgs.)** - for proposed plans to install a retaining wall, regrade and plant grass within 100 feet of wetlands. John F. Vance, Jr., engineer for the applicant, updated the members on the project and submitted revised plans. Jennifer Carlino stated that, in her opinion, the mean annual high water mark was still incorrectly shown on the revised plans and the erosion control still is not on the Warchal's property; it is on the abutters. 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 is done according to the revised plans. Approved.

The members reviewed a Notice of Intent – **(#250-587) – Jake Development – Parcel 108 (assessors map 29) – 241 Old Taunton Avenue** – for proposed construction of a single family house with grading for utilities and driveway partially within 100 feet of wetlands. Mr. Triani of Jake Development was present at the public hearing with his representative, Bill Buckley of Bay Colony Group, who described the project to the members. He stated revised plans, showing the haybales at flag #9 moved out of the 25-foot limit of work, will be submitted. Julian Kadish suggested that haybales not be used for this project, only the silt fence. He stated that if the silt fence did not prove to be adequate, haybales will be used. Ron O'Reilly made a motion, seconded by Earl Willcott, to close the public hearing. Approved. Julian Kadish made a motion, seconded by Kathleen Giblin, to sign the Order of Conditions as written and issue them after revised plans are submitted. Approved.



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The members reviewed a request for File #250-505 – **Marilynn Realty Trust/Sheila Medeiros, Trustee for Lot 2, Parcel 365 (assessors map 4) 4 Horton Drive**. Jennifer Carlino stated a minor modification to the plans was granted at the last meeting for this project and suggested a bond be posted before a partial Certificate of Compliance is issued for this file. Earl Willcott made a motion, seconded by Kathleen Giblin, to issue a partial Certificate of Compliance with the condition that the applicant post a \$2500 bond with the Town Treasurer. Approved.

Discussion ensued for a Request for a minor modification – **(File #250-580) - JameSullivan/Rainbow Kids Daycare – Parcel 19R (assessors map 26) 366 Old Colony Road**. Jack Sullivan, Design Engineer for the project, addressed the Commission. He stated there were two minor modifications requested. He said that condition #43 indicated percolation tests would be done prior to any work on the project, but said at the last hearing, it was decided that percolation tests would be done prior the installation of the cultec units. Jennifer Carlino stated that Walter Amory, consultant for the Commission, agreed with her, that percolation tests should be done prior to any work on the site. She further stated that if percolation test figures do not agree with stated ground elevation levels, the project would have to be re-designed. Mr. Sullivan was told if the project had to be redesigned, the whole drainage system and foundation might have to be removed and redone. He agreed to take all risk and liability to reconstruct any portion or all of the project if the project had to be redesigned as a result of the percolation test. Jack Sullivan stated he was pretty sure there would not be a problem, but if there were, he would be able to re-design the project. Julian Kadish stated that if any revisions were to be done, they would be in the parking area which would not be finished at that time. It was the consensus of the board to take a vote to modify condition #43 and delete condition #25c. The results of the vote were as follows: Eileen King, yes; Ron O'Reilly, yes; Earl Willcott, yes; Julian Kadish, yes; and Kathleen Giblin, no. Earl Willcott made a motion, seconded by Julian Kadish, to modify condition #43 and delete condition #25c. Approved. The modification to condition #43 would require percolation tests be done "prior to the installation of cultec units".

The members reviewed a letter drafted by Jennifer Carlino in response to a letter from Gary Makuch of the Department of Environmental Protection for an appeal to the Order of Conditions for **File #250-578 – Angelo Pasqualino – 284 West Main Street**. Earl Willcott made a motion, seconded by Julian Kadish, to send the letter. Approved.

The members reviewed a request for a modification to **File DET. #798 – 129 Reservoir Street**. Jennifer Carlino stated the applicant was decreasing the size of the house. Earl Willcott made a motion, seconded by Ron O'Reilly, to allow the modification. Approved.

Ron O'Reilly made a motion, seconded by Earl Willcott, to adjourn the meeting at 8:20 pm. Approved.

Respectfully Submitted,



Jennifer Carlino  
Conservation Director

JC/pmb