



**Norton Conservation Commission**  
70 East Main Street  
Norton MA 02766  
508-285-0275  
508-285-0277 fax  
[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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NORTON TOWN CLERK

2018 DEC -4 P 1:30

**Monday, September 24, 2018**  
**6:30 pm**  
**2<sup>nd</sup> Floor Conference Room**  
**Norton Town Hall**

**MINUTES**

recorded by Regen Milani, Conservation Secretary

6:30 pm Open meeting

*The meeting was called to order at 6:31 pm.*

*Attendance: Scott Ollerhead, Gene Blood, Daniel Doyle Jr., Julian Kadish, Ron O'Reilly, Dan Pearson, Agent Jennifer Carlino, and Secretary Regen Milani*

*Absent: Lisa Carrozza*

6:30 pm Executive Session. Discuss strategy in executive session with respect to Island Brook LLC, related the Order of Conditions issued by the Commission (DEP File No. 250-983) and the Request for a Superceding Order of Conditions to DEP, pursuant to G.L. c. 30A, §21(a)(3), if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares; votes may be taken.

*A motion was made to enter Executive Session by Pearson, seconded by O'Reilly. Motion passes. Roll call to enter was taken: Scott Ollerhead, Julian Kadish, Gene Blood, Ron O'Reilly, Daniel Doyle Jr., Dan Pearson. The Commission entered executive session at 6:32pm.*

*Commission reentered the public hearings at 6:38pm.*

6:45pm Open meeting

6:45pm Quinn Cunningham, Eagle Scout Candidate to discuss Johnson Acres proposal

*Cunningham proposed to create a new trail from the old railroad on Mansfield property to Johnson Acres and install a kiosk. It is a joint property with Mansfield. Work will start in October. Mansfield is onboard with idea. Cunningham still needs to go to their meeting for official approval. He is on their agenda for October. He is a member of Troop 12. He presented a PowerPoint presentation to the Commission. The troop has camped there before, but there is not a lot of information on the history, wildlife, rules, and maps. There can be a space on the kiosk for information on the rail trail. There is also a lot of garbage. Hand saws, hatchets, will be used to cut small trees. It will be stacked in the picnic area. Long pieces can be used to line the trail. Larger trees they will leave to an arborist. The kiosk will be near the head of the new trail. They will clean up the litter and garbage including tires, and metal. They will dispose of them*

*SOLitude under contract. It will selectively target the plants, and leave the native plants alone. The MASS DOT will only fund one year of treatment, so it is unlikely they will eradicate the buckthorn. There is no treatment in the vernal pool itself. Carlino said there is a little water in the vernal pool as of today. Carlino said that they have damaged the property by not treating the property for this. Carlino said that a Mansfield Airport staff should visit the site with the engineer before anything gets approved. There has been a major break down of communication. And Carlino said that it is hard to approve another permit where half the work starts then stops and then it makes it worse as there is no funding to finish. Carlino asked what other species are out there. Riberdy said phragmites and black swallowwort and loosestrife and honey suckle as trace occurrences. Carlino asked for a larger scope Riberdy said the airport engineer would need to hear that and be there. Riberdy will talk to Solitude about other treatment areas. Each performance standard needs to be met. Page seven is still not accurate. And updated plan but not signed nor stamped by anyone. 80 percent of work in Mansfield, 20 percent is in Norton of this work Riberdy said. Carlino said please schedule by email from the next two weeks. Jack 140 North Washington Street asked what chemicals would be used. Clearcast would be used for phragmites and renovate for the buckthorn. It is a back-pack sprayer and they target just the plants, not broadcast. Carlino asked for a copy of the SDS sheets. Riberdy will email them to Carlino.*

*Motion was made to continue the public hearing to 10/22/18 for 250-1022 by O'Reilly, seconded by Pearson. Motion passes.*

- E. Notice of Intent (#250-102X). Condyne Capital Partners Lot 1 Leonard South Subdivision Plan (Map 11 Portions of Parcels 34 & 32).** Proposed plans to construct one 10,935 s.f. commercial/retail building and associated parking and utilities discharging to wetland resources.
- F. Notice of Intent (#250-102X). Condyne Capital Partners Lot 2 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32 & 35).** Proposed plans to construct one 14,400 s.f. commercial/retail building and associated parking and utilities discharging to wetland resources
- G. Notice of Intent (#250-102X). Condyne Capital Partners Lot 4 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32, 33, & 35).** Proposed plans to construct one 125,000 s.f. warehouse building, parking, grading, utilities and stormwater management within 100 feet of wetlands.
- H. Notice of Intent (#250-102X). Condyne Capital Partners Lot 5 Leonard South Subdivision Plan (Map 11 Portions of Parcels 32 & 66).** Proposed plans to construct one 258,000 s.f. warehouse building and associated parking and utilities within 100 feet of wetlands, fill of 6 acres of the 100-year floodplain, and within 200 feet of the Canoe River.
- I. Notice of Intent (#250-102X). Condyne Capital Partners Lot 6 Leonard South Subdivision Plan (Map 11 Portion of Parcel 32).** Proposed plans to construct an asphalt foot path and creation of compensatory storage area within 100 feet of wetlands, within the 100-year floodplain, and 200 feet of a perennial stream.

*All legal notices were read and the hearings were opened at the same time for lots 1, 2, 4, 5, 6. DEP numbers for these projects have not been provided yet. Jeffrey O'Neill with Condyne Capital partners was*



here to present the projects as Mark Dibb the Condyne engineer is not feeling well and so was unavailable. O'Neill pointed out the flood zone (red), riverfront (orange) and 100-foot wetland buffer zone (yellow), and grass area which is to remain on the plans presented to the Commission. Phase I is South of Leonard. Phase II will be the other 190 acres north of Leonard Street. Doyle asked what the difference between the two shades to green shown on the plans, the dark green and light green. O'Neill could not answer and deferred to Dibb once available. There is no legend for the hash line. O'Neill could not answer. Kadish said he presumed that six acres was going to be filled, that the proposed compensatory storage would be at the same level. Kadish feels this is the primary wetland issue. Carlino said that all of this would contribute to stormwater. Impacts to the wetlands will be better seen in more detailed plans. Carlino asked what the phasing of the utilities was, and O'Neill said that they [Condyne] are working on those plans and that this topic is being discussed with Mass Highway and BSC. This will come before the Commission as a separate permit. She asked if the utilities would be in place before the buildings, and O'Neill said he sees this happening in concert. Carlino asked about plans to widen Leonard Street and when the Commission would have these plans. O'Neill deferred to Dibb. Carlino submitted the Secretary's Certificate from the Massachusetts Environmental Policy Act (MEPA) review [dated 9/22/17- see file for Lot 1] to the record. Carlino said that stormwater would need to go out to review, and that she received a scope to review today. Planning is heading the review process for the town. Maureen Srocynski, a resident from 283 Main Street, an abutter, asked if the sewer would go towards 495 and O'Neill replied yes. She asked about filling in the flood plain and stormwater impacts. Carlino indicated that this can be addressed when engineer is present. Srocynski asked about selling her property that she felt the rules were not be applied equally in town, and Carlino responded that the property the Srocynski is referencing as a conservation restriction, which is a totally separate issue and it needs to be addressed separately. Carlino stated that the rules are being applied equally that there is no conservation restriction on the property under review at this hearing. O'Neill will be in attendance at the next hearing scheduled for October. Another person in the public audience [unidentified] stated that this land was not supposed to be built on. Resident Laurie Pleshar asked about the conservation restriction. Carlino informed Pleshar that, again, the land that is party to this hearing does not have a deed restriction, that that is a separate topic to be addressed at a separate time.

*Motion was made to continue the five public hearings to 10/22/18 by Kadish, seconded by Pearson. Motion passes.*

#### **SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**Notice of Intent (#250-1021). Lukas Rei. 276R Taunton Ave (Map 29, Parcel 53) Proposal to construct a garage with associated parking area/driveway and grading within 100 feet of a wetland.**

*A motion was made by Kadish to issue an Order of Conditions for 250-1021, seconded by O'Reilly. Motion passes.*

## **REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

**#250-948**

**Town of Norton**

**Reservoir Street/Falls Road**

**Full**

**Map 10 Parcel 28, 29, and 525**

Plans for repairs and modifications to the spillway and gate structure on the Norton Reservoir Dam.

*Motion to issue a full Certificate of Compliance was made by Kadish, seconded by O'Reilly. Motion passes.*

**#250-878**

**Steven Riberdy**

**North Washington Street**

**Full**

**Map 4 Parcel 141**

Plans for cutting trees that are obstructing the approach surface of Runway 32 at the Mansfield Airport within 100 feet of wetland and a certified vernal pool.

*Ollerhead had to recuse. Kadish reviewed that only have the work was done, which allowed the invasive species to grow out. Reports on monitoring were late if done at all. Airport did not follow conditions and made the parcel worse. When a new order is issued, they will be in a better position to issue as there is something requiring the work. Therefore, a motion to deny the request for a full Certificate of Compliance was made by Pearson, seconded by O'Reilly. Motion passes.*

**#250-947**

**Brian Huntley Tighe & Bond**

**Hill Street/S. Washington St.**

**Full**

**Map 4 Parcel 141**

Plans to install solar VP modules, construct a portion of a gravel access road, and removal and clearing of vegetation within 100 feet of wetlands.

*The swale is done. The As-Built is still pending. This item will be on the next agenda, 10/22/18. No action.*

**#250-1002**

**Condyne Construct Inc.**

**240 S. Washington St.**

**Partial**

**Map 25 Parcel 7**

Plans to construct a commercial building, driveway, utilities, and stormwater management within 100 feet of wetland and rare species habitat

*A Bond was required on this for \$4,000 to ensure the finish work based on an estimate of the work. Motion to issue a partial Certificate of Compliance was made by Kadish, seconded by Pearson. Motion passes.*

## **REVIEW DRAFT MINUTES**

9/10/18 *Motion made to accept the minutes by Kadish, seconded by O'Reilly. Motion passes.*



## **OLD BUSINESS**

### **Enforcement Order – Mary Manchester. 13 South Worcester St**

For cutting and clearing of Bank vegetation to Chartley Pond and regrading a parking lot without valid wetland permits.

*No new information. No action. Carlino will follow up again with the attorney.*

## **NEW BUSINESS**

### **— Bills**

#### **Summary list of bills signed period Sept 11- Sept 23, 2018**

**FY2019**

| <b>Vendor</b>          | <b>Amount</b> | <b>Town Account #</b>                          | <b>Item</b>                                       |
|------------------------|---------------|--|---|
| Chessia Consulting     | \$660.00      | 243-171-100-5700 Outside Consulting fees       | 0 & 15 S. Washington 250-1006                     |
| Chessia Consulting     | \$540.00      | 243-171-100-5700 Outside Consulting fees       | 402 Old Colony                                    |
| Chartley Landscape     | \$200.00      | 001-171-570-5315 Operations Outside Svcs       | Mowing at Reservoir and Chartley Pond             |
| Chartley Landscape     | \$225.00      | 001-171-570-5308 Operations Maint. Cons. Areas | Mowing at Johnson Acres and Edit Read             |
| MAS Building & Bridge* | \$17,799.31   | 444-171-000-5800 Norton Reservoir Dam          | Reservoir Dam Construction Final Bill             |
| Pare Corporation*      | \$10,332.50   | 001-171-614-6071-17-08 Chartley Dam Phase II   | Chartley Dam Phase II                             |
| National Grid          | \$26.68       | 364-171-100-5700 Edith Read Revolving Acct     | Charges May 1 - June 27, 2018                     |
| United Oil Heat        | \$140.00      | 243-171-100-5700 Outside Consulting fees       | Refund of unused consulting expenses 199 mansfiel |

\* those with asterisk are also signed by Town Manager

### **— Site Inspections**

*Condyne inspection has been suggested by Carlino. The initial peer review should be done first. Buildings should be staked first, also flood plain. This can be requested at the next meeting. Milani will send around a Doodle/emails asking what dates are best for members for this visit.*

### **— Violations**

### **— Reservoir Update**

### **— Chartley Pond update**

### **— Report from Staff**

### **— Waterbodies Committee update**

### **— Grants**

Wednesday is an MCMP meeting on herbicide applications techniques. Carlino will bring this back to the commission to inform them what is presented. Blood will be off the week of the 1st. Carlino will be off the week of the 5<sup>th</sup> through 20th for vacation. She will be back for the next meeting. Carrozza cannot be back up due to a new job. She requested a volunteer to do that task.

**OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

Motion to adjourn by Kadish, seconded by O'Reilly. Motion passes and meeting closes at 8:04 pm.

Respectfully submitted by: Regen Milgani  
Regen Milgani, Conservation Secretary

Minutes approved by the Commission on 10/22/18 (Date)

Conservation Commission Signature:

Scott Ollerhead  
Scott Ollerhead, Conservation Commission Chairman