



Norton Conservation Commission  
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**Monday, December 2, 2019**  
**6:30 pm**  
**2<sup>nd</sup> Floor Conference Room**  
**Norton Town Hall**

### Minutes

6:30pm Open meeting  
*The meeting was called to order at 6:30pm.*

*Attendance: Julian Kadish, Lisa Carrozza, Gene Blood, Dan Pearson, Ron O'Reilly, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk and Conservation Director Jennifer Carlino*

*Absent: Scott Ollerhead*

### **WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

Wetland hearings will be taken in order.

### **Update of Waterbodies Management Program-ESS Group**

*Matthew Ladewig, CLM with ESS Group, is working as a consultant with the town on the management of the lakes and ponds. He gave a presentation on the 2019 Lakes and Ponds Annual Report that is required as part of the OOC. Ladewig explained the various treatments used in the lakes and ponds. Kadish questioned if these species are invasive and would grow even in low pollutant conditions. He clarified that this is not an issue of too many nutrients making it into the water bodies. Ladewig stated that is correct. Kadish noted they have been looking at the reservoir for years. He questioned if all of the excess nutrients were gone, would this still be an inherent problem. Ladewig responded that the plants that have invaded are aggressive. Once they are there and they spread, if you don't actively manage them, they will expand into all of the suitable habitats. In some cases, if you have thick growths of plants in the water, they can use up the oxygen making it difficult for other aquatic life to live. One of the issues that each of these water bodies has is there is an upstream source to these plants. If that upstream source is not fixed, it will allow new fragments and seeds coming in through upstream infestations. Pearson asked if there is anything we can do to cut off those seeds and fragments before they get into our water bodies. Ladewig responded that if they get out there early enough to harvest the water chestnut plants, they should be able to cut off that source before the seeds drop. With the fragments from other plants, there are barriers that could be installed, but they require a lot of maintenance. Also, the fragments would be difficult to control with the infestations from upstream. In addition, the plants in the pond fragment and create new beds all the time. Blood asked if Ladewig was aware of where ProcellaCOR has been used before. He responded that this is the first year it has been fully approved for use in Massachusetts. It has*

*been used in other states alot. He has not worked on a project where it has been used, but he could get examples. Kadish suggested a regional approach to some of these would be something for the ConCom to discuss. Tom Brodeur of TPC asked how long the water chestnut seeds are viable. Ladewig replied several years. That is why the maintenance is necessary every year to prevent the new seeds from dropping because there is a seed bank that needs to be exhausted. It is a 5 to 10 year program just to get rid of what you have now and then maintain it in perpetuity.*

**A. Request for Determination of Applicability (DET #1093) Hamed Pishdadian, 158 East Main Street (Map 18, Parcel 36-01).** For a proposed project to repair a septic system within 100 feet of bordering vegetated wetland.

*Document List – 158 East Main Street*

- 1. WPA Form 1 – Request for Determination of Applicability, received 11/19/19*
- 2. Plans entitled, “Repair Sewage Disposal System”, prepared by Hutchins-Trowbridge Associates, Inc., signed and stamped by Ralph Maloon and Michael Trowbridge, dated 11/15/19*

*Michael Trowbridge of Hutchins-Trowbridge Associated attended the hearing on behalf of the applicant. He is proposing to repair the existing septic system in the front yard. Trowbridge provided a color plan. He states they are limited as to where they can put the system because of the wetlands, existing driveway and pool. The existing grade will remain the same once the system is put in. Carlino asked if the sediment control would stop at the top of the existing wall and start again at the bottom. Trowbridge replied yes. He would actually have it staked into the paved driveway so it does not run down the driveway. He shows where the sediment control detail is on the plan.*

*Resident Carol Smith of 161 East Main Street explains she lives across the street from the project and has a concern. She has lived there 50 years. She lived there for 7 years before the two houses across the street were built. She had no water. Now, a river flows through her property and she has water in her cellar. She is not trying to be difficult, but now the water is terrible and there are a lot of water problems in the area. Trowbridge sympathizes with her and doesn't know what started the problem, but responds this house has been there for 40 years. They are not doing anything impervious and they are keeping the grade the same. They are not doing a mounded system. He states the work they are doing will not hurt her.*

*Motion was made to close the public hearing for DET #1093 by Kadish, seconded by Doyle. Motion passes.*



*Motion was made to issue a Negative 3 Determination of Applicability for DET #1093 by Kadish, seconded by Carrozza. Motion passes.*

**B. Notice of Intent (#250-1052) Scot & Joan Stormo, South Worcester Street (Map 26, Parcel 103 & 103-1).** For a proposed project to construct 2 Triplex units and 5 Six-Family units with an associated roadway and 2 infiltration basins within 100 feet of bordering vegetated wetland.

*Brian Dunn and Tracy Duarte of MBL Land Development & Permitting, Corp. attended the hearing on behalf of the applicant. Green cards were presented.*

*Dunn stated a few years ago, this was a site of a 40B development for approximately 60 homes. They received an ORAD a few months ago. They are now proposing a new project with a reduced number of 37 units making it more of a buffer zone project.*

*Duarte explained the proposed layout would keep the existing single-family house. There are two triplex units and five 6-unit buildings. It was designed to keep all of the work outside of the 200-foot riverfront area. They are draining the site to one of two vegetated infiltration basins. They will have water quality units for pre-treatment. They are both designed to handle the 100-year storm and infiltrate it on-site with overflow spillways upstream of the BVW. There is no work within the FEMA flood zone. They have grading for the two basins up to 25 feet from the wetlands, but not within the 25-foot NDZ.*

*Dunn stated they will be before the Planning Board tomorrow night. This is not a 40B project. Four of the 37 units would be affordable units which will be set up as a preference for local residents. Under Article 19, they can have multi-family homes on a single lot.*

*Carrozza questioned the elevation on the plan. Dunn states it is 92, but it is 91 and 1/2 on the plan. Carrozza says they may want to adjust that on the plan. It's not following the contour which it should be if it's an AE. Dunn states the elevation fluctuates a little on the site. Carrozza asks if FEMA has mapped it as 92 on the project site. The elevation should not fluctuate along the river unless it's a regulatory floodway changing that elevation. It should remain fairly consistent through the site. If it is at 92, they should be following the 92 contour on the plan. Duarte explains it is at 91.5 at the easterly limit on sheet 3.1 and 3.2 and shows how it changes from east to west to 93.1. She reads a letter with the confirmed numbers from FEMA. Carrozza asked how they are meeting the LID requirements under the stormwater management standards. Duarte responds they are using structural BMPs. Carrozza asks about non-structural. Are they are using rain gardens or vegetated swales to meet the LID requirements? Duarte responds no. Carrozza states there should be an LID statement in the stormwater report. Carrozza asks about provisions for creating that basin. The grading at the basin is at the 25-foot NDZ Dunn states it is about 10 feet away from the 25-foot no touch. Carrozza asked if there is a wide enough work zone. Duarte says it is about 10 feet from the limit of work to the 25 foot NDZ. Carrozza clarified the limit of work is to*

accommodate that grading. Carrozza asked about snow plowing, removal and storage areas. Dunn states there is plenty of room on top of the septic. Carrozza explains they will need to make provisions for snow plowing and storage. She asked about provisions for pet waste. Duarte states they are adding that. Carrozza asks about a 24-foot high berm on the east side. Is it remnants from something that was done on the site? Dunn responds there is a pile of dirt that is overgrown in that area. He doesn't know when it was done. Carrozza states there have been issues in the past with projects like this where people start to create their own paths down to the river. Have you made any provisions for dedicated access? Dunn responds they have not made a dedicated access. However, there is an existing pathway that intersects with the roadway in the development that would allow access to the river. He shows on sheet C4 where the pathway ends. It does not go all the way down to the river, but it is all vegetated around it. There is currently access to the flood zone very close to the river. Carlino states you can make it to the bank from the existing cart path. Carrozza wants to limit the paths. Dunn states they can utilize the existing pathway so no new pathways are created. They can put it in the O&M, if appropriate. Duarte addressed some of Carlino's comments. She states they are waiting for the peer review comments and then they will submit a draft SWPPP. Duarte showed on the plan where the access will be to the two basins and noted there will be a plan revision. Carlino commented it was a nice job of clustering the development so it wasn't in all of the resource areas. It is not being proposed as a cluster development, but typically with a cluster development, there would be conservation restrictions. She asks if that is something their clients would consider. Dunn will speak to them.

Resident Nancy Poirier of 101 So Worcester Street states as was said, this project came before the ConCom 20 years ago and it was refused. She can see the changes they have made. She still has concerns about the pathways to the river. There were species out there that we were concerned about 20 years ago. She asks Carlino if they are still being protected. Carlino responds there are vernal pools. They are staying as far away as they possibly can. Dunn explains they could have come in with a larger development, but they listened to the concerns. Duarte shows where the units will be on the plan and explains what they will look like. Poirier asks about the trees on the side and the stone wall. Duarte states the stone wall will not be touched. The trees there will stay. What is being cleared is straight back from the existing house. Carrozza asks about the width of the buffer that will be maintained to the rear of the lots. Dunn states, at the closest point, there will be about 90 feet of trees and then it gets wider. Poirier asks about the deer and that type of wildlife. Dunn responds that the conservation restriction Carlino mentioned would go along with that. It would make sure no future development would happen in the back area of the lot. There would still be habitat for the animals. Poirier says it can't be because the ConCom already turned that down 20 years ago. It was already refused back there. Dunn explains the project was not denied. It was approved as a 40B for many more units. It was appealed and then it didn't go anywhere. Now they have scaled things back. They listened to everybody. They will go back to the owners on the conservation restriction. The vernal pool areas all stay intact. This is a buffer zone project. They are not altering any resource areas. They believe it is a much better project than what was previously approved. That was 60 units. Now it is 37 and it is more clustered. Poirier is concerned about the wetlands and the species that live out there. How can they guarantee that the people that live there won't trample those areas and build forts? Carrozza responds there is no guarantee.



*That's why they are taking this pro-active approach and requiring dedicated pathways and locations. Kadish responds that's why they are proposing a conservation restriction. He explains there are criteria under the Wetlands Protection Act. If the applicant meets the criteria, we can't really say no. The point of the Wetlands Protection Act is to regulate activity within our jurisdiction. Once they are within compliance, we can regulate but we can't deny. Or if we deny, they can then appeal. But, if it is consistent with the Wetlands Protection Act, the applicant has the right to do that activity. Carrozza clarifies this will be a private development, not accepted by the town. She asks Carlino if we would provide public access to the CR. Carlino states we would have to ask permission for that and include it in the conservation restriction. Dunn will speak to the owners about that. Poirier thanked the ConCom for letting her speak and asking their questions.*

*The applicant requested a continuance to 12/16/19. Motion was made to continue the public hearing for DEP#250-1052 to December 16, 2019 by Kadish, seconded by Carrozza. Motion passes.*

**C. Notice of Intent (#250-1053) Tournament Players Club of Boston, 400 Arnold Palmer Blvd (Map 8, Parcel 123).** For a proposed project to construct a footbridge on pilings/posts within 100 feet of bordering vegetated wetland.

*Stacy Minihane of Beals & Thomas and Tom Brodeur of TPC attended the hearing.*

*Minihane explained the proposed project is to construct a footbridge between two holes to provide more direct access. The footbridge proposed is across a BVW and an unnamed perennial stream which she shows on the plan. The bridge will be 150 feet long and 6 feet wide constructed on piles that are 9 inch posts spaced every 13 feet in order to minimize impacts. There will be minor grading and ring walls at either end of the footbridge to fit it into the overall landscape. During construction, the bridge itself will be used as the lay-down in the equipment access area. The proposed path was selected in order to minimize tree clearing. There will be 3 trees removed. There are 9 sf of BVW impact associated with 16 piles and the removal of 2 trees. There are 3 sf of LUWW associated with 4 piles and one tree. There are 905 sf of Riverfront associated with the perennial stream. Minihane discussed DEP's comments. She will look into the wetland change maps from previous permits and OOCs. DEP had questioned if impacts could be avoided since there is an existing path around the wetland. TPC's preference is to install a more direct connection for pedestrian access to keep people on a designated path through the wetland and to avoid conflicts with vehicles that use that path. She states the impacts have been minimized to the maximum extent practical. Carlino asks if people are walking through the wetland now. Brodeur says no. Doyle asks if there are a lot of walkers or is it mostly golf carts that the golfers use. Brodeur states it used to be all golf carts, but it has changed over the years to over 40% walkers. Carrozza asks if Beals & Thomas has been involved with the overall wetland build and alterations on the site or is this new for them. She is concerned that we already maxed out 1.69 acres of*

alterations on the site. Minihane responds they were not involved with the original project that resulted in those impacts. However, her colleague Sarah Stearns had worked with the ConCom in closing out some of the open OOCs with the previous permit. She does not believe the site has been maxed out with wetlands impacts. The past project and this project were proposed as limited projects. Also, their impacts were fully mitigated and there was a significant excess of wetland created over what was required. From their perspective, the Wetlands Protection Act requires you to replicate once you impact for each project. Once you replicate, you have the wetland and can use it for the next project. Carlino noted the previous boardwalks were in places that did not have other access. This has multiple access points. Carrozza states you look at altering a wetland due to a hardship. This seems like a wish list so people don't have to walk as far. Where does it end? Will you come back in a few months for more boardwalks? The ConCom must look at this carefully and decide if this is an acceptable impact for the sake of convenience. You typically look at all the other alternatives before you impact a wetland. There are already routes on both sides of the wetland. This is creating a 3<sup>rd</sup> route. Kadish comments there are conservation areas that have boardwalks where it is considered an enhancement for the public's ability to enjoy the area. He is conflicted. Is this against the intent of the law? He believes the intent is for people crossing wetlands where access is avoidable. We have to have some justification. Yes, this access is avoidable, but is it against the intent of the law? Pearson comments it is not often that we have DEP weighing in at this point in the application. Carlino states they never have comments from DEP. Kadish asks if it is sufficient that DEP examines the aerial changes without being able to correlate if they are permitted and if they are being compensated for. Carrozza notes DEP has 2 comments. One is about the wetlands change. She reads the 2<sup>nd</sup> comment from the DEP letter, for the record, that discusses if impacts can be avoided since there appears to be an existing path between the two greens. Minihane responds this is the preferred access. She adds she frequently sees DEP comments. Carrozza comments the southeast region is typically silent compared with other regions. The ConCom agrees to schedule a site visit. Minihane provides photos of boardwalks that are similar to what they are proposing.

The applicant requested a continuance to 12/16/19. Motion was made to continue the public hearing for DEP#250-1053 to December 16, 2019 by Kadish, seconded by O'Reilly. Motion passes.

- D. Notice of Intent (#250-1051). George and Beverly Souaiden, 153 Bay Road (Map 12, Parcel 33).** (continued from 11/18/19) The proposed project is to demolish existing home and clear selective trees to construct a new single-family home with new septic system within 100 feet of bordering vegetated wetland.

*Document List – 153 Bay Road*



1. *WPA Form 3 – Notice of Intent received 10/30/19*
2. *Plans entitled, “Site Plan for a Proposed Dwelling at Assessors Map 12 lot 33 153 Bay Road, Norton, Massachusetts”, prepared by RLF Engineering Services, signed and stamped by Richard Reid and Raymond Francisco, dated 10/25/19*
3. *Massachusetts Division of Fish and Wildlife letter dated 11/14/19*
4. *Drainage System Operation and Maintenance Plan dated 10/25/19, rev 11/15/19*
5. *Plans entitled, “Site Plan for a Proposed Dwelling at Assessors Map 12 Lot 33 153 Bay Road, Norton, Massachusetts”, prepared by RLF Engineering Services, signed and stamped by Richard Reid and Raymond Francisco, dated 10/25/19, rev 11/14/19*
6. *SWPPP dated 11/27/19*

*Ray Francisco of RLF Engineering attended the hearing with George and Beverly Souaiden.*

*Francisco reviewed the plans and gave a summary of the project. All of the soil disturbance and construction work is outside the 100 foot buffer zone. There is proposed cutting of some dead trees and maintenance of grass and shrubs within the 100 foot buffer zone. He received the rare species letter and has hired Lucas Environmental to prepare the turtle plan. Carlino stated she received the revised SWPPP and revised O&M plan. She sent Francisco some comments which he responded to today. Carrozza asked what the start date of construction would be. Francisco responded probably after the first of the year. Probably February.*

*Motion was made to close the public hearing for DEP #250-1051 by Kadish, seconded by O'Reilly. Motion passes.*

*Motion was made to issue the Order of Conditions with modifications as discussed for DEP #250-1051 by Carrozza, seconded by Kadish. Motion passes.*

**E. Notice of Intent (#250-1037). Next Grid Redwood LLC. 54 Plain St. (Map 18, parcel 9).** (continued from 1/28/19, 2/25/19, 3/11/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 6/24/19, 7/22/19, 9/9/19, 9/23/19, 10/7/19, 10/28/19, 11/18/19). For proposed plans to install a ground mounted solar array, driveway, stormwater, utilities within 100 feet of wetland in the Canoe River Area of Critical Environmental Concern.

*54 Plain st solar*

*Document list*

1. *Notice of Intent (NOI) application prepared by Atlantic Design Engineers Inc. received 1-15-19.*
2. *"Site Development Plans for Plain Street Solar Project ", prepared by Atlantic Design Engineers, signed and stamped by Richard Tabaczynski, 4 sheets, dated 1-11-19, rev 3/15/19.*
3. *Stormwater Report for Plain Street Solar Project, prepared by Atlantic Design Engineers Inc., signed and stamped by Richard Tabaczynski, dated 1-11-19., addendum dated 3/15/19*
4. *Letter from Conservation dated January 17, 2019*
5. *Chessia review 1 dated 2-20-19*
6. *3/1/19 emails regarding soils designations*
7. *3/7/19 emails regarding predevelopment watershed*
8. *3/15/19 Atlantic response letter to con com*
9. *3/15/19 Atlantic response letter to peer review*
10. *Draft SWPPP, 3/15/19*
11. *Stormwater Report Addendum 2 for Plain Street Solar Project, prepared by Atlantic Design Engineers, Inc., signed and stamped by Richard Tabaczynski, dated 1/11/19, revised 4/26/19*
12. *"Site Development Plans for Plain Street Solar Project", prepared by Atlantic Design Engineers, Inc, signed and stamped by Richard Tabaczynski, 4 sheets, dated 1/11/19, rev 4/26/19*
13. *Pre-Offsite hydrograph for Pond 1P-W: Wetland Basin 1 dated 5/21/19*
14. *Post-Offsite hydrograph for Pond 1P-W: Wetland Basin 1 dated 5/21/19*
15. *Plan titled "Offsite Pre-Development Watershed Plan for Plain Street Solar Project" prepared by Atlantic Design Engineers, Inc, dated 5/20/19*
16. *Plan titled "Offsite Post-Development Watershed Plan for Plain Street Solar Project" prepared by Atlantic Design Engineers, Inc, dated 5/20/19*
17. *Atlantic Design Engineers, Inc. Response to Peer Review Comment Letter, June 19, 2019 dated 10/14/19*
18. *Stormwater Report Addendum 3 for Plain Street Solar Project, prepared by Atlantic Design Engineers Inc, signed and stamped by Richard Tabaczynski, dated 10/11/19*
19. *Plans entitled, "Site Development Plans for Plain Street Solar Project", prepared by Atlantic Designs, Inc., signed and stamped by Richard Tabaczynski, dated 1/11/19, rev 10/11/19*
20. *Atlantic Design Engineers, Inc letter dated 11/1/19 - Corrected Off-Site HydroCAD Calculations*
21. *Plans entitled, "Site Development Plans for Plain Street Solar Project", prepared by Atlantic Design Engineers, Inc., signed and stamped by Richard Tabaczynski, dated 1/11/19, rev 11/18/19*
22. *SWPPP dated 10/30/19*



*Christopher King of Atlantic Design Engineers attended the hearing on behalf of the applicant. At the last hearing, Mr. Chessia attended and provided his comments to the ConCom. There were minor details that needed to be addressed and additional information provided to the ConCom. Pearson asked if the question of how wildlife would get across the site had been addressed. Carlino stated the north side was good. It was just the western boundary. She asked why the chain link fence jogs back and forth the way it does. King believes it was to provide an area for snow storage. King states the owner/operator is committed and snow will impact the efficiency of the array. Carlino stated the concrete washout detail needs a poly liner. It's one of our standard conditions, but it's helpful if the detail shows that for the contractor to bid on the project. Carrozza asks if the tree clearing was resolved. Carlino states it has been temporarily stabilized.*

*Motion was made to close the public hearing for DEP #250-1037 by Kadish, seconded by Carrozza. Motion passes.*

*Motion was made to issue the Order of Conditions with modifications as discussed for DEP #250-1037 by Carrozza, seconded by Kadish. Motion passes.*

- F. Notice of Intent (#250-1040). Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252).** (continued from 4/29/19, 6/10/19, 7/8/19, 7/22/19, 8/12/19, 10/7/19, 11/18/19) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW

*The applicant requested a continuance to 12/16/19. Motion was made to continue the public hearing for DEP#250-1040 to December 16, 2019 by Kadish, seconded by Doyle. Motion passes.*

**G. Discussion: Amendment to DEP # 250-1018, added retaining wall.**

*Carlino explained when they started construction, the grading was not correct. They added a retaining wall without it being approved by the ConCom. They have revised the plan and provided a detail of the wall. The ConCom must decide if it's a big enough change that it requires an Amended Order of Conditions. Carrozza clarified with Carlino that the limit of work does not have to change because of it. Sediment controls were maintained. We would not need to add a condition since it's within the footprint of what was disturbed.*

*Motion was made to accept the wall as part of the project without an AOOC for DEP #250-1018 by Carrozza, seconded by Kadish. Motion passes.*

**H. Abbreviated Notice of Resource Area Delineation (#250-1030). John Quattrochi. East Hodges Street (Map 36 Parcel 2-0)** (cont. from 10/22/18, 11/19/18, 12/17/18, 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/19/19, 9/23/19, 10/7/19, 10/28/19, 11/4/19, 11/18/19). For proposed plans to verify wetland resource areas.

*The applicant requested a continuance to 12/16/19. Motion was made to continue the public hearing for DEP#250-1030 to December 16, 2019 by Kadish, seconded by O'Reilly. Motion passes.*

**I. Notice of Intent (#250-1032). Albert Faxon. Oak Street (Map 15 Parcel 9).** (cont. from 10/22/18, 11/19/18, 12/17/18, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/9/19, 9/23/19, 10/7/19, 10/28/19, 11/18/19). For proposed plans to construct a driveway associated with a new single-family house within 100 feet of wetlands.

250-1032

*Faxon Oak Street*

*Document list*

1. *Notice of Intent (NOI) application prepared by Goddard Consulting, dated 10/9/18.*
2. *"Plan of Proposed Driveway Crossing at Rear Land 219 Oak Street in Norton, MA", prepared by RIM Engineering Co. Inc., signed and stamped by Craig Cyganowski, dated 9/6/18, final revised plan Dec 5, 2018*
3. *Letter from J. Carlino to S. Goddard regarding comments on NOI site inspection. Dated 10/26/18.*
4. *Dec 7, 2018 supplemental packet submitted by Goddard*
5. *John Chessia peer review dated Jan 25, 2019.*
6. *Peer review RFP 1/25/19, peer review responses from Garrett Group, EcoTec and Garner, Letter that peer review is required dated 2-12-19*
7. *2-21-19 Garrett Group peer review letter*
8. *2-19-19 Goddard letter re: inspections*
9. *Vernal pool inspection/protocol edits April 2019*
10. *Goddard letter dated 9/3/19 submitting revised plan and supplemental information for the NOI*
  - *Wetland Replication Plan Norton Oak Street dated 12/5/18, rev 8/29/19*
  - *Detailed Wildlife Habitat Evaluation dated 8/30/19*



- Draft Stormwater Pollution Prevention Plan dated 9/2/19
- Plans entitled, "Plan of Proposed Driveway Crossing at Lot 2 213 Oak Street" prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski and Ralph Maloon, dated 9/6/18, rev 8/2/19.

11. SWPPP dated 11/15/19

12. Goddard letter dated 11/26/19

13. Plans entitled, "Plan of Proposed Driveway Crossing at Lot 2 213 Oak Street in Norton, MA", prepared by RIM Engineering Co. Inc., signed and stamped by Craig Cygawnoski and Ralph Maloon, dated 9/6/18, rev 11/18/19

Scott Goddard of Goddard Consulting attended the hearing on behalf of the applicant. He has updated the plan so it will be compliant with the Norton stormwater bylaw. He added a recharge trench along the buffer zone and culvert units around the house that will be required for the stormwater bylaw. Calculations to support that were submitted. He has submitted a draft SWPPP dated 11/15/19. Goddard reiterated there had been discussion at the last meeting with the peer reviewer about a deed restriction vs a conservation restriction. He has labeled the majority of the site on the plan as a conservation restriction. With a conservation restriction, we must go through the statehouse for approval. There are no guarantees that you can secure that conservation restriction. He states they could do an in-perpetuity deed restriction which they do all the time. He took a recently approved deed restriction from DEP as a template. He proposes that if the ConCom were the holder of the deed restriction, you would have the guarantee that the land would be preserved with the non-build condition in perpetuity. He states he will defer to the ConCom, but he believes the deed restriction is the simplest way to accomplish the same objective as the conservation restriction. Carlino stated she received an opinion from Town Counsel who stated it is actually not in perpetuity. It is for 30 years. Counsel recommended that if the ConCom wanted the restriction in perpetuity as a way to show that the alteration of the vernal pool would meet the regulatory requirement and the standard, it would need to go through the Executive Offices of Environmental Affairs.

The draft language Goddard provided is essentially what's in the model CR from EEA and it should not be an issue to get that. Carlino noted it abuts Land Preservation Society property and they have put a conservation restriction on it already. It is abutting other protected land. Carlino received the SWPPP last Wednesday. She has reviewed it and commented. It needs significant revisions. Pearson asked if the revisions were significant or could they close. Carlino stated they could close with the condition that they get the revised SWPPP. They are not proposing to start soon.

Motion was made to close the public hearing for DEP #250-1032 by Doyle, seconded by Kadish. Motion passes.

*Motion was made to issue the Order of Conditions with modifications as discussed for DEP #250-1032 by Carrozza, seconded by Doyle. Motion passes.*

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

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

## **REVIEW DRAFT MINUTES**

*11-18-19 - Motion was made to accept meeting minutes of 11/18/19 by Kadish, seconded by O'Reilly. Motion passes. Carrozza was not in attendance at the hearing and abstained.*

## **NEW BUSINESS**

- Lease of Conservation Land-Lion's Field, Dean Street

*Motion was made to issue a one-year lease to NYBS with no fee for payment by Carrozza, seconded by Kadish. Motion passes.*

## **OLD BUSINESS**

Site Inspections -

Violations

77 Charlotte

68 Dean

211 Oak and 21 Kensington

4 Kensington

Reservoir Update -

Chartley Pond Update -

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

## **BILL SUMMARY**

**Summary list of bills signed period – November 18, 2019 – December 2, 2019**



## FY2020

Vendor Item	Amount	Town Account #
Verizon agent cell phone	\$36.49	242-171-100-5700 – Wetland protection Fund
W. B. Mason office supplies	\$13.74	001-171-570-5420 – Office Supplies
Home Depot Edith Read	\$32.70	001-171-570-5308 – Maint. Of Conserv. Areas

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

*Carlino noted DEP is revising the regulations. There will be a public hearing.*

- *The new regulations will require approved permits be sent to DEP by certified mail.*
- *There is also a note about abutter notices. It does not automatically give you appeal rights. You must still participate in the meeting.*
- *There are changes to the wetland plant list. There used to be many categories. There will now just be obligate facultative wetland or facultative.*

*Carlino received a letter from the Building Inspector about 184 West Main Street where it looks like they cut and cleared well over an acre. It is within Riverfront area and 100 foot to the Buffer Zone. Carlino sent a violation notice. The owner contacted Carlino today. They are being cooperative. It is a significant amount of clear cutting. They understand a wetland riverfront area restoration plan will be required. She would hold off on an Enforcement Order. Carlino will do a site inspection and then discuss when it can be temporarily stabilized for winter and a deadline.*

*Carlino noted lots of people have donated time, energy and materials to Edith Read. She has thank-you letters to be signed.*

*MACC dues are going up 2%. For fiscal years 2021, our dues will be \$513 for everybody.*

*Carlino will be having an intern from Wheaton College coming in for a few weeks over winter break. She will be helping to draft the vernal pool manual that Carlino is working on.*

*The ConCom agreed on a few dates to send to TPC for a site inspection.*

- *Wednesday 12/11 at 3pm*
- *Thursday 12/12 at 3pm*

*Motion to adjourn by O'Reilly, seconded by Kadish. Motion passes and meeting closes at 9:00pm.*

*Respectfully submitted by: \_\_\_\_\_Melissa Quirk\_\_\_\_\_*

*Minutes approved by the Commission on \_\_\_\_\_1/13/2020\_\_\_\_\_ (Date)*

*Conservation Commission Signature:*

*\_\_\_\_\_Scott M. Ollerhead\_\_\_\_\_*  
*Scott Ollerhead, Conservation Commission Chairman*

*\_\_\_\_\_1/27/20\_\_\_\_\_*  
*Date*