



**Norton Conservation Commission**

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**Monday, January 13, 2020**

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

**WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

Wetland hearings will be taken in order.

- A. Notice of Intent (#250-1053) Tournament Players Club of Boston, 400 Arnold Palmer Blvd (Map 8, Parcel 123)** (continued from 12/2/19). For a proposed project to construct a footbridge on pilings/posts within 100 feet of bordering vegetated wetland.

*Document List – TPC of Boston, 400 Arnold Palmer Blvd*

- 1. WPA Form 3 – Notice of Intent received 11/12/19*
- 2. Plans entitled, "TPC Boston Hole 8/9 Footbridge", prepared by Beals & Thomas, signed and stamped by Daniel Gagne, dated 11/7/19*
- 3. Beals & Thomas letter dated 1/6/2020 – Response to MassDEP Application Comments*

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

*Since the last meeting, Minihane noted some members of the ConCom did a site visit with Brodeur. She addressed Mass DEP's comments. DEP had noted a number of wetland change areas which is their aerial mapping that they do state-wide to identify potential areas where wetlands have been altered. DEP does not do an analysis of whether those alterations are permitted or not. The ComCom had requested the applicant confirm that those areas altered had been previously permitted projects at the TPC course which they are. All of those projects*

*received OOCs and COCs. Carlino asked if DEP had been copied on the summary that Beals & Thomas provided of the work. Minihane will check. Carrozza questioned how does DEP amend the maps? Minihane does not think they do. Her understanding is the wetland mapping is intended to inform of potential violations so that ConComs can take action. Similarly, DEP does not change their comments once they're issued. The other DEP comment related to avoiding the impact to BVW. She states there are 10sf of impact requested in association with the footbridge. There is a golf cart path around. However, from the club's perspective, they are looking to encourage walking to enhance the golf experience. Also, the construction equipment will construct the boardwalk as it moves forward and will be staged on the boardwalk as it is constructed.*

*ConCom members that attended the site visit offered their comments. Pearson felt a key part of this was the vehicle laying the pilings on the bridge during the work which would create minimal impact. Blood noted the area which they looked at is surrounded by the pathway. The applicant had noted the possibility of an over extended crowd once or twice a year. He feels there is enough there already, and they do not need another access going through. Doyle was not at the site visit but asked if the distance around would take twice the time of the walking bridge. Minihane stated it is less about the walking time and more of the overall experience. Doyle clarified play would not get backed up without the footbridge. Minihane said no it would not. Kadish commented on what could have been on that site. Before we had the option of an open space activity, there were concerns it could be purchased by a developer and made into 600 acres of one acre house lots. What is in the best interest of the town? The course has a major event once a year which Kadish has attended as a volunteer. They need to move the professional golfers in an effective way. The crowds are kept in an area where neither the wetlands or other areas will be degraded. He sees a value in the walkway and does not see damage to the wetland area. Kadish feels it enhances the recreational experience. We are faced with regulatory numbers, but they are for a general case. We must act on every specific case.*

*Motion was made to close the public hearing for DEP #250-1053 by Pearson, seconded by Kadish. Motion passes.*

*The ConCom discussed the project. Pearson noted that compared with other projects, he does not feel this is that big a deal. He clarified with Minihane the impact is 10sf and the posts are 14feet apart and 150 feet long. It seems to him this is just about posts going into the water. He recalled Carrozza's concerns at the last meeting. Carrozza stated she asked "where does it end?" Pearson feels this is somewhat easy without a major environmental impact. Kadish feels aesthetics and the experience of the open space are important to the town and supports the application. If the applicant appealed, would this be upheld at the higher level? He does not think it would. O'Reilly is opposed. Blood is opposed. Doyle questioned if the number one purpose is for the look, experience and enjoyment of the hole or to shorten the distance to the hole and facilitate play moving along. Minihane notes there are approximately 25 of these types of footbridges around the course and some do have alternate routes as this one does. Brodeur responds it is a little shorter*

*walk, but not a lot. When walking a golf course, flow is important for the people in the tournament, but is also doubles as a security issue. Doyle is opposed. Carrozza is also opposed based on her interpretation of the regulations. She feels the burden of proof for avoidance was not met and reiterated by DEP.*

*Motion was made to approve the project for #250-1053 by Kadish, seconded by Pearson. Motion passes.*

*Motion was made to deny the project for #250-1053 by Blood, seconded by Doyle. Motion passes.*

*The commission voted 4-2 to deny the project and took a roll call vote. Kadish and Pearson voted to approve. Blood, O'Reilly, Doyle and Carrozza voted to deny. Ollerhead abstained. Motion to deny passes.*

- B. Notice of Intent (#250-1052) Scot & Joan Stormo, South Worcester Street (Map 26, Parcel 103 & 103-1)** (continued from 12/2/19). 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.

*The applicant requested a continuance to 1/27/20. Motion was made to continue the public hearing for DEP#250-1052 to January 27, 2020 by Carrozza, seconded by Pearson. Motion passes.*

- C. 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, 12/2/19). For proposed plans to verify wetland resource areas.

*The applicant requested a continuance to 1/27/20. Motion was made to continue the public hearing for DEP#250-1030 to January 27, 2020 by Kadish, seconded by Carrozza. Motion passes.*

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

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

- D. Request for Duplicate Certificate of Compliance (#250-864). Paul Martin, 15 Samoset Road (Map 25, Parcels 21-26, 31-32).** For proposed plans for cutting trees and brush within 100 feet of bordering vegetated wetlands.

*Motion was made to issue a Duplicate Full Certificate of Compliance for DEP #250-864 by Kadish, seconded by Carrozza. Motion passes.*

### **REVIEW DRAFT MINUTES**

*12-2-19 - Motion was made to accept meeting minutes of 12/2/19 by Carrozza, seconded by Kadish. Motion passes*

### **NEW BUSINESS**

- MEPA filing <http://eeaonline.eea.state.ma.us/eea/emepa/emonitor.aspx>- Environmental Notification Form (ENF) - Fairland Farm Solar, 210 Bay Rd, EEA # 16138, site inspection 1-8-20.

*Carlino discussed the solar project that the ConCom approved (#250-1036) since the applicant has appealed it to DEP. Because it was a state permit that's required and it's within the area of critical environmental concern, it now requires a review through MEPA. They have submitted their Environmental Notification Form. There was a site walk 1/8/2020. Carlino has a draft letter for the ConCom to review. The comment period was due today, but has been extended to 1/28/2020 at DEP's request. Edits were discussed.*

*Resident Kelly Gallagher of 201 Bay Road wanted to confirm there is no legal requirement for the Smart program. There is a shade requirement and percentages for that. If they produce one*

*cranberry, it's technically an active cranberry bog according to the Smart program. She states that Adam Schumaker of NextSun is predicting a 50 to 75% growth under the solar panels vs not. Carrozza states that is their estimation, not a state requirement. Carrozza asks should we have them take an inventory every few years to see what the viability is. Carlino states the ConCom asked for copies of whatever they would submit under the Smart program and they appealed it. Carrozza suggests they write that in to EOEEA and DEP or possibly the MEPA Secretary for consideration of mitigation provisions if there is die-off of the cranberries. Carlino will make a draft for the ConCom to review.*

- Proposal to Amend Conservation Plan and Administrative Fee Schedule Bylaw  
*Carlino proposed increasing the fee to re-issue a Duplicate Permit from \$25 to \$50.*

*Motion was made to modify the Conservation Fee Schedule to change the Duplicate Permit Fee to \$50 by Kadish, seconded by Pearson. Motion passes.*

- Acceptance of Land Donation – 0 Rear Woodward Street (m32 p31-01) Kenneth and Mary Krug  
*Carlino proposed accepting the land donation. It is almost all wetlands.*

*Motion was made to accept the land donation of 0 Rear Woodward Street by Pearson, seconded by Kadish. Motion passes.*

- Sun Chronicle billing

*Quirk explained multiple Sun Chronicle billing errors were discovered. Most of it has been corrected by either the applicant involved or the Sun Chronicle also agreed to reduce some of the fees due to their error. It left a balance of \$3.68 the Conservation Department would like to pay for out of their budget.*

*Motion was made to authorize the outstanding payment to the Sun Chronicle by Kadish, seconded by Pearson. Motion passes.*

- May town meeting is May 18. Schedule con com mtg date for May.

*The ConCom agreed to schedule the ConCom meeting in May for May 11, 2020.*

## **OLD BUSINESS**

Site Inspections

Violations

184 W Main St

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 – December 2, 2019 – January 13, 2020**

##### **FY2020**

<b>Vendor Item</b>	<b>Amount</b>	<b>Town Account #</b>
Chartley Landscaping maintenance – reservoir & chartley	\$200.00	001-171-570-5315 – Professional Services
Chartley Landscaping maintenance – read & johnson	\$225.00	001-171-570-5308 – Maint. Of Cons. Areas
National Grid pool meter	\$10.00	001-171-570-5308 – Maint. Of Cons. Areas
Pare Corporation Leonard St Culvert Replacement	\$1837.49	367-171-100-5700 – SRPDD – MVP Grant
Chessia Consulting 54 Plain St (#250-1037)	\$2307.50	243-171-100-5700 – Consulting
Chessia Consulting 122 West Hodges St (SWP-2)	\$1562.50	243-171-100-5700 – Consulting
Pare Corporation Norton Reservoir Dam	\$1900.00	001-171-570-5315 – Professional Services
Verizon Agent cell phone	\$36.99	242-171-100-5700 – Wetland Protection Fund

Registry of Deeds	\$106.00	242-171-100-5700 - Wetland Protection Fund
COC recoding fee – Crane Street		
Town of Norton	\$70.00	001-171-570-5308 – Maintenance of Conservation
Areas water		
National Grid	\$10.29	001-171-570-5308 – Maintenance of Conservation
Areas pool meter		
Uline	\$128.16	001-171-570-5308 – Maintenance of Conservation
Areas Edith Read		

**RATIFY LAST MEETING’S OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

12-2-19 meeting Notification of:

- DEP proposed regulatory changes
- Violation of 184 W Main St
- Thank you letters for Edith Read Conservation Land Volunteers and donors
- MACC dues increase
- Wheaton internship


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

*Emergency Certificate: 72 Reservoir Street  
Kadish recused himself as he is the property owner.*

*Carlino explained the water line has a major leak and needs to be repaired. Instead of just the one section, they will be doing the whole driveway so they don't need repeated Emergency Certificates.*

*Motion was made to issue an Emergency Certificate to replace the water line at 72 Reservoir Street by Carrozza, seconded by Pearson. Motion passes.*

*Motion to adjourn by O'Reilly, seconded by Blood. Motion passes and meeting closes at 7:20pm.*

Respectfully submitted by: Melissa Quirk 

Minutes approved by the Commission on 1/27/2020

Conservation Commission Signature:

  
Scott Ollerhead, Conservation Commission Chairman

2/24/20  
Date