



Norton Conservation Commission
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2020 AUG 20 P 12:12

Monday, April 27, 2020

6:30 pm

Remote Participation Only

The Public Remote Participation Procedure is found at the end of this Agenda

Chairperson to read:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the **Norton Conservation Commission** will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found at the end of this agenda.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the **Norton Cable website** (<https://www.nortonmediacenter.org/>) an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Minutes

6:30pm Open meeting

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

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

Absent: Scott Ollerhead

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Notice of Intent (#250-1056). Christine Defazio, 57 Richardson Avenue. Map 14, Parcel 112).** The proposed project is to repair and replace the existing septic system within 100 feet of bordering vegetated wetland. The application can be viewed at <https://tinyurl.com/250-1056-57-Richardson>.

Bill Gottwell attended the hearing on behalf of the applicant. He explained the owner is selling the house and the septic failed the title 5 inspection. They are installing a new system. When the raised ranch was built, the plumbing was under the basement. The leaching area is on the side of the house. In order to make it work, they are coming out the side in the same spot, putting a tank in and pumping it to the front of the house for the leaching facility. Her back yard is fenced in. The back side of the fence is vegetated wetlands. The field is as far away as it can be which is about 90 feet from the wetlands. The tanks are about 55 feet. Carlino noted sediment controls are needed. Gottwell responded there is a silt soc from the stone wall on the side to the back of the house. Work should be less than one week. Carlino noted there is a small pile of leaves behind the fence at the edge of the wetlands. The owner should not add anything to it or extend it.

Carlino noted that all projects will be continued for 2 additional weeks to allow public comments to come through regular email. They can then be closed at the next hearing with a draft Order of Conditions.

The applicant requested a continuance to 5/11/2020. Motion was made to continue the public hearing for DEP#250-1056 to May 11, 2020 by Carrozza, seconded by Doyle. Motion passes.

B. Notice of Intent (#250-1055). Wheaton College, 42 Howard Street. (Map 17, Parcel 14).
(continued from 4/13/20) The proposed project involves the construction of two ADA accessible parking spaces, an accessible walk along the front of an existing building, landscaping, lighting, and a proposed stormwater management system within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/250-1055-Wheaton>

Carlino explained this project was presented at the last hearing. The ConCom continued the hearing to allow 2 weeks for the public or abutters to send in comments or questions. There were none.

Motion was made to close the public hearing for DEP #250-1055 by O'Reilly, seconded by Doyle. Motion passes.

Motion was made to accept the draft Order of Conditions as submitted for DEP #250-1055 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken for electronic signatures:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Abstained</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

C. Notice of Intent (#250-1054) New England Power Company, 315 & 327 Transmission Line ROW. (continued from 3/9/2020, 4/13/20) The proposed work includes general utility maintenance activities and improvements including structure replacements, access road upgrades and work pad construction at existing structures within Bordering Vegetated Wetland, feet of Riverfront Area and Bordering Land Subject to Flooding. Files can be viewed here <https://tinyurl.com/250-1054-NEPower>

Alison Milliman of BSC Group attended hearing on behalf of the applicant.

Milliman noted additional abutters were notified since the last meeting. She explained the project as it goes through Norton. It is in an existing transmission line right-of-way (ROW). New England power Company (NEP) is proposing replacement of the poles and access road improvements within the ROW. There will also be work area set-up and minor grading where necessary. At completion, they will install overhead equipment to the transmission lines. She provided photos of what the work would look like as it goes through town. Carrozza asked if the piers in the photos are cast in place. Milliman explained they are cast in place. Certain structures are required to be put on the larger concrete foundations. She will point out on the plans where those larger structures will be in Norton. Project activities are proposed within areas regulated by the Wetlands Protection Act and are expected to commence in the summer of 2020. They have reflagged the wetland areas and gave a summary of the sequence of the project work. Milliman noted the project qualifies for the Limited Project Status because it allows for construction, reconstruction and operation and maintenance of overhead public utilities provided there are no alternatives. Best available measures will be used to minimize adverse effects during construction and areas will be restored to the maximum practical extent. Carlino added it is a limited project because they can't meet performance standards of no alteration of a wetland area within an ACEC. Milliman stated the project is needed because New England's transmission system was largely constructed from the 1930s to the 1970s. It is an aging infrastructure.

Milliman reviewed the impacts related to those areas regulated under the WPA. She noted there are some impacts related to increased footprints for larger transmission structures that are needed. One structure replacement in BLSF will result in 1.6 cubic feet of flood storage lost which they will be mitigating or replicating in kind. The installation of swamp mats will cause 9,781sf of temporary impact to ILSF. Access road improvement and work pad grading will impact 157,356 sf of Riverfront Area. Carlino clarified that is actually the total Riverfront Area on the whole site. The proposed alteration of Riverfront is 3,172 sf. Milliman explained there are unavoidable impacts proposed to 6 wetlands because they are associated with the replacement of existing structures. There is one structure proposed to be replaced with a larger concrete foundation as discussed earlier. The total result is 481 sf of permanent impact which they are proposing to replicate. She noted in the transmission ROW, there is temporary impact associated with the construction matting that is put down to gain access to the existing structures. The mats

will be pulled out once project is complete. They will monitor and document the mitigation. Carrozza asked what is the period of time they will monitor the regrowth once the mats are removed. Milliman states they will continue to go back until they achieve a 75% vegetative cover or to preexisting conditions. There is one structure replacement in BLSF resulting in 1.6 cubic feet of flood plain fill. They are proposing BLSF replication so there would be no reduction in flood plain storage capacity. In Riverfront Area, 3,172 sf will be impacted with structure replacements and access road improvements.

In the 100-foot buffer zone, approximately 28,447 sf of disturbance is proposed with structure replacements, access road improvements and grading for work set up. Work set up areas will be restored and vegetated once the project is complete. They are proposing 1:1 wetland replication for permanent impacts to BVW resulting in no net loss. There will be no loss of flood storage capacity. All work within NHESP Priority and Estimated Habitat will conform to the existing O&M plan. There are certain project activities associated with this entire project that will require a Conservation and Management Plan which they are reviewing with NHESP staff at this time. Milliman reviewed the plans and addressed previous questions from the ConCom. She stated there had been a concern that the matting should be a closed system. She provided specific language to Carlino and requested it be placed in the OOC. Milliman addressed the abutter's question from the last hearing regarding the creosote asking if soil samples would be done by the poles to check for contamination. Milliman had stated the soil and groundwater sampling are usually handled by another firm, but she would look at what the protocols are. The abutter had asked how far the creosote leaches into the surrounding dirt. She received feedback from NEP which she read. It stated, in part, that wood pole preservative options are available. All of these preservatives are regulated pesticides approved by the EPA. Each has specific benefits. NEP continues to use pentachlorophenol treated poles which they have used for over 30 years. The EPA expressly authorizes the use of this chemical for the treatment of utility poles. NEP noted that leaching of the preservative can occur in minute quantities. It is agreed that these treated poles are safe when used with normal precautions followed.

The ConCom will allow 2 weeks for the public to submit questions. The project would then close at the next hearing with a draft OOC.

The applicant requested a continuance to 5/11/2020. Motion was made to continue the public hearing for DEP#250-1054 to May 11, 2020 by O'Reilly, seconded by Carrozza. Motion passes.

D. Notice of Intent (#250-1052) Scot & Joan Stormo, South Worcester Street (Map 26, Parcel 103 & 103-1) (continued from 12/2/19, 12/16/19, 1/13/2020, 1/27/2020, 2/24/2020, 3/9/2020, 4/13/20). 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. Files can be viewed here <https://tinyurl.com/250-1052-Stormo-SWorcester>

Brian Dunn and Tracy Duarte of MBL Land Development & Permitting attended the hearing on behalf of the applicant.

Dunn stated they have not submitted any new information, but they wanted to update the ConCom on where they stand with John Chessia on his review. They have done additional soil testing for the drainage design that they have proposed. They are in the process of relocating the drainage basin where there is better material. They have some preliminary testing that Chessia had requested be done. Tomorrow, they are going to the site with Chessia to have him witness the same area of the basin and some other areas on the site so they can update the drawings and drainage report to resubmit the information.

The applicant requested a continuance to 5/11/2020. Motion was made to continue the public hearing for DEP#250-1052 to May 11, 2020 by O'Reilly, seconded by Doyle. Motion passes.

HEARINGS CONTINUED TO A DATE NOT MORE THAN 45 DAYS FROM THE END OF THE STATE OF EMERGENCY PURSUANT TO CHAPTER 53 OF THE ACTS OF 2020 "AN ACT TO ADDRESS CHALLENGES FACED BY MUNICIPALITIES AND STATE AUTHORITIES RESULTING FROM COVID-19", SECTION 17(b)(v)

- E. 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, 12/2/19, 12/16/19, 1/27/2020, 2/24/2020, 4/13/20) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW. Files can be viewed here

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

- Request for Full Certificate of Compliance. (File #250-570). Joanne Lupa, 55 Charlotte Avenue, (Map 19, Parcel 20).

Motion was made to issue a Full Certificate of Compliance for DEP #250-570 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken for electronic signatures:

O'Reilly – Aye Pearson - Aye

Carrozza – Aye Doyle - Aye

Blood – Aye Kadish - Aye

- Request for Full Certificate of Compliance. (File #250-555). Tamara Chisholm, 9 Pond Street, (Map 16, Parcel 35).

Motion was made to issue a Full Certificate of Compliance for DEP #250-555 by O'Reilly, seconded by Doyle. Motion passes.

A roll call vote was taken for electronic signatures:

O'Reilly – Aye Pearson - Aye

Carrozza – Aye Doyle - Aye

Blood – Aye Kadish - Aye

REVIEW DRAFT MINUTES

4/13/2020 - Motion was made to accept meeting minutes of 4/13/2020 by Pearson, seconded by O'Reilly. Motion passes

NEW BUSINESS

OLD BUSINESS

Site Inspections -

Violations

NEW- S Worcester/Old Colony

NEW- S Worcester - (Map 27, Parcel 193) - Carlino stated they will be applying for work that was done.

122 W Hodges St.

184 W Main St. – Carlino stated new information was submitted today for restoration plans.

77 Charlotte

68 Dean

211 Oak and 21 Kensington

4 Kensington

Reservoir Update -

Chartley Pond Update -

Barrowsville Dam

Report from Staff

Waterbodies Committee update

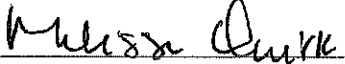
Grants

BILL SUMMARY

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

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

Motion to adjourn by O'Reilly, seconded by Pearson. Motion passes and meeting closes at 7:40 pm.

Respectfully submitted by: _____Melissa Quirk_____ 

Minutes approved by the Commission on _____5/11/2020_____

Conservation Commission Signature:




Scott Ollerhead, Conservation Commission Chairman

5/20/20

Date

PUBLIC REMOTE PARTICIPATION PROCEDURE

For this meeting, members of the public who wish to participate in the meeting may do so in the following manner:

1. On the meeting date and time, turn to Norton Cable Station Channel 15 to simply watch the meeting.
2. To participate in the meeting, we recommend downloading the zoom app  before the meeting. (This may not be necessary because you can click the link below but we have found that this makes logging in to the meeting easier.)
3. Join the Zoom Meeting at 6:30pm.

- Using your computer or smart phone go the Zoom app and click “join a meeting” or click on:
- <https://us02web.zoom.us/j/81164529944?pwd=NWQraDNON2RlM3ByZFpKWmljcXFOUT09>

When prompted, enter the **Meeting ID: 811 6452 9944, Password: 010444.**

- The site can be a little tricky so if it doesn’t work the first time, try again. Try copying and pasting the link into a google chrome browser if internet explorer or another browser doesn’t work for you.
 - Using “connecting to video and audio through the computer” has been the easiest method. So make sure your computer’s video/audio is on.
 - If you cannot hear, you may need to phone in by calling 1-646-558-8656, same meeting ID and password as above. If it asks for a participant id you can just hit #. Please put your phone on mute until the Chairman asks for your comments.
 - Everyone will be placed on mute at the beginning of the meeting as you sign in but you should be able to hear. We will unmute you when we reach the public question and answer portion of our meeting.
4. If, for some reason, neither Zoom option is working for you, you can watch the cable station live feed and email the Conservation Commission at conservation@nortonmaus.com to ask your questions. We will read your email address, name and comments into the public record.
 5. The standard procedure for a public hearing is a presentation by the applicant’s representative; questions and comments by the Conservation Commission and Director; then opening questions and comments to the abutters. Please be patient and wait for your turn to participate.

6. If there are no additional questions by the Conservation Commission or Director, the hearing would typically close; however, to ensure adequate opportunity for public participation, those specific hearings will be continued until the next meeting. This will be announced. You will have until the next meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.