



Norton Conservation Commission
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<https://www.nortonma.org/conservation-commission>

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2020 OCT -1 P 3:17

Monday, August 24, 2020

6:30pm

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, Gene Blood, Ron O'Reilly, Dan Pearson, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent: Scott Ollerhead

PRESENTATION OF FLOODPLAIN FINDINGS-CANOE RIVER AT LEONARD ST

Approximately 20 minutes. Condyne

Carrozza recused herself from any discussion.

Mark Dibb of Condyne Engineering Group introduced Ed Capone to share a study regarding a discrepancy they feel exists within the FEMA flood zone maps. Capone, a retired resident of Norton, started his career as a civil engineer with FEMA. According to the FEMA FIS/FIRM Maps, there was a 7 foot increase in the 100-year elevation on Winnecunnet Pond from 66.4 in 1978 to 73.4 in 1987. There was no update to

the Hydrology/Hydraulics. Following his research, Capone stated the calculations for the elevation of Winnecunnet/Bay Road was based on a reservoir analysis of Lake Sabbatia in Taunton. Lake Sabbatia rose 7 feet in the 1968 flood (called the 100-year flood). He can find no other information supporting the calculations. FEMA is saying there is a connection between the two. This is used for flood insurance studies today, which he believes is not accurate.

Kadish noted this does not change the ConCom process and what it does until FEMA makes a change. Capone and Dibb agreed. They stated this is for informational purposes only. Their intention is to submit their information to FEMA, but the process can take several years. Dibb gave this presentation to the BOS and they suggested they present it to the ConCom. They are not asking the town to do anything and will continue to use the current FEMA numbers with their permit applications.

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

A. Request for Determination of Applicability (DET #1099) Deborah Poplawski, 10 Plain Street (Map 23, Parcel 175). The proposed project is to remove 18 trees within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1099>

Debbie & John Poplawski of 10 Plain Street attended the hearing to present their project. They are proposing to remove 18 trees that are old and some have died. One tree went through their roof 1 and ½ weeks ago. Carlino showed photos showing the trees are quite large. The trees would be cut and chipped on the premises and taken away.

Motion was made to close the public hearing for DET#1099 by Doyle, seconded by Blood. Motion passes.

A roll call vote was taken:

<i>Doyle– Aye</i>	<i>Pearson - Aye</i>
<i>Blood – Aye</i>	<i>Carrozza - Aye</i>

Motion was made to issue a Negative 3 Determination for DET #1099 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

<i>Doyle– Aye</i>	<i>Pearson - Aye</i>
<i>Blood – Aye</i>	<i>Carrozza - Aye</i>

B. Notice of Intent (DEP#250-1064) Hannah Norwood. 3 Mary Joe Road (Map 36, Parcel 114-04). The proposed project is the construction of a two-story single-family home, grading and utilities within 100 feet of wetlands and rare species habitat. Files can be viewed here: <https://tinyurl.com/3MaryJoeRdNOI>

Arsen Hambardzumian of Nesra Engineering, LLC attended the hearing on behalf of the applicant. Hambardzumian explained the applicant had previously obtained an Order of Conditions, but it has expired. When the previous OOC was obtained, the erosion control, well and gravel base for the driveway were put in. The foundation was excavated. Since the permit was expired, they have confirmed and reflagged the wetland line. The split-rail fence has been added at the 25 foot no disturb zone. The septic system will go in front of the house outside of the buffer zone. The tank will be just inside the buffer zone. The deck/front porch is partially in the buffer zone.

Carlino noted this is rare species habitat so NHESP has determined where the limit of work would be as she shows on the plan. She shows where the no disturbance zone would be with the post and rail fence which will need to be revised on the plan. The ConCom needs a file number from DEP and letter from NHESP before the hearing can be closed.

Carrozza questioned the integrity of the silt fence and how old is it? Carlino stated the silt fence is fine. She showed photos of the site. Hambardzumian asked if the post and rail fence will go along the erosion control line. Carlino stated yes. But, it must be a post and rail not the split-rail that is there Also, they must use our markers to keep all the projects consistent in Norton. When Hambardzumian asked if the post and rail fence would stop at the 100 foot buffer zone. Carlino replied it will depend on what Natural Heritage says.

The applicant requested a continuance to 9/14/2020. Motion was made to continue the public hearing for DEP #250-1064 to September 14, 2020 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken:

<i>Doyle – Aye</i>	<i>Carrozza - Aye</i>
<i>Blood – Aye</i>	<i>Pearson – Aye</i>
<i>Kadish - Aye</i>	

C. Notice of Intent (DEP#250-1063) Norton Water/Sewer Department. 0 King Philip Road (Map 19, Parcel 2) The proposed project is the replacement of two wells, a 48-hour pumping test and connection to existing infrastructure within 200 feet of the Canoe River and Bordering Land Subject to Flooding. File can be viewed here: <https://tinyurl.com/WellsKPhilipRd>

Kevin Mackinnon of Weston & Sampson attended the hearing on behalf of the applicant. He explained the purpose of the project is to replace two existing production wells. They completed a test of all drilling projects identifying two locations for the replacement wells. MacKinnon explained the process of drilling the wells, developing the screens, and testing the efficiency and water quality of the wells with a 48-hour pumping test. The new wells will be piped into the existing distribution system. Vaults are installed to house the meter to monitor flow rates and take samples. The impact areas identified as the result of this project are both temporary and permanent. The temporary impact will include the well casing installation, the vault installation and some from the pipe installation. It is about 1,372 sf. The permanent impact is the well casings at the surface and the vault hatch. It amounts to 48 sf and 71 cubic feet in the flood plain. They will be mitigating that amount. In the area of the discharge for the proposed testing of the wells, they will remove the soil. In addition to the compensatory storage, they will be revegetating several areas they will identify on a site walk where needed. This project will largely increase the yield of these two sources which have lost over 50 percent of their capacity. The water is needed with the new treatment plant.

Carlino questioned the type of machinery used, the process of digging the wells and where the water will go from the 48-hour pump test. Mackinnon explained the drilling rig that will construct the wells is a cable tool rig. As the well casing is pushed down, a sand pump will remove the material from that casing. As it is hammered down, the material pushed to the surface will be removed off-site. They will treat the design of the well as they go, and select the correct screen size and materials. There will be a development process. For about 40 hours, there will be surging and pumping on the well, discharging water to a local area that has fine sands in it. It will be stockpiled adjacent to the well and removed after construction is complete. Once the well is developed, they will run a DEP required 48-hour pumping test to test the well and the water quality. Since so much time is spent developing the well, there should not be silt sand or clay in the water when he does the pumping test. It should be plain, clear water coming out of the pipe into the energy dissipation area. Carrozza ask that he label that area as temporary. In addition, the permanent compensatory storage area for flood zone impact should show grading. Carlino asked if that area is sized to hold that much water being pumped out. MacKinnon explained some will dissipate into the wetland associated with the Canoe River. Carrozza asked what measures would be taken to be sure it is visibly clear of suspended solids and TSS. MacKinnon replied visible observation. They can stop the pumping if need be. He will not start the pumping test unless the water is visibly clear. Carrozza asked what the back-up plan would be if that 12x12 area is overflowing. MacKinnon stated they can use a dirt bag at the end of the discharge pipe to collect any potential fine material discharged from the well.

Carlino questioned the locations of the wells. Are they being placed in already cleared areas? MacKinnon stated the replacement wells are by the existing and/or test wells in already open areas. Carlino clarified that he is counting the limit of work in the temporary alteration amounts. MacKinnon will revise to show the entire work area as temporary impact.

Carrozza asked for the Canoe River to be labeled and a note that all disturbed areas will be loamed and seeded. Also, the discharge detail in the narrative is different from the detail on the plan set. MacKinnon stated he would need to look at it. Carrozza asked that he explain the difference at the next hearing. She also questioned the 1 ½ inch PVC pipe that will pump discharge. How often will that operate and do you need velocity dissipation in those locations? Also, do you anticipate erosion? MacKinnon explained the vault between the new and existing well is sub-surface. In the event that water were to get into the hatch, the pipe would get the water out of the vault. Something like that would only happen during a major flood event. It probably will never be used. There is not typically a need for velocity dissipation.

The applicant requested a continuance to 9/14/2020. Motion was made to continue the public hearing for DEP #250-1063 to September 14, 2020 by Pearson, seconded by Blood. Motion passes.

A roll call vote was taken:

<i>Doyle – Aye</i>	<i>Carrozza - Aye</i>
<i>Blood – Aye</i>	<i>Pearson – Aye</i>
<i>Kadish - Aye</i>	

D. DISCUSSION: Request for Amendment: DEP 250-1054: New England Power Company, 315 & 327 Transmission Line ROW. Request is to revise an existing Order of Conditions to allow an increase use of swamp mats within wetlands by 5,951 sf. Files can be viewed here: <https://tinyurl.com/250-1054NatlGrid> .

Alison Milliman of BSC Group attended the haring on behalf of the applicant. Milliman explained as the construction crews have been mobilizing to the construction ROW, three locations have been identified where there is difficulty bringing in the larger equipment. In order for the equipment to safely make turns at these locations, they are requesting more temporary construction matting be allowed. It is a less than 2% increase and could hopefully be considered a minor modification. She showed the locations on the plans and provided the revised NOI page with the new numbers.

Motion was made to close the public hearing for DEP #250-1054 by Doyle, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

Motion was made to issue an Amendment to the Order of Conditions for the change in temporary alteration amount for DEP #250-1054 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

E. Notice of Intent (#250-1060) Alice M. Dumenigo Realty Trust, 64 Elm Street (Map 17, Parcel 33). (continued from 8/10/20) The proposed project is to repair and replace the existing septic system with associated grading, utilities and tree removal within 100 feet of bordering vegetated wetland.

The applicant requested a continuance to 9/14/2020. Motion was made to continue the public hearing for DEP #250-1060 to September 14, 2020 by Pearson, seconded by Blood. Motion passes.

A roll call vote was taken:

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

F. Notice of Intent (250-1061) The Judge Rotenberg Educational Center, Inc., 31 Shelly Road (Map 21, Parcel 164). (continued from 8/10/20) The proposed project is to repair the existing septic system within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/31ShellyRd>

The applicant requested a continuance to 9/14/2020. Motion was made to continue the public hearing for DEP #250-1061 to September 14, 2020 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

G. Notice of Intent (250-1062) Wheaton College, 5-7 Pine Street (Map 17, Parcel 14). (continued from 8/10/20) The proposed project is to reconstruct an existing paved

emergency access road within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/wheatonHaas>

Anthony Damiano of GZA Geo-Environmental attended the hearing on behalf of the applicant. He presented revised plans after speaking with the ConCom at the last hearing and a site walk with Carlino. Sedimentation was added along the road and numerous adjustments were made to the plan legend to show the wetland, buffer zone, NDZ and sedimentation control areas. He explained the new road would maintain the same depth and width as the existing road. They do not anticipate disturbing the Geocell on either side of the road, but if they do, it will be replaced. He reviewed the sedimentation plan in detail. Kadsh asked the expected duration of the project. Damiano replied about 3 days.

Motion was made to close the public hearing for DEP #250-1062 by Pearson, seconded by Carrozza. Motion passes.

A roll call vote was taken:

Doyle – Aye Carrozza - Aye

Blood – Aye Pearson – Aye

O'Reilly – Aye

H. Notice of Intent (#250-1059) AR Building Company, Inc, 195 Mansfield Avenue (Map 9, Parcel 273). (continued from 7/27/2020) The proposed project is to install stormwater management associated with construction of a 40B apartment building within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/195-Mansfield>

The applicant requested a continuance to 9/14/2020. Motion was made to continue the public hearing for DEP #250-1059 to September 14, 2020 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

Doyle – Aye Carrozza - Aye

Blood – Aye Pearson - Aye

O'Reilly – Aye Kadish - Aye

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)

I. 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 <https://tinyurl.com/250-1040BerniePhyl>

Carlino stated the Peer Review was received. There was a Zoom call with the engineers and there are some issues to be addressed. She expects to receive revised plans before they attend their next public hearing.

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

ADMINISTRATIVE APPROVALS

- 16 s highland hazard tree

REVIEW DRAFT MINUTES

8/10/2020 - Motion was made to accept meeting minutes for 8/10//2020 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken:

Doyle – Aye O'Reilly - Aye

Carrozza – Aye Kadish – Aye

Pearson – Aye Blood – abstained (was absent)

NEW BUSINESS

OLD BUSINESS

Site Inspections -

Violations

S Worcester/Old Colony

S Worcester, m 27 pcl 193

122 W Hodges St.

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
 Town Meetings -STM on Sat Aug 29th at 9am, articles due Aug 4.
 FTM on Sat, Oct 17th at 1pm, articles due Aug 20.

BILL SUMMARY

Summary list of bills signed – July 27, 2020 – August 24, 2020

Verizon	\$36.49	242-171-100-5700 – Wetland protection Fund
Agent cell phone		
Midway Automotive	\$140.68	001-171-570-5243 – Repair Vehicle
truck repair		
McGee Chevrolet	\$21.38	001-171-570-5243 – Repair Vehicle
truck repair		
Melissa Quirk	\$60.00	242-171-100-5700 – Wetland Protection Fund
Notary Oath		
Chartley Landscape	\$200.00	001-171-570-5315 – Professional Services
Reservoir & Chartley		
Chartley Landscape	\$225.00	001-171-570-5308 – Maintenance of Conservation
Areas Read & Johnson		
National Grid	\$10.00	001-171-570-5308 – Maintenance of Conservation
Areas pool meter		
Jennifer Carlino	\$14.99	242-171-100-5700 – Wetland protection Fund
Zoom		
W.B. Mason	\$12.30	001-171-570-5420 – Office Supplies
labels		
Chessia	\$1,437.50	243-171-100-5700 – Conservation Outside Fees
Wading River		
Chessia	\$1,247.50	243-171-100-5700 – Conservation Outside Fees
Bernie & Phyl's		
Comcast	\$118.44	001-171-570-5308 – Maintenance of Conservation
Areas Edith Read		

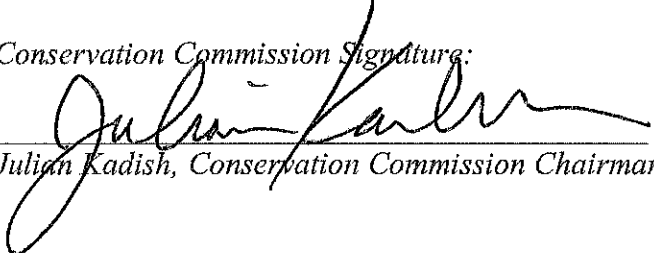
RATIFY LAST MEETING'S OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

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

Motion to adjourn by Doyle, seconded by Carrozza. Motion passes and meeting closes at 8:20PM.

Respectfully submitted by: _____Melissa Quirk_____ 

Minutes approved by the Commission on _____9/14/2020_____

Conservation Commission Signature:



Julian Kadish, Conservation Commission Chairman

10/1/20

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/83493246667?pwd=dXpjUG5ZUk56K25tTkwwUmt1ZDcxZz09>

When prompted, enter the **Meeting ID: 834 9324 6667, Password: 975766.**

- 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.