



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

RECEIVED
TOWN CLERK
2020 DEC -9 A 11: 16

Monday, September 28, 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, Gene Blood, Lisa Carrozza, Dan Pearson, Daniel Doyle, Jr.,
Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino*

Absent: Ron O'Reilly

DISCUSSIONS:

Eagle Scout Project Presentation by Franklin Cropley at Norton Reservoir (this presentation is expected to be 30 minutes)

Franklin Cropley gave a presentation on his Eagle Scout Project called "Operation Osprey". After explaining the osprey's diet and nesting habits, Cropley explained the dangerous locations ospreys sometimes choose to build their nests. Often built on top of cell towers and power lines, these nest locations are not only dangerous for the ospreys but can also cause fires and power outages. He chose to build a platform in Norton Reservoir to provide a safe location for an osprey nest and to help the community. Cropley explained the process, budget and challenges associated with his project. He also created a pamphlet about ospreys that will be kept in a kiosk at the

Reservoir boat landing. In addition, he will provide the pamphlets to the Norton Kayak Company and the Massachusetts Audubon Society to be used for educational purposes.

Rail Trail and Article 97 issues- Shirin Everett, KP Law, and Mike Yunits, Town Manager (this presentation is expected to be 15-30 minutes)

Mike Yunits, Norton Town Manager, attended the hearing. He explained there is a parcel of land at the intersection of Hill and Crane Street that they would be interested in using as parking for the bike trail. It was discovered it is Article 97 land, and the ConCom would have to approve transferring that parcel to the Board of Selectmen.

Kadish noted as part of the Article 97 requirements, there would have to be a fair value exchange. Yunits agreed he would have to find a parcel of land of equal or better value and would work with Carlino to find that. Kadish noted the ConCom must vote unanimously which may have no meaning without knowing the parcel to be exchanged. Carrozza asked if this is the only parking along the bike trail and does the Town own any property along the bike trail. Yunits stated there is a small amount of parking on the Dahl property on North Washington Street, but no other designated parking. He is not aware of any property the Town owns along the bike trail. Kadish stated the first requirement is that all other options have been explored. It was discussed waiting until May's Town Meeting to have all the needed information together. Carlino noted the State has not applied for the wetlands permit through the ConCom yet. She asked the anticipated start date for the project. Yunits replied sometime in 2022. Carlino stated she is happy to help with finding an appropriate property and putting together a package. Carrozza stated the property will need to be appraised before we can find an equivalent.

Resignation of Scott Ollerhead, Chairman-Reorganization of Board and selection of new Chair.

Carrozza made a motion to name Kadish as Chairman, seconded by Blood. Motion passes.

A roll call vote was taken:

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

Kadish made a motion to name Carrozza as Vice Chairperson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Notice of Intent (DEP#250-1063) Norton Water/Sewer Department. 0 King Philip Road (Map 19, Parcel 2).** (continued from 8/24/2020, 9/14/2020) 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>

Tara McManus of Weston & Sampson attended the hearing on behalf of the applicant.

Carlino stated all the requested information was received and reviewed.

Document List – 0 End King Philip Road

- 1. WPA Form 3 – Notice of Intent received 8/11/2020*
- 2. Plans entitled, "Town of Norton, Massachusetts Norton Water Department Wells 5 and 6 Replacement Project", prepared by Weston & Sampson, signed and stamped by Leah Stanton, dated August 2020*
- 3. Revised page 3 of WPA Form 3 – Notice of Intent received 8/24/2020*
- 4. Plans entitled, "Town of Norton, Massachusetts Norton Water Department Wells 5 and 6 Replacement Project", prepared by Weston & Sampson, signed and stamped by Leah Stanton, dated August 2020, rev 9/11/2020*
- 5. Revised page 3 of WPA Form 3 – Notice of Intent received updated 9/14/2020*
- 6. Project description updated 9/14/2020*

Motion was made to close the public hearing for Dep #250-1063 by Blood, seconded by Carrozza. Motion passes.

A roll call vote was taken:

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

Motion was made to accept the draft Order of Conditions, as edited, for Dep #250-1063 by Carrozza, seconded by Blood. Motion passes.

A roll call vote was taken:

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

B. Notice of Intent (#250-1067) Steve Scheidel, 116 Lincoln Street (Map 13, Parcel 6). The proposed project is to construct a single-family home within 100 feet of bordering vegetated wetland.) Files can be viewed here <https://tinyurl.com/116Lincoln>

Tim McGuire of Goddard Consulting attended the hearing on behalf of the applicant. McGuire gave a summary of the project and reviewed the plans. He explained a silt sock is proposed along the limit of work as erosion control. All work is being kept out of the No Disturb area. There is septic proposed within the buffer zone. He has received confirmation from NHESP that this project, as proposed, will not adversely impact habitat on site. It does not result in a take of state-listed rare species.

Carlino asked the size of the silt socks proposed. McGuire replied 8 inches. Carlino stated the ConCom usually does not do less than 10 inches. McGuire stated he would condition that.

McGuire stated the applicant is closing mid-October before the next scheduled hearing. Kadish asked if a letter or email could be sent to the applicant's attorney stating the ConCom does not have any issues with the proposed project and intends to issue the OOC at the next hearing. Carrozza pointed out it would still be at the applicant's own risk because there is a 10-day appeal period. McGuire stated he understood. Carlino agreed to send a letter.

The applicant requested a continuance to 10/19/2020. Motion was made to continue the public hearing for DEP #250-1067 to October 19, 2020 by Blood, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

C. Notice of Intent (#250-1060) Alice M. Dumenigo Realty Trust, 64 Elm Street (Map 17, Parcel 33). (continued from 8/10/20, 8/24/2020, 9/14/2020) 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. Files can be viewed here <https://tinyurl.com/64Elmseptic>

The applicant requested a continuance to 10/19/2020. Motion was made to continue the public hearing for DEP #250-1060 to October 19, 2020 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

Kadish – Aye

D. Notice of Intent (#250-1059) AR Building Company, Inc, 195 Mansfield Avenue (Map 9, Parcel 273). (continued from 7/27/2020, 8/24/2020, 9/14/2020) 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 11/9/2020. Motion was made to continue the public hearing for DEP #250-1059 to November 9, 2020 by Pearson, seconded by Blood. Motion passes.

A roll call vote was taken:

Blood– Aye Pearson – Aye
Doyle - Aye Kadish – Aye
Carrozza - 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)

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

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

F. Notice of Intent (#250-1066). Chad Dubuc, 0 Old Colony Road (Map 26, Parcel 57). The proposed project is to maintain an existing parking area and lawn within 100 feet of bordering vegetated wetland. Files can be viewed at <https://tinyurl.com/OldColonyDubuc>

Document List - 0 Old Colony Road

- 1. WPA Form 3 – Notice of Intent received 8/28/2020*
- 2. Plans entitled, “0 Old Colony Road”, prepared by .W. Engineering, LLC, signed and stamped by Evan Watson, dated 8/18/2020*
- 3. Emails 8/22/2020 – 9/8/2020 between DOT/Carlino*

4. *Plans entitled, "0 Old Colony Road", prepared by .W. Engineering, LLC, signed and stamped by Evan Watson, dated 8/18/2020, rev 9/14/2020*

Motion was made to accept the draft Order of Conditions for Dep #250-1066 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken:

*Blood– Aye Pearson – Aye
Doyle - Aye Kadish – Aye
Carrozza - Aye*

G. Notice of Intent (250-1061) The Judge Rotenberg Educational Center, Inc., 31 Shelly Road (Map 21, Parcel 164). (continued from 8/10/20, 8/24/2020) 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>

Document List – 31 Shelly Road

- 1. WPA Form 3 – Notice of Intent received 7/22/2020*
- 2. Plans entitled, "Notice of Intent", prepared by PMP Associates, signed and stamped by Gregory Driscoll Jr., dated 7/20/2020*
- 3. Plans entitled, "Notice of Intent", prepared by PMP Associates, signed and stamped by Gregory Driscoll Jr., dated 7/20/2020, rev 8/28/2020*

Motion was made to accept the draft Order of Conditions for Dep #250-1061 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

*Blood– Aye Pearson – Aye
Doyle - Aye Kadish – Aye
Carrozza - Aye*

H. Notice of Intent (DEP#250-1064) Hannah Norwood. 3 Mary Joe Road (Map 36, Parcel 114-04). (continued from 8/24/2020) 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>

Document List – 3 Mary Joe Road

1. *WPA Form 3 – Notice of Intent received 8/11/2020*
2. *Plans entitled, “Layout, Materials and Grading Plan (Notice of Intent)”, prepared by NESRA Engineering, LLC, signed and stamped by Arsen Hambardzumian, dated 8/5/2020*
3. *NHESP letter dated 9/4/2020*

Motion was made to accept the draft Order of Conditions, as discussed, for Dep #250-1064 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

- **Request for Duplicate Full Certificate of Compliance (DEP #250-468)** Town of Norton/Board of Water & Sewer Commissioners. 44 Bay Road (Map 19, Parcel 91).

Motion was made to issue a Duplicate Full Certificate of Compliance for DEP #250-468 by Pearson, seconded by Carrozza. Motion passes.

A roll call vote was taken:

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

- **Request for Duplicate Full Certificate of Compliance (DEP #250-570)** Lake Winnecunnet Association/Barbara Brady. 44 Bay Road (Map 19, Parcel 91).

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

A roll call vote was taken:

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

- **Request for Full Certificate of Compliance (DEP #250-466)** Timberstone Custom Builders, Inc. 116 Lincoln Street (Map 13, Parcel 6).

Motion was made to issue a Full Certificate of Compliance for DEP #250-466 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

Blood– Aye Pearson – Aye

Doyle - Aye Kadish – Aye

Carrozza - Aye

REQUEST FOR EXTENSION

ADMINISTRATIVE APPROVALS

REVIEW DRAFT MINUTES

9/14/2020 - Motion was made to accept meeting minutes for 9/14/2020 by Blood, seconded by Doyle. Carrozza abstained (was absent) Motion passes.

A roll call vote was taken:

Blood– Aye Pearson – Aye

Doyle - Aye Kadish – Aye

NEW BUSINESS

Draft Environmental Impact Statement for NextSun Energy, LLC, for the Fairland Farm Solar project in Norton, Massachusetts:

<https://bealsandthomas.filegenius.com/downloadPublic/ee9ckn56f1jhob2>

Comments are due October 9th.

Carlino stated DEP can not issue a decision on the request for an appeal by the applicants until after the Secretary's Certificate is issued.

OLD BUSINESS

Site Inspections -
Violations

NEW Leonard St culvert replacement – *Carlino stated the culvert was replaced without a wetland permit.*

S Worcester, m 27 pcl 193

122 W Hodges St.

184 W Main St. – *Carlino stated there was a violation of the Riverfront Area being cleared. They were supposed to replant in the spring. In June, they stated they had not planted due to the drought. They would plant in September. Carlino has contacted them twice and is waiting for a response as to their plan. The Enforcement Order may need to be revised.*

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 - FTM on Sat, Oct 17th at 1pm

BILL SUMMARY

Summary list of bills signed – September 14, 2020 – September 28, 2020

FY21

Comcast	\$118.44	001-171-570-5308 – Maintenance of Conservation
Areas Edith Read		
Verizon	\$36.49	242-171-100-5700 – Wetland Protection Fund
Director cell phone		
Pare	\$2,470.00	001-171-570-5315 – Professional Services
Chartley Pond Phase 1 Dam Inspection		

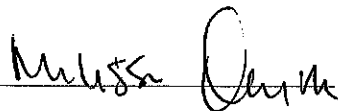
RATIFY LAST MEETING'S OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

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

Carlino reminded the ConCon the Master Plan Meeting is this Wednesday. It is all about open space.

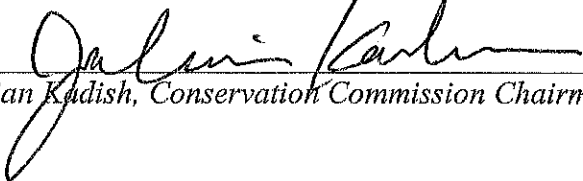
Motion to adjourn by Pearson, seconded by Blood. Motion passes and meeting closes at 7:50PM.

Respectfully submitted by: _____Melissa Quirk_____

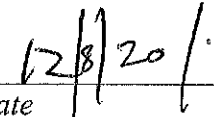


Minutes approved by the Commission on __10/19/2020__

Conservation Commission Signature:




Julian Kadish, Conservation Commission Chairman



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.