



Norton Conservation Commission
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RECEIVED
TOWN CLERK
2020 DEC -9 A 11: 16

Monday, November 9, 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, Ron O'Reilly, Gene Blood, Dan Pearson, Daniel Doyle, Jr, Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent:

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1103) Christian & Feck Dev. Corp. 0 Reservoir Street (Map 10, Parcel 651).** The proposed project is to establish a lawn and landscape within 100 feet of bordering vegetated wetlands. Files can be viewed here <https://tinyurl.com/DET1103-Reservoir>

Document List – 0 Reservoir Street

- 1. WPA Form 1 – Request for Determination of Applicability received 10/22/2020*

2. Plans entitled "Proposed House Location at 0 Reservoir Street in Norton, MA, prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 10/14/2020
3. Plans entitled "Proposed House Location at 0 Reservoir Street in Norton, MA, prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 10/14/2020, rev 11/4/2020

Cameron Larson of Environmental Consulting and Restoration and Craig Cygawnoski of RIM Engineering attended the hearing on behalf of the applicant. Larson explained the site is an undeveloped forested site which abuts the Norton Reservoir. ECR completed a wetland delineation of the site where they located a bordering vegetated wetland. The proposed project is the construction of a single-family home. The design keeps the entire structure, driveway and decking outside of the 100-foot buffer zone. However, they are proposing to include a portion of the lawn and landscaped area into the buffer. At the nearest point, they would be 75 feet from the wetland. They will use erosion controls during the construction, and will install a post and rail fence as a visual barrier along the buffer. Per Carlino's comments, they have noted NDZ markers at the limit of work and dewatering has been noted on the plan. An O&M Manual for the roof recharge system has been submitted.

O'Reilly asked if there are any paths to the water indicated on the plan. Larson said there is no intent, at this time, for any paths to the water for access. He stated the applicant is aware that any future work inside the 100-foot buffer zone would require a permit.

Pearson asked about abutters dumping leaf and lawn debris along with trash on the property adjacent to the wetlands and in the easement. Larson stated they will remove whatever they can.

Motion was made to close the public hearing for DET #1103 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

Motion was made to issue a Negative 3 Determination for DET #1103 by Doyle, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

B. Notice of Intent (#250-1068) Valentine Tool & Stamping, Inc., Baker Street (Map 16, Parcel 2). (continued from 10/19/2020) The proposed project is to construct a single-family dwelling with subsurface sewage disposal system within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/BakerStNOI>

Document List – Baker Street

1. *WPA Form 3 – Notice of Intent received 10/6/2020*
2. *Plans entitled, “Subsurface Disposal System Design”, prepared by MBL Land Development & Permitting, Corp. signed and stamped by Tracy Duarte and Michael Keegan, dated 9/30/2020*
3. *MBL letter dated 10/5/2020: Notification to Abutters*
4. *Plans entitled, “Subsurface Disposal System Design”, prepared by MBL Land Development & Permitting, Corp. signed and stamped by Tracy Duarte and Michael Keegan, dated 9/30/2020, rev 10/21/2020*
5. *Plans entitled, “Subsurface Disposal System Design”, prepared by MBL Land Development & Permitting, Corp. signed and stamped by Tracy Duarte and Michael Keegan, dated 9/30/2020, rev 11/4/2020*

Carlino stated all the changes requested by the ConCom at the last meeting were done and revised plans submitted.

Motion was made to close the public hearing for DEP #250-1068 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

Motion was made to issue the Order of Conditions as submitted for DEP #250-1068 by Carrozza, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish – 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, 9/28/2020, 10/19/2020) 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>

Document List – 64 Elm Street

1. *WPA Form 3 – Notice of Intent received 7/21/2020*
2. *Plans entitled, “Subsurface Sewage Disposal System Upgrade”, prepared by Zenith Consulting Engineers, LLC, signed and stamped by Jamie Bissonnette, dated 7/2/2020*
3. *Plans entitled, “Subsurface Sewage Disposal System Upgrade”, prepared by Zenith Consulting Engineers, LLC, signed and stamped by Jamie Bissonnette, dated 7/2/2020, rev 10/13/2020*

Jamie Bissonnette of Zenith Consulting Engineers attended the hearing on behalf of the applicant. Bissonnette explained they were scheduled to have the BOH meeting tonight, but BOH is having some technical difficulties. They will be meeting with them next Monday.

Carlino stated the BOH’s peer reviewer did review the project and stated it meets Title V requirements. The presumption under the Wetland Protection Act is that if it meets Title V, then it should meet Wetland Protection Act. Typically, the septic system needs to be a minimum of 50 feet from the wetland. Bissonnette explained they are using 3 bottomless sand filters which include advanced treatment. The property currently has three 8-bedroom apartment buildings. They have designed an individual septic system for each apartment building. They have, at a minimum, 51.7 feet from the edge of the bottomless sand filter to the resource area. Therefore, they meet the setback under Title V. They have also added a post and rail fence with markers. He does not expect any changes from the BOH. They have already addressed their engineer’s comments. Carrozza clarified it is just the leaching portion, not the physical ground disturbance, that is beyond 50 feet.

Motion was made to close the public hearing for DEP #250-1060 by O’Reilly, seconded by Carrozza. Motion passes.

A roll call vote was taken:

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

Motion was made to issue the Order of Conditions, with edits as discussed, for DEP #250-1060 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken:

<i>Blood – Aye</i>	<i>Pearson – Aye</i>
<i>O’Reilly – Aye</i>	<i>Doyle – Aye</i>

Carrozza – Aye

Kadish – Aye

D. DISCUSSION: Request for Amendment: (#250-1032). Tom Braconi. 213 Oak Street (Map 15, Parcel 9). (continued from 10/19/2020) The request is to amend an existing Order of Conditions to modify the approved wetland crossing to be smaller. Files can be viewed here <https://tinyurl.com/213OakAMEND>

Document List – Amended OOC – 213 Oak Street (DEP #250-1032)

1. *Plans entitled, "Plan of Proposed Driveway Crossing" prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski and Ralph Maloon, dated 9/6/2018, rev 10/13/2020*
2. *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 10/23/2020*

Tim McGuire of Goddard Consulting, Craig Cygawnoski of RIM Engineering and the applicant Tom Braconi attended the hearing. Since the last meeting, McGuire stated the Conservation Restriction draft and plan were submitted. The wetland replication area was constructed. Revised site plans were submitted showing the retaining wall instead of side slopes. Pearson questioned the 2 clumps of trees that are being retained and asked if that would affect the amount of replication. McGuire stated they are still doing the same amount of replication in addition to keeping these trees.

Carlino suggested a date be discussed to finalize the Conservation Restriction since the ConCom only has a draft now. The Conservation Restriction must be completed before the house is occupied. Braconi stated the owners don't intend to occupy the house until June. After some discussion, it is agreed March 1st would be a reasonable time.

Motion was made to issue the Amended Order of Conditions for DEP #250-1032 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

Blood – Aye

Pearson – Aye

O'Reilly – Aye

Doyle – Aye

Carrozza – Aye

Kadish – Aye

E. 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, 9/28/2020) 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 11/23/2020. Motion was made to continue the public hearing for DEP #250-1059 to November 23, 2020 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

F. Notice of Intent (#250-1065) Leonard Street Phase II Owner, LLC, 0 Leonard Street (Map 11, Parcels 22, 25-0, 25-01 and Map 12, Parcel 15. (continued from 9/14/2020) The proposed project is the construction of road and associated utilities within Riverfront Area and 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/LeonardSt-Condynes>

The applicant requested a continuance to 11/23/2020. Motion was made to continue the public hearing for DEP #250-1065 to November 23, 2020 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

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)

G. 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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

ADMINISTRATIVE APPROVAL

Carlino noted she had approved the removal of a few hazardous trees between 24 and 26 Freeman Street.

REVIEW DRAFT MINUTES

10/19/2020 - Motion was made to accept meeting minutes for 10/19/2020 by O'Reilly, seconded by Carrozza. Motion passes.

A roll call vote was taken:

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

NEW BUSINESS

Carlino stated the Board of Selectman have invited the candidates for the open ConCom seat to their next meeting on Thursday and have asked if the ConCom has any recommendations. Carlino reviewed the three candidates.

OLD BUSINESS

Site Inspections -
Violations

NEW: 36 Harvey – *Carlino stated they are not replying and there may be an Enforcement Order at the next meeting*

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- Annual report

Grants

Town Meetings

BILL SUMMARY

Summary list of bills signed – October 19, 2020 – November 9, 2020

FY21

Verizon	\$36.49	242-171-100-5700 – Wetland Protection Fund
Director cell phone		
W.B. Mason	\$92.59	001-171-570-5420 – Office Supplies
office supplies		
Comcast Business	\$118.44	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
Registry of deeds	\$105.00	001-171-570-5308 – Maintenance of Conservation
Areas	Camping Permit	

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 spoke about the sculpture contest for the Edith Read Conservation Land. She was notified of two donations for the project which will allow both sculptures to be built.

Motion to adjourn by O'Reilly, seconded by Carrozza. Motion passes and meeting closes at 7:20PM.

Respectfully submitted by: Melissa Quirk Melissa Quirk

Minutes approved by the Commission on 11/23/2020


Conservation Commission Signature:

Julian Kadish
Julian Kadish, Conservation Commission Chairman

12/8/20
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/82994018033?pwd=U1lpeEpwUjVxZkxKMhphUFdKUDdOZz09>
When prompted, enter the **Meeting ID: 829 9401 8033, Password: 880861.**
 - 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.